

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

**I MUA I TE KŌTI TAIAO
TE WHANGANUI-A-TARA ROHE**

ENV-2023-WLG-000005

UNDER section 274 of the Resource Management Act 1991

IN THE MATTER of the direct referral for applications for resource consents for activities associated with the Otaki to North Levin State Highway Project

BETWEEN **Waka Kotahi New Zealand Transport Authority**
Applicant / Requiring Authority

A N D **Manawatu-Wanganui Regional Council, Horowhenua District Council, Kāpiti Coast District Council and Greater Wellington Regional Council**
Respondents

SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES

18 May 2023

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Douglas Allan

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AUCKLAND**

SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES

**TO: The Registrar
Environment Court
Wellington**

KĀINGA ORA-HOMES AND COMMUNITIES (“Kāinga Ora”) gives notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that it wishes to be a party to the direct referral of applications for resource consents and notices of requirement for the “*Otaki to North of Levin State Highway Project*” (“**Application**”) by Waka Kotahi New Zealand Transport Authority.

1. Kāinga Ora made a submission to Manawatu-Wanganui Regional Council¹ on the Application, the subject matter of these proceedings (“**the Kāinga Ora Submission**”).
2. Kāinga Ora is not a trade competitor for the purposes of section 308C or 308CA of the RMA. In any event, Kāinga Ora is directly affected by an effect of the Application that:
 - 2.1 Adversely affects the environment; and
 - 2.2 Does not relate to trade competition or the effects of trade competition.
3. Kāinga Ora has an interest in the proceedings that is greater than that of the general public:
 - (a) Kāinga Ora manages a public housing portfolio comprising approximately 226 dwellings in the Kāpiti Coast District and 186 dwellings in the Horowhenua District,² including dwellings located on land that will be directly affected by the Application.
 - (b) The properties owned by Kāinga Ora which are directly affected by the Application are leased by “*High and Complex Services*” under the Disability Directorate (“**the Properties**”) and house residents who have special needs which require them to be in an

¹ Acting on behalf of the four relevant councils: Horowhenua District Council, Kāpiti Coast District Council, Manawatu-Wanganui Regional Council and Greater Wellington Regional Council

² As at February 2023.

isolated and secure environment as they are highly sensitive to noise and disruption.

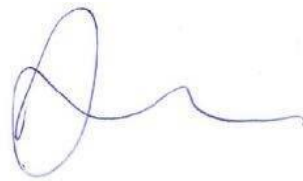
- (c) One of the Properties, being 96/98 Arapaepae Road, is a secured facility and home to offenders with high needs.
 - (d) Kāinga Ora has statutory roles and responsibilities under the Kāinga Ora – Homes and Communities Act 2019 which include to ensuring that projects and planning instruments do not inappropriately affect the quality, supply and affordability of housing.
4. Kāinga Ora is interested in all aspects of the Application, and in particular:
- 4.1 Measures to avoid, remedy or mitigate the effects of construction on residents of the Properties who are highly sensitive to noise and disruption.
 - 4.2 Construction management measures to address security concerns to staff at the Properties and the general public during construction. This is particularly relevant to the property at 96/98 Arapaepae Road, where there is a risk of residents leaving the site if the existing 12ft high security fence is breached.
 - 4.3 Mitigation of the noise and vibration effects on the Properties of the operation of the proposed development.
5. The grounds for the relief sought by Kāinga Ora are:
- 5.1 Conditions need to be imposed on the Application to avoid, remedy or mitigate potential adverse effects of the Application on residents of the Properties, staff of the Properties and the general public.
 - 5.2 In the absence of appropriate conditions, the proposed construction activities and operational works will generate adverse effects on the environment of such significance that the Application should be declined.
 - 5.3 The grounds set out in the Kāinga Ora Submission.

6. Kāinga Ora seeks the following relief:
 - 6.1 The imposition of conditions on resource consents and designations to address the matters raised in the Kāinga Ora Submission and in this notice.
 - 6.2 In the event that the relief sought in para 6.1 above is not granted, that the Application be declined consent.
 - 6.3 Such further or other relief as the Court considers is necessary or appropriate to address the Kāinga Ora Submission.
7. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 18th day of May 2023

KĀINGA ORA-HOMES AND COMMUNITIES

by its solicitors and duly authorised agents Ellis
Gould



D A Allan

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215.

Attention: Douglas Allan, dallan@ellisgould.co.nz