

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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Report to Auckland Council  
Hearing topic 074 Designations

New Zealand Transport Agency

Designation 6768

May 2016

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**Report first prepared by Murray Kivell in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 25 August 2015 and updated 9 October 2015 and 18 December 2015.**

**Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.**

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## 1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to the designation of State Highway 16 (Main Road), Kumeu and Huapai by the New Zealand Transport Agency (NZTA).

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| Requiring authority                          | New Zealand Transport Agency  |
| Designation or notice of requirement numbers | Proposed Auckland Unitary Plan No. 6768                             |
| Designation or notice of requirement purpose | Road widening   |
| Location                                     | SH16 (Main Road) Kumeu and Huapai                                   |
| Designation given effect to                  | Yes   |
| Lapse date in operative plan                 | NA  |
| Land ownership                               | All land subject to designation is owned by the requiring authority |

## 2. Overview of designation

Submitters seek a range of relief from requiring specific road treatment outcomes (a central median), a preference to have a bypass traverse greenfield or industrial land rather than the urban area, and to retain or decline the designation due to a lack of consultation.

## 3. Submissions

### 3.1 Submitters and submissions

4423-5 Kumeu Huapai Residents Society Incorporated

3913-5 Chris and Lynn Welch

4417-1 Elizabeth A McNiece

4427-3 Clyde and Helen Mitchell

6777-7 Ann Hurley

The above submitters all seek similar relief; to provide a central median on any road widening through Kumeu; and any proposed by-pass should go through greenfield or industrial land, not through Residential or Countryside Living areas.

3622-1 John R F Anderson - Retain designation but do not take immediate action to widen the road.

3627-1 Karen A Anderson - Retain designation supportive of future road widening.

1805-1 Stephanie Temm - Reject Designation No. 6768 due to lack of consultation.

6768-1 Mervyn R File - Retain designation.

6792-1 Vicki-Ann File - Retain designation.

6983-1 Farrand Road Land Owners Group - Endorse Designation 6768 but there has been a lack of consultation. Roding in and around Kumeu needs looking at.

6985-1 Craig J Hughes - Endorse Designation 6768 but there has been a lack of consultation. Roding in and around Kumeu needs looking at.

### **3.2 Engagement by requiring authority with submitters**

I understand that the New Zealand Transport Agency has had numerous discussions with the community and submitters particularly regarding the road widening aspects. The consultation has focused on gaining an overall understanding of their concerns and considering state highway route options that may be available, the timing of further investigations and to completing the assessments to support any further alteration to the existing designation or promoting a new designation on an alternative alignment longer term. New Zealand Transport Agency advises that those discussions have been inconclusive and have not narrowed the issues and the ways to address submitters' concerns.

## **4. Assessment**

There are two distinct issues under consideration.

- i. The first is the traffic operational/safety issue assessing the merits and timing for the formation of a right turning bay(s)/central median refuge along the route. This is for the New Zealand Transport Agency to address.
- ii. The second issue is a strategic planning matter and does require substantial technical work and is understood not to be on the New Zealand Transport Agency's programme in the short term. A bypass would require a notice of requirement if it cannot be fully provided within the existing road network.

## **5. Assessment – Update**

Counsel for the New Zealand Transport Agency provided a memorandum dated 11 September 2015 confirming that the Agency agrees with the recommendations contained in the section 142 report. The Agency notes that the matter cannot be addressed as part of the Unitary Plan hearing process.

The Agency would support mediation if requested by the submitters. No requests for mediation were received.

There is no basis to change my original recommendation set out below.

## **6. Assessment – Update: 18 December 2015**

At paragraph 18c of Mr Patrick Buckley's statement of planning evidence (21 October 2015) and in legal submissions (Cameron Law, 30 November 2015) there is a re-statement of the New Zealand Transport Agency position noted above asserting that the Panel has no jurisdiction to direct the New Zealand Transport Agency to lodge notices of requirement in response to submissions.

It is also noted at paragraph 26 of Mr Patrick Buckley's statement of planning evidence (21 October 2015) that the lapse date has been incorrectly recorded in this report. This error is acknowledged. The lapse date should state: five years from being included in the operative Unitary Plan unless given effect to prior.

To be consistent with the best practice drafting approach being adopted, the lapse date should now state, assuming a default date of 31 August 2017 to commence the lapse period, to provide for a five-year lapse date of 31 August 2022. It is recommended that the lapse date be recorded as: Lapse Date: 31 August 2022.


## **7. Expert input**

Not applicable.

## 8. Recommendation

That the Panel advises that it has no jurisdiction to direct the New Zealand Transport Agency to lodge notices of requirement in response to submissions or to prioritise and initiate feasibility studies into the merits of the bypass proposal.

That the Panel recommend modification of the designation as set in Attachment 1.


|                           |   |
|---------------------------|---|
| <b>Author</b>             | Murray Kivell   |
| <b>Author's Signature</b> |                    |
| <b>Date</b>               | 25 August 2015 and updated 9 October 2015 with no change, and updated 18 December 2015 with changes |

## 9. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that the notice of requirement for designation 6768 be confirmed subject to the modifications set out in Attachment 1 and also as set out in the Panel report IHP Report to AC\_074 NZTA AC submissions.

## 10. Panel reasons

The reasons for the Panel's recommendation are set out in sections 4 to 7 above.

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|--------------------------|---|
| <b>Panel Chair</b>       | David Kirkpatrick   |
| <b>Chair's Signature</b> |  |
| <b>Date</b>              | 18 May 2016   |

## 11. Attachment 1 changes to text of Proposed Auckland Unitary Plan

Amend the lapse date to read as follows:

~~Five years from being included in the operative Unitary Plan unless given effect to prior 31 August 2022.~~