

**Form 33**  
**Notice of person's wish to be party to proceedings**

Section 274, Resource Management Act 1991

- To the Registrar
- Environment Court
- At Wellington,

We, Karen and Stephen Prouse, and the Prouse Trust Partnership wish to be a party to the following proceedings:

**ENV-2023-WLG-000005 Waka Kotahi New Zealand Transport Agency**  
**Topic(s): DR: DR: resource consents and notices of requirement for Otaki to north of Levin state highway project**

We are —

- *a person who has an interest in the proceedings that is greater than the interest that the general public has in this case, because the Applicant requires occupation of part of our land, Lot 2 DP 86925 at 1024 Queen Street East, Levin for its project and*
- *a person who made a submission about the subject matter of the proceedings.*

We are not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.

We are directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

We are interested in those parts of the Notice of Requirement proceeding that introduce environmental effects on or in the immediate vicinity of our land at Queen Street East, Levin being Lot 2 DP 86925.

We are interested in the particular issues set out in our submission which is attached to this notice as Appendix A

We oppose *or* conditionally oppose the relief sought for the reasons set out in our submission, Appendix A

We agree to participate in mediation or other alternative dispute resolution of the proceedings.

K.M.Prouse ,

Prouse

For ourselves and on behalf of the Prouse Trust Partnership

19/05/2023  
Date

Address for service of person wishing to be a party: karen.stephen@xtra.co.nz  
Telephone: 0272487676 or 06 3683832  
Fax/email: karen.stephen@xtra.co.nz

Contract person: Karen Prouse

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## **Appendix A**

**Prouse Trust Partnerships /  
SJ & KM Prouse**

**Otaki to North of Levin Highway Project Submission**

# Ōtaki to North of Levin Highway Project Submission Form

## Pursuant to sections 96 and 169(2) of the Resource Management Act 1991

### The proposal – brief introduction

This submission form is for the Ōtaki to North of Levin Highway Project (“Ō2NL Project” or “Project”). The Project includes notices of requirement by Waka Kotahi NZ Transport Agency (Waka Kotahi) for a new designation of land to the Horowhenua District Council (HDC) and the Kāpiti Coast District Council (KCDC) and is applying for the necessary resource consents from Manawatū-Whanganui Regional Council (“Horizons”) and Wellington Regional Council (“GWRC”).

### Notices of requirement and Resource Consent applications

The Project consists of:

- Applications for resource consents to both Horizons Regional Council (APP-2021203231.00) and GWRC (WGN230122) for the activities associated with the Ō2NL Project to construct, operate and maintain a state highway and shared use pathway and associated infrastructure; and
- Notices of requirement (NoR) by Waka Kotahi to both HDC (504/2022/22) and KCDC (RM220254) for new designations to construct, operate, maintain and improve a state highway and shared use pathway and associated infrastructure.

#### Privacy statement

Your personal information, included in Section A of this form, will be held by Horizons for the purpose of facilitating the consents and NOR processes for the Project. All information held by Horizons is subject to the Local Government Official Information and Meetings Act 1987. By taking part in this submission process, submitters have agreed to any personal information (including names and contact details) which contained in their submission being made available as part of the submission and decision-making process. Copies of your full submission including personal contact details will be provided to the Councils and Waka Kotahi (as the Applicant) and may also be provided to other parties in the process. Other than your name, your personal contact information will not be published on the Horizons website. You have the right to access and correct personal information held by Horizons and the other Councils.

### Section A – Submitter Details

You must fill in all parts of this form, clearly state your answers and mark your selections in the relevant spaces then submit this form to the addresses provided above.

#### Your details

Name: Stephen Prouse and Karen Prouse

Name of organisation: Prouse Trust Partnership / SJ & KM Prouse

Postal address: 1024 Queen Street East, Levin. Post Code: 5510

Telephone: home: 06 3683832 mobile: 0272487676

Email: [karen.stephen@xtra.co.nz](mailto:karen.stephen@xtra.co.nz)

### Communication

Preferred method of contact (tick):  Email  Telephone  Post

Horizons Regional Council is the lead agency for all Councils and has a preference for providing information about this resource consent process via email. This includes updates on the process, information and provide you with details of any meetings and the hearing, as well as documentation for the hearing (if applicable).

Please tick here  if you do not wish to receive correspondence via email.

### Are you a trade competitor?

If you are a person who could gain an advantage in trade competition through this submission and/or a trade competitor of the applicant you may only make a submission if you are directly affected or directly affected by an adverse effect on the environment from the proposal, and that adverse effect does not relate to trade competition or the effects of trade competition.

If you think you may be a person who could gain an advantage in trade competition through this submission or you are a trade competitor of the applicant, it is advisable to seek independent legal advice.

Please Circle:

- I ~~am~~ / am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991
- I am / ~~am not~~ directly affected by an effect of the subject matter of the submission that—
  - a. adversely affects the environment; and
  - b. does not relate to trade competition or the effects of trade competition.

## Section B – What is your position on the application?

Please identify the Application below to which your submission relates too and if you support, oppose or are neutral to the proposal:

	Support	Oppose	Neutral (neither support or oppose)
<b>Resource Consents</b> Horizons Regional Council - APP- 2021203231.00		✓	
<b>Resource Consents</b> Greater Wellington Regional Council - WGN230122			
<b>Notice of Requirement</b> Horowhenua District Council – 504/2022/22		✓	
<b>Notice of Requirement</b> Kapiti Coast District Council - RM220254			

*Please state what specific parts of the NORs / Resource Consent Applications you support, oppose. Please attach additional pages as needed. (this submission is 11 pages)*

### **1. We oppose the NOR/ Resource Consent Applications.**

We are interested in all parts of the NOR / Resource Consent Applications and oppose all parts that negatively impact on the property and its amenity. Our submission scope includes but is not limited to the following: noise, vibration, air quality, dust, landscape visual and natural character, hydrology and flooding, hydrogeology and groundwater, terrestrial ecology, archaeology, social impacts, transport, economics, built heritage.

### **2. Back ground Statement Context:**

The Prouse Trust Partnership/ SJ & KM Prouse represents Lot 2 DP 86925 (Property 479). It comprises 31.6 acres and has been home to 5 generations of the Prouse family since 1891 when Ashleigh homestead and its surrounding heritage buildings were built. The setting, trees and gardens and surrounding curtilage are important to the cultural landscape of the Ashleigh homestead. The property and heritage outbuildings are connected to the early European settlement of Levin, to early pioneering settlement and history and to the contribution of Prouse family members to the establishment of the town of Levin.

The family has strong and deep connections to this history and our connections to the land and there are many layers of family and European history on this site. Ashleigh homestead is the second oldest house in Levin.

Although not statutorily listed, under the Pouhere Taonga Act 2014, Ashleigh homestead and outbuildings are an archaeological site due to their pre 1900 classification under Pouhere Taonga Act and under section 6(F) RMA.

Waka Kotahi has identified through its Heritage Technical Assessment that Ashleigh has regional significance.

The family has undertaken a strong advocacy role for this heritage site to ensure the homestead and its curtilage setting remains, and is protected for the future from the O2NL designation process. It has also interfaced with the Tara Ika Plan change process and the cumulative impact of these two processes on the property's amenity has been multifaceted and adverse.

We appreciate that Waka Kotahi through its heritage assessment provided by Ian Bowman has recognised the historic importance and uniqueness of our setting.

Ō2NL Technical Assessment M: Built Heritage pg. 4 "The assessment confirms that there is only one heritage building affected by the Project. This is the house "Ashleigh" at 1024 Queen Street East, Levin. While it is not a listed heritage property, it is considered in this assessment as having regional significance. Its site, buildings and items of machinery located within the boundaries of the property create a cultural landscape which is also of regional significance".

We thank Waka Kotahi for their efforts in this respect but oppose the NOR/ RMA applications for the following reasons.

### **3. Our reasons for opposing:**

We consider the mitigation proposed is inadequate to address the effects on Ashleigh homestead and its cultural heritage landscape, land and the loss of amenity to its peoples.

We consider the cumulative impacts to amenity have not been sufficiently addressed or mitigated for.

While Waka Kotahi has considered impacts and effects over a wide range of assessments, they do not adequately address the long-term impacts to the property in the context of the O2NL running directly alongside in close proximity to the homestead, and an over bridge connection for Queen Street East being located directly in front of the property.

Our ability to sustainably manage our land and buildings in ways that enable us to provide for intergenerational social, economic and cultural wellbeing is cumulatively and negatively impacted by the proposed O2NL.

Without derogating from the generality of the above, the Prouse Trust Partnership/ SJ & KM Prouse, reasons for opposing include the following:

### **4. Noise:**

#### **Reasons for opposing:**

The NOR/ Resource Consent Applications provide inadequate mitigation of road noise effects to our property.

Apart from the road surface no additional noise mitigation has been proposed to address the noise effects of O2NL despite the designation boundary being only 65 metres from the homestead and 110 metres from road edge.

This will be a significant new source of noise impacting both our indoor and outdoor amenity. No noise mitigation has been proposed despite statements by Waka Kotahi that the noise impacts will “be intrusive at times” and there will be permanent visual and noise effects.

Waka Kotahi through the Tara Ika Plan Change process is seeking a noise overlay placing noise mitigation requirements over a majority of our land, should we develop any of our land in the future placing the liability on ourselves to mitigate the source of O2NL noise.

We consider these mitigation liabilities should not be placed on our land and that it is the responsibility of Waka Kotahi to mitigate the effects of their highway.

We consider their summary assessment statement that “An increase in noise levels predicted from the O2NL project will impact amenity values of the house” (point49 O2NL Assessment M: Built heritage) is indicating that further noise mitigation is required, especially as we consider this in conjunction with their request for a noise overlay on our land and the following point:

O2NL Technical Assessment B Noise and Vibration point 356, pg. 113. “The Prouse Homestead “Ashleigh” borders the designation and is approximately 110m from the road edge of the concept design. Noise levels at the ground level are predicted at 54 dB, and at 56 dB at the upper floor, with the inclusion of the high-performance road surface. Noise levels inside the dwelling are likely to be intrusive at times. Much of the western curtilage will experience noise levels between 55-60 dB. Road-traffic noise is likely expected to be either intrusive or disruptive to people using the outdoor spaces”.

The predicted level in latest modelling graphs is 57 dB.

The O2NL Built Heritage Technical Assessment point 49, pg.22 states “An increase in noise levels predicted from the O2NL Project will impact amenity values of the house. Landscaping or property boundary fencing, or other noise barriers, appropriate to the heritage values of the property by the highway should be considered”. This supports a need for further mitigation.

**Proposal Noise Decision Sought:** We seek mitigation that will reasonably be included or required for locations adjacent to and within residential areas and for the future development of Tara Ika.

- Noise reduction bunds
- Noise reduction fencing/walls
- Best practicable option for road surfacing
- Bund planting
- Noise mitigation for Ashleigh property

**5. Overbridge connecting Queen Street East and Notice of Requirement for the stretch of road on Queen Street East including access.**

**Reasons for opposing.**

The AEE -Assessment of Environmental Effects and Technical Assessments have not adequately mitigated the adverse effects on our property of the overbridge and Waka Kotahi Notice of Requirements for local road on Queen Street East.

The impacts of the overbridge connecting Queen Street East have not been adequately mitigated for.



There is no noise mitigation at the overbridge, and on its ascent and descent, and this is inadequate at our location.

The overbridge is directly in front of the historic entranceway to the property and is 7 metres high at this point. This will send elevated road noise and lighting directly into the second story of Ashleigh homestead and impact our wellbeing and amenity. The location of the overbridge contributes to the double impacts of noise to the setting – the other being the highway directly alongside and in close proximity.

The historic entranceway to Ashleigh is important to the historic cultural landscape of the property. Waka Kotahi have not yet identified how this will be provided for in planning designs so we are not assured that the setting of Ashleigh has been appropriately mitigated.

The property currently has road access across the entire northern road boundary of Queen Street East and Waka Kotahi have not identified how this will be provided for. Road boundary access and designs are not appropriately providing access to our land and land frontage. These issues are still in planning stages but have potential for the amenity of the property to be severely comprised by the granting of this NOR and Resource Consent.

Visual impacts have not been adequately addressed as some changes have occurred since the 2020 assessment.

#### **Proposal Overbridge/ Access/ Queen Street Road decision sought**

- Road Boundary Access to the entire land frontage including historic entranceway in order that the family can provide for intergenerational social, economic and cultural wellbeing and to ensure sustainable management of our land at this location within a residential area.
- Safe access to our property frontage from/ onto the Queen Street East Bridge realignment.
- Safe traffic access to the local road for future planned Tara ika residential development on the eastern side of our property, to enable the integration of the bridge design and appropriate traffic movement on/off Queen Street East.
- Noise reduction walls at the bridge and on its ascent and descent.
- Low noise road surface.
- Visual planting/ screening reassessment and provision.
- Continued consultation during design phase as directly affected party.
- Access to the rear of property.

#### **6. Landscape Visual and Natural Character:**

##### **Reasons for opposing:**

There is insufficient visual screening planned for Ashleigh homestead and property within the boundary of the highway.

Mitigation planting proposed to date has been at our land cost.

Technical reports have not identified the visual screening/ noise mitigation to be provided for within the designation boundaries to mitigate the effects on Ashleigh homestead, amenity and land environment, despite our engagement with the process and a number of meetings to discuss these concerns.

**Proposal Landscape Visual and Natural Character decision sought:**

- Removal for safety reasons of a number of large aged macrocarpas and pines that are prone to blowing over in storms that border the designation will change the nature of the current screening and privacy to the property.
- Visual planting/ screening reassessment and provision for perimeter planting.
- Provide more/ adequate visual screening within designation boundary to screen Ashleigh homestead and land.
- Removal of aged unstable macrocarpas and pines and replacement screen planting for privacy during construction etc.

**7. Terrestrial Ecology**

**Reasons for opposing:**

The bush area on our property will be impacted by the close proximity of O2NL and the NOR notice of requirement for the use of our land for an access haul road.

**Proposal Terrestrial Ecology decision sought:**

- The relocation of any culturally significant species.

**8. Transport:**

**Reasons for concern:**

Noise vibration and dust off the haul road and site access points with number of vehicular movements per day, as only 65 metres from Ashleigh.

Long term impacts to Ashleigh and land with projected 33,00 vehicle movements per day directly alongside property.

Impacts to large old unstable exotic tree line bordering haul road.

Impacts to terrestrial habitat directly alongside O2NL and haul construction road.

Elevated vehicle movements day and night on Queen Street East overbridge.

Noise, vibration and dust and vehicular movements on over bridge construction project directly in front of homestead.

**Proposal Transport decision sought:**

- Refer to relief sought under noise, landscape and visual, vibration and dust, terrestrial ecology, etc.

**9. Air Quality**

**Reasons for opposing**

There is a modelled negative effect to air quality over much of our property.

There is no modelling for changes to air quality on ascent and descent of over bridge structure at Queen Street East where the significant change in gradient over a short distance will generate elevated vehicle emissions into Ashleigh property and homestead.

**Proposal Air Quality decision sought:**

- Investigation of impact air quality at over bridge.
- Mitigate for best practice outcomes to property including planting.

**10. Vibration and Dust**

**Reasons for opposing:**

The property will be impacted by dust and vibration due to its close location.

Water tank collection from roof surfaces will be impacted by the dust.

We are concerned construction dust will negatively impact on the exterior paint surfaces of Ashleigh and cause premature deterioration of the paint surface.

In October 2020 Ashleigh homestead had a significant exterior repainting restoration undertaken that also involved the removal and reinstallation of all sash windows as best practice painting outcomes for villas, we are concerned dust and the six-monthly proposed water blast will impact and shorten the expected life of this repaint.

Vibration from construction may impact our amenity values.

Ashleigh homestead foundations may be impacted.

### **Proposal Dust and Vibration decision sought.**

- Screening for dust.
- Roof washes and water tank cleans.
- Water blasting, to also include repainting of Ashleigh if dust and water blasting deteriorate paint surfacing and shorten life expectancy of recent repaint restoration.
- Vibration monitoring and remediation if required.

### **11. Hydrology and Flooding, Hydrogeology and Ground water:**

#### **Reasons for opposing:**

The new road will change the nature of traditional water flow patterns at surrounding locations and this has the potential for causing flooding which has not ever happened before on our property.

#### **Proposal Hydrology and Flooding, Hydrogeology and Ground water decision sought:**

- Monitoring to ensure any water course flooding problems that might occur on our land are appropriately and timely resolved.

### **12. Contaminated land**

#### **Reasons for opposing:**

We note recommended conditions include a number of properties identified for investigation for soil contamination.

#### **Proposal Contaminated land decision sought:**

- Review list of properties for investigation to include 1015 Queen Street East (now owned by Waka Kotahi) as this property has a large asbestos shed – previously painted with high possibility of contaminated soil.
- Investigate and mitigate during highway construction for the safety of nearby residents.

### **13. Social Impact Amenity**

#### **Reasons for opposing.**

We consider the cumulative impacts to our amenity have not been sufficiently addressed or mitigated for.

Social impacts.

There will be long term high permanent significant changes to quality of life and negative adverse impacts. Ongoing since 2017 and to construction and operation.

Negative Amenity impacts - include to our way of life, quality of living environment, culture and identity, permanent impacts to the family connections with land and the history of this site. Desirability of the property for the future, health and well-being, succession for the family future on this land is compromised.

#### **Proposal Social Impacts/ Amenity decision sought**

- Localised and individual property mitigation at Ashleigh to maintain/ protect our amenity values (Section 7 (c) RMA).

#### **14. Further Proposal decisions sought:**

We may seek further, or other, decisions that may give effect to the matters and concerns raised in or touching on our submission.

**We thank-you for the opportunity to make this submission.**

### **Section C – Do you wish to speak at the hearing?**

As a submitter you may speak about your submission at the hearing. You need to advise us if you are intending to speak. The hearing is open to the public, and anyone is welcome to attend to listen.

If you indicate on your submission form that you **do not** want to speak at the hearing, you will not receive further correspondence from Horizons regarding the process. However, all information and the process will be available on the Horizons website.

*Please indicate if you would like to speak at the hearing*

I / we **do not wish to speak** about my / our submission.

I / we **wish to speak** about my / our submission, and

If others make a similar submission, I/we will consider presenting a joint case with them at the hearing.

I / we wish to present in Maori / Te Reo.

I / we require special assistance in presenting our submission (e.g. sign language translation) – please specify

Please be aware that if you wish to speak at the hearing, a lot of information such as evidence, hearing schedules, board directions and reports, will need to be sent to you either via email or in the post in accordance with your preference for receiving information selected in the 'Communication' portion of this form.

**Note: If you do not select one of the above options, we will assume you wish to speak about your submission.**

*Signature of submitter (unless submitted electronically)*

SJ Prouse and KM Prouse

Stephen Prouse, Karen Prouse

Submitted electronically

Date: 28.2.2023

**Completed submission sent via email to:**

*Horizons Regional Council*

Horizons via [consent.submissions@horizons.govt.nz](mailto:consent.submissions@horizons.govt.nz)

*A copy was also sent to: Applicant – Waka Kotahi via email*

[O2NL@nzta.govt.nz](mailto:O2NL@nzta.govt.nz)

Attn: Caitlin Kelly