

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

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

ENV-2023-WLG-000005

Under the **RESOURCE MANAGEMENT ACT 1991**

In the matter of 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 NZ TRANSPORT AGENCY**

Applicant

**MEMORANDUM OF COUNSEL FOR THE APPLICANT REGARDING HEARING
PROCESS MATTERS**

16 October 2023

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MAY IT PLEASE THE COURT:

1. This memorandum of counsel is filed on behalf of Waka Kotahi NZ Transport Agency (**Waka Kotahi**), ahead of the hearing beginning 24 October 2023.
2. This memorandum relates to:
 - (a) the Court's site visit, in particular directions given at the Pre-Hearing Conference (**PHC**) held on 9 October 2023, the Minutes of the Court of 29 September 2023 (**29 September Minute**) and 16 October 2023 (**16 October Minute**) and via an email sent from Liam Davies to counsel for Waka Kotahi on 11 October 2023 (**11 October email**); and
 - (b) materials requested by the Court in its Minute of 13 October 2023 (**13 October Minute**).

Site visit

3. Counsel note the 16 October Minute which confirms that the proposed site visit on Wednesday 18 October will no longer occur, and that the Court will reschedule the site visit in due course, as the hearing progresses.
4. In advance of the rescheduled site visit, and as directed at paragraphs [2] and [3] of the 29 September minute and via the 11 October email, this memorandum attaches:
 - (a) a revised version of **Appendix A** (logistical arrangements and itinerary for the site visit) which incorporates suggestions sent from Richard Schimpf (representing the Equestrian section 274 parties¹) to the Court on 11 October 2023²; and
 - (b) a revised map for the site visit (**Appendix B**) showing the proximity/relationship of the itinerary route and the proposed road and corresponding to locations / points of interests mentioned in **Appendix A**.³
5. In **Appendix A**, excerpts from planting plans attached to the evidence-of-chief of Gavin Lister are referred to as **Appendix C**. Due to their size these

¹ Horowhenua Equestrian Advocacy Group, the Kapiti Equestrian Advocacy Group and the New Zealand Equestrian Advocacy Group.

² These were then forwarded onto counsel for Waka Kotahi in the 11 October email with directions to incorporate them into the site visit itinerary.

³ **Appendix B** to this memorandum supersedes the previous Appendix B which was attached to the memorandum filed by counsel on 29 September 2023.

will be provided to the Court in hard copy at the time of the site visit. In the interim the Court can refer to Mr Lister's evidence in chief.

Materials requested by Court

6. The Court requested, at paragraph [2] of the 13 October Minute that all external documents referred to in the conditions are to be available to the Court and parties electronically at least two working days prior to the hearing. Counsel attach a table of links as **Appendix D**. Counsel note some listed documents are not available due to copyright considerations.
7. The Court requested, at paragraph [4] of the 13 October Minute, that two hard copies of the relevant regional and district planning documents are provided to the Court at least two working days prior to the hearing. Counsel note that counsel for the Councils have emailed the Court today asking about delivery of those documents.
8. Commissioner Edmonds also requested a number of other documents be provided in hard copy. These are being printed and prepared and will be provided to the Court Registry this afternoon (16 October 2023).

DATED this 16th day of October 2023.



David Allen / Thaddeus Ryan
Counsel for Waka Kotahi

APPENDIX A – logistical arrangements and proposed itinerary (updated 16 October 2023)

Logistical arrangements

1. The suggested route will take the Court through the entire Project area (shown, in general terms, in the image included and marked as Figure 1-1 in the Applicant's memorandum dated 29 September 2023) by car/van.
2. Appropriate footwear should be worn to accommodate the possibility of walking over or through some sites.
3. The HDC driver will supply the Court with high-visibility vests.
4. The HDC driver will meet the Court (and the Waka Kotahi representative) at **10am** outside Horowhenua District Council (**HDC**) (126/148 Oxford Street) and the site visit will commence from there. The Court will be returned to that location after the site visit.
5. Public toilets are available in Levin at the HDC offices and at Te Takeretanga o Kura hau pō (Levin Library). If toilets are needed at other points during the site visit the driver can assist in finding suitable ones on the day.
6. There are cafes throughout the Project Area that the Court can stop at for lunch or coffee (details to be worked out with the HDC driver).
7. Key plans (which were attached to the 4 July 2023 statement of evidence of Gavin Lister) will be provided to the Court in hard copy, and are referred to below as **Appendix C**.
8. The trip is expected to take approximately four hours (not including travel between Wellington and Levin), finishing at approximately 2pm at the HDC offices.
9. Waka Kotahi will liaise directly with Kāinga Ora on the day of the site visit regarding arrangements for the Court's visit to its property/properties.

Itinerary

10. Meet at HDC offices (126/148 Oxford Street) at **10am** (marked as 1 on **Appendix B**)
11. From there, drive north on SH1 for approximately 4km until you reach the juncture with Koputaroa Road (the northern boundary of the Project and where it will tie back into the existing SH1) (marked as 2 on **Appendix B**).
 - (a) As you are driving north through Levin, note the town centre as you pass through it and the set of traffic lights at Queen Street East.
12. Turn around and head south, and then take the first left onto Heatherlea East Road (marked as 3 on **Appendix B**).
13. Drive east along Heatherlea East Road until you reach Sorensens Road (marked as 4 on **Appendix B**), noting:
 - (a) as you drive, that the proposed designation corridor runs to your right;
 - (b) before you cross the NIMT, that the first dual lane roundabout, and proposed planting sites, are to your right (as shown on Sheet 1 of **Appendix C**).
14. Turn right and drive down Sorensens Road until you reach the bend in the road to observe proposed planting sites (see Sheet 2 of **Appendix C**).
15. Drive back up Sorensens Road and turn right onto Heatherlea East Road; continue until you reach Arapaepae Road/SH57 and turn right, heading south.
16. Pull over (on your left) at the McDonald Road turn-off (marked as 5 on **Appendix B**) and note the site of the second proposed dual lane roundabout to your right (see Sheet 3 of **Appendix C**).
17. Continue south on Arapaepae Road/SH57 for approximately 500m (noting the proposed designation corridor on your left) and then turn left onto Waihou Road (marked as 6 on **Appendix B**).
 - (a) Note that from this location you can see Rochelle Murray-Apatu's property (marked as 9 on **Appendix B**).

18. Follow Waihou Road all the way around until it connects back to Arapaepae Road North/SH57 (noting the alignment of the Project at the 90 degree turns on Waihou Road; drive south until you reach Queen Street East and take the first exit of the roundabout entering Queen Street East.
19. Drive east until you reach 1024 Queen Street East (Prouse property) which will be on your right (marked as 8 on **Appendix B**). Get out of the car and view the property in accordance with the instructions / notes provided by Mr and Mrs Prouse (below).

Prouse property

- (a) View the homestead setting.
 - (b) Walk to the western boundary (the western fence on the run) and view the proximity of the proposed highway relative to the boundary (once leased land is returned following construction).
 - (c) View south towards the back of the property on the run (leased Notice of Requirement land and site of the haul road). Note it is not necessary to walk the entire western boundary.
 - (d) Note the run is proposed to be leased by Waka Kotahi for the construction period.
 - (e) Note the proximity to homestead and treed space in the middle of the property.
 - (f) Walk north on the run to cattle yards (the lowest topography point) and the corner where Ō2NL, Queen Street East overbridge, and the shared use path all intersect. Note the trees along run.
 - (g) On the eastern side of house – in the paddock on the eastern boundary note the location of future local road Tara-Ika (approximately 30 metres from eastern boundary).
 - (h) Note location of overbridge down ramp in connection with the access road to property, and the future local road.
20. On your way back to the car, stop outside the Prouse property on Queen Street East and note:

- (a) you are located adjacent to the proposed new section of state highway;
and
 - (b) the proposed planting sites (see Sheet 5 of **Appendix C**).
21. Drive west on Queen Street East and take the first left onto Wakefield Street; drive north to 73 Wakefield Street / Blackridge Beauty (Rochelle Murray-Apatu's property) (marked as 9 on **Appendix B**). Note that the property is obscured by vegetation from this angle.
22. Turn around and drive south on Wakefield Street and then turn left onto Queen Street East, driving to 1134 Queen Street East (John Brown's property) on your left (marked as 10 on **Appendix B**).
23. While here, view Waiopehu Bush Reserve (adjacent to the Brown property and marked as 10 on **Appendix B**).
24. Continue east along Queen Street East and then turn right onto Gladstone Road, heading south:
- (a) Note as you are driving east along Queen Street East and then south on Gladstone Road the location for the Tara-Ika development is on your right.
25. From Gladstone Road, turn right onto Tararua Road heading west, until you reach 257 and then 267 Tararua Road (Kevin Daly's properties) (marked as 11 on **Appendix B**); these will be on your right. Stop here. Observe the properties from the car and while here, note your surroundings, in particular locations of:
- (a) the proposed landscape and visual planting site; and
 - (b) the proposed grade separated diamond interchange and local access road to Kimberley Road.
- (see Sheet 7 of **Appendix C**)
26. Continue west on Tararua Road, turn left onto Arapaepae Road South/SH57 heading south, then turn left onto Kimberley Road and drive until you reach 269 Kimberley Road (Jan Windleburn's property, marked as 12 on **Appendix B**). Observe this property from the car.

27. Drive west on Kimberley Road and then turn left onto Arapaepae Road South/SH57, driving until you reach McLeavey Road on your right (marked as 13 on **Appendix B**).
 - (a) Note the local road connections here (see Sheet 8 of **Appendix C**).
28. Continue onto Muhunua East Road (marked as 14 on **Appendix B**), turn right onto Muhunua East Road and drive west towards SH1, noting as you drive:
 - (a) to your left (the south) the proposed planting and material supply sites (shown on Sheets 9 and 10 of **Appendix C**); and
 - (b) you will cross the proposed designation corridor (the realigned Muhunua East Road will pass over the new road) (see Sheet 9 of **Appendix C**).
29. Turn left onto Bishops Road (the road that construction traffic will use) and then connect back onto SH1, heading south.
30. Drive south on SH1, crossing the Ohau River and Waikawa Stream Bridge.
31. Turn left onto North Manakau Road (marked as 15 on **Appendix B**) and drive east, noting to your left (north) the proposed site for material supply and planting (see Sheets 12 and 13 of **Appendix C**).
32. Turn around and connect back to SH1; turn left and head south until you reach Mokena Kohere Street; turn left and then immediately right onto Honi Taipua Street (adjacent to Manakau township).
33. Drive south down Honi Taipua Street until you reach Manakau Heights Drive (marked as 16 on **Appendix B**); turn left:
 - (a) From Honi Taipua Street observe the view over the Manakau Heights subdivision and proposed location of the Project.
 - (b) Just before you turn onto Manakau Heights Drive observe where the new road will be located (between Manakau Village and the maunga / Hanawera Ridge (see Sheet 14 of **Appendix C**).
34. Turn left onto South Manakau Road and then right into Mountain View Drive; continue until you reach 28 Mountain View Drive (Stephen Main's property) (marked as 17 on **Appendix B**). View this property from the car.

35. Drive north towards South Manakau Road and then turn left onto South Manakau Road towards SH1 (marked as 18 on **Appendix B**). Stop just to the west of Manakau Heights Drive and observe offsetting sites and the proposed new alignment and bridges (marked on Sheet 15 of **Appendix C**).
36. Continue on and turn left onto SH1, driving south:
 - (a) As you are driving note on your left the Paruauku Swamp (marked as 19 on **Appendix B**; see also Sheets 16 and 17 of **Appendix C**).
37. Continue south towards Ōtaki to view Taylors Road (at the southern end of the proposed designation and marked as 24 on **Appendix B**).
38. Travelling south on SH1, take the PP2Ō Expressway and then exit the Expressway at the southbound off-ramp just north of Ōtaki township (look for the sign saying 'Ōtaki', 'Ōtaki Beach', 'Te Horo') (the North of Ōtaki interchange is marked as 20 on **Appendix B**).
 - (a) Note the location of the interchange.
39. Turn right to proceed through the Ōtaki township via the Main Highway / Old SH1 to the southern Ōtaki interchange at the Ōtaki Gorge Road roundabout.
40. At the southern Ōtaki interchange (marked as 21 on **Appendix B**), park at the start of Ōtaki Gorge Road and view the multi-use pathway heading south and the north; note where horses divert off the pathway to ford the Ōtaki River (rivers between here and Levin are on a much smaller scale). Continue around the interchange towards Old SH1 and head south.
41. Travel south on Old SH1 for approximately 5 minutes to the traffic light at Winiata Link Road (marked as 22 on **Appendix B**) and turn left under PP2Ō with parking just south of this intersection. Note pathway tunnel, traffic light, and closeness to railway when viewing pathway heading north.
42. Returning to SH1 head south for approximately 8 minutes to Peka Peka interchange (marked as 23 on **Appendix B**). Note multi-use pathway on right along this whole section. At Peka Peka interchange turn into Peka Peka road with parking in parking lot on left. Note multi-use pathway as linkage between the two sections of highway.

43. Travel north through the Ōtaki township, then drive the existing Taylors Road arrangement under the Waitohu Stream overbridge noting the characteristics of this local road arrangement and the Taylors road interchange.
44. Turn around at the point that Taylors Road bends 90 degrees to the west, noting that to the north is the approximate location of the Taylors Road half interchange.
45. Then head south to Ōtaki and then back (north) via the northern Ōtaki interchange (northbound on-ramp, marked as 20 on **Appendix B**) to Levin via SH1. As you are entering Levin township note:
 - (a) on your right, the proposed Tararua Road level crossing (marked as 25 on **Appendix B**); and
 - (b) the set of traffic lights at Bath Street.
46. Return to HDC offices (marked as 1 on **Appendix B**).

APPENDIX B – Site Visit Overview

[See separate document]

APPENDIX C – Excerpts from planting plans attached to Gavin Lister's evidence-in-chief

[Provided at the start of the site visit in hard copy]

APPENDIX D – External documents referred to in proposed conditions

Document	Condition reference(s)	Availability or online location
New Zealand Standard 6806:2010 'Acoustics – Road traffic noise – New and altered roads'	Designation and resource consent conditions abbreviations, acronyms and terms (Best Practicable Option)	This Standard cannot be shared digitally or manually due to copyright restrictions.
	Designation and resource consent conditions abbreviations, acronyms and terms (Category of noise criteria)	
<i>Biodiversity Offsets Accounting Model for New Zealand User Manual</i> , F Maseyk et al, March 2015	Designation and resource consent conditions abbreviations, acronyms and terms (Biodiversity Offsets Accounting Model)	Biodiversity offsets accounting system - user guide (doc.govt.nz)
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	Designation and resource consent conditions abbreviations, acronyms and terms (Contaminated land)	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (SR 2011/361) Contents – New Zealand Legislation

Horowhenua District Plan	Designation and resource consent conditions abbreviations, acronyms and terms (District Plan)	Operative District Plan 2015 - Horowhenua District Council
Kāpiti Coast District Plan		Operative District Plan 2021 - Kāpiti Coast District Council (kapiticoast.govt.nz)
New Zealand Standard NZS 6803:1999 'Acoustics – Construction Noise'.	Designation and resource consent conditions abbreviations, acronyms and terms (NZS 6803:1999)	This Standard cannot be shared digitally or manually due to copyright restrictions.
	DNV1 Construction noise limits	
Manawatū-Whanganui Regional Council One Plan	Designation and resource consent conditions abbreviations, acronyms and terms (One Plan)	One Plan - Horizons Regional Council
	RWT1 Surface water abstraction	
Manawatū-Whanganui Regional Council One Plan	Designation and resource consent conditions abbreviations, acronyms and terms (Regional Plan)	One Plan - Horizons Regional Council

Natural Resources Plan for the Wellington Region		Greater Wellington — In-depth on the Natural Resources Plan (gwrc.govt.nz)
	RWT1 Surface water abstraction	
Resource Management Act 1991	Designation and resource consent conditions abbreviations, acronyms and terms (RMA)	Resource Management Act 1991 No 69 (as at 24 August 2023), Public Act Contents – New Zealand Legislation
	DGA2 Compliance with outline plan and management plans	
	DGA3 Post-construction removal of conditions	
	DGA4 Post-construction review of designation width	
	DGA5 Lapse period	

	DGA6 Outline plan	
	DGA8 Establishment works	
	RGA5 Review of conditions	
'NZTA Landscape Guidelines' (March 2018)	DGA6 Outline plan	nzta.govt.nz/assets/resources/nzta-landscape-guidelines/docs/nzta-landscape-guidelines-201803.pdf
'Bridging the Gap, NZTA Urban Design Guidelines' (October 2013)		bridging-the-gap.pdf (nzta.govt.nz)
Waka Kotahi NZ Transport Agency 'Minimum Standard P45 Accidental Archaeological Discovery Specification' (August 2018)	DAH1 Archaeology discovery protocol	Specification for accidental archaeological discovery NZTA P45 2018
	RAH1 Archaeology discovery protocol	

Heritage New Zealand Pouhere Taonga Act 2104	DAH1 Archaeology discovery protocol	Heritage New Zealand Pouhere Taonga Act 2014 No 26 (as at 24 August 2023), Public Act Contents – New Zealand Legislation
	RAH1 Archaeology discovery protocol	
	Schedule 2 – Objectives and content of the Construction Environmental Management Plan	
ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures.	DNV2 Construction vibration limits	This document cannot be shared digitally or manually due to copyright restrictions.
BS 5228-2 is British Standard BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.		british-standard-bs5228-2009.pdf (nottinghamshire.gov.uk)

Department of Conservation New Zealand Threat Classification System	RTE2 'At Risk or 'Threatened' braided river bird species	New Zealand Threat Classification System Lists: Conservation publications (doc.govt.nz)
	RTE3 'At Risk or 'Threatened' wetland bird species	
	RTE6 Indigenous invertebrates	
	REM5 'At Risk' or 'Threatened' flora and fauna discovery protocol	
	Schedule 7: Objectives and content of the Ecology Management Plan	
Resource Management (National Environmental Standards for Freshwater) Regulations 2020	RFE3 Information about culverts and fish passage	Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (LI 2020/174) (as at 21 September 2023) Contents – New Zealand Legislation

<p>'New Zealand Fish Passage Guidelines: For structures up to 4 metres, 2018'</p>	<p>RFE3 Information about culverts and fish passage</p>	<p>New-Zealand-fish-passage-guidelines-for-structures-up-to-four-metres.pdf (environment.govt.nz)</p>
	<p>Schedule 7: Objectives and content of the Ecology Management Plan</p>	
<p>Wildlife Act 1953</p>	<p>REM3 Amending the Ecology Management Plan</p>	<p>Wildlife Act 1953 No 31 (as at 06 May 2022), Public Act Contents – New Zealand Legislation</p>
<p>AS/NZS 3580.14:2014 'Methods for sampling and analysis of ambient air Meteorological monitoring for ambient air quality monitoring applications'</p>	<p>RAQ2 Weather station</p>	<p>This document cannot be shared digitally or manually due to copyright restrictions.</p>
<p>'National Environmental Monitoring Standard Rainfall Recording - Measurement of Rainfall Data for Hydrological Purposes' version 2.1 (August 2017)</p>		<p>NEMS-Rainfall-Recording-v2.1.pdf (bucketeer-54c224c2-e505-4a32-a387-75720cbeb257.s3.amazonaws.com)</p>

Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region' June 2016 Guideline Document 2016/005 Version 2	REW2 Earthworks and land disturbance stabilisation	Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (aucklandcouncil.govt.nz)
	RES1 Erosion and sediment control standards	
	RES7 Amending certified Site-Specific Erosion and Sediment Control Plans	
	Schedule 8: Objective and content of the Erosion and Sediment Control Plan	
Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (reprinted 2020)	RWT1 Surface water abstraction	Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (LI 2020/176) Contents – New Zealand Legislation
Waka Kotahi NZ Transport Agency 'Stormwater Treatment Standard for State Highway	RSW1 Operational stormwater standards	Stormwater Treatment Standard for State Highway Infrastructure (May 2010) (nzta.govt.nz)

Infrastructure' dated May 2010	RWB1 Permanent culvert design standards	
Waka Kotahi NZ Transport Agency 'P46 Stormwater Specification' dated 2016	RSW1 Operational stormwater standards	NZTA P46 State Highway Stormwater Specification Ver 1 April 2016
	RWB1 Permanent culvert design standards	
Wellington Water 'Water Sensitive Design for Stormwater: Treatment Device Design Guideline' dated 2019	RSW1 Operational stormwater standards	WSD-for-Stormwater-Treatment-Device-Design-Guideline-December-2019.pdf (wellingtonwater.co.nz)
Waka Kotahi NZ Transport Agency's 'Bridge Manual SPIM/022 Third Edition, Amendment 4' dated May 2022	RBS1 Bridge design, construction and operation standards	Bridge manual Waka Kotahi NZ Transport Agency (nzta.govt.nz)
	RWB1 Permanent culvert design standards	

Waka Kotahi 'Environmental and Social Responsibility Policy' (2022)	Schedule 2 – Objectives and content of the Construction Environmental Management Plan	Environment and Social Responsibility Policy (nzta.govt.nz)
Waka Kotahi 'Code of Practice for Temporary Traffic Management' (November 2012)		CoPTTM document Waka Kotahi NZ Transport Agency (nzta.govt.nz)
'Good Practice Guide for Assessing and Managing Dust', published by the Ministry for the Environment, 2016		good-practice-guide-dust-2016.pdf (environment.govt.nz)
'Guide to assessing air quality impacts from state highway projects' (version 2.3) published by Waka Kotahi, October 2019		Air quality assessment guide - October 2019 (nzta.govt.nz)
'Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines' Tuia Pito Ora/New Zealand Institute of Landscape Architects, June 2022	Schedule 6: Methodology for revised assessment of visual effects	Te Tangi a te Manu Version 01 2022 .pdf (nzila.co.nz)