

01 November 2022

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Ōtaki to north of Levin Highway Project - Resource Consents Applications

Kia ora koutou

Please find enclosed applications for resource consents by Waka Kotahi NZ Transport Agency ("Waka Kotahi") to enable the construction, operation, maintenance and improvement of 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 Ōtaki to North of Levin Highway Project ("Ō2NL Project").

Details of the nature of the resource consents sought are provided in the Forms (Form 9 (and the associated Ō2NL Project notice of requirement Forms 18)) in 'Volume I: Notices of Requirement for Designation, Applications for Resource Consents and Request for Determination by the Environment Court', and as detailed in the supporting documentation.

The documentation provided in support of the applications for resource consents is structured as follows:

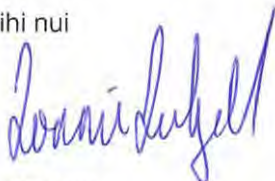
- Volume I: Notices of requirement for designation, applications for resource consents; and request for determination by the Environment Court
- Volume II: Supporting documentation and assessment of effects on the environment
- Volume III: Drawings and plans
- Volume IV: Technical assessments
- Volume V: Cultural impact assessments.

As set out in the attached Form 7A, Waka Kotahi requests (under section 87D of the Resource Management Act that Wellington Regional Council, together with Manawatū Whanganui Regional Council, Kāpiti Coast District Council and Horowhenua District Council, allows the NoRs and applications for resource consent to be determined by the Environment Court instead of by Greater Wellington Regional Council.

Waka Kotahi also requests that the applications be publicly notified. With regard to the deposit for lodgement, as agreed, please provide an invoice to apinvoices@nzta.govt.nz and refer to WBS 60060322.

If you have any queries regarding the NoRs and applications for resource consent, please contact Caitlin Kelly at Caitlin.Kelly@nzta.govt.nz in the first instance.

Ngā mihi nui



Lonnie Dalzell
Project Director - Ōtaki to North of Levin
Transport Services

Form 7A

Request for application relating to resource consent to be determined by Environment Court
Sections 87D, Resource Management Act 1991

To: Wellington Regional Council ("GW")

1. Waka Kotahi NZ Transport Agency ("Waka Kotahi") requests that you allow the following applications for resource consent and notices of requirement lodged by Waka Kotahi to be determined by the Environment Court instead of by GW:
 - Applications made by Waka Kotahi, dated 1 November 2022, for:
 - land use consents in accordance with section 9(2) of the Resource Management Act 1991 (RMA) and the Proposed Natural Resources Plan (PNRP);
 - land use consents in accordance with section 13 of the RMA and the PNRP;
 - land use consents in accordance with section 14 of the RMA and the PNRP;
 - land use consents in accordance with section 15 of the RMA and the PNRP;
 - land use consents in accordance with the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES_F);
 - water permits in accordance with section 14 and 15 of the RMA and the PNRP and RFP;
 - water permits in accordance with the NES-F;
 - discharge to land permits in accordance with section 15 of the RMA and the PNRP;
 - discharge to water permits in accordance with section 15 of the RMA and the PNRP and RFP;
 - discharge to air permits in accordance with section 15 of the RMA and the PNRP.

For full details of consents sought please refer to Form 18 (in Volume I) and Part D of Volume II: Supporting Information and Assessment of Effects on the Environment.

2. Concurrent applications for resource consents and notices of requirement are lodged with Kāpiti Coast District Council, Horowhenua District Council and Manawatū-Whanganui Regional Council as detailed in Volume I of the accompanying documentation.
3. The applications relate to the construction, operation, maintenance and improvement of new state highway and shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and State Highway 1 north of Levin known as the Ōtaki to North of Levin Highway Project ("Ō2NL Project"). The Ō2NL Project is the northern most section of the Wellington Northern Corridor, connecting to the Peka Peka to Ōtaki expressway, which is due to be completed in late 2022. Once PP2Ō is complete, a minimum 4-lane expressway from central Wellington CBD to north of Ōtaki (Taylors Road) will be provided. The Ō2NL Project is described in further detail in Volume II, Part C of the accompanying documentation.
4. The reasons for the request are as follows:
 - The applications relate to the delivery of significant infrastructure (with an overall cost of approximately \$1.5bn) with a wide range of public benefits. In particular, the Ō2NL Project enhances the safety of travel on the state highway network, improves the resilience of the state highway network, enables mode choice for travel between local communities and supports inter-regional and intra-regional growth and productivity through improved movement of people and freight on the state highway network.
 - A direct referral will reduce duplication and be more efficient in terms of time and costs for all parties. This is because:

- as the Ō2NL Project has developed it has been the subject of comprehensive public engagement over many years, which has given key potential submitters and the community a sound understanding of the Project and the matters that are likely to be issues in respect of the applications; and
- a decision made by GW would likely come to the Environment Court on appeal because there is significant local and regional interest in the Project and there are a number of potentially affected parties such that the likelihood of an appeal is high.
- The Ō2NL Project is complex, because it includes substantial physical works over a 24km length; is located in four council jurisdictions; and includes two notices of requirement and applications for a numerous of resource consents. For this reason, it is expected that evidence would be provided by numerous expert witnesses and it is appropriate for the Environment Court to consider evidence on the Project given the Environment Court's:
 - extensive experience with large complex infrastructure project that are technical in nature;
 - ability to direct mediation and expert witness conferencing to narrow issues of contention (including access to commissioners with particular expertise in managing these processes); and
 - ability to test evidence through cross-examination.
- The streamlined decision-making delivered by the application being determined directly by the Environment Court, and that decision being final subject to any appeals on points of law, better enables commencement by mid-2024 (should the Environment Court grant the consents and confirm the associated notices of requirement for a designation).
- The direct referral process enables effective participation by submitters and no parties will be unduly prejudiced by granting this request.

Waka Kotahi has also requested that Manawatū-Whanganui Regional Council, Kāpiti Coast District Council and Horowhenua District Council allow the applications for resource consent and notices of requirement lodged with those councils for the Ō2NL Project to be determined by the Environment Court instead the respective councils.

.....
Signature of person authorised to sign on behalf of the Waka Kotahi NZ Transport Agency

Date: 1 November 2022

Contact details: Waka Kotahi NZ Transport Agency (Ō2NL Project)

Electronic address for service: environmentalplanning@nzta.govt.nz

Postal address: PO Box 5084
Wellington 6140

Contact person: Caitlin Kelly

Telephone: +64 4 830 6844

Email: Caitlin.kelly@nzta.govt.nz

RESOURCE CONSENT APPLICATION

1 November 2022

Waka Kotahi NZ Transport Agency
Ōtaki to north of Levin Highway Project



Application for Resource Consent Under Section 88 of the Resource Management Act 1991

To: Wellington Regional Council
100 Cuba Street, Te Aro
PO Box 11646, Wellington 6011

From: Waka Kotahi NZ Transport Agency
PO Box 5084
Wellington 6140

Waka Kotahi NZ Transport Agency (Waka Kotahi) applies for the following types of resource consents:

Construction Phase Activity	Consent Type	Duration
A discharge permit is sought pursuant to section 15 and Rule R42 on a precautionary basis for discharge to air from the Ō2NL Project works during the construction phase.	Discretionary activity	10 years
A discharge permit is sought pursuant to section 15 of the RMA and Rule R94 for the discharge of cleanfill to land and water.	Discretionary activity	10 years
A water permit is sought pursuant to section 14 and Rule R158 for the taking of surface water.	Discretionary activity	10 years
A water permit is sought pursuant to section 14 and Rule K.R1 for the taking of services water in Kāpiti Whaitua.	Restricted Discretionary activity	10 years
A land use consent is sought pursuant to sections 9(2) of the RMA and Regulation 45 of the NES-F for vegetation clearance, earthworks and land disturbance within or near natural wetlands for the purpose of constructing specified infrastructure.	Discretionary activity	10 years
Operational Phase Activity	Consent Type	Duration
A discharge permit is sought pursuant to section 15 of the RMA and Rule R50 of the PNRP as a discretionary activity for the discharge of treated stormwater from the Ō2NL Project.	Restricted Discretionary	35 years
A land use consent is sought pursuant to sections 9(2) and 15 of the RMA and Rule R107 for earthworks (including any discharge of sediment).	Discretionary activity	35 years
A land use consent is sought pursuant to sections 9(2), 14 and 15 of the RMA and Rule R118 of the PNRP as a non-complying activity for the works within, and reclamation of, a wetland.	Non-complying activity	35 years

Operational Phase Activity	Consent Type	Duration
A land use consent is sought pursuant to sections 13 of the RMA and Rule R143 of the PNRP the reclamation of streams associated with the installation of culverts.	Non-complying activity	35 years
A land use consent is sought pursuant to sections 13, 14 and 15 of the RMA and Rule R145 of the PNRP as a discretionary activity for the placement of culverts (but not reclamation or diversion of water)	Discretionary activity	35 years
A water permit is sought pursuant to section 14 of the RMA and Rule R147 of the PNRP for diversion of streams.	Discretionary activity	35 years
A water permit is sought pursuant to section 14 of the RMA and Rule R160 of the PNRP for dewatering.	Discretionary activity	35 years
A discharge permit is sought pursuant to section 15 of the RMA and Rule R160 of the PNRP for dewatering.	Discretionary activity	35 years
A water permit is sought pursuant to sections 14 and 15 of the RMA and Regulation 45 of the NES-F the taking, use, damming, diversion, or discharge of water within or near natural wetlands for the purposes of constructing specified infrastructure.	Discretionary activity	35 years
A land use consent is sought pursuant to section 13 and Regulation 57 of the NES-F of the reclamation of stream beds.	Discretionary activity	35 years
A land use consent is sought pursuant to section 13 of the RMA for the placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river.	Discretionary activity	35 years

The proposed activity to which the application relates is as follows:

The applications relate to the construction, operation, maintenance and improvement of 24km of state highway and shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and State Highway 1 north of Levin known as the Ōtaki to North of Levin Highway Project (Ō2NL Project).

The Ō2NL Project is the northern most section of the Wellington Northern Corridor, connecting to the Peka Peka to Ōtaki expressway, which is due to be completed in late 2022. Once PP2Ō is complete, a minimum 4-lane expressway from central Wellington CBD to north of Ōtaki (Taylors Road) will be provided.

The Ō2NL Project is described in detail in Volume II of the accompanying documentation, in particular Part C of the AEE, and the drawings and plans in Volume 3.

The site at which the proposed activity is to occur is as follows:

Resource consent applications relates to land located generally between the northern boundary of the Kāpiti Coast District immediately to the east of existing State Highway 1 (SH1) and the northern extent of the Peka Peka to Ōtaki Expressway (PP2Ō) near Taylors Road on SH1.

A full description is provided in in Volume II and shown on the drawings provided in Volume III of the accompanying documentation.

The full names and addresses of the owners and occupiers of the sites are as follows:

Please refer to the schedule provided at Attachment A. The land crossed by the Ō2NL Project is identified in the 'Land Requirement Plans included **Volume III** with the ID used to identify each property. The property Records of Title for each are included in Appendix 1.

Other activities:

Comprehensive resource consent applications and notices of requirements are lodged with Kāpiti Coast District Council, Horowhenua District Council and Greater Wellington Regional Council alongside these lodged applications and seek to authorise the construction, operation, maintenance and improvement of new state highway and shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and State Highway 1 north of Levin known as the Ōtaki to North of Levin Highway Project ("Ō2NL Project" or "Project").

An Outline Plan of Works will be prepared subject to s176 of the RMA before commencing construction, except that an outline plan waiver is requested in relation to enabling works.

Other resource consents:

The following additional resource consents are needed for the proposed activity to which this application relates and have not been applied for:

- a resource consent Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS);

In addition, a number of other RMA statutory approvals will be required including:

- the potential transfer of water permits rights under s.136 of the RMA in relation to existing water bores on property acquired for purposes of construction;
- the submission of outline plans under section 176A of the RMA (Waka Kotahi is not seeking to waive the requirement to submit outline plans, expect for establishment works where a waiver is sought);
- requiring authority consent under section 176 and 177 of the RMA for works that may prevent or hinder an existing designated project or public work from KiwiRail (for crossing the existing rail corridor designation);
- an archaeological authority (or authorities) that may be required by the Heritage New Zealand Pouhere Taonga Act 2014;
- permits from Ministry of Primary Industries under section 97 of the Fisheries Act 1996 in relation to fish; and
- an authorisation given by the Director-General of the Department of Conservation under section 53 of the Wildlife Act 1953 in relation to any protected wildlife.

Supporting information:

The following information is submitted in support of this application, as required by items 7 – 14 of Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003:

Volume	Contents
Volume I	Notices of requirement for designation, applications for resource consents; and request for determination by the Environment Court
Volume II	Supporting documentation and assessment of effects on the environment

Volume	Contents
Volume III	Drawings and plans
Volume IV	Technical assessments
Volume V	Cultural impact assessments



Signed by:

Jenni Fitzgerald
Principal Planner, Poutiaki Taiao / Environmental Planning
Transport Services

Pursuant to authority delegated by Waka Kotahi NZ Transport Agency
1 November 2022

Address for Service:

environmentalplanning@nzta.govt.nz

OR

Waka Kotahi NZ Transport Agency
PO Box 5084
Wellington 6140

Attention: Caitlin Kelly
Ph: 04 830 6844
E-mail: Caitlin.kelly@nzta.govt.nz

Attachment A – Schedule of properties crossed by the Ō2NL Project

Attachment A: Schedule of properties crossed by the Ō2NL Project

The land crossed by the Ō2NL Project is identified in the 'Land Requirement Plans included **Volume III** with the ID used to identify each property.

Greater Wellington and Kāpiti Properties crossed by the Ō2NL Project

ID	Title Reference	Legal Description	Parcel ID	Ownership
4	WN12C/1232	Part Pukehou 5L7A Block	7709614	Arana Herangi Wara, Raukawa Te Ao, Tanira Manaia Cooper, Timi Te Ao, Tumohe Malcolm Wara, Wayne Te Rawhiti Cooper
6			4069443	Road
8			4071933	Road
11	WN30D/831	Lot 1 DP 59942	3754116	Her Majesty the Queen
13			4096968	Road
14	288365	Lot 1 DP 6025	3825892	Ratanui Farm Limited
15	WN454/48	Part Section 1 SO 17751	3755849	Ratanui Farm Limited
16	WN33D/529	Part Lot 2 DP 59942	3755723	Merie Christine Cannon, Trevor John Guy
17			4088256	Road
18	288365	Lot 2 DP 371211	6883168	Ratanui Farm Limited
19	288364	Lot 1 DP 371211	6883167	Claire Makareta Moffatt, Stephen John Moffatt
20	WN27C/643	Lot 1 DP 57801	3995989	David Ernest Pullen, Osmond Seymour Pidduck, Penelope Jane Pullen, Robyn Ann Pullen
21	WN8A/96	Lot 1 DP 31303	3837372	William Hunt
22	921238	Pukehou 5L1A1 Block SO 489585	7626751	Claudine Ada Thompson, Hineira Tuioti, Hoani Carkeek, Lorna Marlene Adams, Manu Bernard Carkeek, Mariarangi Carkeek, Michael Henry Carkeek, Oriwa Carkeek, Puna Irangi Tawhiao
24			4086605	Road
25	WN55A/981	Lot 10 DP 87750	4025313	David James Mahan Brooker, Gault Mitchell Trustee Services Limited, Simone Brooker
27	288365	Lot 1 DP 6025	7598487	Ratanui Farm Limited
28	969418	Lot 1 DP 555911	8190440	William Hunt
29	WN55A/979	Lot 8 DP 87750	3864354	Erin Margaret Lamb, Graeme Ross Allison
30	WN55A/980	Lot 9 DP 87750	3864325	David James Mahan Brooker, Gault Mitchell Trustee Services Limited, Simone Brooker
31	WN55A/978	Lot 7 DP 87750	3864360	Her Majesty the Queen
32			4067438	Road
33	WN55A/977	Lot 6 DP 87749	3862840	Betsyn Maria McHardy

ID	Title Reference	Legal Description	Parcel ID	Ownership
35	WN55A/976	Lot 5 DP 87749	4023876	Goh Realty Limited
36			4087192	Road
38	83010	Lot 2 DP 320898	6623084	Her Majesty the Queen
40	83009	Lot 1 DP 320898	6623083	Her Majesty the Queen
41	WN55A/972	Lot 11 DP 87746	3779581	Her Majesty the Queen
42	WN55A/971	Lot 1 DP 87746	4020685	John Clayton Meo, Stuart Norman Mahan Brooker