

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Peter Vari, Team Leader Regional, North West and Islands

FROM Dave Paul, Senior Policy Planner



DATE 7 November 2022

SUBJECT **Minor alteration to a designation 6777, under section 181(3) of the Resource Management Act 1991, in the Auckland Unitary Plan(AUP) Operative in part (15 November 2016)**



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

Reason for update – Alteration of Designation 6777 Weiti River Crossing in the Auckland Unitary Plan to remove Condition 5.6. The Weiti Crossing bridge concrete shall incorporate the use of red oxide		
Chapter	K Designations	
Section	Designation Schedule – New Zealand Transport Agency	
Designation only		
Designation	6777Weiti Crossing	
Locations:	East Coast Road, Redvale to corner Whangaparaoa Road and Cedar Road	
Lapse Date	31 December 2035	
Purpose	Weiti Crossing	
Changes to text (shown in underline and strikethrough)	5.6. The Weiti Crossing bridge concrete shall incorporate the use of red oxide. [Deleted]	MW
Changes to diagrams	N/A	
Changes to spatial data	N/A	
Attachments	Attachment A: s181 Report Attachment B: Updated text	

Prepared by: Dave Paul Senior Policy Planner	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 

Maps prepared by: N/A	Reviewed by: Peter Vari Team Leader
Signature: N/A	Signature: P Vari
Signed off by: Warren MacLennan Manager Planning – Regional, North, West & Islands	
Signature: 	

Attachment A: s181 Report

Notice of requirement for a minor alteration to a designation under section 181(3) of the Resource Management Act 1991



Notice of requirement description

Designation number:	6777 Wēiti River Crossing
Requiring authority:	Waka Kotahi NZ Transport Agency
Site address:	East Coast Road, Redvale to corner Whangaparaoa Road and Cedar Road

Summary

Auckland Council has received a request from Waka Kotahi NZ Transport Agency (Waka Kotahi) under section 181(3) of the Resource Management Act 1991 (RMA), dated 23 September 2022, to alter Designation 6777 Wēiti River Crossing to remove a condition requiring that the bridge concrete incorporate red oxide.

It is considered, after undertaking an assessment of the notice, that the proposed alteration meets the statutory tests of section 181(3) of the RMA and can therefore be processed and confirmed as a minor alteration.

Recommendation

1. That the proposed alteration of Designation 6777 Wēiti River Crossing in the Auckland Unitary Plan to remove Condition 5.6. *The Weiti Crossing bridge concrete shall incorporate the use of red oxide* be **approved** for the following reasons:
 - The alteration involves no more than minor changes to the environmental effects.
 - There are no changes or adjustments to the boundaries of the existing designation.
 - There are no affected owners and/or occupiers of all land directly affected by the proposed alteration as the land is owned by the Crown.
 - The council and the requiring authority agree with the alteration.
2. That the text for Designation 6777 is amended in Chapter K Designations in the Auckland Unitary Plan (Operative in part).

1. Background

Designation 6777 Wēiti River Crossing relates to a proposed road between the State Highway 1 in the west and Whangaparāoa Road in the east. Now known as the O Mahurangi Penlink Project, it was originally designated and consented in 2001 and generally provided for a 7 km two lane road.

In 2014, the designation was altered and re-consented to provide for a wider four laned highway and Shared Use Path (SUP) between Whangaparāoa Road and Duck Creek Road. The designation alterations and resource consents were granted in 2015 (i.e., the

consented design). This includes a Coastal Permit (ref. COA-63667/CST60048134) for occupation of the coastal marine area (CMA) by the Wēiti River Crossing bridge.

The extent of Designation 6777 is shown in Figure 1 below and does not apply to the area of the Project within the Wēiti River, being CMA.



Figure 1: Extent of Designation 6777

In 2022, an Alliance was formed to deliver the Project. The Alliance has refined the consented design to deliver certain improvements to the road corridor and Wēiti River Crossing. These refinements differ from the consented design in response to environmental enhancements, high value improvements, cost reduction and achieving carbon reduction while remaining within the envelope and flexibility afforded by the approved designation and consent conditions.

A key area of refinement is the design of the Wēiti River Crossing bridge (see section 1.3 below) for which an In General Accordance (IGA) process is being progressed with Auckland Council.

1.1. Minor alteration to a designation

Auckland Council has received a notice of requirement (NoR) for an alteration to a Designation 6777 Wēiti River Crossing from Waka Kotahi New Zealand Transport Agency under section 181(3) of the RMA.

The alteration is to remove condition 5.6 which is:

The Weiti Crossing bridge concrete shall incorporate the use of red oxide.

The condition is no longer consider appropriate as the whole bridge has been redesigned and the use of red oxide would not fit with the new design.

1.2. Land affected by the alteration

The land affected by the alteration to the designation is located between State Highway 1 at Redvale and Whangaparāoa Road and is shown in the Auckland Unitary Plan maps as follows (Figure 2):

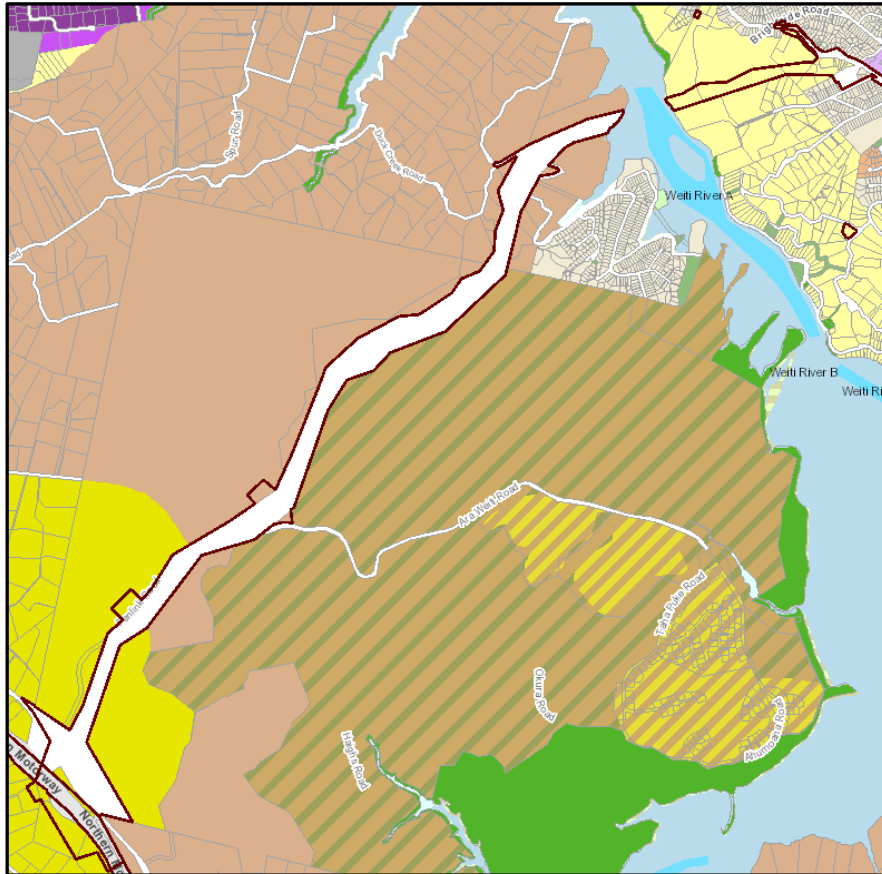


Figure 2 Designation 6777 as in the Auckland Unitary Plan Maps

The area where the bridge is to be located is not part of the designation which does not apply to the Coastal Marine Area. So, the designation and the condition only strictly apply to the abutments at either end of the bridge.

1.3. Description of the works

The new proposed Wēiti River Crossing design (refer Figure 3) is a 535 m long 'extradosed' concrete bridge. The bridge will be a distinctive feature, being an architecturally designed structure and the first of its kind to be built in New Zealand, although a common bridge design used worldwide. The intent of the design is to achieve an overall aesthetic that is clean, elegant, and sympathetic to its location and setting, as well as being respectful of Māori values both in terms of overall composition and integration with the receiving environment.

The design integrates the beam and deck into a single form which is partly cradled between splayed towers and partly supported by cable stays. The main span will be longer (176 m v 126 m) and more slender than the consented bridge. The colour of the bridge is proposed to be a natural concrete colour (as shown in Figure 3).

Although the majority of the bridge site lies outside the Project designation, the Alliance will for completeness through the Outline Plan process, confirm the design detail of the Wēiti River Crossing, including confirmation of any Mahi Toi (artwork) which may be applied following consultation and design collaboration with the Project Iwi Partners. The final determination as to the colour within any Mahi Toi will be made through the design collaboration process.



Figure 3 Visualisation of the proposed extradosed bridge

1.4. Delegated authority

The Team Leader – Regional, North, West and Islands Planning has delegated authority, in accordance with Schedule 2A (under RMA functions, powers and duties: Designations) of the Auckland Council Delegations: Chief Executive Officer (updated May 2022), to exercise the council’s functions, powers, duties and discretions under the Resource Management Act 1991 in relation to section 181(3).

The NoR can therefore be considered under delegated authority and confirmed or declined under section 181(3).

1.5. Relevant statutory provisions

Section 181 “Alteration of designation” of the Resource Management Act 1991 states:

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if-*

(a) *The alteration-*

- (i) *Involves no more than minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
- (ii) *Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*

(b) *Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*

(c) *Both the territorial authority and the requiring authority agree with the alteration –*

and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.

(4) *This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.*

2. Analysis of the proposed alteration

The relevant matters to consider are contained in section 181(3) of the RMA as outlined above.

The proposed alteration is to remove Condition 5.6 from the designation which is:

The Wēiti Crossing bridge concrete shall incorporate the use of red oxide.

The background to the condition is set out in section 2.3 of the application document in Appendix 1. It appears to have arisen from a response to a request for further information that stated that if red oxide was added to the bridge, the visual quality of the bridge would be enhanced providing a distinctive landmark feature.

While the condition appears to imply that the use of red oxide would apply to the entire bridge structure, being a designation condition, legally its jurisdiction is limited to those elements of the bridge contained within the designation. There is no requirement under Coastal Permit (ref. COA-63667/CST60048134) for the bridge's occupation of the coastal marine area (CMA) to incorporate the use of red oxide in the bridge concrete.

The elements of the Wēiti River Crossing bridge within Designation 6777 will be subject to an Outline Plan for the public works pursuant to section 176A of the RMA. The Outline Plan will confirm the design detail, not only of these elements, but the Wēiti River Crossing as a whole for completeness. It will also provide confirmation of any Mahi Toi (artwork) which may be applied following consultation with and design collaboration from the Project Iwi Partners.

2.1. Assessment of Environmental effects (s181(3)(a)(i))

The Requiring Authority has provided an assessment of the landscape and visual effects of the proposed alteration.

An assessment of landscape and visual effects associated with removal of the red oxide condition has been prepared and is provided in Appendix A of the application and a summary is provided in section 5.1.2 of the application (see Attachment A of this report).

Essentially the assessment considers that the proposed extradosed bridge will result in a more sculptural form and be a more distinctive landmark compared to the consented design. It has been assessed as more sympathetic to the landscape setting compared to the consented design. The assessment concludes that there will be no adverse effects of omitting the red oxide from the bridge. Likewise, natural concrete tones would be more in keeping with the bridge's sculptural form. Adding red oxide would darken the concrete and relate more to the earth than the maritime references of the bridge. Accordingly, the removal of the red oxide condition has been assessed as a positive effect from a landscape and visual perspective.

Overall, the applicant concluded that any potential effects on the environment associated with the alteration will be positive. The Requiring Authority considers that the proposed alteration to the designation involves no more than minor changes to the effects on the environment and considers that the alteration satisfies the requirements of s181(3)(a)(i) of the Act.

Council sought independent landscape advice from Stephen Brown, Landscape Architect, on the proposed removal of the condition and the advice is included in Attachment 2. It concluded as follows:

I have reviewed the proposed bridge and its extradosed design. In my assessment, Appendix A provides a balanced and appropriate assessment of the previous and current bridge proposals, and the related necessity for extra 'colouration' – as proposed in Condition 5.6. I agree with Gavin Lister that the bridge now proposed would be elegant and sculptural in its own right. It would create a landmark that does not need red oxide added to it in order to create a visually expressive and distinctive structure. Indeed, it is my view that the addition of red oxide to the bridge – as now conceived – might well detract from its visual elegance.

Overall, therefore, I agree with and support Appendix A's findings and conclusions that Condition 5.6 is no longer needed or appropriate. In my view that condition should be removed from Designation 6777.

I accept the assessment of Mr Brown. In the context of the complete change to the bridge design the change in colour seems minor. I agree that the effects of the removal of the condition satisfies the requirements of s181(3)(a)(i) of the Act and the effects on the environment are no more than minor.

2.2. Assessment of minor changes or adjustments to the boundary (s181(3)(a)(ii))

The alteration to the designation does not involve any changes to the boundary of the existing designation.

2.3. Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners and occupiers agree with the alteration (s181(3)(b))

The land within the designation is owned by the Crown. The removal of the condition will not result in any adverse effects on any landowners or occupier of land within the designation.

Having said that, and while there is no requirement under section 181(3) to undertake consultation, the Alliance is progressing engagement on the Project with the wider community. As part of this engagement, feedback on the colouration of the Wēiti River Crossing bridge has been sought. This is addressed in section 6 of the application document. In summary, the result of the consultation by the Alliance was support for the removal of the condition from both the projects' Iwi Working Group and the wider community. There was support for the new bridge design and in some cases, people were unaware of the red oxide condition and were not supportive of a "pink bridge".

2.4. Agreement of both the territorial authority and the requiring authority (181(3)(c))

The alteration to the designation has been requested by the Requiring Authority, and therefore it agrees to the alteration. I consider Auckland Council can agree with the proposed alteration for the following reasons:

- The alteration involves no more than minor changes to the environmental effects
- The alteration does not involve any changes to the boundary of the designation
- There are no affected owners and/or occupiers of all land directly affected by the proposed alteration as the land is owned by the Crown.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1. Conclusions

The proposed alteration meets the statutory tests of Section 181(3) of the Resource Management Act 1991, in that:

- The alteration involves no more than minor changes to the environmental effects.
- There are no changes or adjustments to the boundaries of the existing designation.
- There are no affected owners and/or occupiers of all land directly affected by the proposed alteration as the land is owned by the Crown.
- The council and the requiring authority agree with the alteration to remove Condition 5. *The Weiti Crossing bridge concrete shall incorporate the use of red oxide.*

3.2 Recommendation

1. That pursuant to Section 181(3) of the Resource Management Act 1991, the Waka Kotahi NZ Transport Agency notice of requirement for an alteration to Designation 6777 Wēiti River Crossing to remove Condition 5.6. *The Weiti Crossing bridge concrete shall incorporate the use of red oxide* is **confirmed**.
2. That Designation 6777 Wēiti River Crossing is amended in Chapter K Designations in the Auckland Unitary Plan Operative in part as recommended in Section 3 of this report.

4. Agreed alterations

The text alterations are shown below. Amendments are shown as either strikethrough.

<p>5.6. The Weiti Crossing bridge concrete shall incorporate the use of red oxide.</p>	<p>MW</p>
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Report Prepared by:

Dave Paul

Senior Policy Planner

Regional, North, West and Islands Planning

Date: 26 October 2022



5. SECTION 181(3) DETERMINATION

Having read the council planner's report and recommendations on the notice or requirement, I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.

Accordingly, the notice of requirement for an alteration to Designation 6777 Wēiti River Crossing is confirmed under section 181(3) of the RMA as agreed and set out in section 3 of this report.

Name: Peter Vari

Title: Team Leader Planning – Regional, North, West and Islands

Signed:



Date: 2 November 2022

SCHEDULE OF ATTACHMENTS

- Attachment A:** Waka Kotahi NZ Transport Agency Section 181(3) Notice of Requirement
- Attachment B** Report O Mahurangi Minor Alteration To Designation – Removal Of Red Oxide Condition: Assessment Of Landscape And Visual Effects: Review Of Natural Character Effects Assessment - Stephen Brown

23 September 2022

Attention:
Dave Paul
Senior Policy Planner
Regional, North, West and Islands
Plans and Places
Auckland Council

Dear Dave,

Notice of Requirement to alter Designation 6777 (Wēiti River Crossing) under S181(3) of the Resource Management Act 1991 (RMA)

1 INTRODUCTION

Waka Kotahi NZ Transport Agency (Waka Kotahi) as the Requiring Authority under section 167 of the Resource Management Act 1991 (RMA) gives notice to Auckland Council of a minor alteration to the O Mahurangi - Penlink (Wēiti River Crossing) Designation 6777 under Section 181(3) of the RMA.

The following alteration is proposed and is described in further detail in the remainder of this notice:

- Deletion of Condition 5.6 - *The Weiti Crossing bridge concrete shall incorporate the use of red oxide.*

The proposed minor alteration to Designation 6777 (the Alteration) is considered to meet the criteria of section 181(3) of the RMA for the reasons set out in this notice and the associated attachments which have been prepared by the O Mahurangi Project Alliance (the Alliance¹) on behalf of Waka Kotahi.

The notice comprises of the following:

- Notice letter to delete designation Condition 5.6 (this document) being the required Form 18
- Appendix A – Assessment of Landscape and Visual Effects to support Minor Alteration to O Mahurangi Penlink Designation – Red Oxide Condition, dated 5 September 2022;
- Appendix B – Records of Title to which the alteration applies;
- Appendix C – Endorsement of the O Mahurangi Iwi Working Group – Te Aukaha; and
- Appendix D – Community Consultation Summary Table.

2 PROJECT BACKGROUND

2.1 Project as a whole

The O Mahurangi Penlink Project (the Project) was originally designated and consented in 2001 and generally provided for a 7 km two lane road connecting SH1 at Redvale to Whangaparāoa Road along the alignment.

In 2014, the designation was altered and re-consented to provide for a wider four laned highway and Shared Use Path (SUP) between Whangaparāoa Road and Duck Creek Road. The designation alterations and resource consents were granted in 2015 (i.e., the consented design). This includes a Coastal Permit (ref. COA-63667/CST60048134) for occupation of the coastal marine area (CMA) by the Wēiti River Crossing bridge.

The extent of Designation 6777 is shown in **Figure 1** below and does not apply to the area of the Project within the Wēiti River, being CMA.

¹ The Alliance is made up of a combination of designers and contractors formed to deliver the Project for Waka Kotahi and the Iwi Project Partners. The Alliance partners include Fulton Hogan, HEB Construction, Aurecon and Tonkin + Taylor.



Source: AUP planning maps

Figure 1: Extent of Designation 6777

In 2022, the Alliance was formed to deliver the Project. The Alliance has refined the consented design to deliver certain improvements to the road corridor and Wēiti River Crossing. These refinements differ from the consented design in response to environmental enhancements, high value improvements, cost reduction and achieving carbon reduction while remaining within the envelope and flexibility afforded by the approved designation and consent conditions.

A key area of refinement is the design of the Wēiti River Crossing bridge (see section 2.2 below) for which an In General Accordance (IGA) process is being progressed with Auckland Council.

2.2 Wēiti River Crossing – Alliance proposed design

The proposed Wēiti River Crossing (refer **Figure 2**) is a 535 m long ‘extradosed’ concrete bridge. The bridge will be a distinctive feature, being an architecturally designed structure and the first of its kind to be built in New Zealand, although a common bridge design used worldwide. The intent of the design is to achieve an overall aesthetic that is clean, elegant, and sympathetic to its location and setting, as well as being respectful of Māori values both in terms of overall composition and integration with the receiving environment.

The design integrates the beam and deck into a single form which is partly cradled between splayed towers and partly supported by cable stays. The main span will be longer (176 m v 126 m) and more slender than the consented bridge. The colour of the bridge is proposed to be a natural concrete colour (as shown in **Figure 2**).

Although the majority of the bridge site lies outside the Project designation, the Alliance will for completeness through the Outline Plan process confirm the design detail of the Wēiti River Crossing, including confirmation of any Mahi Toi (artwork) which may be applied following consultation and design collaboration with the Project Iwi Partners. The final determination as to the colour within any Mahi Toi will be made through the design collaboration process.



Figure 2: Visualisation of the proposed extradosed bridge

2.3 Designation condition 5.6

The original 2001 design for Penlink included a 540 m concrete ‘balanced cantilever’ bridge for the Wēiti River crossing. A colour was not specified in the original resource consent application material, however, in response to a request for further information regarding the colour of the bridge it was stated by the landscape and visual specialist that *“if the concrete of the bridge were to be mixed with a red oxide...the visual quality of the bridge would be enhanced providing a distinctive landmark feature. By adding colour in such a way would reduce the negative effect that ‘stark’ new concrete would have in this landscape”*². The letter explains that *“red oxide is preferred over other colours such as green or grey as the bridge is a man-made sculpture and the landscape would be enhanced by recognizing it as a sculpture and not trying to blend into the surroundings”*.

In 2014, the designation was altered and re-consented to provide for a wider balanced cantilever bridge, 550 m length which provided four traffic lanes (two in either direction) and a SUP, and with the western approach by way of a 120 m long viaduct. As part of the alteration to designation it was proposed to continue with the use of red oxide in the bridge concrete and Condition 5.6 was added to the designation condition set.

No reason was given in the 2014 Boffa Miskell Landscape, Visual Amenity and Natural Character Effects Assessment for continuing with the red oxide colour (as part of the 2014 alteration to designation) other than that it formed part of the ‘baseline designation’:

*“In regard to the colouring of the bridge, it is recommended that the original colour specification provided by the designation be used. Colour choice can be subjective, but the red oxide originally selected has already been considered by the community through the original designation process and is linked to the overall design of the bridge. There is no new justifiable reason why this colouring shouldn’t apply to the new bridge”*³.

Based on the consenting material available, it is evident that the continued use of red oxide was proposed as it was considered to form part of the “baseline designation/existing environment”, with the new bridge designed to follow as closely as possible the design of the original bridge (noting the colour was first proposed in order to provide a ‘distinctive landmark feature’). The quote above suggests the use of red oxide formed part of what the community had been consulted on, however, there is no evidence of any actual colour selection by the community or Mana Whenua, or

² Weiti Crossing – Colour of Bridge, prepared by LA4 Landscape Architects, dated 22 September 1999.

³Penlink, Landscape, Visual Amenity and Natural Character Effects Assessment’, Boffa Miskell, 21 July 2014, page 18. The report was prepared by Shannon Bray.

of specific support for the red oxide colour. The reporting planner's report⁴ appears to support this, suggesting the need for public consultation with respect to the use of red oxide. As noted above, the red oxide was initially proposed by way of a further information request.

3 ALTERATION SOUGHT TO DESIGNATION 6777

The minor alteration to Designation 6777 to which this Notice relates is the deletion of designation condition 5.6 and consequently, the removal of the requirement to use red oxide in the bridge concrete.

For confirmation, the following alteration is proposed (deletions in ~~strikethrough~~ and additions underlined):

5.6 ~~The Wēiti Crossing bridge concrete shall incorporate the use of red oxide~~ [deleted]

While the condition appears to imply that the use of red oxide would apply to the entire bridge structure, being a designation condition, legally its jurisdiction is limited to those elements of the bridge contained within the designation. There is no requirement under Coastal Permit (ref. COA-63667/CST60048134) for the bridge's occupation of the coastal marine area (CMA) to incorporate the use of red oxide in the bridge concrete.

4 MATTERS REQUIRED UNDER FORM 18

This section covers those matters which are required under Form 18 of the RMA and not discussed elsewhere in this Notice.

The alteration sought to Designation 6777 is pursuant to section 181 of the RMA and therefore, consideration of alternative sites, routes, and methods is not required under the RMA.

A Coastal Permit (ref. COA-63667/CST60048134) for occupation of the CMA by the Wēiti River Crossing bridge has been obtained.

The elements of Wēiti River Crossing bridge within Designation 6777 will be subject to an Outline Plan for the public works pursuant to section 176A of the RMA. The Outline Plan will confirm the design detail not only of these elements but the Wēiti River Crossing as a whole for completeness. It will also provide confirmation of any Mahi Toi which may be applied following consultation with and design collaboration from the Project Iwi Partners.

An Archaeological Authority application for the Project as a whole will be made to Heritage New Zealand Pouhere Taonga.

No specific information is required to be included in this notice by the Auckland Unitary Plan (AUP).

5 STATUTORY ASSESSMENT

5.1 Alteration to Designation

Pursuant to section 181(1) of the RMA, Waka Kotahi as the requiring authority, gives notice of its requirement to alter the O Mahurangi Penlink Designation by way of deletion of Condition 5.6.

Section 181(2) of the RMA states that, alterations are subject to sections 168 to 179 and treated as a new designation unless the criteria set out in section 181(3) can be met.

The proposed alteration to the Designation is considered to meet the criteria for a minor alteration for the reasons set out in the section below.

5.2 Minor Effects – s181(3)(a)(i)

Section 181(3)(a)(i) provides for an alteration to the designation if it involves no more than a minor change to the effects on the environment.

5.1.2 Assessment of landscape and visual effects

An assessment of landscape and visual effects associated with removal of the red oxide condition has been prepared and is provided in **Appendix A**. A summary of this assessment is provided below.

⁴ Reporting Planners Report, page 51, dated September 2015.

The proposed extradosed bridge has been assessed as more sympathetic to the landscape setting compared to the consented design, which will be a memorable landmark for both people on the Wēiti River and Stillwater area, and road users.

The assessment concludes that there will be no adverse effects of omitting the red oxide from the bridge. The revisions to the bridge design itself will result in a more sculptural form and be a more distinctive landmark compared to the consented design and outweighs any influence the red oxide colour might have had. Likewise, natural concrete tones would be more in keeping with the bridge’s sculptural form, including concrete’s lighter (and brighter) tones when first constructed, and its weathered grey over time. Adding red oxide would darken the concrete and relate more to the earth than the maritime references of the bridge. It would work against the bridge’s form. Accordingly, the removal of the red oxide condition has been assessed as a positive effect from a landscape and visual perspective.

Overall, it is concluded that any potential effects on the environment associated with the alteration will be positive. Accordingly, it is considered that the alteration satisfies the requirements of s181(3)(a)(i) of the Act.

5.3 Minor boundary adjustment – s181(3)(a)(ii)

The proposed alteration to delete Condition 5.6 does not facilitate any changes to the designation boundary. As such, Section 181(3)(a)(ii) is not relevant to this alteration to designation.

5.4 Landowner approval – s181(3)(b)

Section 181(3)(b) requires that written notice of the proposed alteration be given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration.

The table below confirms the land and ownership to which the alteration applies with the Records of Title and Gazetteal provided at **Appendix B**.

Table 1: Confirmation of land and ownership to which the alteration applies

ADDRESS	LEGAL DESCRIPTION	OWNER
497A Whangaparaoa Road	Pt Lot 7 DP 44059	The Crown
No address (road)	Section 1 SO 70852	The Crown

As such, the proposed removal of Condition 5.6 will not result in adverse effects on any landowner or occupier of land within the designation other than the Requiring Authority seeking the alteration. As noted in Section 2, there is no evidence that the community were involved in the colour selection or of specific support for the inclusion of red oxide.

5.5 Agreement to the works by Auckland Council and Waka Kotahi - s181(3)(c)

Section 181(3)(c) requires that both the territorial authority and the requiring authority agree with the alteration. Auckland Council is the relevant territorial authority. Waka Kotahi as the requiring authority seeks confirmation of the proposed alteration to designation from Auckland Council.

6 CONSULTATION

Although there is no requirement under section 181(3) to undertake consultation, other than with any directly affected landowner or occupier of land, the Alliance is progressing engagement on the Project with the wider community. As part of this engagement, feedback on the colouration of the Wēiti River Crossing bridge has been sought. The view of the Project Iwi Partners has also been sought.

6.1 Consultation with Mana Whenua

O Mahurangi Project is a project being delivered in partnership with Mana Whenua. The Project Iwi Partners are: Te Kawerau a Maki, Ngāti Manuhiri, Ngāti Whātua o Kaipaea, Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whananga and Te Patukirikiri, and they have collectively formed an Iwi Working Group as the means of engagement on the Project. Edward Ashby is the Taiao Pou (Environmental Lead) for the Project’s Iwi Working Group - Te Aukaha. Three of these iwi (Ngāti Manuhiri, Ngaati Whanaunga and Te Kawerau ā Maki) have representatives on the Project Alliance Board.

Consultation with Te Aukaha has taken place regarding the deletion of Designation Condition 5.6 and formally considered at a hui held on 15 September 2022. An extract from the draft minutes of the hui confirming this endorsement is provided at **Appendix C**.

6.2 Consultation with community

The Alliance has undertaken and continues to engage with the community on the Project design. A summary table of engagement and feedback received to date on the use of red oxide in the Wēiti River Crossing bridge is provided at **Appendix D**.

Overall, there is support for the proposed bridge design including the use of natural concrete tones. In general, the feedback confirmed that there was no appreciation or understanding that the bridge concrete in the consented design would contain red oxide. Its potential use has in fact resulted in negative feedback and concern at having a “pink bridge”. There is overall support for the proposed bridge design.

7 CONCLUSION

This letter has been prepared on behalf of Waka Kotahi to seek an alteration of Designation 6777 to remove Condition 5.6 (*the Weiti Crossing bridge concrete shall incorporate the use of red oxide*).

The proposed alteration to the designation satisfies the requirements of s181(3) as follows:

- It will have a positive effect on the environment;
- It will not involve any minor changes/adjustments to the boundaries of the designation;
- It will not adversely affect any landowners or occupiers of land; and
- Waka Kotahi as the Requiring Authority propose this alteration to Designation 6777.

Accordingly, the Alliance on behalf of Waka Kotahi requests that this alteration to designation be confirmed by Auckland Council.

Yours sincerely,



Signed by: Hannah Thompson, Principal Planner – Consents and Approvals, System Design and Delivery

Pursuant to authority delegated by Waka Kotahi

23 September 2022



APPENDIX A: LANDSCAPE AND VISUAL ASSESSMENT

Project:	O Mahurangi Penlink	Date:	19 September 2022
To:	Louise Strogon, Planning Lead	From:	Gavin Lister, Landscape and Visual Advisor
Subject:	O Mahurangi Minor Alteration to Designation – Removal of Red Oxide Condition: Assessment of Landscape and Visual Effects		

1 Introduction

This assessment of landscape and visual effects has been prepared to support a Notice of Requirement to alter Designation 6777 (Wēiti River Crossing) under s181(3) of the Resource Management Act 1991 (RMA) which is associated with the removal of Condition 5.6. Designation Condition 5.6 requires the addition of red oxide to the concrete of the Wēiti River Bridge elements contained within the Designation. A similar requirement is not contained within the Resource Consent condition set (Coastal Permit COA-63667) for the bridge, being a structure within the Coastal Marine Area (CMA) over which designations do not apply.

The original design for the O Mahurangi Penlink Project (the Project), including the Wēiti River Bridge was designated and consented in 2001. In 2014 the designation was altered and re-consented, including a revised bridge design (i.e., the consented design). A further design is now proposed by the O Mahurangi Alliance (the Alliance) that would provide for an ‘extradosed’ bridge design – a hybrid box girder and cable-stay design. A more detailed description of the two bridge designs is contained within the Minor Alteration NoR report to which this assessment forms an appendix.

This assessment compares the consented and proposed bridge designs and assesses the landscape and visual effects of omitting red oxide from the proposed bridge. The assessment concludes that the intent of the red oxide condition will be more than met by the proposed bridge design itself, and that the addition of red oxide would have adverse effects by detracting from the proposed bridge’s appearance and sculptural qualities. The removal of the red oxide condition will therefore be a positive effect, allowing the use of more appropriate natural concrete tones within the proposed bridge.

2 Existing landscape

The following landscape characteristics are relevant when considering the form and appearance of the consented and proposed Wēiti River Bridge:

- The Wēiti River and its bush clad eastern scarp define the Whangaparāoa Peninsula. It is a natural edge and boundary.
- The banks of the Wēiti River are asymmetric. The steep eastern scarp contrasts to the perpendicular spurs on the west side of the river.
- The Wēiti River is a tidal flooded estuary. It is typically 200m-300m wide (approximately 200m at the location of the bridge), with muddy margins fringed with mangroves.
- The valley is sheltered and the estuary placid. The river is lined with pile moorings. The area, including Stillwater settlement, has a sleepy backwater character.
- The Project designation and consented design forms part of the baseline environment.
- The bridge will be a significant landmark within the valley a short distance upstream of Stillwater.
- The Wēiti River will be the most significant natural landmark for travellers on the Project alignment. It will be the threshold to the Whangaparāoa Peninsula, and the bridge will be high enough to afford views along the main tidal reach of the river.

3 Comparison of the consented and proposed bridge design

The comparative appearance of the consented and proposed bridges is relevant to the purpose of the red oxide and any effects of omitting the colouring agent within the bridge’s concrete.

The consented bridge design is a cantilevered box girder design. It has a variable depth box girder with a relatively thin deck, supported on four piers. While this bridge would have clean and elegant lines, it would have an otherwise unremarkable appearance.

The proposed bridge is an 'extradosed' design: It has an integrated box girder and deck that is partly cradled between splayed towers and partly supported by cable stays. The main span will be longer (176m v 126m) and slenderer than the consented bridge. The integrated deck form is 'haunched' so that it thickens where it meets the two piers (the haunching echoing the 'window' between the pier and splayed cables) and reduces to a slender span held by the cable stays. In comparison to the consented design, the proposed bridge will have a more sculptural appearance and the integrated deck form will have a more fluid shape. It has a crease ('hip') to take the cable stays, and further creases on the underside that echo the 'chines' on a hull. There are maritime echoes in the cable-stays, towers, and form of the integrated deck. The proposed bridge is to be in natural concrete tones.

The proposed bridge is more responsive to the setting which will also contribute to its aesthetic qualities as a landmark. The piers and longer central span will frame the centre of the river. Only the two principal piers will be in the river, and the spans will progressively diminish towards either end. By comparison, the consented bridge has regularly spaced spans and piers. Three of the piers are in the CMA, one of which happens to fall in the middle of the river, and one at the junction between the river and scarp.

The proposed bridge will be differentiated from the rest of the road to a greater extent than the consented bridge. From below (i.e., from Stillwater or from on the river) the bridge will be a more distinctive landmark that better responds to the natural setting. For road users, the bridge will be a more distinctive landmark than the consented design that more clearly expresses ('celebrates') the Wēiti River crossing and gateway to the Whangaparāoa Peninsula. The extradosed design will provide a subtly different experience of being suspended (or held taut) over the river – which will make sense in the context of the length of the main span and height above the water.

In summary, the proposed bridge will be an improvement on the consented bridge with respect to landscape and visual values. It will be more sculptural in appearance. It will be more responsive to the setting. It will be a more memorable landmark for both people on the Wēiti River and Stillwater area, and road users.

4 Designation condition 5.6

Designation condition 5.6 states that *"The Weiti Crossing bridge concrete shall incorporate the use of red oxide"*.

The reasons for adding red oxide to the Wēiti Bridge concrete originated in a 1999 letter from Nic Rae, LA4 Landscape Architects, to Beca Carter Hollings and Ferner¹. The letter was in response to a further information request regarding the proposed colour of the bridge, following an LA4 Visual and Landscape Assessment report on bridge alternatives² that supported the original NOR and resource consent application. The reasons for adding red oxide were that the *"visual quality of the bridge would be enhanced (by) providing a distinctive landmark feature"* and to *"reduce the negative effect that 'stark' new concrete would have in this landscape"*. The letter explains that *"red oxide is preferred over other colours such as green or grey as the bridge is a man-made sculpture and the landscape would be enhanced by recognizing it as a sculpture and not trying to blend into the surroundings"*.

No reason was given in the 2014 Boffa Miskell Landscape, Visual Amenity and Natural Character Effects Assessment (Boffa Miskell Assessment) for continuing with the red oxide colour (as part of the 2014 alteration to designation) other than that it formed part of the 'baseline designation':

"In regard to the colouring of the bridge, it is recommended that the original colour specification provided by the designation be used. Colour choice can be subjective, but the red oxide originally

¹ 'Weiti Crossing – Colour of Bridge', letter from Nic Rae (for Mary Buckland), LA4, September 22, 1999.

² 'Weiti Crossing, Investigation of Bridge Alternatives, Visual and Landscape Assessment', LA4 Landscape Architects, July 1999.

*selected has already been considered by the community through the original designation process and is linked to the overall design of the bridge. There is no new justifiable reason why this colouring shouldn't apply to the new bridge*³.

The phrase “*already been considered by the community through the designation process*” appears to mean simply that the original designation went through a public process. There is no evidence of any actual colour selection by the community, or of specific support for the red oxide colour. As noted above, the red oxide was proposed as an addition by way of further information.

With the exception of the above quoted comment in the 2014 Boffa Miskell Assessment, the 2014 AEE and drawings are silent on the use of red oxide.

5 Effects of not adding red oxide to the proposal bridge

There will be no adverse effects on the environment (or landscape) by omitting the red oxide. As discussed above, the proposed Alliance revisions to the bridge design itself will outweigh any influence the colour might have had on the bridge as a sculpture or landmark.

Rather, natural concrete tones would be more in keeping with the bridge’s sculptural form. This includes concrete’s lighter (and brighter) tones when first constructed, and its weathered grey tones over time. Conversely, red oxide would darken the concrete, and the colour would relate more to the earth than the maritime references of the bridge. It would work against the bridge’s form. It would, therefore, have adverse effects on the bridge’s appearance.

The purpose of adding red oxide to the original design related to the bridge’s appearance in the landscape rather than any effects on owners/occupiers of directly affected land. For the avoidance of doubt, omitting the red oxide would have no adverse effects on affected land or nearby properties.

6 Conclusion

The red oxide condition is no longer relevant because it related to an earlier and more conventional bridge design. The proposed bridge design will itself better achieve the intent sought through the application of the red oxide. The proposed bridge will have a more sculptural form and be a more distinctive landmark that responds better to the landscape setting than the consented design. The bridge’s sculptural and landmark qualities will be inherent in its form rather than through applied colour. Rather, adding red oxide to the proposed bridge would potentially detract from the bridge’s appearance and sculptural qualities and, therefore, have adverse effects. For these reasons, omitting red oxide from the concrete of the proposed bridge will have positive effects.

³Penlink, Landscape, Visual Amenity and Natural Character Effects Assessment’, Boffa Miskell, 21 July 2014, page 18. The report was prepared by Shannon Bray. The phrase “*colour choice can be subjective...*” however hints at misgiving, and at paragraph 101 of his evidence, Mr Bray says:
“*In respect to the colour of the bridge, I personally share similar concerns to Mr Brown about the appropriateness of red oxide in the concrete. However, this colour was selected through a robust public process as part of the baseline scheme and should not be up to the opinion of a single person to determine. Auckland Transport proposes to use Red Oxide as this is consistent with what was provided in the original consent application material.*”



APPENDIX B: RECORDS OF TITLE



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Land Notices

Land Acquired for Road-Duck Creek Road, Rodney District

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Ronald Alistair Jolly, Land Information New Zealand, declares that, pursuant to an agreement to that effect having been entered into, the land described in the Schedule to this notice is acquired for road and vested in Rodney District Council on the date of publication of this notice in the New Zealand Gazette.

Schedule
North Auckland Land District-Rodney District
Area ha Being
5.5965 Part Lot 1, D.P. 29403; shown as "Section 1" on S.O. Plan 70852 (part C.T. 784/134).
Dated at Wellington this 30th day of January 2004.
R. A. JOLLY, for the Minister for Land Information.
(LINZ CPC/1998/1028)

5

FEB
2004

Tags

Land Notices

Rodney Districts

Notice Number

2004-14765

Page Number

274

Issue Number

11

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**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier NA1382/9
Land Registration District North Auckland
Date Issued 30 May 1957

Part-Cancelled

Prior References

NA1025/272 NA1065/78

Estate Fee Simple
Area 24.6782 hectares more or less
Legal Description Lot 6-7 Deposited Plan 44059
Purpose For use in connection with a road

Registered Owners

Her Majesty the Queen

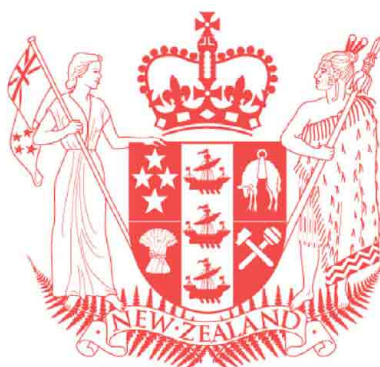
Interests

K59857 Building Line Restriction (affects Lot 6 DP 44059)

Appurtenant hereto are rights of way created by Transfer 505599 (Affects Lot 6 DP 44059)

B081919.2 Gazette Notice (N.Z. Gazette 6.8.1981 p.2174) declaring part (1019 square metres) of within land to be taken (for Post Office purposes from and after the 6th day of August 1981 - 5.7.1982 at 11.50 am

12298111.1 Certificate under section 138(1) of the Te Kawerau ā Maki Claims Settlement Act 2015 that the within land is RFR land as defined in section 110 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) - 12.11.2021 at 7:00 am



New Zealand Gazette

WELLINGTON: THURSDAY, 5 FEBRUARY 2004

CONTENTS

COMMERCIAL

Bankruptcy Notices	194
Company Notices —	
Appointment and Release of Receivers / Managers	195
Appointment and Release of Liquidators	196
Meetings and Last Dates by Which to Prove Debts or Claims	201
Removals	201
Cessation of Business in New Zealand	252
Alteration of Memorandum of Association	None
Applications for Winding Up / Liquidations	253, 282
Partnership Notices	259
Other	None
Land Transfer Notices	260
Charitable Trusts Notices	None

Friendly Societies and Credit Unions Notices	None
Incorporated Societies Notices	None
General Notices	260

GOVERNMENT

Vice Regal	None
Parliamentary Notices	None
Private Bills	None
Departmental Notices	261
Authorities and Other Agencies of State Notices	273
Land Notices	273
Regulation Summary	None
General Section	278
Deadlines	282
Index	283

USING THE GAZETTE

The *New Zealand Gazette*, the official newspaper of the Government of New Zealand, is published weekly on Thursday. Publishing time is 4.00 p.m.

Closing time for lodgement of notices under the Companies, Partnership, Insolvency and Land Transfer Acts is 12.00 midday on Monday (except where that day is a public holiday, in which case the deadline will be 12.00 midday on the last working day of the preceding week).

All other notices must be lodged at the *New Zealand Gazette* office by 12.00 midday, Tuesday, in the week of publication.

Notices are accepted for publication in the next available issue, unless otherwise specified.

Notices may be submitted by email, facsimile or post. Dates and proper names should be shown clearly.

A covering instruction setting out requirements should accompany all notices, but the *New Zealand Gazette* reserves the right to apply its in-house style.

Notices for publication and related correspondence should be addressed to:

New Zealand Gazette
 Department of Internal Affairs
 P.O. Box 805
 Wellington
 Telephone: (04) 470 2930 / (04) 470 2931
 Facsimile: (04) 470 2932
 Email: gazette@parliament.govt.nz

**Land to be Set Apart for Education Purposes—
Main Road—State Highway No. 45, Rahotu,
South Taranaki District**

Pursuant to section 52 (1) (d) of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Stephen Robert Gilbert, Land Information New Zealand, declares that the land described in the Schedule to this notice is hereby set apart for education purposes and shall remain vested in the Crown on the date of publication of this notice in the *New Zealand Gazette*.

Schedule

Taranaki Land District—South Taranaki District

Area m ²	Being
1518	Part Ngatihauptoto 2D2 Block, defined on D.P. 4407. All Computer Register TN108/101.

Dated at Christchurch this 23rd day of January 2004.

S. R. GILBERT, for the Minister for Land Information.
(LINZ CPC/03/9392)

In646

**Land Declared to be Limited Access Road—
State Highway No. 60, Onekaka**

Pursuant to section 114 of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Stephen Robert Gilbert, Land Information New Zealand, declares the land described in the Schedule to this notice to be limited access road which, pursuant to section 88 (2) of the Transit New Zealand Act 1989, has become limited access road and State highway and shall vest in the Crown on the date of publication of this notice in the *New Zealand Gazette*.

Schedule

Nelson Land District—Tasman District

Area m ²	Being
7095 (1a3r0.5p)	Part Lot 1, D.P. 8181; shown coloured yellow on S.O. Plan 10394. Part Computer Register NL5D/471.

Dated at Christchurch this 23rd day of January 2004.

S. R. GILBERT, for the Minister for Land Information.
(LINZ CPC/2003/9371)

In648

**Land Taken for Severance—Whakatu
Drive, Nelson**

Pursuant to section 119 of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Stephen Robert Gilbert, Land Information New Zealand, declares the land described in the Schedule to this notice to be taken for severance and further declares that the land shall be amalgamated with the land in certificate of title 64437.

Schedule

Nelson Land District—Nelson City

7.1180 hectares, being part Section 79, Suburban South District and part Lot 2, D.P. 469. Balance *Gazette* Notice 105162 (Computer Register 16928).

Dated at Christchurch this 16th day of December 2002.

S. R. GILBERT, for the Minister for Land Information.
(LINZ CPC/2001/6635 and CPC/2001/6724)

In658

**Road Realignment—Kokatahi Road,
Westland District**

Pursuant to section 114 of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Stephen Robert Gilbert, Land Information New Zealand, declares the land described in the Schedule to this notice to be road and vested in the Westland District Council on the date of publication hereof in the *New Zealand Gazette*.

Schedule

Westland Land District—Westland District

Land Required for Road

Area m ²	Description	Title Reference
463	Section 1, S.O. 330405.	WS2D/558 (part).
303	Section 2, S.O. 330405.	WS3A/438 (part).

Dated at Christchurch this 28th day of January 2004.

S. R. GILBERT, for the Minister for Land Information.
(LINZ CPC/1998/1239)

In777

**Land Acquired for Road—Duck Creek Road,
Rodney District**

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Ronald Alistair Jolly, Land Information New Zealand, declares that, pursuant to an agreement to that effect having been entered into, the land described in the Schedule to this notice is acquired for road and vested in Rodney District Council on the date of publication of this notice in the *New Zealand Gazette*.

Schedule

North Auckland Land District—Rodney District

Area ha	Being
5.5965	Part Lot 1, D.P. 29403; shown as "Section 1" on S.O. Plan 70852 (part C.T. 784/134).

Dated at Wellington this 30th day of January 2004.

R. A. JOLLY, for the Minister for Land Information.
(LINZ CPC/1998/1028)

In765

**Land Acquired for Road—Corner of Portage and
Golf Roads, Waitakere City**

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Ronald Alistair Jolly, Land Information New Zealand, declares that, pursuant to an agreement to that effect having been entered into, the land described in the Schedule to this notice is hereby acquired for road and vested in the Waitakere City Council on the date of publication of this notice in the *New Zealand Gazette*.

Schedule

North Auckland Land District—Waitakere City Council

Area m ²	Being
57	Part Allotment 274, Parish of Waikomiti (part C.T. 1883/58); shown as "Section 1" on S.O. Plan 329025.

Dated at Wellington this 22nd day of January 2004.

R. A. JOLLY, for the Minister for Land Information.
(LINZ CPC/98/1576)

In644



APPENDIX C: ENDORSEMENT OF O MAHURANGI IWI WORKING GROUP

From: [Michael Dreaver](#)
To: [Louise Stroger](#)
Subject: Extract from draft Minute
Date: Wednesday, 21 September 2022 7:07:57 PM

Tēnā Ioe Louise

Below is the extract from the minutes of Te Aukaha, the Iwi Working Group comprising iwi with an interest in O Mahurangi:

Resolution: that:

- a) the Pou Taiao report be noted
- b) Te Aukaha endorse the Pou Taiao position that removal of the red oxide requirement for the bridge over the Weiti is recommended, with the caveat that the Alliance communicate to Council that the design of the bridge is ongoing and being done in a partnership with iwi, and as such we will not rule out the possibility of colour treatments following the completion of the design process by the Alliance (in partnership with the IWG);
- c) Te Aukaha endorse the Alliance request for a waiver from Council in respect of the bridge over the Weiti River, on the basis the new design comes in well under the effects threshold of the original.

Moved: Geoff Cook

Seconded: Delma O'Kane

Carried Unanimously

Mike Dreaver
Iwi Partnership Lead
O Mahurangi
021 797975



APPENDIX D: SUMMARY OF COMMUNITY CONSULTATION

Communication and engagement with stakeholders on the Alliance design has been ongoing since May 2022 to present. Stakeholders have been provided with imagery of the Wēiti River Crossing bridge, which shows that the bridge is concrete and does not contain red oxide colouring. A summary of this engagement which specifically addressed the colour of Wēiti Bridge is provided below.

Summary of Community Engagement

Date	Address	Stakeholder	Stakeholder rep.	Alliance rep.	Engagement undertaken	Purpose	Outcome
Stillwater							
12/06/22	Stillwater community	Stillwater Residents & Ratepayers		Norman Collier, Gavin Hendriks, Kaity Alexander, Alex Ramsey, Bridget Robinson	Public meeting	Information on alliance formation and shared bridge imagery and project fly-over. No concerns raised about the Wēiti River Crossing bridge or its colour.	Supportive
11/09/22				Sonya Leahy, Trish Viall, Kaity Alexander, Bridget Robinson, Norman Collier, Alex Ramsey, Alan Bell, Glenn Nelson	Community information day	Alliance shared project information with displays, maps and electronic renders of the project area. Answered community questions about the project. Provided information on the Duck Creek Road design and the Wēiti River Crossing bridge design including confirmation of colour, amongst other matters. Overall support for the bridge design and no concerns raised regarding its colouration and lack of red oxide.	Supportive
Whangaparāoa							
2/08/22 3/08/22	L&G's Kitchen and The Archer, 570 Whangaparāoa Road	Local business owners		Sonya Leahy, Alex Ramsey, Paige Green, Trish Viall	Business drop-in sessions	Alliance shared project information with displays, maps and electronic renders of the project area. Answered community questions about the project. Provided information on the Whangaparāoa Intersection and Wēiti	Supportive



						<p>River Crossing bridge design, amongst other matters.</p> <p>Overall support for the bridge design and no concerns raised regarding its colouration and lack of red oxide.</p>	
10/08/22 13/08/22	The Archer, 570 Whangaparāoa Road	Whangaparāoa community		Sonya Leahy, Alex Ramsey, Trish Viall, others	Community open day	<p>Alliance shared project information with displays, maps and electronic renders of the project area. Answered community questions about the project.</p> <p>Provided information on the Duck Creek Road design and the Wēiti River Crossing design including confirmation of colour.</p> <p>Overall support for the bridge design and no concerns raised regarding its colouration and lack of red oxide.</p>	Supportive
Duck Creek Road							
5/07/22	266 & 236 Duck Creek Road	Property owner	Tom Webster	Louise Strogen, Alex Ramsey, Trish Viall	Meeting	<p>Outlined project design and matters regarding property under the designation conditions amongst other items.</p> <p>Stakeholder has no concerns regarding the design changes tabled for Duck Creek Road and Wēiti River Crossing bridge. No concern with the new bridge design or its colour. Advised Alliance not aware that bridge could have been coloured.</p>	Supportive
22/06/22	250 Duck Creek Road	Property owner	Mark & Chris Thompson	Kaiti Alexander, Simon Paton, Alex Ramsey	Meeting	<p>Outlined Duck Creek Road and Wēiti River Crossing bridge designs as well as project as a whole.</p>	Supportive



14/07/22				Louise Strogon, Alex Ramsey, Sonya Leahy	Meeting	No concerns about new bridge design and when asked about bridge colour change from red oxide to natural concrete, had no issue with this.	
15/09/22	82 & 84 Duck Creek Road	Property owner	Michael & Aileen Lusty	Sonya Leahy	Emails Attended open day	Outlined Duck Creek Road and Wēiti River Crossing bridge designs as well as project as a whole. Stakeholder is happy the bridge colour is concrete (no red oxide).	Supportive
6/09/22	80 Duck Creek Road	Property owners	Sara & Josh Tucker, Leigh Lambert, Amber, Vince & Mary Roberts, Suzanne Vale (Stillwater Trustee Ltd)	Louise Strogon, Alex Ramsey, Trish Viall	Meeting	Outlined new bridge design and project overall. Alliance asked to confirm colour of the bridge - natural concrete. Discussion took place on original consented design of red / pink colouration which was not supported.	Supportive
Cedar Terrace							
27/07/22/ 21/09/22	1/43 Cedar Terrace	Property owner	Sheree & Chris Abraham	Sonya Leahy, Russell Scoones, Alex Ramsey	Meeting / call	Outlined project design including revised design for the Weiti River Crossing bridge. Stakeholders are happy with the refined design, less noise and visual impacts in comparison to the consented design. Discussed the consent condition relating to the addition of red oxide to the Wēiti	Supportive



						<p>River bridge and whether they had an issue with the refined bridge design not containing red oxide.</p> <p>Stakeholder not aware of this requirement for the consented design and would rather have no colour and supports the refined bridge design.</p>	
<p>27/07/22/ 21/09/22</p>	<p>43a Cedar Terrace</p>	<p>Property owner</p>	<p>Ross Endicott- Davies</p>	<p>Russell Scoones, Sonya Leahy, Alex Ramsey</p>	<p>Meeting</p>	<p>Outlined project design, staging and expected impacts, including the benefits of the bridge design.</p> <p>Stakeholder is happy with the revised design.</p> <p>Discussed the requirement for the addition of red oxide to the concrete of Wēiti River bridge and to ascertain whether they had an issue with the refined bridge design not containing red oxide.</p> <p>Stakeholder not aware of this requirement for the consented design and prefers the natural concrete of the refined bridge design.</p>	<p>Supportive</p>

b r o w n

Brown NZ Ltd
PO Box 137 067
Parnell
Auckland 1151

6th October 2022

Dave Paul
Senior Policy Planner
Regional, North, West and Islands
Plans and Places

E: Dave.Paul@aucklandcouncil.govt.nz

Dear Dave,

**RE: O MAHURANGI MINOR ALTERATION TO DESIGNATION – REMOVAL OF RED OXIDE CONDITION:
ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS: REVIEW OF NATURAL CHARACTER EFFECTS
ASSESSMENT**

1. Introduction

This review addresses the following document:

“O Mahurangi Minor Alteration to Designation – Removal of Red Oxide Condition: Assessment of Landscape and Visual Effects: Appendix A Landscape and Visual Assessment” (19th September 2022).

In particular, it addresses the proposed removal of a condition requiring the use of red oxide in the concrete employed for the bridge abutments of the proposed Wēiti River Bridge. The application supports NOR 6777 (Wēiti River Crossing) under s.181(3) of the RMA. The background to the current condition is explained as follows at p.1 of Appendix A:

The original design for the O Mahurangi Penlink Project (the Project), including the Wēiti River Bridge was designated and consented in 2001. In 2014 the designation was altered and re-consented, including a revised bridge design (i.e., the consented design). A further design is now proposed by the O Mahurangi Alliance (the Alliance) that would provide for an ‘extradosed’ bridge design – a hybrid box girder and cable-stay design. A more detailed description of the two bridge designs is contained within the Minor Alteration NoR report to which this assessment forms an appendix.

This assessment compares the consented and proposed bridge designs and assesses the landscape and visual effects of omitting red oxide from the proposed bridge. The assessment concludes that the intent of the red oxide condition will be more than met by the proposed bridge design itself, and that the addition of red oxide would have adverse effects by detracting from the proposed bridge’s appearance and sculptural qualities. The removal of the red oxide condition will therefore be a positive effect, allowing the use of more appropriate natural concrete tones within the proposed bridge.

Appendix A then proceeds to provide a summary of:

- The existing landscape around and including the Wēiti River;
- Comparison of the consented and proposed bridge design
- Designation Condition 5.6 addressing the use of red oxide;
- The effects of not adding red oxide to the proposed bridge; and
- Conclusions.

Addressing the origins of Condition 5.6 it is stated on p.2 that the addition of red oxide to the bridge concrete set out to enhance the visual quality of the bridge and ensure that it became a ‘distinctive landmark feature’. In effect, the red colouring of the bridge concrete was designed to offset its quite prosaic structural design – as anticipated by LA4 in 1999 and Boffa Miskell Ltd in 2014.

However, as is explained in Appendix A by Gavin Lister, the design of the proposed bridge has changed, to become much more visually expressive in its own right. Consequently, two passages in Appendix A are particularly germane to considering the necessity for the retention of Condition 5.6 – addressing the design of the now proposed bridge and its effects:

Bridge Design:

..... In comparison to the consented design, the proposed bridge will have a more sculptural appearance and the integrated deck form will have a more fluid shape. It has a crease (‘hip’) to take the cable stays, and further creases on the underside that echo the ‘chines’ on a hull. There are maritime echoes in the cable-stays, towers, and form of the integrated deck. The proposed bridge is to be in natural concrete tones.

The proposed bridge is more responsive to the setting which will also contribute to its aesthetic qualities as a landmark. The piers and longer central span will frame the centre of the river. Only the two principal piers will be in the river, and the spans will progressively diminish towards either end. By comparison, the consented bridge has regularly spaced spans and piers. Three of the piers are in the CMA, one of which happens to fall in the middle of the river, and one at the junction between the river and scarp.

The proposed bridge will be differentiated from the rest of the road to a greater extent than the consented bridge. From below (i.e., from Stillwater or from on the river) the bridge will be a more distinctive landmark that better responds to the natural setting.

In summary, the proposed bridge will be an improvement on the consented bridge with respect to landscape and visual values. It will be more sculptural in appearance. It will be more responsive to the setting. It will be a more memorable landmark for both people on the Wēiti River and Stillwater area, and road users.

Effects:

There will be no adverse effects on the environment (or landscape) by omitting the red oxide. As discussed above, the proposed Alliance revisions to the bridge design itself will outweigh any influence the colour might have had on the bridge as a sculpture or landmark.

Rather, natural concrete tones would be more in keeping with the bridge’s sculptural form. This includes concrete’s lighter (and brighter) tones when first constructed, and its weathered grey tones over time. Conversely, red oxide would darken the concrete, and the colour would relate more to the earth than the maritime references of the bridge. It would work against the bridge’s form. It would, therefore, have adverse effects on the bridge’s appearance.

The purpose of adding red oxide to the original design related to the bridge’s appearance in the landscape rather than any effects on owners/occupiers of directly affected land. For the avoidance of doubt, omitting the red oxide would have no adverse effects on affected land or nearby properties.

2. Review

I have reviewed the proposed bridge and its extradosed design. In my assessment, Appendix A provides a balanced and appropriate assessment of the previous and current bridge proposals, and the related necessity for extra 'colouration' – as proposed in Condition 5.6. I agree with Gavin Lister that the bridge now proposed would be elegant and sculptural in its own right. It would create a landmark that does not need red oxide added to it in order to create a visually expressive and distinctive structure. Indeed, it is my view that the addition of red oxide to the bridge – as now conceived – might well detract from its visual elegance.

Overall, therefore, I agree with and support Appendix A's findings and conclusions that Condition 5.6 is no longer needed or appropriate. In my view that condition should be removed from Designation 6777.

Stephen Brown

BTP, Dip LA, Fellow NZILA, Affiliate NZPI



Attachment B: Updated text

6777 Road - Weiti Crossing

Designation Number	6777
Requiring Authority	New Zealand Transport Agency
Location	Lot 2 DP 51692, Lots 6 and 7 DP 44059, Lots 8, 9, 10 and 11 DP 57749, Lot 1 DP 100141, Lot 3 DP 95982, Pt Lot 1 DP 95984, Lot 1 DP 182168, Lot 2 DP 182168, Lot 1 DP 60949, Lot 2 DP 116105, Lot 1 DP 116105, Lot 1 DP 147767, Lot 1 DP 81653, Lot 2 DP 147767, Lot 2 DP 81388, Lots 3 and 4 DP 81388, Pt Lot 67 DP 40314, Lot 2 DP 117373, Lot 1 DP 184859, Lot 1 DP 29403, Lot 3 DP 29403, Lot 4 DP 26549, Lot 87 DP 40314, Lot 87 DP 40314, Lot 87 DP 40314, Flat 1 DP 100320, Flat 2 DP 100320, Flat 3 DP 100320, Flat 4 DP 100320, Lot 88 DP 48734, Flat 1 DP 111394, Lot 90 DP 40315, Lot 91 DP 40315, Lot 7 DP 64380, Lot 6 DP 64380 and Flats 1, 2, 3, 4 and 5 DP 85315, 1/3 Lot 1 DP 138956 and Lease Flat 1 and Glasshouse 1, 1/3 Lot 1 DP 138956 and Lease Flat 2 and Glasshouses 2 and 3 and Packing Shed 2, 1/3 Lot DP 138956, Lot 2 DP 29403, Pt Lot 3 DP 26549, Lot 3 DP 179955, Pt Lot 1 DP 51511, Section 2 SO 317214, Section 4 SO 317214, Pt Lot 1 DP 50475, Section 3 SO 317214, Section 11 SO 317214, Pt Allotment 87 Okura PSH
Rollover Designation	Yes
Legacy Reference	Designation 167, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	31 December 2035 unless given effect to prior

Purpose

Weiti crossing.

Conditions

Conditions	Applies to Access Road (AR) or Main Works (MW)
Definitions	
Access Road - A road that may be constructed under this designation between State highway one and/or East Coast Road and from Chainage 60 to 1380 to provide access to Lot 4 DP 465984.	
Main Works - All works required for Penlink which do not relate to the construction of the Access Road.	
1. General Conditions	
1.1 The scope and extent of the works (including the horizontal and vertical alignment of the carriageway) within the designation shall be generally in accordance with the plans contained in Volume 3 of the Notice of Requirement dated 21 October 2014. If the Access Road is constructed prior to the main works then updated plans will be submitted as part of the Outline Plan of Works.	<u>AR & MW</u>
1.2 The designation and proposed works on the area of land subject to the designation shall permit electronic toll gantry structures and associated infrastructure.	<u>MW</u>

<p>1.3 Before any construction is commenced an Outline Plan shall be submitted in terms of s.176A of the Resource Management Act 1991. The outline plan may be submitted in stages to reflect any proposed staging of the physical works. The outline plan(s) shall show those matters required to be included by s.176A(3) of the Act. Any outline plan shall be prepared in consultation with at least the following parties with the record of consultation being documented in the outline plan:</p> <ul style="list-style-type: none"> (a) Hugh Green Limited; (b) Green & McCahill Holdings Limited; (c) Weiti Development LP; (d) The NZ Transport Agency (or equivalent); (e) Mana whenua (refer condition 17); (f) Affected utility providers; (g) The Queen Elizabeth II National Trust (QEII); (h) The Bakers at 307 Duck Creek Road; (i) The Websters at 236 and 266 Duck Creek Road; and (j) Bore owners at 165 and 236 Duck Creek Road. <p>If the Access Road is constructed prior to the main works then consultation must be undertaken with parties (a), (b), (c), (e) and (f) in relation to those works.</p>	<p><u>AR & MW</u></p>
<p>1.4 The Requiring Authority (or its agents) shall physically peg, or similarly mark, the key points showing the extent of the roading earthworks and the designation for the Weiti Crossing, on Lot 3 DP 95982 and Lot 1 DP 100141 as part of the Outline Plan process.</p>	<p><u>MW</u></p>
<p>2 Design Consideration Conditions</p>	
<p>2.1 The Requiring Authority (or its agents) shall permit vehicle access from the Weiti Crossing road alignment to the following parcels of land in consultation with the landowners and in accordance with the provisions of the Local Government Act 1974:</p> <ul style="list-style-type: none"> (a) Part Lot 3 DP 95982 and Section 6 SO Plan 70765 and Lot 1 DP 100141 owned by Kilmacrennan Farm Limited and Kerrykeel Farm Limited which are farmed as one unit known as Weiti Station (b) Lot 4 DP 465984 and also separately to Lots 1 and 2 DP 405498, both being the land owned by Green & McCahill Holdings Limited. 	<p><u>MW & AR</u></p>
<p>2.2 The two local access points serving Part Lot 3 DP 95982 and Section 6 SO Plan 70765, Lot 1 DP 100141 and Lot 4 DP 465984 shall be fully constructed at the time that the main alignment of Penlink is constructed, unless otherwise agreed with the landowners of these properties.</p>	<p><u>MW</u></p>
<p>2.3 Prior to finalising the design of the interchange with Whangaparaoa Road, the Requiring Authority shall take all practicable steps to consult with Stanmore Investments Ltd (or any subsequent owner) of the New World supermarket and retail activity at the corner of Whangaparaoa and Beverley Roads ('the retail site'). The purpose of the consultation will be to enable the interchange design to minimise effects on the safe and efficient operation of the retail site, particularly in relation to maintaining pedestrian and vehicle access. The Outline Plan of Works shall detail what consultation has been undertaken and how any matters raised in this consultation has been taken into consideration in finalising the Whangaparaoa Road interchange design.</p>	<p><u>MW</u></p>
<p>3 Noise and Vibration Conditions</p>	

Construction Noise					
3.1 During construction the guideline noise limits contained in New Zealand Standard 6803:1999, The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work shall be complied with and the principles for managing noise set out within that document shall be formally adopted. Where compliance is not practicable 3.4(e) shall apply.					<u>MW & AR</u>
Construction Vibration					
3.2 Construction Vibration shall comply with the criteria in Table A.					<u>MW & AR</u>
Table A – Construction Vibration Limits					
Receiver	Location	Detail	Category A	Category B	
Occupied PPFs*	Inside the building	Night-time 2000h-0630h	0.3mm/s PPV	1mm/s PPV	
		Daytime 0630h-2000h	1mm/s PPV	5mm/s PPV	
		Blasting-vibration	5mm/s PPV	10mm/s PPV	
Other occupied buildings	Inside the building	Daytime 0630h - 2000h	2mm/s PPV	5mm/s PPV	
All other buildings	Building Foundation	Vibration – transient (including blasting)	5mm/s PPV	BS 5228-2 Table B.2	
		Vibration – continuous		BS 5228-2 50% of Table B.2 values	
Notes: Measurements of construction vibration shall be undertaken in accordance with German Standard DIN 4150-3:1999 Structural Vibration Part 3: Effects of vibration on structures. *For vibration, protected premises and facilities (PPFs) are dwellings, educational facilities, boarding facilities, homes for the elderly and retirement villages, marae, accommodation hospitals that contain in-house patient facilities and buildings used as temporary (e.g. motels and hotels).					
3.3 If measured or predicted vibration levels exceed the criteria in Table A above then: (a) If measured or predicted vibration levels exceed the Category A criteria a suitably qualified expert shall be engaged to assess and manage construction vibration to comply with the Category A criteria as far as practicable. (b) If measured or predicted vibration levels exceed the Category B criteria then, where agreement with the land owner can practicably be obtained, a building condition survey and monitoring of vibration levels at those buildings shall be undertaken by a suitably qualified expert. (c) If any exceedance of the criteria in Table A is measured or predicted, then any vibration effects on those buildings shall be identified, assessed and managed in accordance with Conditions 3.4(f) (Category A) and (g) (Category B).					<u>MW & AR</u>
Construction Noise and Vibration Management Plan					
3.4 Prior to construction works commencing, the Requiring Authority shall prepare and submit for the approval of the Council a Construction Noise and Vibration Management Plan (CNVMP). The CNVMP and any management schedules prepared in accordance with 3.4(e) shall be implemented throughout the construction process and may be updated where necessary with the approval of the Council. The objective of the CNVMP shall be to describe and require the implementation of the Best Practicable Option (BPO) for the management and					<u>MW & AR</u>

mitigation of construction noise and vibration effects from all works, including those works that comply with the standards set in these conditions.		
<p>The CNVMP shall, as a minimum, address the information required by NZS 6803:1999, Annex E2, and in particular the following aspects with regard to managing the adverse effects of construction noise and vibration:</p> <p>(a) Noise and/or vibration sources, including machinery, equipment and construction techniques to be used and their scheduled durations and hours of operation including times and days when work causing construction noise and/or vibration would occur;</p> <p>(b) The construction noise and vibration criteria for the project;</p> <p>(c) Affected houses and other sensitive locations where noise and/or vibration criteria apply;</p> <p>(d) Predicted noise levels set out as minimum compliance distances for key activities and items of plant and identification of any dwellings or other sensitive locations where works will be required within those minimum compliance distances;</p> <p>(e) Mitigation and management measures, including alternative strategies where full compliance with the noise criteria from NZS 6803: 1999 and the vibration criteria in Table A above cannot practicably be achieved, including the requirement for management schedules requiring the following content:</p> <p>i. Describe the activity (including duration), plant and machinery that is expected not to comply with the noise and/or vibration limits in conditions 3.1 and 3.2;</p> <p>ii. Provide predicted levels for all receivers where the levels will not be compliant with the limits in conditions 3.1 and 3.2;</p> <p>iii. Describe the mitigation measures proposed to reduce the noise and/or vibration levels as far as practicable, including any options that have been discounted due to cost or any other reason;</p> <p>iv. Describe alternative mitigation of the impacts that is acceptable to affected parties e.g. temporary accommodation during the specific activity;</p> <p>v. Describe the measures adopted to ensure that building damage will not arise where non-compliance with the Category B vibration limits occurs.</p> <p>(f) Procedures for management of vibrations where measured or predicted vibration levels exceed the Category A criteria;</p> <p>(g) Procedures for continuous monitoring of vibration and pre-activity building condition surveys where noncompliance with the Category B vibration limits is predicted:</p> <p>(h) Methods and frequency for monitoring and reporting on construction noise and vibration</p> <p>(i) Contact numbers for key construction staff, staff responsible for noise and/or vibration assessment and council officers; and</p> <p>(j) Procedures for maintaining contact with stakeholders, notifying of proposed construction activities and handling complaints about construction noise and/or vibration.</p>		
Operational Noise		
<p>3.5 The road alignment shall be designed to achieve the following noise standards:</p> <p>(a) For the properties identified in Table B - the relevant traffic noise design limit contained in Table B.</p> <p>(b) For all other dwellings, the relevant noise standards contained in Transit New Zealand's Draft Guidelines for the Management of Traffic Noise for State Highway Improvements, December 1999.</p>		<u>MR & AR</u>
Table B – Traffic Noise Design Limits		<u>MR & AR</u>
Location	Traffic Noise Design Limits Leq (24 hours)	

Dwelling A (at the western end of the proposed road as indicated on the AEE document) (1695 East Coast Road)	65 dBA		
All other existing* dwellings west of the Weiti River	55 dBA		
Dwelling 1 on Lot 1 DP 138956 (43 Cedar Tce) Dwelling 2 on Lot 4 DP 64380 (45 Cedar Tce) Dwelling 3 on Lot 6 DP 64380 (41 Cedar Tce) Dwelling 4 on Lot 7 DP 64380 (39 Cedar Tce)	55 dBA		
Dwellings at 7 to 37 Cedar Terrace inclusive	62 dBA		
Dwellings at 39A – 39H Cedar Terrace inclusive	57 dBA		
All existing* dwellings on Whangaparaoa Rd	65 dBA or ambient (whichever is greater)		
*Existing at 22 September 2015			
Note: The assessment point for Table B is 1m in front of the most exposed point on the facades of the dwellings.			
3.6 In addition to the standards in Table B above, the road alignment shall be designed with the appropriate noise mitigation measures to achieve compliance with a single event noise limit of 78 dBA Lmax at the facade of any residential building situated within 12 metres from the new road carriageway. This shall not apply to residential buildings currently located within 12 metres of the existing road carriageway. Explanation: This is in accordance with the Transit New Zealand Draft Guidelines for the Management of Road Traffic Noise, 1994.			<u>MW & AR</u>
3.7 If the adoption of the BPO for noise mitigation within the road corridor is insufficient to meet the Design Limits in condition 3.5, then prior to completion of the road, the Requiring Authority (or its agents) shall: (a) With the agreement of the owner of the dwelling and if so required by them, provide insulation (and, if required mechanical ventilation and provision for adequate thermal comfort where windows must be closed) to all living rooms (including kitchens) and bedrooms, to ensure that an internal criterion of 40 dBA Leq (24 hours) is not exceeded. This offer and mitigation shall be applied in conjunction with the adoption of the BPO for minimisation of noise in the road corridor; or (b) If it is impracticable to design mitigation to achieve this internal criterion then the Requiring Authority (or its agents) shall, with the agreement of the owner, and at a price not exceeding market value, purchase the property.			<u>MW & AR</u>
3.8 Without limiting the requirements for consultation imposed under condition 3.7, the Requiring Authority shall consult with the owners of 236 Duck Creek Road, being Part Lot 3 DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403 ("the Webster properties") in relation to the location, nature and extent of any proposed noise mitigation measures.			<u>MW</u>
3.9			<u>MW</u>

<p>In undertaking this consultation the Requiring Authority shall give special consideration to the need for additional or alternative noise mitigation measures which mitigate to the greatest extent practicable the acoustic and amenity effects of the designation upon the Webster properties within the noise limit set out in condition 3.5.</p>	
<p>3.10 In undertaking consultation with the owners of the Webster properties the Requiring Authority shall:</p> <ul style="list-style-type: none"> (a) provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed noise mitigation measures; and (b) ensure that the owners have at least two weeks to peruse this material and respond to the Requiring Authority with their position; and (c) the Requiring Authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties to identify other mitigation measures which may be cost effective and meet the noise limits set out in condition 3.5 and shall give special consideration to the findings of any peer review in deciding what noise mitigation measures it implements for the Webster properties. 	<p><u>MW</u></p>
<p>3.11 The Requiring Authority shall at an appropriate location install signs advising motorists to avoid using engine braking in residential areas.</p>	<p><u>MW</u></p>
<p>4. Ecological Impact Mitigation Conditions</p>	
<p>4.1 The Requiring Authority (or its agents) shall, in conjunction with the Auckland Council and in consultation with directly affected property owners, occupiers, Mana Whenua listed in Condition 17, and the QEII Trust, produce an Ecological Mitigation Plan and a Restoration Planting Plan. The objective of these plans is to support the present-day biodiversity values of the local area, the resilience of the area's biodiversity habitat, and contributing to the North West Wildlife Link through the planting of connective corridors, while allowing for the construction and operation of a four-lane transport corridor. Both plans shall be submitted as part of the outline plan, or as appropriate having regard to 4.5.</p>	<p><u>MW</u></p>
<p>4.2 The Ecological Mitigation Plan shall outline the survey methods and implementation and monitoring processes to be used to avoid, remedy or mitigate adverse ecological effects within the designation, particularly in relation to indigenous vegetation; ecosystem processes, native species (with specific regard to lizards, birds and bats); and areas of wildlife habitat. The mitigation proposed shall be calculated using current best ecological practices. The Ecological Mitigation Plan may be comprised of individual management plans for flora and groups of indigenous fauna, to better reflect seasonal restrictions and considerations (i.e. wildlife).</p>	<p><u>MW</u></p>
<p>4.3 The Restoration Planting Plan (consistent with the local biodiversity and wildlife habitat) shall outlines the intended species, density of planting, the methods, the locations, implementation and monitoring processes for the restorative planting of indigenous vegetation that is damaged or destroyed by construction works. The restoration plan shall detail any necessary management of the planting, including weed and animal pest control and replacement of plants, on an ongoing basis. All plants used within the restoration process shall be eco-sourced from the local area.</p>	<p><u>MW</u></p>
<p>4.4 To fully realise possible staging requirements and/or seasonal considerations pertaining to appropriate management plans and/or mitigation, the Ecological Mitigation plan and/or Restoration Planting plans will be submitted no less than six</p>	<p><u>MW</u></p>

<p>(6) months prior to the start of any enabling earthworks or bulk earthworks and reflect best-practice methodologies current at that time.</p> <p>For avoidance of doubt, and where appropriate, such preparatory works which could include vegetation removal, can be considered in the autumn immediately preceding start of any enabling earthworks or bulk earthworks, where an acknowledged start of construction has been agreed (i.e. signed contracts).</p> <p>Advice Note: The Requiring Authority shall ensure that the necessary Department of Conservation permits have been obtained prior to the start of work.</p>	
<p>4.5 In relation to the QEII covenant area at 307 Duck Creek Road the outline plan shall:</p> <ul style="list-style-type: none"> (a) Demonstrate how the final design has minimised to the extent practicable works within the QEII covenant area at 307 Duck Creek Road; (b) Detail any offer of additional land, plantings or other mitigation to offset any residual loss of QEII covenant area; and (c) Include any response from the QEII National Trust regarding whether or not it considers the residual loss has been adequately mitigated and if not why not. <p>Advice note: Any residual effect of the removal of the covenant area that is unable to be mitigated or offset may be eligible for compensation under the Public Works Act 1981.</p>	<u>MW</u>
<p>4.6 Without limiting the requirements for consultation imposed under condition 4.1, the Requiring Authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed ecological mitigation measures.</p>	<u>MW</u>
<p>4.7 In undertaking this consultation the Requiring Authority shall give special consideration to the need for mitigation measures which mitigate to the greatest extent practicable adverse effects of the designation and related works have upon existing trees and vegetation on the Webster properties.</p>	<u>MW</u>
<p>4.8 In undertaking consultation with the owners of the Webster properties the Requiring Authority shall:</p> <ul style="list-style-type: none"> (a) provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures; and (b) ensure that the owners have at least two weeks to peruse this material and respond to the Requiring Authority with their position; and (c) the Requiring Authority shall obtain (at its reasonable cost) a peer review of the proposed ecological mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what ecological mitigation measures it implements for the Webster properties. 	<u>MW</u>
5. Visual Impact Mitigation Conditions	
<p>5.1. A Detailed Landscape Plan shall be prepared by the Requiring Authority (or its agents) in consultation with directly affected property owners and occupiers, Mana Whenua listed in Condition 17, and the Queen Elizabeth II National Trust. The plan shall incorporate, where relevant, the recommendations of the Conceptual Landscape Mitigation Plan (CLMP), the ecological mitigation plan programme and the restoration planting plan programme and be submitted as part of the Outline Plan.</p>	<u>MW</u>

<p>The Detailed Landscape Plan shall include, but not be limited to, details of all proposed planting (including species, species sizes, densities and locations), the planting programme and the required maintenance programme. Existing trees and vegetation on the properties are to be included in any maintenance programme. Attention shall also be paid to the angle and extent of cut and batter slopes through highly visible ridgelines, for example where cut and batter slopes and the proposed roadway would be viewed from properties in Duck Creek Road. In the event that noise mitigation measures such as bunds or barriers are to be employed then these are also to be incorporated in to the Detailed Landscape Plan also.</p>	
<p>5.2. Without limiting the requirements for consultation imposed under condition 5.1, the Requiring Authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed visual mitigation measures proposed.</p>	<p><u>MW</u></p>
<p>5.3. Prior to finalising the design of the route from the proposed Weiti Bridge to the interchange with Whangaparaoa Road, the Requiring Authority shall reconsider the alignment of the road so as to achieve the greatest possible separation distance between the road and the adjacent properties on Cedar Terrace. The best practicable alignment shall take into account:</p> <ul style="list-style-type: none"> (a) The extent of earthworks and vegetative clearance; (b) The length and height of retaining walls and noise attenuation devices from both a cost and visual appearance perspective; (c) The minimisation of adverse visual effects, in both the short and long term. 	<p><u>MW</u></p>
<p>5.4. In undertaking consultation on the Detailed Landscape Plan the Requiring Authority shall give special consideration to the need for measures which mitigate the greatest extent practicable adverse effects of the designation on the Webster properties. When undertaking consultation in respect of this issue any noise mitigation measures (such as bunds or barriers) that are employed to address the noise effects of the designation on the Webster properties are also to be considered by the Requiring Authority terms of their visual effects.</p>	<p><u>MW</u></p>
<p>5.5. In undertaking consultation with the parties in condition 5.1, 5.2 and the owners of the Webster properties the Requiring Authority shall:</p> <ul style="list-style-type: none"> (a) provide the consulted parties all relevant reports and plans prepared by it in relation to the proposed Detailed Landscape Plan; and (b) ensure that the owners have at least two weeks to peruse this material and respond to the Requiring Authority with their positions; and (c) the Requiring Authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what visual mitigation measures it implements for the Webster properties. 	<p><u>MW</u></p>
<p>5.6. [Deleted]</p>	
<p>5.7. If the bridge is to be lit then low level lighting on the bridge and directional LED lighting on the shared path below the level of the bridge barrier shall be used.</p>	<p><u>MW</u></p>
<p>5.8. The Outline Plan shall demonstrate how the design of the toll gantry, in addition to primary functional and safety requirements of the structure, has considered the following principles:</p> <ul style="list-style-type: none"> (a) An artistic or sculptural form that integrates the structure with the surrounding landscape; 	<p><u>MW</u></p>

<p>(b) Colouring and materiality to achieve low reflectivity and recessive visibility of the structure;</p> <p>(c) Screening of lighting, cameras, cabling and other ancillary equipment No signage to be attached to the gantry.</p> <p>Advice Notes: Street lighting design should be in accordance with ATCoP street lighting requirements. The construction standards shall reference ATCoP requirements.</p>	
6. Archaeological Conditions	
<p>6.1 The Requiring Authority (or its agents) shall ensure that prior to and/or during construction a qualified archaeologist is present to monitor all initial earthworks in Area 4 and investigate and record sites R10/929, R10/941, R10/942, R10/943, R10/944 and R10/945, if these sites are affected by the proposed works.</p> <p>Advice Note: the sites cannot be investigated, modified or destroyed unless an authority has first been issued by Heritage NZ under the HNZPTA.</p>	<u>MW</u>
<p>6.2 The archaeological sites recorded in the immediate vicinity of the proposed works (meaning outside the affected works footprint) shall be clearly marked on construction plans to be provided to the Council and pegged out/fenced off prior to, and during the period of, construction.</p>	<u>MW</u>
<p>6.3 The Requiring Authority shall develop comprehensive accidental discovery protocols in consultation with Heritage NZ, mana whenua and the Auckland Council Heritage Unit, which set out appropriate procedures in the event that unrecorded archaeological remains, koiwi tangata (human remains) or taonga (Maori artefacts) are exposed during construction (consistent with the relevant provisions of the HNZPTA and Protected Objects Act 1975). These shall be provided to the Council with the Outline Plan of Works.</p>	<u>MW & AR</u>
<p>6.4 At least 6 months prior to works commencing the Requiring Authority shall complete an Archaeological Survey of all identified potential archaeological sites within the designation and on the additional areas of land to be designated as identified on the Land Requirement Plans GIS-4214919-01-NOR-21-1 to 21-4. The purpose of the survey shall be to confirm the Archaeological status of these sites and areas (except for those archaeological sites already identified in condition 6.1) and to inform the project design. A summary report of the survey will be provided to the Auckland Council Heritage Unit within 20 working days of survey completion. If any potential Archaeological sites are confirmed then the Requiring Authority shall provide to Auckland Council details of how the project design has sought to avoid effects on any Archaeological site(s) identified by the survey. If avoidance cannot be achieved then the requirements of condition 6.1 shall also apply to all works in the vicinity of any newly identified Archaeological site(s).</p>	<u>MW</u>
7. Physical Works Contract Conditions	
<p>7.1 All contract documentation for physical works shall include the designation conditions, the approved outline plan and any other resource consents (including conditions) held for the project at that time.</p>	<u>MW & AR</u>
<p>7.2 Construction shall be limited to the following hours: Weekdays: 7.00am to 6.00pm Saturdays 8.00am to 4.00pm</p>	<u>MW & AR</u>

Sundays and Public Holidays:	No work.	
7.3	Construction can be extended to the hours of 7.00 a.m. to 6.00 p.m. every day (with the specific consent of the Consents Manager from the Council) between East Coast Road and the northern boundary of the Weiti Forest with the agreement of Green and McCahill Ltd and Green and McCahill Holdings Ltd or any successors in title. Construction hours for the Redvale interchange may be varied from those above (with the specific consent of the Consents Manager from the Council), where required to minimise any impact on the operation of SH1.	<u>MW & AR</u>
7.4	At all times reasonable access shall be maintained to properties directly affected by the construction and operation of the Weiti Crossing and the Whangaparaoa Road widening unless agreement is reached with the property occupier that access can be temporarily stopped.	<u>MW & AR</u>
8. Communications Conditions		
8.1	A Communications Plan shall be prepared and submitted with the Outline Plan. The plan shall include, but not be limited to, the following: (a) Dates for the release of newsletters to directly affected and adjoining property occupiers. These letters shall include details of the construction programme and a single point of contact for the Requiring Authority (or its agents) for any concerns or enquiries relating to the project, including a contact person name and a telephone and facsimile number. (b) Details of proposed signage to advise motorists of periods of likely traffic delays.	<u>MW</u>
9. Duration of the Designation		
(a)	In accordance with s.184A(2)(c) of the Resource Management Act 1991, this designation will lapse on 31 December 2035 unless it is given effect to before the end of that period; or	<u>MW & AR</u>
(b)	The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation.	
Advice Note: The extension of lapse date was made through an alteration to the existing designation. Therefore, the new lapse date is specified rather than linking it to the time that the designation was originally included in the District Plan.		
10. Local Access to the Stillwater Community		
10.1	Safe and efficient two-way access to the Stillwater community (on both sides of the Penlink route) shall be provided, including throughout the construction period. Such access shall include provision for public transport (including bus stops) and for the safe and efficient movement of school buses and boat trailers. The design of any such access shall be undertaken in full consultation with the Stillwater Ratepayers and Residents Association, the owners of the Webster properties and directly affected members of the Stillwater community.	<u>MW</u>
10.2	Following such consultation, the Requiring Authority will submit the proposed access design to an independent auditor for a safety audit prior to construction. The cost of this audit is to be met by the Requiring Authority.	<u>MW</u>
11. Water Supply		
11.1	During construction season the Requiring Authority shall periodically check and wash down any residences (including the roof) which are located along the	<u>MW</u>

designation route and which are affected by the construction of the bridge and its approaches. The cost of this cleaning will be met by the Requiring Authority.	
11.2 During construction the Requiring Authority will test the water quality of the bores in the vicinity of 165 Duck Creek Road, being the land described in 1138/679 (North Auckland Registry), and 236 Duck Creek Road, being the land described in certificates of title 682/218 and 1020/274 (North Auckland Registry), on a monthly basis. Prior to construction a baseline test will be undertaken and subsequent monthly tests will check for deterioration.	<u>MW</u>
11.3 In the event that either of the bores at 165 or 236 Duck Creek Road becomes contaminated (contamination means deterioration against the baseline as a result of construction works) as indicated by our test results, the Requiring Authority will provide an equivalent alternative free water supply.	<u>MW</u>
11.4 In response to a complaint about domestic water tank quality, as result of the construction of the bridge and its approaches, the Requiring Authority will test the water quality of the complainants domestic water tank located along the designation route, including the Webster properties, affected by construction of the bridge and its approaches on a monthly basis during the construction season and for one month following (1 October- 31 May) of each year of the construction period. If the water in any such tank is contaminated, the Requiring Authority will immediately, and at its cost entirely, have any such tank cleaned out and refilled.	<u>MW</u>
11.5 The Requiring Authority shall ensure that during construction and operation of the Weiti Crossing Road, a water supply is maintained for the purpose of watering livestock located at 236 Duck Creek Road, being Part Lot 3, DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403.	<u>MW</u>
12. Condition Survey	
12.1 The Requiring Authority will conduct a "before and after" condition survey of the properties (including the interiors of buildings) located within 200m of the Duck Creek Road Bridge and, including the Webster properties where owners agree to entry, to assess any effects as a result of construction of the bridge and its approaches.	<u>MW</u>
12.2 In any agreements entered into with any third party to carry out construction of the road and bridge, the Requiring Authority will require that party to accept liability for any damage or instability to land or buildings caused by construction and will also require that party to monitor slope stability throughout the duration of construction and for a period of 12 months following completion of the project. In the event that the Requiring Authority undertakes construction itself, it will accept such liability and conduct such monitoring.	<u>MW</u>
13 Stillwater Community Hall	
13.1 The Requiring Authority will use its best endeavours to provide a building (which is surplus to roading requirements) to be used as the Stillwater community hall. The Requiring Authority shall arrange for the transport at its cost of any such building to the agreed site.	<u>MW</u>
14. Stock Underpass	
14.1 The Requiring Authority shall enter into an agreement with the owners of the Webster properties to provide them with a stock underpass (under the new	<u>MW</u>

carriageway provided for by the designation) to agreed specifications and with agreed rights of access or tenure, to provide the owners of the properties access between the two parts of the property which will be bisected by the new carriageway.	
14.2 During the period of construction of the Weiti Link, while the Webster properties are bisected by works, but before the stock underpass is completed, the Requiring Authority shall provide reasonable stock access across the carriageway so owners of the properties can utilise all parts of their property.	<u>MW</u>
15 Duck Creek Intersection	
15.1 No part of the realigned Duck Creek Road, including its intersection on the eastern side of the Weiti link will be positioned further north than indicated on the plan annexed as Appendix A.	<u>MW</u>
16 Construction Traffic Management Plan	
16.1 The Requiring Authority shall manage construction traffic and construction parking to: (a) Protect public safety including the safe passage of pedestrians and cyclists; (b) Minimise delays to road users; (c) Minimise interruption to property access; and (d) Inform the public about any potential impacts on the road network.	<u>MW & AR</u>
16.2 The Requiring Authority shall prepare a Construction Traffic Management Plan (CTMP) for the Project to identify how Condition 16.1 will be met. The CTMP shall include the following: (a) Details of traffic management activities and sequencing proposed for the Project; (b) Methods for managing construction related traffic movements; (c) A process for preparing Site Specific Traffic Management Plans (SSTMP(s)); (d) Provisions to minimise delays to local traffic by construction activities for an unreasonable period (such time period to be specified); and (e) Provisions for emergency services to have access along all local road 24 hours per day, unless construction requires the temporary closure of a road, in which case, as part of the relevant SSTMP, an emergency action plan shall be developed and agreed with emergency services prior to any temporary closure so that an agreed access via an alternative route is available for the duration of that closure.	<u>MW & AR</u>
16.3 The Requiring Authority shall submit the CTMP to the Council for comment. The Requiring Authority shall consider any comments received from Auckland Council when finalising the CTMP. If the Requiring Authority has not received comments from Auckland Council within 20 working days of providing the CTMP, the Requiring Authority may consider that Auckland Council has no comments.	<u>MW & AR</u>
16.4 The Requiring Authority shall implement the CTMP for the duration of the Construction Works.	<u>MW & AR</u>
Site Specific Traffic Management Plans	
16.5 In compliance with the CTMP, the Requiring Authority shall prepare a SSTMP(s) where any Project construction activity varies the normal traffic conditions of any public road. The purpose of the SSTMP(s) is to identify specific construction methods to address the particular circumstances, local traffic and community travel demands within the area covered by the SSTMP(s).	<u>MW & AR</u>

<p>16.6 The SSTMP(s) shall comply with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management (COPTTM) which applies at the time the relevant SSTMP is prepared. Where it is not possible to adhere to this Code, the COPTTM's prescribed Engineering Exception Decision (EED) process shall be followed.</p>	<p><u>MW & AR</u></p>
<p>16.7 SSTMP(s) shall be prepared in accordance with Conditions 16.5 and 16.6 for Project access connections including: (a) State Highway 1 (b) East Coast Road; (c) The Weiti Access Road; (d) Duck Creek Road; and (e) Whangaparaoa Road.</p>	<p><u>MW & AR</u></p>
<p>16.8 Prior to finalising the SSTMP required for Whangaparaoa Road under condition 16.7(e), the Requiring Authority shall take all practicable steps to consult with Stanmore Investments Ltd (or any subsequent owner) of the New World supermarket and retail activity at the corner of Whangaparaoa and Beverley Roads ('the retail site'). The purpose of the consultation will be to enable the proposed traffic management approach to minimise effects on the safe and efficient operation of the retail site, particularly in relation to maintaining pedestrian and vehicle access during operational hours. The Whangaparaoa Road SSTMP shall detail what consultation has been undertaken and how any matters raised in this consultation has been taken into consideration in finalising the SSTMP.</p>	<p><u>MW</u></p>
<p>16.9 At least 5 days prior to the applicable construction traffic commencing, the Requiring Authority shall provide the SSTMP to the relevant Road Controlling Authority for approval.</p>	<p><u>MW & AR</u></p>
<p>16.10 The Requiring Authority shall implement each SSTMP for the duration of the Construction Works to which the particular SSTMP applies.</p>	<p><u>MW & AR</u></p>
<p>17 Mana Whenua Engagement</p>	
<p>17.1 The Outline Plan of Works shall demonstrate how the Requiring Authority has engaged with at least the following mana whenua in accordance with the AT Māori engagement framework (or equivalent): (a) Te Kawerau a Maki; (b) Ngati Whatua o Kaipara; (c) Ngati Manuhiri; and (d) Te Runanga o Ngati Whatua.</p> <p>The purpose of the Mana Whenua engagement shall include (but is not limited to) the following:</p> <p>(a) Input into the preparation of the Ecological Mitigation Plan, Restoration Planting Plan, and Visual Mitigation Plan to identify how Te Aranga principles (or similar) can be applied to reflect the cultural landscape, including but not limited to: i. Bridge and underpass structures; ii. Safety panels, noise walls and retaining structures; iii. The Toll Gantry; iv. Stormwater wetland ponds; v. Selection of re-vegetation species. (b) Identification of any removed native vegetation suitable for customary purposes;</p>	<p><u>MW & AR</u></p>

<p>(c) Development of a protocol between Mana Whenua and the Requiring Authority around implementation of archaeological conditions 6.1-6.4, including management and mitigation for disturbance of any waahi tapu sites (if any);</p> <p>(d) Undertaking kaitiakitanga responsibilities associated with the Penlink Project, including ceremonial, assisting with discovery procedures, and providing mātauranga Māori input in the relevant stages of the Project;</p> <p>(e) Naming of the Weiti Crossing bridge and shared path; and</p> <p>(f) Input to any matters requiring consultation with Mana Whenua under these NoR conditions.</p> <p>If the Access Road is constructed prior to the main works then mana whenua engagement shall include those matters listed in (d) and (f) in relation to those works only.</p>	
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Attachments

No attachments.