

In the Environment Court
At Wellington

ENV-2023-WLG- 000005

I te Kōti Taiao o Aotearoa
KiTe Whanganui-a-Tara

Under the Resource Management Act 1991 (the Act)

In the matter of a direct referral of applications for resource consents and notices of requirement under ss 198E and 87G of the Act for the Ōtaki to North of Levin State Highway Project

By **WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY**

NOTICE OF WISH BY JAMES MCDONNELL LIMITED TO BE PARTY TO PROCEEDINGS

22 May 2023

**SIMPSON
GRIERSON**

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To: the Registrar

Environment Court Wellington

1. James McDonnell Limited (**JML**) wishes to be a party to the following proceedings being a direct referral of applications for resource consents and notices of requirement (**NOR**) for a designation made by Waka Kotahi NZ Transport Agency (**Waka Kotahi**) for the Ōtaki to north of Levin state highway project (**Ō2NL Project**): ENV-2023-WLG- 000005.
2. JML has an interest in the proceedings that is greater than the interest that the general public has. JML has a significant landholding of approximately 163 hectares in the Taraika Growth Area. JML intends to develop this land into over 2000 dwellings and a mixed-use centre. The Ō2NL Project would traverse the JML land from North to South and divide the JML land into two sections.
3. JML made a submission, dated 28 February 2023 on the Ō2NL Project. A copy of that submission is attached as **Appendix A**.
4. JML is not a trade competitor for the purposes of section 308C or 308CA of the Act.
5. JML is interested in all of the proceedings.
6. JML generally supports the purpose and intent of the Ō2NL Project, for the reasons outlined in its submission. In particular, JML supports:

In relation to the NOR:

- 6.1 The provision and general location of the Tararua Road Interchange as well as the crossing of the new state highway at Queen Street, noting the importance for reducing the potential severance effects of the Ō2NL Project between the Taraika Growth Area and Levin; and
- 6.2 The provision of a separated three-metre wide shared use path for walking and cycling along the entire length of the new highway.

In relation to the NOR and resource consent applications:

- 6.3** The general approach to storm water management for quantity and quality;
 - 6.4** The general approach to traverse drainage, as the project preserves streams or overland flow paths; and
 - 6.5** The location of the proposed temporary works area near to Tararua Road.
- 7.** However, JML also opposes aspects of the Ō2NL Project and seeks amendments to the NOR, as outlined in its submission, including:
- 7.1** The provision of a crossing of the new state highway at Liverpool Street;
 - 7.2** The provision of cycle-pedestrian crossings of the new state highway between Queen Street and Liverpool Street, and between Liverpool Street and Tararua Road to provide for the strategic cycleways identified in the Taraika Structure Plan;
 - 7.3** The provision of services, including high voltage power, trunk sewer, and trunk water mains, to cross the designation and state highway from West to East to provide for the development of the JML land;
 - 7.4** The provision of an assessment of the noise effects on the planned development and future residents of the Taraika Growth Area and provision for mitigation of these effects, including noise bunds or walls and/or other suitable mitigation;
 - 7.5** The provision of a detailed assessment of the construction noise effects to the planned development in the Taraika Growth Area and provision for mitigation of these effects;

- 7.6 Amendment of the conditions to require that noise emitted during the initial 18 months will comply with the design criteria, and to require that the effects of the chip seal surface will be mitigated accordingly;
- 7.7 Amendment of Proposed Condition DRN3 to clarify what the categories of noise criteria are, and ensure that the noise categories selected and the level of noise effects they would allow are appropriate;
- 7.8 Amendment of Condition DRN3 to prevent changes to the noise design standards by requiring certification by the Council to ensure that the level of noise effects enabled are appropriate; and
- 7.9 Amendment of the conditions to require the Construction Noise and Vibration Management Plan to be submitted to and approved by the Council.
8. JML agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 22nd day of May 2023



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Appendix A: JML submission on Ō2NL Project

Submission on Requirement for a Designation and Applications for Resource Consents

To: Horizons Regional Council and Horowhenua District Council

SUBMITTER DETAILS

Name of Submitter: James McDonnell Limited

1. James McDonnell Limited (**JML**) makes this submission on the Notice of Requirement for a Designation and Applications for Resource Consents made by Waka Kotahi NZ Transport Agency (**Waka Kotahi**) to enable the construction, operation, maintenance and improvement of a new state highway, shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and State Highway 1 north of Levin known as the Ō2NL Project (**Ō2NL**).
2. JML could not gain advantage in trade competition through this submission.
3. JML is directly affected by effects of the subject matters of the submission that –
 - a. adversely affects the environment; and
 - b. do not relate to trade competition or the effects of trade competition.
4. JML wishes to be heard in support of its submission.
5. If any other submitters make a similar submission, JML will consider presenting a joint case with them at the hearing.

OVERVIEW OF JML

6. JML is a family company of residential developers, with a significant landholding of approximately 163 hectares of land in the Taraika Growth Area, as shown in Attachment 2 (**the JML land**). JML intends to develop this land into over 2000 dwellings and a mixed-use centre. The Ō2NL Project would traverse the JML land from north to south and divides the JML land into two sections.
7. JML therefore has an interest in Ō2NL that is greater than the interest of the general public.

OVERVIEW OF PROPOSED PLAN CHANGE 4

8. Proposed Plan Change 4 to the Horowhenua District Plan provides for the urban rezoning of 420 ha of land to the east of Levin, including the JML land, to provide for future growth in the



Taraika Growth Area. The Ō2NL Project would dissect the Takaika Growth Area in a north-south direction.

9. Proposed Plan Change 4 seeks to give effect to a Master Plan for the Taraika area which was prepared by the Horowhenua District Council, in collaboration with a number of landowners, to guide future growth to ensure that the area develops in a cohesive, connected way with provision for infrastructure and social amenities. The key features of this Master Plan are implemented through the Taraika Structure Plan which is introduced to the District Plan through Proposed Plan Change 4. The structure plan includes an arterial road as a “primary feature” which crosses Ō2NL. It also includes two cycleways as “secondary features” which cross Ō2NL.
10. The decision on Proposed Plan Change 4 was adopted by Council and publicly notified on 4 July 2022. There are three appeals on Proposed Plan Change 4 in the Environment Court. These appeals are relatively narrow in scope. None of the appeals oppose Plan Change 4 as a whole, or oppose the provision of any of the Structure Plan primary or secondary features.

SCOPE OF SUBMISSION

11. JML generally supports the purpose and intent of Ō2NL, and notes the role it would play in supporting the urbanisation and development of the Taraika area. However, JML **opposes** aspects of Ō2NL and seeks amendments to the Requirement for a Designation and Application for Resource Consents for reasons set out in **Attachment 1** of this submission. **Attachment 1** also sets out some of the specific aspects of the Requirement for a Designation and Application for Resource Consents that JML supports and seeks to retain. **Attachment 1** notes which submission points relate to Notice of Requirement to Horowhenua District Council, and which relate to the Resource Consent Applications to Horizons Regional Council.
12. JML seeks the relief set out in Attachment 1, and also seeks such further or alternative relief that may be necessary to address the matters raised in this submission.

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Copied to:

James McDonnell Limited



Attachment 1: JML submission on Ō2NL Notices of Requirement for a Designation and Application for Resource Consents:

| Ō2NL Aspect | Submission / Reasons | Support/Oppose | Relief Sought |
|--|--|----------------|--|
| <p>Omission of the east-west crossing of the new state highway at Liverpool Street.</p> <p>(Applies to Notice of Requirement to Horowhenua District Council)</p> | <p>The east-west arterial road at Liverpool Street is identified as a ‘primary feature’ of the Taraika Structure Plan under Proposed Plan Change 4 and is essential to creating a well-functioning urban development at Taraika. With the construction of Ō2NL, giving effect to this key east -west link will require construction of a crossing of the new state highway. A Liverpool Street crossing of Ō2NL is necessary to mitigate the severance effects of Ō2NL and to achieve the objectives of Proposed Plan Change 4, the Taraika Master Plan and development.</p> <p>The Notice of Requirement for Ō2NL does not provide for a crossing of the new state highway at Liverpool Street and is silent on how or whether this is to be provided.</p> <p>It is efficient, practical, and necessary to include an east-west crossing of Ō2NL at Liverpool Street within the Ō2NL Notice of Requirement, rather than through a separate process at a later date, as this will enable integration of the crossing into the design and will ensure certainty that it is provided. An east-west crossing of Ō2NL at Liverpool Street is also necessary to mitigate the severance effects of the new state highway.</p> <p>Paul Edmond, Urban Designer has provided further comment on the masterplanning work undertaken as part of Plan Change 4, and how the east-west arterial at Liverpool Street, including a crossing of the new State Highway, is essential to providing connectivity and a well-functioning urban environment in the Taraika Growth Area. This is provided as Attachment 3.</p> | <p>Oppose</p> | <p>Provide for an east-west crossing of the new state highway at Liverpool Street as part of the Ō2NL designation.</p> |
| <p>Omission of the two cycle-pedestrian crossings of the new state highway identified as “Strategic Cycleways” in the Taraika structure plan.</p> <p>(Applies to Notice of Requirement to Horowhenua District Council)</p> | <p>Proposed Plan Change 4 identifies ‘Strategic Cycleways’ as secondary features of the Structure Plan, which cross Ō2NL in two places: between Queen Street and Liverpool Street, and between Liverpool Street and Tararua Road.</p> <p>The Notice of Requirement for Ō2NL does not provide for these crossings of the new state highway and is silent on how or whether these are to be provided.</p> <p>It is efficient and practical to include these crossings of Ō2NL within the Ō2NL Notice of Requirement, rather than through a separate process at a later date, as this will enable integration of the crossings into the design and will ensure certainty that they are provided. Providing these crossings is necessary to mitigate the severance effects of Ō2NL and to ensure the connectivity within the Taraika Growth Area. Further context on this issue is provided by Paul Edmond in Attachment 3.</p> | <p>Oppose</p> | <p>Provide for cycle-pedestrian crossings of the new state highway between Queen Street and Liverpool Street, and between Liverpool Street and Tararua Road to provide for the strategic cycleways identified in the Taraika Structure Plan as part of the Ō2NL designation.</p> |
| <p>The Tararua Road Interchange.</p> <p>(Applies to Notice of Requirement to Horowhenua District Council)</p> | <p>JML supports the provision of, and general location of, the Tararua Road Interchange and notes the importance of this for reducing the potential severance effects of Ō2NL between the Taraika Growth Area and Levin.</p> | <p>Support</p> | <p>Retain the general location of the Tararua Road Interchange.</p> |

| Ō2NL Aspect | Submission / Reasons | Support/Oppose | Relief Sought |
|---|--|----------------|---|
| Queen Street Crossing of State Highway. (Applies to Notice of Requirement to Horowhenua District Council) | JML supports the general location of a crossing of the new state highway at Queen Street and notes the importance of this for reducing the potential severance effects of Ō2NL between the Taraika Growth Area and Levin. | Support | Retain the crossing of the new state highway at Queen Street in the same general location as notified. |
| The shared use path. (Applies to Notice of Requirement to Horowhenua District Council) | JML supports the provision of a separated three-metre wide shared use path for walking and cycling along the entire length of the new highway. | Support | Retain the shared use path. |
| Stormwater Management. (Applies to Notice of Requirement to Horowhenua District Council and Resource Consent Applications to Horizons Regional Council) | The general approach to stormwater management for quantity and quality meets current industry expectations. JML therefore supports the general approach for stormwater quantity and quality management proposed. | Support | Retain the general approach to stormwater management as notified. |
| Traverse Drainage. (Applies to Notice of Requirement to Horowhenua District Council and Resource Consent Applications to Horizons Regional Council) | JML considers that the general approach to traverse drainage is appropriate as streams or overland flow paths are preserved through the design and delivery of Ō2NL. Vol 5 Drawing 05 – Stormwater drainage sheets 10, 11, and 12 illustrate the proposed drainage across the JML land that does not align to the future need of JML the proposed drainage reflects the current rural landform shape. These stormwater concepts indicate potentially three culverts to manage overland flow from the uphill slope JML land to Ō2NL. Therefore, continuation of the future landform of the JML land, its developed catchment's stormwater trunk main and overland flow paths, to the future landform and stormwater drainage for Ō2NL is necessary. JML generally supports the principles and philosophy behind stormwater drainage proposed for Ō2NL. | Support | Retain the general approach to traverse drainage as notified. |
| Accommodation Works (temporary works area). (Applies to Notice of Requirement to Horowhenua District Council and Resource Consent Applications to Horizons Regional Council) | JML supports the location of the proposed temporary works area near to Tararua Road (as shown on Vol 3, Drawing 07, sheets 6 and 7). The location of this works area will limit potential conflict with JML's residential land development activities which are likely to be underway concurrently to the Ō2NL construction period. | Support | Retain the location of the temporary works area near to Tararua Road (as shown on Vol 3, Drawing 07, sheets 6 and 7) as notified. |

| Ō2NL Aspect | Submission / Reasons | Support/Oppose | Relief Sought |
|--|--|----------------|---|
| Provision for services to the JML land to cross Ō2NL. (Applies to Notice of Requirement to Horowhenua District Council and Resource Consent Applications to Horizons Regional Council) | Development of the JML land requires services which cross the designation and state highway. These are critical to support development of the JML land and include high voltage power, trunk sewer, trunk water main. Providing for these services to cross the designation and new state highway is necessary to mitigate the severance effects of Ō2NL. | Oppose | Amend the requirement for a designation to ensure provision for services, including high voltage power, trunk sewer, and trunk water main, to cross the designation and state highway from west to east to provide for the development of the JML land. |
| Operational Noise - Effects on planned development. (Applies to Notice of Requirement to Horowhenua District Council) | The assessment of operational traffic noise has been undertaken in accordance with NZS 6806. This limits consideration of noise effects to receivers that are either existing or those that have building consent. Given that there is a decision on PC4 and limited appeals, and that PC4 anticipates significant development next to Ō2NL, the assessment of road traffic noise should consider the future receiving environment and mitigate effects on planned development accordingly. | Oppose | Provide assessment of the noise effects on the planned development and future residents of the Taraika Growth Area, and provide mitigation of these effects accordingly, which could include noise bunds or walls and/or other suitable mitigation. |
| Construction Noise – Effects on planned development. (Applies to Notice of Requirement to Horowhenua District Council) | The assessment of construction noise effects considers noise effects on existing houses but not effects on the future houses that will be developed under the provisions introduced by Plan Change 4. It would be useful to understand construction effects of Ō2NL on the future built environment and to mitigate these effects accordingly. | Oppose | Provide detailed assessment of the construction noise effects to the planned development in the Taraika Growth Area and provide mitigation of these effects accordingly. |
| Operational Noise – Road surface / Appendix 5: Proposed Condition DRN4 (Post-construction review of low-noise road surfaces and noise barriers) (Applies to Notice of Requirement to Horowhenua District Council) | The noise assessment describes how a chip seal surface will be used initially on Ō2NL, which will be upgraded to a low noise road surface which is to be installed 18 months from the date the project opens for public use. The assessment only provides noise levels from the 2039 design year and does not confirm that noise levels with chip seal during the initial 18 months will comply with the design criteria. Similarly, part d) of Proposed Condition DRN4 requires measurements of traffic noise after the low noise road surface has been installed to demonstrate compliance. The same demonstration is not required during the first 18 months when a louder (chip) seal will be used. | Oppose | Amend the conditions to require that noise emitted during the initial 18 months will comply with the design criteria, and to require that the effects of the chip seal surface will be mitigated accordingly. |
| Appendix 5: Proposed Condition DRN3 (Design of low-noise road surfaces and noise barriers). (Applies to Notice of Requirement to | Part b) i. of Proposed Condition DRN3 allows modifications to the mitigation, provided the modifications result in the same or a more stringent category of noise criteria. While it is anticipated that this relates to NZS 6806, it is not stated what the categories of noise criteria are. | Oppose | Amend Proposed Condition DRN3 to clarify what the categories of noise criteria are, and ensure that the noise categories selected and the level of noise effects they would allow are appropriate. |

| Ō2NL Aspect | Submission / Reasons | Support/Oppose | Relief Sought |
|--|--|----------------|--|
| Horowhenua District Council) | | | |
| Appendix 5: Proposed Condition DRN3 (Design of low-noise road surfaces and noise barriers). (Applies to Notice of Requirement to Horowhenua District Council) | Part d) of Proposed Condition DRN3 requires the noise report to be submitted with the outline plan required by Condition DGA6. It is not clear whether DGA6 requires certification by Council, which means any changes made to the NoR design could be done without oversight by Council. This is important as Condition DRN3 allows for noise levels to increase above those stated in the NoR. | Oppose | Amend Condition DRN3 to prevent changes to the noise design standards by requiring certification by the Council to ensure that the level of noise effects enabled are appropriate. |
| Construction Noise and Vibration Management Plan. (Applies to Notice of Requirement to Horowhenua District Council) | The Construction Noise and Vibration Management Plan (CNVMP) does not appear to require Council approval. | Oppose | Amend the conditions to require the Construction Noise and Vibration Management Plan to be submitted to and approved by the Council. |

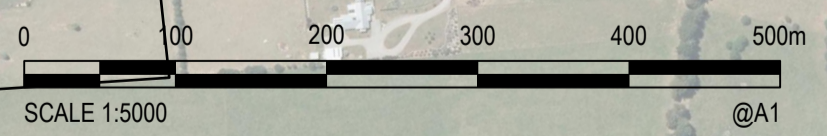
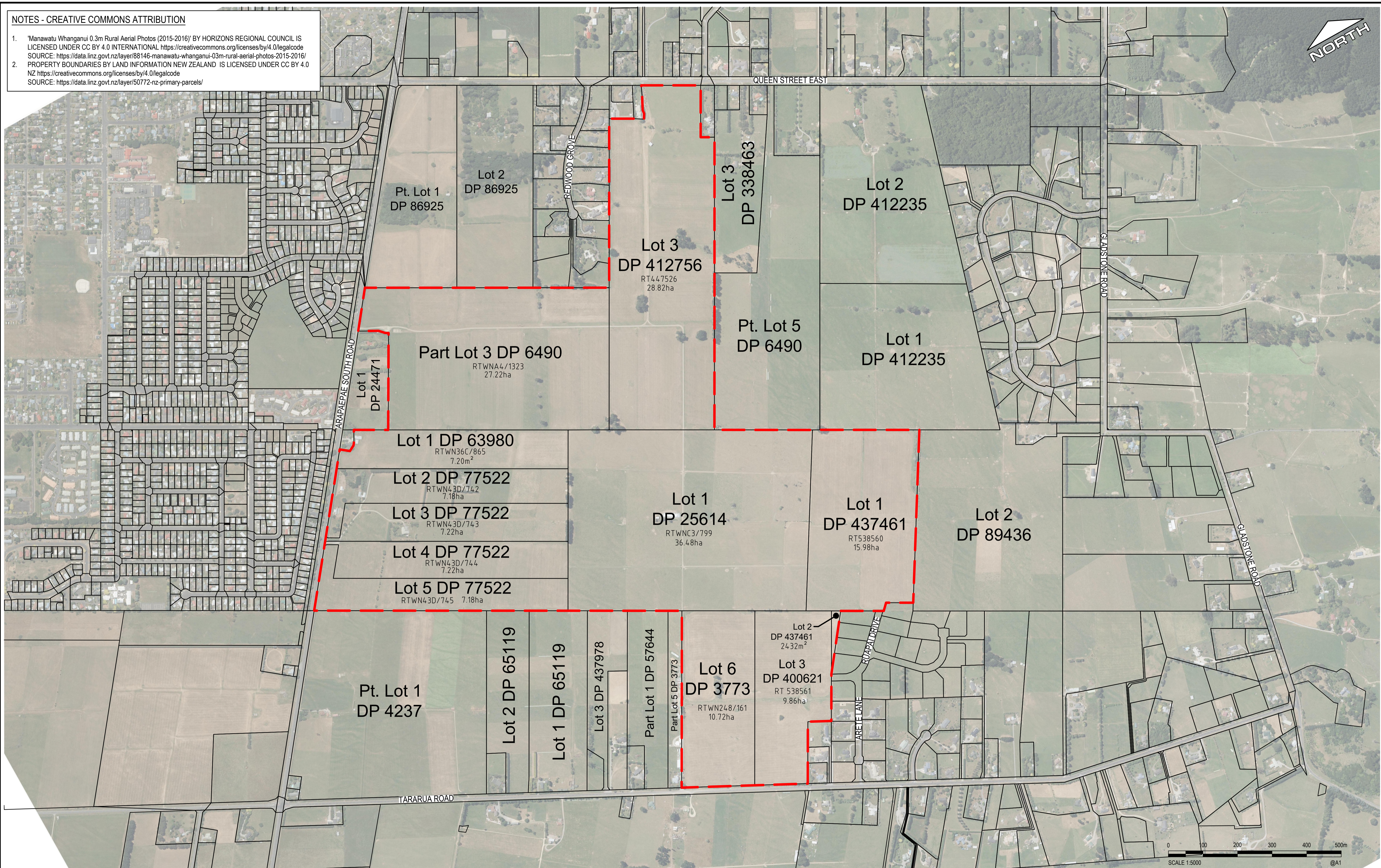
Attachment 2: The JML land



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NOTES - CREATIVE COMMONS ATTRIBUTION

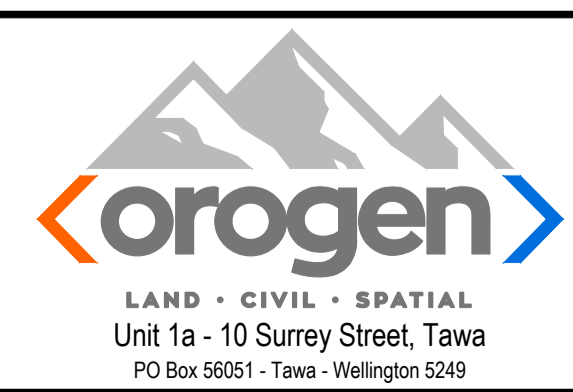
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Reference File: W21062-X-00-BOUNDARY_EXTERNAL-01
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| Drawn | CBR | Date | 17/06/2021 |
| Checked | DVB | Date | 18/06/2021 |
| Designed | | Date | |
| Verified | | Date | |
| Approved | | Date | |
| Issue | 1 | Date | 18/06/2021 |

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| Client | PAUL MCDONNELL HOMES 2015 LIMITED | | |
| Project | TARA IKA LEVIN HOROWHENUA DISTRICT | Title | BASE INFORMATION SITE EXTENT |
| Status | FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES | | |
| Datum | WANG2000 | Surveyor | C. Rodgers |
| Scale | 1:5000m | Original Size | A1 |
| Drawing Number | W21062-00-PL001 | Issue | 1 |

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Attachment 3: Taraika Urban Design Memorandum – Paul Edmond (13 February 2023)



Urban & Environmental

13 February 2023

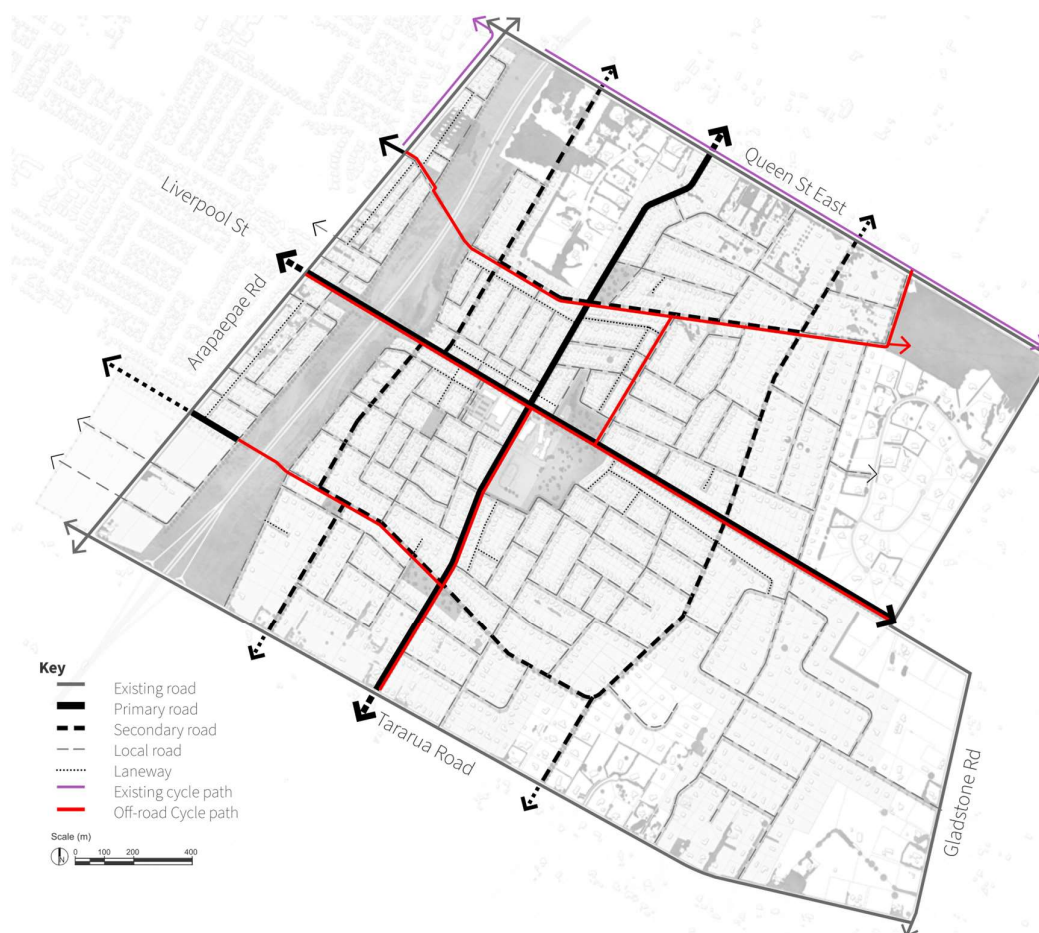
Urban Design Memo

Roading Connections over the Proposed O2NL expressway

Taraika presents an opportunity to plan the street network to provide for good connectivity at the outset and to ensure a connected network is achieved. The Master Plan achieves this by locking in the primary and secondary roads and cycle connections.

Contained in the S32 report under Appendix 1-Tara-Ika Master Plan and Appendix 2- Design Rationale are plans and design principles that note connectivity as the first step to integrate the development area with Levin, due to the isolating function of the existing Arapaepae Rd (SH57) and the proposed O2NL expressway.

The roading network plan below is from page 7 of Appendix 2 – Design Rationale.



From Pages 10 & 11 of Appendix 1- Tara-Ika master Plan;

“External Connections

Design Principle: *Roading connections to all areas in Taraika, Levin, and to future urban growth areas.*

To achieve this, the Master Plan includes: High-quality roads, walking paths and cycleways that connect to the rest of Levin, including to Liverpool Street, Queen Street and Arapaepae Road.

Design Principle

Integration with O2NL alignment.

To achieve this, the Master Plan includes multiple connections across the expressway, including three street crossings, and two cycle/ pedestrian bridges.

Design Principle: *Integration with Arapaepae Rd (SH57).*

To achieve this, the Master Plan includes:

- Safety improvements at the Queen Street/SH 57 intersection.
- Key connections across SH57 to ensure it is a connector, not a divider.
- Intersections that allow for safe and convenient movement of pedestrians and cycles.”

Excerpt below from page 9 of Appendix 2- Design Rationale;

‘Relationship to the O2NL expressway

- The proposed O2NL expressway has the potential to sever Taraika/Gladstone Green from the rest of Levin. While decisions about the design and function of the highway are the responsibility of NZTA, the Master Plan seeks to minimise the impact of this, including providing roading connections at Tararua Road, Queen Street, and Liverpool Street, and walking and cycling overbridges between these.
- The Master Plan describes how the carriageway might be trenched and bounded by heavily planted landscaped berms to reduce or eliminate the visual and noise effects of the expressway.’

Further points;

The North-South and East-West arterial roads will be provided by the Tara-Ika development. However, the east-West arterial crossing the O2NL designation will need to be designed and constructed in conjunction with Waka Kotahi when O2NL is built.

The Master Plan prepared by HDC assumed an expressway cut lower than the surrounding land, with the road at Liverpool Street and shared pedestrian / cycle bridges at a relatively level gradient across the expressway at the higher level.

However, design integration is needed now, as at the last meeting held with Waka Kotahi, it was noted that the expressway surface sits 1.5m above the surrounding land. Therefore, if a clearance height of 4.5m is required above this, plus structure depth, this approximate 7m height of the road surface above surrounding ground will require ramps either side at approximately 1 in 10 maximum gradient, affecting development around the embankments created by the descending ramp. The elevated roads, ramps, bridges and embankments have the potential to make crossing the expressway a difficult journey for cyclists and pedestrians, increasing severance from the Levin township.

The three road connections over O2NL have different functions. Tararua Road will become the interchange for expressway traffic to enter and exit to SH57, into Levin and to the Tara-Ika development.

Existing Queen St will become the first and north entry point into Tara-Ika, and continue being a direct connection to Levin.

The central road connection (Liverpool Street extension) connects to the heart of the Tara-Ika development where community and commercial activities are located, and the centrally located primary school. Therefore, this road acts as a 'main street', where its 'place-making' function is more important within Tara-Ika than its 'movement' function for the portion across O2N and connecting to SH57.

The artists render on the cover of both Appendix 1 & 2 shows this 'main street' function adjacent to the potential community and commercial activities in Tara-Ika.



Note that whilst the Master Plan is striving for connections across O2NL and SH57, the distances between the three road crossings are significant. From Tararua Road to Liverpool St along Arapaepae Rd is 1.1km, and from Liverpool St to Queen Street is 1 km. This is why the 2 additional shared pedestrian/ cycle bridges are still required to provide connectivity between these roads.

In summary, the central Liverpool St serves a critical role in providing a direct route from Levin (as long as HDC ensure the connection to the existing Liverpool St is completed) into the Tara-Ika development. This street forms the East-West 'main street' of Tara-Ika, with zoning and medium density housing overlays supporting this.

Paul Edmond

13 February 2023
