

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 074 Designations

Auckland Transport

Designations, modifications and requirements
classified as moderately complex

May 2016

Report first prepared by David Wren 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 24 August 2015 (Updated 14 October 2015 and 15 February 2016).

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 designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party.
- ii. modification to a designation that will result in more than minor effects and/or will include land not owned by the requiring authority with or without submissions.
- iii. notice of requirement for a new designation for existing works with or without submissions and the land is owned by the requiring authority.

2. Assessment

The assessment will address:

- i. effects on the environment of allowing the modification or requirement;
- ii. mitigation measures proposed by requiring authority including any proposed conditions;
- iii. other section 171 matters or section 168A(3) (if the requiring authority is Auckland Council) matters where relevant.

See section 8 for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that:

- the following modifications/requirements should be confirmed;
 - 1403
 - 1407
 - 1429
 - 1434
 - 1441
 - 1442
 - 1444
 - 1445
 - 1446
 - 1447
 - 1449
 - 1558
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- 1672
- 1673
- 1675
- 1676
- 1679
- 1681
- 1682
- 1686
- 1694
- 1703
- 1711
- 1712
- 1800
- 1801
- 1802
- 1809
- 1833
- 1688
- 1438
- 1810
- 1437

- 1467
- 1420
- 1428
- 1468

- the following requirements should be modified as recommended in the section 7 assessment checklist;
 - 1622
 - 1623
 - 1639
 - 1652
 - 1653
 - 1643
 - 1618
 - 1655
 - 1644
 - 1599
 - 1626
 - 1709
 - 1685
 - 1616
 - 1592
 - 1697
 - 1587
 - 1657
 - 1619
 - 1699
 - 1700
 - 1701
 - 1633
 - 1806
 - 1404
 - 1640
 - 1609
 - 1571
 - 1572
 - 1573
 - 1402
 - 1614
 - 1452
 - 1834
 - 1401
 - 1431
 - 1435
 - 1455
 - 1433

- conditions should be imposed on the following requirements;
 - 1611
 - 1683
 - 1448
 - 1454
 - 1462
 - 1562
 - 1643
 - 1669
 - 1671
 - 1677
 - 1702
 - 1807
 - R1430
 - R1454
 - R1458
 - R1460
 - R1461
 - R1462
 - R1463
 - R1464
 - R1465
 - R1466
 - R1557
 - R1559
 - R1568
 - R1803
 - R1804
 - R1811
 - R1813
 - R1814
 - R1815
 - R1816
 - R1817
 - R1819
 - R1820
 - R1821
 - R1823
 - R1824
 - R1826
 - R1827
 - R1828
 - R1830
 - R1831

- the following requirements should be withdrawn.
 - 1453
 - 1620

3. Mediation required

Based on the responses of the requiring authority as detailed in section 8, the following matters have been identified that would benefit from mediation:

Not applicable.


4. Hearing required

Based on the responses of the requiring authority as detailed in section 8, the following matters have been identified to progress to a hearing:

Not applicable.

5. Recommendation to Panel

That the Panel confirms the requirements and submissions that meet the criteria, as detailed in section 8.

Author	David Wren
Author's Signature	
Date	24 August 2015 (and 7 October 2015 and 15 February 2016)

6. Panel recommendations to Auckland Council

6.1. Notices of requirement for new designations included in the Proposed Auckland Unitary Plan at the time of notification.

The Panel recommends to Auckland Council that it recommends to the requiring authority that the following notices of requirement be confirmed, subject to any further modifications as identified in the table below and contained in the attachments to the relevant report table.

A “yes” is used in the table to indicate where the Panel is recommending further modifications. Refer to the report table referenced for the details of the further modifications recommended.

Notice of Requirement No.	Report table No.	Additional text modifications recommended	Additional viewer map modifications recommended
R1557	AT040	Yes	
R1559	AT040	Yes	
R1568	AT040	Yes	
R1832	AT040	Yes	
R1829	AT040	Yes	
R1812	AT040	Yes	
R1814	AT040	Yes	
R1804	AT040	Yes	
R1815	AT040	Yes	
R1816	AT040	Yes	
R1817	AT040	Yes	
R1824	AT040	Yes	
R1826	AT040	yes	
R1818	AT040, AT039	Yes	
R1831	AT040	Yes	
R1811	AT040	Yes	Yes
R1819	AT040	Yes	
R1820	AT040	Yes	
R1826	AT040	Yes	
R1822	AT040	Yes	
R1825	AT040	Yes	
R1827	AT040	Yes	
R1813	AT040	Yes	
R1828	AT040	Yes	
R1830	AT040	Yes	
R1462	AT040	Yes	
R1461	AT040	Yes	
R1463	AT040	Yes	
R1457	AT040	Yes	
R1458	AT040	Yes	
R1459	AT040	Yes	
R1465	AT040	Yes	
R1430	AT040, AT039	Yes	
R1821	AT040	Yes	

R1460	AT040	Yes	
R1466	AT040	Yes	
R1458	AT040	Yes	
R1464	AT040	Yes	
R1823	AT040	Yes	

The Panel recommends that the following notices of requirement be withdrawn:

Notice of Requirement No.	Report table No.
R1803	AT040

6.2. Notices of requirement for existing designations included in the Proposed Auckland Unitary with or without modification on which submissions have been lodged; and where issues have been resolved, by mediation, direct discussions, the evidence exchange process, or where submissions were not pursued, or left unrepresented by evidence at the hearing.

The Panel recommends to Auckland Council that it recommends to the requiring authority that the notices of requirement for the following designations be confirmed, subject to any further modifications identified in the table below and contained in the attachments to the relevant report table.

A “yes” is used in the table to indicate where the Panel is recommending further modifications. Refer to the report table referenced for the details of the further modifications recommended.

Designation No.	Report table No.	Additional text modifications recommended	Additional viewer map modifications recommended
1618	AT003	Yes	Yes
1688	AT006, AT039		
1644	AT007	Yes	
1599	AT008	Yes	
1611	AT009	Yes	
1626	AT010	Yes	
1683	AT011	Yes	
1709	AT013, AT039	Yes	
1616	AT014	Yes	
1592	AT014, AT039	Yes	
1685	AT014	Yes	Yes
1697	AT014, AT039	Yes	
1587	AT014	Yes	Yes
1657	AT014	Yes	
1404	AT019	Yes	Yes
1640	AT020	Yes	Yes
1609	AT021	Yes	Yes
1571	AT023	Yes	
1572	AT023	Yes	

1573	AT023	Yes	
1402	AT024	Yes	
1614	AT025, AT039	Yes	Yes
1452	AT026	Yes	
1834	AT027		Yes
1401	AT028		Yes
1454	AT032, AT039	Yes	
1455	AT033	Yes	
1437	AT036		
1467	AT036, AT039*		
1420	AT037		Yes
1428	AT037		Yes
1433	AT038	Yes	
1468	AT038		
1448	AT039	Yes	
1450	AT039		
1451	AT039		
1555	AT039		
1556	AT039		
1562	AT039	Yes	
1563	AT039		
1565	AT039		
1568	AT039		
1580	AT039		
1597	AT039		
1667	AT039		
1669	AT039	Yes	
1674	AT039		
1687	AT039		
1689	AT039		
1691	AT039		
1695	AT039		
1698	AT039		
1702	AT039	Yes	
1703	AT041	Yes	
1707	AT039		
1708	AT039		

6.3. Notices of requirement for existing designations included in the Proposed Auckland Unitary Plan with or without modification on which submissions have been lodged, or were modified when included in the Proposed Auckland Unitary Plan; and where issues were contested in evidence at the hearing.

The Panel recommends to Auckland Council that it recommends to the requiring authority that the notices of requirement for the following designations be confirmed, subject to any further modifications identified in the table below and contained in the attachments to the relevant report table.

A “yes” is used in the table to indicate where the Panel is recommending further modifications. Refer to the report table referenced for the details of the further modifications recommended.

Designation No.	Report table No.	Additional text modifications recommended	Additional viewer map modifications recommended
1643	AT002, AT039	Yes	
1655	AT004	Yes	
1807	AT005, AT039	Yes	
1677	AT012, AT039	Yes	Yes
1619	AT015	Yes	Yes
1699	AT016	Yes	
1700	AT016, AT039	Yes	
1701	AT016	Yes	
1633	AT017, AT039	Yes	Yes
1806	AT018	Yes	Yes
1671	AT022, AT039	Yes	
1673	AT022, AT001	Yes	

The Panel recommends that the following designations be withdrawn:

Designation No.	Report table No.
1453	AT031
1620	AT034

6.4. Notices of requirement for existing designations included in the Proposed Auckland Unitary Plan with modification not subject to submissions.


The Panel recommends to Auckland Council that it recommends to the requiring authority that the notices of requirement for the following designations be confirmed, subject to any further modifications identified in the table below and contained in the attachments to the relevant report table.

A “yes” is used in the table to indicate where the Panel is recommending further modifications. Refer to the report table referenced for the details of the further modifications recommended.

Notice of Requirement No.	Report table No.	Additional text modifications recommended	Additional viewer map modifications recommended
1594	AT001	Yes	
1622	AT001	Yes	
1623	AT001	Yes	
1639	AT001	Yes	
1652	AT001	Yes	
1653	AT001	Yes	

7. Panel reasons

The reasons for the Panel's recommendation are set out in section 8 below.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	18 May 2016

8. Assessment of modifications and submissions

Preliminary Note;

As a result of submissions Auckland Transport has requested that the notices of requirements set out below be withdrawn. As this can be done without further formality I have not reported on these.

1451- Swanson Road widening, Swanson

1563 – Durham Lane

1561 – Nicholas Street

1580 – York Street

1581 – Farnham Street

1597 – Parnell Road

1598 – Garfield Street

1600 – Falcon Street

1707 – Atkinson Road

1690 – Onehunga Mall on ramps

1698 – Captain Springs Road – Service Lane

1566 – Pedestrian Accessway Sale Street

R1803 – Mahia Road Road widening

Auckland Transport has also requested that the following notices of requirement be withdrawn. These are reported on in IHP Report to AC_074 Auckland Transport minor.

1607 – Great North Road – Parking Facility

1608 – St Lukes Proposed Regional Road.

R1405 – Car Park Percy Street Warkworth

Table reference No.	AT001
Requiring authority	Auckland Transport
Designation number (s). Updated May 2016, with the removal of designations that were determined to be unmodified and not submitted on. This list now only includes those designations which had their lapse period extended when rolled into the Proposed Auckland Unitary Plan.	1594 - building line - 46-50, 54 and 68 Upper Queen St and 62 Randolph St Newton (PAUP and Operative 12 years) 1622 - Council car park - 984 New North Road (PAUP 15 years Operative 12 Years) 1623 - Council car park - 867c New North Road (PAUP 15 years Operative 12 Years) 1639 - building line 2-14 Owairaka Avenue and 1-1A Tyburnia Avenue, Hillsborough (PAUP 15 years Operative 12 Years) 1652 building line - 141 Ladies Mile (PAUP 15 years Operative 12 Years) 1653 building line - 193-205 main Highway and 2 Cawley St, Ellerslie (PAUP 15 years Operative 12 Years)
Designation purpose	Various as above.
Location	Various as above.
Designation given effect to	No
Lapse date in operative plan	Various
Rollover designation with no modifications	Yes
Description of the modification. Updated May 2016.	Designations 1639, 1652 and 1653 appear to have had the lapse dates extended from 12 years in the operative district plan to 15 years in the Proposed Auckland Unitary Plan. In addition designations 1622 and 1623 and the have now been given effect to and while this is not a rollover modification, it falls into the category of a minor correction.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority but this will vary in degree between designations.
Land owned by the requiring authority	As above.
Submitter	There are no submissions on these designations.
Matters addressed in submission	NA
Engagement by requiring authority with submitters.	NA
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on these designations. I understand that any application to extend lapse

	times for designations needs to be made to the Auckland Council.
Recommendation to Panel	NA
Response from requiring authority	Agree with the above recommendations to Panel to the extent that these designations are beyond challenge.
Reporting officer comment on response	<p>Following the pre-hearing meeting in 16 September 2015 the Panel has clarified its position on the lapse date issue. The Panel has determined that the extension of a lapse period such as the extensions from 12 to 15 years is a modification that the Panel makes a recommendation on.</p> <p>Designations 1639, 1652 and 1653 appear to have had the lapse dates extended from 12 years in the operative district plan to 15 years in the Proposed Auckland Unitary Plan. This is a modification of the designation. As there are no submissions and the extension sought is minor these are recommended to be confirmed subject to the lapse dates being more firmly defined.</p> <p>Designations 1622 (Council car park 984 New North Road) and 1623 (Council car park 867c New North Road) have been given effect to and do not require a lapse date. They need to be updated to reflect this.</p> <p>There is an error in the text of Designation 1594 in that the lapse dates in different parts of the designation are different and should be corrected.</p>
Recommendation from Panel	<p>The Panel recommends that the designations be confirmed with the further modifications set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse dates for: Designations 1639, 1652 and 1653 be amended as follows:</p> <p>15 years from being operative in the Unitary Plan <u>31 August 2032</u> unless given effect to prior</p>
Reasons	<p>The Panel agrees with the report writer's reasons except that adding dimensions to the plans for road widening designations is not necessary because the plan viewer maps are dimensionally accurate.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse</p>

	date should be extended.
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AT001 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1622 Car Park - New North Road

Designation Number	1622
Requiring Authority	Auckland Transport
Location	984 New North Road, Mt Albert
Rollover Designation	Yes
Legacy Reference	Designation E05-32, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	15 years from being operative in the Unitary Plan unless given effect to prior Given effect to (i.e. no lapse date).

Description

Council car park

Conditions

1. All activities, works and buildings not fully described in the notice of requirement shall be the subject of either:
 - a. A new notice of requirement, which shall be publicly notified pursuant to section 168 of the Resource Management Act; or
 - b. A notice to alter the designation pursuant to section 181 of the Resource Management Act, which notice shall be publicly notified unless the alteration is minor and affected persons agree in accordance with the provisions of section 181(3) of the Act.

Attachments

No attachments

1623 Car Park - New North Road

Designation Number	1623
Requiring Authority	Auckland Transport
Location	867C New North Road, Mt Albert
Rollover Designation	Yes
Legacy Reference	Designation E05-33, Auckland Council District Plan (Isthmus Section) 1999

Lapse Date	15 years from being operative in Unitary Plan unless given effect to prior <u>Given effect to (i.e. no lapse date).</u>
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Description

Council car park

Conditions

1. All activities, works and buildings not fully described in the notice of requirement shall be the subject of either:
 - a. A new notice of requirement, which shall be publicly notified pursuant to section 168 of the Resource Management Act; or
 - b. A notice to alter the designation pursuant to section 181 of the Resource Management Act, which notice shall be publicly notified unless the alteration is minor and affected persons agree in accordance with the provisions of section 181(3) of the Act.

Attachments

No attachments

1639 Road Widening - Owairaka Avenue

Designation Number	1639
Requiring Authority	Auckland Transport
Location	2-6 and 8-14 Owairaka Avenue and 1 Tyburnia Avenue, Owairaka
Rollover Designation	Yes
Legacy Reference	Designation F05-02, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	15 years from being operative in the Unitary Plan <u>31 August 2032</u> unless given effect to prior

Purpose

Building line for road widening - 3m from road boundary.

Conditions

1. ~~That the term for implementation of this designation be 15 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation shall lapse on 31 August 2032.

2. Auckland Transport, when designing the works will have regard to any scheduled or protected item directly affected by the works.

Attachments

No attachments.

1652 Road Widening - Ladies Mile

Designation Number	1652
Requiring Authority	Auckland Transport
Location	141 Ladies Mile, Ellerslie
Rollover Designation	Yes
Legacy Reference	Designation F12-26, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	15 years from being operative in the Unitary Plan <u>31 August 2032</u> unless given effect to prior

Purpose

Building line for road widening and corner cut off.

Conditions

1. ~~That the term for implementation of this designation be 15 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation shall lapse on 31 August 2032.

2. Auckland Transport when designing the works will have regard to any scheduled or protected item directly affected by the works.

Attachments

No attachments.

1653 Road Widening - Main Highway

Designation Number	1653
Requiring Authority	Auckland Transport

Location	193-205 Main Highway south side and 2 Cawley Street, Ellerslie
Rollover Designation	Yes
Legacy Reference	Designation F12-27, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	15 years from being operative in the Unitary Plan <u>31 August 2032</u> unless given effect to prior unless given effect to prior

Purpose

Building line for road widening - south side 4m from road boundary.

Conditions

1. ~~That the term for implementation of this designation be 15 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation shall lapse on 31 August 2032.
2. Auckland Transport when designing the works will have regard to any scheduled or protected item directly affected by the works.

Attachments

No attachments.

1594 Road Widening - Upper Queen Street

Designation Number	1594
Requiring Authority	Auckland Transport
Location	46-50, 54 and 68 Upper Queen Street and 62 Randolph Street, Newton
Rollover Designation	Yes
Legacy Reference	Designation C08-13, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years for being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening.

Conditions

1. ~~That the term for implementation of this designation be 12w years from the inclusion of the designation in the Unitary Plan in accordance with section 184 of the Resource Management Act 1991~~ the designation shall lapse on 31 August 2029.
2. Auckland Transport when designing the works will have regard to any scheduled or protected item directly affected by the works.

Attachments

No attachments.

Table reference No.	AT002
Requiring authority	Auckland Transport
Designation number	1643
Designation purpose	Road Widening Mount Albert Road
Location	181-245, 251, 259-335, 334A-340A, 346-352, 349-357, 356-368, 371A-457, 386-446, 448-536, 459A-649, 546-560, 590-620, 636, 644-650, 653-663, 660A, 664-668, 669-673, 670-684, 679-681, 688-698, 693-699, 707-711 and 717-725 Mt Albert Road, 685 Sandringham Road Extension, 1-1A May Road, 8-12 Mount Roskill Road, 1001, 1288C Dominion Road, 30 Erson Avenue, 18-18A Jasper Avenue, 1 and 2 Scout Avenue, 944 Mount Eden Road, 282 St Andrews Road, 111 Pah Road and 704-717 Manukau Road.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Angela D Bennett - 1040-1 Vanessa Adamson – 1046-1 Katrina Yeo – 110-1,2 Ranfurly Village Limited – 2816-8 Mangawhau Trust – 3714-1, 2 Jesvier Kaur – 7153-1
Matters addressed in submission	These submissions generally oppose the designation. J Kaur requests that the lapse date be amended to preserve the heritage character of Mt Albert Road.
Engagement by requiring authority with submitters.	The requiring authority has advised that The Public Transport Network Plan 2013 proposes that Mt Albert Road became a Frequent Network by 2016. This is likely to require some priority especially as the corridor is around 20 metres wide.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on this designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. In order to assist in assessing the effects of the designation on submitters it would assist if the requiring authority were able to provide more information about how the Frequent Network will impact on the submitters' properties and a time frame for property purchase to implement the network.

	Accordingly I am not able to make a considered recommendation on this designation at this time.
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September 2015 the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for: Designation 1643 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel received evidence from Auckland Transport in support of the designation and evidence for Ranfurly Village in opposition. Having considered the evidence, the Panel concluded that the designation is reasonably necessary and comprises a considerable portion of Mt Albert Road as an integrated work. It is not apparent that the designation causes an immediate problem for the submitter's development. The additional heritage conditions recommended in response to a submission from Heritage New Zealand will provide a more proactive approach to assessment of effects on heritage when works occur.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT002 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1643 Road Widening - Mt Albert Road

Designation Number	1643
Requiring Authority	Auckland Transport
Location	181-245, 251, 259-335, 334A-340A, 346-352, 349-357, 356-368, 371A-457, 386-446, 448-536, 459A-649, 546-560, 590-620, 636, 644-650, 653-663, 660A, 664-668, 669-673, 670-684, 679-681, 688-698, 693-699, 707-711 and 717-725 Mt Albert Road, 685 Sandringham Road Extension. 1-1A Mav Road. 8-12 Mount Roskill Road. 1001.
Rollover Designation	Yes
Legacy Reference	Designation F06-04, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - 3m from road boundary.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work.
2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.
3. Where any construction works for a project on designated land that includes the total or substantial demolition of, or alterations and / or additions to, a building, structure or feature that is a scheduled historic heritage place, any outline plan of works that is required shall include:
 - a. An assessment of the effects of the historic heritage values of the place;
 - b. A consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic place and the proposed new works are in accordance with this conservation or similar plan.

Attachments

No attachments.

Table reference No.	AT003
Requiring authority	Auckland Transport
Designation number	1618
Designation purpose	Road Widening Great South Road.
Location	2-236, 69-105, 242-248, 254-262, 272-280, 286-294 and 300-350 Great South Road, 1, 2 and 21 Otahuri Crescent, 1 Sunnyvale Road and 1 Mapau Road between Greenlane and Newmarket.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Yeut Fah Wu – 1100-1 Dilworth Trust Board – 3477-21
Matters addressed in submission	These submissions generally oppose the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that the designation is required for future transport improvements. AT is investigating whether the designation is required on the Wu property at 1 Mapua Road.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. In order to assist in assessing the effects of the designation on submitters it would assist if the requiring authority were able to provide more information about how the future transport improvements will impact on the submitters' properties and a time frame for property purchase to implement the network. Accordingly I am not able to make a considered recommendation on this designation at this time. The requiring authority has not provided any additional evidence to support the designation and the results of any discussions with submitters is still unknown. Accordingly I am not able to make any recommendation on this designation at this time.
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.

Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1 and Attachment 2.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p><u>The Panel therefore recommends that the lapse date for Designation 1618 be amended as follows:</u> 12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>Auckland Transport gave evidence on designation 1618 at the Hearing as set out in Appendix 21 to John Carters evidence dated 21 October 2015. Auckland Transport’s evidence concluded that 1 Mapau Road should not be included in the designation and that designation 1618 should be amended to that effect. Auckland Transport indicated that they had discussed this with the owner Ms Wu. John Childs gave evidence dated 5 November 2015 confirming that Ms Wu was satisfied with Auckland Transport’s proposed deletion of the designation from 1 Mapau Road.</p> <p>Auckland Transport’s evidence concludes that the remainder of the designation: “is reasonably necessary for achieving the objectives of Auckland Transport for the following reasons:</p> <ul style="list-style-type: none"> • The designation will improve public transport, cycling and walking infrastructure on Great South Road; • The designation is required for growth management; and • No feasible alternative site, routes or methods have been identified. <p>Auckland Transport also stated that a corridor management plan has been prepared by Auckland Transport for this corridor which indicates that some of the designated land will be required for works but detailed design has not taken place yet. The corridor management plan was not attached to the evidence.</p> <p>Dilworth Trust Board did not produce evidence in relation to designation 1618 at the hearing.</p> <p>Accordingly the Panel concluded that the designation is reasonably necessary to achieve the objectives of the requiring authority. The designation should be removed from 1 Mapau Road and the planning maps updated to reflect this.</p>

	<p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>
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AT003 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1618 Road Widening - Great South Road

Designation Number	1618
Requiring Authority	Auckland Transport
Location	2-236, 69-105, 242-248, 254-262, 272-280, 286-294 and 300-350 Great South Road, 1, 2 and 21 Otahuri Crescent, 1 Sunnyvale
Rollover Designation	Yes
Legacy Reference	Designation D09-29, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - east side 2 7m from road boundary.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work
2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.

Attachments

No attachments.

AT003 Attachment 2 changes to the Proposed Auckland Unitary Plan maps

Delete that part of Designation 1618 marked in yellow below.



Table reference No.	AT004
Requiring authority	Auckland Transport
Designation number	1655
Designation purpose	Road Widening Ellerslie Panmure Highway.
Location	341-357, 387-393, 406-424, 421-439, 456-470, 459 and 535 Ellerslie Panmure Highway, 1-1A Ferndale Road, 1 Barrack Road and 1 Harding Avenue.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Shona E Shanks 1108-1 Fang C Kuo 2076-1, 2, 3 Jing Ling 2606-1 Michael Ren 2706-1 Yi Yu Chang 2756-1 Shiraran Selvaratnam 2811-1 Alan F Tutt 2893-1
Matters addressed in submission	These submissions generally oppose the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that the Corridor Management Plan requires additional width for bus/bike movements.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>In order to assist in assessing the effects of the designation on submitters it would assist if the requiring authority were able to provide more information about how the additional bus and bike movements will impact on the submitters' properties and a time frame for property purchase to implement the designation.</p> <p>Accordingly I am not able to make a considered recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel recommends that the designation be confirmed

	<p>with the further amendments set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1655 be amended as follows: 12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel heard evidence in support from Auckland Transport and evidence in opposition from submitters. Having considered the evidence, the Panel concludes that the designation is reasonably necessary to achieve the objectives of the requiring authority. The land acquisition process can address compensation issues – a matter of importance to submitters.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT004 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1655 Road Widening - Ellerslie Panmure Highway

Designation Number	1655
Requiring Authority	Auckland Transport
Location	341-357, 387-393, 406-424, 421-439, 456-470, 459 and 535 Ellerslie Panmure Highway, 1-1A Ferndale Road, 1 Barrack Road and
Rollover Designation	Yes
Legacy Reference	Designation F13-05, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - 5m from road boundary.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly by this work.
2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.

Attachments

No attachments

Table reference No.	AT005
Requiring authority	Auckland Transport
Designation number	1807
Designation purpose	New Road – Whitford Bypass
Location	40, 51, 54, 58, 83, 133, 172, 173, 201, 227, 231, 230, 232, 238, 250, 257, 284, 330, 371, 374, 376 and 385 Whitford Park Road, 2, 21, 35, 91, 97, 101 and 401 Trig Road, 18, 24 and 30 Saleyard Road, 500 Brookby Road, 53 Polo Lane, 1 and 2 Turanga Road, 49 Clifton Road and 46, 53R, 104R, 109, 130, 150, 186, 299, 373 and 404 Whitford-Maraeiti Road (Stages 1, 2, 3 and 4).
Designation given effect to	No
Lapse date in operative plan	??
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 30 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Geoff and Helen Cussell 1361-1 Warwick J and Muriel R Russell 3719-1 Lisa Peart and Lloyd Brown – 842-1
Matters addressed in submission	The Russell submission opposes the designation. The submission from the Cussells seeks that trees be removed outside 347 Whitford park Road and the Peart/Brown submission seeks that road widening be undertaken on the other side of the road from 284 Whitford park Road.
Engagement by requiring authority with submitters.	The requiring authority has advised that the designated area outside 374 Whitford Park Road has been acquired and vested as road. Auckland Transport is under no obligation to remove the trees within this designated area. The road to be upgraded progressively over an extended time as development and traffic growth occurs.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. The Proposed Auckland Unitary Plan records this designation as a rollover designation but states that it is not yet included within the operative district plan. As the trees outside 374 Whitford Park Road are located on vested road there is little that can be done through this process to have the trees removed unless there was an agreement to do this. It would assist if the submitters could

	<p>provide evidence of such an agreement.</p> <p>It would also assist if the requiring authority were able to set out its programme for completing the road so that the effects on the submitter can be assessed.</p> <p>Accordingly I am not able to make any recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative. For the reasons set out below the Panel considers the designation lapse period should be 12 years rather than 30 years proposed by the requiring authority.</p> <p>The Panel therefore recommends that the lapse date for Designation 1807 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel heard evidence in support from Auckland Transport and evidence in opposition from submitters. Having considered the evidence the Panel concludes that the designation is reasonably necessary to achieve the objectives of the requiring authority.</p> <p>Also, the Panel agrees that it has no authority to require the requiring authority to take any action such as the removal of trees in respect of land that it already owns.</p> <p>The Panel considers that the 30 year lapse date is not justified in the absence of a commitment to the works and evidence that substantial progress or effort has been made towards giving effect to the designation. Section 184 of the RMA allows the requiring authority to make application to extend the lapse date should this be required in the future.</p> <p>A term of 12 years is considered more appropriate and is consistent with the lapse date for many of the requiring authority’s designations.</p> <p>The Panel also provides the following reasons for amending</p>

	<p>the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p> <p>The additional heritage conditions which are recommended in response to a Heritage New Zealand submission will provide a more proactive approach to assessment of effects on heritage when works occur.</p>
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AT005 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1807 New Road - Whitford Bypass

Designation Number	1807
Requiring Authority	Auckland Transport
Location	40, 51, 54, 58, 83, 133, 172, 173, 201, 227, 231, 230, 232, 238, 250, 257, 284, 330, 371, 374, 376 and 385 Whitford Park Road, 2, 21, 35, 91, 97, 101 and 401 Trig Road, 18, 24 and 30 Saleyard Road, 500 Brookby Road,
Rollover Designation	Yes
Legacy Reference	Not yet included in the Auckland Council District Plan (Manukau Section) 2002
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

New road.

Conditions

General

1. The scope and extent of the works envisaged within the designations shall be generally in accordance with the requirement and the plans submitted with the Notice of Requirements, and subject to any modification required to comply with the conditions set out below.

2. Land taken or held for the works shall be maintained to a reasonable standard until the physical works commence and for the duration of the construction works.
3. At all times, reasonable access shall be maintained from the roading network to private properties not directly affected by the construction and operation works.
4. During and following the construction period, safety barriers and security fencing shall be provided to ensure neighbouring site safety and security fencing to a standard at least as currently provided on the property boundary.

Outline Plans

5. Auckland Council shall not waive its requirement for an Outline Plan.
6. Prior to the commencement of the physical works, Auckland Transport as requiring authority shall prepare and submit to Auckland Council as consent authority an Outline Plan of Works pursuant to section 176A of the Resource Management Act 1991.
7. The Outline Plan(s) required by condition 7 shall include:
 - a. A record of consultation regarding the design of access to and egress from the directly affected property owners along the corridor within each Notice of Requirement;
 - b. The means by which stormwater shall be managed in accordance with Auckland Council publications TP 10 and TP 90; and
 - c. The manner in which any landscape mitigation planting is located and implemented.

Archaeological and Heritage Mitigation Conditions

8. That in the event of koiwi (skeletal remains) or archaeological evidence being uncovered work shall immediately cease in the vicinity of the discovery and the New Zealand Historic Places Trust archaeologist shall be contacted so that the appropriate action can be taken before work may recommence there. The relevant iwi representatives will also be contacted.
9. Detailed protocols for the management of any archaeological and waahi tapu discoveries shall be specifically discussed with tangata whenua prior to construction and submitted to Auckland Council for information.

10. The owners and occupiers of the properties affected by the designation and the relevant iwi representatives shall be notified of construction commencing and shall be kept informed of the project developments.

11. Any recorded archaeological site shall be screened by a fence at least 1.0 metre in height. The fencing shall be supervised by a suitably qualified archaeologist to determine the appropriate location for fencing. No construction material or equipment shall be stored within the fenced area.

Property Access Mitigation Conditions

12. Prior to the commencement of construction of the roading link and the widening of the existing roads, the Auckland Council is to be provided with plans showing details of how access is to be provided to properties directly affected by the road widening and construction of the link.

13. All traffic control measures shall conform to the current version, at the time of construction, of the Transit New Zealand manual entitled "Code of Practice for Temporary Traffic Control"

14. All necessary and practicable steps are to be taken to avoid damage to other utility services, the roading network or private property.

15. All reinstatement within the road reserve is to be carried out in accordance with Auckland Transport's Code of Practice.

16. The road construction works proposed are to be undertaken in a manner which ensures that the land on adjoining properties remain stable at all times. In this regard:

- a. The required retaining walls and/or any temporary stabilising works required shall be constructed in a timely manner under engineering design and supervision; and
- b. A geotechnical certification is to be submitted to the Auckland Council to confirm the suitability of the completed works.

17. Control measures shall be in place to ensure that any trucks do not deposit soil or other debris on public roads. Any such material deposited on any public road shall be cleaned up immediately at the Requiring Authority's expense.

18. All earthworks on the site are to be undertaken in a manner so as to minimise 'dust' or 'soil erosion/siltation' beyond the boundary of the site, which in the opinion of an enforcement officer who is employed by the Council, might be objectionable, offensive or have the potential to create an adverse effect on the receiving environment.

19. Any surplus excavated soil is to be taken to an approved fill site and disposed of in accordance with the relevant Unitary Plan requirements.

20. Exposed cut and fill batters/slopes and other bare land resulting from the works shall be revegetated as soon as practicable and in a progressive manner as works are finished over various areas of the project.

21. During construction, New Zealand noise standard "NZS 6803:1999 Acoustics - Construction Noise" shall apply and that noise shall comply with the limits set down in Table 2 of NZS6803:1999 or where that is impractical alternative strategies shall be implemented to ensure that construction noise does not exceed agreed levels with affected persons.

22. During construction, the generation of dust is to be managed in such a way it does not create a nuisance beyond the boundary of the works. A nuisance will be deemed to have occurred if:

- a. There is visible evidence of suspended solids/particulate matter in the air beyond the site boundary; and/or
- b. There is visible evidence of deposited particulate matter traceable from a dust source, settling on the ground, building or structure on an adjoining site or waterbody.

23. The hours of work shall be restricted to between 7 30am and 6 00pm, Monday to Saturday inclusive, with any variation subject to approval of the Council. Sunday and Public Holiday work is generally not permitted, any works on these days are also to be agreed by specific approval of the Manager Resource Consents.

24. The final engineering design is to incorporate water quality measures to adequately treat the road runoff.

25. In accordance with Section 184(1)(c) of the Resource Management Act 1991, the designation will lapse on 31 August 2029 ~~the expiry of thirty years after the date on which it is included in the District Plan~~ unless:

- a. It is given effect to before the end of that period; or
- b. The territorial authority determines, on an application made within three months

before the expiry of that period, that substantial progress of effort has been made towards giving effect to the designation and is continuing to be made, and fixes a longer period to give effect to the designation.

26. Management Plans and Outline Plans: General

- a. Prior to the commencement of the works, any relevant Management Plans required under conditions to this designation shall be submitted to the Auckland Council.

- b. Any Management or Outline Plans may be submitted in stages to reflect any proposed staging of the physical works. Plans submitted in stages must clearly show integration with adjacent stages and interrelated activities.

- c. If Council agrees on the content and terms of such Management Plans, that agreement shall be deemed to be a waiver in relation to that Plan or relevant part of the Plan pursuant to section 176A(2)(c) of the Resource Management Act of the requirement for an Outline Plan under section 176A.

- d. If Council does not agree on the terms of such Plan or Plans, the relevant provisions of section 176A of the Resource Management Act shall apply in respect of any part not agreed.

- e. The works shall be undertaken in general accordance with the approved Management Plan or accepted Outline Plan of Works (as the case may be).

28. Additional conditions to be imposed on Notice of Requirement 2 (Whitford Bypass)

- a. A mitigation plan shall be prepared in consultation with the Whitford Play Centre to address the relocation of the building and associated facilities. The mitigation plan shall include the location of the playcentre building, playground equipment, landscape planting, parking provision. The plan shall include indicative timeframes to enable landscape planting to be established ahead of the relocation of any buildings and shall also address overall timeframes ahead of the commencement of construction.

- b. A Redevelopment plan shall be prepared for the Whitford War Memorial Reserve in consultation with the community and the Council's Parks Department to address the impact of the proposed road alignment on the reserve. The redevelopment plan shall address (but not be limited to) the following matters: Loss of facilities, relocation

of the tennis courts, screen planting, relocation of the public playground, protection of the War Memorial Gates, utilisation of the additional land purchased adjacent to the existing reserve, the mitigation plan prepared in accordance with condition a) above for the relocation of the Whitford Playcentre.

c. A mitigation plan shall be prepared in consultation with the Whitford Pony Club to this Notice of Requirement to address the potential impacts of the designation on the land owned by the Club including any noise mitigation, provision for direct access from the adjacent roundabout, mitigation landscape planting where appropriate and the potential use of excess fill to re-contour appropriate areas of the Pony Club land.

d. The Outline Plan of Works submitted under general condition 7 of this Notice of Requirement shall include the recommended noise mitigation measures detailed in the report entitled "Proposed Whitford Bypass - Assessment of Noise Effects" prepared by Hegley Acoustic Consultants and dated 24 February 2005.

29. Additional conditions to be imposed on Notices of Requirement 3 and 4

a. The Outline Plan of Works submitted under general condition 7 of this Notice of Requirement shall include design measures to ensure the roundabout at the intersection of Trig Road, Whitford Maraetai Road and Clifton Road is appropriately located and suitable for the access and egress of quarry and landfill vehicles.

b. The Outline Plan of Works submitted under general condition 7 of this Notice of Requirement shall include design measures to ensure that stormwater runoff from the completed road surface is managed to ensure that any existing stormwater and groundwater monitoring undertaken by the landfill operator is not compromised.

c. The Outline Plan of Works shall also address the protection of Landfill monitoring Site 6 adjacent to Henson Road and the protection of all other boreholes servicing the landfill site.

d. The Outline Plan of Works shall also address the protection and or replacement of the existing landfill screen planting. Should any of the existing screen planting be required to be removed or adversely affected by the works, it shall be replaced as soon as practicable. Replacement planting shall be undertaken in close consultation with the Landfill operator to ensure it is consistent with the ongoing planting programme undertaken by them. The planting shall be of a high quality and large specimen trees shall be used in order to replicate the size of the vegetation removed. The planting shall be maintained at no expense to the Landfill operator for not less than two years after planting, and any trees that die within that period shall be

replaced, at no expense to the Landfill.

e. A record of consultation undertaken with the owners and operators of the Whitford Quarry and Landfill on issues outline within Clauses (a) to (d) above shall be submitted in conjunction with the relevant sections of the outline plan of works.

Advice Note: Any removal of screen planting required by these works shall be undertaken on the understanding that the Landfill/Quarry will not be considered to be in breach of its own designation and resource consent conditions.

Heritage NZ Condition

30. Where any construction works for a project on designated land that includes the total or substantial demolition of, or alterations and / or additions to, a building, structure or feature that is a scheduled historic heritage place, any outline plan of works that is required shall include:

- a. An assessment of the effects of the historic heritage values of the place;
- b. A consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic place and the proposed new works are in accordance with this conservation or similar plan.

Advice Notes:

1. It is noted that regional consents will be required to be obtained from the Auckland Regional Council prior to the commencement of the works.

2. Property Owner Rights

Landowners directly affected by the designation are advised that the Public Works Act 1981 makes provision for the following (among other things):

- a. For those landowners whose property is required to be taken (either in whole or in part) for the purpose of the project works they will have a basic entitlement to compensation under Section 60 of the Public Works Act, irrespective of whether the land is acquired compulsorily or on a willing-buyer, willing-seller basis.
- b. Disturbance payments, compensation for loss on repayment of mortgage, and compensation for business loss may in some cases also be claimed under sections 66 to 68 of the Public Works Act.

c. Compensation for injurious affection can be claimed under Section 63 of the Public Works Act.

3. The booklet titled "A Guide to Landowners Rights: When the Crown Wishes to Acquire Your Land for a Public Work" published by Land Information New Zealand provides useful information on the entitlements under the Public Works Act.

4. Any landowners/tenants potentially or actually affected by the designation are encouraged to seek their own legal advice in terms of their entitlement.

Attachments

No attachments.

Table reference No.	AT006
Requiring authority	Auckland Transport
Designation number	1688
Designation purpose	Road Widening Arthur Street
Location	119, 131-135, 151 Arthur Street and 250 Onehunga Mall, Onehunga
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Oyster Management Ltd – 1499-10.
Matters addressed in submission	The submission opposes the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that adjoining land has previously been taken to enable the road widening. The designation allows for footpath legalisation in front of submitter's site.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designation and accordingly I make no recommendation on the designations. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>Based on the GIS mapping I can confirm that the designation applies only to the footpath. Subject to this being confirmed by the requiring authority I would recommend that this designation be confirmed as it simply legalises the existing situation.</p>
Recommendation to Panel	That Designation 1688 be confirmed.
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Recommendation from Panel	<p>The Panel agrees with the report writer's recommendation.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1688 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August</u></p>

	<u>2029 unless given effect to prior</u>
Reasons	<p>The Panel agrees with the report writer's reasons. The Panel notes that John Childs gave brief evidence dated 5 November 2015 on behalf of Oyster Management Ltd indicating that the submitter was not satisfied but would not pursue the submission point.</p> <p>The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendix 33 to the effect that the designation is reasonably necessary to achieving the objectives of the requiring authority in improving public transport and walking infrastructure on Arthur Street.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

Attachment 1 changes to the text of the Proposed Auckland Unitary Plan

1668 Road Widening - Manukau Road

Designation Number	1668
Requiring Authority	Auckland Transport
Location	722, 726-792 Manukau Road, Onehunga
Rollover Designation	Yes
Legacy Reference	Designation G09-39, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan unless given effect to prior <u>31 August 2029 unless given effect to prior</u>

Purpose

Building line for road widening.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan~~ In accordance with section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.

Attachments

No attachments.

Table reference No.	AT007
Requiring authority	Auckland Transport
Designation number	1644
Designation purpose	Road Widening Mt Albert Road and Sandringham Road.
Location	250-252, 256 Mt Albert Road and 692 Sandringham Road, Sandringham.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Paula Nicholson – 1879-1
Matters addressed in submission	The submission opposes the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that the Public Transport Network Plan 2013 proposed that Mt Albert Road become a Frequent Network by 2016. This is likely to require some priority especially as the corridor is around 20 metres wide.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>It would assist if the requiring authority were able to provide more detailed information about how the Frequent Network will impact on the submitter's property and a time frame for property purchase to implement the network.</p> <p>Accordingly I am not able to make any recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.

	<p>The Panel therefore recommends that the lapse date for Designation 1644 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The designation is reasonably necessary to achieve the objectives of the requiring authority.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT007 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1644 Road Widening - Mt Albert Road and Sandringam Road

Designation Number	1644
Requiring Authority	Auckland Transport
Location	250-252, 256 Mt Albert Road and 692 Sandringham Road, Sandringham
Rollover Designation	Yes
Legacy Reference	Designation F06-05, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for Road Widening - 2.5m from road boundary.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.

Attachments

No attachments.

Table reference No.	AT008
Requiring authority	Auckland Transport
Designation number	1599
Designation purpose	Road Widening Cheshire Street
Location	11-13 and 19-33 Falcon Street and 2 Akaroa Street, Parnell.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Parnell Business Association (Parnell Inc) 2016/27 Rex Alan Godso Family Trust – 2404-1 One 77 Custodians Limited – 2406-1 New York Properties limited – 2424-1 Athol McQuilkan – 5940-7 New York Apartments Limited – 8959-5 Lugano Estate Holdings Limited – 9238-1 Platinum Investments Limited – 9242-1 Giack Enterprises Limited – 9246-1 New York Commercial Limited – 9439-5
Matters addressed in submission	The submissions oppose the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that it wishes to retain this designation to provide better rail station access.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>The designation does not appear to directly affect buildings with the exception of the building on the corner of Cheshire Street and Tika Street. Therefore the impact of the designations is limited and it would appear that most of the designation could be implemented relatively easily. The designation would assist in widening a narrow street that is likely to be necessary if this street is used to access the railway station at Parnell.</p> <p>It would assist if the requiring authority to specify when it plans to implement the designation so that a full assessment of the effects on land owners can be understood.</p> <p>Accordingly I am not able to make any recommendation on this designation at this time.</p>

Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1599 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>None of the submitters presented or tabled evidence at the hearing.</p> <p>The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendix 16 to the effect that the designation is reasonably necessary to achievement of the objectives of the requiring authority to provide for a functional footpath and pedestrian connection from the new Parnell train station through to Parnell Road.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT008 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1599 Road Widening - Cheshire Street

Designation Number	1599
Requiring Authority	Auckland Transport
Location	11-13 and 19-33 Falcon Street and 2 Akaroa Street, Parnell
Rollover Designation	Yes

Legacy Reference	Designation C09-20, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.
2. Auckland Transport when designing the works will have regard to any scheduled or protected item directly affected by the works.

Attachments

No attachments.

Table reference No.	AT009
Requiring authority	Auckland Transport
Designation number	1611
Designation purpose	Road Widening Balmoral Road
Location	240-242, 250-256 Balmoral Road and 43, 87-89, 81-85 St Lukes Road and 107 Taylors Road, St Lukes.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Heather Heilbron and David Dwerryhouse 2156-1 Vector Limited and Vector Gas Limited 2745-638
Matters addressed in submission	The submissions oppose the designation in respect of properties at 107 Taylors Road and 250 Balmoral Road.
Engagement by requiring authority with submitters.	The requiring authority has advised that it may no longer require the portion of the designation that affects 43 St Lukes Road and 107 Taylor Road and is currently seeking internal advice.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>The requiring authority should confirm its position in respect of this designation and whether it is required to be applied to the submitters' properties.</p> <p>Accordingly I am not able to make any recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for</p>

	Designation 1611 be amended as follows: 12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior
Reasons	<p>Auckland Transport produced evidence stating that all of the designated area was necessary for the works. The Panel agrees that the designation is reasonably necessary to achieve the objectives of the requiring authority. The new access Condition 4 recommended by the Panel was agreed between Auckland Transport and Vector Ltd. The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT009 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1611 Road Widening - Balmoral Road

Designation Number	1611
Requiring Authority	Auckland Transport
Location	240-242, 250-256 Balmoral Road and 43, 87-89, 81-85 St Lukes Road and 107 Taylors Road, St Lukes
Rollover Designation	Yes
Legacy Reference	Designation D06-11, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Road widening.

Conditions

1. That a landscape plan be submitted to the Council at the time of detailed design.

2. The short term construction effects including noise, visual effects and dust effects be reduced through appropriate construction methods.

3. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.

4. Notwithstanding section 177 of the Resource Management Act 1991, Auckland Transport is deemed to have given its written approval (as requiring authority) under sections 176 or 178 of the RMA to enable Vector Limited (Vector), or any other party authorized by Vector, to undertake an activity for the purposes of operating, maintaining or upgrading Vector's existing infrastructure on the land in which Vector has a property interest, whether or not that is authorized by an existing Vector designation, where such works are provided for under the Electricity Act 1992 or an existing easement, and provided that Vector, or any party authorized by Vector will:

- give Auckland Transport 10 days' written notice of its intention to undertake such works, except for emergency works (as defined in the National Code of Practice for Utility Operators' Access to Transport Corridors 2011 (or any replacement of the Code) when prior notice is not required. In the case of emergency works notice of the works must be given to Auckland Transport as soon as is reasonably practicable before, or after the works are completed;
- meet any necessary health and safety requirements; and
- remedy at Vector's cost any physical damage Vector causes as soon as reasonably practicable after completion of the works.

Advice Note: Vector has acknowledged that Auckland Transport takes no responsibility for any damage resulting from the Vector works approved pursuant to this condition. For the avoidance of doubt, Auckland Transport is not giving requiring authority approval for any works beyond the scope of any existing property right, designation, or rights under the Electricity Act 1992.

Attachments

No attachments.

Table reference No.	AT010
Requiring authority	Auckland Transport
Designation number	1626
Designation purpose	Road Widening Balmoral Road.
Location	34-36, 88-102, 104B, 108, 122-126, 132-138, 142-156, 218-230 Balmoral Road and 15 Douglas Road, Balmoral.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Lilo and Chris Robinson 2345-1.
Matters addressed in submission	The submission opposes the designation on 108 Balmoral Road.
Engagement by requiring authority with submitters.	The requiring authority has advised that it is required for future transport improvements and effects are considered and compensation paid.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>In order to assist in assessing the effects of the designation on submitters it would assist if the requiring authority were able to provide more information about how the future transport improvements will impact on the submitters' properties and a timeframe for property purchase to implement the designation.</p> <p>Accordingly I am not able to make a considered recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August

	<p>2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1626 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The submitter did not presented or table evidence at the hearing.</p> <p>The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendix 24 to the effect that the designation is reasonably necessary to achievement of the objectives of the requiring authority to provide for bus priority measures.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT010 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1626 Road Widening - Balmoral Road

Designation Number	1626
Requiring Authority	Auckland Transport
Location	34-36, 88-102, 104B, 108, 122-126, 132-138, 142-156, 218-230 Balmoral
Rollover Designation	Yes
Legacy Reference	Designation E07-02, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening.

Conditions

1. That the term for implementation of this designation be ~~12 years from the~~

~~inclusion of the designation in the Unitary Plan~~, In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029.

Attachments

No attachments.

Table reference No.	AT011
Requiring authority	Auckland Transport
Designation number	1683
Designation purpose	Road Widening Selwyn Street
Location	77 Selwyn Street, Onehunga
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Vector Limited and Vector Gas Limited Auckland Council
Matters addressed in submission	The Vector submission opposes the designation. The Auckland Council submission seeks to have the schedule and purpose amended to refer to a corner cut-off.
Engagement by requiring authority with submitters.	The requiring authority has advised that it accepts the Auckland Council submission and is in discussion with Vector.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>As the requiring authority is in discussion with Vector it should provide an update on the discussions with Vector and whether the submitter's concerns can be accommodated.</p> <p>Accordingly I am not able to make a recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for</p>

	Designation 1683 be amended as follows: 12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior
Reasons	<p>The designation is reasonably necessary to achieve the objectives of the requiring authority. The new access Condition 3 recommended by the Panel was agreed between Auckland Transport and Vector Ltd. The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT011 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1683 Road Widening - Selwyn Street

Designation Number	1683
Requiring Authority	Auckland Transport
Location	77 Selwyn Street, Onehunga
Rollover Designation	Yes
Legacy Reference	Designation H09-14, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Road widening.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029
2. Auckland Transport when designing the works will have regard to any scheduled or protected item directly affected by the works.

3. Notwithstanding section 177 of the Resource Management Act 1991, Auckland Transport is deemed to have given its written approval (as requiring authority) under sections 176 or 178 of the RMA to enable Vector Limited (Vector), or any other party authorized by Vector, to undertake an activity for the purposes of operating, maintaining or upgrading Vector's existing infrastructure on the land in which Vector has a property interest, whether or not that is authorized by an existing Vector designation, where such works are provided for under the Electricity Act 1992 or an existing easement, and provided that Vector, or any party authorized by Vector will:

- give Auckland Transport 10 days' written notice of its intention to undertake such works, except for emergency works (as defined in the National Code of Practice for Utility Operators' Access to Transport Corridors 2011 (or any replacement of the Code) when prior notice is not required. In the case of emergency works notice of the works must be given to Auckland Transport as soon as is reasonably practicable before, or after the works are completed;
- meet any necessary health and safety requirements; and
- remedy at Vector's cost any physical damage Vector causes as soon as reasonably practicable after completion of the works.

Advice Note: Vector has acknowledged that Auckland Transport takes no responsibility for any damage resulting from the Vector works approved pursuant to this condition. For the avoidance of doubt, Auckland Transport is not giving requiring authority approval for any works beyond the scope of any existing property right, designation, or rights under the Electricity Act 1992.

Attachments

No attachments.

Table reference No.	AT012
Requiring authority	Auckland Transport
Designation number	1677
Designation purpose	Road Widening Great South Road
Location	950-952, 970-992, 998-1006, 1120, 514-540, 562-618, 791-793, 805, 851, 475-583, 617-649 Great South Rd and 2,10 Beatley Street, Penrose.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Vector Limited and Vector Gas Limited 540 Great South Road Limited – 5957-6
Matters addressed in submission	The submission generally opposes the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that it is in discussion with Vector but that the designation is required for future transport improvements.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>In order to assess the effects of the designation on submitters it would assist if the requiring authority was able to provide more information about how the future transport improvements will impact on the submitter's properties and a timeframe for property purchase to implement the improvements.</p> <p>Accordingly I am not able to make a considered recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1 and Attachment 2.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities,</p>

	<p>along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1677 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel heard evidence in support from Auckland Transport and evidence in opposition from the submitter. The Panel agrees with the submitter to the extent that the evidence indicates that the designation on 540 Great South Road is not reasonably necessary to achieve the objectives of the requiring authority. The new access Condition 4 recommended by the Panel was agreed between Auckland Transport and Vector Ltd. The additional heritage conditions will provide a more proactive approach to assessment of effects on heritage when works occur.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT012 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1677 Road Widening - Great South Road

Designation Number	1677
Requiring Authority	Auckland Transport
Location	950-952, 970-992, 998-1006, 1120, 514-540, 562-618, 791-793, 805, 851,
Rollover Designation	Yes
Legacy Reference	Designation G13-16, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - 5m from road boundary.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work.

2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

3. Notwithstanding section 177 of the Resource Management Act 1991, Auckland Transport is deemed to have given its written approval (as requiring authority) under sections 176 or 178 of the RMA to enable Vector Limited (Vector), or any other party authorized by Vector, to undertake an activity for the purposes of operating, maintaining or upgrading Vector's existing infrastructure on the land in which Vector has a property interest, whether or not that is authorized by an existing Vector designation, where such works are provided for under the Electricity Act 1992 or an existing easement, and provided that Vector, or any party authorized by Vector will:
 - give Auckland Transport 10 days' written notice of its intention to undertake such works, except for emergency works (as defined in the National Code of Practice for Utility Operators' Access to Transport Corridors 2011 (or any replacement of the Code) when prior notice is not required. In the case of emergency works notice of the works must be given to Auckland Transport as soon as is reasonably practicable before, or after the works are completed;
 - meet any necessary health and safety requirements; and
 - remedy at Vector's cost any physical damage Vector causes as soon as reasonably practicable after completion of the works.

Advice Note: Vector has acknowledged that Auckland Transport takes no responsibility for any damage resulting from the Vector works approved pursuant to this condition. For the avoidance of doubt, Auckland Transport is not giving requiring authority approval for any works beyond the scope of any existing property right, designation, or rights under the Electricity Act 1992.

4. Where any construction works for a project on designated land that includes the total or substantial demolition of, or alterations and / or additions to, a building, structure or feature that is a scheduled historic heritage place, any outline plan of works that is required shall include:
 - a. An assessment of the effects of the historic heritage values of the place;
 - b. A consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic place and the proposed new works are in accordance with this conservation or similar plan.

Attachments

No attachments

AT012 Attachment 2 changes to the Proposed Auckland Unitary Plan maps.

Delete that part of designation 1677 located on 540 Great South Road, Otahuhu (the corner site between Great South Road and Nixon Ave).

Table reference No.	AT013
Requiring authority	Auckland Transport
Designation number	1709
Designation purpose	Service Lane Station Road to Mason Avenue
Location	10-18 Station Road, 5-7 Mason Avenue and 303-337, Otahuhu.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Lanny Foy 2797-1
Matters addressed in submission	The submission opposes the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that some of the right of way is currently occupied by buildings and there is still a need to retain the designation to protect the ability to form the service lane.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on these designations. I understand that any application to extent lapse times for designations needs to be made to the Auckland Council.</p> <p>This relates to a partially formed service lane over a private lane behind shops in Otahuhu. It appears that the rear of one building is located entirely over the proposed service lane, which prevents it being completed. Two other buildings located at each entrance to the proposed service lane are located partially over the designation, but not sufficiently so as to prevent access which occurs currently.</p> <p>It would appear the effects on landowners could be reduced if the width of the two entrance points was reduced to reflect the current situation.</p> <p>The requiring authority has not provided any evidence to support the designation and the results of any discussions with submitters are still unknown. Accordingly I am not able to make any firm recommendations on this designation but do note that a resolution of the submission appears possible.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.

Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1709 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The submitter did not present or table evidence at the hearing.</p> <p>The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendix 37 to the effect that the designation is reasonably necessary to achievement of the objectives of the requiring authority to provide for intensification in the Otahuhu Town Centre and to achieve a through block connection parallel to the main street with vehicular access to buildings.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT013 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1709 Service Lane - Station Road to Mason Avenue

Designation Number	1709
Requiring Authority	Auckland Transport
Location	10-18 Station Road, 5-7 Mason Avenue and 303-337, Otahuhu
Rollover Designation	Yes
Legacy Reference	Designation I14-27, Auckland Council District Plan (Isthmus Section) 1999

Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior
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Purpose

Proposed service lane.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments.

Table reference No.	AT014
Requiring authority	Auckland Transport
Designation number (s)	1616 Road Widening Mt Eden Road 1592 Road Widening New North Road 1685 Road Widening Neilson Street 1697 Road Widening Captain Springs Road 1587 Road Widening Newton Road 1657(all – Road Widening Mt Wellington Highway)
Designation purpose	As above
Location	1616- 4-18 22, 26, 44-56, 43-81, 90, 94-96 Mt Eden Road and 2,3 Enfield Street, Mt Eden. 1592 - 1, 21-63, 81, 2-48, 60-74 New North Road and 1-13, 21-27A, 29-35 Mount Eden Road. 1685 - 31-33, 35, 3, 39, 41, 45, 167-171, 270-274, 327, 333 and 343 Neilson Street, 8 and 10 Gloucester Park Road, 10 O'Rorke Street, 6-10 Selwyn Street and 9 Alfred Street, Onehunga. 1697 - 153, 156A Captain Springs Road and 231-241, 252, 253-259 Church Street, Te Papapa. 1587 - 21 Newton Road and 582 Karangahape Road, Newton. 1657 - 39-87, 80, 114-170, 153-155, 214-258, 261-279, 289-301, 570, 576-590, 660-684 and 645 Mt Wellington Highway, 56 Panorama Road, 459 Ellerslie-Panmure Highway, 2 Hamlin Road, 3 and 7 Triangle Road and 2A Ryburn Road, Mt Wellington.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Anscot Property Limited – 2831-1 (1616 only) Samson Corporation and Sterling Nominees Limited 6247 - 35 (all). Jason M Riddex – 81-1 (1657 only). Sopers Macindoe and Banks LP – 9253-1 (1592 only). Jubilee Crippled Children Foundation Trust Board – 9362-1 (1592 only). Martin and Dorothy Shale – 9413 -1 (1685 only).
Matters addressed in submission	The submission from Anscot opposes Designation 1616. The Samson submissions seek that dimensions of the road widening be included on the Proposed Auckland Unitary Plan maps or diagrams.

	<p>Jason Riddex opposed Designation 1657.</p> <p>Sopers Macindoe and Banks LP oppose Designation 1592</p> <p>Jubilee Crippled Children Foundation Trust Board opposes Designation 1592.</p> <p>Martin and Dorothy Shale oppose Designation 1685.</p>
<p>Engagement by requiring authority with submitters.</p>	<p>The requiring authority has advised the submitters that Mt Eden Road is identified as part of the Frequent Transport Network and the Auckland Cycle Network. It has also been identified as a potential light rail route.</p> <p>Auckland Transport is willing to include dimensions on the road widening if Auckland Council agrees although dimensions are not likely to be necessary.</p> <p>Auckland Transport advised that Designation 1657 is required for AMETI.</p> <p>Auckland Transport advised that in respect of the Shale submission the property has been acquired and vested as road.</p> <p>Auckland Transport advised that Designation 1592 is required for future transport improvements.</p>
<p>Assessment and reasons</p>	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on these designations. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>In order to assess the effects of the designations on submitters it would assist if the requiring authority were able to provide more information about how the Frequent Transport Network and the Auckland Cycle Network will impact on the submitters' properties and a timeframe for property purchase to implement the networks.</p> <p>Accordingly I am not able to make any recommendation on Designations 1616, 1657 and 1592 at this time.</p> <p>In respect of the need for dimensions I consider that the usefulness of the designations would be enhanced if designations that affect private property were dimensioned either on the plans or in the text of the Proposed Auckland Unitary Plan.</p> <p>Designation 1685 covers some private land and some road reserve. I consider that in order to avoid confusion for landowners where the land has already been vested as road, the designation should be removed from that land that</p>

	has already been vested. It would assist if Auckland Transport could provide a plan confirming which land has been vested.
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designations be confirmed with the further amendments set out in Attachment 1 and Attachment 2.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse dates for Designations 1616, 1592, 1685, 1697, 1587, and 1657 be amended as follows: 12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The submitters did not present or table evidence at the hearing. However the modification of the designation boundaries set out in Attachment 2 addresses the concerns of Martin and Dorothy Shale – 9413 -1 (1685 only) and addresses the concerns of Samson Corporation and Sterling Nominees Limited in part.</p> <p>The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendices 14, 15, 20, 30, 32 and 34 to the effect that the designation is reasonably necessary to achievement of the objectives of the requiring authority to provide for the works described in the evidence.</p> <p>. The areas of designation to be deleted from Designations 1685 and 1587 were agreed to by Auckland Transport.</p> <p>Adding dimensions to the plans for road widening designations as requested by one submitter is not necessary because the plan viewer maps are dimensionally accurate.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse</p>

date should be extended

AT014 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

685 Road Widening - Neilson Street

Designation Number	1685
Requiring Authority	Auckland Transport
Location	31-33 , 35, 3, 39, 41, 45, 167-171, 270-274, 327, 333 and 343 Neilson Street, 8 and 10 Gloucester Park Road, 10 O'Rorke Street, 6-
Rollover Designation	Yes
Legacy Reference	Designation H09-29, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Road widening.

Conditions

1. The building lines shall be in accordance with the modified plans identified as H09-29.
2. That the scheduled Italian cypress (668) located at 270 Neilson Street is to be replaced by a mature specimen tree of at least 4m in height at the time of planting. Before commencement of construction of the road widening, a landscaping plan giving details of the tree (showing the species, its location, size at time of planting, soil or growing medium depth and drainage) and also outlining a maintenance programme for the tree shall be submitted to the satisfaction of council. Planting of this tree shall be undertaken in accordance with the approved landscape plan during the first planting season after construction of the road widening commences.
3. Any existing parking, manoeuvring and planting areas which are affected by the proposed land take shall be relocated or reinstated in so far as is practicable and to the satisfaction of council.
4. That detailed plans of the proposed works are to be provided to the satisfaction of council at least two months prior to the commencement of construction. These

plans shall clearly indicate where existing parking, manoeuvring and planting will be affected by the land take. The plans will also give details of any proposed relocation or reinstatement of parking, manoeuvring and planting areas. Within ten days of receipt of the plans council may request any reasonable changes to achieve the purpose of the requirement and with regard to the agreed conditions.

5. Any stormwater runoff arising from earthworks shall be contained and treated via an appropriate sediment control device to avoid additional sedimentation load being discharged into the stormwater system. The location and specification of the sediment control device(s) shall be in accordance with Annexure 14 of the Auckland Council District Plan (Isthmus Section) 1999.

6. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Advice Note

1. The Tranz Rail freight terminal is subject to an existing designation, "Auckland Freight Centre, Neilson Street vicinity" As such the council designation is to be identified as the later designation in the Unitary Plan. The provisions of Section 177 of the Resource Management Act (1991) apply accordingly.

Attachments

No attachments.

1616 Road Widening - Mt Eden Road

Designation Number	1616
Requiring Authority	Auckland Transport
Location	14-18 22, 26, 44-56, 43-81, 90, 94-96 Mt Eden Road and 2,3 Enfield
Rollover Designation	Yes
Legacy Reference	Designation D08-33, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work.
2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments.

1592 Road Widening - New North Road

Designation Number	1592
Requiring Authority	Auckland Transport
Location	1, 21-63, 81, 2-48, 60-74 New North Road and 1-13, 21-27A, 29-35 Mount
Rollover Designation	Yes
Legacy Reference	Designation C08-09, Auckland Council District Plan (Isthmus Section) 1999

Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior
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Purpose

Building line for road widening.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work.
2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments.

1697 Road Widening - Captain Springs Road

Designation Number	1697
Requiring Authority	Auckland Transport
Location	153, 156A Captain Springs Road and 231-241, 252, 253-259 Church Street, Te Papapa
Rollover Designation	Yes
Legacy Reference	Designation H11-06, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening and corner cut off.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments.

1587 Road Widening - Newton Road

Designation Number	1587
Requiring Authority	Auckland Transport
Location	21 Newton Road and 582 Karangahape Road , Newton
Rollover Designation	Yes
Legacy Reference	Designation C07-21, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

2. Auckland Transport when designing the works will have regard to any scheduled or protected item directly affected by the works.

Attachments

No attachments.

1657 Road Widening - Mt Wellington Highway

Designation Number	1657
Requiring Authority	Auckland Transport
Location	39-87, 80, 114-170, 153-155, 214-258, 261-279, 289-301, 570, 576-590, 660-684 and 645 Mt Wellington Highway, 56 Panorama Road, 459

Rollover Designation	Yes
Legacy Reference	Designation F14-16, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - 5m from road boundary.

Conditions

1. That Auckland Transport (or any succeeding requiring authority) in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly by this work.
2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

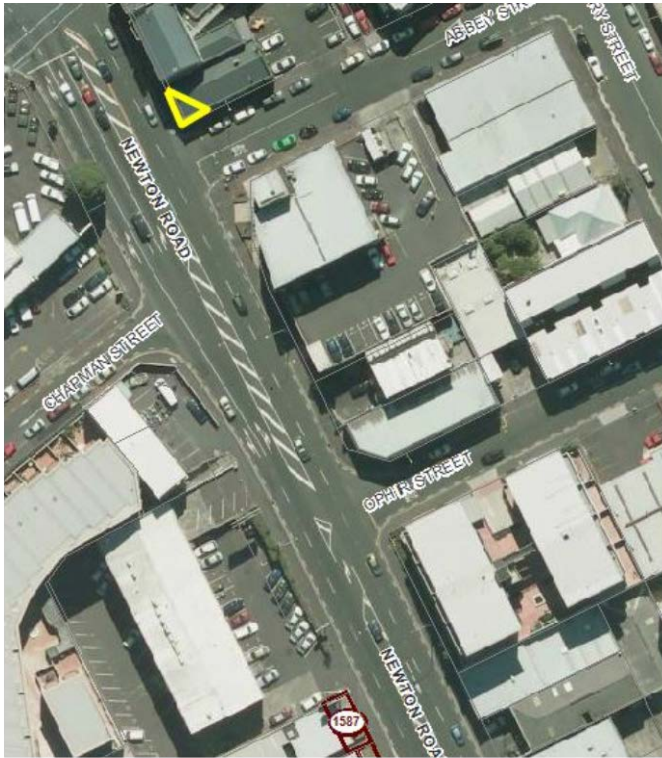
Attachments

No attachments

AT014 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Designation 1587

Land to be removed from Designation 1587



Designation 1685

Land to be removed from Designation 1685



Table reference No.	AT015
Requiring authority	Auckland Transport
Designation number	1619
Designation purpose	Road Widening Great South Road
Location	1-21, 69-105, 421-485, 495-525, 535-555 and 575 Great South Road and 2-8 Manukau Road between Greenlane and Newmarket.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Maranello Management Limited – 3330-1 Dilworth Trust Board – 3477-22 Tramlease Limited and Viaduct Holdings Limited and Viaduct Harbour Management Limited 5566-102
Matters addressed in submission	The submissions generally oppose the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that the designation is required for future transport improvements. Tramlease has since advised that: Designation ID1619 has now been in place for a number of years and has not yet been given effect to by Auckland Transport (AT). Notwithstanding this Auckland Transport does not propose to amend the designation extent in any way and seeks that the designation should be rolled over for an unspecified lapse period. Site 26E (575 Great South Road, Penrose) is a long-term freehold investment held by the Submitters and the unimplemented designation has an adverse effect on rent review of the leasehold interest. Absent firm proposals to give effect to the designation in the short-term, the Submitters seek that the designation should be cancelled or withdrawn.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. In order to assess the effects of the designation on submitters it would assist if the requiring authority were able

	<p>to provide more information about how the future transport improvements will impact on the submitters' properties and a time frame for property purchase to implement the improvements.</p> <p>Accordingly I am not able to make a considered recommendation on this designation at this time.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>That Designation 1619 be modified by removing the designation from 21 Great South Road as shown in Attachment 2 and with the amendments shown in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1619 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior.</p>
Reasons	<p>The Panel heard evidence from Auckland Transport in support of the designation and evidence in opposition. The Panel concludes that part of the designation on 21 Great South Road is not necessary to achieve the objectives of the requiring authority, based on evidence of Todd Langwell dated 5 November 2015 for Key Developments Ltd.</p> <p>Tramlease stated on 16 October 2015 that:</p> <p>AT has now confirmed that a 12 year lapse period is required and that the road widening works are likely to be programmed during this period. Given that the subject site is a rear section, the designation will affect the right of way both in terms of business disruption etc. during the works and the need for AT to acquire part of the Submitters interest in the right of way under the PWA. Based on the understanding that the Submitters will be adequately compensated under the PWA they are now content for the designation to be rolled over. Their submission is therefore amended in relevant part. The Submitters have relied on the information provided to them (referenced above) by AT in arriving at this conclusion. They wish to maintain their right to be heard regarding the AT designations, unless there are no other submitters wishing to be heard.</p>

	<p>Tramlease did not present evidence at the hearing on this designation.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>
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AT015 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1619 Road Widening - Great South Road

Designation Number	1619
Requiring Authority	Auckland Transport
Location	1-21, 69-105, 421-485, 495-525, 535-555 and 575 Great South Road and
Rollover Designation	Yes
Legacy Reference	Designation D09-30, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - west side 2 74m from road boundary.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work.
2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments

AT015 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Remove Designation 1619 from 21 Great South Road.

Table reference No.	AT016
Requiring authority	Auckland Transport
Designation number (s)	1699 New Road Pukemiro Street 1700 New Road Captain Springs Road 1701 new Road Manukau Esplanade
Designation purpose	As above
Location	As above
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Southpark Corporation Limited 3625-2, 3625-3 Ports of Auckland 5137-560, 561, 562, 563
Matters addressed in submission	The submissions oppose the designations.
Engagement by requiring authority with submitters.	The requiring authority has advised that Designation 1696 can be deleted but that Designations 1699, 1700 and 1701 are required for the East-West link. Letters have been drafted but are waiting for internal Auckland Transport review before being sent out.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>In order to assess the effects of the designation on submitters it would assist if the requiring authority were able to provide more information about how the East-West Link requires the designation to be maintained and how road changes will impact on the submitters' properties together with a timeframe for property purchase to implement the improvements.</p> <p>Accordingly I am not able to make a considered recommendation on this designation at this time. However Auckland Transport should confirm that Designation 1696 will be withdrawn.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral – Designation 1696 withdrawn. Requests mediation and hearing.
Reporting officer comment on response	<p>Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.</p> <p>I note Designation 1696 has now been withdrawn.</p>

Recommendation from Panel	<p>The Panel recommends that the Designations 1699, 1700 and 1701 be confirmed with the further amendments set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapses date for Designations 1699, 1700 and 1701 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior.</p>
Reasons	<p>The Panel heard evidence from Auckland Transport in support of the designations and evidence from the submitters opposing the designations. The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendix 35 to the effect that the designation is reasonably necessary to achievement of the objectives of the requiring authority to:</p> <ul style="list-style-type: none"> • Improve traffic circulation within the industrial area south of Neilson Street including addressing local concerns by reducing problematic turning movements on and off the Neilson Street corridor; • Improve the connections in and out of Onehunga-Penrose, including the cycling and pedestrian network; • Provide enhanced access to the foreshore, including access to the existing Waikaraka cycleway and walkway; • Complement or partially deliver elements of the proposed EastWest Connections project through improving connections into and out of Onehunga-Penrose. <p>Note that Designation 1696 has been withdrawn.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT016 Attachment 1 changes to text of Proposed Auckland Unitary Plan

1699 New Road - Pukemiro Street

Designation Number	1699
Requiring Authority	Auckland Transport
Location	57 Angle Street, Te Papapa
Rollover Designation	Yes
Legacy Reference	Designation H11-13, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Proposed road.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

2. Activities shall be in accordance with the development controls of the Unitary Plan.

Attachments

No attachments

1700 New Road - Captain Springs Road

Designation Number	1700
Requiring Authority	Auckland Transport
Location	60 and 69 Captain Springs Road and 13 and 59 Miami Parade, Te Papapa
Rollover Designation	Yes

Legacy Reference	Designation H11-14, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Proposed roading network.

Conditions

1. Means of mitigating adverse effects on the coastal marine area to be incorporated at the time of detailed design.
2. A detailed landscape plan be submitted to the Council at the time of detailed design.
3. Activities shall be in accordance with the development controls of the Unitary Plan.
4. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments

1701 New Road - Manukau Esplanade

Designation Number	1701
Requiring Authority	Auckland Transport
Location	59 Miami Parade, Te Papapa
Rollover Designation	Yes
Legacy Reference	Designation H11-18, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Proposed Road.

Conditions

1. That construction of the road and the road as completed does not impact adversely on the Manukau Harbour or coastal environment.
2. That means of mitigating any adverse effects on the coastal environment be incorporated in to the final design of the road.
3. That a landscape plan incorporating planting to reduce visual effect of the road on the coastal environment be submitted to the council at the time of detailed design.
4. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029
5. Prior to giving effect to the designation, a site investigation shall be undertaken to determine the extent, if any, of contaminated soils within the construction footprint of the road Where this investigation identifies any contaminated soils, a contamination management plan shall be submitted to council for approval The contamination management plan must contain details of the measures to be implemented during construction and operation of the road to avoid and mitigate adverse effects on the surrounding environment.

Table reference No.	AT017
Requiring authority	Auckland Transport
Designation number	1633 New Road Tainui Road
Designation purpose	As above
Location	As above
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Atlas Concrete Limited 3787-102 Bunnings Limited 6096-73
Matters addressed in submission	The submission from Bunnings opposes the designations while Atlas Concrete seeks that the designation be retained.
Engagement by requiring authority with submitters.	The requiring authority has advised that the designation can be deleted from the Mt Wellington Highway to Fraser Road. Letters have been drafted but are waiting for internal Auckland Transport review before being sent out.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>The area that can be deleted runs through Mt Wellington reserve.</p> <p>In order to assess the effects of the designation on submitters it would assist if the requiring authority were able to provide more information about how the future transport improvements will impact on the submitters' properties and a timeframe for property purchase to implement the improvements.</p> <p>Accordingly I am not able to make a considered recommendation on this designation at this time.</p> <p>However Auckland Transport should confirm those parts of the designation that will be withdrawn.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel recommends that the designations 1633 be confirmed with the further amendments set out in

	<p>Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1633 be amended as follows:</p> <p><u>12 years from being operative in the Unitary Plan 31 August 2029</u> unless given effect to prior</p>
Reasons	<p>Auckland Transport requested that a portion of the designation be withdrawn as it is no longer necessary and that this also meets concerns of Heritage New Zealand who also submitted. The Panel heard evidence from Auckland Transport and Bunnings Ltd on the remaining designation. The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendix 25 to the effect that the remainder of the designation is reasonably necessary to achievement of the objectives of the requiring authority to provide for a strategic connection.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT017 Attachment 1 changes to text of Proposed Auckland Unitary Plan

1633 New Road - Tainui Road

Designation Number	1633
Requiring Authority	Auckland Transport
Location	<p>1, and 3, 32-66 and 59-59A Mountain Road, 474, 480-482, 486-492 and 510</p> <p>Ellerslie-Panmure Highway, 5 and 7 Fraser Road, 1-21A, 2 and 21B Morrin Road, 39A-39B Tainui Road and 71, 130 and 140</p>

Rollover Designation	Yes
Legacy Reference	Designation E15-01, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Land required for regional road.

Conditions

1. That at the time of detailed design an assessment of environmental effects be undertaken to determine effects the work will have on the environment and the most appropriate means of mitigating these effects (This assessment to include the protection of the geological and archaeological precinct surrounding Mt Wellington).
2. That as part of the future analysis of the eastern corridor the Council review this regional road designation with a view to avoiding or mitigating the potential effects on the Mt Wellington Domain and in recognition of concerns expressed by iwi.
3. That consultation with iwi be undertaken as part of the review process at the time of detailed design.
4. That a landscape plan be submitted to the Council at the time of detailed design including fencing and planting which will be implemented at the boundary of the road effects and provide screening.
5. That vehicle access along Panmure Road, Mountain Road, Morrin Road, Tamaki Station Road and Tainui Road be maintained when construction is completed.
6. The short term construction effects including noise, visual effects and dust be reduced through appropriate construction methods.
7. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments

AT017 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Amend Designation 1633 by deleting part of the designation between Fraser Road and Ellerslie –Panmure Highway to appear after the deletions as follows:

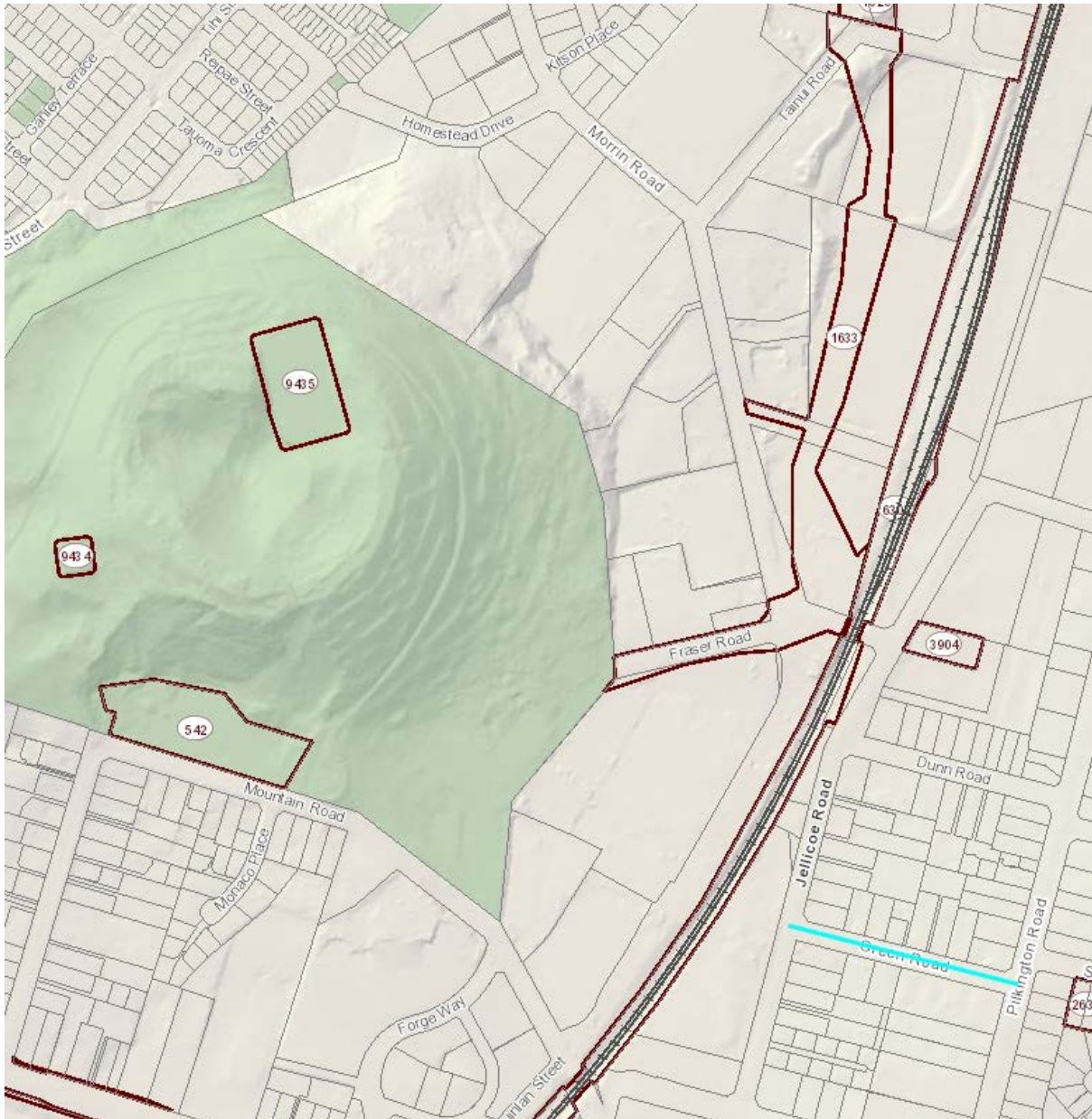


Table reference No.	AT018
Requiring authority	Auckland Transport

Designation number	1806
Designation purpose	Road Widening Beachlands Road
Location	109 and 129 Beachlands Road, 373, 460, 465, 469, 482, 492, 509, 529, 533, 600, 601-605, 639, 645-651, 650, 691, 702, 712, 722, 732, 746, 751, 758, 770, 781, 824, 830, 855, 865-867 and 897 Whitford-Maraetai Road and 49 and 110A Jack Lachlan Drive, Whitford (Stages 5, 6 and 7).
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 30 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Donald Willan 3983-1 St Stephens and Queen Victoria Schools Trust Board 6658-4.
Matters addressed in submission	The Willan submission seeks that the designation be removed from 897 Whitford-Maraetai Road. The Schools Trust Board's submission seeks that the lapse date be reduced to 9 years.
Engagement by requiring authority with submitters.	The requiring authority has advised that the road is to be upgraded progressively over an extended time as development and traffic growth occurs.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to change lapse times for designations needs to be made to the Auckland Council. In order to assess the effects of the designation on submitters it would assist if the requiring authority were able to provide more information about how the future road improvements will impact on the submitters' properties and a timeframe for property purchase to implement the improvements. Accordingly I am not able to make a considered recommendation on this designation at this time.
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel recommends that the designation be confirmed subject to the following amendments:

	<ul style="list-style-type: none"> i. that the lapse date be amended to 12 years as shown in Attachment 1: ii. that the designation be uplifted from the Beachlands roundabout northwards including 897 Whitford Road as shown in Attachment 2.
Reasons	<p>The Panel heard evidence in support of the designation from Auckland Transport and evidence from the submitters in opposition to parts to the designation.</p> <p>The Panel agrees with the evidence of St Stephens and Queen Victoria Schools Trust Board 6658-4 to the extent that the 30 year lapse date is not justified in the absence of a commitment to the works and evidence that substantial progress or effort has been made towards giving effect to the designation. Section 184 of the RMA allows the requiring authority to make application to extend the lapse date should this be required in the future.</p> <p>A term of 12 years is considered more appropriate and is consistent with the lapse date for many of the requiring authority's designations.</p> <p>The Panel agrees with the evidence of Donald Willan to the extent that the designation is not justified north of the Beachlands roundabout given the works already undertaken.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1806 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior.</p>

AT018 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1806 Road Widening - Beachlands Road

Designation Number	1806
Requiring Authority	Auckland Transport

Location	109 and 129 Beachlands Road, 373, 460, 465, 469, 482, 492, 509, 529, 533, 600, 601-605, 639, 645-651, 650, 691, 702, 712, 722, 732, 746, 751,
Rollover Designation	Yes
Legacy Reference	Designation 291, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Road widening.

Conditions

General

1. The scope and extent of the works envisaged within the designations shall be generally in accordance with the requirement and the plans submitted with the Notice of Requirements, and subject to any modification required to comply with the conditions set out below.

2. The provisions of the Notices of Requirement shall be inserted into the Auckland Unitary Plan to reflect the nature and extent of the requirements.

3. Land taken or held for the works shall be maintained to a reasonable standard until the physical works commence and for the duration of the construction works.

4. At all times, reasonable access shall be maintained from the roading network to private properties not directly affected by the construction and operation works.

5. During and following the construction period, safety barriers and security fencing shall be provided to ensure neighbouring site safety and security fencing to a standard at least as currently provided on the property boundary.

Outline Plans

6. Council shall not waive its requirement for an Outline Plan.

7. Prior to the commencement of the physical works, Auckland Transport as requiring authority shall prepare and submit to council as consent authority an Outline Plan of Works pursuant to section 176A of the Resource Management Act 1991.

8. The Outline Plan(s) required by condition 7 shall include:

- a. A record of consultation regarding the design of access to and egress from the directly affected property owners along the corridor within each Notice of Requirement;
- b. The means by which stormwater shall be managed; and
- c. The manner in which any landscape mitigation planting is located and implemented

Archaeological and Heritage Mitigation Conditions

9. That in the event of koiwi (skeletal remains) or archaeological evidence being uncovered work shall immediately cease in the vicinity of the discovery and the New Zealand Historic Places Trust archaeologist shall be contacted so that the appropriate action can be taken before work may recommence there. The relevant iwi representatives will also be contacted.

10. Detailed protocols for the management of any archaeological and waahi tapu discoveries shall be specifically discussed with tangata whenua prior to construction and submitted to the Auckland Council for information.

11. The owners and occupiers of the properties affected by the designation and the relevant iwi representatives shall be notified of construction commencing and shall be kept informed of the project developments.

12. Any recorded archaeological site shall be screened by a fence at least 1.0 metre in height. The fencing shall be supervised by a suitably qualified archaeologist to determine the appropriate location for fencing. No construction material or equipment shall be stored within the fenced area.

Property Access Mitigation Conditions

13. Prior to the commencement of construction of the roading link and the widening of the existing roads, the Auckland Council is to be provided with plans showing details of how access is to be provided to properties directly affected by the road widening and construction of the link.

14. All traffic control measures shall conform to the current version, at the time of construction, of the New Zealand Transport Agency manual entitled "Code of Practice for Temporary Traffic Control"

15. All necessary and practicable steps are to be taken to avoid damage to other utility services, the roading network, or private property. "

16. All reinstatement within the road reserve is to be carried out in accordance with Auckland Transport's Code of Practice.

17. The road construction works proposed are to be undertaken in a manner which ensures that the land on adjoining properties remain stable at all times. In this regard:

- a. The required retaining walls and/or any temporary stabilising works required shall be constructed in a timely manner under engineering design and supervision; and
- b. A geotechnical certification is to be submitted to the Auckland Council to confirm the suitability of the completed works.

18. Control measures shall be in place to ensure that any trucks do not deposit soil or other debris on public roads. Any such material deposited on any public road shall be cleaned up immediately at the Requiring Authority's expense.

19. All earthworks on the site are to be undertaken in a manner so as to minimise 'dust' or 'soil erosion/siltation' beyond the boundary of the site, which in the opinion of an enforcement officer who is employed by the Council, might be objectionable, offensive or have the potential to create an adverse effect on the receiving environment.

20. Any surplus excavated soil is to be taken to an approved fill site and disposed of in accordance with the relevant Unitary Plan requirements.

21. Exposed cut and fill batters/slopes and other bare land resulting from the works shall be revegetated as soon as practicable and in a progressive manner as works are finished over various areas of the project.

22. During construction, New Zealand noise standard "NZS 6803:1999 Acoustics – Construction Noise" shall apply and that noise shall comply with the limits set down in Table 2 of

NZS6803:1999 or where that is impractical alternative strategies shall be implemented to ensure that construction noise does not exceed agreed levels with affected persons

23. During construction, the generation of dust is to be managed in such a way it does not create a nuisance beyond the boundary of the works. A nuisance will be deemed to have occurred if:

- a. There is visible evidence of suspended solids/particulate matter in the air beyond the site boundary; and/or
- b. There is visible evidence of deposited particulate matter traceable from a dust source, settling on the ground, building or structure on an adjoining site or waterbody.

24. The hours of work shall be restricted to between 7 30am and 6 00pm, Monday to Saturday inclusive, with any variation subject to approval of the Council. Sunday and Public Holiday work is generally not permitted, any works on these days are also to be agreed by specific approval of the Auckland Council.

25. The final engineering design is to incorporate water quality measures to adequately treat the road runoff.

26. In accordance with Section 184(1)(c) of the Resource Management Act 1991, the designation will lapse on 31 August 2029 ~~expiry of 30 years after the date on which it is included in the District Plan unless:~~

- a. It is given effect to before the end of that period; or
- b. The territorial authority determines, on an application made within three months before the expiry of that period, that substantial progress of effort has been made towards giving effect to the designation and is continuing to be made, and fixes a longer period to give effect to the designation.

27. Management Plans and Outline Plans: General

a. Prior to the commencement of the works, any relevant Management Plans required under conditions to this designation shall be submitted to the Auckland Council.

b. Any Management or Outline Plans may be submitted in stages to reflect any proposed staging of the physical works. Plans submitted in stages must clearly show integration with adjacent stages and interrelated activities.

c. If Council agrees on the content and terms of such Management Plans, that agreement shall be deemed to be a waiver in relation to that Plan or relevant part of the Plan pursuant to section 176A(2)(c) of the Resource Management Act of the

requirement for an Outline Plan under section 176A.

d. If Council does not agree on the terms of such Plan or Plans, the relevant provisions of section 176A of the Resource Management Act shall apply in respect of any part not agreed.

e. The works shall be undertaken in general accordance with the approved Management Plan or accepted Outline Plan of Works (as the case may be).

28. Additional conditions to be imposed on Notice of Requirement 2 (Whitford Bypass)

a. A mitigation plan shall be prepared in consultation with the Whitford Play Centre to address the relocation of the building and associated facilities. The mitigation plan shall include the location of the playcentre building, playground equipment, landscape planting, parking provision. The plan shall include indicative timeframes to enable landscape planting to be established ahead of the relocation of any buildings and shall also address overall timeframes ahead of the commencement of construction.

b. A Redevelopment plan shall be prepared for the Whitford War Memorial Reserve in consultation with the community and council's Parks Department to address the impact of the proposed road alignment on the reserve. The redevelopment plan shall address (but not be limited to) the following matters: Loss of facilities, relocation of the tennis courts, screen planting, relocation of the public playground, protection of the War Memorial Gates, utilisation of the additional land purchased adjacent to the existing reserve, the mitigation plan prepared in accordance with condition a) above for the relocation of the Whitford Playcentre.

c. A mitigation plan shall be prepared in consultation with the Whitford Pony Club to this Notice of Requirement to address the potential impacts of the designation on the land owned by the Club including any noise mitigation, provision for direct access from the adjacent roundabout, mitigation landscape planting where appropriate and the potential use of excess fill to re-contour appropriate areas of the Pony Club land.

d. The Outline Plan of Works submitted under general condition 7 of this Notice of Requirement shall include the recommended noise mitigation measures detailed in the report entitled "Proposed Whitford Bypass — Assessment of Noise Effects" prepared by Hegley Acoustic Consultants and dated 24 February 2005.

29. Additional conditions to be imposed on Notices of Requirement 3 and 4

a. The Outline Plan of Works submitted under general condition 7 of this Notice of

Requirement shall include design measures to ensure the roundabout at the intersection of Trig Road, Whitford Maraetai Road and Clifton Road is appropriately located and suitable for the access and egress of quarry and landfill vehicles.

b. The Outline Plan of Works submitted under general condition 7 of this Notice of Requirement shall include design measures to ensure that stormwater runoff from the completed road surface is managed to ensure that any existing stormwater and groundwater monitoring undertaken by the landfill operator is not compromised.

c. The Outline Plan of Works shall also address the protection of Landfill monitoring Site 6 adjacent to Henson Road and the protection of all other boreholes servicing the landfill site.

d. The Outline Plan of Works shall also address the protection and or replacement of the existing landfill screen planting. Should any of the existing screen planting be required to be removed or adversely affected by the works, it shall be replaced as soon as practicable. Replacement planting shall be undertaken in close consultation with the Landfill operator to ensure it is consistent with the ongoing planting programme undertaken by them. The planting shall be of a high quality and large specimen trees shall be used in order to replicate the size of the vegetation removed. The planting shall be maintained at no expense to the Landfill operator for not less than two years after planting, and any trees that die within that period shall be replaced, at no expense to the Landfill.

e. A record of consultation undertaken with the owners and operators of the Whitford Quarry and Landfill on issues outline within Clauses (a) to (d) above shall be submitted in conjunction with the relevant sections of the outline plan of works.

Attachments

No attachments.

AT018 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan



Remove designation 1806
north of red line

Table reference No.	AT019
Requiring authority	Auckland Transport
Designation number	1404
Designation purpose	Road Widening Whangaparaoa Road
Location	470-502, 473-475, 504-522A, 529-549, 540, 585-587, 593-601, 609-611, 616A, 618, 637, 640-644A, 663, 720-728, 736-752, 756-760 and 770A-776 Whangaparaoa Road, 2 Cedar Terrace, 1 and 4 Brightside Road, 1 Penton Road, 1 Tower Hill, 2 Homestead Road and 2 Ladies Mile, Whangaparaoa.
Designation given effect to	No
Lapse date in operative plan	Five years from being operative in the Unitary Plan unless given effect to prior.
Rollover designation with no modifications	Yes
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 5 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority. (Some land is owned by Auckland Council)
Land owned by the requiring authority	As above.
Submitter	PrimeCare Holdings Limited 4149-14 Auckland Council 5716-2652
Matters addressed in submission	PrimeCare seek that the designation be deleted from 441 Whangaparaoa Rd. Auckland Council 5716-2652: Amend designation number reference in the property summary in the GIS map viewer to 1403 at 76-90 Red Beach Road, Whangaparaoa (not 1404).
Engagement by requiring authority with submitters.	The requiring authority has advised that the designation is requires to support growth on the Peninsula and the Penlink Project.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. In order to assess the effects of the designation on submitters it would assist if the Requiring Authority were able to provide more information about how the future transport improvements will impact on the submitters' properties and a timeframe for property purchase to implement the improvements. Accordingly I am not able to make a considered recommendation on this designation at this time.
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment	Following the pre-hearing meeting in 16 September the

on response and updated recommendation	Panel has clarified its position on the lapse date issue. The submission from Auckland Council corrects minor errors and it is recommended that it be adopted as set out in Attachment 2.
Recommendation from Panel	<p>That Designation 1404 be confirmed subject to the minor changes in Attachment 1 and by altering the designation boundary as shown in Attachment 2.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1404 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2017</u> unless given effect to prior</p>
Reasons	<p>Auckland Transport and the submitters lodged agreed changes at the hearing. The amendment to the designation boundary reflects the agreed position of the requiring authority and the submitter and a minor correction to the wording to make a map reference clearer.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT019 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1404 Road Widening - Whangaparaoa Road

Designation Number	1404
Requiring Authority	Auckland Transport
Location	470-502, 473-475, 504-522A, 529-549, 540, 585-587, 593-601, 609-611, 616A, 618, 637, 640-644A, 663, 720-728, 736-752, 756-760 and 770A-776
Rollover Designation	Yes

Legacy Reference	Sheet 5 - Roads to be Widened and Stopped of the Planning Maps, Auckland Council District Plan (Rodney
Lapse Date	Five years from being operative in the Unitary Plan 31 August 2022 unless given effect to prior

Purpose

Road widening.

Conditions

1. General

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 the Notice of Requirement dated 14 April 1998 (Appendix D - Designation drawings) and referenced as Figures A1 0 to A1 3 (BCHF Cad File No 6507C935 DWG to 6507C938 DWG Rev E) and Figures B1 1 to B1 4 (BCHF Cad File No 6507C931 DWG to 6507C934 DWG Rev D).

1 2 The designation and proposed works on the area of land subject to the designation shall not include any toll- booth type facilities or structures.

1 3 Before any construction is commenced an Outline Plan shall be submitted in terms of section 176A of the Resource Management Act 1991 to council. The outline plan may be submitted in stages to reflect any proposed staging of the physical works. This outline plan is to be submitted to council for assessment and recommendations to the council. The outline plan shall show those matters required to be included by section 176A(3) of the Act. It shall be prepared in consultation with directly affected property owners and occupiers with the record of such consultation being documented in the outline plan.

1 4 Prior to the start of physical works, the requiring authority (or its agent) shall obtain all resource consents required under the Resource Management Act 1991 and the Historic Places Act 1993.

2. Design Considerations

2 1 The requiring authority (or its agents) shall incorporate retaining walls into the detailed design to reduce the property effects at critical parts of the alignment, in general accordance with the details identified in Appendix C of the requiring authority's closing submissions.

2.2 As part of the upgrading works the requiring authority (or its agents) shall, subject to the proper performance of its statutory functions, provide suitable pedestrian crossing facilities at the following general localities along Whangaparaoa Road:

- a. Brightside Road;
- b. Weiti Crossing / Whangaparaoa Road intersection;
- c. Stanmore Bay Road;
- d. Ladies Mile;
- e. Pedestrian linkage of Duck Creek Road across the Weiti Crossing; and
- f. Such other places as may be identified in future analysis as necessary for safety purposes.

2.3 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:

- a. Lot 3 DP 95982 and Lot 1 DP 100141 being respectively the Kilmacrennan Farm and Kerrykeel Farm which are farmed as one unit known as Weiti Station (Green and McCahill Group submission); and
- b. Part Lot 1 DP 95984, Lot 1 DP 51255 and Lot 1 DP 49038 being land owned by Green and McCahill Holdings Ltd.

Explanation:

Given the size of the Green and McCahill Holdings Ltd landholding (908 hectares) two access points would be appropriate. The third access point sought by this company includes access to the Stillwater settlement which should be the subject of other considerations apart from this designation.

3. Noise Impact Mitigation

3.1 During construction, New Zealand Standard 6803P : 1984, 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.

3.2 The road alignment shall be designed to achieve the following noise standards:

- a. For the properties identified in Table A – the relevant traffic noise design limit contained in Table A.
- b. For all other properties – the relevant noise standard contained in NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

Table A:

Location	Traffic Noise Design Limits Le q (24 hours)
Dwelling A (at the western end of the proposed road as indicated on the AEE document)	65 dBA
All other existing* dwellings west of the Weiti River Dwelling 1 on Lot 1 DP 138956 Dwelling 2 on Lot 4 DP 64380 Dwelling 3 on Lot 6 DP 64380 Dwelling 4 on Lot 7 DP 64380 This will require mitigation from the expected noise levels	55 dBA
Dwellings at 7 to 37 Cedar Terrace inclusive	62 dBA
All existing* dwellings on Whangaparaoa Rd	65 dBA or ambient (whichever is greater)

*Existing at 14 April 1998

Note:

The assessment point for Table A is 1m in front of the most exposed point on the facades of the dwellings.

3.3 In addition to the standards in Table A 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 L_{max} 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 NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

3.4 If it is impracticable to meet the Design Limits in the above Conditions 3.2 and 3.3, then prior to completion of the road widening, the requiring authority (or its agents) shall, with the agreement of the owner of the dwelling and if so required by them, provide insulation and, if required, mechanical ventilation to all living rooms (including kitchens) and bedrooms, to ensure that an internal criterion of 40 dBA Leq (24 hours) is not exceeded. If it is impracticable or uneconomic 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.

3 5 Without limiting the requirements for consultation imposed under condition 3 4, 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.

3 6 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 2.

3 7 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed noise mitigation measures;
- 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 2 and shall give special consideration to the findings of any peer review in deciding what noise mitigation measures it implements for the Webster properties.

4. Ecological Impact Mitigation

4 1 The requiring authority (or its agents) shall, in conjunction with the council and in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust, produce the following programmes:

- a. An Ecological Mitigation Programme that outlines the methods and implementation and monitoring processes to be used to avoid, remedy or mitigate adverse effects on the environment, particularly in regard to indigenous vegetation, ecosystems and species, geological features and areas of wildlife habitats; and
- b. A Restoration Planting Programme that outlines the methods and implementation and monitoring processes to restore areas of indigenous vegetation, ecosystems or wildlife habitat likely to be affected by the proposed works.

The programmes shall be submitted as part of the outline plan.

4 2 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.

4 3 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.

4 4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- 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.

5. Visual Impact Mitigation

5 1 A Visual Mitigation Plan shall be prepared by the requiring authority (or its agents) in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust. The plan shall incorporate, where relevant, the recommendations of the ecological mitigation programme and the restoration planting programme and be submitted as part of the outline plan.

The Visual Mitigation 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 visual mitigation plan.

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.

5 3 In undertaking this consultation the requiring authority shall give special consideration to the need for measures which mitigate to 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 Websters properties are also to be considered by the requiring authority.

5 4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. Provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures;
- 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 and shall give special consideration to the findings of any peer review in deciding what visual mitigation measures it implements for the Webster properties.

6. Archaeological

6 1 Prior to construction and the obtaining of any necessary consents under the Historic Places Act 1993 the requiring authority (or its agents) shall undertake further investigation of archaeological sites R10/943 and R10/944 if these sites are affected by the proposed works or immediately adjoin the proposed works.

6 2 The archaeological sites recorded in the immediate vicinity of the proposed works 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.

7. Vibration

7 1 The road alignment shall be designed with due regard to the effects of vibration.

7 2 In the event that the requiring authority receives, in respect of any building

existing as at 14 April 1998, a complaint of vibration induced by construction activities or by traffic on completion of the widened/realigned section of Whangaparaoa Road, then the requiring authority shall:

- a. Monitor traffic induced vibration at location(s) from which complaints have been received where considered appropriate by the Auckland Council; and
- b. Where construction vibration levels exceed the relevant standards of ISO 2631-2, then the requiring authority shall implement practicable mitigation measures.

8. Stormwater

8 1 The requiring authority (or its agents) shall, in consultation with the Council:

- a. Provide suitable detention of concentrated stormwater flows which arise from construction works and the completed roadway to avoid, as far as is practicable, stream erosion by the discharging of this stormwater;
- b. Design, install and operate sediment control ponds to remove, to the maximum extent practicable, sediment from all concentrated discharge from the earthworks;
- c. Arrange all stormwater treatment devices in accordance with the Auckland Council's Technical Publication No 10 being the Design Guideline Manual : Stormwater Treatment Devices, dated 2003; and
- d. Take all practicable measures to ensure stormwater is not discharged into tributaries or overland flow paths which ultimately directly flow into the Okura River Estuary.

9. Physical Works Contract

9 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.

9 2 Construction shall be limited to the following hours:

- a. Weekdays: 7 00 a m to 6 00 p m;
- b. Saturdays: 8 00 a m to 4 00 p m; and
- c. Sundays and Public Holidays: No work.

9 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 Auckland 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.

9 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.

10. Public Notification

10 1 At six-monthly intervals from the date of this decision the requiring authority (or its agents) shall notify all property occupiers directly affected by the designation of the current status of the project and the estimated date of commencement of final design and construction. In addition, an advertisement is to be placed in the "Rodney Times" outlining the above information.

10 2 A Public Notification Plan shall be prepared and submitted for the approval of the Auckland Council prior to the start of physical works. 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; and
- b. Details of proposed signage to advise motorists of periods of likely traffic delays.

11. Duration of Designation

11 1 In accordance with s 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2022 ~~the expiry of 10 (ten) years after the date on which it is included in the Unitary Plan~~ unless:

- a. It is given effect to before the end of that period; or
- 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; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

12. Other

12 1 Prior to preparing an assessment of effects upon the environment under s 88 of the Act for the resource consents required from the council, the requiring authority (or its agents) shall prepare a Scoping Report for the consideration of the council. This shall indicate what is to be addressed in the assessment of effects and allow some agreement to be reached between the parties prior to the detailed analysis required for the assessment.

13. Costs

13 1 Pursuant to s 36 of the Resource Management Act 1991, the requiring authority shall be responsible for paying administrative charges relating to receiving, processing and making a decision in respect of the requirement. The total amount payable will be communicated to the requiring authority within two months of the

process being completed.

14. Local access to Stillwater Community

14 1 Safe and efficient two-way access to the Stillwater community (on both sides of the designated 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.

14 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.

15. Water Supply

15 1 During each construction season (1 October - 30 April) the requiring authority shall periodically check and wash down any residences (including the roof) which are located along the 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.

15 2 The requiring authority will test the water quality of the bores at 165 Duck Creek Road, being the land described in 113B/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.

15 3 In the event that either of the bores at 165 or 236 Duck Creek Road becomes contaminated, the requiring authority will provide an equivalent alternative free water supply.

15 4 The requiring authority will test the water quality of each 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.

16. Land Stabilisation

16 1 The requiring authority will conduct a "before and after" dilapidation survey of the properties (including the interiors of buildings) located along the designation route, including the Webster properties to assess any effects as a result of construction of the bridge and its approaches.

16 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.

17. Noise

17 1 Once the new road is operational, council will pass any bylaw required to enable a restriction on engine braking to be imposed on vehicles using the road in the vicinity of Stillwater, should such a restriction prove necessary.

17 2 The requiring authority will use asphalted concrete on the road surface on the Weiti Bridge and extend this surface along the road up to 307 Duck Creek Road, being the land described in certificate of title 16C/1432 (North Auckland Registry).

17 3 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.

18. Stock Underpass

18 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 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.

18 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.

19. Duck Creek Intersection

19 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 of the NOR.

20. Water Supply

20 1 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.

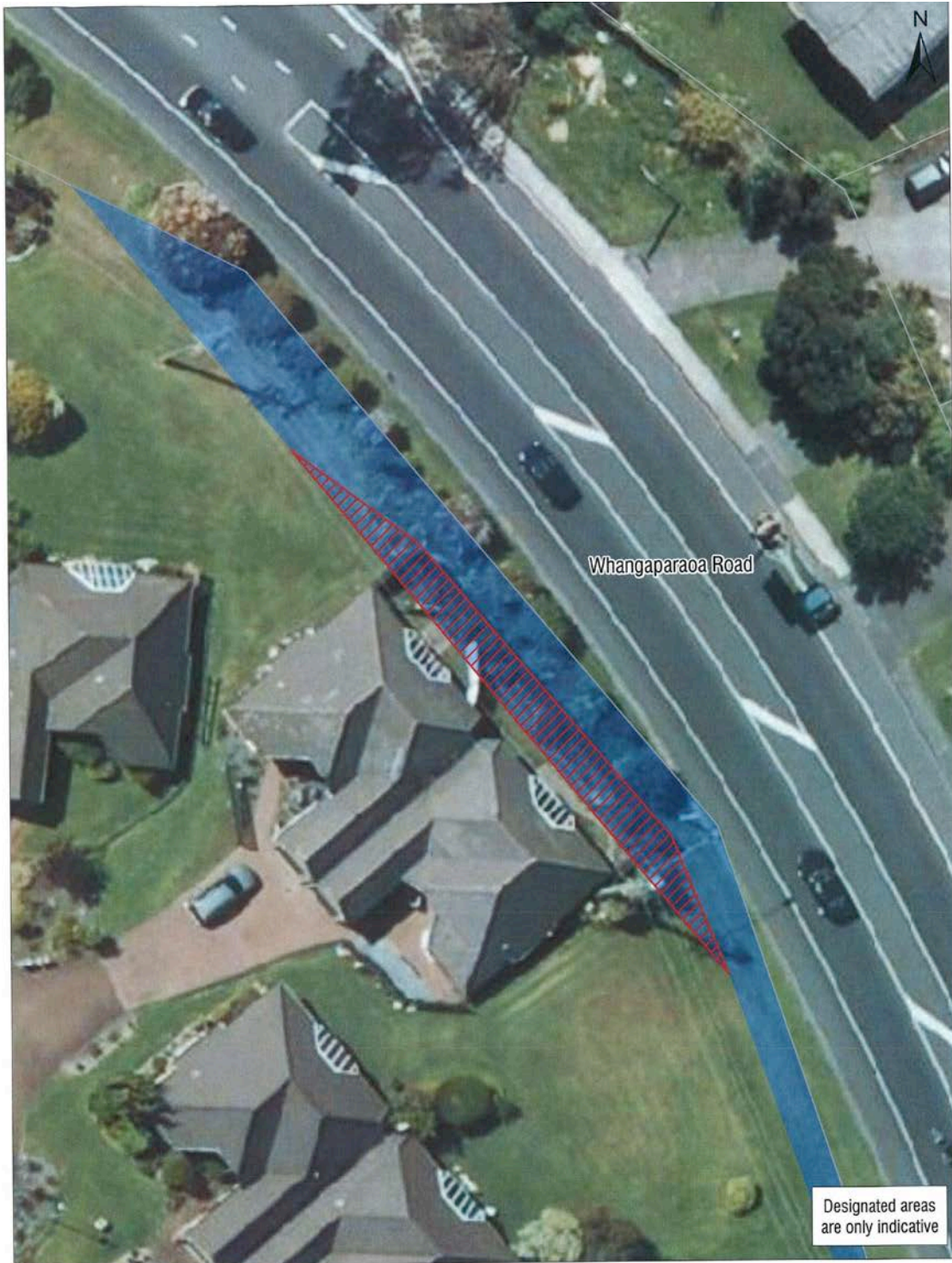
Attachments

No attachments




AT019 Attachment 2 changes to map in the Proposed Auckland Unitary Plan

Designation 1404

Amend designation number reference in the property summary in the GIS map viewer from “1404” to “1403” at 76-90 Red Beach Road, Whangaparaoa (i.e. not 1404). Also make the following mapping change



This map/plan is illustrative only and all information should be independently verified on site before taking any action. Copyright Auckland Transport. Land Parcel Boundary information from LINZ (Crown Copyright Reserved). Whilst due care has been taken, Auckland Transport gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information. Height datum: Auckland 1946.

	Area of designation to be removed
	Area of designation to be retained
	Parcel Boundaries

AT Designation 1404

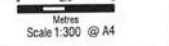
 0 2.5 5 Metres Scale 1:300 @ A4
Date: 20/11/2015 Job Code: AT15111



Table reference No.	AT020
Requiring authority	Auckland Transport
Designation number	1640
Designation purpose	Road Widening Richardson Road and Stoddard Road
Location	210-220 Richardson and 192-220 Stoddard Road, Hillsborough.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Colin and Shew Fun Fong 4770-1
Matters addressed in submission	The submitter opposes the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that the footpath along the extent of this designation is privately owned. The designation is in place to legalise the footpath but the designation can be reduced.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>The designation covers more of the submitter's site than just the footpath. As the designation is necessary to legalise the footpath I consider the extent of the designation should be reduced to cover the footpath area only, and not the remainder of the site. It would assist if Auckland Transport provided a plan showing the actual extent of the designation that it requires so that the designation can be suitably amended.</p>
Recommendation to Panel	That Designation 1640 be amended to relate only to legalisation of footpath area currently in private ownership.
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with the further amendments set out in Attachment 1 and Attachment 2.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities,</p>

	<p>along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1640 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel agrees with the reasons of the report writer and the evidence from Auckland Transport supported the reduction in width.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT020 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1640 Road Widening - Richardson Road and Stoddard Road

Designation Number	1640
Requiring Authority	Auckland Transport
Location	210-220 Richardson and 192-220 Stoddard Road, Hillsborough
Rollover Designation	Yes
Legacy Reference	Designation F05-03, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - 6m from road boundary – designation covers footpaths only and excludes buildings (other than verandahs).

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

2. Auckland Transport when designing the works will have regard to any scheduled or protected item directly affected by the works.

Attachments

No attachments

AT020 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Amend Designation 1640 to appear as follows:



Table reference No.	AT021
Requiring authority	Auckland Transport
Designation number	1609
Designation purpose	Road Widening – New North Road
Location	322-336, 388, 390-394, 400-432, 574-628, 756-764, 383-399, 445-455, 597-621, 869-911 New North Road, 2 New Bond Street and 2 Western Springs Road.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	John Childs Consulting Limited
Matters addressed in submission	The submitter opposes the designation on 621 New North Road.
Engagement by requiring authority with submitters.	The requiring authority has advised that due to the intersection of Inwood Street and New North Road there may be the ability to reduce the width of the designation.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>The requiring authority has not provided details of how the designation can be reduced and how this impacts on the submitter. I suggest that this information be provided.</p> <p>Accordingly I am not able to make any recommendation on this designation at this time but recommend that the Auckland Transport provides a plan showing how the designation can be reduced.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel recommends that Designation 1609 be amended by removing the designation from the property at 621 New North Road as set out in Attachments 1 and 2 below. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August

	<p>2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1609 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The requiring authority agreed in evidence that the designation is no longer required on 621 New North Road. The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT021 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1609 Road Widening - New North Road

Designation Number	1609
Requiring Authority	Auckland Transport
Location	322-336, 388, 390-394, 400-432, 574-628, 756-764, 383-399, 445-455, 597- 619 624, 869-911 New North Road, 2 New Bond Street
Rollover Designation	Yes
Legacy Reference	Designation D06-07, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening - 2.5m from road boundary.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments.

AT021 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

The portion of Designation 1609 outlined in yellow below is to be removed.



Table reference No.	AT022
Requiring authority	Auckland Transport
Designation number	1671 and 1673
Designation purpose	Road Widening – Mount Smart Road
Location	1-5 Campbell Road and 802,810 Manukau Road, Onehunga (Royal Oak Roundabout).
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Colin Haines 5013-1 Pamela Theakston 5222-1.
Matters addressed in submission	The submitters oppose the designation.
Engagement by requiring authority with submitters.	The requiring authority has advised that Auckland Transport's ITP 2012 – 2041 identifies in the Auckland Plan Transport Programme (Fully Funded) Mount Smart Road: Royal Oak Roundabout to Mays Road with funding allocated between 2032 and 2041. Required to support LRT.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>The requiring authority has stated that the designation is funded but not until 2032-2041. It would appear therefore that the designation is reasonably necessary to achieve the objectives of the requiring authority. However I note that the requiring authority does not intend to implement the designation within the time frame of the designation.</p> <p>The effects on the submitters relate to the potential effects on buildings that appear will have to be demolished in order to implement the designation. The effect on the landowners of not having certainty over the when work will be able to commence is considerable if implementation is not to take place until 2032.</p> <p>I consider that the requiring authority should either bring forward the implementation this work or otherwise withdraw the designation and lodge a new notice or requirement closer to the time in which it intends to undertake the work.</p>
Recommendation to Panel	NA

Response from requiring authority	Disagrees with the above recommendations to the Panel. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>That the designations be confirmed with modifications as set out in Attachment 1 below.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse dates for Designations 1671 and 1673 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel heard evidence from Auckland Transport and the submitters.</p> <p>The Panel agrees with the evidence of Sean Morrell Grace dated 21 October 2015, to the effect that the designation is reasonably necessary to achievement of the objectives of the requiring authority for the long-term upgrading of the Royal Oak Roundabout, for which budgeted funding has been allocated.</p> <p>The additional heritage conditions recommended in response to submissions from Heritage New Zealand will provide a more proactive approach to assessment of effects on heritage when works occur.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT022 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1671 Road Widening - Mt Smart Road

Designation Number	1671
Requiring Authority	Auckland Transport
Location	1-5 Campbell Road and 802,810 Manukau Road, Onehunga
Rollover Designation	Yes
Legacy Reference	Designation G09-46, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work.

2. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

3. Where any construction works for a project on designated land that includes the total or substantial demolition of, or alterations and / or additions to, a building, structure or feature that is a scheduled historic heritage place, any outline plan of works that is required shall include:
 - a. An assessment of the effects of the historic heritage values of the place.
 - b. A consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic place and the proposed new works are in accordance with this conservation or similar plan.

Attachments

No attachments.

1673 Road Widening - Manukau Road

Designation Number	1673
Requiring Authority	Auckland Transport
Location	802-810, 822 Manukau Road south of Mt Smart Road intersection, Onehunga
Rollover Designation	Yes
Legacy Reference	Designation G09-49, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Building line for road widening.

Conditions

1. ~~That the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan,~~ In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2029

Attachments

No attachments.

Table reference No.	AT023
Requiring authority	Auckland Transport
Designation number (s)	1571 Road Widening 101-107 Beaumont Street, Auckland Central 1572 Road Widening 2 Westhaven Drive, Auckland Central 1573 Road Widening 109 Fanshawe Street, Auckland Central.
Designation purpose	As above
Location	As above
Designation given effect to	No
Lapse date in operative plan	Default – November 2015 – 2017 according to submitter
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 5 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Tram Lease Limited and Viaduct Harbour Holdings Limited and Viaduct Harbour Management Limited 5566 – 125, 126, 127.
Matters addressed in submission	The submitter requests a lapse date of 31 December 2017 for these designations.
Engagement by requiring authority with submitters.	The requiring authority has advised the submitters that work is programmed or progressing and no change to the lapse date is required.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on these designations.
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue. I do not have any evidence on which to base a recommendation over which is the appropriate lapse date. I understand from the requiring authority that discussions with the submitter may be ongoing.
Recommendation from the Panel	The Panel recommends that Designations 1571, 1572 and 1573 be confirmed with amendments as set out in Attachment 1 below. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative. The Panel therefore recommends that the lapse dates for

	Designations 1571, 1572 and 1573 be amended as follows: Five years from being operative in the Unitary Plan <u>31 August 2022</u> unless given effect to prior
Reasons	The requiring authority and the submitter have agreed the lapse period is appropriate. Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.

AT023 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1571 Road Widening - Beaumont Street

Designation Number	1571
Requiring Authority	Auckland Transport
Location	101-107 Beaumont Street, Auckland Central
Rollover Designation	Yes
Legacy Reference	Designation 376, Auckland City Council District Plan (Central Area Section) 2005
Lapse Date	Five years from being operative in the Unitary Plan <u>31 August 2022</u> unless given effect to prior

Purpose

Building line for road widening purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2022 ~~the expiry of 5 (five) years after the date on which it is included in the Unitary Plan~~ unless:
 - a. It is given effect to before the end of that period; or
 - 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; or
 - c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

Attachments

No attachments.

1572 Road Widening - Westhaven Drive

Designation Number	1572
Requiring Authority	Auckland Transport
Location	2 Westhaven Drive, Auckland Central
Rollover Designation	Yes
Legacy Reference	Designation 377, Auckland City Council District Plan (Central Area Section) 2005
Lapse Date	Five years from being operative in the Unitary Plan <u>31 August 2022</u> unless given effect to prior

Purpose

Building line for road widening purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2022 ~~the expiry of 5 (five) years after the date on which it is included in the Unitary Plan~~ unless:
 - a. It is given effect to before the end of that period; or
 - 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; or
 - c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

Attachments

No attachments

1573 Road Widening - Halsey Street

Designation Number	1573
Requiring Authority	Auckland Transport
Location	109 Fanshawe Street, Auckland Central

Rollover Designation	Yes
Legacy Reference	Designation 383, Auckland Council District Plan (Central Area Section) 2005
Lapse Date	Five years from being operative in the Unitary Plan <u>31 August 2022</u> unless given effect to prior

Purpose

Building line for road widening purposes.

Conditions

1 1 In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2022 ~~the expiry of 5 (five) years after the date on which it is included in the Unitary Plan~~ unless:

- a. It is given effect to before the end of that period; or
- 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; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

Attachments

No attachments

Table reference No.	AT024
Requiring authority	Auckland Transport
Designation number	1402
Designation purpose	Weiti Crossing
Location	East Coast Road, Redvale (crossing Weiti River) to corner Whangaparaoa Road and Cedar Road, Whangaparaoa.
Designation given effect to	No
Lapse date in operative plan	10 Years
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 10 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Hugh Green Limited 5259-158 Thomas G Parsons 6596-1
Matters addressed in submission	The submission from Hugh Green Limited requests that two conditions in the operative plan designation that required the route of the new road to be pegged and the Council to pursue a proactive land purchase programme be reinstated within the designation. The submission from Thomas Parsons requests that the designation be deleted unless substantive progress is being made towards its implementation this year.
Engagement by requiring authority with submitters.	The requiring authority has advised that Auckland Transport is making an alteration to the designation in the operative plan which is 'substantive progress'. In respect of the pegging Auckland Transport has advised the submitter that there is a small risk the notice of requirement with Auckland Council to alter the designation may be stalled. Land has been taken so pegging of works area not required.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on these designations. I understand that any application to extent lapse times for designations needs to be made to the Auckland Council. An assessment of the GIS information reveals that much of the land necessary for the new road link has been acquired by the Council. Accordingly the conditions that have been deleted are in my view no longer required. I understand that the requiring authority is seeking an alteration to this designation in the operative district plan to make some minor alterations to the boundaries, increase the

	<p>width of the road from 2 lanes to 4 lanes and to alter some of the conditions. A similar alteration has not been included within the Proposed Auckland Unitary Plan. However the requiring authority appears to be making progress with implementing the designation.</p> <p>If implemented, the designation has the potential to impact on those properties not yet purchased which appear to be those properties near the Whangaparaoa Rd end of the designation. The requiring authority should in my view provide an update as to when the designation is likely to be implemented so that the effects of the designation on those landowners can be assessed.</p> <p>In my view the designation is reasonably necessary to meet the objectives of the requiring authority and is in line with relevant policy.</p>
Recommendation to Panel	NA
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>The Panel recommends that Designation 1402 be confirmed with amendments as set out in Attachment 1 below.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1402 be amended as follows:</p> <p>10 years from being operative in the Unitary Plan <u>31 August 2027</u> unless given effect to prior</p>
Reasons	Auckland Transport agreed in evidence to a condition requiring pegging of the alignment on the Hugh Green property. The amendment to the lapse date provides more certainty. Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.

AT024 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1402 Road - Weiti Crossing

Designation Number	1402
Requiring Authority	Auckland Transport
Location	East Coast Road, Redvale (crossing Weiti River) to corner Whangaparaoa Road and Cedar Road, Whangaparaoa
Rollover Designation	Yes
Legacy Reference	Designation 167, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	10 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Weiti crossing.

Conditions

1. General

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 the Notice of Requirement dated 14 April 1998 (Appendix D - Designation drawings) and referenced as Figures A1 0 to A1 3 (BCHF Cad File No 6507C935 DWG to 6507C938 DWG Rev E) and Figures B1 1 to B1 4 (BCHF Cad File No 6507C931 DWG to 6507C934 DWG Rev D).

1 2 The designation and proposed works on the area of land subject to the designation shall not include any toll- booth type facilities or structures.

1 3 Before any construction is commenced an Outline Plan shall be submitted in terms of section 176A of the Resource Management Act 1991 to council. The outline plan may be submitted in stages to reflect any proposed staging of the physical works. This outline plan is to be submitted to council for assessment and recommendations to the council. The outline plan shall show those matters required to be included by section 176A(3) of the Act. It shall be prepared in consultation with directly affected property owners and occupiers with the record of such consultation being documented in the outline plan.

1 4 Prior to the start of physical works, the requiring authority (or its agent) shall

obtain all resource consents required under the Resource Management Act 1991 and the Historic Places Act 1993.

1.5 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 Pt Lot 3 DP 95982 and Pt Lot 1 DP 100141.

2. Design Considerations

2 1 The requiring authority (or its agents) shall incorporate retaining walls into the detailed design to reduce the property effects at critical parts of the alignment, in general accordance with the details identified in Appendix C of the requiring authority's closing submissions.

2 2 As part of the upgrading works the requiring authority (or its agents) shall, subject to the proper performance of its statutory functions, provide suitable pedestrian crossing facilities at the following general localities along Whangaparaoa Road:

- a. Brightside Road;
- b. Weiti Crossing / Whangaparaoa Road intersection;
- c. Stanmore Bay Road;
- d. Ladies Mile;
- e. Pedestrian linkage of Duck Creek Road across the Weiti Crossing; and
- f. Such other places as may be identified in future analysis as necessary for safety purposes.

2 3 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:

- a. Lot 3 DP 95982 and Lot 1 DP 100141 being respectively the Kilmacrennan Farm and Kerrykeel Farm which are farmed as one unit known as Weiti Station (Green and McCahill Group submission); and
- b. Part Lot 1 DP 95984, Lot 1 DP 51255 and Lot 1 DP 49038 being land owned by Green and McCahill Holdings Ltd.

Explanation:

Given the size of the Green and McCahill Holdings Ltd landholding (908 hectares) two access points would be appropriate. The third access point sought by this company includes access to the Stillwater settlement which should be the subject of other considerations apart from this designation.

3. Noise Impact Mitigation

3 1 During construction, New Zealand Standard 6803P : 1984, 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.

3.2 The road alignment shall be designed to achieve the following noise standards:

- a. For the properties identified in Table A - the relevant traffic noise design limit contained in Table A
- b. For all other properties - the relevant noise standard contained in NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

Table A:

Location	Traffic Noise Design Limits Le q (24 hours)
Dwelling A (at the western end of the proposed road as indicated on the AEE document)	65 dBA
All other existing* dwellings west of the Weiti River Dwelling 1 on Lot 1 DP 138956 Dwelling 2 on Lot 4 DP 64380 Dwelling 3 on Lot 6 DP 64380 Dwelling 4 on Lot 7 DP 64380 This will require mitigation from the expected noise levels	55 dBa
Dwellings at 7 to 37 Cedar Terrace inclusive	62 dBA
All existing* dwellings on Whangaparaoa Rd	65 dBA or ambient (whichever is greater)

*Existing at 14 April 1998

Note:

The assessment point for Table A is 1m in front of the most exposed point on the facades of the dwellings.

3.3 In addition to the standards in Table A 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 L_{max} 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 NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

3 4 If it is impracticable to meet the Design Limits in the above Conditions 3 2 and 3 3, then prior to completion of the road widening, the requiring authority (or its agents) shall, with the agreement of the owner of the dwelling and if so required by them, provide insulation and, if required, mechanical ventilation to all living rooms (including kitchens) and bedrooms, to ensure that an internal criterion of 40 dBA Leq (24 hours) is not exceeded. If it is impracticable or uneconomic 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.

3 5 Without limiting the requirements for consultation imposed under condition 3 4, 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.

3 6 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 2.

3 7 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed noise mitigation measures;
- 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 2 and shall give special consideration to the findings of any peer review in deciding what noise mitigation measures it implements for the Webster properties.

4. Ecological Impact Mitigation

4 1 The requiring authority (or its agents) shall, in conjunction with the council and

in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust, produce the following programmes:

- a. An Ecological Mitigation Programme that outlines the methods and implementation and monitoring processes to be used to avoid, remedy or mitigate adverse effects on the environment, particularly in regard to indigenous vegetation, ecosystems and species, geological features and areas of wildlife habitats; and
- b. A Restoration Planting Programme that outlines the methods and implementation and monitoring processes to restore areas of indigenous vegetation, ecosystems or wildlife habitat likely to be affected by the proposed works.

The programmes shall be submitted as part of the outline plan.

4 2 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.

4 3 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.

4 4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- 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.

5. Visual Impact Mitigation

5 1 A Visual Mitigation Plan shall be prepared by the requiring authority (or its agents) in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust. The plan shall incorporate, where relevant, the recommendations of the ecological mitigation programme and the restoration planting programme and be submitted as part of the outline plan.

The Visual Mitigation 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 visual mitigation plan.

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.

5 3 In undertaking this consultation the requiring authority shall give special consideration to the need for measures which mitigate to 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 Websters properties are also to be considered by the requiring authority.

5 4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. Provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures;
- 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 and shall give special consideration to the findings of any peer review in deciding what visual mitigation measures it implements for the Webster properties.

6. Archaeological

6 1 Prior to construction and the obtaining of any necessary consents under the Historic Places Act 1993 the requiring authority (or its agents) shall undertake further investigation of archaeological sites R10/943 and R10/944 if these sites are affected by the proposed works or immediately adjoin the proposed works.

6 2 The archaeological sites recorded in the immediate vicinity of the proposed works 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.

7. Vibration

7 1 The road alignment shall be designed with due regard to the effects of vibration.

7 2 In the event that the requiring authority receives, in respect of any building existing as at 14 April 1998, a complaint of vibration induced by construction activities or by traffic on completion of the widened/realigned section of Whangaparaoa Road, then the requiring authority shall:

- a. Monitor traffic induced vibration at location(s) from which complaints have been received where considered appropriate by the Auckland Council; and
- b. Where construction vibration levels exceed the relevant standards of ISO 2631-2, then the requiring authority shall implement practicable mitigation measures.

8. Stormwater

8 1 The requiring authority (or its agents) shall, in consultation with the Council:

- a. Provide suitable detention of concentrated stormwater flows which arise from construction works and the completed roadway to avoid, as far as is practicable, stream erosion by the discharging of this stormwater;
- b. Design, install and operate sediment control ponds to remove, to the maximum extent practicable, sediment from all concentrated discharge from the earthworks;
- c. Arrange all stormwater treatment devices in accordance with the Auckland Council's Technical Publication No 10 being the Design Guideline Manual : Stormwater Treatment Devices, dated 2003; and
- d . Take all practicable measures to ensure stormwater is not discharged into tributaries or overland flow paths which ultimately directly flow into the Okura River Estuary.

9. Physical Works Contract

9 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.

9 2 Construction shall be limited to the following hours:

- a. Weekdays: 7 00 a m to 6 00 p m;
- b. Saturdays: 8 00 a m to 4 00 p m; and
- c. Sundays and Public Holidays: No work.

9 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 Auckland 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.

9 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.

10. Public Notification

10 1 At six-monthly intervals from the date of this decision the requiring authority (or its agents) shall notify all property occupiers directly affected by the designation of the current status of the project and the estimated date of commencement of final design and construction. In addition, an advertisement is to be placed in the "Rodney Times" outlining the above information.

10 2 A Public Notification Plan shall be prepared and submitted for the approval of the Auckland Council prior to the start of physical works. 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; and
- b. Details of proposed signage to advise motorists of periods of likely traffic delays.

11. Duration of Designation

11 1 In accordance with s 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2027 ~~the expiry of 10 (ten) years after the date on which it is included in the Unitary Plan~~ unless:

- a. It is given effect to before the end of that period; or
- 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; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

12. Other

12 1 Prior to preparing an assessment of effects upon the environment under s 88 of the Act for the resource consents required from the council, the requiring authority (or its agents) shall prepare a Scoping Report for the consideration of the council. This

shall indicate what is to be addressed in the assessment of effects and allow some agreement to be reached between the parties prior to the detailed analysis required for the assessment.

13. Costs

13 1 Pursuant to s 36 of the Resource Management Act 1991, the requiring authority shall be responsible for paying administrative charges relating to receiving, processing and making a decision in respect of the requirement. The total amount payable will be communicated to the requiring authority within two months of the process being completed.

14. Local access to Stillwater Community

14 1 Safe and efficient two-way access to the Stillwater community (on both sides of the designated 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.

14 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.

15. Water Supply

15 1 During each construction season (1 October - 30 April) the requiring authority shall periodically check and wash down any residences (including the roof) which are located along the 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.

15 2 The requiring authority will test the water quality of the bores at 165 Duck Creek Road, being the land described in 113B/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.

15 3 In the event that either of the bores at 165 or 236 Duck Creek Road becomes contaminated, the requiring authority will provide an equivalent alternative free water supply.

15 4 The requiring authority will test the water quality of each 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.

16. Land Stabilisation

16 1 The requiring authority will conduct a "before and after" dilapidation survey of the properties (including the interiors of buildings) located along the designation route, including the Webster properties to assess any effects as a result of construction of the bridge and its approaches.

16 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.

17. Noise

17 1 Once the new road is operational, council will pass any bylaw required to enable a restriction on engine braking to be imposed on vehicles using the road in the vicinity of Stillwater, should such a restriction prove necessary.

17 2 The requiring authority will use asphalted concrete on the road surface on the Weiti Bridge and extend this surface along the road up to 307 Duck Creek Road, being the land described in certificate of title 16C/1432 (North Auckland Registry).

17 3 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.

18. Stock Underpass

18 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 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.

18 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.

19. Duck Creek Intersection

19 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.

20. Water Supply

20 1 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.

Attachments

No attachments.

Table reference No.	AT025
Requiring authority	Auckland Transport
Designation number	1614
Designation purpose	Public Transport – Dominion Road
Location	135, 161, 174, 178, 191-217, 312-328, 336-346, 371, 389-409, 400-412, 422-458, 486, 494, 506, 635-641, 655, 666-672, 669-673, 692, 825, 863, 905, 913-917, 921, 926-946A, 929-931, 935-941, 968-972, 1037-1043, 1047, 1055, 1057A, 1059, 1067, 1079-1079A, 1087-1099, 1196-1198, 1202, 1208, 1212-1216, 1230, 1244, 1288, 1292-1300, 1302-1304, 1308-1308A, 1312, 1318-1326 and 1330-1340 Dominion Road, 33A-35 Brentwood Avenue, 386-388 Mount Albert Road, 2 Onslow Road, 1A Invermay Avenue, 14 Quest Terrace and 41 Denbigh Avenue.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	No documentation has been provided with this designation but the lapse date has been reset to be 12 years from the date that the Unitary Plan becomes operative.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Antares Restaurant Group.
Matters addressed in submission	The submitter opposes the designation particularly at 941 Dominion Road.
Engagement by requiring authority with submitters.	The requiring authority has advised the submitter that the land of concern to the submitter was purchased in 2012 and is now road reserve.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. The Proposed Auckland Unitary Plan maps are not clear that the designation does not apply to the site. In my view the maps should be updated to show the land acquired in 2012 as road not as zoned land subject to a designation.
Recommendation to Panel	That the Maps be amended to show the land acquired in 2012 as road not as zoned land subject to a designation.
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Reporting Officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel agrees with the report writer's recommendation. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach

	<p>has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1614 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel agrees with the report writer's reasons. The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT025 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1614 Public Transport - Dominion Road

Designation Number	1614
Requiring Authority	Auckland Transport
Location	135, 161, 174, 178, 191-217, 312-328, 336-346, 371, 389-409, 400-412, 422-458, 486, 494, 506, 635-641, 655, 666-672, 669-673, 692, 825, 863, 905, 913-917, 921, 926-946A, 929-931, 935-944 , 968-972, 1037-1043, 1047, 1055, 1057A, 1059, 1067, 1079-1079A, 1087-1099, 1196-1198,
Rollover Designation	Yes
Legacy Reference	Designation D07-30, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior

Purpose

Passenger transport route.

Conditions

General

- 1 Except as modified by the conditions below, the works shall be undertaken in general accordance with all of the following:
 - a. The information provided by the Requiring Authority at the 10-17 September 2001 hearing;
 - b. The Notice of Requirement dated 31 July 2000, as modified by the decisions of the Hearings Panel;
 - c. The accompanying drawings ACAD:4662A8A-SHT1-4, ACAD:4662A9A-SHT1-4 and D:4662A9B-SHT5; and
 - d. The Proposed Designation of land for Dominion Road Enhanced Passenger Transport System: Assessment of Effects on the Environment (17 July 2000) prepared by Woodward-Clyde, Traffic Design Group, and Sinclair Knight Merz

2. Any land taken or held for works by the Requiring Authority shall be maintained to a standard in keeping with the neighbourhood until physical works commence, to the satisfaction of the council.

3. That part of the proposed designation which includes the property located at 638 Dominion Road (known as "the Hollywood Dairy") is to be removed.

4. That part of the designation affecting the property located at 1047 Dominion Road is to be reduced to 0.55m.
 - 4A. In respect of the property located at 244, 246, 248, 248a, 250 and 256 Dominion Road and 126 Valley Road.

 - 4B. The part of the designation affecting the property located at 375 and 377 Dominion Road is to be removed as shown on the plan entitled ACAD:4662A8A and dated 5 July 2000.

 - 4C. The part of the designation affecting the property located at 169 Dominion Road will be given effect to through the construction of a cantilevered structure as illustrated in the plan entitled D07-30 Condition 4C Dominion Road Footpath.

5. The delineation of any area of land affected by the designation which is to be acquired on individual properties shall be accurately marked out or pegged by the Requiring Authority upon request by the owner of any property so affected.

Construction

6. Prior to the commencement of any physical works on any part of the land included within the designation (and as part of an Outline Plan of Works as required by Section 176A of the RMA), the Requiring Authority shall submit a Construction Management Plan to the council for its approval. This Construction Management Plan shall include specific details relating to the demolition, construction, and management of all works associated with the project. The Construction Management Plan shall be implemented and maintained throughout the entire demolition and construction periods. This Plan shall include:

- a. Details relating to the demolition, construction, and management of all works;
- b. Contact details of management personnel responsible for the project;
- c. Provision for a 24 hour community "hotline";
- d. Measures for the protection of street trees as well as any trees covered by the tree protection rules of the Unitary Plan which may be affected by the works, and particular regard is to be paid to the protection if practicable of the Pohutukawa tree located at 1093 Dominion Road. The designation of extra land, as well as protected works, to preserve the Cedar trees at 488 Dominion Road should be reconsidered;
- e. Measures for the protection of, and continuing access to, all utility services infrastructure within or abutting the designated area;
- f. Provisions for the maintenance of all construction and reconstruction sites in a safe and tidy condition and for the safeguarding of surrounding areas;
- g. Provisions for public safety including safe pedestrian access past the construction and re-construction sites;
- h. The management of construction and other traffic (including parking and traffic safety measures and the matters required by condition 20 of these conditions);
- i. Measures to be implemented for the protection of adjacent buildings during the construction period;
- j. Measures for sedimentation and dust control;
- k. Details of the hours of operation and for the provision of advice to surrounding property owners, and the owners and operators of utility services infrastructure which may be affected by the works, of the commencement/duration of works and any blasting activities;
- l. The provision of safe and efficient emergency vehicle access to all properties adjoining the route during the construction period; and
- m. Measures to bring the content of the agreed Construction Management Plan to the attention of any contractors undertaking works on the route pursuant to the designation

7. Pedestrian access and thoroughfare shall be maintained on all roads and footpaths adjacent to the construction works where practicable. Such access shall be safe and clearly identifiable.

8. During construction, the New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise shall be complied with at all times.

9. During construction, any vibration generated beyond the existing road reserve shall comply with BS 7385: Part 2 - 1993 *Evaluation and Measurement of Vibration in Buildings* at all times.

Landscape and Visual Effects

10 Urban design guidelines and a detailed landscape plan for the length of the route of the designations shall be prepared by a qualified landscape architect in consultation with the council, and shall be submitted with the outline plan. The urban design guidelines and landscape plan shall include:

- a. The integration of Dominion Road and the land required (by this designation) for the enhanced passenger transport facilities so that the existing streetscape character is softened and an integrated and cohesive appearance is achieved along the full length of the route. Particular attention shall be paid to existing and likely future development adjacent to the off road deviations at the Valley Road and Balmoral Road centres;
- b. The mitigation of any adverse effects on properties fronting the route including details of planting to be established on Ballantyne Square and the open space areas at the intersection of Balmoral and Dominion Roads, and Mount Albert and Dominion Roads, as required by condition 13 of these conditions;
- c. Provision for the staging of landscaping in conjunction with the staging of construction works; and
- d. Details of the plant sizes required at the time of planting and of intended species as well as proposed hard landscaping measures (such as paving, street furniture, lighting, signage).

11. The approved landscaping measures shall be implemented in accordance with the agreed urban design guidelines and landscaping plan/s (soft and hard) within the first planting season following the completion of each stage of the construction works.

12. Compensatory planting is to be provided in Ballantyne Square (located on the corner of Ewington Avenue and Dominion Road) in a manner that is consistent with the management plan for the reserve in order to mitigate the effect of the works proposed for the corner of the reserve. The areas of open space on the south eastern corners of both Balmoral/Dominion Roads and Mt Albert/Dominion Roads shall be reinstated and replanted when the works affecting each of those open space areas are completed. Additional compensatory hard and soft landscaping of at least 18m² is to be provided on the northern corner of Dominion

Road and Prospect Terrace upon completion of the works and following acquisition and demolition of the buildings at 346 Dominion Road.

13. The decorative stone wall on the frontage of the Methodist Church at 426 Dominion Road (being legally described as Lot 1 DP 1699, Lot 9 & Pt Lot 10 DP 4293, CT 230/234) shall be reinstated by the Requiring Authority on completion of the works in the vicinity of that property, such reinstatement to occur in consultation with the Church and New Zealand Historic Places Trust. These works shall be carried out in accordance with Plan DOM 426100 offered by the Requiring Authority at the hearing.

Post Construction Noise and Vibration

14. The construction of the works shall be designed to achieve the following noise standards at the Greenstones Pictures Building (located at 330 Dominion Road, being legally described as Lot 1 DP46486, CT 1615/72); the Capitol Theatre (being legally described as Lot 1 DP 4365, CT 44C/591); and the Auckland Philharmonic Orchestra Building (being legally described as Lot 4 DP 6736, CT 181/254) for the duration of the current use (as at 12 September 2001) of these buildings:

- a. an internal noise objective of 33dBA from airborne noise and 33dBA from regenerated noise; and
- b. a vibration limit of 98 dB re 1m mm/s.

15. Vibration relating to the potential for structural damage shall be assessed in accordance with British Standard BS 7385: Part 2 - 1993 *Evaluation and Measurement of Vibration in Buildings*.

16. Dominion Road shall be re-surfaced with dense graded asphalt (or a similar surface with no lesser noise absorption characteristics) for noise purposes following the completion of the physical works included in stage PT2 of the designation.

Parking and Traffic

17. Prior to commencement of the physical works required by the designation, a traffic management plan shall be prepared for each phase of the work by a qualified traffic engineer and approved by the council.

18 In particular, prior to the commencement of any physical works on or for the Valley Road or Balmoral Road off-road deviations, Local Area Traffic Management

Plans for each centre are to be prepared in consultation with the owners and occupiers of all properties abutting those deviations as part of the outline plan required by condition 6. Each Local Area Traffic Management Plan is to demonstrate how the works will be effectively and safely integrated with general traffic, parking, access, and is to include the form and location of any proposed passenger stations, and to provide for loading and pedestrian arrangements in each of the Valley Road and Balmoral Road centres. The Local Area Traffic Management Plans are to be independently assessed by a qualified traffic engineer prior to approval by the council.

19 Existing accesses, on-site parking and manoeuvring areas along the corridor which are directly affected by the works shall, as far as practicable, and in consultation with affected landowners, be reinstated or relocated by the Requiring Authority in accordance with Unitary Plan standards.

20. Access to properties on the western side of Dominion Road between Denbigh Avenue and the SH 20 motorway designation shall have legal access reinstated by the Requiring Authority by means of a suitably dimensioned and formed access way from Denbigh Avenue.

Structural Integrity

21. The structural integrity of buildings adjoining the PT 4 stage of the designation at 616 Dominion Road (being legally described as Lot 1 DP 59284, CT 14D/1376) shall not be compromised by the work in either of the construction or operational phases.

22. The structural integrity of buildings adjoining the PT 3 stage of the designation in the Eden Quarter at 296C Dominion Road (being legally described as Unit B7, UP 203741, CT 132B/399) shall not be compromised by the works in either of the construction or operational phases. This condition shall also apply to the building located at 256 Dominion Road. It shall further apply to the property known as the "Printers Building", located at 288 Dominion Road, in the event that the Requiring Authority determines that the "Printers Building" does not require total demolition.

Railway Linkage

23. The Requiring Authority will co-operate with the landowner and infrastructure owner of the rail corridors to ensure the integration of passenger transport route causes minimal interruption to the efficient planning and operation of those corridors.

Other

24. The ~~period within which the~~ designation shall lapse on 31 August 2029 if not given effect ~~to shall be 12 years from the date on which it is confirmed~~ in accordance with s 184(1)(c) of the Resource Management Act (1991).

26. Prior to the commencement of any physical works, the Requiring Authority shall obtain all relevant consents.

Advice Notes

1. The Requiring Authority shall obtain all other necessary consents and permits, and shall comply with all relevant council bylaws.

2. The Requiring Authority shall implement suitable arrangements for sediment control and stormwater treatment and detention as necessary in accordance with relevant council guidelines.

3. Under the Historic Places Act (1993) an authority to damage, modify, or destroy an archaeological site may be required from the NZ Historic Places Trust before any work takes place that would affect an archaeological site.

4. The Requiring Authority shall use its best endeavours to persuade utility service providers to underground their utility services along the length of the designated route. The Landscape Plan required by condition 10 should be used wherever possible as a means of implementing any plans to underground equipment and overhead lines. The Requiring Authority shall undertake cost sharing with the appropriate network utility operator in accordance with any agreement previously reached.

5. The Requiring Authority is to undertake investigations at the earliest opportunity into the implementation of 'Park and Ride' facilities in the vicinity of Dominion Road and to attend to the lodgement of a Notice of Requirement for the establishment of these facilities.

6. The Requiring Authority should ensure that no network utility operator's overhead lines or cables are installed on any catenary system which may be provided within the passenger transport route.

7. It is the Panel's opinion that when fully redeveloped for an enhanced passenger transport system, Dominion Road may not be a suitable through route for cyclists. In conjunction with the council the Requiring Authority should continue to examine the feasibility of providing improved routes for cyclists on local roads parallel to Dominion Road.

8. The Panel has the opinion that no passenger transport stations are to be located so as to prevent traffic turning movements at any road intersections along Dominion Road.

Attachments

No attachments.

AT025 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Delete Designation 1614 from public road adjoining 935-941 Dominion Road. Also change the underlying zoning from "mixed use" to "road" in the area where the designation is deleted as shown below:

Changes to Maps 1614

Remove designation and show as road

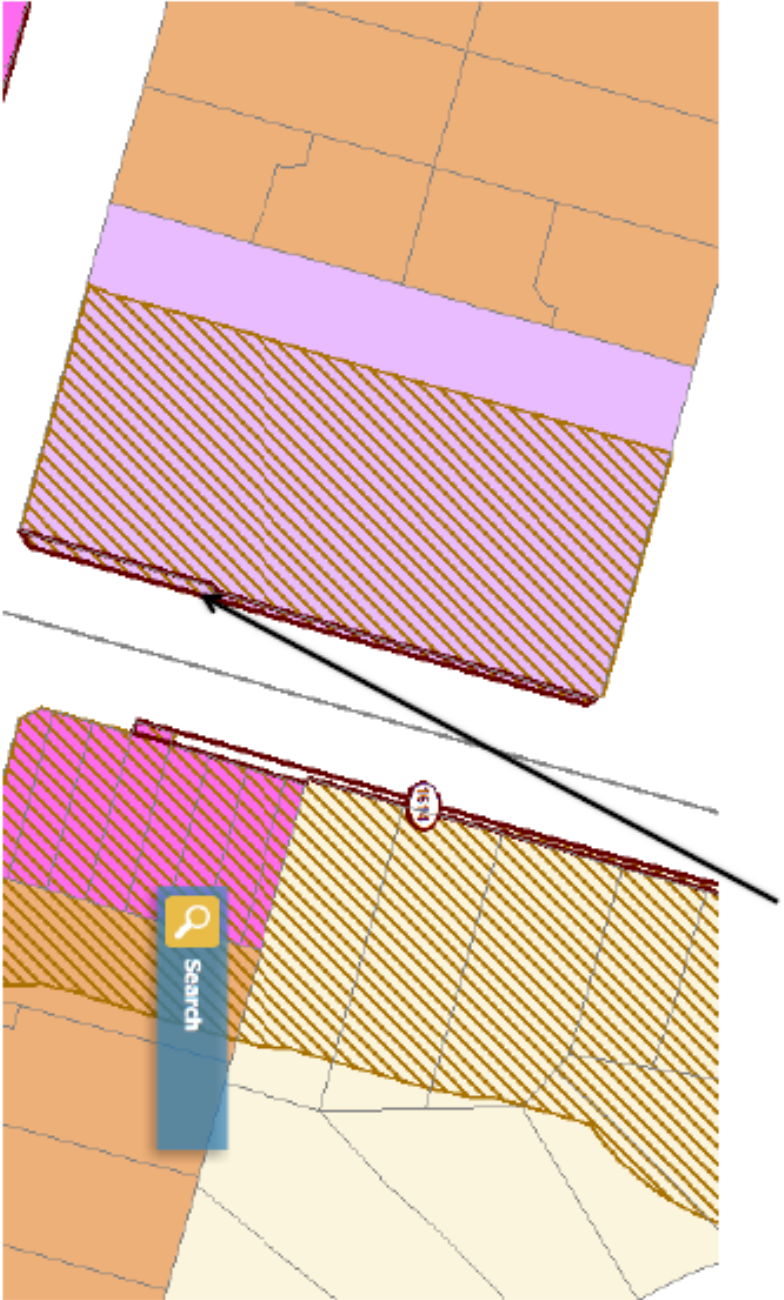


Table reference No.	AT026
Requiring authority	Auckland Transport
Designation number	1452
Designation purpose	Road Widening – Te Atatu South Road
Location	241-275, 272-294, 281-314, 300-326, 330-332, 338-342 and 354-358 Te Atatu Road South, 93 Royal View Road, 1, 82 and 85 Jaemont Avenue, 1A and 2A Covil Avenue and 2A Bridge Avenue, Te Atatu.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification. Updated May 2016.	This designation had a 10-year lapse date in the operative plan. It was incorporated into the operative plan under section 78(8) of the Local Government (Auckland Transitional Provisions) Act 2010 with a default 5-year lapse date unless extended by Council which does not appear to have been done. No documentation has been provided with this designation but the lapse date in the Proposed Auckland Unitary Plan has been reset to be 15 years from the date that the Unitary Plan becomes operative. This is deemed to be a modification of in the notice of requirement for rollover of the designation because the lapse period has been extended to 15 years.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority (some land is vested as road).
Land owned by the requiring authority	As above.
Submitter	Auckland Council 5716-2663: Amend lapse date to: 5 years
Matters addressed in submission	The submitter requests a 5-year lapse period.
Engagement by requiring authority with submitters.	NA
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.
Recommendation to Panel	NA
Response from requiring authority	Agree to 5 year lapse date. Requests mediation and hearing.
Reporting officer comment on response and updated recommendation	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue. I therefore support a 5-year lapse date as proposed by the submitter and agreed by Auckland Transport.
Recommendation from Panel	The Panel agrees with the report writer's recommendation. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach

	<p>has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1452 be amended as follows:</p> <p>Five years from being operative in the Unitary Plan <u>31 August 2022</u> unless given effect to prior</p>
Reasons	<p>The Panel agrees with the report writer's reasons. The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT026 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1452 Road Widening - Te Atatu South Road

Designation Number	1452
Requiring Authority	Auckland Transport
Location	241-275, 272-294, 281-314, 300-326, 330-332, 338-342 and 354-358 Te Atatu Road South, 93 Royal View Road, 1, 82 and 85
Rollover Designation	Yes
Legacy Reference	Designation RW9, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	15 years from being operative in the Unitary Plan <u>31 August 2022</u> unless given effect to prior

Purpose

Road widening purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2022 ~~the expiry of 15 (fifteen) the date on which it is included in the Unitary Plan~~ unless:
 - a. It is given effect to before the end of that period; or
 - 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; or
 - c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

Attachments

No attachments.

Table reference No.	AT027
Requiring authority	Auckland Transport
Designation number	1834
Designation purpose	Road Widening – Flat Bush School Road
Location	21 and 39 Flat Bush School Road and 66 Thomas Road, Flat Bush.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification Updated May 2016	There is a drafting error relating to the lapse date of the designation. The designation detail states that the lapse date is “five years from being operative in the Proposed Auckland Unitary Plan unless given effect to prior”, whilst the designation conditions listed in the Proposed Auckland Unitary Plan state: “1. The period which this designation shall lapse if not given effect to shall be 10 years from the date on which it is confirmed in accordance with Section 184 (1) of the RMA.”
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Auckland Council 5716-2675, 2676 Summerset Group Holdings Limited 6650-15, 172
Matters addressed in submission	The Auckland Council requests that the lapse dates within the designation be made consistent as does Summerset. Summerset also requests that the maps be amended to remove the designation from 7 Flatbush School Road as this site is not include in the text.
Engagement by requiring authority with submitters.	The requiring authority has advised that it has not yet contacted the submitter but agrees to delete the property from the designation.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on these designations. I understand that any application to extent lapse times for designations needs to be made to the Auckland Council. It is recommended that the maps be amended to remove 7 Flatbush School Road from the designation.
Recommendation to Panel	Amend the Proposed Auckland Unitary Plan Map as set out in Attachment 2 below.
Response from requiring authority	Agree with the above recommendations to Panel. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel agrees with the report writer’s recommendation. The Panel also recommends that the lapse dates should be

	<p>expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1834 be amended as follows:</p> <p>5 years from being operative in the Unitary Plan <u>31 August 2027</u> unless given effect to prior</p>
Reasons	<p>The Panel agrees with the report writer’s reasons except that the lapse date error needs to be corrected. The evidence of John Carter dated 21 October 2015, appendix 40, requests a consistent 10 year lapse date. The Panel agrees to the 10 year period but a fixed lapse date is more appropriate.</p> <p>The Panel provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT027 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1834 Road Widening - Flat Bush School Road

Designation Number	1834
Requiring Authority	Auckland Transport
Location	21 and 39 Flat Bush School Road and 66 Thomas Road, Flat Bush
Rollover Designation	Yes
Legacy Reference	Designation 310, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Five years from being operative in the Unitary Plan <u>31 August 2027</u> unless given effect to prior

Purpose

Road widening.

Conditions

1. ~~The period which this designation shall lapse if not given effect to shall be 10 years from the date on which it is confirmed~~ In accordance with Section 184 (1) of the RMA the designation will lapse on the 31 August 2027...

AT027 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Changes to 1834

Remove designation
From 7 Flatbush
School Road

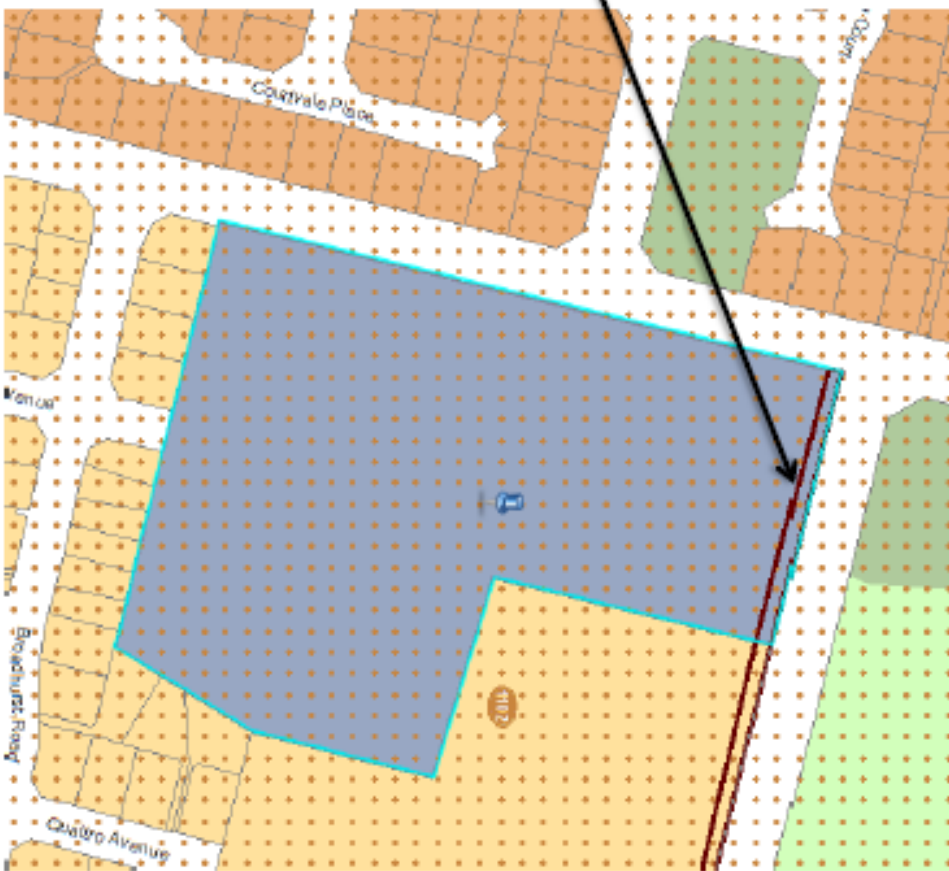


Table reference No.	AT028
Requiring authority	Auckland Transport
Designation number	1401
Designation purpose	Road
Location	Hauti Drive, Warkworth
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	The operative district plan does not specify a lapse date. Auckland Transport has requested that this is amended to allow a 15 year lapse date from being operative in the Unitary Plan unless given effect to prior.
Notice of requirement	NA
Land ownership	The majority of the designation includes land owned by the Auckland Council as vested road reserve. This road has not been developed. However the designation also includes the widening of Blue Gum Drive where Blue Gum Drive links through to the new road which is an extension of Hauti Drive.
Land owned by the requiring authority	As above.
Submitter	There is one submission in respect of this designation from Richard N Gible of 73 Blue Gum Drive.
Matters addressed in submission	The submission opposes the designation on the basis that while the operative district plan map included the designation on the property at 73 Blue Gum Drive, the text does not include the property.
Engagement by requiring authority with submitters.	The requiring authority has advised that it has agreed to accept the submission to have the designation removed from the submitter's property.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on this designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.
Recommendation	It is recommended that subject to the designation being removed from 73 Blue Gum Drive, the designation be confirmed.
Recommendation to Panel	That Designation 1401 be amended as set out in Attachment 2.
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Reporting Officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel agrees with the report writer's recommendation.
Reasons	The Panel agrees with the report writer's reasons.

AT028 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

Nil

AT028 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

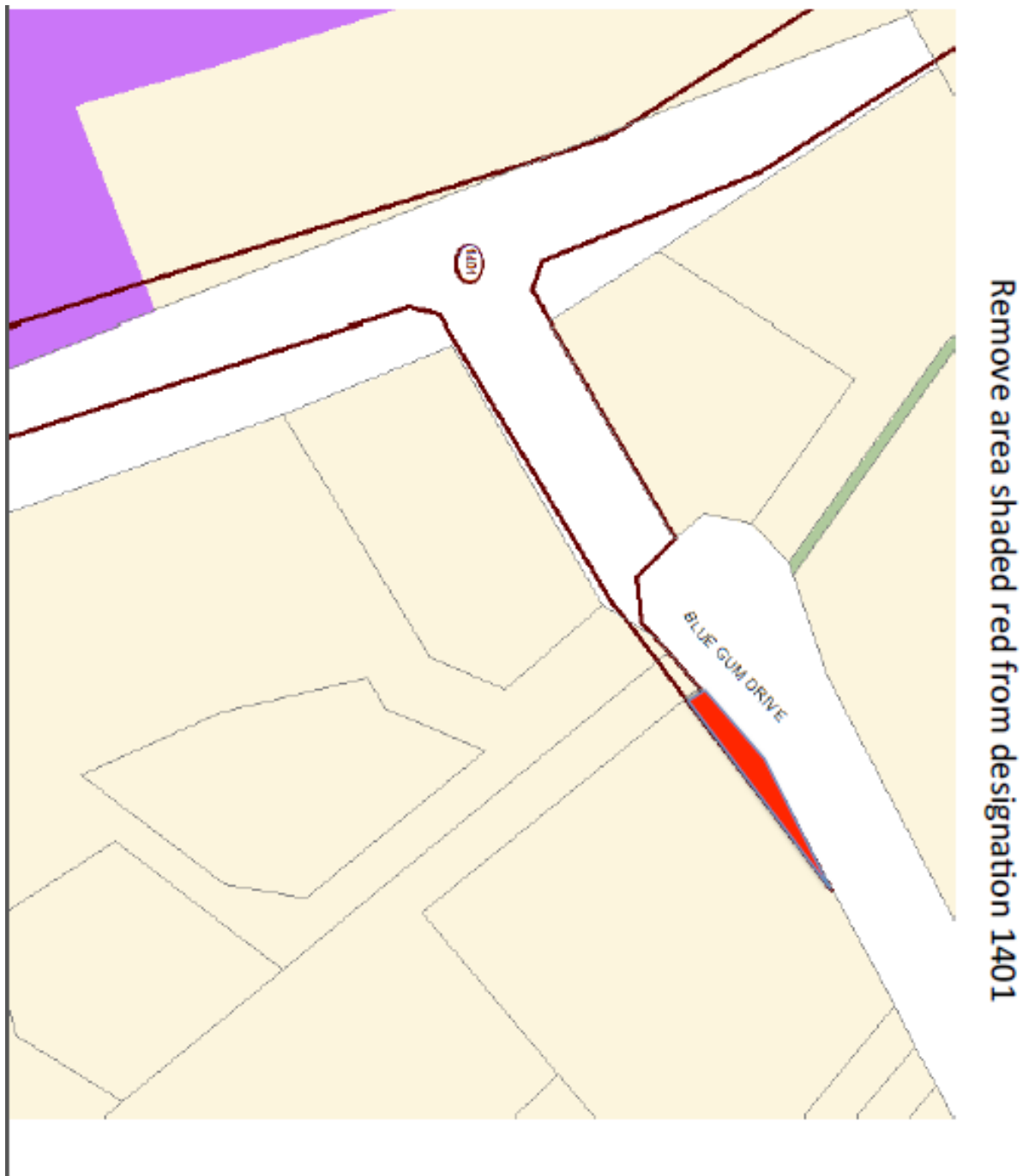


Table reference No.	AT029
Requiring authority	Auckland Transport
Designation number	1431
Designation purpose	Road widening
Location	107 Chivalry Road, Birkenhead.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	This is a designation for road widening at the intersection of Chivalry Road and Chartwell Avenue and includes the conversion of one site and a small portion of another into road. The operative district plan does not specify a lapse date. Auckland Transport has requested that this is amended to allow a 15-year lapse date from being operative in the Unitary Plan unless given effect to prior.
Notice of requirement	NA
Land ownership	All the land subject to the designation is owned by Auckland Council.
Land owned by the requiring authority	As above.
Submitter	There are no submissions.
Matters addressed in submission	NA
Engagement by requiring authority with submitters.	NA
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on this designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.
Recommendation	NA
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response and updated recommendation	<p>Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue. It is now appropriate to consider the lapse date matter.</p> <p>In considering a lapse date modification I consider that it appropriate to use the tests in section 184 and section 184A of the Resource Management Act 1991 as a guide. These are whether substantial progress or effort has been made towards giving effect to the designation and is continuing to be made.</p> <p>Auckland Transport has advised that all the land necessary for the road is in Council ownership. Given this I consider that substantial progress has been made to giving effect to the designation.</p> <p>It is also appropriate to consider the effects of the</p>

	<p>designation on other landowners affected.</p> <p>I consider that the effects of extending the lapse date of the designation will have a less than minor effect on landowners. Because it provides for the works and the land is owned by the Council the only variable is when the works will occur. I consider that the net effect of allowing a greater timeframe for the works will not have additional effects on neighbours.</p> <p>The requiring authority has provided an assessment of the modification against the objectives and policies of the Proposed Auckland Unitary Plan and has concluded that the designation is consistent with the relevant policies. The road widening provided by the designation will improve the operation of an intersection.</p> <p>As the requiring authority has taken the land needed for the designation an assessment of alternatives is not required.</p> <p>I consider that the designation text will be of more value if a hard date is specified in the designation rather than a date expressed in terms of the Unitary Plan becoming operative. It is not possible at this time to know when the Plan will become operative but while for the purposes of this document a 'from operative date' is appropriate a hard date should be provided in the final version.</p> <p>It is recommended that the designation be rolled over with a lapse date of 15 years from the date on which the Unitary Plan becomes operative as set out in Attachment 1.</p>
<p>Recommendation from Panel</p>	<p>Panel agrees with the report writer's updated recommendations.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1431 be amended as follows:</p> <p><u>31 August 2032</u> unless given effect to prior</p>
<p>Reasons</p>	<p>Panel agrees with the report writer's reasons.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without</p>

	scrutiny and the requiring authority justifying why the lapse date should be extended.
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AT029 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1431 Road Widening - Chivalry Road

Designation Number	1431
Requiring Authority	Auckland Transport
Location	107 Chivalry Road, Glenfield
Rollover Designation	Yes
Legacy Reference	Designation 187, Auckland Council District Plan (North Shore Section) 2002
Lapse Date	<u>31 August 2032</u> being operative in the Unitary Plan unless given effect to prior.

Purpose

Road widening.

Conditions

General

1. That the scope and extent of the works within the designated area be in accordance with the Notice of Alteration to a Designation dated 28 July 2010; and in accordance with the following approved Designation conditions:

2. The works shall be undertaken in a manner in general accordance with the plans submitted and that subject to this condition being met an Outline Plan of Works not be required.

Landscape

3. A pocket park shall be created on the eastern corner of the intersection of Chartwell Avenue and Chivalry Road, with associated planting and seating as specified on Sheets 1 and 2 of the LA 4 Landscape Plans in Attachment 1 and Attachment 2. Two rimu trees, in addition to those shown on this Plan shall also be planted adjacent to the boundary between the pocket reserve and 109 and 109A Chartwell Avenue.

4. A replacement specimen street tree approved by the Auckland Council shall be planted within the road reserve generally adjacent to 77 Chartwell Avenue, subject to a suitable location being established that meets safety, infrastructure and utilities requirements.

5. Protective fencing shall be installed around all trees that are to be retained. This fencing shall be installed in accordance with accepted arboricultural practice prior to any works taking place and shall remain in place until the completion of all works.

6. Where tree protection fences are to be constructed prior to works commencing, a pre- start memo is required to confirm the implementation of those measures. No further works are permitted until the Council's Arborist has received and approved this memo.

7. A planting maintenance plan shall be provided in accordance with Auckland Transport Code of Practice (ATCOP).

Traffic

8. The tracking (for buses and large vehicles) shall be reviewed for all turning movements, to ensure that there is sufficient lateral clearance from traffic lane and the kerb and the swept path does not encroach onto the berm/footpath, kerbside car parking areas (in front of the shops on Diana Drive) and pedestrian waiting areas.

9. The safety audit report shall be reviewed and the recommendations in the report shall be included in the intersection upgrade project.

Traffic Noise

10. A close-boarded 1.8m acoustic fence shall be erected on the boundary between the proposed pocket reserve and the property at 77 Chartwell Avenue and in addition at the road boundary of 77 Chartwell Avenue to replace the existing low timber fence.

11. A close-boarded acoustic fence 2.5 metres in height shall be installed along the western boundary of the property at 109 Chivalry Road adjacent to the proposed pocket reserve.

12. The acoustic fences detailed above shall be installed as soon as possible after demolition of the building on 107 Chartwell Avenue.

13. The surface of the realigned carriageway shall be finished in a smooth asphalt surface designed to reduce road noise to the maximum practicable extent or another surface which a suitably qualified noise consultant certifies is capable of achieving similar or greater reduction in vehicle noise.

Construction

14. The Requiring Authority shall ensure that all reasonable steps are taken to prevent any nuisance and damage to adjacent properties during construction. The Requiring Authority will reinstate any property damaged during construction or provide compensation to the affected owner if reinstatement is not possible.

15. Construction shall be limited to the following hours:

Weekdays 7 00am - 7 00pm;

Saturdays 8 00am - 4 00pm;

Sundays & Public Holidays No work.

16. Noise generated by the construction works associated with the upgrading of the Diana Drive/Chivalry Road/Chartwell Avenue intersection shall comply with New Zealand Standard NZS 6803P:1999 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work", except that where compliance with this standard is not practicable, alternative methodologies that will minimise adverse effects shall be developed in consultation with the owners and/or occupiers of the affected properties to the satisfaction of Auckland Council.

17. Prior to construction commencing the Requiring Authority shall prepare a Construction Management Plan (CMP) for approval to the satisfaction of Auckland Council. The Construction Management Plan shall make provision for the following:

- a. Methods for the avoiding or minimising noise and vibration nuisance;
- b. Methods for avoiding or minimising any dust nuisance from construction;
- c. Methods for handling complaints on noise, vibration, dust or any other matter;
- d. Methods for protecting those trees that are to be retained and are potentially affected by construction works;
- e. Methods for implementing the recommendations of the Landscape Mitigation Plan and the Arborist Report;
- f. Methods for the demolition and/or removal of any building on properties required for the works;
- g. Methods for the site specific provision for erosion and sediment control to ARC TP 90 standards;
- h. Methods for liaising with schools to ensure safety of school pupils and that any major school events are planned for;
- i. Methods for liaising with network utility operators;

- j. Methods for ensuring that any vehicles leaving the site do not deposit soil or other debris on public roads;
- k. Details of the site manager, including their contact details (phone, fax and postal address);
- l. The location of a large notice board at each end of the works, which clearly identifies the name, telephone number, and address of the site manager;
- m. Methods for retaining access to all properties during the construction period;
- n. The location of the site office and workers' toilet;
- o. Proposed hours of work on the site;
- p. Locations at which construction equipment will be parked over night;
- q. The signage to be erected at the site during the construction period to advise motorists and pedestrians of the works, and of the routes they should follow; and
- r. A requirement to implement the Traffic Mitigation Plan required under Condition 26.

18. A Construction Noise Management Plan (CNMP) shall be prepared to the Auckland Council's satisfaction by a suitably qualified acoustic consultant prior to the commencement of any construction works. The Plan shall refer to noise management measures set out in Appendix E of NZS6803:1999 "Acoustics — Construction Noise" and as a minimum shall address the following:

- a. Construction sequence;
- b. Machinery and equipment to be used;
- c. Hours of operation, including times and days when noisy construction would occur;
- e. The design of noise mitigation measures such as temporary barriers or enclosures;
- f. Construction noise limits for specific areas;
- g. Development of alternative strategies where full compliance with NZS6803P:1999 cannot be achieved, including consultation with residents and other occupiers to achieve acceptable outcomes; and
- h. Methods for monitoring and reporting on construction noise. The CNMP shall detail the construction methodologies that will be employed to, as far as practicable, comply with NZS6803P:1999. If this cannot be achieved, management and mitigation measures intended to minimise adverse noise effects shall be set out.

18. The Requiring Authority shall ensure that the Construction Management Plan and Construction Noise Management Plan are complied with at all times during construction and that a copy of each is kept at the site offices.

19. The Requiring Authority shall advise neighbouring owners and occupiers of the construction timetable, including the date on which construction is to start and the expected duration of the work.

20. The contractor shall be required to maintain the stability of the land at the boundary of the site, by whatever means necessary and to monitor that such works are and remain effective.

21. The Requiring Authority shall, during the preparation of Tender documents and the Construction Management Plan, take into account the location of existing infrastructure and utility services and the likely location of future infrastructure and utility services, and undertake consultation with the appropriate Auckland Council departments and Network Utility Operators.

22. The Requiring Authority shall liaise with public utility operators and use its best endeavours to ensure that all planned utility upgrading at the Chivalry Road/Chartwell Avenue/Diana Drive intersection is carried out during the construction period.

23. The requiring Authority shall adopt best practice techniques for construction to ensure that all Network Utility Operators and Auckland Council's infrastructure is protected and public safety is ensured.

24. At all times, reasonable physical vehicular and pedestrian access shall be maintained to private properties not directly affected by construction works in the affected area. Where private properties are directly affected by construction causing vehicular access to be temporarily prevented and no alternative can be utilised, the Requiring Authority shall ensure that the property owner and occupier if relevant, is consulted with respect to the most suitable time for carrying out the work and the Requiring Authority shall minimise the period during which access is prevented. Particular regard shall be given to those properties where the Requiring Authority is aware of owners/occupiers with physical impairments.

25. Prior to the commencement of construction the Requiring Authority shall submit for approval to the satisfaction of the Auckland Council, a Traffic Mitigation Plan based on its adopted design for the project. The Traffic Mitigation Plan shall address methods of mitigating the local and network wide effects of both the construction of individual elements of the project and the use of staging. The plan shall specify among other matters:

- i. How, where practicable, one lane of traffic in each direction shall be open at peak times;
- ii. Measures to be adopted to ensure that pedestrian access past the site is safe and, as practical as is possible, and is not obstructed during the construction works; and
- iii. Measures to be adopted to ensure access is maintained to all properties fronting

the realigned road including the existing shops on the north western corner and the Church on the south western corner

26. In accordance with Section 184 of the Resource Management Act 1991 the designation will lapse on 31 August 2032

Advice Notes

1. Consider the appropriateness of the service chamber lids at pram crossings with regards to pedestrian safety.

2. Investigate if curve advisory warning signs are warranted for the curve outside 78 Chartwell Avenue, south of the intersection on Chartwell Avenue with the proposed realignment. Similarly check the curve warning requirements for Diana Drive approach to the intersection.

3. That the proposed footpath be widened and set back with approximately 600-1000mm separation (grass verge) from the kerb where possible. It is recommended that the footpath be widened to 2.0-2.5m and gradually tie in with the existing footpath

4. That directional arrow pavement markings are clearly marked out to warn motorists that the vehicle crossing on Chartwell Avenue associated with the church is an exit only access.

5. Consider the need for cycle facilities at the intersection as discussed under Section 4.5.

6. Consult with the appropriate Council department on the proposal and the timeline for the proposed cycleway or similar facilities on Chivalry Road or in the vicinity of the intersection.

7. That the lighting illumination levels are checked to ensure that they are in accordance with Auckland Council lighting requirements and standards for the intersection.

8. That the appropriate Council departments are consulted if any of the works can be coordinated and carried out simultaneously with this project as discussed in Section 4.7.

9. The details of the final design of the stormwater infrastructure will require liaison with the Council stormwater asset engineer and the retention of the straight alignment or the replacement of the lead with a 300 line may be required.

10. Consideration should be given to setting the new footpaths back from the kerb line to assist with the safety of pedestrians, especially school children. This would also simplify the ramp issues at the new pram crossings.

Attachments

No attachments.

Table reference No.	AT030
Requiring authority	Auckland Transport
Designation number	1435
Designation purpose	Roading Purposes
Location	Waitemata Drive (over Birdwood Park) to Waitemata Drive West, Ranui.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	This is a designation for a new road link that connects Waitemata Drive in Ranui over the Swanson Stream. The operative district plan does not specify a lapse date. Auckland Transport has requested that this is amended to allow a 15 year lapse date from being operative in the Unitary Plan unless given effect to prior.
Notice of requirement	NA
Land ownership	All the land subject to the designation is reserve.
Land owned by the requiring authority	As above.
Submitter	There are no submissions.
Matters addressed in submission	NA
Engagement by requiring authority with submitters.	NA
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on this designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.
Recommendation	NA
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting Officer comment on response	<p>Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue. It is now appropriate to consider the lapse date matter.</p> <p>In considering a lapse date modification I consider that it appropriate to use the tests in section 184 and 184A of the Resource Management Act 1991 as a guide. These are whether substantial progress or effort has been made towards giving effect to the designation and is continuing to be made.</p> <p>Auckland Transport has advised that all the land necessary for the road is in Council ownership or control. Given this I consider that substantial progress has been made to giving effect to the designation.</p> <p>It is also appropriate to consider the effects of the designation on other landowners affected.</p>

	<p>I consider that the effects of extending the lapse date of the designation will have a less than minor effect on landowners. Because the land is owned by the Council the only variable is when the works will occur. I consider that the net effect of allowing a greater timeframe for the works will not have additional effects on neighbours. The nearest neighbours do not adjoin the actual site of the works.</p> <p>The requiring authority has provided an assessment of the modification against the objectives and policies of the Proposed Auckland Unitary Plan and has concluded that the designation is consistent with the relevant policies. The new road link provided by the designation will improve the operation of the existing roads.</p> <p>As the requiring authority has control of the land needed for the designation an assessment of alternatives is not required.</p> <p>I consider that the designation text will be of more value if a hard date is specified in the designation rather than a date expressed in terms of the Unitary Plan becoming operative. It is not possible at this time to know when the Plan will become operative but while for the purposes of this document a 'from operative date' is appropriate a hard date should be provided in the final version.</p> <p>It is recommended that the designation be rolled over with a lapse date of 15 years from the date on which the Unitary Plan (which the Panel has estimated at 31 August 2017) becomes operative as set out an Attachment 1.</p>
Recommendation from Panel	<p>Panel supports the report writer's updated recommendations.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1435 be amended as follows:</p> <p><u>31 August 2032</u> unless given effect to prior</p>
Reasons	<p>Panel supports the report writer's reasons.</p> <p>The Panel also provides the following reasons for amending the how the lapse dates are expressed.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the</p>

	designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.
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AT030 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1435 Road - Waitemata Drive

Designation Number	1435
Requiring Authority	Auckland Transport
Location	Waitemata Drive (over Birdwood Park) to Waitemata Drive West,
Rollover Designation	Yes
Legacy Reference	Designation RP8, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	15 years from 31 August 2032 being operative in the Unitary Plan unless given effect to prior

Purpose

Roading purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2032 ~~the expiry of 15 (fifteen) years after the date on which it is included in the Unitary Plan~~ unless:
 - a. It is given effect to before the end of that period; or
 - 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; or
 - c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative

Attachments

No attachments

Table reference No.	AT031
Requiring authority	Auckland Transport
Designation number	1453
Designation purpose	Road Widening Titirangi Road
Location	2-14, 1-11, 17-35, 30, 40, 44-54, 45-49, 53, 58-64, 65-171A, 68-68A, 74-114 and 118-160 Titirangi Road, 2 Margan Avenue and 1 and 2 Northhall Road, Titirangi.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	Auckland Transport has requested that this designation be modified to allow a 15-year lapse date from being operative in the Unitary Plan unless given effect to prior. In addition Auckland Transport in its submission has requested that the mapped extent of the designation be reduced.
Notice of requirement	NA
Land ownership	The designation includes land not owned by the requiring authority. The background material from the Auckland Transport notes that approximately 15 property frontages within the designation have been acquired and/or vested as road.
Land owned by the requiring authority	As above.
Submitter	There a number of submissions in respect of this designation as follows: Auckland Transport – 6108-3 Brijen Shah – 1370-1 Brooke Nisbett – 1005-1 Bunnings Limited – 6096-68 Caroline Lediard – 1000-1 Elaine M Berryman 1126 -1 and 2 James C Mawson and others – 9313-1 Jan E Tremewan – 1631-1 Karen Mawson – 2189-1 Karina Enser – 917-1 Mr and Mrs Alexander – 72-1 Raymond Waru – 1593-1 Steven Gould – 795-1 Tracy Rodwell – 1536-1
Matters addressed in submission	The submission from Auckland Transport requests that the maps be amended to be consistent with the description in the operative district plan. This involves some amendments at the Great North Road end of the designation. The other submissions generally seek the deletion of the designation from some or all of the affected properties.
Engagement by requiring authority with submitters.	Auckland Transport has advised that it is currently awaiting plan review showing reduced dimensions before contacting the submitters. Auckland Transport has had discussions with Bunnings in 2014 and an agreement was drafted but not yet signed.

	Auckland Transport will send another letter to re-engage with the submitter.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>At this time it is not possible to provide a considered assessment of the effects of the designation on the submitters' properties as the requiring authority is reviewing the extent of the designation. Effects will vary depending on the road design and the quantum of land required from properties affected.</p> <p>It is recommended the requiring authority provides additional information about the extent of the designation and confirm the required extent of the designation.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	<p>Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue. It is now appropriate to consider the lapse date matter.</p> <p>In considering a lapse date modification I consider that it appropriate to use the tests in section 184 and section 185A of the Resource Management Act 1991 as a guide. These are whether substantial progress or effort has been made towards giving effect to the designation and is continuing to be made.</p> <p>Auckland Transport has advised the following:</p> <ol style="list-style-type: none"> i. approximately 15 property frontages have been acquired; ii. a number of recent studies have impacted upon the need for the designation; iii. Auckland Transport is proposing to trial the part time operation of mid-block signals for pedestrian crossings on Titirangi Road. <p>I consider that the requiring authority has made some progress towards implementing the designation. However it is unclear as why a 15-year period is considered necessary by the requiring authority.</p> <p>The requiring authority has provided an assessment of the modification against the objectives and policies of the Proposed Auckland Unitary Plan and has concluded that the designation is consistent with the relevant policies.</p>

	<p>The requiring authority provided assessment of alternatives. These involve the widening of other roads such as Seabrook Avenue and West Lynn Road where no road widening has been proposed or taken. This would involve moving the road widening to another road that currently does not have an arterial road function.</p> <p>Auckland Transport and Vector have agreed a Vector access condition on this designation. As it is recommended to be deleted no condition is necessary.</p>
<p>Panel update</p>	<p>The Panel heard evidence on Designation 1453 from: Auckland Transport Bunnings Limited Breijen Shah Carline Lediard Elaine Berryman James C Mawson Jan E Tremewan Jean FTuhipa Mr and Mrs Alexander Steven Gould Colin Newby.</p> <p>Bunnings raised issues regarding the ability of Auckland Transport to give effect to the road widening designation in the vicinity of its New Lynn site as the railway bridge just south of the site constrains the width of the carriageway in this location. Bunning considered that given that there is no evidence of any intention to carry out the works to widen the bridge within the foreseeable future the designation will not achieve Auckland Transport's objectives.</p> <p>Bunnings also raised jurisdictional issues regarding the designation given the land has already been taken for road widening purposes.</p> <p>Breijen Shah, Carline Lediard, Elaine Berryman, James C Mawson, Jan E Tremewan Jean FTuhipa Mr and Mrs Alexander, Steven Gould and Colin Newby are a group of residents with interests in the designated land. They gave evidence opposing the designation on the grounds that:</p> <ul style="list-style-type: none"> • the Council had ceased purchasing properties at least 20 years ago and was not pursuing the original objective of road widening • reasonable progress has not been made in giving effect to the designation. • the designation is not necessary for cycling infrastructure as Seaforth Road is the identified cycle network route • it is not necessary for street amenity. <p>The evidence of Mr Carter provided on behalf of Auckland Transport states that the project objective for the Titirangi</p>

	<p>Road designation is to provide for improved transport services and choices to the New Lynn end of Titirangi Road including, but not limited to, improved pedestrian environments, and bus and bike services, as well as intersection improvements, whilst managing adverse effects on the local environment and pre 1944 buildings. Mr Carter also states the designation will deliver some of Auckland Transport’s general objectives.</p> <p>Mr Carter set out in his rebuttal evidence that he agreed that the railway over bridge presents a potential constraint and noted that it is possible that a future road widening project would incorporate the replacement of this bridge.</p> <p>The Panel has concerns about the lack of clarity regarding the works the road widening designation is to provide for, the timing and probability of these works occurring, particularly given the constraints resulting from the pinch point created by the railway over bridge foundation columns and the absence of any notice of requirement to provide for the bridge widening.</p> <p>Because it is unclear as to the works the designation will provide for, it is difficult to assess who will be affected by the works and the extent of any affects. It is noted that Auckland Transport has not proposed any designation conditions. Usually where construction or operational effects can be identified conditions are imposed to manage such effects. It is assumed that given the lack of certainty regarding the types of work to be undertaken mitigation measure are unable to be identified.</p> <p>Consideration of alternative sites, routes, or methods of undertaking the work is also problematic given the lack of certainty of the types of work to be undertaken.</p> <p>The Panel also has concerns that pinch point created by the railway over bridge foundation columns and the absence of any notice of requirement to provide for the bridge widening will frustrate Auckland Transport’s objective of providing for improved transport services and choices to the New Lynn end of Titirangi Road.</p> <p>It is for the reasons discussed above that the Panel consider it is not in a position to recommend the Designation 1453 should be confirmed.</p>
Recommendation from Panel	That Designation 1453 be withdrawn.
Reasons	As set out above.

AT031 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

Delete all of Designation 1453 from the schedule and the text.

AT031 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Delete all of Designation 1453.

Table reference No.	AT032
Requiring authority	Auckland Transport
Designation number	1454
Designation purpose	Road widening
Location	1-12, 2, 24-34, 25-33, 37-47, 53-59, 63A- 141, 64-186, 198 - 274, 273 – 347, 282-312, 326-360, 351A-409, 370-386 and 390 – 400 West Coast Road, Glen Eden.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	Auckland Transport has requested that this designation be modified to allow a 15-year lapse date from being operative in the Unitary Plan unless given effect to prior.
Notice of requirement	NA
Land ownership	The designation includes land not owned by the Requiring Authority.
Land owned by the requiring authority	As above.
Submitter	Submissions have been received as follows: 3803-1 Rex G and June N Wedding – Delete the designation from 57 West Coast Road 371 and 3670 – Heritage New Zealand – Concerning impact of designation on 254-266, 302 and 370 West Coast Road.
Matters addressed in submission	As above
Engagement by requiring authority with submitters.	Auckland Transport has advised that it has contacted Mr and Mrs Wedding who have asked for further information concerning safety projects which has been provided by Auckland Transport. Auckland Transport has met with Heritage New Zealand. Heritage New Zealand has agreed to withdraw its submission in respect of 302 and 370 West Coast Road.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. Auckland Transport has not provided an assessment of progress to date but it appears from the aerial photographs that some property purchases have been undertaken to date. I am not aware of any other progress that may have been made to implement the designation. It is also appropriate to consider the effects of the designation on other landowners affected. There are a number of properties particularly in the Glen Eden commercial area where buildings are directly affected by the

	<p>designation and will have to be partially demolished to implement the full extent of the designation.</p> <p>The requiring authority has provided an assessment of the designation against the objectives and policies of the Proposed Auckland Unitary Plan and has concluded that the designation is consistent with the relevant policies. The road link provided by the designation will improve the operation the existing roads.</p> <p>The requiring authority assessment of alternatives is limited to considering a reduced designation. It has however not undertaken this assessment as this is not able to be carried out until a detailed design is undertaken.</p> <p>In order to assess the effects of the designation on submitters it would assist if the requiring authority were able to provide a timeframe to complete property purchase to implement the designation. It is recommended that the requiring authority provide additional information concerning progress made in implementing this designation.</p>
Recommendation to Panel	NA
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	<p>That the designation be confirmed as set out in Attachment 1 below.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1454 be amended as follows:</p> <p><u>31 August 2032</u> unless given effect to prior</p>
Reasons	<p>The submitter did not present or table evidence at the hearing.</p> <p>The Panel agrees with the evidence of John Carter dated 21 October 2015, Appendix 6 to the effect that the designation is reasonably necessary to achievement of transport provision for urban growth and safety upgrades at the intersection of Rua and Pleasant roads.</p> <p>The additional heritage conditions will provide a more proactive approach to assessment of effects on heritage when works occur. Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by</p>

	the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.
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AT032 Attachment 1 changes to text of Proposed Auckland Unitary Plan

1454 Road Widening - West Coast Road

Designation Number	1454
Requiring Authority	Auckland Transport
Location	1-23, 2, 24-34, 25-33, 37-47, 53-59, 63A-141, 64-186, 198-274, 273-347, 282-312, 318-320, 326-360, 351A-409, 370-386 and 390-400
Rollover Designation	Yes
Legacy Reference	Designation RW13, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	15 years from 31 August 2032 being operative in the Unitary Plan unless given effect to prior

Purpose

Road widening purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2032 ~~the expiry of 15 (fifteen) years after the date on which it is included in the Unitary Plan~~ unless:

- a. It is given effect to before the end of that period; or
- 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; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

2. Where any construction works for a project on designated land that includes the total or substantial demolition of, or alterations and / or additions to, a building, structure or feature that is a scheduled historic heritage place, any outline plan of works that is required shall include:

- a. An assessment of the effects of the historic heritage values of the place;

- b. A consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic place and the proposed new works are in accordance with this conservation or similar plan.

Attachments

No attachments.

Table reference No.	AT033
Requiring authority	Auckland Transport
Designation number	1455
Designation purpose	Road widening
Location	1-12, 12-40, 37, 52-54, 78, 80A-82, 86-88 and 92-94 Swanson Road, Henderson.
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	Auckland Transport has requested that this designation be modified to allow a 15-year lapse date from being operative in the Unitary Plan unless given effect to prior. In addition Auckland Transport in its submission has requested that the mapped extent of the designation be reduced.
Notice of requirement	NA
Land ownership	The designation includes land not owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Submission have been received as follows: Robyn S Clarke, - 47A Swanson Road
Matters addressed in submission	The submitter requests that the designation be deleted and that other alternatives be considered. She is concerned about the geotechnical and construction effects on the works to widen the road and on the noise and fumes from traffic closer to her house.
Engagement by requiring authority with submitters.	Auckland Transport has advised that it has contacted Ms Clarke. Ms Clarke has advised that she still has concerns.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on this designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>Auckland Transport has not provided an assessment of progress to date but it appears from the aerial photographs that there has been a reasonable degree of property frontage acquisition along the extent of the designation. I consider that progress has been made towards implementing the designation. I have no information about whether it is continuing to be made.</p> <p>It is also appropriate to consider the effects of the designation on other landowners affected. The designation itself does not impact on any buildings, but landowners will lose some of the front portions of their houses. The road carriageway will be located closer to residences.</p> <p>Design work has not yet been carried out to determine the extent of the final road.</p>

	<p>The requiring authority has provided an assessment of the designation against the objectives and policies of the Proposed Auckland Transport and has concluded that the designation is consistent with the relevant policies. The road widening provided by the designation will improve the operation of the existing roads.</p> <p>The requiring authority assessment of alternatives is limited to considering a reduced designation. It has however not undertaken this assessment as this is not able to be carried out until a detailed design is undertaken. It also noted that land has been acquired to give effect to the designation and alternatives would require a different pattern of land acquisition and the land already taken would be effectively wasted.</p> <p>My overall judgement is that the requiring authority has made progress in implementing the designation and that it is necessary to achieve its objectives. Deleting the designation will have implications for finding alternative routes.</p> <p>The effects on the submitters can be managed through the outline plan of works processes.</p>
Recommendation to Panel	It is recommended that the Designation 1455 be confirmed.
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Reporting officer comment on response	<p>Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue. It is now appropriate to consider the lapse date matter.</p> <p>For the reasons stated above I consider it is reasonable to extend the lapse period as requested.</p> <p>I consider that the designation text will be of more value if a hard date is specified in the designation rather than a date expressed in terms of the Unitary Plan becoming operative. It is not possible at this time to know when the Plan will become operative but while for the purposes of this document a 'from operative date' is appropriate a hard date should be provided in the final version.</p>
Recommendation from Panel	<p>The Panel agrees with the report writer's recommendations. The Panel also recommends that the lapse dates should be expressed as a specific date rather than in "XX years from when the Unitary Plan is made operative". This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1455 be amended as follows:</p> <p><u>31 August 2032</u> unless given effect to prior</p>

Reasons	The designation is reasonably necessary to achieve the objectives of the requiring authority. Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.
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AT033 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1455 Road Widening - Swanson Road

Designation Number	1455
Requiring Authority	Auckland Transport
Location	1-25, 12-40, 37,47-55A, 52-54, 58, 78, 80A-82, 86-88, 92-94 Swanson
Rollover Designation	Yes
Legacy Reference	Designation RW14, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	15 years from 31 August 2032 being operative in the Unitary Plan unless given effect to prior

Purpose

Road widening purposes.

Conditions

1. In accordance with section 184 of the Resource Management Act 1991, this designation will lapse on 31 August 2032 ~~the expiry of 15 (fifteen) years after the date on which it is included in the Unitary Plan~~ unless:
 - a. It is given effect to before the end of that period; or
 - 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; or
 - c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

Attachments

No attachments.

Table reference No.	AT034
Requiring authority	Auckland Transport
Designation number	1620
Designation purpose	Eastern Transport Corridor
Location	Orakei Point to Meadowbank
Designation given effect to	No
Lapse date in operative plan	Default – November 2015
Rollover designation with no modifications	No
Description of the modification	Auckland Transport has requested that this designation be modified to allow a 15-year lapse date from being operative in the Unitary Plan unless given effect to prior. In addition Auckland Transport in its submission has requested that the mapped extent of the designation be reduced.
Notice of requirement	NA
Land ownership	The land within the designation is all within public ownership (mixture of The Crown and Auckland Council) apart from two sites owned by the Outboard Boating Club of Auckland.
Land owned by the requiring authority	As above.
Submitter	Submissions have been received as follows: 3787-104 – Atlas Concrete Limited 3258-1 – Cochius Family Trust 1061-1 – Elizabeth D Stevens 6926-81 – Outdoor Boating Club of Auckland Inc. 5223-1 – Terence Neil Gould
Matters addressed in submission	The submission from Atlas Concrete supports the designation while the other submissions oppose the designation.
Engagement by requiring authority with submitters.	Auckland Transport advises that the designation does not permit works and simply protects the corridor for transport purposes, such as: the cycleway, Merton to Morrin Road, and under investigation is the third rail line. All of which

	require their own planning approval.
Assessment and reasons	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on this designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>Auckland Transport has advised that much of the land is under public control and that the corridor will be used for a variety of transport projects in the near future. Current planning is that a shared path will be constructed in four stages between 2015 and 2018 through the corridor.</p> <p>I consider that the wording of the designation prevents Auckland Transport from implementing any projects (unless they are provided for in the underlying zoning). Condition 2 of the designation states that:</p> <p style="padding-left: 40px;">2 Prior to Auckland Transport undertaking any development on the Eastern Transport Corridor, Auckland Transport shall withdraw this designation and replace it with a new Notice of Requirement, which will provide full details of any proposal in accordance with section 168 of the Act The Notice of Requirement will be publicly notified in accordance with the provisions of Part VIII of the Act</p> <p>I consider that due to this condition the designation does not allow any works, which calls into question whether the designation is appropriate.</p> <p>In the operative plan the designation was in the name of Auckland Council and condition was framed as an undertaking from the Council rather than a condition but the effect is the same.</p> <p>As the designation cannot actually be implemented I consider that it should be withdrawn and a new requirement be lodged by the requiring authority at the appropriate time.</p>
Recommendation to Panel	It is recommended that the designation be withdrawn.
Response from requiring authority	Disagree with the above recommendations to the Panel. Requests mediation and hearing.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September the Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel agrees with the report writer's recommendation.

<p>Panel Update</p>	<p>The Panel heard evidence from:</p> <p>Auckland Transport</p> <p>Outboard Boating Club of Auckland Inc.</p> <p>The evidence of Mr Carter on behalf of Auckland Transport sets out that the requirement will deliver the project objective which is to protect the potential of the area to produce transport opportunities, including the potential opportunities for cycling and rail improvements. He states that the designation fulfils an important public information role of identifying the corridor for a future transport purposes and that the public work of the designation is the maintenance of the transport corridor.</p> <p>Mr Carter considers that physical works are not necessarily required as the definition of public works under the Resource Management Act is very broad.</p> <p>The Outdoor Boating Club submits that “the definition of public work is broad, but refers back to a work that a local authority (in this case) is authorised to undertake. In this case, there is no identified ‘work’ which AT could be authorised to undertake. Protection and maintenance of a corridor may be included in the broad definition of public work, but only if there is an identified work which the protection and maintenance is for.” (Legal submission paragraph 6.11).</p> <p>The Panel notes that the designation is not for a specific work and could ultimately be used for a range of public works including a cycleway, local road, railway line and options for improving access to the passenger train network.</p> <p>In the absence of a specific project it is difficult to determine who will be affected by the designation and the scale and extent of any effects. Consideration of alternative sites, routes, or methods of undertaking the work is also problematic given that the designation is to protect the potential of the area to produce transport opportunities.</p> <p>Like the Outdoor Boating Club, the Panel questions whether corridor protection for an unspecified and potentially unknown project is an inappropriate use of a designation.</p> <p>The Panel also questions the need for a corridor protection designation give that the land within the designation is all within public ownership (mixture of The Crown and Auckland Council) apart from two sites owned by the Outboard Boating Club of Auckland.</p> <p>The Panel notes designation has been in place since 1977, with the purpose of the designation changing over time and that a final decision on the possible use of the designation</p>
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	has yet been made. Given the above issues the Panel considers that it is not in a position to recommend that Designation 1620 be confirmed.
Panel Recommendation	That the notice of requirement be withdrawn
Reasons	For the reasons set out above, including that corridor protection for an unspecified and potentially unknown project is an inappropriate use of a designation.

AT034 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

Delete all of Designation 1620 from the schedule and the text.

AT034 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

Delete all of Designation 1620.

Table reference No	AT035
Requiring authority	Auckland Transport
Designation number (s)	1438 and 1810
Designation purpose	Parking facility
Location	1438 – Delta Avenue, New Lynn 1810 – Hall Street, Pukekohe
Designation given effect to	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	No
Description of the modification	Auckland Transport has requested that these designations be extended to incorporate the whole of the areas actually formed and used as car park.
Notice of requirement	NA
Land ownership	The designation land is owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	No submissions have been received.
Matters addressed in submission	NA
Engagement by requiring authority with submitters.	NA
Assessment and reasons	<p>The land that is proposed to be added to the designations has been used for car parking for many years. In the case of Delta Avenue the land has been used as a car park since before 1996. The site is zoned for business purposes and car parks accessory to other activities is allowed and sometimes required.</p> <p>In the case of Hall Street the land has been a car park since before 2006 (the aerial photograph records do not go back before this). A portion of the land proposed to be added is zoned for business purposes while some is zoned residential (Mixed Housing Urban and Single House Zone).</p> <p>In considering these amendments I am guided by section 181 of the Resource Management Act 1991 which provides for alterations to designations. This provides that:</p> <ol style="list-style-type: none"> i. the alteration involves no more than a minor change to the effects on the environment associated with the use or proposed use of land; or ii. involves only minor changes to the boundaries of the designation iii. written notice is given to directly affected land owners and they agree iv. both the territorial authority and requiring authority agree with the alteration. <p>I consider that the alterations requested meet these considerations for the following reasons.</p>

	<ul style="list-style-type: none"> i. the change in environmental effects of the alterations are less than minor as there will be no change in the activity on the ground; ii. the amendments to the boundaries are considered more than minor given the size of the existing designations but this is not required to be minor if the change in environmental effects are no more than minor; iii. the requiring authority is the effective owner of the land directly affected; and iv. the territorial authority has agreed to include the amendments within the Unitary Plan. <p>My overall judgment is that the amendments to the extent of these designations are appropriate in that the amendments are consistent with the relevant provisions of the Resource Management Act 1991.</p>
Recommendation to Panel	It is recommended that the modifications for Designations 1438 and 1810 be confirmed.
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writer's reasons.

Table reference No.	AT036
Requiring authority	Auckland Transport
Designation number (s)	1437, 1467
Designation purpose	Hobsonville Road Transport Corridor
Location	Hobsonville Road
Designation given effect to	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	No
Description of the modification	NA
Notice of requirement	NA
Land ownership	The designation land is owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitter	Hobsonville Villa – Murray Birell Alan J and Jetta Laurenson
Matters addressed in submission	Hobsonville Villas is concerned about the impacts of the transport corridor on the submitter's property including increased noise, dust pollution and security. The Laurenson submission requests that the designations be deleted as it is no longer necessary to widen this road.
Engagement by requiring authority with submitters.	Auckland Transport advises that the designations are needed for growth and that Hobsonville Road project team will be undertaking discussions with these submitters. The results of these discussions are not known at this time.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designations. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council. At this stage Designation 1437 applies to the existing extent of Hobsonville Road. Any major works within the road will require an outline plan of works. As the road is existing and no detailed works have yet to be detailed I am unable to recommend that an acoustic fence be constructed. However this may be something that can be considered and potentially be recommended as a condition of an outline plan of works should future works require this. In respect of the road widening in Designation 1467 it would be helpful if Auckland Transport could provide more information about the designation, progress it has made in implementing the designation and on the results of discussions with the submitters.
Recommendation to Panel	No recommendation at this time.
Response from requiring authority	Neutral. Requests mediation and hearing.
Reporting officer comment	Following the pre-hearing meeting in 16 September the

on response	Panel has clarified its position on the lapse date issue.
Recommendation from Panel	The Panel recommends that the designations be confirmed.
Reasons	The designations are reasonably necessary to achieve the objectives of the requiring authority. Noise and other issues can be dealt with through outline plan of works process.

Table reference No.	AT037
Requiring authority	Auckland Transport
Designation number (s)	1420 and 1428
Designation purpose	Constellation Bus Station
Location	228 Sunset Road. 62 Parkway Drive, Rosedale.
Designation given effect to	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	No
Description of the modification	NA
Notice of requirement	NA
Land ownership	The designation land is owned by the requiring authority.
Land owned by the requiring authority	As above.
Submitters	Vector Limited and Vector Gas Limited. Auckland Council 5716-2661
Matters addressed in submission	<p>Vector is concerned that the Proposed Auckland Unitary Plan map 'property summary' shows the Constellation Bus Station Designations (1420 and 1428 above) overlapping the Vector Sunset Road Substation designation.</p> <p>Auckland Council requests: amend references to legacy councils and guidelines. Condition 1.5 references a joint Project Governance Team of "NSCC", condition 5.1-5.7 reference "ARC", condition 7.1 related to Transit guidelines not New Zealand Transport Agency.</p>
Engagement by requiring authority with submitters.	Auckland Transport has indicated that it has discussed this matter with Vector.
Assessment and reasons	<p>Based on the title structure, the physical works on the ground, the underlying zoning and the designation mapping, which all show the substation as being separate from the bus station, there is no reason why the designations should overlap.</p> <p>Any overlap on the property summary would therefore appear to be a mapping error that should be remedied.</p> <p>Auckland Transport agrees to all changes proposed by Auckland Council in their submission which updated legacy council references.</p>
Recommendation to Panel	That the designation and property summary on the Proposed Auckland Unitary Plan maps be amended to exclude Designations 1420 and 1428 from applying to the site at 228 Sunset Road. That the text be updated as per the Auckland Council submission.
Response from requiring authority	<p>Agrees with the above recommendations to Panel. Requests mediation and hearing.</p> <p>It is noted that Vector and Auckland Transport have come to an agreement about achieving access to the Vector designation that does not require amendment of the</p>

	designations.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writer's reasons.

AT037 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

Designation 1428

1428 Constellation Drive Station

Designation Number	1428
Requiring Authority	Auckland Transport
Location	62 Parkway Drive, Rosedale
Rollover Designation	Yes
Legacy Reference	Designation 177, Auckland Council District Plan (North Shore Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Constellation Drive Station - for the construction, operation and maintenance of roads, buildings, facilities and amenities and park and ride facilities (including a Busway control room and any ancillary structures, works and activities) for the purpose of providing a rapid transit facility for buses and high occupancy vehicles.

Conditions

The conditions below apply:

1. General Conditions (with appropriate amendments to refer to the separate assessments undertaken which specifically relate to the Constellation Drive Station).
 - 1.10 A formal review of the adequacy of parking provision at the Station shall be carried out within twelve months of commencement operations at the Station and within a period of six months from any date if requested by the ~~North Shore City~~ Auckland Council. The review shall include preparation of a report by a suitably qualified and experienced traffic engineer analysing the on site car parking demand and supply situation based on surveys within and around the busway Station site and identifying any adverse effects and possible mitigation methods, which may form the basis for any further or amended conditions relating to car parking and parking management.
 - 1.11 The Sunset Road access is to be limited to use by authorised busway users only, with appropriate signage being raised to this effect.
2. Duration Of Designation
3. PMP and Outline Plan
4. Archaeological Mitigation Conditions (other than 4.3 and 4.4)
5. Ecological Mitigation Conditions (other than 5.5, 5.6 and 5.7)
6. Landscape Mitigation Conditions
7. Noise Mitigation Conditions (other than 7.8)
8. Geotechnical Mitigation Conditions
9. Vibration Mitigation Conditions

10. Traffic Mitigation Conditions (other than 10.1(ii), (iv) and (v), 10.2 and 10.3)
11. Construction Management Conditions

1. General Conditions

1.1 The scope and extent of the works envisaged within the designation shall be generally in accordance with the Notices of Requirement, the plans contained in "Volume 3 – A3 Plans" forming part of the documentation supporting the Notice of Requirement, and the relevant detailed plans in the Technical Reports in Volume 5, subject to the final design and the conditions set out below.

1.2 Prior to any works being commenced in particular location(s) of work, the Requiring Authority shall obtain all requisite resource consents for the location(s) affected under the Resource Management Act 1991.

1.3 Any land taken or held for the works shall be maintained to a reasonable standard until physical works commence.

1.4 At all times reasonable vehicular access shall be maintained to private properties not directly affected by construction and/or operation in the area affected. Where private properties are directly affected by construction and/or operations causing vehicular access to be temporarily prevented and no alternative can be utilised, the Requiring Authority shall ensure that the property owner is consulted with respect to the most suitable time for carrying out the work and the Requiring Authority shall minimise the period during which vehicular access is prevented.

1.5 A permanent liaison position from within the joint Project Governance Team of NSCC Auckland Council and the Requiring Authority will be appointed for the duration of the project. This person is to be available for ongoing consultation on all matters of concern to affected persons.

1.6 All contract documentation for physical works shall include reference to the designation conditions, any other resource consents (including conditions) and any approved mitigation or outline plan(s) held for the project.

1.7 Where requested by the owners, the Requiring Authority shall physically peg out the extent of the alignment in individually affected properties once the designation has been confirmed or all appeals have been determined, whichever is the later.

2. Duration of the Designation Condition ~~deleted~~

~~2.1 In accordance with Section 184(1)(c) and Section 184A(2)(c) of the Resource Management Act 1991, the designation will lapse on the expiry of ten years, except for NOR 8 which will lapse on the expiry of five years, after the date on which it is included in the District Plan unless:~~

~~2.2 It is given effect to before the end of that period; or~~

~~2.3 The territorial authority determines, on an application made not later than three months before the expiry of that period; that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period to five effect to the designation.~~

3. Project Management Plans (PMP) and Outline Plans

3.1 The requiring authority shall prepare a PMP which shall include mitigation/management plans as referred to in conditions 5, 6, 7, 8, 9, 10 and 11. 3.2.

No works shall be undertaken in any particular location(s) until:

- a. The PMP, or such part(s) of the PMP as are relevant to the location(s) are approved in the manner provided for in condition 3.3; and
- b. Any outline plan(s) required by section 176A of the Resource Management Act 1991 (RMA) in relation to the works in the location(s), are approved in the manner provided in condition 3.3. 3.3

Approvals pursuant to condition 3.2(a) shall be obtained from the General Manager of Environmental Services, ~~North Shore City~~ Auckland Council, and a senior regulatory officer of the ~~NSCC~~ Auckland Council who is at the time of the approval a member of the Project Governance Team for the management of the works (*the approval officers*).

Advice Note:

Where an outline plan or plans are required by section 176A RMA for works in any particular location(s) and the approval officers agree that the PMP or relevant part(s) of the PMP contains adequate details to satisfy section 176 RMA, then the Council may waive the requirement for an Outline Plan.

3.4 The works shall only be undertaken in accordance with an approved PMP and outline plan (where required).

3.5 If for any reason the PMP is not approved, the outline plan procedure under s 176A shall apply. For the avoidance of any doubt, the mitigation/management plans prepared under conditions 5, 6, 7, 8, 9, 10 and 11 shall be included with any outline plan lodged for approval pursuant to s 176A.

4. Archaeological Mitigation Conditions

4.1 If construction work uncovers any archaeological remains, the Requiring Authority will immediately advise local iwi and the New Zealand Historic Places Trust and cease working in the affected area until any necessary authority required by the New Zealand Historic Places Trust is obtained. (All archaeological sites are protected under the provisions of the Historic Places Act 1993, whereby it is unlawful to modify, damage or destroy an archaeological site, whether recorded or not, without prior consent of the Historic Places Trust).

4.2 That all recorded archaeological sites and other cultural heritage sites in the vicinity of the works shall be clearly marked on the construction plans.

4.3 Any significant native trees removed from Smiths bush as part of the works to construct the busway shall be offered as gifts to Te Hao o Ngati Whatua and/or Ngati Whatua o Orakei.

4.4 Preliminary earthworks in the vicinity of Onewa Road and Sylvan Ave realignment will be monitored by a suitably qualified and experienced archaeologist.

5. Ecological Mitigation Conditions

5.1 The PMP shall include an Ecological Mitigation Plan prepared by a suitably qualified and experienced ecologist who shall have regard to:

- i. The recommendations contained in the audit by Shona Myers – Natural Heritage Scientist, ARC as to planting and the implementation of mitigation measures;
- ii. The planting of appropriate plant species as identified in ARC Technical Publication 148: Riparian Zone Management: Strategy for the Auckland Region, June 2001.

5.2 The Plan shall provide for:

- i. Planting in riparian zones where consent of the landowner is obtained;
- ii. Mitigation of potential coastal effects.

5.3 Wherever practicable, any disturbance of existing vegetation shall be avoided.

5.4 Where riparian vegetation disturbance cannot be practicably avoided, the Requiring Authority shall take care that any necessary disturbance is minimised as far as practicable. For the avoidance of doubt, this condition is not intended to prohibit necessary disturbance, which is defined as including, but is not limited to, vegetation clearance, the construction and operation of all roads, depots, storage facilities and spoil disposal areas.

5.5 The PMP shall include a plan of the proposed works within the eastern remnant of Smiths Bush in sufficient detail to determine the impact on existing vegetation and the Requiring Authority shall undertake its best endeavours to minimise the removal of vegetation from Smiths Bush.

5.6 All works within the eastern remnant of Smiths Bush shall be supervised by a suitably qualified and experienced arboriculturist.

5.7 As a means of attempting to retain the overall ecological viability of Smiths Bush, any vegetation removed from the eastern remnant of the bush shall be replaced where practicable in accordance with a native tree planting and maintenance regime approved under condition 3.3. and following consultation with appropriate staff at the Auckland Regional Council.

6. Landscape Mitigation Conditions

6.1 The PMP shall include a Landscape Mitigation Plan prepared by a suitably qualified and experienced landscape architect who shall have regard to:

- a. The Landscape Mitigation Plan prepared by LA4 Landscape Architects and contained in the Esmonde Interchange Project: Assessment of Environmental Effects Volume 10c; and
- b. The recommendations contained in the audits by Melean Absolum and Chris Boucher.

6.2 The Landscape Mitigation Plan shall provide for:

- a. The integration of the proposed works into the surrounding landscape;
- b. Appropriate consideration of the angle and extent of batter slopes;
- c. Appropriate screening of existing land-uses along Fred Thomas Drive;
- d. Design of borrow and disposal areas for excess fill to avoid significant visual impact, and to maximise integration with the general form of the surrounding landscape;
- e. Ecological mitigation measures (eg revegetation) required in accordance with the Ecological Mitigation Condition;
- f. Mitigation of effects on properties in the vicinity of the busway;
- g. Noise mitigation measures (eg noise barriers) required in accordance with the Noise Mitigation Conditions and the screening of such measures with planting between barriers and the busway carriageway;
- h. Detailed designs of the acoustic barriers, retaining walls, and earth bunds in conjunction with the engineers where necessary; and
- i. The identification of existing trees and vegetation sited on the boundary of the Busway designation that ought to be retained for screening purposes.

6.3 The Landscape Mitigation Plan shall include details of:

- j. All proposed planting (including species, species size, densities, areas and locations);
- k. The planting programme;
- l. The maintenance programme. This programme shall include details of weed control,

performance standards specifying allowable percentage survival rates, and replacement of any planting features;

- m. The sufficiency of the soil medium to sustain all planting proposed; and
- n. An appropriate maintenance regime.

6.4 All landscape mitigation planting shall be implemented during the first planting season following completion of the project construction works providing climatic conditions are suitable, otherwise at the first practicable opportunity thereafter. Following completion of planting, the Requiring Authority shall submit to the ~~North Shore City~~ Auckland Council a report by the landscape architect on the implementation of the landscape plan.

6.5 Where practicable, any planting utilising native plants shall use plants genetically sourced from the ecological district.

6.6 Exposed cut and fill batters and slopes shall be re-vegetated as soon as practicable after construction.

7. Noise Mitigation Conditions

7.1 The project shall, as a minimum standard, be designed and constructed to comply with the limits within the ~~Transit NZ~~ NZTA Guidelines for the Management of Traffic Noise for State Highway Improvements and with the acoustic report 'North Shore Busway Project, SH1 busway, Report No 97245B' by Marshall Day Acoustic Limited.

7.2 The PMP shall include a Noise Mitigation Plan prepared by a suitably qualified noise consultant. The purpose of the plan is to describe the methods by which noise associated with traffic using the roading and the bus stations within the designation will be made to comply with specified noise limits at all affected dwellings and schools in the vicinity of the area affected. Where the ambient sound level is required to determine design limits then this shall be done prior to construction commencing.

7.3 The Requiring Authority shall ensure that all construction works are carried out in accordance with NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

7.4 The PMP shall include a Construction Noise Management Plan. The purpose of the Plan is to describe the methods by which noise associated with the construction of the work will be managed to comply with condition 7.3 above. In particular, the Construction Noise Management Plan shall identify:

- a. The location of permanent acoustic fences to be installed prior to the commencement of the main construction works;
- b. Methods of managing noise;
- c. Noise monitoring methods, including details of methods, equipment, location and frequency;
- e. Contingency measures in the event of any incidence of non-compliance; and
- f. Procedures for handling noise complaints.

7.5 Where the requirements of condition 7.4 are unable to be met, the alternative strategies that have been developed following consultation with affected landowners will be implemented. Such alternatives may include, but not be limited to, temporary relocation of occupiers, compensation for occupiers and purchase of the affected properties.

7.6 Construction works shall at all times be undertaken in accordance with the Construction Noise Management Plan.

7.7 Where practicable, acoustic barriers required to meet ~~Transit~~ NZTA Noise Guidelines in particular locations, shall be erected prior to commencement of the construction works in those locations.

7.8 Where temporary acoustic barriers are proposed in the Marshall Day Report, and where their retention would result in effective traffic noise reduction for residents or educational facilities, they shall be built to a standard such that the barriers will be able to remain permanently in place at heights approved under condition 3.3, taking into consideration traffic noise reduction visual and landscaping factors and consultation with adjoining property owners.

7.9 Unless:

- a. Otherwise agreed between Ministry of Education (MOE) and the requiring authority; or
- b. MOE agrees to compensation with the Requiring Authority for the noise effects from the Busway and associated new works; where *additional* traffic noise resulting from the Busway or associated new works increases above 45 dBA Leq (0830 to 1530 hrs Monday to Friday) in any classroom, then the requiring authority shall, immediately following commissioning of the Busway, implement mitigation measures which result in the noise level not *exceeding* 45 dBA Leq, or the ambient noise level *existing* prior to the establishment of the Busway, whichever is the higher. This noise level shall be achieved together with the ventilation requirements of The New Zealand Building Code, Clause C4.

8. Geotechnical Mitigation Condition

8.1 A Geotechnical Mitigation Plan shall be prepared by a suitably qualified Geotechnical Engineer in consultation with ~~North Shore City~~ Auckland Council. The plan shall be submitted to the ~~North Shore City~~ Auckland Council prior to construction of any stage and shall take into account the recommendations of the report prepared by Riley Consultants entitled 'Technical Review of Geotechnical and Civil Engineering Issues' – November 2001.

9. Vibration Mitigation Conditions

9.1 The PMP shall include a Vibration Mitigation Plan having regard to the report prepared by Riley Consultants entitled 'Technical Review of Geotechnical and Civil Engineering Issues – November 2001'. This Mitigation plan shall include details of how the works will comply with the requirement of German Standards DIN4150 "Structural Vibration in Buildings – Effects on Structures" during construction and shall take into account the recommendations.

9.2 A dilapidation survey of 'at risk' buildings, as per the recommendations of the audit prepared by Riley Consultants entitled 'Technical Review of Geotechnical and Civil Engineering Issues – November 2001', shall be undertaken prior to during and after completion of the construction works, provided the consent of any landowner and/or occupier can be obtained.

10. Traffic Mitigation Conditions

10.1 The PMP shall include a Traffic Mitigation Plan based on its adopted design for the project. The Traffic Mitigation Plan shall include:

- a. Methods of mitigating the local and network wide effects of both the construction of individual elements of the project and the use of staging to allow sections of the project to be opened to traffic while other sections are still under construction;
- b. Methods of helping to accommodate the bus transport needs of pupils of Westlake Girls' High School through the development and operation of Westlake Station and the busway system, in the light of consultation with the School;
- c. Methods of limiting the use of the busway to emergency vehicles and no more than 350HOVs (excluding buses) per hour north of Esmonde Road, including a restriction on the

access of HOVs through Constellation Drive Station to no more than 350HOVs;

d. Details of a monitoring programme to be undertaken detailing the demand for car parking in the vicinity of the Sunnynook Station and Westlake Station prior to the opening of the Station and at regular intervals (a minimum of 2 per annum) for a minimum period of five years following the opening of the Station to the public and measures to manage any such demand. (This condition shall only apply to Notices of Requirement 8 and 9); and

e. Details of pedestrian access to be provided within the Westlake Bus Station and along Shakespeare Road Extension. (This condition shall apply only to Notice of Requirement 8).

10.2 In order to prevent potentially significant traffic disruption during and after construction, the existing Onewa Interchange shall continue to be fully operational (that is in the manner in which it currently operates) until such time as the works proposed as part of the Esmonde Interchange project have been completed and the Esmonde Interchange is fully operational.

10.3 The public use of the Westlake Station shall not be allowed until such time as the works proposed as part of the Esmonde Interchange project have been completed and the Esmonde Interchange is fully operational.

11. Construction Management Conditions

11.1 The PMP shall include a Construction Management Plan which shall refer to all conditions imposed on any relevant resource consents granted by the Auckland Regional Council.

11.2 The purpose of the Construction Management Plan is to set out methods by which any dust nuisance from construction will be avoided or minimised and by which the possibility of ground vibration during construction can be notified to adjacent land owners and occupiers. In particular, the Management Plan shall identify amongst other things:

- a. Specific methods by which dust will be managed, including cleaning vehicle tyres before vehicles enter public roads, wetting or covering surfaces and replanting disturbed areas;
- b. Contingency measures to ensure that, in the event of any dust nuisance arising, immediate remedial measures are implemented;
- c. Procedures for prior notification of the use of machinery likely to generate vibration effects beyond the area of the designation to properties where ground vibration may be felt;
- d. The means by which loss of vehicle access to be (sic) properties will minimise inconvenience to each property owner affected following consultation with affected property owners;
- e. Methods of ensuring pedestrian safety along public footpaths and particularly where works are proposed in close proximity to any school;
- f. Procedures for handling any dust and ground vibration complaints; and

In respect of Takapuna Normal Intermediate School the Management Plan shall include measures to address the following, in consultation with the School:

- i. Preventing students from gaining access to the construction site via the parking area off Northcote road or Smiths bush by the erection of such gates or fencing as may be agreed to by the School and the Requiring Authority;
- ii. Control of construction traffic moving between the construction site and Northcote Road so as to encourage the safe movement of students along Northcote Road; and
- iii. Minimising any adverse effects of construction on the playing field, in particular, dust nuisance.

11.3 The Requiring Authority shall ensure that the Construction Management Plan is complied with at all times during construction and that a copy is kept at all site offices.

11.4 The Requiring Authority and its contractors shall, in addition to complying with all other

construction related conditions, take all reasonable steps to prevent or mitigate any nuisance or damage to adjacent properties during construction.

11.5 The Requiring Authority shall advise neighbouring owners and occupiers in the vicinity of the affected area of the date on which construction is to start, the expected duration of the work, and the telephone number of Site Liaison Officer who is able to respond to queries.

11.6 The location and extent of each stage of the site works will be identified and the ~~North Shore City~~ Auckland Council advised of the construction timetable.

11.7 The earthworks contractor shall be required to maintain the stability of the land and property at the boundary of the site by the best practicable method and to monitor that such works are and remain effective.

11.8 Control measures shall be in place to ensure that any vehicles leaving the designated site do not deposit soil or other debris on public roads. Any such material deposited on any public road shall be cleaned up as soon as practicably possible at the Requiring Authority's expense.

11.9 Adequate provision shall be made during the earthworks construction for the protection of the existing public drains that traverse the designation. It is the Requiring Authority's responsibility to remedy any damages to the public drains that may occur during construction.

11.10 Protected vegetation areas and trees identified in the Landscape Mitigation Plan are to be retained and protected. Other sensitive areas of the site are to be identified and marked for protection prior to the commencement of works.

11.11 Spoil from earthworks, surplus to site requirements, shall be disposed of at an approved landfill site.

12. Exmouth Road Pedestrian Overbridge

12.1 The Requiring Authority will use its best endeavours to obtain all necessary resource consents to allow reinstatement of the existing Exmouth Road pedestrian overbridge in the same or a similar location but extended to provide access across the bus lane to the foreshore. If such consents are granted the Requiring Authority shall reinstate the overbridge prior to the consents lapsing.

13. Westlake Boys High School

13.1 The School accessway, adjoining the western boundaries of the Altona road properties and connecting the northern and southern playing fields, shall be constructed with a minimum width of 4m and designed so that service vehicles and pedestrians can obtain safe and convenient access.

13.2 The western embankment adjoining the southern playing fields of the School shall be planted with *Alnus incana* and *Alnus rubra* at a size and spacing to be detailed within the Landscape Mitigation Plan.

13.3 The Requiring Authority shall use its best endeavours to undertake construction of the works in the area adjoining the northern playing fields during the School Summer holidays (approximately 10 December – 31 January the following year).

14. Westlake Girls High School

14.1 The Requiring Authority shall use its best endeavours to ensure that the pin oak trees

along the western boundary of the School are retained.

14.2 The Requiring Authority shall use its best endeavours to undertake construction of the works along the School boundary during the School Summer holidays (approximately 10 December – 31 January the following year).

15. Takapuna Normal Intermediate School

15.1 A permanent 1.8 metre close boarded and battened wooden fence shall be erected along the western boundary of the school (as identified in the **attached** plan titled “Building Locations Takapuna Normal Intermediate School”) prior to commencement of construction of the Busway.

15.2 Where the operation of the Busway results in increases in traffic noise above 45 dBA Leq (0830 to 1530 hrs Monday to Friday) in any existing Takapuna Normal Intermediate School classroom with windows open (identified in the **attached** plan), then the requiring authority shall implement mitigation measures which result in the noise level not exceeding either 45 dBA Leq, or the ambient noise levels existing prior to the establishment of the Busway, whichever is higher. This noise level shall be achieved together with the ventilation requirements of the New Zealand Building Code, Clause G4 and New Zealand Standard 4303:1990 ‘Ventilation Requirements for acceptable indoor air quality’ and in particular the requirements for educational institutions.

15.3 The Requiring Authority shall provide for:

- a. Replanting, or replacement where replanting is not practicable, of trees along the western boundary that are required to be removed for construction of the Busway; and
- b. Planting along the inside of the 1.8 metre fence (as described in condition 15.1) to mitigate the visual impact of the fence.

16. Smales Farm

16.1 The requiring authorities shall consult with a liaison person appointed by Shea Investments Limited and Betty Leila Holdings Limited in respect of:

- a. The detailed landscape plan to be prepared for the Busway in the vicinity of Smales Farm, for the purpose of ensuring that the landscaping for the Busway is integrated with the landscape development of Smales Farm; and
- b. That part of the Traffic Mitigation Plan that relates to Shakespeare Road Extension and Westlake Bus Station.

17. T D Jane, L J & M F Bilton & A S & S J Church

17.1 Subject to access being granted by the landowners of the properties legally described as Lot 127, DP 56740 (CT 9C/703), Lot 128, DP 56740 (CT C/104) and Lot 129, DP 56740 (“the properties”), the Requiring Authority will implement the landscaping plan prepared by LA4 Landscape Architects for the properties (titled “Proposed Planting to Mitigate Busway” **attached**) and any amendments to the planting shown on the plan as reasonably agreed between the landowners and the Requiring Authority. Failing agreement within 12 months of completion of construction of the fence, the Requiring Authority shall implement the LA4 landscaping plan (or its equivalent in value).

17.2 The Requiring Authority shall construct a fence on the properties’ western boundaries prior to construction of the Project commencing adjacent to the landowners properties. The fence shall have the following specifications:

- a. To be located along the properties’ western legal boundaries at 2 metres above ground level (as at 16 May 2003) at 7 and 10 Altona Road, and at 2 metres and rising to 2.5 metres above ground level at the northern end at 9 Altona road, for the full length of the boundaries of those properties;

- b. To be constructed of exterior grade (marine) plywood having a thickness of 17.5 mm or more;
- c. Plywood panels to be bolted to a framework so as to ensure no gaps or cracks and to meet the surface of the ground at their lower edge;
- d. Fence posts and framework to be specified by engineering design;
- e. ~~Transit-NZTA~~ shall construct gates in the fence if requested by the landowners of 7 and 9 Altona Road; and
- f. To be certified by an engineer as having a design life of 20 years (except that certification of the design life of the fence shall not apply to any gates requested to be constructed).

Advice note:

It is the Requiring Authority's intention to construct the fence as part of the enabling works during 2003 or by April 2004 at the latest.

17.3 Any construction activities exceeding the Construction Standard set out in condition 7.3 between chainage 13200 to 13000 shown on the designation plan "Harbour Bridge to Constellation Drive Designation Plans Westlake Boys High School, Drawing No. 7716C609" (the affected area") shall be undertaken between the hours of 8.00am – 6.00pm on weekdays only and shall exclude the two weeks following Christmas Eve. For the avoidance of any doubt, condition 7.5 relating to works exceeding the Construction Standard continues to apply to the landowners as affected parties.

17.4 The Requiring Authority shall undertake earthworks in the affected area in one stage.

17.5 The Requiring Authority shall consult with the landowners on the mitigation plans referred to in the conditions 5, 6, 7, 8, 9, 10 and 11 on the designation insofar as the mitigation plans affect the landowners' properties

18. Bateman Property

Stormwater

18.1 As part of the busway construction works, ~~Transit-NZTA~~ and NSCC Auckland Council shall provide the following measures to address stormwater effects:

- a. ~~Transit-NZTA~~ shall pipe the existing drain from chainage 15100 down to 14960 (see Figs 1a – 1c, **attached**);
- b. ~~Transit-NZTA~~ and NSCC Auckland Council shall widen by 4m the motorway side of the existing drain located on the eastern side of the motorway, from the level of the top of the present vertical concrete wall, from chainage 14960m to Sunnynook Road Culvert (as shown on the **attached** Figs 1a – 1c), such widening shall be at a grade as flat as possible from the existing concrete wall, consistent with efficient fall;
- c. NSCC Auckland Council shall use its best endeavours to reduce the volume of debris caught on the central wall of the Sunnynook Road Culvert by reshaping the leading edge of the central wall;
- e. ~~Transit-NZTA~~ and NSCC Auckland Council shall undertake the following measures to avoid slope instability and scour:
 - i. Provide a batter toe restraint retaining wall to buttress the lower position of the batter;
 - ii. Construct a gabion wall or timber pole wall to support the toe restraint retaining wall; and
 - iii. To undertake grass seedling over the four metre widening of the berm.

Advice Note:

It is recorded that Mr Bateman has agreed to provide access to ~~Transit-NZTA~~ and NSCC Auckland Council or their contractors to enable them to undertake any drainage improvement works required within or adjacent to the Bateman family property.

Noise

18.2 ~~Transit~~ NZTA shall construct a concrete 0.8 metre high barrier between the Busway and the property in compliance with the letter from Marshall Day Acoustics Limited dated 18 December 2002 (**attached** as Appendix 1). The detailed design of this barrier is to be finalized as part of the busway detailed design.

18.3 ~~Transit~~ NZTA shall construct a 0.8 metre high solid concrete New Jersey Barrier on top of the retaining wall between the motorway and the busway as also described in Appendix 1; the detailed design of this barrier is to be finalised as part of the busway detailed design.

18.4 ~~Transit~~ NZTA shall construct a 1.8 metre high barrier at the rear of the Sunnynook Station between the proposed bus shelter and the end of the platform to mitigate any reflection of noise from the northbound bus shelter, the detailed design of this barrier is to be finalised as part of the busway detailed design.

18.5 ~~Transit~~ NZTA agrees that any retaining wall to be constructed for the purposes of the Sunnynook Station shall be constructed from non-reflective materials to mitigate any potential noise effects.

Landscaping

18.6 ~~Transit~~ NZTA shall undertake screen planting, consisting of native trees, shrubs and ground cover between Sunnynook Station, the busway and the property, as shown on the **attached** plan (titled "North Shore Busway Project: Amended Landscape Development for Sunnynook Bus Station, Figure 2") to provide effective screening. The planting, including the planting shown on the embankment between the busway and the motorway, will be undertaken as soon as practicable following the construction works and within the first planting season to provide effective screening.

18.7 The landscaping and planting provided for under clause 18.6 shall be planted at Pb28 grade so that the plants are approximately 1.5 metres high when planted.

18.8 All planting shall be tended and maintained to ensure the full establishment and effectiveness of the landscaping including replacement planting where necessary.

Attachments

No attachments.

AT037 Attachment 2 changes to maps of the Proposed Auckland Unitary Plan

That the property summary on the Proposed Auckland Unitary Plan maps be amended to exclude Designations 1420 and 1428 from applying to the site at 228 Sunset Road.

Table reference No.	AT038
Requiring authority	Auckland Transport
Designation number (s)	1433 and 1468
Designation purpose	Transport Corridor and Road Widening
Location	State Highway 16 and Fred Taylor Dive, Westgate
Designation given effect to	1433 – yes 1468 - no
Lapse date in operative plan	5 years
Rollover designation with no modifications	NA
Description of the modification	NA
Notice of requirement	NA
Land ownership	Council and Private
Land owned by the requiring authority	Yes (partially)
Submitter	IB and GA Midgley (withdrawn) I and M Selak 4798-58 Auckland Council
Matters addressed in submission	<p>Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on the designation. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.</p> <p>The Midgley and Selak submissions are concerned with the references within the designation relate to a road that has now changed from State Highway 16 to Fred Taylor Drive.</p> <p>Auckland Council has requested that the designation be transferred from being in the name of the New Zealand Transport Agency to Auckland Transport as the 'ownership' of the road has changed following the construction of the extension to the North Western Motorway.</p>
Engagement by requiring authority with submitters.	<p>Auckland Transport has written to the Midgleys and the Selaks outlining that the designation is required because of growth.</p> <p>Auckland Transport has advised that it accepts the Auckland Council submission.</p>
Assessment and reasons	<p>Designation 1433 (Fred Taylor Drive) appears to apply to the correct land and has been implemented. The purpose statement is incorrect as it is stated as being State Highway 16 while this piece of road no longer functions as a state highway. Given the name of the designation I consider that the purpose should be amended to "Transport Corridor".</p> <p>Designation 1468 is for the widening of parts of Fred Taylor Drive and State Highway 16. The designation is in the name of the New Zealand Transport Agency but New Zealand Transport Agency is now not responsible for the entire length of the designation.</p>

	<p>I consider that this designation should be split into two separate designations. One designation, in the name of New Zealand Transport Agency, should apply to the widening of State Highway 16 and another designation, in the name of Auckland Transport, should apply to Fred Taylor Drive.</p> <p>The designation should also be updated as many of the descriptions within the designation are now no longer relevant. For example the road widening is stated as beginning at the end of the motorway whereas with the motorway has now been extended. It also refers to distance from the Rodney District boundary – again a point that no longer exists.</p> <p>Designation 1433 should be amended.</p> <p>It is recommended that Auckland Transport liaises with the New Zealand Transport Agency to present two revised designations at the meeting on 16 September to replace Designation 1468. It will not be practicable to split the designation without agreement from the New Zealand Transport Agency. If the New Zealand Transport Agency does not agree then the designation should be withdrawn from State Highway 16 unless Auckland Transport accepts financial responsibility for the works on the state highway.</p>
Recommendation to Panel	Amend Designation 1433 as set out in Attachment 1.
Response from requiring authority	Neutral. Requests mediation and hearing.
Recommendation from Panel	The Panel recommends confirmation of the notices of requirement for designations 1433 and 1468, subject to the modification of designation 1433 set out in Attachment 1.
Reasons	<p>The Panel notes that the submission of IB and GA Midgley was withdrawn prior to the hearing and hence the Panel has not considered it.</p> <p>Neither Auckland Council or I and M Selak (4798-58) produced or tabled evidence at the hearing in relation to these two designations.</p> <p>John Carter gave evidence for Auckland Transport dated 21 October 2015, appendix 9 in relation to designation 1468.</p> <p>Mr Wren’s (the Panel’s report writer) earlier suggestion to Auckland Transport and the New Zealand Transport Agency that they consider rationalising their designations was not followed through by the requiring authority. However, Mr Carter’s evidence (paragraph 17) indicated that Auckland Transport would amend Designation 1468 once it is operative in the Unitary Plan.</p> <p>Based on the evidence of Mr Carter, the Panel considers that the designations are reasonably necessary to</p>

	<p>achievement of the requiring authorities' objectives in relation to transport provision for growth of the Massey North Metropolitan Centre and urbanisation in the surrounding areas.</p> <p>The reference to State Highway 16 in Designation 1433 is outdated and needs to be updated.</p>
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AT038 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

1433 Road - Fred Taylor Drive Transport Corridor

Designation Number	1433
Requiring Authority	Auckland Transport
Location	Fred Taylor Drive, Massey/Whenuapai
Rollover Designation	Yes
Legacy Reference	Designation NZTA3, Auckland Council District Plan (Waitakere
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

~~State Highway 16~~ Transport Corridor.

Conditions

1. Appropriate sedimentation and erosion control measures shall be employed for any earthworks on the designated site.

Explanation:

This Plan outlines erosion and sediment control measures for earthworks which are above a certain threshold, with that threshold varying according to the particular environment. Compliance with these measures would generally satisfy condition 1.

Note:

That major earthworks may require a regional consent from the Auckland Council.

Attachments

No attachments

Table reference No.	AT039
Requiring authority	Auckland Transport
Designation number (s)	R1430, 1448, 1450, 1451, 1454, 1467, 1555, 1556, 1562, 1563, 1565, 1568, 1580, 1592, 1597, 1614, R1818, 1633, 1643, 1667, 1669, 1671, 1674, 1677, 1687, 1688, 1689, 1691, 1695, 1697, 1698, 1700, 1702, 1707, 1708, 1709, 1807.
Designation purpose	Various
Location	Various
Designation given effect to	Various
Lapse date in operative plan	NA
Rollover designation with no modifications	Yes
Description of the modification	NA
Notice of requirement	NA
Land ownership	Council and Private
Land owned by the requiring authority	Yes (partially)
Submitter	Heritage New Zealand Character Coalition Regional facilities 5473-108 in relation to 1555 only.
Matters addressed in submission	<p>These submissions are part of a wider submission that Heritage New Zealand and the Character Coalition lodged in respect of all designations.</p> <p>These sought that where a designation contains scheduled heritage the terms and conditions of the designation should provide for the protection of the historic heritage. Where the designation does not include heritage an advice note should be included regarding the application of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>Regional facilities 5473-108: Retain the rollover of the designation (ID 1555) by Auckland Transport for the Civic carpark to provide for activities in the Arts, Civic and Entertainment precinct.</p>
Engagement by requiring authority with submitters.	<p>Auckland Transport has advised that it has engaged with Heritage New Zealand (which is also acting on behalf of the Character Coalition).</p> <p>The following matters have been agreed between the parties.</p> <p>Designation 1430 – general agreement for Type 2 condition subject to confirmation that heritage items within the designation area. Heritage New Zealand to investigate.</p> <p>Designation 1448 – Auckland Transport agrees to Type 2 condition.</p> <p>Designation 1455 (9 Swanson Road) Heritage New Zealand no longer wishes to pursue its submission on this</p>

	<p>designation in relation to schedule 103.</p> <p>Designation 1450 (Lincoln Rd) and 1455 (Swanson Road) – schedule 140 – investigate whether brick building near the northern boundary has heritage value. If it does, Auckland Transport agrees to type 2 condition; if not Heritage New Zealand will withdraw its submission on this designation. Heritage New Zealand will initiate enquiry with Auckland Council.</p> <p>Designation 1454 – see AT007.</p> <p>Designation 1467 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1555 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1556 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1562 – Auckland Transport agrees to a Type 2 condition.</p> <p>Designation 1563 – Auckland Transport withdraws this designation.</p> <p>Designation 1565 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1568 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1580 – Auckland Transport withdraws this designation.</p> <p>Designation 1592 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1597 – Auckland Transport withdraws this designation.</p> <p>Designation 1614 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1618 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1633 – Auckland Transport reserves its position on this designation.</p> <p>Designation 1643 – Heritage New Zealand withdraws its submission on this designation in regards to schedule 2588 and 2594. Auckland Transport agrees to a type 2 condition</p>
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	<p>for schedule 2546 and 2593.</p> <p>Designation 1667 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designations 1669 and 1671 – Auckland Transport agrees to a type 2 condition.</p> <p>Designation 1674 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1677 – Auckland Transport agrees to a type 2 condition.</p> <p>Designation 1687 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1688- Heritage New Zealand withdraws its submission on this designation subject to Heritage New Zealand confirming absence of heritage values for red building at 135 Arthur St, Onehunga.</p> <p>Designation 1689 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1691 – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1695 – Existing condition remains – Heritage New Zealand withdraws its submission on this designation.</p> <p>Designation 1697 – Heritage New Zealand withdraws its submission on this designation subject to Heritage New Zealand confirming absence of heritage values for buildings at or around 237 Church Street, Te Papapa.</p> <p>Designation 1698 – Auckland Transport withdraws this designation.</p> <p>Designation 1700 – Heritage New Zealand reserves its position on this designation and will develop its position in association with the wider East-West Link.</p> <p>Designation 1702 – Auckland Transport agrees to a type 2 condition subject to Heritage New Zealand confirming the heritage values of the building.</p> <p>Designation 1707 – Auckland Transport withdraws this designation.</p> <p>Designation 1708 – Heritage New Zealand withdraws its submission on this designation subject to Heritage New Zealand confirming absence of heritage values of the buildings within the designated area.</p>
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	Designation 1709 – Heritage New Zealand withdraws its submission on this designation subject to Heritage New Zealand confirming absence of heritage values of the buildings within the designated area.
Assessment and reasons	As the parties are in ongoing discussions this report will not provide a recommendation at this stage and it will up to the parties to report further progress on 16 th September. Mediation may be appropriate if agreement cannot be reached by that date. However, the submission is support of 1555 from Regional Facilities requires no assessment as there is no opposition.
Recommendation to Panel	NA
Response from requiring authority	As above. Requests mediation and hearing.
Reporting officer comment on response	Heritage New Zealand response indicates as follows. Auckland Transport has agreed to type 2 condition on 1448, 1454, 1562, 1643, 1669, 1671 and 1677 and 1807 if confirmed. Heritage New Zealand submission points concerning 1430, 1450, 1688, 1697, 1700, 1708 and 1709 have been withdrawn. Heritage New Zealand remains with an interest in designations 1702 and 1633.
Recommendation from Panel	That the condition set out in Attachment 1 below be included on designations 1448, 1454, 1562, 1643, 1669, 1671, 1677, 1702 and 1807. That designation 1555 be confirmed.
Reasons	The Panel agrees with the agreements reached by Heritage New Zealand and the requiring authority included those presented at the hearing. The Panel notes that the agreed reduction in the area of 1633 resolves the Heritage NZ submission in regard to this designation.

AT039 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

Include the following condition in Designations in 1448, 1454, 1562, 1643, 1669, 1671, 1677, 1702 and 1807.

Where any construction works for a project on designated land that includes the total or substantial demolition of, or alterations and / or additions to, a building, structure or feature that is a scheduled historic heritage place, any outline plan of works that is required shall include:

- a. an assessment of the effects of the historic heritage values of the place;

- b. a consideration of alternative methods and/or appropriate mitigation to prevent or avoid damage, loss or destruction of the values of the historic heritage place.

This condition shall not apply in respect of repair or maintenance of the building, structure or feature.

This condition shall not apply where there is a conservation plan or similar plan for the management of the scheduled historic place and the proposed new works are in accordance with this conservation or similar plan.

Table reference No.	AT040
Requiring authority	Auckland Transport
Notice of requirement number (s)	<p>R1557 - Graham Street Car Park R1559 – Graham Street Car Park* R1568 – Park and Ride (Onehunga Train Station) R1832 – Constable Road Car Park, Waiuku R1829 – Massey Avenue Car Park, Pukekohe R1812 – Tobin Street Car Park, Pukekohe R1814 – Amersham Way Car Park, Manukau Central R1804 – Brampton Court Car Park, Pakuranga R1815 – Butler Aveune Car Park, Papatoetoe, R1816 – Charles Street Car Park, Papatoetoe R1817 – Davies Avenue Car Park No.2, Manukau R1824 – Eric Baker Place Car Park, Papatoetoe R1826 – Kew Lane Car Park, Otara R1818 – Kolmar Road Car Park (Bisley St), Papatoetoe R1831 - Mangere Town Centre Car Park, Mangere R1811 – Moore Street 27 Car Park, Howick R1819 – Moore Street 41 Car Park, Howick R1820 – 13 Maich Road, Manurewa R1826 – Otara Town Centre Car Park, Otara R1822 – Ronwood Avenue Car Park, Manukau R1825 – 1R Newbury Street, Otara R1827 – Shirley Road Car Park, Papatoetoe R1813 – Wallace Road Car Park, Papatoetoe R1828 – Wellington Street Car Park No.1 (Picton St) Howick R1830 - Wellington Street Car Park No.2, Howick R1462 – Adjacent to Anzac Street Car Park, Takapuna R1461 – Channel View Road Car Park, Takapuna R1463 – Clarence Street Car Park, Devonport R1457 – College Road Car Park, Northcote R1458 – 76 Swanson Road, Henderson R1459 – Fenwick Avenue Car Park, Milford R1465 – Hurstmere Road Car Park, Takapuna R1430 – Park and Ride (Bayswater Ferry Terminal), Bayswater R1821 – O’Shannessy Street Car Park, Papakura R1460 – Harrison Street Car Park, Wellsford R1466 – Glenmall Car Park, Glen Eden R1458 – Park and Ride (Sturges Road, Train Station), Henderson R1464 – Trading Place Car Park, Henderson</p> <p>*Note: R1559 appears as a notice of requirement in the Proposed Auckland Unitary Plan but does not appear on list from Auckland Transport.</p>
Designation purpose	Off Street Car Parking
Location	Various – as above
Given effect to.	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	No
Description of the	NA

modification	
Notice of requirement	Yes.
Land ownership	The land is either owned or controlled by Auckland Transport.
Land owned by the requiring authority	See above.
Submitter	<p>Submissions on these notices of requirement have been received as follows:</p> <p>Vector Limited and Vector Gas Limited Body Corporate 347480 – The Galleries Takapuna Grammar School Rowing Club Walter Moffat Auckland Council</p>
Matters addressed in submissions	<p>Vector request that some of the designations be amended to clarify that Vector Limited is entitled to appropriate access to the sites to undertake inspections, all repair and maintenance and minor infrastructure upgrading works within the land without the need to obtain prior written approval from the designation holder.</p> <p>The submission from Body Corporate 347480 concerns R1557 and R1559 relating to the Car Park at Graham Street. This requests consultation and/or negotiation with the owners and residents of the Galleries Apartments in respect of owners' and residents' rights of access, easements and land covenants.</p> <p>The Takapuna Grammar School Rowing Club requests that Designation R1430 be deleted as it is confused with 1424.</p> <p>Walter Moffat requests that the Moore Street 27 Car Park designation (1811) be extended to apply to all adjacent land owned by the Council. He also requests that all changes or works to car parks on Designations 1811 and 1830 are required to be notified.</p> <p>Auckland Council requests that the purpose and conditions of R1568 (Onehunga Park and Ride) be amended in accordance with R1557 to correct a transcribing error.</p> <p>Auckland Transport has lodged a submission in respect of R1559 to amend the extent of the designation to exclude private properties by applying a three dimensional envelope to ensure that only the public parking is designated.</p>
Engagement by requiring authority with submitters.	<p>Auckland Transport advises that discussions with Vector are ongoing.</p> <p>Auckland Transport has advised that in respect of the rowing club the designation permits operation, maintenance and minor upgrades and does not have a bearing on the submitter's access or otherwise.</p>

	<p>Auckland Transport has advised Walter Moffat that it wishes to enter into mediation in respect of his concerns.</p> <p>Auckland Transport has advised Body Corporate 347480 that Auckland Transport did not seek to affect property not managed by Auckland Transport.</p> <p>Auckland Transport has also advised that it accepts the Auckland Council submission.</p>
<p>Assessment and reasons</p>	<p>These designations relate to existing Council car parks that have not been previously designated. They are all in existence and are used as car parks currently.</p> <p>The designations provide for the existing public off-street car parking and associated ancillary infrastructure. The conditions included provide for what are classed as minor works to be provided without providing an outline plan of works.</p> <p>These include:</p> <ul style="list-style-type: none"> i. 'maintenance' (which includes 'repairs' and 'like-for-like replacement' of all existing asset improvements on each designated site, which include all infrastructure, buildings, structures and hard and soft landscaping); and ii. installation of new stormwater management infrastructure (including treatment devices) to avoid, remedy or mitigate localised flooding or surface water problems on the site; and iii. new 'parking infrastructure' (such as barrier arms; pay and display machines, kiosks, and other types of ticket dispensers and ticket booths; parking sensors etc); and iv. changes to an existing parking layout, including the location and configuration of parking bays, access and circulation areas within the designated site. <p>The designation conditions provide that an outline plan of works will be required for any increase in the total number or public parking bays provided that this does not involve any new or extended parking structure. Conditions also make it clear that any new or extended parking structure or building falls outside the designation.</p> <p>The requiring authority has provided an extensive assessment of effects of the car parking designations. The assessment of environmental effects covers both positive and negative effects including:</p> <ul style="list-style-type: none"> i. support for centres;

- ii. supportive of public transport;
- iii. economic effects;
- iv. urban form and amenity;
- v. heritage effects;
- vi. archaeological effects;
- vii. noise and vibration effects;
- viii. effects of dust, erosion and sediment loss to waterways;
- ix. traffic effects;
- x. visual effects;
- xi. lighting effects.

I consider that the assessment of environmental effects and the conditions proposed are largely adequate with one exception. The assessment of environmental effects has concentrated on the effects of construction activities and new work. It has not really considered the existing effects of the car parks on neighbours especially in relation to noise, which may change through the operation of the designation. These effects are discussed below.

Effects on submitters

The effects on Vector are limited to operational matters and await Auckland Transport's response.

The effects on Body Corporate 347480 appear to be also limited to operational or access concerns. Auckland Transport should update on progress in resolving these matters.

The buildings occupied by the rowing club are located on the land proposed to be designated. The conditions of the designation do not provide for the use of the rowing club and do not provide access arrangements for the club. I consider that these effects require addressing in the designation conditions if it is intended by the land continue to be occupied by the rowing club as the designation would allow car parks to be rearranged which could hinder the operation of the club.

The effects on Mr Moffat are unclear. I consider that a requiring authority cannot be compelled to designate land but it would add clarity if Auckland Transport could explain why only a portion of the existing car park at 27 Moore Street in Howick is proposed to be designated. I also consider that it is not possible to include notification within a designation but I note that any new structures on these sites would require a new notice of requirement.

Effects on adjacent properties

As noted above I consider that the general assessment of environmental effects has not adequately considered the effects of car parking on some adjacent properties. I note that my concerns relate to the following.

R1819 adjoins residential properties at the rear.
R1430 contains buildings occupied by Takapuna Grammar School Rowing Club.
R1815 adjoins residential properties along a side boundary
R1817 adjoins residential properties along a side boundary
R1824 adjoins residential properties at the rear.
R1557 includes apartment building
R1829 includes a pleasure area.
R1558 unclear why area on south of tracks has been included.
R1458 adjoins residential properties.

Effects on wider environment

Due to the conditions contained in the proposed designations and the largely commercial locations of most of the designations I consider that there will be no adverse effects on the wider environment.

Mitigation measures proposed by requiring authority including any proposed conditions.

The mitigation proposed by the requiring authority is contained in the conditions attached to each designation. These are generally the same for each designation and deal with a range of matters including:

- i. construction hours;
- ii. construction noise limits and mitigation;
- iii. construction vibrations;
- iv. sediment control during earthworks;
- v. tree protection measures;
- vi. complaints management;
- vii. complaints received: construction noise or vibration;
- viii. prior notice of construction events;
- ix. network utilities;
- x. archaeological and heritage;
- xi. damage to adjacent properties;
- xii. as-built plans;
- xiii. access.

	<p>I consider that these conditions will adequately manage the effects they are aimed at managing. The noise and vibration conditions should be updated to be consistent with whatever final noise and vibration standards are contained in Chapter H6.2- Noise and Vibration.</p> <p>In addition I consider that a noise condition should be introduced that contains the same noise rules as would otherwise exist on each site under the Proposed Auckland Unitary Plan in Chapter H6.2- Noise and Vibration to adequately manage the use of the car parks. Currently only construction noise is managed by the proposed conditions.</p> <p>I have also considered the notices of requirement under section 171(1) of the Act.</p> <ul style="list-style-type: none"> i. I am satisfied that the designations will provide for a regulatory environment that will promote the sustainable management of these resources. ii. The requiring authority has set out an assessment against the relevant statutory documents. This indicates that the designations are generally consistent with these. As these notices of requirement were issued prior to the notification of the Proposed Auckland Unitary Plan the assessment of environmental effects has not been able to properly consider any change in policy. iii. The requiring authority has an interest in the land sufficient for undertaking the work and the works will not have a significant effect on the environment. Notwithstanding this the requiring authority has undertaken an assessment of alternative methods and has concluded that the designations are the most appropriate means of providing for car parks. iv. The requiring authority has set out its objectives and has assessed designating the car parks as reasonably necessary to achieve its objectives. The designations will protect the existing parking assets and allow a consistent approach to the management of existing car parks across the city. v. The effects on the environment of allowing the requirements has been assessed above and it is concluded that subject to some modifications to conditions of the designations, the effects can be adequately managed.
Recommendation to Panel	<p>That subject to:</p> <ul style="list-style-type: none"> i. Vector's access issues being resolved; ii. R1568 being corrected;

	<ul style="list-style-type: none"> iii. suitable access being provided for the Takapuna College Rowing Club; iv. further information being received concerning resolving the Body Corporates concerns; v. a plan showing how Auckland Transport consider R1559 should be amended; and vi. the provision of a new condition providing an operational noise condition; <p>the notices of requirements set out above be confirmed.</p>
Response from requiring authority	Agrees with the above recommendations to Panel. Requests mediation and hearing.
Reporting officer comment on response	The Auckland Transport response notes that 5 requirements (1460-1464) are not reported on above. This is incorrect as they are all referred to above.
Recommendation from Panel	<p>That the condition set out in Attachment 1 below be included in notices of requirement: R1430, R1457, R1458, R1460, R1461, R1462, R1463, R1464, R1465, R1466, R1557, R1559, R1568, R1803, R1804, R1811, R1813, R1814, R1815, R1816, R1817, R1818, R1819, R1820, R1821, R1823, R1824, R1826, R1825, R1827, R1828, R1830, R1831</p> <p>That an operational noise condition that contains the same noise rules as would otherwise exist on each site under the Proposed Auckland Unitary Plan in Chapter H6.2- Noise and Vibration to adequately manage the use of the car parks as set out in Attachment 1.</p> <p>That R1803 be withdrawn.</p> <p>That R1811 be amended as shown in Attachment 1 and Attachment 2.</p> <p>That R1430 be amended as shown in Attachment 1.</p> <p>That R1568 be amended as shown in Attachment 1.</p> <p>That R1559 be amended as shown in Attachment 1.</p>
Reasons	The Panel agrees with the report writer's reasons.

AT040 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

Add a condition to the designations R1430, R1457, R1458, R1460, R1461, R1462, R1463, R1464, R1465, R1466, R1557, R1559, R1568, R1803, R1804, R1811, R1813, R1814, R1815, R1816, R1817, R1818, R1819, R1820, R1821, R1823, R1824, R1826, R1825, R1827, R1828, R1830 and R1831:

Auckland transport is deemed to have given its written approval (as requiring authority) under sections 176 or 178 of the RMA to enable Vector Limited (Vector), or any other party authorised by Vector, to undertake an activity for the purposes of operating, maintaining or upgrading Vector's existing infrastructure on land in which Vector has a property interest, whether or not that is authorised by an existing Vector designation, where such works are provided for under the Electricity Act 1992 or an existing easement, and provided that Vector, or any other party authorised by Vector will:

- Give Auckland Transport 10 days' written notice of its intention to undertake such works, except for emergency works (as defined in the National Code of Practice for Utility Operators' Access to Transport Corridors 2011 (or any replacement of the Code) when prior notice is not required. In the case of emergency works, notice of the works must be given to Auckland Transport as soon as is reasonably practicable before, or after the works are completed;
- Meet any necessary health and safety requirements;
- Undertake, to the extent reasonably practicable, the works in a way to avoid or minimise effects on the operation of the carpark; and
- Remedy at Vector's cost any physical damage Vector causes to the car park facility as soon as reasonably practicable after completion of the works.

Advice Note: Vector has acknowledged that Auckland Transport takes no responsibility for any damage resulting from the Vector works approved pursuant to this condition. For the avoidance of doubt, Auckland Transport is not giving requiring authority approval for any works beyond the scope of any existing property right, designation, or rights under the Electricity Act 1992.

Amend the Construction Noise Condition for notices of requirement: R1557, R1559, R1568, R1832, R1829, R1812, R1814, R1804, R1815, R1816, R1817, R1824, R1826, R1818, R1831, R1811, R1819, R1820, R1826, R1822, R1825, R1827, R1813, R1828, R1830, R1462, R1461, R1463, R1457, R1458, R1459, R1465, R1430, R1821, R1460, R1466, R1458 and R1464 as follows:

Construction Noise Limits and Mitigation

~~2 Any construction works and related activities on the site shall be conducted so as to ensure that the resultant noise, as measured in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise, meets the following noise limits~~

all days of the year

Day	Time	Duration of work	
		Short term duration (less than 15 consecutive Leq (dBA) (30 min)	Long term Leq (dBA)
Weekday	7am –	80	70
Saturday	8am – 5pm	75	70

During construction, the principles for managing construction noise set out within New Zealand Standard 6803: 1999, Acoustics - Construction Noise shall be formally adopted

Noise from construction activities must not exceed the following limits when measured 1m from the façade of any building that contains an activity sensitive to noise that is occupied during the works:

Time of week	Time Period	Typical Duration (dBA)	
		Leq	Lmax
Week days	6.30am-7.30am	60	75
	7.30am – 6.00pm	75	90
	6.00pm – 8.00pm	70	85
	8.00pm – 6.30pm	45	75
Saturdays	6.30am-7.30am	45	75
	7.30am – 6.00pm	75	90
	6.00pm – 8.00pm	45	75
	8.00pm – 6.30pm	45	75
Sundays and public holidays	6.30am-7.30am	45	75
	7.30am – 6.00pm	55	85
	6.00pm – 8.00pm	45	75
	8.00pm – 6.30pm	45	75

For a project involving a total duration of construction work that is less than 15 calendar days the noise limits in the table above shall be increased by 5dBA in all cases.

For a project involving a total duration of construction work that is more than 20 weeks the noise limits in the table above shall be decreased by 5dBA in all cases.

Add a new noise condition be applied to the notices of requirement: R1557, R1559, R1568, R1832, R1829, R1812, R1814, R1804, R1815, R1816, R1817, R1824, R1826,

R1818, R1831, R1811, R1819, R1820, R1826, R1822, R1825, R1827, R1813, R1828, R1830, R1462, R1461, R1463, R1457, R1458, R1459, R1465, R1430, R1821, R1460, R1466, R1458 and R1464 as follows;

Operational Noise

15 The noise (rating) and maximum noise level from any activity must not exceed the following limits when measured within the boundary of a site in a residential zone or within the notional boundary of a property in a rural zone.

<u>Monday to Saturday 7am – 10pm</u>	<u>55dB L_{Aeq}</u>
<u>Sunday 9am – 6pm</u>	
<u>All other times</u>	<u>45dB L_{Aeq}</u> <u>60dB L_{eq} at 63 Hz</u> <u>55dB L_{eq} at 125 Hz</u> <u>75dB L_{AFmax}</u>

16 The noise limits in 15 above do not apply to the noise from vehicles moving on roads controlled by Auckland Council or Auckland Transport.

R1811

Amend the “location to read”

27 Moore Street and 16 Fencible Drive

R1430

Add the following condition.

The layout and arrangement of car parks and access aisles shall be such that full access is maintained to the Takapuna College Rowing Club building.

R1568

Amend the purpose as follows:

Public off-street parking, including ~~(1)~~ ongoing maintenance, repairs and like for like replacement works to the existing parking facility and ~~(2)~~ minor operational improvements to the same.

Works exempt from providing an Outline Plan of Works

Auckland Transport shall be exempt from providing an Outline Plan of Works for the following works, subject to the conditions of this designation.

1. Maintenance, repairs and like for like replacement including the following elements:

- a. Vehicle access related assets and facilities (including but not limited to markings, ramps, speed humps, kerbs, berms, bollards, barriers, traffic separators and islands);
- b. Communications, water supply and energy supply infrastructure;
- c. Stormwater drainage and other surface water management infrastructure;
- d. Earthworks;
- e. Pruning and removal of all non-scheduled vegetation within the site; and
- f. Temporary traffic management necessary to implement works.

2. Minor operational improvements involving the installation of new 'parking infrastructure' including but not limited to the following:

- a. Resurfacing of floors, at-grade, and metalled parking surfaces;
 - b. Re-marking of parking bays, access ways, and other painted markings on the parking surfaces;
 - c. Bicycle stands, racks, cages and other forms of bicycle storage;
 - e. Pay and display machines, kiosks, and other types of ticket dispensers and ticket booths;
 - f. Customer service booths;
 - g. Barrier arms;
 - h. Parking sensors;
 - i. Signage relating to parking information, management and enforcement;
 - j. Lighting;
 - k. CCTV cameras;
- and
- l. Toilet facilities.

3. Any changes to the mix of the function of the parking (short / long term);

4. Maintenance, repairs and like for like replacement of all vehicle access related assets and facilities within the designated site (including but not limited to markings, ramps, speed humps, kerbs, berms, bollards, barriers, traffic separators and islands);

5. Maintenance, repairs and like for like replacement of all stormwater drainage and other surface water management infrastructure within the site, including any treatment devices utilising planting;

6. Installation of new stormwater management infrastructure (including treatment devices) to avoid, remedy or mitigate localised flooding or surface water problems on the site;

7 Maintenance, pruning and removal of all non-scheduled vegetation within the site;

8 In the case of parking buildings and structures, maintenance, repairs and like for like replacement of parts of the building / structure (including but not limited to a building's interior and exterior cladding, cavities, roofs, doors, windows, lifts, stairwells and lighting, electrical and electronic systems);

9 Maintenance and replacement of communications, water supply and energy supply infrastructure necessary to support the above;

10 Earthworks to implement any of the above; and

11 Temporary traffic management necessary to implement any of the above

12. For the avoidance of doubt, in the case of mixed use buildings, the specified works provided for by the designation only applies to the proportion of the building/structure dedicated to non ancillary public parking.

Works requiring an Outline Plan of Works

Auckland Transport shall prepare an Outline Plan of Works for any increase in the total number of public parking bays within the designated site, provided that this does not involve any new or extended parking structure or building.

For the avoidance of doubt, any new or extended parking structure or building falls outside the scope of this designation.

Delete condition 5 and renumber other conditions.

R1559

Add the following to the purpose statement

The designation only relates to the public parking level at 23 Graham Street and excludes any private: land, title, or building.

AT040 Attachment 2 changes to the Proposed Auckland Unitary Plan maps

R1803

Delete R1803

R1811

Amend the designation as shown below.



Table reference No.	AT041
Requiring authority	Auckland Transport
Designation number (s)	1703 (PAUP and Operative 12 years)
Designation purpose	Building line for road widening
Location	365-381, 340-396 Church Street and 2 Beasley Avenue, Southdown
Designation given effect to	No
Lapse date in operative plan	
Rollover designation with no modifications	Yes
Description of the modification	No documentation has been provided with these designations but the lapse dates have been reset in the Proposed Auckland Unitary Plan to apply from the date that the Unitary Plan becomes operative. These dates vary from 5 – 15 years. In effect the lapse dates are proposed to be reset.
Notice of requirement	NA
Land ownership	Land is not generally owned by the requiring authority but this will vary in degree between designations.
Land owned by the requiring authority	As above.
Submitter	Samson Corporation Limited and Sterling Nominees Limited 6247-39
Matters addressed in submission	Amend designations 1697 and 1703 to include existing building line restriction distances. Amend all relevant designations so that they have a lapse date of no more than five years.
Engagement by requiring authority with submitters.	Auckland Transport sent the submitter a letter on 28 July 2015 outlining Auckland Transport's position. No further correspondence was received.
Assessment and reasons	Under section 78 of the Local Government (Auckland Transitional Provisions) Act 2010 the Panel has no powers to deal with the lapse dates of designations and accordingly I make no recommendation on these designations. I understand that any application to extend lapse times for designations needs to be made to the Auckland Council.
Recommendation to Panel	NA
Response from requiring authority	Agree with the above recommendations to Panel to the extent that these designations are beyond challenge.
Reporting officer comment on response	Following the pre-hearing meeting in 16 September 2015 the Panel has clarified its position on the lapse date issue. In respect of Designation 1703 the submitter requests that the lapse date be reduced to 5 years and that the dimensions be shown on the designation. Given there is no change in lapse date the 12 years is

	appropriate and the dimensions are set out in the designation.
Recommendation from Panel	<p>The Panel recommends that the designation be confirmed with a fixed lapse date as set out in Attachment 1.</p> <p>The Panel also recommends that the lapse dates should be expressed as a specific date rather than in “XX years from when the Unitary Plan is made operative”. This approach has been accepted by a number of requiring authorities, along with agreement on an assumed date of 31 August 2017 for when the Unitary Plan will become operative.</p> <p>The Panel therefore recommends that the lapse date for Designation 1703 be amended as follows:</p> <p>12 years from being operative in the Unitary Plan <u>31 August 2029</u> unless given effect to prior</p>
Reasons	<p>The Panel notes that Auckland Transport gave evidence in support of the designation but the submitter did not appear at the hearing or table evidence. The Panel agrees with the report writer’s reasons.</p> <p>Expressing the lapse date as a specific date provides greater certainty and clarity for the requiring authority, the Auckland Council and any parties affected by the designation. Having a specific lapse date means that lapse dates cannot be rolled over as part of a plan review without scrutiny and the requiring authority justifying why the lapse date should be extended.</p>

AT041 Attachment 1 changes to text of the Proposed Auckland Unitary Plan

703 Road Widening - Church Street

Designation Number	1703
Requiring Authority	Auckland Transport
Location	365-381, 340-396 Church Street and 2 Beasley Avenue, Southdown
Rollover Designation	Yes
Legacy Reference	Designation H12-02, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	12 years from being operative in the Unitary Plan unless given effect to prior <u>31 August 2029</u>

Purpose

Building line for road widening - both sides 2.74m from road boundary.

Conditions

1. That Auckland Transport in designing the works will have regard to the implications on any scheduled or protected item under the Unitary Plan directly affected by this work.

2. That ~~this designation shall lapse on the 31 August 2029 unless given effect to prior. the term for implementation of this designation be 12 years from the inclusion of the designation in the Unitary Plan in accordance with section 184 of the Resource Management Act 1991.~~

Attachments

No attachments.