

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan

FROM Wayne Siu

DATE 1 May 2019

SUBJECT **Alteration to Designation in accordance with s181 of the Resource Management Act**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Alteration to Designation 6763 State Highway 1	
<ul style="list-style-type: none"> ▪ A decision has been made to confirm an alteration to an existing designation under Section 172(1) of the RMA ▪ No appeals to the decision have been received within 15 working days of the date of the notice of decision, pursuant to Section 174(2)(c) of the RMA 	
Chapter	Chapter K Designations
Section	New Zealand Transport Agency
Designation only	
Designation # 6763	State Highway 1 – Puhoi to Topuni
Locations:	State Highway 1 from Titfords Bridge, Puhoi to Ross Road (Kaipara District Council boundary), Topuni
Lapse Date	Given effect – no lapse date
Purpose	State Highway 1
Changes to text (shown in underline and strikethrough)	No changes.
Changes to diagrams	No changes.
Changes to spatial data	Update the AUP GIS Viewer – Unitary Plan Management Layers – Designations to incorporate an additional 16,162m ² of land (over 18 properties) alongside the existing Designation 6763 State Highway 1.
Attachments	Attachment 1: Requiring Authority acceptance letter Attachment 2: Planners Report Attachment 3: Spatial Map

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Wayne Siu
Planner – Planning North/West



Signature:

12 November 2018

Auckland Council
Private Bag 92300
Auckland 1142

Attention: Wayne Siu

RE: Notice of requirement for a designation under Section 181 of the Resource Management Act 1991 for an Alteration to Designation 6763 State Highway 1- Decision

The New Zealand Transport Agency (NZ Transport Agency) has received and reviewed Auckland Council's recommendation on the Notice of Requirement for the designation of land for a component of the State Highway 1 (SH1) Dome Valley (Wellsford to Warkworth) (referenced by Council as Designation 6763), including the recommendation report and its recommended conditions.

This letter confirms that the NZ Transport Agency (the Requiring Authority) accepts Auckland Council's recommendation in full and confirms the requirement to alter the designation along the SH1 Dome Valley corridor for the construction, operation and maintenance of safety improvements along the corridor in accordance with section 172 of the Resource Management Act 1991.

If you have any further queries please do not hesitate to contact Jo Healy - Planner; Safe Roads Alliance (jo.healy@saferoads.co.nz or 09 308 0831).

Yours sincerely



Deepak Rama
Principal Resource Planner
NZ Transport Agency

**Notice of requirement under section 181
of the RMA by the New Zealand
Transport Agency for the an alteration to
Designation 6763 under the Auckland
Unitary Plan Operative in Part**



To: Manager, Planning North West and Islands

From: Wayne Siu, Planner

Report date: 6 November 2018

Notes:

The notice for this alteration was limited notified. As there were no submissions, a hearing was not required.

The Manager - Planning - North/West and Islands, Plans & Places has delegated authority, in accordance with Schedule 1 of the Auckland Council Delegations: Chief Executive Officer (updated January 2018), to exercise the council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to section 171.

The NoR can therefore be considered by the Manager – Planning - North/West and Islands, Plans & Places and a recommendation made under section 171 as to whether the requiring authority confirm, modify or withdraw the requirement.

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Summary

Requiring authority	New Zealand Transport Agency
Notice of requirement reference	Designation 6763 State Highway 1
Resource consent applications	Resource consent applications referenced as BUN60323100 have been lodged for this project and are being reported, heard and determined separately to the notice of requirement.
Reporting planner	Wayne Siu, Planner
Site address	Dome Valley section of SH1
Lodgement date	5 July 2018
Notification date	30 August 2018
Submissions close date	2 October 2018
Number of submissions received	Total: 0

1 Introduction

1.1 The notice of requirement

The NZ Transport Agency (NZTA), as the requiring authority, has served a notice of requirement (NoR) on Auckland Council (Council) pursuant to section 181 of the Resource Management Act 1991 (RMA) for an alteration to Designation 6763 State Highway 1 between Wellsford and Warkworth. The alteration is to enable the undertaking of works to install safety measures. It will incorporate an additional 16,162m² of land (over 18 properties) alongside the existing SH1 designation corridor to accommodate temporary construction and operation components of the project.

1.2 Locality plan

The general location of the project is shown on Figure 1 below. The reader is also referred to Appendix C – Drawings of the NoR (Attachment A) which outlines the extent of the existing designation and the extent of the NoR.

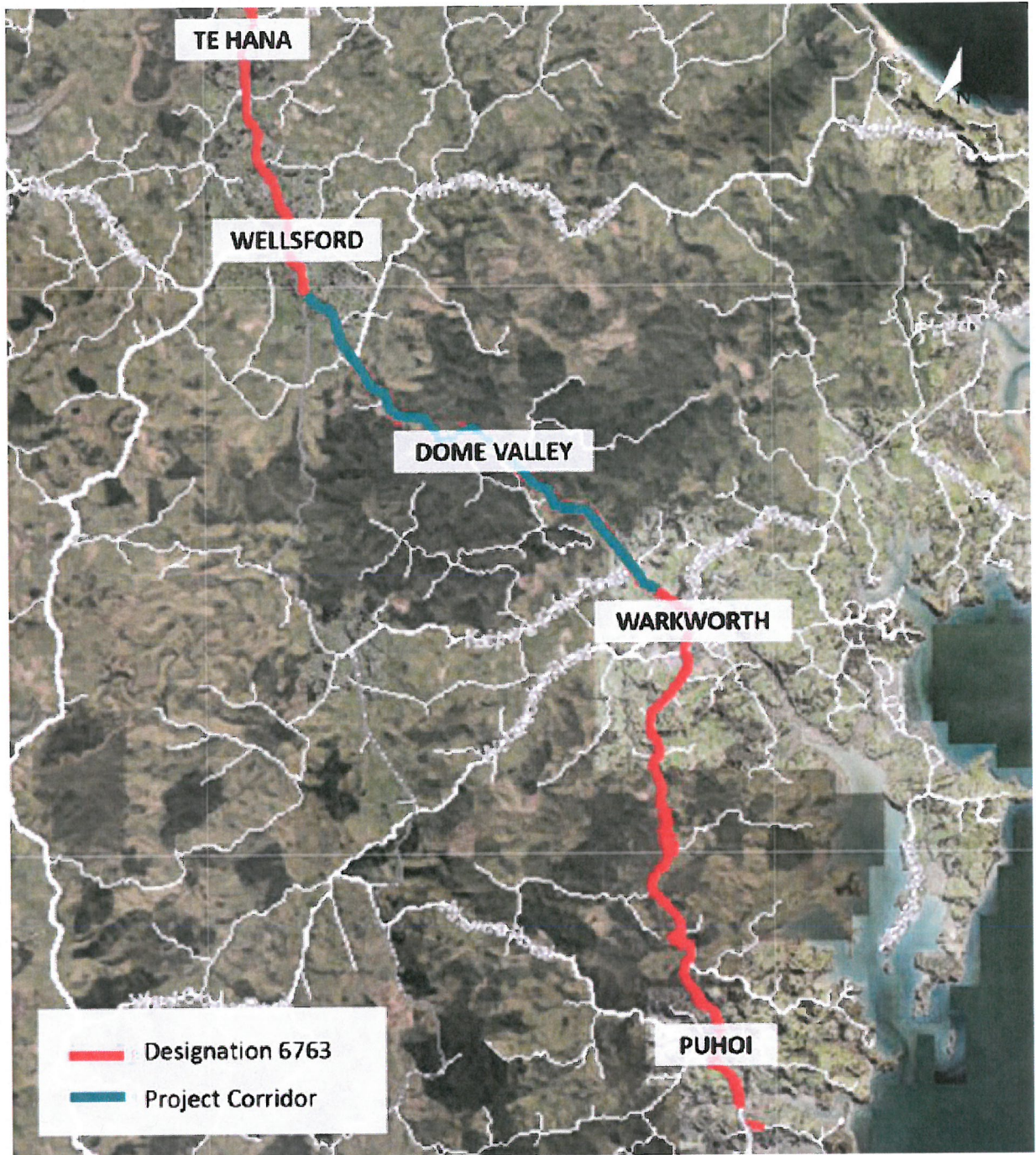


Figure 1 –Aerial photograph of extent of designation and local area

1.3 Notice of requirement documents

The lodged NoR consists of the following documents:

- Notice of Alteration of Designation 6763 to Auckland Council - State Highway 1 Dome Valley Safety Improvements: Alteration to Designation 6763 [Form 18 and assessment of environmental effects]
- Certificates of Title
- Land Requirement Plans

- Drawings
- Ecology Report
- Archaeological Report
- Cultural Impact Assessment
- Land Requirement Analysis
- Consultation
- Preliminary Site Investigation – Contaminated land

The documents are included in Attachment A

1.4 Section 92 requests and responses

Section 92 of the RMA allows councils to request further information from a requiring authority and/or commission a report, at any reasonable time before the hearing.

The council made a further information request on 20 July 2018 and received responses on 10 August 2018. They are included in Attachment B

1.5 Specialist reviews

The assessment in this report takes into account reviews and advice from the following technical specialists engaged by the council:

Specialist	Specialty
Martin Peake – Director, Progressive Transport Solutions	Transport
Rue Statham - Senior Ecologist (North/West) Environmental Services - Infra & Env, Infrastructure & Environmental Services	Ecology
Chris Mallows - Team Leader Cultural Heritage Implementation, Heritage Unit	Archaeology
Matt Byrne - Earthworks, Streamworks & Sediment Management Consultant Earth, Streams & Trees - Specialist Unit	Earthworks
Gemma Chuah – Senior Specialist, Stormwater, Wastewater and Industrial or Trade Activities Team, Specialist Unit	Stormwater

These specialist reviews on behalf of the council are included in Attachment C.

2 Notice of requirement description

2.1 Background

The government's Safe Roads and Roadsides programme aims to significantly reduce deaths and serious injuries on rural state highways. This project is part of that program and will improve safety of the Dome Valley section of SH1.

2.2 Proposal

The alteration incorporates an additional 16,162m² of land alongside the existing SH1 designation corridor. The affected properties are:

Table 1: affected properties

Address	Legal description
1644 State Highway 1, Wellsford	Lot 1 DP 40454
1626 State Highway 1, Wellsford	Section 2 SO 455214
Sec 7 SO 434733, Centennial Park Road, Wellsford	Section 7 SO 434733
1599 State Highway 1, Wellsford	Part Section 8 Block XVI Otamatea SD AND Section 64 Block XVI Otamatea SD
(1737375, 5980465) - State Highway 1 Wellsford	Null
1525 State Highway 1	Lot 3 DP 184652
1496 State Highway 1	Part DP 25825
1494 State Highway 1 Wayby Valley	Lot 1 DP 171826
Lot 2 DP 171826, State Highway 1, Wayby Valley	Lot 2 DP 171826
1325 State Highway 1, Wayby Valley	Part Section 32 Block XII Pakiri SD
Part Allot 67 PSH OF Hoteo, State Highway 1, Wayby	Part Allot 67 PSH OF Hoteo
Lot 1 DP 71573, State Highway 1, Dome Valley	Lot 1 DP 71573
795 State Highway 1, Dome Valley	Part Allot NW8 PSH OF Hoteo AND Part Allot 113 PSH OF Hoteo
762 State Highway 1, Dome Valley	Lot 1 DP 92828

Address	Legal description
(1742930,5976075)-State Highway 1, Dome Valley	Null
496 State Highway 1	Part Allot 153 PSH OF Hoteo AND Part Allot S3 PSH OF Hoteo
325 State Highway 1, Dome Valley	Lot 1 DP 351614
Lot 2 DP 351614, State Highway 1, Dome Valley	Lot 2 DP 351614

The scope of physical works are summarised below:

- Installation of 9km of wire rope median barriers.
- Installation of 5km of wide centreline.
- Replacement of 2.4km of the side barriers at shoulder widening sections.
- Pavement widening of 1m to 4m where required to accommodate widened shoulder and centre treatments.
- Reconfigured lane widths of 3.5m, shoulder widths of 1.5m and median barrier centreline widths of between 1.5m and 2.5m (1.5m wide centreline and 2.5m wide median with guardrail).
- Converting the existing Dome Summit Northbound and Southbound passing lanes to single lane with a 3.0m wide shoulder.
- Installation of right turn bays (RTB) at:
 - Wellsford Golf Course;
 - Dome Summit; and
 - L Phillips Road (Sheepworld).
- Installation of 9 hook turns (Offline turnarounds to mitigate median barriers).
- Stormwater management where required including:
 - Enhance treatment areas;
 - New or extended culverts;
 - Piping of existing roadside channels and/or drains; and
 - Installation and/or relocation of curb and channel

Permanent retaining structures for areas of cut and/or fill will be implemented along the corridor where required.

2.3 Affected land

The affected land is the existing State Highway 1 North (Dome Valley corridor) from the start of the southbound passing lane south of Wellsford (RP 346/1.1), southwards through to the Kaipara Flats Road/Goatley Road intersection (RP 346/16.27), with an approximate project corridor length of 15.2km and adjacent land. Land requirement plans provided as Appendix B of the NoR describes the land that will be directly affected and required for the project and associated works.

2.4 Site, locality, catchment and environment description

This report relies on the site and environment descriptions provided by the requiring authority as set out in section 4 and Appendix D – Ecology Report of the NoR.

2.5 Other designations, notices of requirement and consent applications.

The NoR crosses over the Taupaki to Topuni Gas Pipeline (Designation – 9101) and Petroleum Pipeline (Designation 6500). The requiring authority has been in discussion with First Gas Limited and the New Zealand Refining Company Ltd to manage any works above these assets to prevent any damage to the underlying network utilities.

The requiring authority has concurrently lodged resource consents for earthworks and discharge from the highway (LUC60322848), and diversion and discharge of stormwater (DIS60323101). The resource consents lodged for this project are being reported, heard and determined separately to the notice of requirement.

3 Notification and submissions

The NoR was processed with limited notification.

Notification was limited to landowners from which land is required for the NoR.

3.1 Notification

The NoR was limited notified on 30 August 2018

The closing date for submissions was 2 October 2018.

3.2 Submissions

No submissions were received.

4 Consideration of the notice of requirement

4.1 Designations under the Resource Management Act 1991

The RMA provides that the procedures adopted in processing a notice of requirement are generally those adopted for processing a resource consent application. This includes lodgement, requiring further information, notification, receiving of submissions, and hearing of submissions if required. In respect of this NoR, all of those procedures have been followed. A hearing of submissions is not required given that no submissions were received.

The procedure differs from the resource consent process in respect of the council consideration of the NoR. Section 171(1) of the RMA states:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - (a) *any relevant provisions of—*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*

- (iii) *a regional policy statement or proposed regional policy statement:*
- (iv) *a plan or proposed plan; and*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

Section 171(1)(a) is addressed in section 4.4 below. Section 171(1)(b) is addressed in section 4.9 below. Section 171(1)(c) is addressed in section 4.10 below. Section 171(1)(d) is addressed in section 4.11 below.

Section 171(1) is subject to Part 2 of the RMA. Part 2 contains the purpose and principles of the RMA. It has been confirmed by the Environment Court that, in relation to a designation matter:

...all considerations, whether favouring or negating the designation, are secondary to the requirement that the provisions of Part II of the RMA must be fulfilled by the proposal.¹

After considering these matters, the council needs to make a recommendation to the requiring authority under section 171(2) of the RMA which states:

- (2) *The territorial authority may recommend to the requiring authority that it –*
 - (a) *confirm the requirement:*
 - (b) *modify the requirement:*
 - (c) *impose conditions:*
 - (d) *withdraw the requirement.*

Reasons must be given for the recommendation under section 171(3) of the RMA. Refer to section 5 below for my recommendation.

4.2 Effects on the environment

4.2.1 Effects to be disregarded – trade competition

I do not consider that there are any trade competition effects that should be disregarded.

¹ See *Estate of P.A. Moran and Others v Transit NZ* (W55/99)

4.2.2 Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

The Environment Court in *Beadle v Minister of Corrections* A074/02 accepted that the obligation to apply permitted baseline comparisons extended to Notices of Requirement. In *Nelson Intermediate School v Transit NZ* (2004) 10 ELRNZ 369, the Court accepted that the permitted baseline must define the “environment” under section 5(2) (b) and (c) and from that section 171(1). When considering the adverse environmental effects of a proposal, the effects may be considered against those from permitted baseline activities. As the effects resultant from permitted baseline activities may be disregarded, only those environmental effects which are of greater significance need be considered.

In *Lloyd v Gisborne District Council* [2005] W106/05, the Court summed up the three categories of activity that needed to be considered as part of the permitted baseline as being:

1. What lawfully exists on the site at present
2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e., without having to obtain a resource consent (see for example *Barrett v Wellington City Council* [2000] CP31/00).
3. Activities which could be carried out under granted, but as yet unexercised, resource consent.

The existing environment includes the Designation 6763 State Highway 1 – Puhoi to Topuni which allows for the maintenance, operation, use and improvement to the State Highway network. The effects of the existing section of State Highway 1 forms part of the permitted baseline. The alteration proposes to include an additional 16,162m² of land into the designation. Only adverse effects arising from this proposal over the permitted baseline are to be assessed.

4.2.3 Effects that may be disregarded – written approvals.

Any effect on a person who has given written approval to the notice of requirement may be disregarded if it is appropriate to do so.

No written approvals were included in the notice of requirement.

4.2.4 Positive effects

Section 8.1 of the AEE describes the positive effects of the project. This can be summarised as reducing the possibility and severity of crashes occurring and the associated environmental, social, and economic benefits.

I agree with this assessment of the positive effects.

4.2.5 Adverse effects

An Assessment of Environmental Effects is provided in section 8 of the NoR. The following discussion addresses effects in the same order they are addressed in the AEE with additional matters at the end. The relevant council specialists' reports are referred to in this discussion and are included in Attachment C.

4.2.5.1 Permanent Land Acquisition

Effects of permanent land acquisition are addressed in section 8.2 of the AEE. Approximately 5,900m² of land will be acquired – divided over 11 properties. They range from 11m² to 3,873m². It concludes that any effects would be minor as land requirement does not include any buildings and will not preclude the continual existing uses of the properties. The loss of productive land will be mitigated by compensation through the Public Works Act process.

I agree with this assessment.

4.2.5.2 Temporary Land Acquisition

Effects of temporary land acquisition are addressed in section 8.3 of the AEE. Approximately 10,200m² of land will be temporarily acquired, affecting 12 properties. Active construction is proposed to take approximately 2 – 3 months. Appendix H – Consultation of the NoR outlines the proposed mitigation measures on each affected site. They generally include ensuring landowner access and the erection of stock proof fencing.

It concludes that any effects would be minor as the site specific arrangements will provide sufficient mitigation measures and land will be reinstated on completion of works, as agreed with the landowner.

I agree with this assessment.

4.2.5.3 Construction Effects

Earthworks

Section 8.4.1 of the AEE addresses the effects of earthworks. It states that any earthworks will be managed in accordance with the Transport Agency's Erosion and Sediment Control Guidelines for State Highway Infrastructure. It also states that the identified effects that may occur will be addressed in the resource consent application lodged for this project.

The council's Earthworks, Streamworks & Sediment Management specialist – Matt Byrne has reviewed the NoR and resource consent applications and provided a response on 18 September which is included in Attachment C. He confirmed that the recommended conditions of the resource consent application will address any potential effects associated with the earthworks and streamworks aspects of the NoR.

Based on this, I am satisfied that the resource consent applications have appropriately addressed the earthwork effects associated with this project.

Cultural Effects

Section 8.4.2 of the AEE addresses the cultural effects of the proposed works. It refers to the requiring authority's technical report Cultural Impact Assessment for the proposed Dome Valley Safety Improvements by Fiona McKenzie. The AEE highlighted mana whenua concerns regarding accidental discovery, sediment and erosion effects of land disturbance, and effects of stormwater run-off from increasing impervious surfaces.

Overall, I agree with the conclusion of the AEE that the erosion and sediment effects, accidental discovery and discharge of contaminants that may occur during construction and operation will be addressed in the Resource Consent Application for this project.

Archaeological and Built Heritage

Section 8.4.3 of the AEE addresses the archaeological and built heritage effects of the proposed works. It is supported by the requiring authority's technical report Archaeological Report by Sarah Phear of Clough and Associated Ltd. The AEE states that there are no recorded archaeological or heritage values within the project boundary. It notes that the Transport Agency Accidental Discovery Protocol P45 (Accidental Archaeological Discovery Specification) will apply during construction works and concludes that any adverse effects on archaeology and heritage are considered to be less than minor.

The council's archaeology specialist – Chris Mallow has reviewed the NoR and provided a response on 14 August 2018 and 1 October 2018. This is included as Attachment C. His initial assessment dated 14 August agrees with the appraisal completed by Ms. Phear, and recommended conditions related to accidental discovery to be attached to the designation. After discussions with the North West Resource Consenting team, it was agreed that the recommended conditions would be more appropriately attached to the resource consent application for the project (email dated 29 September 2018). Chris Mallow agreed in an email dated 1 October 2018.

Based on this response, I am satisfied that the resource consent application has appropriately addressed the archaeological and built heritage effects associated with this project.

Traffic

Section 8.4.4 of the AEE addresses the traffic effects of the proposed works. It proposes the following mitigation measures:

- In the event that construction works require a lane to be closed on the state highway, the works will be undertaken between 7pm and 7am to minimise traffic effects and aim for traffic disruptions to occur during low traffic times.
- Cyclists will be accommodated along the state highway during these works.
- To minimise traffic delays for through traffic the Contractor will monitor and manage the traffic management on the state highway to restrict traffic delays to 5 minutes or less within the project corridor.
- Access to properties will be negotiated with the landowners to ensure access is maintained during construction works as required.

The requiring authority provided further information in its s92 response outlining the Traffic Management Objectives, and requirements and performance targets that will be used to develop a Construction Traffic Management Plan as part of the construction methodology.

Martin Peake of Progressive Transport Solutions has reviewed the NoR on behalf of council and provided a response on 20 August 2018. This is included as Attachment C. Section 10 the traffic review addresses the construction effects. It concludes that that the proposed principles are appropriate and would avoid or mitigate the traffic effects during construction of the project provided that the Construction Traffic Management Plan be approved by the appropriate Road Controlling Authority at the time of the works.

Based on Mr. Peake's assessment, I consider that the proposed mitigation measures will sufficiently mitigate traffic effects arising from the proposed works.

Construction Noise

Section 8.4.5 of the AEE addresses the effects of construction noise. It states that construction noise will be managed appropriately to comply with the Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide (August 2013). My understanding is that construction noise along the project Corridor meets the permitted activity standard E25.6.29 (4) (AUP:OP) for construction noise in roads. I am of the view that this matter is appropriately addressed by the resource consent lodged for this project.

Overall, I am satisfied that there are no discernible construction noise effects to require additional mitigation measures.

Ecology

Appendix D – Ecology Report contains the requiring authority's technical report Assessment of Ecological Effects: State Highway 1 Dome Valley Safety Improvement Project by David Wright of Ecology North. It states that any ecological effects will be managed by mitigation measures

It concludes that the low level of intrusion into areas of high ecological value combined with mitigation measures will result in effects that will be no more than minor. I note that the operational effects associated with the NoR (as opposed to the construction effects as addressed by the resource consent lodged for this project) is limited to the encroachment of the designation into Significant Ecological Areas and effects on the stream and wetland receiving environments as a result of increased surface area.

Council's Senior Ecologist – Ruth Statham has reviewed both the NoR and the resource consent and provided his response on 1 November 2018 which is included as Attachment C. Relevantly, he concludes that the proposed mitigation measures will appropriately manage resulting effects on the environment from habitat alteration.

Council's Senior Specialist for Stormwater, Wastewater and Industrial or Trade Activities Team – Gemma Chuah has reviewed both the NoR and the resource consents and provided her response on 4 September 2018 which is included as Attachment C. She concludes that the stormwater effects on the downstream receiving environment have been appropriately addressed and will be suitably mitigated by conditions which are recommended to be included within the resource consent to divert and discharge stormwater.

Based on the requiring authority's Ecology Report and the reviews by council's specialists, I am satisfied that there will be no discernible ecological effects that require additional mitigation measures. Likewise, I consider that the resource consent application has appropriately addressed the other ecological effects associated with this project.

4.2.6 Effects conclusion

I consider that any effects of the amendment to the existing designation will continue to be avoided, remedied or mitigated and no further conditions to the designation are required.

4.3 National environmental standards

4.3.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES (soil))

The NES (soil) provides a nationally consistent set of planning controls and soil contaminant values to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

A Preliminary Environmental Site Investigation (Contaminated Land) was undertaken for the project. It advises that it is more likely than not that no activity on the Hazardous Activities and Industries List (HAIL) has occurred within the area of proposed earthworks. It considers that the NES (Soil) does not apply to land disturbance activities.

The report recommends that if soils excavated during the proposed works require disposal off-site for construction purposes, they be analysed as per the requirements of the disposal site operator and be accepted for disposal prior to commencement of earthworks.

I consider that the resource consent application has appropriately addressed this matter.

4.4 National policy statements

Section 171(1)(a)(ii) requires the council to, subject to Part 2, consider the effects on the environment of allowing the notice of requirement, having particular regard to any relevant provisions of a national policy statement.

I do not consider that any National Policy Statements are relevant to this NoR.

4.4.1 Hauraki Gulf Marine Park Act 2000 (HGMPA)

This HGMPA is also a national policy statement (refer section 9 of the HGMPA). Geographically it applies to the Hauraki Gulf, its islands and catchments. Catchment is defined to mean *any area of land where the surface water drains into the Hauraki Gulf*. This includes the catchment within which the project works are located.

The key issue is the extent to which the project works address the matters set out in sections 7 and 8 of the HGMPA. Section 7 recognises the national significance of the Hauraki Gulf, its islands and catchments, while section 8 outlines the objectives of the management of the Hauraki Gulf, its islands and catchments. The objectives are intended to protect, maintain and where appropriate enhance the life-supporting capacity of the environment of the gulf and its islands.

The level of modification associated with the alteration to the designation will result in low levels of additional peak runoff flows into the Mahurangi and Wellsford Catchment sections (less than 1%). Based on the requiring authority's Ecology Report and council's specialist reviews, I consider that the adverse effects are no more than minor and that the NoR is generally consistent with the relevant provisions of the HGMPA.

4.5 Regional Policy Statement (Chapter B of the AUP) (RPS)

The RPS sets the strategic direction for managing the use and development of natural and physical resources throughout Auckland.

RPS provisions are addressed in section 10.4 and Table 4 of the NoR. The relevant chapters of the RPS are:

- B3 Infrastructure, transport and energy
- B7 Natural resources
- B9 Rural environment

Chapter B3.3 Transport is especially relevant to this NoR. In particular Policies B3.3.2.1 and B3.3.2.7 seek to enable the effectiveness, efficiency and safety of all transport modes and to avoid, remedy or mitigate the adverse effects of construction and operations of transport infrastructure. The NoR states that the reduction in the amount and seriousness of crashes as a result of the project will support road users to move safely and efficiently along this section of State Highway 1. I agree with this assessment.

The provisions in Chapter B7.2 Indigenous Biodiversity seek to protect and maintain indigenous biodiversity values, while Chapter B7.4 Coastal water, freshwater and geothermal water seeks to manage the adverse effects of stormwater runoff. Based on the assessment of adverse effects in section 4.2.5 above, I consider the NoR consistent with Chapter B7 natural resources.

Chapter B9 Rural Environment is relevant given the location of the designation. This chapter seeks to manage Auckland's rural land. Given the scale and proximity of land affected to the existing state highway corridor, I consider the alteration to the designation to have negligible effect on the character and amenity of the surrounding rural environment.

4.6 Auckland Unitary Plan - Chapter D overlays

Small sections of the NoR are within a Significant Ecological Areas Overlay, Natural Stream Management Overlay and High-Use Stream Management Area Overlay.

I do not consider Chapter D3 High-Use Stream Management Area overlay relevant as the NoR does not take, use or divert water.

Chapter D4 Natural Stream Management Areas Overlay seeks to protect rivers and streams with identified high ecological value.

Chapter D9 Significant Ecological Areas seek to protect and manage identified areas that contribute significantly to Auckland's biodiversity.

The rules that apply to Chapters D4 Natural Stream Management Areas Overlay and D9 Significant Ecological Areas are contained in Chapter E Auckland-wide. The relevant chapters - Chapter E1 Water Quality and Integrated Management, Chapter E11 Regional Land Disturbances, and Chapter E15 Vegetation management and biodiversity are discussed in section 4.7 below.

4.7 Auckland Unitary Plan - Chapter E Auckland-wide

Chapter E provisions are addressed in section 10.5 of the NoR.

It states that Chapter E1 Water Quality and Integrated Management, and Chapter E11 Regional Land Disturbances are regional matters considered under the resource consents application for this project.

I agree with this assessment. I note that the rules in these chapters are also relevant to Chapter D9 Significant Ecological Areas insofar that they address the effects of works within the Significant Ecological Areas.

In addition to this, I consider Chapter E15 Vegetation management and biodiversity relevant due to proposed works necessitating some vegetation removal and habitat alteration. Based on the review by council's senior ecologist Rue Statham (discussed in section 4.2.5.3 of this report), I consider the NoR to be consistent with Chapter E15 Vegetation management and biodiversity by appropriately managing the effects on the environment from habitat alterations.

4.8 Auckland Unitary Plan – Chapter H Zones

Chapter H provisions are addressed in section 10.5 of the NoR. The provisions of Chapter H22 Strategic Transport Corridor Zone states:

Objective H22.2.1 Railway and state highway corridors are used safely, effectively and efficiently for the transportation of people and goods in an integrated manner.

Policy H22.3.1 Provide for the operational requirements of transport activities and a range of appropriate transport related activities.

I agree with the requiring authority's assessment that the proposed safety improvement enabled by the NoR is consistent with the objective and policy of the zone by enhancing the safety of the road corridor.

4.9 Alternative sites, routes or methods – section 171(1)(b)

The requiring authority does not have an interest in all the land. Therefore an assessment of alternative sites, routes or methods is required. The requiring authority's assessment of alternatives is set out in section 6 and of the NoR. Given that the safety improvements will need to occur on or adjacent to this section of the SH1 corridor, I agree with this conclusion.

The requiring authority also provided additional assessment in section 6 and Appendix G – Land Requirement Analysis of the NoR. This assessment concluded that safety treatment, and the land requirement for the construction (temporary) and operation (permanent) of the corridor is the most efficient and effective method. Given the technical nature of this assessment, I have relied on the expertise of Martin Peake of Progressive Traffic Solutions Ltd. He concluded in sections 2 and 3 of his traffic review (Attachment C), that from a traffic perspective, the assessment of options for improvement, and location of where land is required appears appropriate. I agree with this analysis.

In my opinion, the information supplied demonstrates that the requiring authority has satisfied the requirements of section 171(1)(b), in that adequate consideration has been given to alternative sites, routes, or methods of undertaking the work.

4.10 Necessity for work and designation – section 171(1)(c)

The AEE concludes that the alteration to the designation is reasonably necessary to achieve the objectives of the requiring authority, being to reduce the number of New Zealanders that are killed or seriously injured on roads annually, minimising the social harm and economic impact of road crashes. I agree with this conclusion.

4.11 Any other matter – section 171(1)(d)

Section 171(1)(d) requires the council to have particular regard to any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement. In this case the following non-RMA document is considered relevant.

The Auckland Plan 2012

The Auckland Plan 2050 replaced the Auckland Plan 2012 and was adopted by Auckland Council in June 2018. It is Auckland's long-term spatial plan that provides for how Auckland is expected to grow and change over the next 30 years and is required by the Local Government (Auckland Council) Act 2009 to contribute to Auckland's social, economic, environmental, and cultural well-being.

The Auckland Plan 2050 includes in its *Outcome: Transport and Access Focus Area 3 to Move to a safe transport network, free from death and serious injury*. This includes state highways.

I consider the safety improvements enabled by the alteration to be consistent with Auckland Plan 2050 in that it will reduce the amount and seriousness of crashes and improve the safety of Auckland's road network.

4.12 Outline plan of works waiver – section 176A(2)(c)

The requiring authority has requested a waiver of the requirement for outline plans as they consider the physical works of the project as part of the general operation and maintenance of the existing designation.

I considered that the NoR and its supporting AEE and drawings together with the material provided for the concurrent resource consent process, are adequately detailed for the purposes of fulfilling Section 176A(2)(b) by addressing the matters listed under Section 176A(3).

Accordingly it is considered that an outline plan need not be required.

4.13 Part 2 of the Resource Management Act 1991

The purpose of the RMA is set out in section 5(1) which is: *to promote the sustainable management of natural and physical resources*.

Sustainable management is defined in section 5(2) as:

...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for.

Section 7 of the RMA sets out other matters which shall be given particular regard to.

Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.

I consider the alteration to the designation consistent with Part 2 for the RMA in that it will enable people and communities to provide for their health and safety while avoiding, remedying, or mitigating any adverse effects of activities on the environment and providing for the efficient use of natural and physical resources.

5 Recommendation

Pursuant to section 171(2) of the Resource Management Act 1991, the Auckland Council recommends to the New Zealand Transport Agency that the Notice of Requirement to amend Designation 6763 State Highway 1 in the Auckland Unitary Plan (Operative in Part) be confirmed without additional conditions and modifications.

That pursuant to section 171(3) of the RMA the reasons for the recommendation are as follows:

- The notice(s) of requirement are consistent with Part 2 of the RMA in that it enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
- The notice(s) of requirement are consistent with and give effect to the relevant national environmental standards, national policy statements and the AUP.
- In terms of section 171(1)(b) of the RMA, adequate consideration has been given to alternative sites, routes or methods for undertaking the work.
- In terms of 171(1)(c) of the RMA, the notice(s) of requirement is reasonably necessary to achieve the requiring authority's objectives.

Report prepared by:

Wayne Siu,
Planner

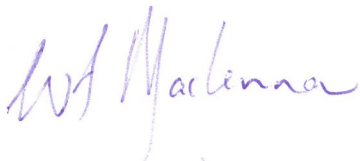
Reviewed and approved for release by:

Peter Vari, Team Leader Planning North
West and Islands

Recommendation approved by:

Warren MacLennan,
Manager, Planning North West and
Islands,
Plans and Places

under delegated authority pursuant to the
Auckland Council Delegations, Resource
Management Act 1991, Adopted 23 June
2011 (GB/2011/123)



Date:

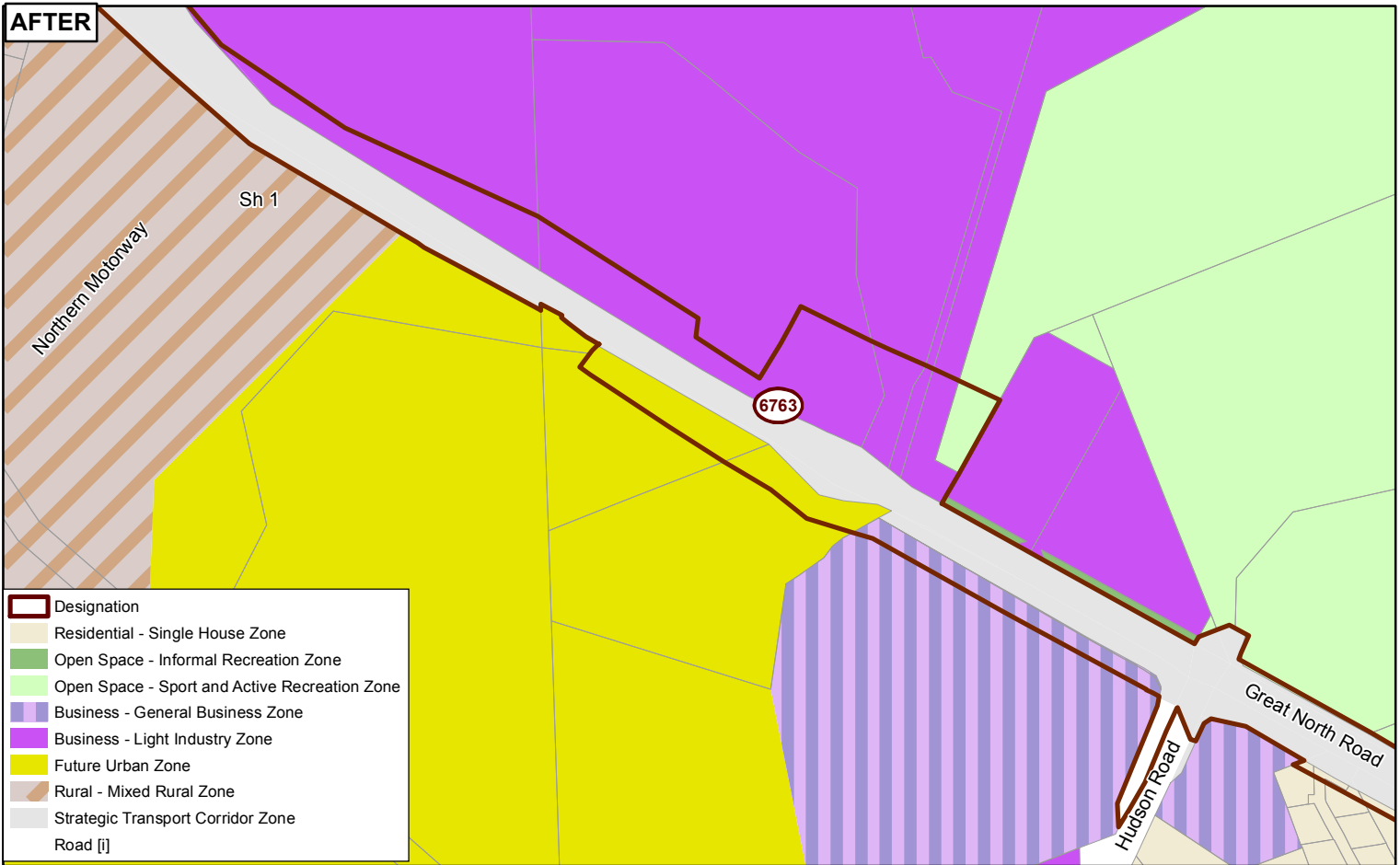
8 November 2018

BEFORE



- Notice of Requirements (for alteration of Designation 6763)
- Designation
- Residential - Single House Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Business - General Business Zone
- Business - Light Industry Zone
- Future Urban Zone
- Rural - Mixed Rural Zone
- Strategic Transport Corridor Zone
- Road [i]

AFTER



- Designation
- Residential - Single House Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Business - General Business Zone
- Business - Light Industry Zone
- Future Urban Zone
- Rural - Mixed Rural Zone
- Strategic Transport Corridor Zone
- Road [i]



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 2/05/2019

Alterations to designations 6763



Plans and Places