

Addendum to a section 42A report for notices of requirement under section 168 of the Resource Management Act 1991 by Auckland Transport for new designations to enable the construction, operation and maintenance of transport corridors



To:	Hearing Commissioners
Addendum Author:	Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning for Plans and Places, Auckland Council
Addendum Approver:	Peter Vari, Team Leader, Planning – Regional, North, West and Islands
Hearing dates:	13 th – 24 th November 2023
Addendum produced:	6 th November 2023

Note:

- This is not the decision on the notices of requirement.
- This addendum is provided to make available to Commissioners the Council officers opinions and recommendations on the information, assessment and revised conditions offered in the evidence of the requiring authority.
- This addendum has yet to be considered by the hearing commissioners.
- Recommendations will be made by the hearing commissioners only after they have considered the notices of requirement and heard from the requiring authority, submitters and council officers.

1. Scope of this addendum

- 1.1 This addendum addresses the requiring authority's response in evidence to the s42A Report recommendations, in particular, regarding Geotechnical effects.

2. Assessment of the information provided in the requiring authorities evidence

Geotechnical Effects

- 2.1 With regard to Geotechnical effects as considered in section 6.6.7 and as Appendix 2 of the s42A Report, in his Addendum Memorandum now provided as **Attachment 1** to this addendum, Mr Patrick Shorten, Council's Geotechnical specialist, considers that the information provided in the evidence of SGA experts Mr Paterson (Geotechnical), Mr

Mason (Engineering and Design) and Mr Summerhayes (Flooding) regarding his recommendations (b) and (c) is now satisfactory.

- 2.2 With regard to his recommendation (a), Mr Shorten, in his Addendum Memorandum now provided as **Attachment 1** to this addendum, notes that typical cross sections have been provided by SGA as requested. However, the cross section shown on Figure 18, being the cross section through wetland at 131 Sandspit Road (John William Bryham – NoR 7 Submission 2 and Rodney MacDonald – NoR 7 Submission 4), runs perpendicular to the proposed Sandspit Link alignment at Ch 860m and does not show the proposed conceptual wetland batter below the existing dwelling at 95 Sandspit Road.
- 2.3 Furthermore, Mr Shorten notes the comments of Mr Paterson and Mr Mason regarding Mr MacDonald's submission (NoR 7, Submission 4) however, Mr Shorten recommends that SGA provide a northwest-southeast cross section through the proposed wetland to show the relationship of the proposed wetland batter to the existing dwelling at 95 Sandspit Road and confirmation that provision has been made for a stable batter to be achieved.
- 2.4 Mr Shorten also notes, at paragraph 2.6 of his Addendum Memorandum, his understanding that SGA has agreed to provide this information prior to or at the hearing.
- 2.5 With regard to his s42A Memorandum recommendation (d), Mr Shorten notes at paragraph 2.21 of his Addendum Memorandum (provided as **Attachment 1** to this memorandum) that the SGA response provided by Mr Paterson's Geotechnical evidence with respect to a plan showing natural hazards is satisfactory.
- 2.6 However, at paragraph 2.22 of his Addendum Memorandum Mr Shorten considers that SGA have not demonstrated how the MCA scores against natural hazards, shown on Table 5-38 of the AA report, have been deduced for each of alternatives options 4 and 5 for NoR 7.
- 2.7 Mr Shorten notes that the selection of Option 5 as opposed to Option 4 is raised as a matter of concern in NoR 7 in Submission numbers 2, 3 and 4, particularly with respect to slope instability/landslides. Mr Shorten therefore recommends that SGA provide information in relation to Options 4 and 5 for NoR 7, shown on Table 5-41 of the AA report (noting also the reference to Table 5-38 in Mr Shorten's s42A Technical Memorandum was incorrect and should have read Table 5-41).
- 2.8 With regard to his s42A Memorandum recommendation (e) Mr Shorten notes at paragraph 2.27 that he has been advised by the SGA experts that their comments regarding Options 4 and 5 were transposed, which would therefore indicates that they expected Option 5 would have a more favourable natural hazards rating, with respect to slope stability, than Option 4.
- 2.9 Mr Shorten therefore recommends that SGA provide clarification regarding Options 4 and 5 as outlined in paragraph 8.8 of Mr Paterson's statement of evidence prior to, or at the hearing.

2.10 I rely on Mr Shorten's Addendum Memorandum comments and recommendations, and I encourage SGA to provide the further information Mr Shorten recommends in paragraphs 2.6, 2.23 and 2.28, prior to, or at the hearing.

Arboricultural Effects

2.11 I note that the primary evidence of Mr Matthew Paul for SGA confirms that there was an error in the SGA AEE lodged with the NoR's regarding the number of trees or groups of trees affected by the notices of requirement; and that the correct trees or groups of trees were referenced in the Arboricultural Assessment. This confirmation satisfies the query raised in section 6.6.9 of my s42A Report.

Other Effects and Matters

2.12 With regard to transport, noise and vibration, landscape and visual, urban design, flooding and stormwater, ecology, archaeological, arboricultural, and open space effects, the comments, information and assessment provided in the SGA experts' primary and rebuttal evidence does address, in some part, some of the concerns raised by Council's technical specialist's and me. However, at this stage the Council specialists and I cannot definitively confirm that all matters or concerns raised in the s42A report and supporting Technical Memorandums have been sufficiently addressed.

2.13 The Council specialist's and I consider that matters will likely be considered, further evidence presented and/or progressed during the hearing and we will be in a position to provide our opinions on matters resolved and/or outstanding after hearing from SGA and submitters at the hearing.

Future Development Strategy

2.14 Section 3.5 of the s42A report noted that timing of the implementation of the NoR's was based (in conjunction with other considerations) on when the Council's Future Urban Land Supply Strategy (FULSS) anticipated that Warkworth would be development ready. While in Section 6.6.1 of the s42A report I noted that a Consultation Draft Future Development Strategy (FDS) had been produced by Council, to replace the FULLS, and notified for public comment, with decisions on it to be made in late 2023.

2.15 The Auckland Future Development Strategy was considered by the Council at the Planning, Environment and Parks Committee Meeting held on 2 November 2023. At this meeting the Council resolved to adopt the FDS subject to an addition to 4.2.3 Rural areas noting that the proposed Rural Strategy will consider the appropriateness of growth in existing rural towns and settlements and in the interim, merit based development in areas adjacent to existing towns and settlements will be considered through relevant subsequent planning processes.

2.16 A copy of the version of the FDS considered at the 2 November meeting is provided in the following link:

https://infocouncil.aucklandcouncil.govt.nz/Open/2023/11/20231102_PEPCC_ATT_11_311_EXCLUDED.PDF

2.17 However, a final version of the FDS with the above-mentioned addition is not yet available.

2.18 With regard to Warkworth, **Figure 1** below, taken from the Agenda version of the FDS, identifies that the timing for the development of future urban areas in Warkworth. It is noted that the timing for development is further delayed in all areas of Warkworth when compared with the 2017 version of the FULSS.

Future urban cluster	Future urban area	Timing
North		
Warkworth	Warkworth North (remainder)	2035+
	Warkworth West (remainder)	2040+
	Warkworth South- central	2040+
	Warkworth South- east	2045+
	Warkworth South- west	2045+
	Warkworth North- east	2045+

Figure 1: Planning, Environment and Parks Committee, 2 November 2023, Agenda Attachment A - Future Development Strategy. Appendix 7: Future urban area summary (Appendix Page 25).

2.19 Given the very recent adoption of the FDS, I have not had sufficient time to consider the full impacts of it on the eight Warkworth NoRs. However, at this stage, I reiterate the comments I made at paragraphs 18 - 20 of Section 6.6.1 and in Section 7.7 of the s42A Report with regard to the need to balance the protection of routes with the need to avoid or mitigate uncertainty and planning blight effects on affected properties and persons.

2.20 I also note that Warkworth development and NoR timing / lapse date matters will likely be the subject of legal submissions and evidence at the hearing. Therefore, I will be in a position to provide my final opinion on timing matters and lapse dates after hearing from SGA and submitters at the hearing.

3. Recommendation

3.1 At this stage, and subject to legal submissions, further evidence and further revised conditions being presented by SGA and submitters at the hearing, the recommendations made at Section 9 of the s42A report remain.

This Addendum to the s42A Report is prepared by:

Vanessa Wilkinson.

Vanessa Wilkinson
 Consultant Planner, Scott Wilkinson Planning
 Date: 6 November 2023

Reviewed and approved for release by:

P Vari

Peter Vari, Team Leader, Planning – Regional, North, West and Islands
 Date: 6 November 2023

ATTACHMENT 1: Geotechnical Addendum Memorandum

Technical Specialist Memo Addendum

To: Vanessa Wilkinson, Reporting Planner
From: Patrick Shorten – Consultant Geotechnical Engineer
Date: 6 November 2023

**Subject: Supporting Growth Alliance – Submissions on Warkworth NoRs 4, 5 and 7
Response to Evidence regarding Geotechnical Engineering and Earthworks**

1.0 Introduction

1.1 I have reviewed the SGA primary statements of evidence of Ross Paterson (Geotechnical Engineering), Robert Mason (Engineering and Design) and Michael Summerhays (Flooding) with regard to their responses to the earthworks and geotechnical issues raised in the s42A report and submissions.

1.2 Since receipt of the above primary statements of evidence, I have met with Ross Paterson and Robert Mason, on 3 November 2023, to discuss their responses to the issues raised by the submitters, with particular reference to Recommendations (a) to (e) of my Technical Memo, attached to the s42A report, which related to those issues. At the meeting, it was agreed that SGA would provide further information in response to the geotechnical issues that were not resolved at the meeting, at or before the hearing.

1.3 The responses to Recommendations (a) to (e) of my Technical Memo, that are presented in the primary statements of evidence, together with agreements reached at the meeting on 3 November to provide further information, or to consider whether further information was required, are discussed in the following Section 2.0.

2.0 Conclusions and Recommendations

2.1 I have reviewed the SGA evidence relating to Earthworks and Geotechnical matters and my comments are given below with reference to Recommendations (a) to (e) of my Technical Memo (shown in *italic blue* font). My conclusions regarding the SGA responses given in their primary statements of evidence are shown in bold font.

2.2 Recommendation (a) from my Technical Memo was:

(a) “SGA provide typical cross sections to show the conceptual geometry of the critical batter at each wetland in relation to the adjacent proposed road profile or existing dwellings and/or driveways to show that stable batters would be able to be achieved at the locations where instability concerns have been raised in the submissions (NoR 4: Sub #8, #18 and #20; NoR 5: Sub #2 and NoR 7: Sub #2 and #4).”

2.3 Typical cross sections at the locations of the proposed wetlands have been provided by Mr Mason at Figures 16 to 18 of his statement of evidence concerning Engineering

and Design. However, the cross section shown on Figure 18: Cross section through wetland at 131 Sandspit Road (John William Bryham – NoR 7 Submission 2 and Rodney MacDonald – NoR 7 Submission 4) runs perpendicular to the proposed Sandspit Link alignment at Ch 860 m and does not show the proposed conceptual wetland batter below the existing dwelling at 95 Sandspit Road.

2.4 At paragraph 11.5 of his statement of evidence, Mr Mason states that: “*Mr Paterson has identified potential engineering design measures that can be adopted to achieve more stable slopes, and I consider that an appropriate solution can be accommodated within the proposed designation.*”

2.5 At paragraph 7.18 of his statement of evidence concerning Geotechnical Engineering, Mr Paterson states that: “*With regards to Mr Macdonald’s query as to whether engineering risk had been considered I can confirm from a natural hazard perspective that it has, as shown in this evidence and my involvement in the Project.*”

Regarding the wetland [adjacent to the dwelling at 95 & 97 Sandspit Road] location stability, cut slopes have been preferred over fill slopes to reduce the slope stability risk. There are several other practical engineering solutions that can be used to improve stability (eg retaining walls, slope reinforcement, subsoil drainage, slope buttresses, shear keys) if required.

2.6 **Noting these comments, I therefore recommend that SGA provide a northwest-southeast cross section through the proposed wetland to show the relationship of the proposed wetland batter to the existing dwelling at 95 Sandspit Road and confirmation that provision has been made for a stable batter to be achieved. Otherwise, I consider that the responses given in the statements of evidence, quoted above, are satisfactory.**

It was agreed at the meeting that SGA would provide the foregoing cross section, including potential engineering solutions that could be used to achieve a stable slope configuration.

2.7 Recommendation (b) from my Technical Memo was:

(b) The following condition be added to the proposed conditions for NoRs 4, 5 and 7:

“Excavation in proximity to existing dwellings or accessways

Where the ground surface profile within 20 m horizontal distance from a dwelling or accessway which exists at the time the Outline Plan is submitted is proposed to be cut to 1V:5H or steeper by the project, the requiring authority shall consult with the directly affected property owner regarding the required changes. The Outline Plan shall demonstrate how a safe ground surface profile, that does not adversely affect the existing dwelling or accessway, will be provided, unless otherwise agreed with the affected property owner.”

2.8 **Since this recommendation was made in my Technical Memo, revisions have been made to the proposed conditions, which require the Requiring Authority to consult with the owners and occupiers of properties within the designation prior to the start of construction. Given this clarification and amendment, and that the proposed outline plans will be required to be submitted to the council for consideration at the detailed design stage, it is expected that the council will review the slope stability appraisal relating to any proposed excavations in the outline plans and satisfy itself that any adverse effects on the neighbouring properties will be less than minor. It is therefore now recommended that the foregoing condition is not required to be added to the proposed conditions.**

2.9 Recommendation (c) from my technical memo was:

(c) SGA give reasons for the selected wetland locations viz. required volume and area and elevation below the stormwater catchment and confirm that no alternative suitable locations are available for the proposed wetlands that are raised as matters of concern by the various submissions, in particular NoR 4: Subs #9, #18 and #20; NoR 5: Sub #2 and NoR 7: Subs #2 and #4.

2.10 At paragraphs 10.28, 10.31 and 10.38 to 10.40 of his statement of evidence, Mr Summerhays gives the reasons for the siting of the proposed wetlands at 76 Matakana Road, 89 and 89A Sandspit Road and 95 and 97 Sandspit Road respectively and, at paragraph 11.14 of his statement of evidence, states that:

“...sites were selected based on a number of criteria including proximity to streams for outlets, minimisation of the number of wetlands, geotechnical considerations, aiming to be located out of flood plains, within construction areas and within cut areas as much as possible. In my [Mr Summerhays] opinion, they [sic] are no alternative suitable locations.”

2.11 **The SGA responses given in Mr Summerhay’s statement of evidence, referred to above, are, in my opinion, satisfactory and no further response from SGA is required.**

2.12 Recommendation (d) from my technical memo was:

(d) SGA show the natural hazards (seeps and landslides) along the proposed and alternative Sandspit Link routes on a plan and demonstrate how the MCA scores against natural hazards, shown on Table 5-38 of the AA report, have been deduced for each option. The selection of Option 5 as opposed to Option 4 is raised as a matter of concern by NoR 7: Subs #2, #3 and #4, particularly with respect to slope instability/landslides.

2.13 At paragraph 6.5 of his statement of evidence concerning Geotechnical Engineering, Mr Paterson states that:

“In summary, there were no geotechnical hazards of a magnitude identified that would prevent the construction of a road within the

designation. The highest geotechnical risk observed is the steep (15-20m) quarry slopes which can be subject to instability.”

2.14 and, at paragraph 6.6:

“This finding was in line with the conclusions of the Warkworth Structure Plan (Auckland Council, 2019) which in its Geotechnical Hazards section states that:

“although ancient landslides are observed in some slopes, no areas in the study area have been deemed unsuitable for development because of slope instability” and that “the hazards identified should be practical to address with engineering controls.”

2.15 At paragraph 7.11 of his statement of evidence, Mr Paterson states that:

“As outlined in the evidence of Mr Titter, the assessment of ground conditions and natural hazards only forms part of the alternatives (MCA) assessment and the recommended option is selected based on a number of other criteria. The assessment of geological conditions was undertaken as a desktop analysis and my understanding of the ground conditions from other projects in this terrain.”

2.16 and, at paragraph 7.12:

“For each of the options developed, the assessment of ‘Natural Hazards’ considered the ‘extent of effect on adverse geology; steep slopes; seismic impacts’. Given the design was developed for route protection purposes only, the geotechnical assessment makes inferences about the ground conditions based on a high-level desktop study, to the degree which is required to confirm the feasibility and viability of an alignment to be implemented in the future.”

2.17 At paragraph 8.3 of his statement of evidence, Mr Paterson states that:

“These features have been assessed at a high level through the option development and alternatives assessment process. The geology is mapped the same along the alignments and all routes would have to remediate instability.”

2.18 and at paragraph 8.5:

“As discussed in my evidence above, while consideration was given to natural hazards through the alternatives assessment process, mapping of individual natural hazards was not undertaken as part of this process as it was not considered necessary to inform this assessment. This

would be carried out during the implementation phase following site mapping to refine route alignments within the designation.”

2.19 Although SGA have not provided a plan showing the natural hazards (seeps and landslides) along the proposed and alternative Sandspit Link routes, the above responses made in paragraphs 6.5 and 6.6 of Mr Paterson’s statement of evidence indicate that:

“there were no geotechnical hazards of a magnitude identified that would prevent the construction of a road within the designation” and that no areas in the Warkworth Structure Plan area “have been deemed unsuitable for development because of slope instability” and “the hazards identified should be practical to address with engineering controls.”

2.20 I also note that the map on Figure 10 of the Auckland Council Geotechnical and Coastal Hazards Topic Report – Warkworth Structure Plan (March 2018), shown below, indicates that there are no suspected large-scale active or inactive landslides within the area of the Sandspit Link route options.

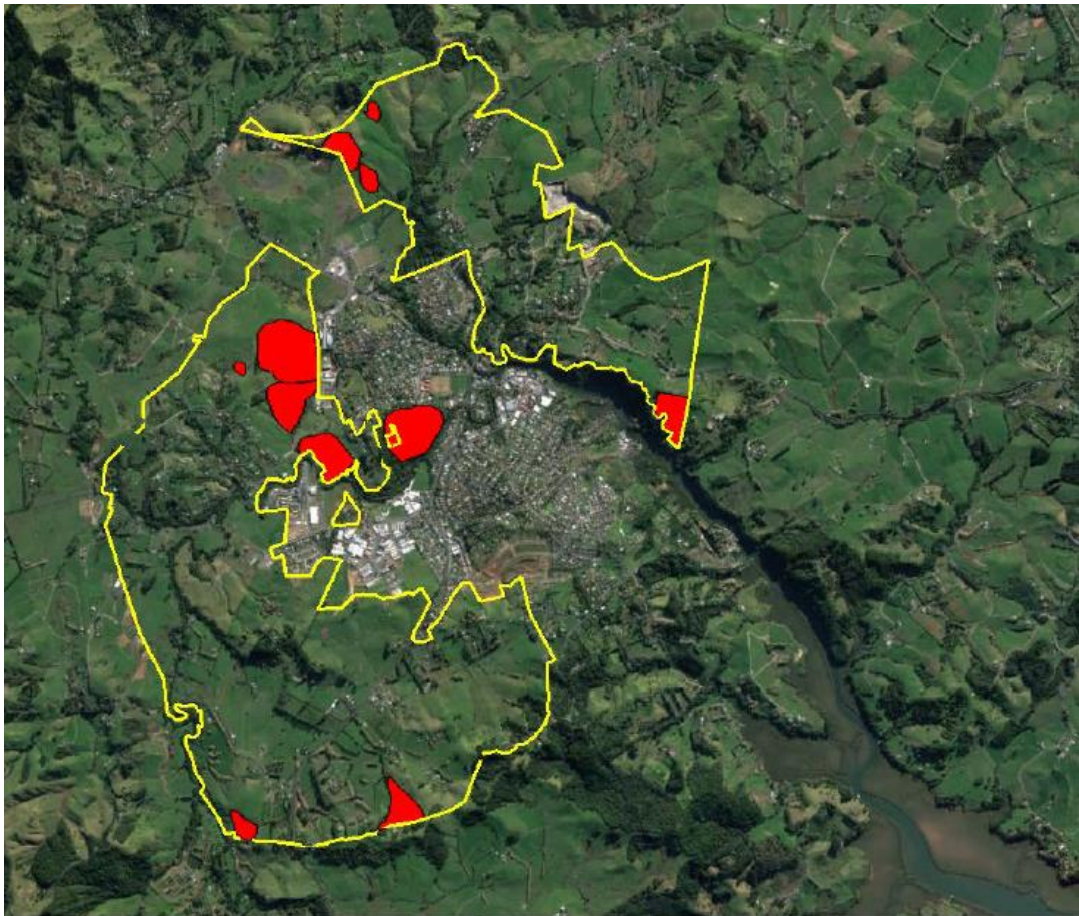


Figure 10: Mapped distribution suspected large-scale active or inactive landslides identifiable from aerial photography

2.21 Therefore, I consider that the SGA response given in Mr Paterson’s statement of evidence, with respect to a plan showing the natural hazards, is satisfactory - No further response from SGA is therefore required.

- 2.22 SGA have not demonstrated how the MCA scores against natural hazards, shown on Table 5-38 of the AA report, have been deduced for each option. The selection of Option 5 as opposed to Option 4 is raised as a matter of concern by NoR 7: Subs #2, #3 and #4, particularly with respect to slope instability/landslides.
- 2.23 **Therefore, I recommend that SGA provide this information in relation to Options 4 and 5, shown on Table 5-41 of the AA report (the reference to Table 5-38 in my technical memo was incorrect and should have read Table 5-41).**
- 2.24 Recommendation (e) of my technical memo was:
- (e) SGA provide details of the risks that would be associated with an alignment through the quarry and confirm the MCA scores for Option 2 in comparison to their preferred Option 5.*
- 2.25 At paragraph 8.8 of his statement of evidence, Mr Paterson states that:
- “The risks associated with the quarry are predominantly slope stability related with steep, high, slopes observed in Northland Allochthon material. Option 2 (and Option 4) go through a shorter section of the quarry with lower slopes compared to Option 5 which goes through the northern part of the quarry with steeper, higher slopes.”*
- 2.26 This statement appears to indicate that Option 4 would have a more favourable natural hazards rating than the preferred Option 5, with respect to slope stability risks associated with the quarry.
- 2.27 At the meeting with SGA, Mr Paterson advised that the Options 4 and 5 were transposed, which would therefore indicate that he expected Option 5 would have a more favourable natural hazards rating, with respect to slope stability, than Option 4.
- 2.28 **I therefore recommend that SGA provide clarification regarding Options 4 and 5 as outlined in paragraph 8.8 of Mr Paterson’s statement of evidence.**