

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

ENV-2023-WLG-000005

UNDER	the Resource Management Act 1991 (the Act)
IN THE MATTER	the direct referral of applications for resource consents and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin Project
BY	WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY Applicant

**STATEMENT OF EVIDENCE OF TIM KELLY ON BEHALF OF HOROWHENUA DISTRICT
COUNCIL**

TRANSPORTATION PLANNING

Dated: 26 September 2023

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A. INTRODUCTION

- [1] My name is Timothy (Tim) Martin Kelly. I am owner and director of Tim Kelly Transportation Planning Limited. I have worked in the traffic engineering and transportation planning field since 1983.
- [2] I prepared a report (required by section 198D of the Resource Management Act 1991 on the Notices of Requirement (“**NoRs**”) lodged with Horowhenua District Council (“**Council**”) relating to the Ōtaki to North of Levin Highway Project (the “**Ō2NL Project**” or “**Project**”). My report was prepared on behalf of the Horowhenua District Council and was dated 27 April 2023 (“**s198D Report**”).
- [3] In the s198D Report, I reviewed the application from Waka Kotahi for the NoRs. My s198D Report provided recommendations to improve or further clarify aspects of the NoRs addressing transportation matters.
- [4] I confirm I have the qualifications and experience set out at paragraphs 7 - 12 of my s198D Report.
- [5] Since filing my s198D Report I have reviewed the evidence of Waka Kotahi and participated in expert conferencing on transport matters. The output of that conferencing was a joint witness statement dated 24 July 2023 (the “**Transport JWS**”). I confirm the contents of the Transport JWS. I discuss any remaining issues and/or related conditions below.

B. CODE OF CONDUCT

- [6] I repeat the confirmation provided in my s198D Report that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Statements expressed in this evidence are within my area of expertise, except where I state I am relying on the opinion or evidence of other witnesses.

C. SCOPE OF EVIDENCE

[7] My evidence addresses the following:

- (a) The extent to which issues identified in my s198D Report have been resolved through Waka Kotahi evidence, expert conferencing and mediation;
- (b) A response to section 274 party evidence; and
- (c) Conditions.

[8] In preparing this evidence I have reviewed the following reports and evidence:

- (a) The Transport Technical Assessment by Philip Peet attached as Technical Assessment A to the Assessment of Effects on the Environment for the Project;
- (b) The statement of evidence of Philip Peet on behalf of Waka Kotahi NZ Transport Agency dated 4 July 2023; and
- (c) The s198D Report of David Dunlop for Kapiti Coast District Council.
- (d) The statements of evidence of Karen Prouse and Anna Carter on behalf of the Prouse family.

D. OUTSTANDING ISSUES

[9] On review of my s198D Report and the Transport JWS, I am of the view that all issues raised therein have now been resolved.

East West Arterial Road (EWA)

[10] My s198D Report described the criticality of the EWA in terms of the connectivity needed between Tara-Ika and the existing Levin urban area. At the time the issue was that the Waka Kotahi application material did not provide an assurance that Ō2NL would provide for the EWA crossing (and other crossing points). The evidence of Lonnie Dalzell and Philip Peet

confirmed Waka Kotahi's offer to fund the EWA overbridge, and the position of the traffic experts was recorded in the Transport JWS.

- [11] I further understand that Waka Kotahi and the Council have been working towards a commercial agreement relating to the funding, design and construction of the connections across Ō2NL for Tara-Ika. This agreement, which has yet to be finalised, would in my view logically ensure the optimal timing of the overbridge / connections to minimise costs to both parties. While I have not been directly involved in the discussions relating to this agreement, I consider that it would be beneficial for this to be finalised quickly in order to provide certainty to both parties in relation to the provision of connectivity across Ō2NL in the Tara-Ika area.
- [12] Any failure to reach agreement and provide for the EWA would, in my view, have tangible adverse effects in terms of additional traffic loadings on Tararua Road and Queen Street (East) and increased travel distances. Less tangible but nonetheless significant effects would be associated with the severance between Tara-Ika and the existing Levin urban area arising from Ō2NL.

E. RESPONSE TO SECTION 274 PARTY EVIDENCE

- [13] I have reviewed the section 274 party evidence of Karen Prouse and Anna Carter (planning consultant on behalf of the Prouse family).
- [14] Paragraph 17 of the evidence from Karen Prouse makes reference to the access arrangements to the Prouse property, and it is also raised in Anna Carter's planning evidence.
- [15] Specifically, Appendix 2 provides for three, unaltered, access points into the Prouse property, and a proposed obligation on Waka Kotahi to retain sufficient land to ensure that a right turn bay on Queen Street East can be accommodated should one be required. While I consider the provision of such access arrangements to be reasonable, this is primarily a matter for Waka Kotahi.

- [16] I note (i) that the designs for Ō2NL are currently conceptual as I understand it, and it may not be possible to confirm compatibility with providing a right turn bay, and (ii) that the provision of a right-turn bay to service a residential access is unlikely to be justified unless this was generating a significant level of traffic activity.

F. CONDITIONS

- [17] I have reviewed the draft conditions updated by Waka Kotahi following mediation and circulated to the parties on 4 September 2023. I am generally comfortable with the conditions, subject to the following amendments.

Local Roads Pre and Post Construction Survey

- [18] Review of the draft designation conditions by a council compliance officer resulted in the discovery that there was no provision for local roads pre and post construction surveys, and make-good obligations in the case of damage occurring.
- [19] The construction of the Ō2NL Project will necessitate a significant level of truck activity on the local road network. Furthermore, temporary changes will be required to the local road network (such as traffic diversions) while construction activity occurs. Council assurance that its local road network will be returned to the standard which existed prior to the commencement of construction is a reasonable request, and one commonly in my experience imposed by both councils and Waka Kotahi (the latter for activities impacting on state highways). Currently, Waka Kotahi has not volunteered any condition which would provide this assurance and I recommend that an appropriately worded condition be included.
- [20] In this regard, I note that the Peka Peka to Ōtaki (**PP2Ō**) project did include such a condition, which has been amended for relevance to this Project and is set out below:

New condition - Local road pre and post condition survey	Local Roads Pre and Post Construction survey a) Prior to the commencement of the Work, the Requiring Authority shall undertake a pre-construction condition survey of the carriageway/s along those local roads affected by the Project for which KCDC and HDC is the road controlling authority and submit it to the Manager and the Road Asset Manager. The condition survey shall consist of a photographic or video record of the carriageway, and shall include roughness, rutting defects and surface condition. b) As soon as practicable following completion of construction of the Project the Requiring Authority shall, at its expense, conduct a postconstruction condition survey of the road network affected by the Project. The post-construction condition survey shall be submitted to the KCDC and HDC Manager and the Road Asset Manager. c) The results of the pre- and post-construction surveys will be compared and, where necessary, the Requiring Authority shall at its expense arrange for repair of any damage to the carriageways and footpaths (and associated road components), for which KCDC and HDC is the road controlling authority, where that damage has resulted from the impacts of construction of the Works. d) The Requiring Authority shall carry out regular inspections of the transport network affected by the Works to ensure that all potholes and other damage resulting from construction of the Works are identified as soon as practicable. e) The Requiring Authority shall contribute fair and reasonable costs towards repair and maintenance of potholes and other damage resulting from the Works. f) Prior to construction commencing the Requiring Authority shall agree with the Road Asset Manager the nature, extent and frequency of the inspections referred to in d).
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Network Integration Plan (NIP)

[21] During mediation the benefits of a Network Integration Plan were identified as something that could potentially address the concerns raised by the Prouse family around how the Project works might impact on access and proposed roads in the vicinity of their property. A NIP is used to ensure the coordination of new infrastructure with the rest of the road network and I consider that a condition requiring a NIP would be appropriate.

[22] Again, the PP2Ō project included a condition requiring the preparation of a NIP, which has been amended for relevance to this Project as follows:

New condition Network Integration Plan (NIP)	a) The Requiring Authority shall prepare, in collaboration with KCDC, HDC, GWRC and Horizons a NIP for the Project, or relevant Project Stages, to demonstrate how the Project integrates with the existing local road network and with future improvements planned by KCDC, HDC, GWRC and Horizons. b) The NIP shall include details of the Works at the interface between the Project and the local road and public transport network, and shall address such matters as lane configuration and operational strategies, signage and provision for bus stops. c) The objectives of the NIP shall include preserving or enhancing the level of service of local roads at junctions with the Project (noting that actual levels of service in the future will depend on future land uses). d) The Requiring Authority shall submit the NIP for certification to HDC, KCDC, GWRC and Horizons at least 20 Working Days prior to Commencement of Construction of the Project. e) Works identified in the NIP which are the responsibility of the NZTA, including any Work associated with the relocation of bus stops, will be undertaken at the time the Project is constructed.
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G. CONCLUSION

[23] From a traffic and transportation perspective, as I recorded in my s198D Report, the Ō2NL Project will create a number of positive effects and be

highly beneficial for the Horowhenua District, the wider region and beyond. This is particularly so in terms of the improved safety and efficiency of the roading network.

- [24] Virtually all of the issues associated with the traffic and transportation aspects of the Ō2NL project have been resolved, subject to the minor matters I have identified above which in my opinion should be readily able to be resolved.

Tim Kelly

26 September 2023