

**ENVIRONMENT COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
TE WHANGANUI-A-TARA**

**ENV-2023-WLG-000005**

**Under** the Resource Management Act 1991

**In the matter of** the direct referral of applications for resource consent 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

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**STATEMENT OF REBUTTAL EVIDENCE OF LONNIE WILLIAM D'WAYNE  
DALZELL ON BEHALF OF WAKA KOTAHI NZ TRANSPORT AGENCY**

Dated 10 October 2023

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## INTRODUCTION

1. My full name is **Lonnie William D'Wayne Dalzell**.
2. I prepared a statement of evidence (**Evidence**) regarding the proposed Ōtaki to North of Levin Project (**Ō2NL Project** or **Project**), dated 4 July 2023.
3. My qualifications and experience are set out in my Evidence.
4. In this rebuttal evidence I use the same defined terms as in my Evidence.
5. This rebuttal evidence responds to points made in evidence by:
  - (a) Mrs Karen Prouse on behalf of herself, the Prouse Trust Partnership, and Mr Stephen Prouse;
  - (b) Shelly Warwick, Richard Schimpf Arthur Yeo and Steve Lewis, on behalf of the Horowhenua Equestrian Advocacy Group, Kapiti Equestrian Advocacy Group and the New Zealand Equestrian Advocacy Network (together, the **Equestrian Groups**); and
  - (c) Manawatū-Whanganui Regional Council (**Horizons**), Greater Wellington Regional Council (**GWRC**), Horowhenua District Council (**HDC**) and Kapiti Coast District Council (**KCDC**) (together, the **Councils**).

## RESPONSE TO PROUSES

6. Karen and Stephen Prouse continue to be active participants in the Ō2NL Project. We have continued to engage with Prouses with a mindset to resolve outstanding matters, which has been fairly successful but has not resolved all matters.
7. The Project team has been able to accommodate several of the matters that Mr and Mrs Prouse have raised by offering a property agreement which covers internal access arrangements during construction, existing vegetation and minimising the land required from them for the project.
8. For those matters not related to property the Project has offered:
  - (a) Close boarded 2.0m high timber fencing along the length of the western property boundary for separation and privacy;

- (b) Consideration of a design that does not prevent a future Queen Street East right turn bay into the Prouse property (into and through their north eastern paddock) that may be needed to service future subdivision development on the Prouse property (as signalled on the Tara-Ika Structure Plan);
  - (c) Additional landscape planting along the western boundary of the Prouse property; and
  - (d) Replace trees that are needed to be removed from the existing tree line because of their age, or to address potential project construction and operational project safety concerns.; and
  - (e) the Project will not include public car parking within the designation between 1024 Queen Street East and Queen Street East, as realigned.
9. The matters that continue to be discussed is the resolution of the concerns related to noise and flooding:
- (a) Michael Smith and Siiri Wilkening both consider that DNV1 appropriately addresses the concerns around the modelling and the assumptions made within the modelling, and that addition noise protection at the road edge would not provide a meaningful reduction in noise.
  - (b) Andrew Craig has adjusted the design of the Project to include two additional culverts that would convey overland flows in a 1 in 100 year flood event across the Ō2NL Project, i.e. from the east to the west. These two additional culverts reduce the levels of inundation on the Prouse property. Dr Jack McConchie and Andrew Craig in their evidence conclude that the residual effects of the Project on flooding on the Prouse property are minor and that no further action is needed.
  - (c) Nevertheless, Andrew Craig also observes that some small additional improvements are likely to be secured through the detailed design process. For this reason Waka Kotahi is happy to accept a condition, as indicated above, to investigate stormwater and overland flows to where reasonably practicable further reduce potential flooding effects on the Prouse's property.

## RESPONSE TO EQUESTRIAN ADVOCACY GROUPS

10. The Project team have been engaging with Equestrian advocates since at least 2019. The team have explained consistently that a bridleway is not part of the scope of the Ō2NL project.
11. I acknowledge that providing for equestrian uses on the SUP would have benefits, including economic, health and safety benefits now and in the future. However, I am not aware of any adverse effect that the Ō2NL Project may have on any equestrian facilities including existing bridle paths or trails. Also, over the past 20 years there have been no recorded traffic crashes on the part of the state highway between Ōtaki and north of Levin that have involved horses or equestrian users, that is aside from one crash that involved an empty horse float.
12. I accept that horse riders were accommodated on the SUP that was provided as part of new state highway development through Kāpiti (namely through the Mackays to Peka Peka and the Peka Peka to Ōtaki projects). Both of these projects cut across horse riding facilities and bridleways, including those, for example, associated with Kāpiti Pony Club. In these circumstances, it was therefore appropriate to provide new facilities to reconnect severed connections and to re-establish networks. This approach was consistent with Kāpiti Coast District Council's 'Cycle, Walkways and Bridleways Strategy' that provides a strategy for the ongoing development of a bridlepath network in Kāpiti including completing gaps in the network. As such, this Project does not have the same impact as the Kāpiti expressway (the Mackays to Peka Peka and Peka Peka to Ōtaki projects) and therefore does not necessitate the same response. I have heard from the equestrian advocacy groups that they believe that there is limited to no safety or cost issues relating to the inclusion of a bridleway as part of the shared use path.
13. With regards to safety, the proposed Ō2NL shared use path crosses the new highway via overbridges, underpasses, which would pose new potential risks that would need to be assessed as part of any safety audit. This is also where additional costs would be incurred because of additional bridge width or screening/protection for users but also traffic on the new highway. It is difficult to determine the exact cost implications, but a bridge roughly costs \$5000/sqm.

## RESPONSE TO THE COUNCILS

### *KCDC – Transport*

14. The Project team have been engaging with KCDC since the commencement of Project investigations in 2012. Recently, KCDC have been actively involved in the DBC phase of the project investigations (from 2020). I have been actively involved in this since late 2022.
15. KCDC have been clear that their key concern is the design of the Southern Interchange (Taylors Road) and have provided evidence (Mr Dunlop and Mr Mallon) to support that position including matters discussed on previous projects and design options.
16. The current design, provided as part of the application, provides a better situation than the existing and responds to comments received from local communities, including the residents from the Manakau area. Community feedback is important when developing and considering potential solutions. In summary, local communities were concerned with the previous design solution which would have required south bound users (from Manakau) on the old state highway to travel through Ōtaki before being able to join the new state highway. Following community feedback, the design was adjusted to provide south facing on and off ramps onto the new state highway, restoring existing connectivity for local communities. KCDC were involved in these discussions and their views were taken on board when making decisions.
17. This design does result in some minor access issue for approximately 6 residential properties located directly off the current State Highway 1 as set out in Phil Peet's evidence but overall, the project provides community access, safety and resilience benefits as compared to the current transport network.
18. I understand KCDC's position that there may be opportunity to find additional improvements to the transport network as part of the Ō2NL Project. Therefore, I have offered to undertake further design investigations with KCDC, to explore those opportunities and that could address the points it has raised. To support this approach Waka Kotahi drafted a Principal Development Agreement, which was issued to KCDC in March 2023 that would commit it and KCDC to an on-going investigation.

19. However, I do not consider it is appropriate to define the KCDC outcome through an RMA process, given that it could have unintended consequences, especially with landowners and other submitters, and the considerable engagement that has gone on regarding the connection in this area. I refer to Mr Peet's evidence where he addresses some of these outstanding issues that would need to be addressed in subsequent investigations.

*HDC – Transport*

20. Waka Kotahi and HDC have been working together around how the Tara-Ika and Ō2NL projects are integrated, and this includes the EWA connection.
21. With regards to enabling the EWA via the Ō2NL designation, I consider that this should not been done as a last-minute addition. In November 2022 HDC decided not to lodge their EWA application with the Ō2NL application. There is now a separate process that has been agreed with HDC and that is the right pathway to follow to provide the community with the ability to be part of the process. As discussed in Mr Peet's evidence the EWA is not required to be built to address any effect of the Ō2NL Project.

*Hydrology (Peter Kinley)*

22. In response to the concerns raised in the evidence of Mr Kinley:
- (a) Waka Kotahi accepts a condition that requires the Project to not increase internal flooding of existing habitable rooms by more than 10mm.
  - (b) The Project will be designed in general accordance with the hydrology modelling that has been undertaken and will seek to further reduce flood levels as far as reasonably practicable.
  - (c) The modelling undertaken is of a magnitude of flood that is relevant to the state highway network, in this instance this part of State Highway 1 is a part of the nationally strategic road network in the Lower North Island (Arataki, September 2023 v1.1). Accordingly, the modelling is for a 1 in 100 year flood event that occurs in 2130, and hence allows for 100 years of climate change. This scale of event is a much bigger magnitude of flood event than is required to be considered when

assessing the effects of development by the Horizons and the Greater Wellington Regional Plans.

- (d) The scale of effects that the Councils' are seeking to apply to this Project will require significantly more investment in infrastructure that will likely make the Project unaffordable. Mr Craig has identified those locations in his evidence and Dr Jack McConchie outlines in his evidence the scale of infrastructure that would be required to reduce the effects to the standard that is being proposed by the Council advisors. This would mean that parts of the Project would need to be lifted and or replaced with bridge type structures to ensure that cross flow flood waters are not impeded by the Project. Aside from costs this would also increase the footprint of the Project (the space needed to construct the project) and likely have significantly increased landscape, ecological and amenity (especially noise) effects than reported in the technical assessments and lodged RMA applications.
- (e) I gave evidence in respect of the Te Ahu a Turanga Project where the same standard of flood modelling was undertaken and the increase in scale of flooding (effects) created by that Project are similar to what is modelled to occur for this Project, but there were no issues of concern in respect to flooding for that Project. I am surprised that now a significantly different approach is being adopted by the regional council, especially considering the conservative modelling approach the project has taken.

*Design Review Audit (Helen Anderson)*

23. In response to the Design Audit concerns raised in the evidence of Ms Anderson:

- (a) During the development of the Cultural and Environmental Design Framework, my planning team and CEDF author, along with our Iwi Partners developed an Audit process to track the progress of the development of the design against the Principles in the CEDF, leading to lodgement of the Concept Design in November 2022. This Audit process informed design decisions and ultimately also assisted Iwi Partners to identify issues that needed reporting in the Cultural Impact Assessment reports.



- (b) Consequently, it was agreed that this process should be locked into the design development process going forward via condition DTW5. This was one of the specific mitigations that our Iwi Partners wanted and is referred to and described on pages 198 and 199 of Volume II: Supporting Information and Assessment of Effects on the Environment Report. The Audit process would specifically ensure that the CEDF values consistently underpin the design development through to, and during the construction period. This approach recognises and appreciates that cultural impacts and effects will change over time. The approach provides an adaptive and responsive approach for iwi partners to participate in the Ō2NL Project as it progresses.
- (c) Accordingly, the CEDF design audit process is very much focussed on the partnership with our Iwi Partners and their involvement in the ensuing phases. So I am concerned that Councils now want to use the Audit process to potentially secure other outcomes. If there are specific effects that the Council are concerned about then these should be defined so that these matters can be considered and resolved.
- (d) Ms Anderson, in her report refers to wanting landscape plans and specifications to be provided (para 30) and notes that conditions don't specify how landscaping will be implemented. I understand from discussion with Ainsley McLeod that Outline Plans do include a requirement to provide landscape plans and so that specific matter will be addressed. Also, I understand that proposed conditions require planting to be undertaken generally as shown on the Planting drawings, and 90% survival rate and 80% canopy closure is required at year 5. Ms Anderson does (in para 32) describe Waka Kotahi's landscape guidelines and while I accept that these guidelines will be provided to the constructor, they are only guidelines and so it is not appropriate to require aspects of those guidelines to be inserted into the Audit as then they may read as standards. What matters is whether the landscape meets the 90% survival rate and 80% canopy closure at 5 years, not how we get there, and I would not want to unduly constrain the constructor.
- (e) Further, it does not to my mind, make sense to add these specific landscape specifications to a Design Audit which is entirely based on measuring how design accords with principles from the CEDF, where the principles are outcome focussed: '*tread lightly, with the whenua*'

and 'create an enduring legacy'. These are two different types of thing and would detract from the Auditing process.

*Tangata Whenua Conditions (Helen Anderson/Mark St Clair)*

24. In response to the Tangata Whenua conditions concerns raised by Ms Anderson and Mr St Clair:
- (a) I understand that discussions with our Iwi Partners are continuing, and that good progress is being made. Ainsley McLeod has provided a progress update in her evidence, which provides evidence of that progress and notes that additional work is needed to be undertaken to resolve detailed matters, particularly around process to ensure appropriate involvement in design development.
  - (b) I am mindful of the need to continue these discussions and have urged my team to continue working carefully with our Iwi Partners to form conditions. My team will continue to work with urgency to complete this task.

*Prouse access and existing cycleway connection (Graeme McIndoe)*

25. In response to the Prouse access and cycle connections concerns raised by Mr McIndoe:
- (a) I understand that Mr McIndoe is concerned about ensuring appropriate access to the Prouse property and maintaining the existing cycleway connection.
  - (b) I can confirm that as part of the application Waka Kotahi have committed to connecting the existing pathway to the new SUP and maintain the existing east-west connection via an overbridge.
  - (c) The carpark will also be reinstated in an agreed location.
  - (d) The location of the SUP at the Queen St East will be finalised during the detailed design process but the Project will consider Mr McIndoe's preference for it to be connected underneath the proposed Queen Street East overbridge, alongside the proposed state highway.
  - (e) I have addressed the issue of the Prouse property access earlier in my evidence.

*Network Integration Plan (Tim Kelly)*

26. Mr Kelly raises in his evidence an opportunity to include a Network Integration Plan condition.
27. I support the conclusion of Mr Peet that there is no need for such a plan in terms of managing effects on the transport network.
28. For this Project, all interfaces have been agreed in the development of the Project with the exception of Taylors Road and access to the Prouse property. I have detailed above how the Project proposes to deal with both of those matters. I have also explained the position in respect of KCDC's request for an alternative configuration at Taylors Road / Southern interchange.
29. So, overall, I see no reason why a Network Integration Plan would be required.

*Water Take Consent Conditions (Mike Thompson)*

30. In response to the water take conditions raised by Mr Thompson:
  - (a) Water take consent are essential for a construction project both during the period of construction and the defects period post road opening.
  - (b) There will be activities undertaken up to 6 years post road opening such as plant maintenance, road surfacing with OPGA to be laid up to 18 months post opening, and depending on construction sequencing activities such as shared use path construction.
  - (c) Tū ai te Wai (elevate the status of water) is an important principle of the Project and there is no desire to take advantage. There will be a point that water take will no longer be required, and certainly where the volume required for the project will significantly decrease, but to provide outcomes and quality that is expected and required by the conditions of the consent there needs to be flexibility for when water take is no longer required.

*Operation and Maintenance Plan (Stuart Farrant/Logan Brown/Mark St Clair)*

31. To ensure consistency around the country Waka Kotahi uses standard operating procedures, that are not project specific but rather region or nationally focussed to ensure that maintenance activities are undertaken in a fair and cohesive way across each region and the country.

32. Waka Kotahi takes a strategic approach to asset management once a road is handed over to our maintenance and operations team through its network outcomes contracts (the 'NOC'). These contracts are between Waka Kotahi and suppliers to provide all management and maintenance activities for state highways including resurfacing and maintaining road markings, street lighting and stormwater devices.
33. The Project area traverses two NOC areas, although it is likely that once operational, for efficiency of approach, the new state highway will be maintained and operated by the Wellington Transport Alliance (WTA). The WTA is an eleven year alliance between Waka Kotahi, WSP and Fulton Hogan to operate and maintain the state highway network assets in the Greater Wellington Region (and slightly beyond).
34. I agree with what Nick Keenan has set out in his evidence. An Operational Management Plan will be initially developed by the Designer as part of the detailed safety in design process, and further, will be a requirement of the Contractor to complete as-built information and provide this to Waka Kotahi as owner and operator of the proposed stormwater management systems. As such, an Operational Management Plan will be developed as part of the Project but will then be handed over to the maintenance and operations team to implement through their maintenance contracts.

*Perpetual Plant Management (James Lambie/Forest and Bird)*

35. Anything proposed to be delivered in perpetuity is not something the project or Waka Kotahi can agree to deliver as it will lead to significant and enduring / perpetual costs, where those costs would extend beyond duration of the consents which have a limited duration of 35 years.
36. I also understand from the evidence of Mr Goldwater that pest plant management in perpetuity is not required to be imposed to enable the plants to be protected from pests. I am not aware of any other project where pest plant management in perpetuity was required.
37. Also, as I have set out above, pest plant management is undertaken on a regional basis rather than a project basis so there has to be consistency about pest plant management across the region and normally, such as the case of the neighbouring Peka Peka to Ōtaki pest plant management is only undertaken for a finite period of about five years.

38. In my experience the best form of protections for the planted areas are the legal property protections which the project team are already proposing or through protections provided by other organisations such as the Department of Conservation or Queen Elizabeth II Trust.

**Lonnie William D'Wayne Dalzell**

**10 October 2023**