



Milldale Development Infrastructure Project 1 - Argent Lane Extension

Notice of Requirement, Resource Consent
Application and Assessment of Environmental
Effects`

1 October 2020

Mott MacDonald
Mason Bros. Building
Level 2, 139 Pakenham
Street West
Wynyard Quarter
Auckland
1010
PO Box 37525
Parnell 1151
New Zealand

T +64 (0)9 375 2400
mottmac.com

Auckland Transport
20 Viaduct Harbour Avenue
Westhaven
Auckland
1010

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Contents

Executive Summary	1
1 The Applicant and Property Details	3
2 Introduction	4
2.1 Purpose	4
2.2 Structure of the report	4
2.3 Project Description and Objectives	5
2.3.1 Objectives	5
2.4 Project Staging	6
2.5 Background and Strategic Need	7
2.6 Auckland Transport roles and responsibilities	9
2.7 Reason for seeking the Designations	10
2.8 Appropriateness of a Designation	11
3 Description of the current environment	12
3.1 Application and surrounding area description	12
3.1.1 10 Old Pine Valley Road	13
3.1.2 36 Old Pine Valley Road	13
3.1.3 1731 Dairy Flat Highway	14
3.1.4 1687 Dairy Flat Highway	14
3.1.5 1732 Dairy Flat Highway	14
3.1.6 1700 Dairy Flat Highway	15
3.1.7 Section 6 SO 308591, Dairy Flat Highway	15
3.2 Site and surrounding area features	15
3.2.1 Zoning	15
3.2.2 Silverdale Off Ramp area	16
3.2.3 Groundwater	16
3.2.4 Flooding	17
3.2.5 Vegetation	18
4 Proposal	20
4.1 Overview	20
4.2 Stage One	20
4.2.1 Earthworks	22
4.2.2 Stormwater	22
4.2.3 Vegetation Removal	23
4.3 Stage Two	23
4.4 Summary	25

5	Form 18	27
6	Notification Assessment	29
6.1	Statutory Matters	29
6.2	Public notification Assessment (Section 149ZCB & 149ZCE)	29
6.2.1	Section 149ZCE	29
6.2.2	Assessment of Adverse Effects on the Wider Environment (149ZCE)	30
6.2.3	Public Notification Assessment Conclusion	34
6.3	Limited Notification Assessment (Section 149ZCC & 149ZCF)	34
6.3.1	Section 149ZCF	35
6.3.2	Assessment of Adverse Effects on owners and occupiers of land which the designation will apply or adjacent land (149ZCE)	35
6.3.3	Limited Notification Assessment Conclusion	37
7	Assessment of effects on the Environment	38
7.1	Actual and Potential Effects on the Environment	38
7.2	Statutory Documents (Section 171(1)(a))	39
7.2.1	National Policy Statement on Urban Development 2020	39
7.2.2	Auckland Regional Policy Statement	39
7.2.3	Auckland Unitary Plan – District Plan Objectives and Polices Assessment	41
7.2.4	Summary	45
7.3	Alternatives Assessment	45
7.4	Necessity for Achieving the Objectives of the Project	45
7.5	Any other matters	46
7.5.1	Heritage New Zealand Pouhere Taonga Act 2014	46
8	Part 2	47
9	Conclusion	48
10	Form 18	50
11	Notification Assessment	52
11.1	Statutory Matters	52
11.2	Public notification (Section 149ZCB & 149ZCE)	52
11.2.1	Section 149ZCE	52
11.2.2	Assessment of Adverse Effects on the Wider Environment (149ZCE)	53
11.3	Public Notification Assessment Conclusion	57
11.4	Limited Notification (Section 149ZCB & 149ZCE)	58
11.4.1	Section 149ZCF	58

11.4.2	Assessment of Adverse Effects on owners and occupiers of land which the designation will apply or adjacent land (149ZCE)	58
11.4.3	Limited Notification Assessment Conclusion	60
12	Assessment of effects on the Environment	61
12.1	Actual and potential effects on the environment	61
12.2	Statutory Documents (Section 171(1)(a))	62
12.2.1	National Policy Statement on Urban Development 2020	62
12.2.2	Auckland Regional Policy Statement	62
12.2.3	Auckland Unitary Plan – District Plan Objectives and Polices Assessment	65
12.2.4	Summary	68
12.3	Alternatives Assessment	68
12.4	Necessity for Achieving the Objectives of Project	68
12.5	Any other matters	70
12.5.1	Heritage New Zealand Pouhere Taonga Act 2014	70
13	Part 2	71
14	Conclusion	72
15	Reasons for the application	74
15.1	Resource Management Act	74
15.2	Auckland Unitary Plan (Operative in Part) Rules Assessment	74
15.3	Resource Management (National Environmental Standards for Freshwater) Regulations 2020	75
15.4	Permitted Activities	75
15.5	Summary	75
15.6	Duration of consents (Section 123)	75
16	Public Notification Assessment (Sections 95A, 95C to 95D)	76
16.1	Assessment of steps 1 to 4 (section 95A)	76
16.1.1	Step 1: Mandatory public notification is required in certain circumstances	76
16.1.2	Step 2: If not required by step 1, public notification precluded in certain circumstances	76
16.1.3	Step 3: If not precluded by step 2, public notification required in certain circumstances	76
16.1.4	Step 4: Public notification in special circumstances	77
16.2	Section 95D	77
16.3	Assessment of adverse effects on the wider environment	78
16.3.1	Water quality	78
16.3.2	Stormwater diversion	79
16.3.3	Ecology	79

16.3.4	Contaminated land	80
16.3.5	Social and Economic wellbeing	80
16.3.6	Cultural wellbeing and values	81
16.3.7	Summary of adverse effects	81
16.4	Public notification conclusion	81
17	Limited Notification Assessment	82
17.1	Assessment of Steps 1 to 4 (Section 95B)	82
17.1.1	Step 1: Certain affected protected customary rights groups must be notified	82
17.1.2	Step 2: If not required by step 1, limited notification precluded in certain circumstances	82
17.1.3	Step 3: If not precluded by step 2, certain other affected persons must be notified	82
17.1.4	Step 4: Further notification in special circumstances	82
17.2	Section 95E	83
17.3	Assessment of adverse effects for limited notification	83
17.3.1	Land disturbance sediment	83
17.3.2	Stormwater Discharges	84
17.3.3	Stormwater diversion	84
17.3.4	Ecology	84
17.3.5	Summary	84
17.4	Limited notification conclusion	85
18	Assesment (Section 104)	86
18.1	Statutory Matters	86
18.2	Section 104D Assessment	86
18.3	Actual and Potential Effects on The Environment (Section 104(1)(A))	87
18.4	Statutory Documents (Section 104(1)(B))	87
18.5	National Policy Statement for Freshwater Management 2020	88
18.6	Resource Management (National Environmental Standards for Freshwater) Regulations 2020	90
18.7	Hauraki Gulf Marine Park Act 2000	90
18.8	Auckland Regional Policy Statement	91
18.9	Auckland Unitary Plan – Regional Plan Objectives and Polices Assessment	94
19	Any other matters	97
19.1.1	Heritage New Zealand Pouhere Taonga Act 2014	97
20	Part 2	98
21	Conclusion	100
A.	Locality Plan	101

B.	Form A – Application for Resource Consent	102
C.	Certificates of Title	103
D.	AUP Checklist	104
E.	Engineering Drawings	105
F.	Designation Plans	106
G.	Land Requirement Plans	107
H.	Integrated Transport Assessment (ITA), Stantec, 2019	108
I.	Alternatives Assessment	109
J.	Transport Design Report	110
K.	Stormwater Assessment & Design	111
L.	Noise and Vibration Assessment	112
M.	Ecological Assessment	113
N.	Preliminary Site Investigation (Contamination)	114
O.	Geotechnical Interpretive Report	115
P.	Erosion and Sediment Control Plan	116
Q.	Mana Whenua Engagement Report	117
R.	Stakeholder and Consultation Summary	118
S.	Draft Conditions	119

Tables

Table 1: Summary of Groundwater Levels.	17
Table 18.1: Relevant Statutory Documents	87

Figures

Figure 2.1: NoR boundaries	7
Figure 3.1: Current alignment of Pine Valley Road due north	12
Figure 3.2: Waterway Classification	13
Figure 3.3: Culvert underneath existing Pine Valley Road	14
Figure 3.4: Auckland Unitary Plan - Zones	16
Figure 3.5: Catchment hydrology map	17
Figure 3.6: View east from Pine Valley Road to poplar trees	18
Figure 4.1: General layout – Stage One	21
Figure 4.2: Typical stage one cross-sections	22
Figure 4.3: General layout – Stage Two	24
Figure 4.4: Typical stage two cross-sections	25

Executive Summary

This report has been prepared in support of the submission by Auckland Transport (AT) of two Notices of Requirement (NoRs) and an application for associated resource consent approvals for the construction, operation and maintenance of a partially realigned and upgraded arterial road between Old Pine Valley Road and the Silverdale Motorway Interchange. The project is proposed to be constructed in two stages.

AT as requiring authority is seeking designations for the project to provide certainty, route protection and enable staging of the project. A designation is considered appropriate as the project is a necessary piece of infrastructure required to enable the full buildout of the Milldale development and provide much needed housing resources within the area. Without the project, the existing infrastructure is insufficient to support the full buildout of the Milldale development, restricting the development to approximately 2,800 households. The full buildout of the project will provide sufficiently for the traffic movements associated with the projected development of 9,000 households in the wider Wainui area.

The project site runs from Old Pine Valley Road in the north, through farm paddocks and plantation forestry at 36 and 10 Pine Valley Road to connect to Pine Valley Road, then along Pine Valley Road to Dairy Flat Highway. Here it extends along Dairy Flat Highway to the northeast up to the Silverdale Interchange and southwest for a distance of approximately 180 metres.

Stage one works are anticipated to be undertaken soon after obtaining all necessary permissions and acquisition of the required land. Stage one works will involve:

- Realignment of an approximately 250m portion of Pine Valley Road and upgrade of Pine Valley road to a two-lane collector road with off-carriageway cycle and pedestrian pathways between the consented roundabout at the intersection of Argent Lane Extension and Old Pine Valley Road through to Dairy Flat Highway;
- An upgraded and signal controlled intersection at the junction of Pine Valley Road and Dairy Flat Highway, involving the full buildout of the future intersection to cater for the future four lane arterial nature of Pine Valley Road, but retaining one right turn from Dairy Flat Highway and one left turn from Old Pine Valley Road as unused lanes (i.e. painted out); and
- Widening and upgrading of Dairy Flat Highway to provide two eastbound lanes between the intersection of Pine Valley Road and Dairy Flat Highway through to the Silverdale Interchange.

Stage two will be undertaken in the future when traffic demand requires increased capacity and will involve:

- Upgrade of Pine Valley Road between the consented roundabout at the intersection of Argent Lane Extension and Old Pine Valley Road through to the Dairy Flat Highway intersection to a four lane arterial road; and
- Utilisation of additional turning lanes at the intersection of Pine Valley Road and Dairy Flat Highway for the right turn from Dairy Flat Highway and left turn from Old Pine Valley Road, including signalisation of the left turn from Dairy Flat Highway.

The need for the proposed works is addressed in the Integrated Transport Assessment (ITA) commissioned by Fulton Hogan Land Development Limited (FHLD), which identifies the need to

provide a connection from Milldale to Dairy Flat Highway and upgrade the Dairy Flat Highway and Pine Valley Road intersection.

The project will provide required infrastructure that will unlock the development potential in the Milldale development and wider Wainui area to enable efficient and optimal development of land in accordance with the intentions of the zoning in the Auckland Unitary Plan (AUP). The provision of the upgraded route, including the provision of future widening, provides certainty to AT, the landowners and wider community that the roading network has been designed for the anticipated future capacity and will provide a safe arterial connection between Wainui Road in the north and east, Dairy Flat Highway to the south and west and the Northern Motorway to the east. This will be achieved while maintaining the water quality of receiving waters, appropriately controlling water runoff and providing appropriate remediation of wetland and stream habitats to ensure that the ecological level of the project area is maintained or enhanced in the wider regional environment.

The assessments of the project in accordance with sections 95A-95D, 149ZCB, 149ZCC, 149ZCE, and 149ZCF of the Resource Management Act 1991 (RMA) identify that the NoRs should be processed under a limited notified process and be notified to the owners and occupiers of the properties at 10 and 36 Old Pine Valley Road, and 1687, 1700, 1731 and 1732 Dairy Flat Highway respectively, and that the resource consents application can be processed non-notified.

Assessments of the project also confirm that it is consistent with the relevant objectives and policies of the AUP and that the project passes the relevant statutory assessments under sections 171, 104, 104B, 104D, 105 and 107 of the RMA.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the project are appropriate. It is also considered that the project is consistent with the relevant statutory documents and regulatory tests for both the resource consent applications and NoRs.

1 The Applicant and Property Details

To: Auckland Council

Site Address: Old Pine Valley Road road reserve; 10 Old Pine Valley Road; 36 Old Pine Valley Road; Pine Valley Road road reserve; Dairy Flat Highway road reserve; 1687 Dairy Flat Highway, 1700 Dairy Flat Highway; 1731 Dairy Flat Highway; 1732 Dairy Flat Highway; and Sec 6 SO 308591, Dairy Flat Highway.

Applicants' Names: Auckland Transport

Address for Service: Mott MacDonald

PO Box 37525

Parnell

Auckland 1151

Attention: Devon Rollo

Legal Description: Sec 7 SO 315843, Sec 8 SO 315843, Pt Lot 5 DP 136559; Lot 6 DP 136559; Lot 1 DP 131154; Pt Lot 1 DP 68886; Sec 5 SO 315843, Sec 6 SO 315843, Pt Lot 1 DP 101886; Pt Lot 2 DP 68886; Sec 6 SO 308591

Site Area: Approximately 7ha

District Plan Provisions: Auckland Unitary Plan – Operative in Part

Regional Plan Provisions: Auckland Unitary Plan – Operative in Part

Auckland Unitary Plan Zoning: Future Urban Zone

Auckland Unitary Plan Overlays: Nil

Auckland Unitary Plan Controls: Macroinvertebrate Community Index – Rural.
Arterial Roads

Auckland Unitary Plan Precincts: Nil

Designations: Designations - 6759, State Highway 1: Silverdale, Designations, New Zealand Transport Agency

Locality diagram: Refer to attached map at Appendix A

Brief description of Project: The Project involves the realignment and upgrade of Pine Valley Road south of Old Pine Valley Road, to connect and form a direct route between the Argent Lane Extension north of Old Pine Valley Road and Dairy Flat Highway, to upgrade the Pine Valley Road and Dairy Flat Highway with the provision of a new signalised intersection, and to upgrade Dairy Flat Highway to provide an additional eastbound lane between Pine Valley Road and the Silverdale motorway interchange. Additionally, as part of the upgrade works to both Pine Valley Road and Dairy Flat Highway, new stormwater control, treatment and outlets will be incorporated into the works.

2 Introduction

2.1 Purpose

This report has been prepared in support of the submission by Auckland Transport (the “Requiring Authority” and the “Applicant”) of two Notices of Requirement (NoRs) and the application for associated resource consent approvals, for the construction of a partially realigned and upgraded arterial road between Old Pine Valley Road and the Silverdale Motorway Interchange.

2.2 Structure of the report

The report follows the requirements as set out in sections 88 and 168, and schedule 4 of the Resource Management Act 1991 (RMA) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought and any actual or potential effects the Project may have on the environment.

The report is structured to provide general information and details applicable to the whole project in the initial sections of the report, and then divided separately into sections addressing the NoRs, and the required regional resource consents.

For the purpose of this report the separate sections of the project pertaining to the separate NoRs are identified as:

- Notice of Requirement 1 - Pine Valley Road north realignment
- Notice of Requirement 2 - Pine Valley Road south and Dairy Flat Highway

The report includes the following set of documentation:

- Form 18 Notices (Notice 1 and Notice 2);
- Notice of Requirement Plan (Notice 1 and Notice 2);
- Land Requirement Plans;
- Assessments of Environmental Effects (overall assessment and specific assessment for each Notice);
- Supporting Plans and Drawings; and
- Specialist reports to support the AEE:
 - Milldale Integrated Transport Assessment – Prepared by Stantec – Appendix H
 - Transport Preliminary Design Report – Prepared by Mott MacDonald – Appendix J
 - Proposed Stormwater Management Report – Prepared by Mott MacDonald – Appendix K
 - Noise and Vibration Environmental Effects Assessment – Prepared by Marshall Day Acoustics – Appendix L
 - Ecological Assessment of Effects – Prepared by Epoch Ecology – Appendix M
 - Land Contamination Preliminary Site Investigation – Prepared by SLR – Appendix N
 - Geotechnical Interpretive Report – Prepared by Mott MacDonald – Appendix O
 - Mana Whenua Engagement Report – Prepared by Auckland Transport – Appendix Q
 - Stakeholder and Consultation Report – Prepared by Auckland Transport – Appendix R
 - Draft Conditions – Appendix S

2.3 Project Description and Objectives

The Argent Lane Extension is the southern extension of a direct arterial road link between Old Pine Valley Road in the Wainui area and the Silverdale Interchange. The project will provide an arterial road connection from Old Pine Valley Road through to Dairy Flat Highway and the Silverdale Interchange. This southern extension of road will tie into the works currently underway by Fulton Hogan Land Development for the northern extension of the arterial road (Argent Lane) where the entire arterial alignment runs from Wainui Road to the roundabout at Old Pine Valley Road through the Milldale development. Auckland Transport has sought to split the southern alignment into two sections. Section one is for the new road realignment (approximately 250 linear metres (lm)) of the existing Pine Valley Road. Section two is for the upgrade of the existing Pine Valley Road where the new alignment ties in, through to Dairy Flat Highway and the Silverdale Interchange.

NoR 1

This Notice of Requirement (NoR 1) relates to the land approximately 250 lm from Old Pine Valley Road to the tie in with the existing Pine Valley Road. The NoR is necessary to provide for the construction (including relocation of utility services, a temporary localised construction area to support construction works, environmental mitigation, reinstatement following primary construction and other ancillary construction works), operation and maintenance of a newly formed two-lane collector road with off-carriageway cycle and pedestrian pathways. It will include provision of land for a future upgrade to a four-lane arterial when traffic generation requires additional capacity.

NoR 2

NoR 2 relates to the upgrade of Pine Valley Road as a limited access two lane collector road with dedicated off-carriageway cycle and pedestrian pathways between the realigned section of Pine Valley Road identified in NoR 1 (the new section of road from Old Pine Valley Road where it ties into the existing Pine Valley Road) through to Dairy Flat Highway and the Silverdale Interchange. The NoR is necessary to provide for the construction (including relocation of utility services, a temporary localised construction area to support construction works, environmental mitigation, reinstatement following primary construction and other ancillary construction works), operation and maintenance of an upgraded two-lane collector road with off-carriageway cycle and pedestrian pathways along Pine Valley Road. NoR 2 also includes an upgrade of the Pine Valley Road / Dairy Flat Highway intersection to a signalised intersection and upgrade of Dairy Flat Highway to include an additional eastbound lane between Pine Valley Road / Dairy Flat Highway intersection and the Silverdale Interchange.

The coverage of the NoRs are marked in Figure 2.1.

2.3.1 Objectives

A long list of objectives (six) were initially set for the project (February 2019) which were consolidated later (July 2019) by AT to three overarching objectives:

1. Provide a section of arterial road between Argent Lane (Milldale) and Pine Valley Road (Dairy Flat), which is direct and future proofed for planned urban growth.
2. Provide safer and more resilient road connections to/from the existing and proposed road network.
3. Enable connections and accessibility to social and economic opportunities within Milldale, Silverdale and future development within Silverdale West Dairy Flat Structure Plan.

2.4 Project Staging

The project is proposed in two stages, as outlined below and further detailed in Section 4.

Stage 1 works are anticipated to be undertaken soon after obtaining all necessary permissions and acquiring the required land, and will involve:

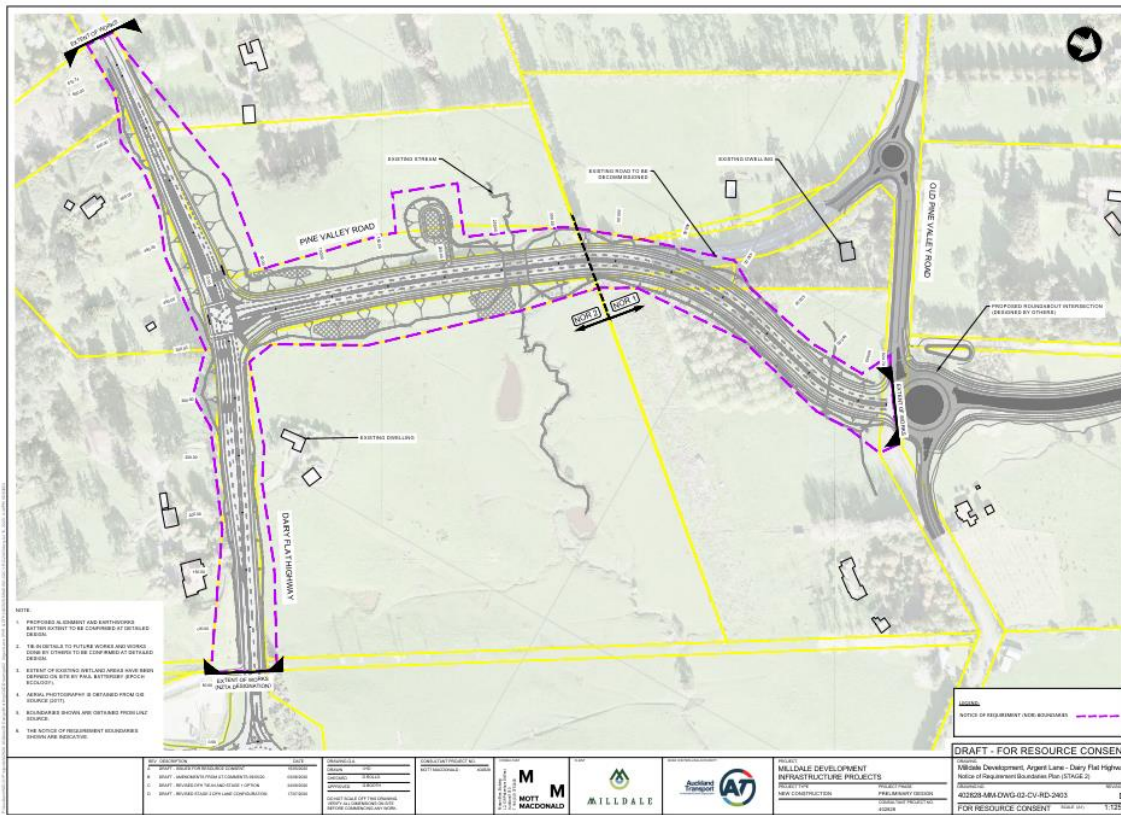
- Realignment of an approximately 250m portion of Pine Valley Road and upgrade of Pine Valley road to a two-lane collector road with off-carriageway cycle and pedestrian pathways between the consented roundabout at the intersection of Argent Lane Extension and Old Pine Valley Road through to Dairy Flat Highway;
- An upgraded and signal controlled intersection at the junction of Pine Valley Road and Dairy Flat Highway, involving the full buildout of the future intersection to cater for the future four lane arterial nature of Pine Valley Road, but retaining one right turn from Dairy Flat Highway and one left turn from Old Pine Valley Road as unused lanes (i.e. painted out); and
- Widening and upgrading of Dairy Flat Highway to provide two eastbound lanes between the intersection of Pine Valley Road and Dairy Flat Highway through to the Silverdale Interchange.

Stage 2 will be undertaken in the future when traffic demand requires increased capacity and will involve:

- Upgrade of Pine Valley Road between the consented roundabout at the intersection of Argent Lane Extension and Old Pine Valley Road through to the Dairy Flat Highway intersection to a four lane arterial road.
- Utilisation of additional turning lanes at the intersection of Pine Valley Road and Dairy Flat Highway for the right turn from Dairy Flat Highway and left turn from Old Pine Valley Road, including signalisation of the left turn from Dairy Flat Highway.

Pursuant to section 184 of the RMA a designation lapse period of 15 years from being operative in the Auckland Unitary Plan is sought to provide for the undertaking of Stage 2 works, which is not proposed to be given effect to until projected growth and vehicle movement requires additional vehicle lanes at circa 2036.

Figure 2.1: NoR boundaries



Source: Mott MacDonald, 2020

It is considered that the details of Stage 1 of the proposed work are incorporated within the submission in sufficient detail to be incorporated into the designation to the extent that under section 176A(2)(b) of the Resource Management Act (RMA) an Outline Plan need not be submitted for Stage 1.

Associated regional resource consents relating to the Stage 1 proposals are also addressed and sought within this report, as a separate resource consent application.

2.5 Background and Strategic Need

Housing demand in Auckland has for a number of years exceeded the actual housing supply. The Ministry of Business, Innovation and Employment (MBIE) in 2017 estimated the accumulated shortfall of housing in Auckland at around 45,000 dwellings¹. As such, there is a strategic need for the development of more housing supply in Auckland. This has been expressed through several government and local government supported initiatives, such as Special Housing Areas and the KiwiBuild programme.

The Auckland Unitary Plan - Operative in Part (AUP) introduced live zoning of residential and business zones in the area identified as the Wainui Precinct, located west of the State Highway 1 Northern Motorway and north of Weiti Stream.

¹ Ministry of Business Innovation and Employment (2017) Briefing for the Incoming Minister of Housing and Urban Development; p.14.

The Wainui Precinct I544 is detailed in the AUP as:

“The Wainui Precinct is located to the west of Millwater, Silverdale, Orewa and the Northern Motorway. The precinct includes the Wainui East (Argent Lane) Special Housing Area that was established by Order in Council dated January 2016, together with the surrounding land that has been purchased since the Special Housing Area was established. The single ownership of all of the land within the precinct provides logical and defensible boundaries based on the location of roads and physical constraints and also enables the integrated development of the entire area.

The key considerations to be addressed through the Wainui Precinct are the servicing of the development, including water, wastewater and integration with the wider transport network, and details on how servicing will be staged and funded and provided in a timely manner.”

The key overarching objective of Wainui Precinct as detailed in the AUP is:

I544.2. Objectives

(1) Subdivision and development occurs in a manner which reflects the coordination and delivery of open space and infrastructure including transport, wastewater, water and stormwater services.

Fulton Hogan Land Development Limited (FHLD) is currently developing their Milldale development in the area identified in the AUP Maps as the Wainui Precinct. The Milldale development has the capacity to provide up to 4,500 new-build houses, apartments and commercial premises in the Wainui area. As the area is a greenfield subdivision, there is limited existing infrastructure to support the development.

In order to bring forth the delivery of the infrastructure required to enable the coordinated buildout of the Milldale development and provide for the potential 4,500 residential household units that are capable of being developed, FHLD, Crown Infrastructure Partners Limited (CIP), Auckland Council (AC), Auckland Transport (AT), Watercare and New Zealand Transport Agency (NZTA) have entered into various Infrastructure Funding Agreements and Development Partnership Agreements to ensure the bulk infrastructure works required can be funded and delivered in a timely manner.

Applicable to this application is the Development Project Agreement between Milldale Infrastructure Limited Partnership (a special purpose limited partnership established by CIP) and FHLD and the Bulk Infrastructure Wainui Area Infrastructure Funding Agreement between FHLD, AC and AT.

As part of the arrangement to determine the bulk infrastructure transport requirements for the Milldale growth area and wider Wainui precinct, FHLD commissioned an Integrated Transport Assessment (ITA), prepared by Stantec (Appendix H). The ITA assessed the implications on the wider transport network from the proposed Milldale development and outlined a number of mitigation measures. These measures are required to mitigate the effects of the proposed future movements associated with the Milldale development on the transport network. This includes identifying the need to provide a connection from Milldale to Dairy Flat Highway, the upgrade of the Dairy Flat Highway and Pine Valley Road intersection, and the upgrade of Dairy Flat Highway to the Silverdale interchange.

The Bulk Infrastructure Wainui Area Infrastructure Funding Agreement provides for a number of infrastructure projects to support the Milldale development, including the Milldale Infrastructure Development Project 1 – Argent Lane Extension.

The Milldale Infrastructure Development Project 1 – Argent Lane Extension detailed in the Bulk Infrastructure Wainui Area Infrastructure Funding Agreement specifies that:

- A direct link will be provided from Milldale to the Silverdale Interchange via the extension of Argent Lane to Pine Valley Road and Dairy Flat Highway through Future Urban Zoned land.
- The link will form a new two lane arterial road and bridge (Weiti Bridge) that will extend Argent Lane to Pine Valley Road and connect the development to Dairy Flat Highway (and Silverdale Interchange).
- The road [Extension of Argent Lane to Pine Valley Road and Dairy Flat Highway] will be constructed as a limited access two lane collector road with dedicated cycle lanes and footpaths and provide for a future arterial corridor width of 30m.
- The future 30m corridor will provide for an additional two lanes when required. This is likely to be when Future Urban Growth land is developed at 9,000 dwellings (in approximately 2036).
- The project will also include:
 - Provision of a roundabout with dedicated cycle lanes and footpaths at Argent Lane extension and Old Pine Valley Road, future proofed to accommodate a double lane roundabout for the future 30m corridor; and
 - Provision of a signalised intersection where Pine Valley Road connects to Dairy Flat Highway which will have four lanes built to provide for an efficient intersection which will taper back into two lanes.

This project is being delivered in two parts. The extension of Argent lane north of Old Pine Valley Road is being carried out by FHLD in accordance with resource consents obtained by FHLD. This includes the roundabout at the intersection of Argent Lane Extension and Old Pine Valley Road.

The portion of the project involving the route south of Old Pine Valley Road involves the applications which are the subject of this document and are being submitted by AT as the requiring authority and applicant for the Notices of Requirement and resource consents. The extent of this work is described in Section 4 of this report.

2.6 Auckland Transport roles and responsibilities

AT is the roading authority and transport provider (excluding for state highways) for the Auckland Region. AT is a Council Controlled Organisation under the Local Government (Auckland Council) Amendment Act 2010 (LG(AC)AA). Section 39 of this Act details the purpose of AT, being:

“to contribute to an effective, efficient, and safe Auckland land transport system in the public interest”.

AT’s functions are identified in section 45 of the LG(AC)AA, including:

“(b) manage and control the Auckland transport system in accordance with this Act, including by—

(i) performing the statutory functions and exercising the statutory powers set out in section 46 as if Auckland Transport were a local authority or other statutory body, as the case may be; and

(ii) acting as a requiring authority under section 167 of the Resource Management Act 1991 in accordance with section 47;”

As identified in section 45 of the LG(AC)AA, AT is a requiring authority as per section 167 of the RMA, which provides the ability to seek a NoR for new transport projects.

2.7 Reason for seeking the Designations

AT has chosen to issue NoRs for the Project (and lodge the associated resource consents required under the regional plan), rather than applying for resource consents under section 9(3) of the RMA. This approach was selected for a number of reasons:

Route Protection

4. A designation allows for the protection of the route, in the context of the significant anticipated change in the character of the project area. AT is aware of the development plans for a number of the adjoining sites. Under sections 176 and 178 of the RMA, owners or occupiers of designated land cannot undertake activities on the land that may prevent or hinder the designated works, without written approval of AT as the requiring authority. This protection of the land applies from when the NoR is initially lodged with AC. This will protect the viability of the Project without unduly affecting the ability of the neighbouring land to be developed. AT proposes to purchase all land within the operational footprint as part of Stage 1 works, whilst land outside the operational footprint but within the construction footprint will be leased.

Certainty

5. Once the NoR is designated in the AUP for the purpose of construction, operation and maintenance, it provides the public with certainty and clarity around the required footprint and signals AT's intent to undertake the Project in a staged manner. It provides certainty to land developers in terms of the intended corridor arrangement so that they can integrate their developments with the corridor. Traffic modelling, as detailed in the Milldale ITA included in Appendix H, indicates that Stage 1 of the Project is expected to become congested as development in the wider Wainui area progresses beyond the Milldale development proposals. To provide resilience and reduce the risk of queuing and delays, four lanes would need to be provided in the future for the entire arterial route of Argent Lane Extension and Pine Valley Road. A designation over the land provides for these upgrades to be undertaken when required in the future.

Uncertainty of Zoning

6. The underlying zoning is currently Future Urban Zone. However, a Light Industrial Zone is proposed under the Silverdale West Dairy Flat Industrial Area Structure Plan for the land east of the proposed Pine Valley Road alignment and south of Old Pine Valley Road, and south of Dairy Flat Highway. Indicative future zoning of the remainder of the Future Urban Zone west of the proposed Pine Valley Road alignment is not currently identified by way of proposed structure plans. Road construction and operation are land use activities in their respective activity tables or zone-based development controls. The use of the designation process allows for the specific land use and development needs of the Project to be addressed without being required to fit within zone-based controls and rules which do not contemplate roading activities. A designation also allows flexibility within the boundaries of the designation that meets the purpose of the designation.

The Need and Benefits of Staging

7. The designation boundary recognises and provides for the staged approach, by providing for the initial construction of Stage 1 and the future construction of Stage 2. This approach allows the delay in constructing a new bridge or culvert until such time as traffic volumes require it and also allows capital expenditure to be spread over time.

Retaining Private Land Ownership and Development Potential

8. Where earthwork batters are proposed adjoining the road, the designation will protect these batters but allow for them to remain in ownership of the adjacent sites. This will enable the future development of these areas, which is anticipated by the Future Urban Zoning, subject to satisfying the structural, operational and safety requirements of the road. Subject to detailed design, there may be opportunities after Stage 1 to reduce the designation boundaries. Once Stage 2 has been completed, the operational boundary will also be reassessed with the potential for the boundary to also be reduced at that time.
9. The Project has considered land acquisition requirements and has minimised land acquisition of private land where practicable. Likewise, minimising disruption to property owners and occupiers has been considered. The area identified to be designated is sufficient for the construction of the Project, including temporary storage, undertaking of site stabilisation and batter construction.

2.8 Appropriateness of a Designation

The strategic need for the project is outlined above in section 2.2. In summary, the project is a necessary piece of infrastructure required in order to enable the full buildout of the Milldale development and provision of much needed housing resources within the area. The requirement for the new direct link between Milldale and the Silverdale interchange is identified in the Milldale ITA, attached in Appendix H. Without the project, the infrastructure is insufficient to support the full buildout of the Milldale development, restricting the development to in the order of 2,800 households.

It is well-established through case law that land should not be designated for a proposed public work unless there is a requiring authority prepared to take financial responsibility for it. AT has financial responsibility for the Project.

As detailed above in section 2.5, an infrastructure funding agreement has been entered into by AT, Auckland Council, FHLD and Fulton Hogan. This infrastructure funding agreement details the financial details of how the project will be funded, backed by the development project agreement between Milldale Infrastructure Limited Partnership (a special purpose limited partnership established by CIP) and FHLD.

It is therefore considered that the use of a designation to enable this key strategic infrastructure project is appropriate in that the project has a strategic need and AT can demonstrate financial responsibility for the project.

3 Description of the current environment

3.1 Application and surrounding area description

The application area, shown in the Locality Plan included in Appendix A, includes Pine Valley Road, Dairy Flat Highway, the Northern Motorway northbound Silverdale off-ramp and the land at the addresses of 10 and 36 Old Pine Valley Road; 1686, 1731, 1732 and 1738 Dairy Flat Highway and Sec 6 SO 308591, Dairy Flat Highway.

The site runs from Old Pine Valley Road in the north, through farm paddocks and plantation forestry at 36 and 10 Pine Valley Road to connect to Pine Valley Road, then along Pine Valley Road to Dairy Flat Highway, where it then extends along Dairy Flat Highway to the northeast up to the Silverdale Interchange and southwest for a distance of approximately 180 metres.

Pine Valley Road is currently a two-lane road through pastoral agricultural land and crosses a culverted stream at a low point mid-way between Old Pine Valley Road and Dairy Flat Highway. Figure 3.1 shows the current alignment and area of the existing Pine Valley Road.

Figure 3.1: Current alignment of Pine Valley Road due north



Source: Mott MacDonald, 2019

Dairy Flat Highway is also a two-lane road with a dedicated westbound right turn lane and an eastbound slip-lane provided at the priority controlled intersection of Pine Valley Road and Dairy Flat Highway. At the eastbound approach to the Silverdale Interchange, located at the north-eastern end of Dairy Flat Highway, two eastbound lanes are provided.

Outside the road, the adjoining land is of a rural nature and zoned as Future Urban Zone. Properties are generally occupied by a single residential dwelling and associated outbuildings, with the bulk of the land appearing to be primarily utilised for farming purposes.

There are surface water features within the site that include streams, wetlands and ponds. A site visit was undertaken by Epoch Ecology in September 2019 and these features classified as shown in Figure 3.2.

Figure 3.2: Waterway Classification



Source: Epoch Ecology, September 2019

The following, property descriptions relate to properties directly impacted by the proposed development.

3.1.1 10 Old Pine Valley Road

The property at 10 Old Pine Valley Road is currently split by the existing Pine Valley Road, with parcels of land on either side of the road held together as 10 Pine Valley Road. A large number of trees surround the dwelling at 10 Old Pine Valley Road, located on the north-eastern side of the existing alignment of Pine Valley Road.

3.1.2 36 Old Pine Valley Road

Within 36 Old Pine Valley Road, near the boundary with Old Pine Valley Road, is a small artificial farm pond, fed by an intermittent stream running from near the south-western property boundary with 10 Old Pine Valley Road. The intermittent stream also flows out of the pond to feed a second pond near the large dwelling located to the northeast edge of the property. In the southeast quarter of the property there is a large area of poplar trees, which appears to have been planted at some time in the past as plantation forestry.

3.1.3 1731 Dairy Flat Highway

The property at 1731 Dairy Flat Highway is located to the northwest of Dairy Flat Highway and split by Pine Valley Road. The residential dwelling and various outbuildings are clustered on the land to the northeast of Pine Valley Road, with vehicle access off Dairy Flat Highway. The land appears to be primarily used for farming. As identified in Figure 3.2, there are three wetlands located on the land adjacent Pine Valley Road, one located to the southwest of the road, and two to the northeast. The wetlands are connected by intermittent and ephemeral streams. A permanent stream that is culverted underneath the existing Pine Valley Road, shown in Figure 3.3, runs in a southwest to northeast direction through the northwest portion of the land. The topography of the land slopes down from Pine Valley Road on either side.

Figure 3.3: Culvert underneath existing Pine Valley Road



Source: Mott MacDonald, 2019

3.1.4 1687 Dairy Flat Highway

1687 Dairy Flat Highway is located to the northwest of Dairy Flat Highway southwest of 1731 Dairy Flat Highway. The dwelling and an associated outbuilding are set back from the street frontage. A number of trees are located within the site, including some immediately adjacent to the road boundary with Dairy Flat Highway. The site appears to primarily be used for farming purposes.

3.1.5 1732 Dairy Flat Highway

The property at 1732 Dairy Flat Highway is located on the southeast side of Dairy Flat Highway, wrapping around the smaller property of 1700 Dairy Flat Highway, resulting in two portions of road frontage to Dairy Flat Highway. The main dwelling and a number of accessory buildings are located to the north east corner of the site near the Dairy Flat Highway frontage. Multiple trees are located along the Dairy Flat Highway boundary. The land topography slopes down from Dairy Flat Highway to the southeast.

3.1.6 1700 Dairy Flat Highway

The property at 1700 Dairy Flat Highway fronts Dairy Flat Highway on the southeast side of the road, with 1732 Dairy Flat Highway forming the remaining three boundaries. The site is occupied by a single dwelling and outbuilding in the south, with a separate outbuilding located in the northern half of the site. The site slopes from Dairy Flat Highway to the east and is vegetated with shrubs in the southern half, with multiple trees along Dairy Flat Highway and scattered throughout the site.

3.1.7 Section 6 SO 308591, Dairy Flat Highway

The land at Section 6 SO 308591 is located on the western side of an access right of way leading to Section 9 SO 308591, which runs adjacent to the Northern Motorway, Silverdale Off Ramp. The land slopes down on all sides to a long and narrow, permanent pond located in the central portion of the site, aligned from north to south, which provides treatment for stormwater from the NZTA motorway. The site is primarily a grazing paddock, vegetated with shrubs and trees throughout. John Creek runs through the northern portion of the site into a large culvert which passes under the SH1 motorway.

3.2 Site and surrounding area features

3.2.1 Zoning

The application area is currently identified in the AUP Planning Maps as the following zones:

- Future Urban Zone
- Strategic Transport Corridor Zone

In addition to the above zones, roads are identified within the AUP with separate rules pertaining to roads and unformed roads, effectively identifying them as a separate zone.

The zoning of the subject sites and surrounding area is shown in Figure 3.4.

Figure 3.4: Auckland Unitary Plan - Zones



Source: Auckland Council GeoMaps

3.2.2 Silverdale Off Ramp area

The Silverdale northbound off ramp connects the northbound Northern Motorway to the easterly end of Dairy Flat Highway. The road rises from the Northern Motorway to meet Dairy Flat Highway, with the island of land between the two roads grassed with several stands of trees. The eastern boundary has multiple trees in the southern half and is grassed in the northern half.

3.2.3 Groundwater

Groundwater levels in the Project area were estimated through the geotechnical investigations as outlined in the Geotechnical Interpretive Report included in Appendix O.

Groundwater was encountered between 0.2 and 3.3 metres below the existing ground level in six out of eleven of the hand-auger boreholes at the time of the investigation. Due to the impermeable nature of the underlying mudstone, the groundwater encountered during the investigation is likely representing the phreatic surface of the underlying soil. Groundwater encountered along both Dairy Flat Highway and Pine Valley Road alignments are summarised in Table 1.

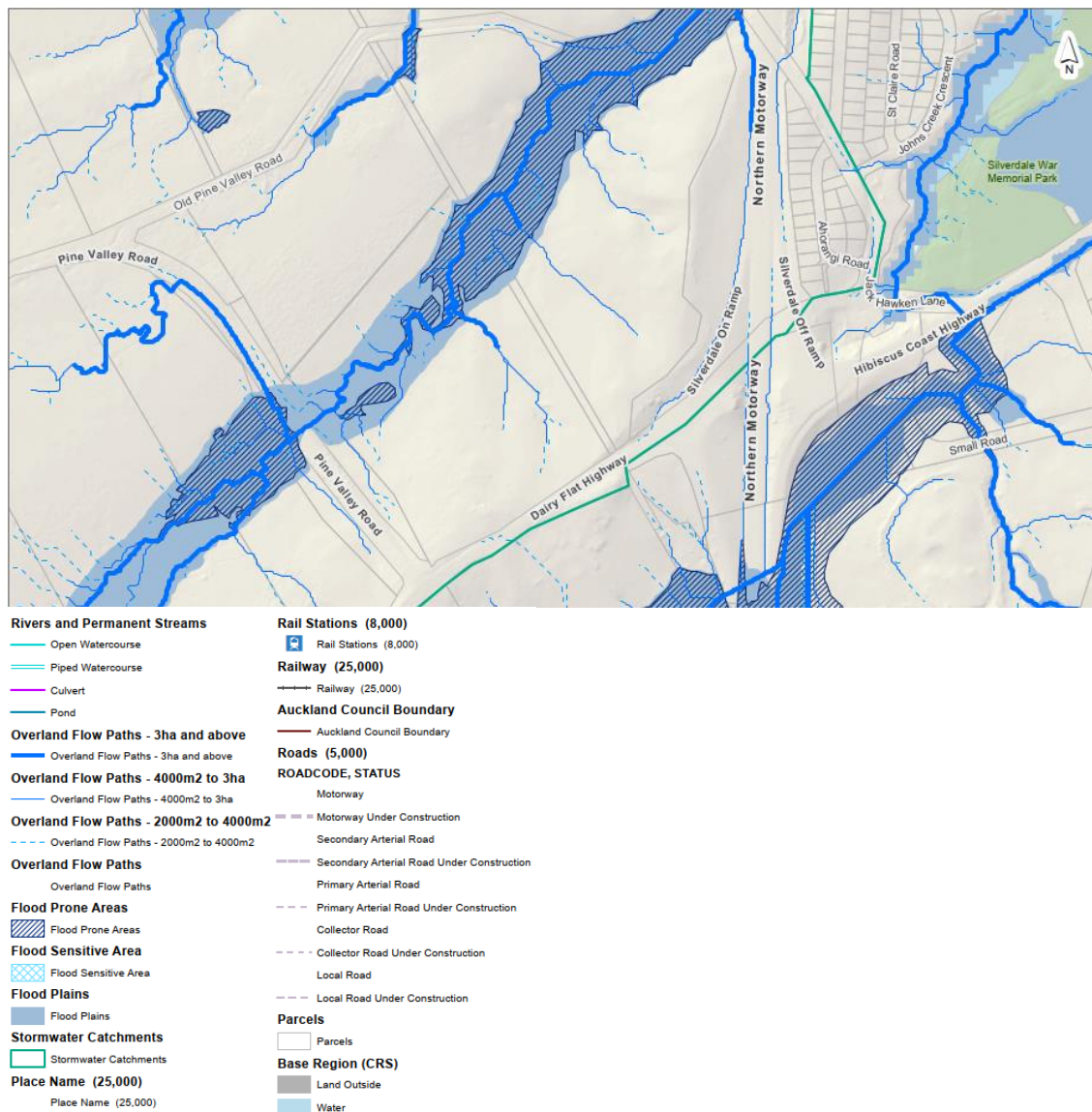
Table 1: Summary of Groundwater Levels.

Locations	Groundwater Level Range (m bgl)
Dairy Flat Highway	From no ground water encountered to 1.8m bgl
Pine Valley Road Widening	0.50 – 3.30
Pine Valley Road Realignment	From no groundwater encountered to 2.0m bgl

3.2.4 Flooding

The site is identified on the AUP Planning Maps as being partially within the 100-year rainfall event floodplain and is subject to multiple overland flow paths as shown below in Figure 3.5.

Figure 3.5: Catchment hydrology map



Source: Auckland Council GeoMaps

There are currently no stormwater drainage features associated with Old Pine Valley Road or the project section of Pine Valley Road. There are two catchpits assumed to drain to an existing NZTA stormwater pipeline and the eastern end of Dairy Flat Highway.

3.2.5 Vegetation

The area where the proposed development will be constructed consists mainly of pasture grass and is classified in the New Zealand Land Cover Database (LCDB) v4.1 as 'high producing exotic grassland'. A small stand of mature poplar and gums trees south of Old Pine Valley Road is located within the project area, seen in Figure 3.6. Weed species are present mostly along the southern edge of the poplar stand, consisting of blackberry (*Rubus fruticosus*), arum lily (*Zantedeschia aethiopica*), and pampas (*Cortaderia spp.*).

Figure 3.6: View east from Pine Valley Road to poplar trees



Source: Mott MacDonald, 2019

Native plantings are located within the road corridor of Pine Valley Road, near the existing culvert of the permanent stream. Tree species consist of gum (*Eucalyptus sp.*), Redwood (*Sequoia sempervirens*), poplars (*Populus sp.*), pine (*Pinus sp.*) and Japanese cedar (*Cryptomeria japonica*). A row of flax (*Phormium tenax*) planting and ti kouka (*Cordyline australis*) is located either side of the road. Scattered wiwi (*Juncus edgariae*) is also present.

Along Dairy Flat Highway there are Totara (*Podocarpus totara*), pine (*Pinus sp.*), Macrocarpa (*Cupressus macrocarpa*) and gum (*Eucalyptus sp.*), as well as an assemblage of plants and trees which include willow (*Salix sp.*), privet (*Ligustrum sp.* – a recognised pest plant), woolly nightshade (*Solanum mauritianum* – another formally recognised pest plant species) along with occasional suppressed individual native saplings including *Coprosma sp.* and Cabbage trees (*Cordyline australis*).

Juncus species are scattered throughout wet areas within the Project area either side of Pine Valley Road up to Dairy Flat Highway. Species are likely to be native *J. edgariae* and exotic soft rush (*J. effuses*), however the level of livestock grazing makes it difficult to determine. Along the

eastern end of Dairy Flat Highway, where it meets the Silverdale Off Ramp, there is native planting comprised primarily of manuka (*Leptospermum scoparium*), with occasional cabbage trees. There are also individual poplars and gum trees in this area.

4 Proposal

4.1 Overview

The proposal involves the realignment and upgrade of Pine Valley Road south of Old Pine Valley Road, to connect and form a direct route between the Argent Lane Extension north of Old Pine Valley Road and Dairy Flat Highway.

The proposal involves a two-stage approach. Stage one involves realignment, formation and upgrades to Pine Valley Road to operate as a two-lane collector road from the proposed roundabout intersection with Old Pine Valley Road and the Argent Lane Extension through to Dairy Flat Highway. It would also involve upgrading of the Dairy Flat Highway intersection and upgrading Dairy Flat Highway to provide an additional eastbound lane. Stage two would later involve upgrading the route from Old Pine Valley Road to Dairy Flat Highway as a four-lane arterial road. A more detailed description of each stage of the works is contained in the sections below.

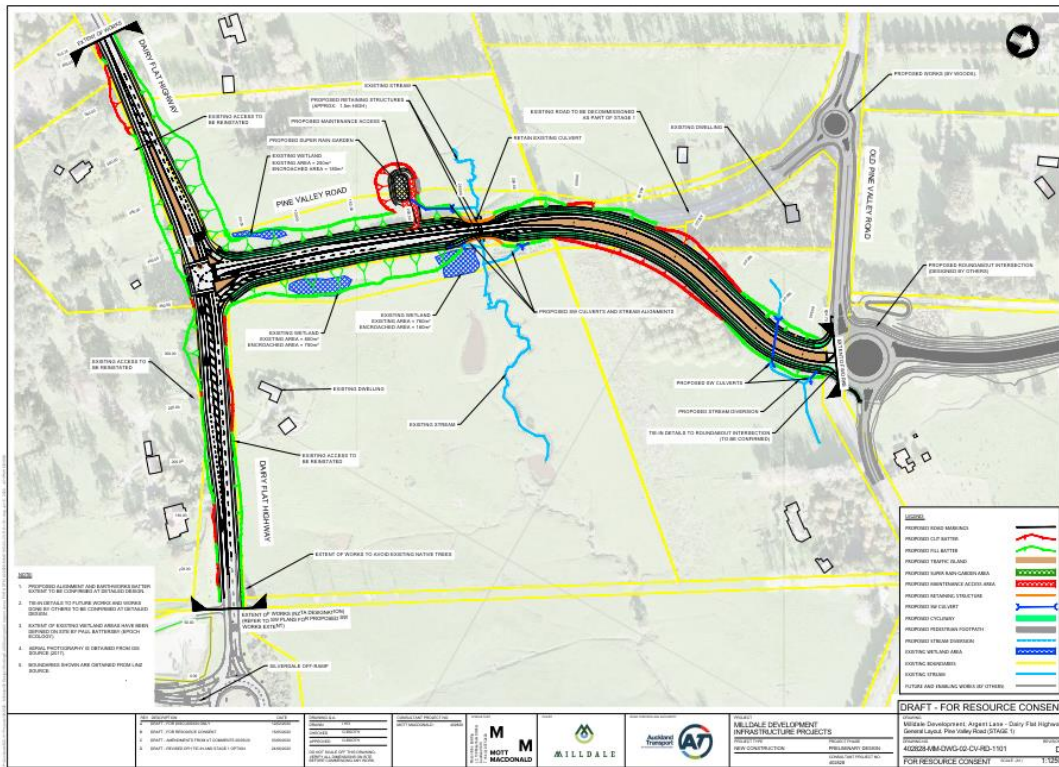
4.2 Stage One

The key design elements of the Stage one works are:

- The construction of a single carriageway to realign the part of Pine Valley Road through No. 10 and 36 Old Pine Valley Road;
- The stopping of the existing road section up to Old Pine Valley Road, after the realignment;
- Widening part of Pine Valley Road leading from the existing culvert up to Dairy Flat Highway intersection to four lanes as part of the intersection upgrade;
- Widening part of Dairy Flat Highway on either side of the intersection to four lanes with grass berm;
- Construction of a new separated cycleway and footpath along Pine Valley Road from the roundabout intersection with Old Pine Valley Road to the intersection with Dairy Flat Highway;
- Construction of a new stormwater culvert under Dairy Flat Highway and diversion of an intermittent stream;
- Construction of retaining structures at the headwalls of the existing culvert on Pine Valley Road;
- Construction of stormwater control management, including raingardens and a super raingarden to control and treat stormwater off the upgraded road surfaces; and
- Establishment of a new stormwater pipe along the edge of the Silverdale off ramp to a new outlet in Sec 6 SO 308591, Dairy Flat Highway to allow discharge to John Creek.

The general layout of the Stage one works can be found in Figure 4.1 and the full set of plans is contained in Appendix E.

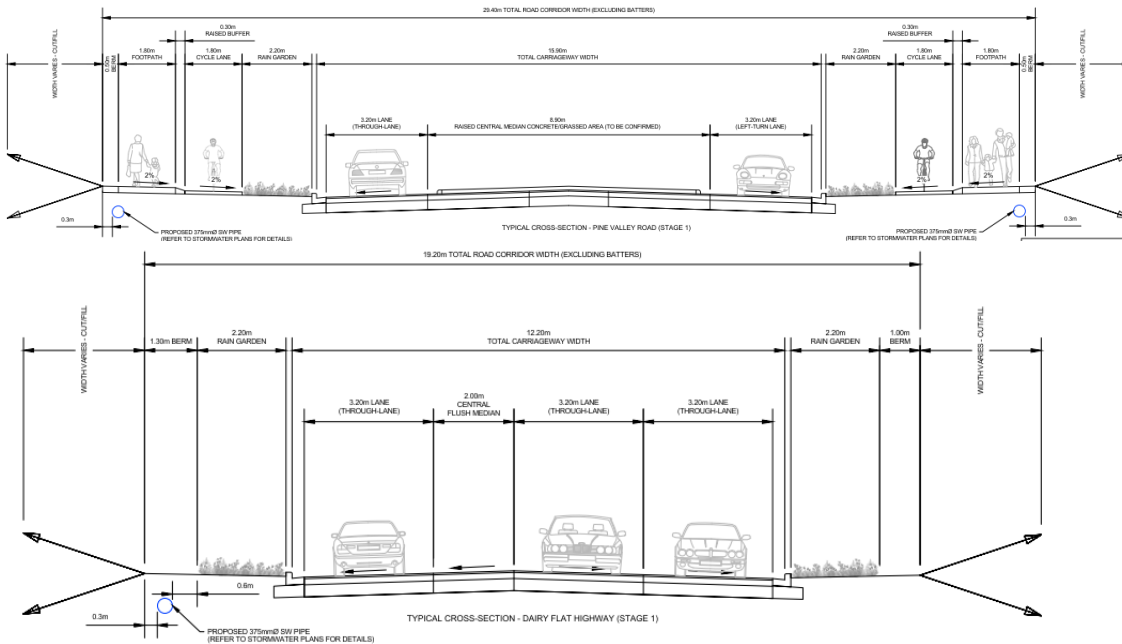
Figure 4.1: General layout – Stage One



Source: Mott MacDonald drawing package for resource consent (2020)

The cross section will vary across the length of the works but typical cross-sections of Pine Valley Road and of Dairy Flat Highway are shown in Figure 4.2.

Figure 4.2: Typical stage one cross-sections



Source: Mott MacDonald drawing package for resource consent (2020)

4.2.1 Earthworks

The proposed development will require earthworks and land disturbing activities to undertake the following:

- Formation of the road, berms, cycle and footpaths, and embankments;
- Installation of the underground stormwater infrastructure;
- Installation of the super raingarden to the west of Pine Valley Road, and the raingardens within the berms; and
- Regrading and realignment of the existing intermittent stream and installation of a culvert under the new portion of Pine Valley Road.

The extent of the earthworks is detailed in the drawings included in Appendix E. In summary the proposed earthworks involve:

- Approximately 10,600m³ of cut
- Approximately 28,600m³ of fill
- Overall cut and fill balance of approximately 18,000m³ of fill
- An area of approximately 50,000m²

As detailed in the draft Earthworks Sediment and Erosion Control Plan included in Appendix P, all earthworks will be managed in accordance with GD05 and the requirements of the AUP, with an erosion and sediment control plan in place throughout all earthwork activities on site.

4.2.2 Stormwater

Stormwater from the new and upgraded impervious surfaces will be controlled within the road by kerbs, with the exception of the south end of Pine Valley Road where conveyance channels

with check dams will capture runoff. Raingardens located within the berm will capture first flush events and catchpits will capture overflows. The conveyance channel will lead to a scruffy dome inlet, which will connect via underground pipes to a super raingarden treatment device immediately to the west of Pine Valley Road. The raingardens, super raingardens and catch-pits will all discharge via an underground pipe network into the streams via new outlet structures as identified on the drawings included in Appendix E.

A new culvert and new channel to convey an existing intermittent stream, will be constructed within 36 Old Pine Valley Road to the south of the proposed Old Pine Valley Road roundabout. The culvert will be 49m long. The intermittent stream will be realigned to ensure appropriate levels to retain the waterflow along the stream.

At the eastern end of Dairy Flat Highway a new stormwater pipeline within the berm of the NZTA Silverdale off ramp will be constructed. This will convey the stormwater from the end of Dairy Flat Highway to discharge into John Creek via a new pipe and outlet structure located within the land to the west of the Silverdale off ramp.

Detailed stormwater drainage layout plans can be found in Appendix E.

4.2.3 Vegetation Removal

All vegetation within the footprint of the proposed earthworks will be removed to facilitate the construction of the project. Provision may be required for up to an additional 5m beyond each batter to provide additional working space within the designation boundary.

This vegetation includes flax along the edge of Pine Valley Road, to the south of the existing culvert crossing, approximately 37 poplar and 12 gum trees from the properties at 10 and 36 Old Pine Valley Road and two other groups and four individual trees on Pine Valley Road north of the existing culvert crossing.

A number of individual trees and two groups of trees will be removed along the length of works along Dairy Flat Highway.

Vegetation will also be removed along the western edge of the Silverdale off ramp within the NZTA designation to enable to construction of the stormwater pipe which will run through this area and be constructed with open trench method. Separate discussions with NZTA are being undertaken, together with obtaining s176 approval under the RMA and landowner approval from NZTA.

4.3 Stage Two

Stage two will comprise the upgrade of the Stage one design, involving:

- Four lanes along the length of Pine Valley Road by building lanes within the wide medium area; and
- Removal of the existing culvert at Pine Valley Road and construction of a new bridge or upgraded culvert.

The general layout of Stage two is contained in Figure 4.3.

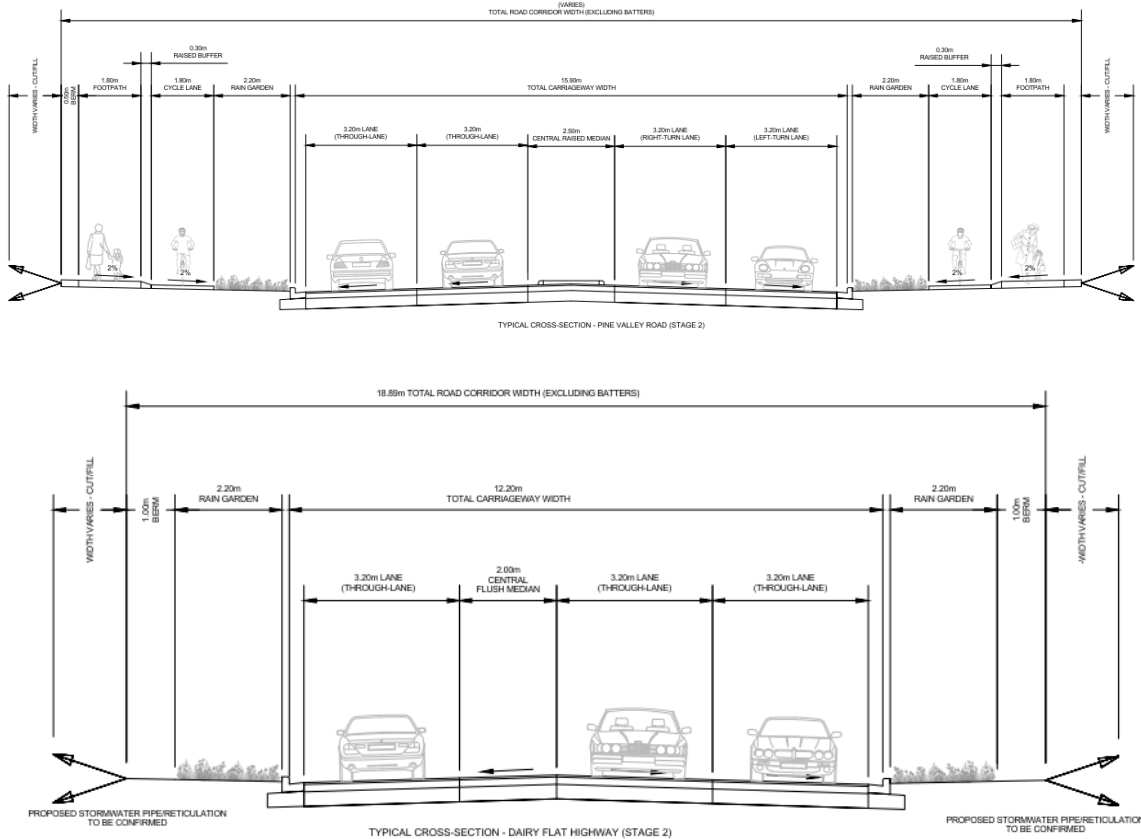
Figure 4.3: General layout – Stage Two



Source: Mott MacDonald drawing package for resource consent (2020)

Figure 4.4: Typical stage two cross-sections, demonstrates how Pine Valley Road will be upgraded from two lanes to four lanes. The design for the bridge or culvert is yet to be confirmed.

Figure 4.4: Typical stage two cross-sections



Source: Mott MacDonald drawing package for resource consent (2020),

4.4 Summary

The requiring authority and applicant seek NoRs to cover both stage one and stage two of the proposed development, and resource consents to undertake activities associated with the stage one works. It is considered enough detail in relation to stage one has been provided within the NoRs that the details of the proposed public work can be included in the designation, avoiding the need for a further Outline Plan to be submitted for stage one under s176A(2)(b) of the RMA. Stage two detail has only been included to the extent to show the how the anticipated future stage two design can be incorporated within the designation area.

The background is a solid teal color. On the left side, there is a white geometric shape that starts from the top-left corner, extends horizontally to the right, then diagonally down to the right, and finally vertically down to the bottom-left corner, creating a large white 'L' shape.

**Notice of Requirement 1 -
- Pine Valley Road south
realignment**

5 Form 18

Insert from separate document

6 Notification Assessment

6.1 Statutory Matters

Pursuant to section 169(1) of the RMA, a territorial authority must decide whether to notify the notice under Sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, within 10 working days of receiving the requiring authority's notice.

6.2 Public notification Assessment (Section 149ZCB & 149ZCE)

Section 149ZCB requires that:

- (1) The territorial authority may, in its discretion, decide whether to publicly notify the notice of requirement.
- (2) Despite subsection (1), the territorial authority must publicly notify a notice of requirement if—
 - (a) the territorial authority decides (under section 149ZCE) that the activity that is the subject of the notice of requirement will have, or is likely to have, adverse effects on the environment that are more than minor; or
 - (b) the requiring authority requests public notification of the notice of requirement; or
 - (c) a rule or national environmental standard requires public notification of the notice of requirement.
- (3) Despite subsections (1) and (2)(a), the territorial authority must not publicly notify the application or notice if—
 - (a) a rule or national environmental standard precludes public notification of the notice of requirement; and
 - (b) subsection (2)(b) does not apply.
- (4) Despite subsection (3), the territorial authority may publicly notify a notice of requirement if the territorial authority decides that special circumstances exist in relation to the notice of requirement.

6.2.1 Section 149ZCE

In determining whether to publicly notify a notice of requirement, section 149ZCB(2)(a) specifies that a territorial authority must decide whether an activity will have or is likely to have adverse effects on the environment that are more than minor. In determining whether the effects are more than minor the territorial authority:

- Must disregard any effects on persons who own or occupy the land to which the designation will apply or any land adjacent to that land;
- May disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect;
- Must disregard trade competition and the effects of trade competition; and
- Must disregard any effect on a person who has given written approval in relation to the relevant notice of requirement.

In this case any effects on the persons who own or occupy the following properties can be disregarded:

- 10 Old Pine Valley Road
- 36 Old Pine Valley Road

The following activities are permitted under the AUP and form the permitted baseline and therefore any adverse effect may be disregarded:

- Vegetation removal:
 - Permitted E15.4 (A22A) removal of vegetation within the Future Urban Zone inside the RUB
 - Permitted E26.3.3 (A76) removal of vegetation in the riparian margin of vegetation less than 6m in height, being less than 50m² of removal.
 - Permitted E26.4.3 (A90) tree trimming, alteration or removal on roads adjoining rural zones and on roads adjoining the Future Urban Zone
- Noise:
 - Permitted E25.4.1 (A1) construction works in compliance with noise limits in Standard E25.6.27 and E25.6.29 as measured 1m from and occupied building.
- Infrastructure:
 - Permitted E26.2.3 (A49) the installation of underground pipes for stormwater within the Road, including the Strategic Transport Corridor zone (the motorway).
 - Permitted E26.2.3 (A56) water, wastewater and stormwater outfalls and ancillary structures.

Trade competition is not relevant to the project.

No persons have provided their written approval for this proposal.

Case law confirms that in considering effects for the purposes of a notification assessment, regard may be had to any condition which would eliminate or reduce the adverse effect to one that is no more than minor or de minimis. The conditions likely to be imposed under s108 are relevant to the judgment required and it would defy common sense not to take them into account, having regard to the practical reality of what the adverse effects on the environment would be (*Montessori Preschool Charitable Trust v Waikato DC* [2007] NZRMA 55 (HC)).

6.2.2 Assessment of Adverse Effects on the Wider Environment (149ZCE)

Landscape & visual amenity

The project through this area involves the removal of vegetation, earthworks and the alteration of an intermittent stream on properties where the land is currently characterised by farm paddocks, an exotic tree plantation and trees clustered around a residential building.

The wider landscape is characterised by a rural appearance with key road transport links traversing through the area in various directions.

The land is not identified in the AUP as a site of outstanding natural character or as having outstanding natural features. It is, over the time of occupation, likely to have experienced significant alteration from its natural state through the transition to farmland and development of associated housing, accessory buildings and road accesses.

The new section of road is typical of a rural urban fringe area and, while noticeable initially to viewers of the wider landscape, it will be not unexpected or have a significant adverse visual impact as part of the growing urban area to the west of the northern motorway in the Wainui and Silverdale West areas.

Batters have been used to transition the road surfaces to the natural ground level where needed which avoids the use of retaining structures. The batters which will be a maximum slope of 1m

in 3m and will be grassed upon completion of the works, avoiding bare earth cuts and blending with the existing paddock appearance of the area.

Planting within the proposed raingardens within the road berms will provide a softening of the man-made built form of the road. Mature trees adjacent to the proposed road development and where clear of works will be retained.

The appearance of the site as a construction area will be temporary in duration and not uncommon within a landscape such as this, where it is a normal visual experience for the viewer to see road works and infrastructure upgrading occurring from time to time.

Overall, adverse effects on the landscape and visual amenity of the area as a result of the proposed works will be less than minor.

Land disturbance

Land disturbance and earthworks activities will be required for the development of the road. The nature of the land disturbance and earthwork activities associated with the works will be limited in duration to the construction periods.

The proposed areas of land disturbance and earthworks are set well back from any buildings and will not impact on the stability of any buildings.

Noise, vibration, odour and dust associated with land disturbance will be controlled through the construction phases by requiring development to be undertaken in accordance with a Construction Management Plan and Construction Noise Management Plan, which will promote best practice initiatives to be used. Conditions requiring these documents to be developed and contractors working on the site to operate in accordance with the requirements of these documents are proposed to be included in the designation for the works.

Stormwater from the resulting development, as detailed in the Stormwater Management Plan included in Appendix K, will be controlled to ensure that overland flows from the new road levels will be contained within the road carriageway and then discharge into the natural receiving stream environments.

The implications for land disturbance activities within flood plains have been identified within the Pine Valley Road – Stormwater Modelling – Technical Memo prepared by WatRes Consulting and included in the Stormwater Management Plan. The impact on the flood extent as a result of the proposed stage one works is shown to be negligible, with increases in flood levels generally up to a maximum of 100mm downstream and 300mm immediately upstream. With particular regards to the extent of earthworks within the boundary of NoR 1, the works would have less than minor adverse effects.

There are no identified places of cultural value, historic occupation or scheduled historic places within the bounds of the project. However, in accordance with the Construction Management Plan, appropriate accidental discovery protocols will be undertaken should any kōiwi archaeology or artefacts of Māori origin be found during the land disturbing activities.

The particular earthworks methodologies, staging, stockpile locations and progressive stabilisation extents will be designed by the appointed contractors. However, the requirement for the preparation of a Construction Management Plan promoting best practice initiatives will ensure that the adverse effects of construction methodologies and arrangements will be less than minor.

As noted under the assessments for regional consents, earthworks will be undertaken with appropriate sediment and erosion control measures in place to avoid erosion and sedimentation

of receiving waters to ensure the land disturbing activities have less than minor adverse effects on the habitat, quality of water and the visual appearance of receiving waterbodies.

Overall, it is considered that the proposed works would have less than minor adverse effects as a result of the land disturbing and earthworks activities.

Vegetation and habitat

The works through properties at 10 and 36 Old Pine Valley Road result in the removal of a number of poplars, pine and gum trees, all being exotic trees. In addition, several redwoods and poplar trees are located within the road reserve.

Planting within the proposed roadside raingardens within the road berms throughout the extent of the project will provide amenity and habitat. AT has a draft planting guide for bioretention devices currently being reviewed by a mana whenua specialist. It is proposed that this planting guide is added to the AT Transport Design Manual (TDM) and planting will be selected and located in accordance with the AT Guide (which is anticipated to have mana whenua approval). Plant selection is based on maintenance as well as resilience, whakapapa, and recognition that the plants are designed to be removed as they are part of a treatment device.

Given that the removal of the proposed vegetation is permitted under the AUP, it is considered that applying the permitted baseline there will be no adverse effects as a result of the vegetation removal.

Traffic and transportation

The project involves the creation of a new portion of approximately 250m of road to realign the north end of Pine Valley Road to connect with the consented roundabout intersection of Argent Lane Extension and Old Pine Valley Road. The Transport Design Report included in Appendix J outlines the design standards associated with the proposed construction of the road to ensure the safe and efficient operation of the new alignment of Pine Valley Road.

As shown in the Transport Design Report, the road has been designed to operate safely with appropriate sight lines and gradients. The stage one arrangement will appropriately provide a two-lane collector route, with separated cycle and pedestrian path off-carriageway. The separation of cyclists and pedestrians from the motorised vehicles on the carriageway will assist to ensure a safe and efficient transport corridor.

The design accords with the requirements of the Milldale ITA and will provide a road environment which is appropriate for the anticipated traffic movement associated with the Milldale development and other destinations.

The project and proposed realignment removes the existing connection on the curved alignment that currently exists at the intersection of Old Pine Valley Road and Pine Valley Road, and will improve the vehicle flow and efficiency of the network in comparison to the consented double roundabout intersection arrangement that is temporarily being constructed to provide a connection between Milldale and Pine Valley Road.

Stormwater will be appropriately controlled within the road carriageway environment to ensure drainage to raingardens and the stormwater network will avoid dangerous ponding of water on the road.

The road has been future proofed to enable additional lanes within the wide median strip to cater for when traffic generation increases in the future associated with the wider buildout of the Wainui area (anticipated at up to 9,000 households).

The new and upgraded direct link provided as a result of the works will provide efficiency for the additional traffic resulting from development of the wider area. While this may result in a small number of additional movements to utilise the route, it is not considered in itself to be a source of significant traffic generation. Any additional traffic movements as a result of the efficiency of the route will be easily accommodated in the upgraded network.

Overall, the project is considered to result in a safe and efficient transport network and would have less than minor adverse effects on traffic and transport operations.

Noise and Vibration

The Assessment of Acoustic Effects prepared by Marshall Day Acoustics and included in Appendix L provides comprehensive detail and an assessment of the likely construction noise and vibration matters and the operational effects as a result of the project. The analysis and conclusions of the assessment have been adopted in this report to inform the level of effect of the proposals. In addition to noise, vibration will occur as a result of some of the construction activities. These matters are considered in detail in the Noise and Vibration Report and summarised below.

The Assessment of Acoustic Effects prepared by Marshall Day Acoustics notes that construction works will comply with the noise and vibration standards at a distance of 50m from the works. Given that the proposed works are greater than 51m from any occupied dwellings within the wider environment, when applying the permitted baseline, it is considered that the construction noise and vibration effects would have no adverse effects on the wider environment.

Operational noise will generally only be associated with the movement of vehicles along the road, which are permitted activities, and would be no greater than is likely to exist on the existing road network. As noted above, the direct link provided as a result of the works will provide efficiency for the additional traffic resulting from the development in the wider area and will not be a source of significant traffic generation. As such, operational noise would have negligible effects on the wider environment.

Safety

As detailed in the Transport Design Report included in Appendix J the project has been designed to consider transport safety, particularly in relation to design speeds, visibility, turning, and separation of vehicles, cyclists and pedestrians. The alignment provides improved sightlines to the intersection with Old Pine Valley Road, results in the removal of an intersection related to the temporary connection from Milldale to the Silverdale Interchange and will provide an appropriate speed environment.

Pedestrians and cyclists are separated from the vehicle traffic on separated off-carriageway cycle and pedestrian paths. This arrangement meets current design guidelines from AT in order to meet project objectives related to safety and the Tāmaki Makaurau Road Safety Governance Group's Vision Zero safety strategy.

It is considered that when taking into consideration the existing road environment the project will result in less than minor adverse safety effects.

Social and Economic wellbeing

The project has significant social and economic benefits to both the immediately surrounding supporting areas, such as Wainui and Silverdale, and also the wider Auckland region. The project enables the construction and upgrade of an important strategic infrastructure asset,

which will enable the development of housing in the Milldale development and wider Wainui area in a way which appropriately and efficiently utilises the land resource of the area.

The project will enable an increase in the housing supply in the area, providing increased housing choice and mitigating upward housing costs for new buyers. This will assist in achieving a more affordable housing environment.

Businesses in the surrounding communities will also benefit from the increased population within the area, increasing the viability of these entities.

Overall, it is considered that the development would have less than minor adverse effects in terms of social and economic wellbeing.

Cultural wellbeing and values

While the site is significantly altered from its natural state and is not identified as a place of value or significance to Mana Whenua within the AUP, it is acknowledged that development of the site needs to be cognisant of cultural values. Furthermore, it is acknowledged that the receiving waters flow to the coast, which is used as a source of kaimoana and thus has a significant value to mana whenua.

As detailed in Appendix Q, mana whenua have been engaged through AT's Northern Mana Whenua Forum and have been generally supportive of the works and no particular concern was raised with respect to cultural values during those hui. In respect of the wider works, the key aspect that mana whenua have showed particular interest in has been the mitigation of works associated with the stream and wetlands. These are discussed in greater detail in the relevant discussion of Regional Resource Consents in this report.

With respect to the works covered by the NoR, it is considered that there is a less than minor adverse effect on cultural wellbeing and values.

Summary of adverse effects

On the basis of the above assessment that the proposed development would have less than minor adverse effects on the environment.

6.2.3 Public Notification Assessment Conclusion

On the basis of the above assessment in accordance with sections 149ZCB(1) to (4) and 149ZCE, it is recommended that this NoR be processed without public notification.

6.3 Limited Notification Assessment (Section 149ZCC & 149ZCF)

Section 149ZCC requires that:

- (1) If the territorial authority decides not to require the public notification of a notice of requirement, the territorial authority must, in relation to the designation —
 - (a) decide if there is any affected person (under section 149ZCF); and
 - (b) identify any affected protected customary rights group or affected customary marine title group.
- (2) The territorial authority must give limited notification of the notice of requirement to any affected person unless a rule or national environmental standard precludes limited notification of the notice of requirement.
- (3) The territorial authority must give limited notification of the notice of requirement to an affected protected customary rights group or affected customary marine title group even if a

rule or national environmental standard precludes public or limited notification of the notice of requirement.

- (4) In subsections (1) and (3), the requirements relating to an affected customary marine title group apply only in the case of applications for accommodated activities.

6.3.1 Section 149ZCF

If the application is not publicly notified, a territorial authority must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 149ZCF:

- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded;
- The territorial authority must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
- The adverse effects on those persons who have provided their written approval must be disregarded.

The permitted baseline has been identified in section 6.2.1 and applies to this assessment also.

No relevant statutory acknowledgements have been made in accordance with an Act specified in Schedule 11 of the RMA.

No persons have given their written approval to the proposal.

6.3.2 Assessment of Adverse Effects on owners and occupiers of land which the designation will apply or adjacent land (149ZCE)

Having regard to the above provisions, the following comments are made in relation to the proposal:

Landscape & visual amenity

The dwelling on the property at 10 Old Pine Valley Road is largely screened from the proposed new alignment of the road from Old Pine Valley Road through the property at 36 Old Pine Valley Road and into the southern portion of the property at 10 Old Pine Valley Road. Despite the screening provided by the existing vegetation, the owners and occupiers of 10 Pine Valley Road will likely experience a change in the visual amenity through the realignment of the road and removal of trees that will occur as part of the project.

The dwelling at the property at 36 Old Pine Valley Road will also be largely screened by existing trees which are located between the dwelling and the proposed realignment of Pine Valley Road. However, the owners and occupiers of 36 Old Pine Valley Road will experience a change in landscape and the visual amenity of their property. The road will be located closer to their dwelling and will sever their land into two parcels.

It is considered that the proposed development would have a minor adverse effect on the properties at both 10 and 36 Old Pine Valley Road.

Land disturbance

The proposed development will require earthworks within the land at 10 and 36 Old Pine Valley Road. Land acquisition and temporary occupation rights are being sought through the Public Works Act 1981 which will provide appropriate compensation for the land and changes imposed

on the land as a result of the works. Therefore, the matters necessary to consider in this assessment need not consider the fact that the works are taking place within the properties of 10 and 36 Old Pine Valley Road or the resultant land contours and usability.

The works will be set well back from any buildings and will not impact on the stability of the land or buildings. The batters associated with the works have been designed to be within the maximum stable slopes determined by the geotechnical investigations that have taken place as part of the design process as detailed in the Geotechnical Interpretive Report included in Appendix O. As such it is considered that the works will have no adverse effects in terms of land stability.

Dust and odour associated with land disturbance will be controlled through the construction phases by requiring the development to be undertaken in accordance with a Construction Management Plan, which will promote best practice initiatives. A condition requiring this document to be developed and contractors working on the site to operate in accordance with the requirements is proposed as a condition to be included on the designation for the works. As such, there will be less than minor adverse effects as a result of dust and odour from the associated earthworks activities.

As detailed in the Stormwater Management Plan included in Appendix K, stormwater will be controlled to ensure that overland flows from the new road levels will be contained within the road carriageway and discharge into the natural receiving stream environments. This will avoid stormwater flows from the works causing concentrated flows within the adjoining land. The existing intermittent stream will be realigned and culverted under the new road to ensure that the flow is able to continue to pass under the road, avoiding ponding to the west of the works. As such the earthworks will have less than minor adverse effects in terms of drainage of stormwater from the land at 10 and 36 Old Pine Valley Road.

Modelling included in the Stormwater Report in Appendix K has shown that the earthworks within the floodplain will have a negligible increase on the extent of flooding and therefore have negligible adverse effects on the properties at 10 and 36 Old Pine Valley Road.

The particular earthworks methodologies, staging, stockpile locations and progressive stabilisation extents will be designed by the appointed contractors. However, the requirement for the preparation of a Construction Management Plan promoting best practice initiatives will ensure that the adverse effects of construction methodologies and arrangements will be less than minor in terms of the properties at 10 and 36 Old Pine Valley Road.

Overall, the earthworks and land disturbing activities are considered to have less than minor adverse effects on the properties at 10 and 36 Old Pine Valley Road.

Traffic and transportation

The project will provide efficiency for the additional traffic resulting from the development in the wider area. While this may result in a small number of additional movements to utilise the route, it is not considered in itself to be a source of significant traffic generation. Any additional traffic movements as a result of the efficiency of the route will be easily accommodated in the upgraded network and would have a less than minor adverse effect on the owners and occupiers of the adjacent land at 10 and 36 Old Pine Valley Road.

Noise and vibration

The Assessment of Acoustic Effects prepared by Marshall Day Acoustics and included in Appendix L provides comprehensive detail and assessment of the likely construction noise and vibration matters and the operational effects as a result of the project.

The assessment notes that construction works will comply with the noise and vibration standards at a distance of 50m from the works. Given that the proposed works are greater than 51m from any occupied dwellings at 10 and 36 Old Pine Valley Road, when applying the permitted baseline, it is considered that the construction noise effects would have no adverse effects.

Operational noise will generally only be associated with the movement of vehicles along the road, which are permitted activities, and would be no greater than is likely to exist on the existing road network. As noted above, the direct link provided as a result of the works will provide efficiency for the additional traffic resulting from the development in the wider area, not be a source of significant traffic generation itself.

The proposed alignment would move the vehicle route closer to the dwelling at 36 Old Pine Valley Road, but further from the dwelling at 10 Old Pine Valley Road. As the distance between the house at 36 Old Pine Valley Road and the proposed road is over 100m it is considered that the additional adverse effects as a result of the operational noise from the realigned new section of road would have no more than minor adverse effects on 36 Old Pine Valley Road, and less than minor adverse effects on 10 Old Pine Valley Road.

Summary of adverse effects

It is considered on the basis of the above assessment that the project would have minor adverse effects on the land at 10 and 36 Old Pine Valley Road.

6.3.3 Limited Notification Assessment Conclusion

On the basis of the above assessment in accordance with sections 149ZCC and 149ZCF, it is recommended that this NoR be processed with limited public notification to the properties at 10 and 36 Old Pine Valley Road.

7 Assessment of effects on the Environment

Section 171(1) requires that a territorial authority, when considering a notice of requirement, must, subject to Part 2, consider the effects on the environment of allowing the notice of requirement, having particular regard to:

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

7.1 Actual and Potential Effects on the Environment

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above in sections 6.2 and 6.3 that any adverse effects relating to the proposal will be no more than minor.

Further, it is considered that the proposal will also result in positive effects in that it will facilitate the future growth of the Wainui area anticipated by the AUP given the existing Future Urban Zone provision. The Milldale ITA identifies the requirements for upgraded road network infrastructure on Pine Valley Road and Dairy Flat Highway, including the intersection upgrade, at triggers of 2,800 and 3,800 households. The provision of the realignment and upgrade, including the provision of future widening, provides certainty to AT, the landowners and wider community that the roading network has been designed for the future capacity and will provide a safe arterial connection between Wainui Road in the north, Dairy Flat Highway to the south and the Northern Motorway to the east.

Overall, it is considered that when considering the positive effects, any actual and potential adverse effects on the environment of allowing the activity are appropriate.

7.2 Statutory Documents (Section 171(1)(a))

7.2.1 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development (NPS-UD) requires local authorities to provide at least sufficient development capacity to meet expected demand for housing. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

In addressing the eight objectives and 11 policies in Part 2 of the NPS-UD the following comments are made:

- The proposals will support the efficient use of urban and planned future urban land to enable more people to live near a centre zone with employment opportunities. The proposal will also provide opportunities where there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
- The proposed infrastructure will support the functioning of the new urban area in Milldale and the future urban area in the surrounding Wainui area such that it will enable people to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- The proposals are part of an Infrastructure Funding Agreement between CIP, Auckland Council, AT and FHLD that integrates infrastructure planning and funding decisions in a way which is responsive to ensure the supply of significant development capacity.
- The proposal will improve the efficiency of the transport network and provide for and support the Milldale development and future development in the Wainui area to ensure accessibility between housing, jobs, community services, natural spaces, and open spaces.

Based on the above discussion it is considered that the proposal accords with the NPS-UD.

7.2.2 Auckland Regional Policy Statement

The Regional Policy Statement in the AUP identifies nine issues of regional significance for resource management in Auckland. The following are considered relevant to the application:

- Urban growth and form
- Infrastructure, transport and energy
- Mana Whenua
- Environmental risk

These matters are assessed below.

B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form

The relevant objectives and policies are located in the following sections:

- B2.2.1. and B2.2.2. – Urban growth and form
- B2.3.1. and B2.3.2. – A quality built environment

These objectives and policies relate to:

- Enabling a compact urban form that is of high quality, provides greater productivity and economic growth, better utilises existing infrastructure, and provides efficient new infrastructure; and

- Providing a quality built environment where use and development responds to the characteristics of the site, maximises resource and infrastructure efficiency, is capable of adaptation and where the health and safety of people and communities are promoted.

In relation to the relevant objectives and policies the following comments are made.

- Upgrading the road infrastructure will improve the safety and visibility of the intersections, provide separated provisions for cyclists and pedestrians along Pine Valley Road, allow for additional traffic lanes and provide stormwater control and treatment. Access to existing properties will be reinstated.
- The proposed development largely utilises the route of the existing road infrastructure corridor and expands this to enable future development. This avoids new development on less suitable areas while meeting the functional and operational needs of its intended use. It lies within the Rural Urban Boundary within a Future Urban Zone that anticipates this type of development. The expansion and investment in infrastructure will provide for vital growth in the area to cater for Auckland's increasing population and further enable the compact and efficient development of land in the Milldale development and the wider Wainui area.

On the basis of the above assessment it is considered that the proposed development accords with the relevant objectives and policies identified in section B2 - Urban growth and form.

B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy

The policies and objectives relevant to the proposed development are:

- B3.2.1. and B3.2.2. – Infrastructure
- B3.3.1. and B3.3.2. – Transport

These objectives and policies relate to:

- Developing infrastructure that is resilient, efficient and effective, recognising the benefits of this and providing for the development and operation of infrastructure;
- Recognising the functional and operational needs of infrastructure whilst ensuring the adverse effects of infrastructure are avoided, remedied or mitigated; and
- Ensuring effective, efficient and safe transport is developed that enables growth, supports people, whilst integrating with adjacent land use, providing effective pedestrian and cycle connections, and avoiding, remedying or mitigating adverse effects on the quality of the environment, amenity values and the health and safety of people and communities.

In relation to the relevant objectives and policies the following comments are made.

- The proposed development provides upgrades to the existing road infrastructure in an efficient and effective way. There is a functional and operational need to locate the proposed new infrastructure in the proposed location. The proposed development will provide for the increased traffic flows from the growth expected in the local area, due to the new Milldale development and future development of the wider Wainui area.
- The proposed development is primarily located in the existing road infrastructure corridor and will benefit from the operation of the transport system in this area. It will improve the safety of turning at intersections and allow for provision of separated cycling and pedestrians facilities along Pine Valley Road south of Old Pine Valley Road.
- The project proposes to remedy impacts to the existing stream and wetlands within and adjacent to the project, by undertaking mitigation stream and wetland planting at an off-site location. Planting of native vegetation as part of the development will result in an overall indigenous biodiversity gain.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in B3 – Infrastructure, transport and energy.

B6 Mana Whenua

The relevant objectives and policies are noted as follows:

- B6.2.1. and B6.2.2. – Recognition of Te Tiriti o Waitangi partnerships and participation
- B6.3.1. and B6.3.2. – Recognising Mana Whenua values

These objectives and policies relate to:

- Recognising the principles of the Te Tiriti o Waitangi/The Treaty of Waitangi; and
- Providing the sustainable management of natural and physical resources including ancestral lands, freshwater, air, land, and coastal resources, as well as wāhi tapu and other taonga, through participation with Mana Whenua in resource management processes.

In relation to the relevant objectives and policies the following comments are made:

- An engagement process was established with mana whenua through the AT Northern Mana Whenua Forum process. Mana whenua have been included as a partner throughout the project, including through participation in route optioneering, confirming design concepts and inputting into ecological offsetting sites for wetland and stream restoration.

Therefore, it is considered that the proposed development accords with the relevant objectives and policies.

B10 Ngā tūpono kit e taiao – Environmental risk

The objectives and policies in relation to the proposed development are:

- B10.2.1. and B10.2.2. – Natural hazards and climate change

These relate to:

- The effects of climate change on natural hazards being recognised and provided for and that the risks to people, property, infrastructure and the environment from natural hazards are not increased in existing developed areas and avoided in new developments; and
- The functions of natural systems, including floodplains, being protected from inappropriate use and development.

In relation to the relevant objectives and policies the following comments are made:

- The project requires earthwork fill to be placed within the floodplain to enable the construction of the roads. Modelling has been undertaken to identify if the proposals are likely to increase the extent of flooding as a result. The modelling has shown that the project will have no significant impact on the extent of flooding, with some areas benefiting from the improved stormwater controls provided to control and treat stormwater runoff from within the road.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in B10.2.1. and B10.2.2. – Natural hazards and climate change.

7.2.3 Auckland Unitary Plan – District Plan Objectives and Polices Assessment

Chapter E12 – Land Disturbance – District

The relevant objectives and policies are located in sections E12.2 and E12.3 of the AUP. These objectives and policies relate to the management of earthworks to ensure that they are

undertaken in a manner that minimises, avoids, remedies or mitigates adverse effects on the environment and cultural heritage, and protects the safety of people and stability of nearby buildings. In relation to the relevant objectives and policies the following comments are made:

- The project does not involve natural or physical resources that have been scheduled in the Plan in relation to natural heritage, natural resources, coastal environment, historic heritage or special character.
- The land disturbance activities do not impact on any known sites of significance or value to mana whenua identified within the Plan. Mana whenua have also been engaged throughout the design process via the AT Northern Mana Whenua Forum and have not raised any significant objections to the project as a result of the land disturbances.
- A Construction Environmental Management Plan will be prepared and implemented to ensure that best practice measures are followed throughout the works by the contractor and that adverse construction noise, vibration, odour, dust, lighting and traffic effects are avoided, remedied or mitigated.
- Appropriate measures will be followed during the land disturbance earthworks including adhering to accidental discovery protocols should any items of cultural significance or sensitive material be discovered during the land disturbance activities.
- Appropriate controls will be implemented in accordance with the draft Erosion and Sediment Control Plan included in Appendix P to avoid impact on water quality in order to maintain the cultural and spiritual values of mana whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- The land disturbance is proposed as part of the project to form the key infrastructure necessary for efficient use of land and development of needed housing within the Milldale development, supporting the development of a new community and the social, economic and cultural well-being of people.
- The design of the works has included recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles through the use of raingardens. The works will ensure that the water catchments are retained similar to pre-development and that the intermittent stream that flows through the northern portion of the site will continue to flow from the headwater of the stream via a culvert through the road.
- The earthworks are significantly separated from buildings and would therefore not impact on the stability of the surrounding land or buildings.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E12.2 and E12.3 of the AUP.

Chapter E15 – Vegetation management and biodiversity

The relevant objectives and policies are located in sections E15.2 and E15.3 of the AUP. These objectives and policies relate to maintaining indigenous biological diversity values and ecological values while providing for development. In relation to the relevant objectives and policies the following comments are made:

- The project does not impact on any areas of continuous indigenous vegetation cover in sensitive environments.
- The vegetation is of relatively low value and mostly of exotic species.
- Vegetation removal has been minimised to the extent needed to construct the project.

- Native species will be used in raingarden planting. It is proposed that a landscape plan will be prepared as part of the detailed design of the development identifying the full extent of planting.
- The vegetation is not identified as having a significant ecological habitat function.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E15.2 and E15.3 of the AUP.

Chapter E17 – Trees in roads

The relevant objectives and policies are located in sections E17.2 and E17.3 of the AUP. These objectives and policies relate to enabling the safe and efficient development, maintenance, operation and upgrading of the transport system, while ensuring that the overall ecological and amenity values provided by trees in roads are maintained. In addition, they relate to protecting trees in roads that contribute to cultural, amenity, landscape and ecological values. In relation to the relevant objectives and policies the following summary comments are made:

- The removal of the trees within the existing road corridor is required in order to undertake the project and create a safe and efficient transport route.
- New vegetation is proposed to be planted within the rain gardens and road berm to enhance the visual amenity and provide landscape and ecological values.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E17.2 and E17.3 of the AUP

Chapter E25 – Noise and vibration

The relevant objectives and policies for noise and vibration are located in sections E25.2 and E25.3 of the AUP. These objectives and policies relate to the protection of people from unreasonable noise and vibration, and avoiding reverse sensitivity effects, while maintaining the ability for construction to occur with appropriate controls. In relation to the relevant objectives and policies the following summary comments are made:

- A Construction Noise and Vibration Management Plan will be prepared and implemented during the works. This will ensure that the construction noise and vibration will be minimised, where practicable, at its source to mitigate adverse effects on adjacent sites and sensitive receivers.
- Hours of operation relating to noise generating works will be constrained to accord with the construction standards, where practical, noting that some works may be required at night.
- The dwelling at 36 Old Pine Valley Road is located more than 100m from the proposed road alignment, meaning that there is compliance with the AUP standard in relation to NZS 6086:2010 'Acoustics - Road-traffic noise - New and altered roads'. In relation to the dwelling at 10 Old Pine Valley Road the level of noise is decreased due to the realignment. It is therefore considered that these properties are appropriately protected from unreasonable operational traffic noise.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in sections E25.2 and E25.3 of the AUP.

Chapter 26 – Infrastructure (E26.2 Network utilities and electricity generation – All zones and roads)

The relevant objectives and policies are located in sections E26.2.1 and E26.2.2 of the AUP. These objectives and policies relate to recognising the benefits and value of infrastructure, ensuring safe, efficient and secure infrastructure is enabled to service the needs of the

development, enabling the construction of infrastructure and ensuring that the adverse effects of infrastructure are avoided, remedied or mitigated. In relation to the relevant objectives and policies the following comments are made:

- The project will result in new and upgraded infrastructure being required to ensure the efficient use of development land to produce new housing needed to provide social and economic benefits for the wider Auckland area. Ensuring the efficient development by providing appropriate higher densities of development also has environmental benefits.
- The project will enable growth and development in the Milldale and wider Wainui area.
- The infrastructure meets a functional need and addresses the objectives of the project in terms of providing a safe and efficient direct link to the Silverdale Interchange for the anticipated growth in the area.
- The proposed infrastructure route has been considered in an Alternatives Assessment included in Appendix I and is considered to be the most appropriate route for the infrastructure, providing for safe and efficient operation while balancing the protection of the amenity values of adjacent land.
- The land has been modified over a number of years and is not in a natural state. The proposed realigned and upgraded road will be considered within the context of the future urban land that is traversed by a number of road corridors and is not considered to have a significant impact on the appearance of the land.
- The infrastructure is set well back from any existing dwelling and predominantly follows the route of the existing road.
- A Construction Environmental Management Plan will be prepared, covering erosion and sediment control measures, air quality (dust and odour), noise and vibration and vegetation removal aspects to ensure that best practice measures are implemented during the construction works to ensure the adverse effects are avoided, remedied or mitigated.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in sections E26.2.1 and E26.2.2 of the AUP.

Chapter E36 – Natural hazards and flooding

The relevant objectives and policies are located in sections E36.2 and E36.3 of the AUP. These objectives and policies relate to ensuring that the development does not increase the risks from natural hazards. In relation to the relevant objectives and policies the following comments are made:

- The impact of the development on flooding has been considered in relation to the proposed earthworks within the existing floodplain. As detailed in the Stormwater Management Plan included in Appendix K the project and associated fill within the floodplain will have negligible impact on the extent of flooding.
- The project will not result in an increased risk to people and property from the works.
- Land drainage has been considered in the design of the works and will provide for the existing intermittent stream to transverse under the road via a culvert to maintain the existing hydrological regime and flow of the stream, albeit in part diverted from its existing route.
- The works are not considered to expose vulnerable activities to a hazard, with the road being located higher than the flooding level enabling continued passage during flood events. The works themselves do not involve vulnerable uses.
- The works involve changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment. The function of

overland flow paths to convey stormwater runoff safely from a site to the receiving environment is maintained.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in sections E36.2 and E36.3 of the AUP.

7.2.4 Summary

Based on the above comments the proposal is considered to accord with the relevant objectives and policies from the Regional Policy Statement and AUP and is considered to be appropriate in terms of the relevant statutory provisions. The AEE notes that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are appropriate.

7.3 Alternatives Assessment

A comprehensive alternatives assessment has been undertaken and is presented in the Alternatives Assessment included as Appendix I.

In summary the Alternatives Assessment report considers six options for the development of the direct link from Milldale to the Silverdale Motorway via the extension of Argent Lane to Pine Valley Road and Dairy Flat Highway intersection. Based on an MCA process, and through consultation with stakeholders and landowners, the alignment in Option 2 was chosen to be progressed for the project as the preferred option.

This option meets the three overarching project objectives set by AT and provides the most efficient and safest corridor between the intersection and the interchange. It aligns with the indicative alignment for the Argent Lane Extension, which was identified in the Wainui Precinct Plan I544 of the AUP.

In addition to the alignment of the northern end of Pine Valley Road where the link connects into Argent Lane, upgrades and road widening to Pine Valley Road and Dairy Flat Highway were also examined. Consideration with regards to how the widening and upgrades to these sections of roads would be undertaken was explored. Ultimately the most efficient and practical option for the widening and upgrades was to retain the existing centreline of these sections of the road and widen on both sides of the roads to provide the necessary additional width. The importance of ensuring that the option selected also meets the future requirements of the Milldale ITA, which concluded that an upgrade to the Dairy Flat Highway and Pine Valley Road intersection is required as mitigation for increased traffic volumes arising from the Milldale Development as development increases, was also taken into account.

The chosen design allows widening to provide an additional eastbound lane between the Dairy Flat Highway and Pine Valley Road intersection and the Silverdale Interchange, as well as future four lane capacity along Pine Valley Road to connect to Argent Lane.

7.4 Necessity for Achieving the Objectives of the Project

As an approved Requiring Authority in terms of section 176 of the RMA via section 47(1) of the Local Government (Auckland Council) Act 2009, AT may designate to construct, operate and maintain a road and ancillary activities.

AT's objective in serving this NoR is to enable the construction, operation and maintenance of the 250lm newly formed two-lane collector road with off-carriageway cycle and pedestrian pathways between Old Pine Valley Road and Pine Valley Road. It will include provision of land for a future upgrade to a four-lane arterial when traffic generation requires additional capacity.

As such NoR 1 provides for an ultimate future arterial corridor width of 30m which is likely to be when Future Urban Zone land is developed to include 9,000 dwellings (2036). In achieving that it will also enable the achievement of the wider Project Objectives, as set out in Section 2.3.1 of the AEE which supports the NoR. For ease of reference these are repeated below:

The objectives of the project are to:

10. Provide a section of arterial road between Argent Lane (Milldale) and Pine Valley Road (Dairy Flat Highway), which is direct and future proofed for planned urban growth.
11. Provide safer and more resilient road connections to/from the existing and proposed road network.
12. Enable connections and accessibility to social and economic opportunities within Milldale, Silverdale and future development within Silverdale West Dairy Flat Structure Plan.

The proposed works are reasonably necessary for achieving these objectives because they:

- Provide the extension to complete the full arterial alignment identified as part of the strategic future network identified by the Supporting Growth Alliance for a connected arterial through the residential zoned area of Wainui (in the north of Auckland), with the alignment identified between Wainui Road in the north to Dairy Flat Highway in the south.
- Provide a safe connected and accessible arterial for vehicles, pedestrians and cyclists with a north-south connection through and within Milldale and the wider Wainui catchment to manage the transport appropriately as growth and demand increases in this area.
- Provide a key arterial road connection to support zoned residential development under construction for up to 4,500 households and future growth for up to 9,000 dwellings.

The proposed designation is reasonably necessary for achieving these objectives because:

- It enables AT to have the flexibility and ability to construct operate and maintain the road network and undertake the Project in accordance with the designation notwithstanding anything contrary in the relevant Unitary Plan;
- It enables the works to be undertaken in a comprehensive and integrated manner;
- It achieves certainty through identifying in the Unitary Plan the location, nature and extent of the Project and AT's intended use of that land; and
- It ensures the security of the road is maintained in respect to other network utilities and the potential actions of third parties on and within land contained within the designation footprint.

7.5 Any other matters

7.5.1 Heritage New Zealand Pouhere Taonga Act 2014

Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) no person shall modify or destroy an archaeological site unless an authority is granted by the Heritage New Zealand Pouhere Taonga (whether or not a site is a recorded archaeological site).

An archaeological assessment has been provided by Clough and Associates for the Silverdale West Structure Plan and covered the area of works which states that no known archaeological sites are located within the Project corridor. In the event that any archaeology is accidentally discovered during the works, appropriate accidental discovery protocols will be followed.

8 Part 2

Part 2 contains the purpose and principles of the Act. Consideration of a NoR under the matters in Part 8 is subject to Part 2.

The purpose of the Act is set out in Section 5 as being to promote the sustainable management of natural and physical resources. The proposed works are considered to be appropriate in terms of this purpose, given that they provide for necessary transport infrastructure to enable the development of much needed housing in a way that will contribute to the city's housing supply and provide for the efficient use of a greenfield development area. This will enable the development in Milldale and the wider area to be progressed to an appropriate level of density and avoid unnecessary spread and development of valuable farmland elsewhere in less accessible locations.

Section 6 of the Act sets out a number of matters of national importance. Amongst the matters of national importance that section 6 identifies, the following are considered particularly relevant: the preservation of wetlands and the protection of them from inappropriate subdivision, use, and development, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga and the management of significant risks from natural hazards.

In the proposed works encompassed within the bounds of NoR 1, the development would not impact on any identified natural wetlands or significant indigenous vegetation and significant habitats of indigenous fauna. AT has undertaken extensive engagement with mana whenua groups as part of the project to date and this will continue throughout the project. The relationship of Māori and their culture and traditions with their ancestral lands is acknowledged but is not identified as being disrupted by the proposed development. Natural hazards in terms of flooding have also been considered and modelling undertaken identifies that there is no significant impact.

It is therefore considered that works encompassed in the NoR will not have significant effects in terms of any matters of national importance relating to this application.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any NoR and includes the efficient use of natural and physical resources and the maintenance and enhancement of amenity values. It is considered that the development of a key strategic infrastructure project is appropriate under section 7 as it enables the development potential of land to provide for an efficient and compact development of urban housing, resulting in maximum utilisation of limited land resource.

Section 8 requires the Council to take into account the principles of te Tiriti o Waitangi / the Treaty of Waitangi. It is not considered that there are any specific matters relating to te Tiriti o Waitangi / the Treaty of Waitangi relevant to this application, although as outlined previously consultation has taken place with mana whenua partners relating to their matters of interest.

Overall, it is considered that the proposed development represents a sustainable use of land and will be carried out in a way that accords with the principles set out in Part 2 of the Act.

9 Conclusion

The above assessment provides a comprehensive analysis of actual and potential effects of the project in relation to the area addressed by NoR 1. Overall, it is concluded that the adverse effects associated with the development will be avoided, remedied or mitigated. There are significant benefits that result from the project in terms of unlocking the development potential of Milldale and the wider Wainui area, the efficient use of development land, additional housing and associated social well-being benefits and it is considered that these outweigh any adverse effects.

The assessment confirms that the project is consistent with the relevant statutory documents objectives and policies relevant to the location, the project and types of activities to be undertaken.

Consideration has been appropriately given to alternatives as detailed in the Alternatives Assessment included in Appendix I and the designation is considered to be reasonably necessary for achieving the objectives of the project for which the designation is sought.

The proposal is not contrary to the purpose and principles outlined in Part 2 of the Act and satisfies all matters the consent authority is required to address in terms of section 171 of the Act. On that basis, it is considered that Auckland Council can recommend to Auckland Transport that it confirm the requirement.

Notice of Requirement 2 - Pine Valley Road north and Dairy Flat Highway

10 Form 18

Insert from separate document

11 Notification Assessment

11.1 Statutory Matters

Pursuant to section 169(1) of the RMA, a territorial authority must decide whether to notify the notice under Sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, within 10 working days of receiving the requiring authority's notice.

11.2 Public notification (Section 149ZCB & 149ZCE)

Section 149ZCB requires that:

- (1) The territorial authority may, in its discretion, decide whether to publicly notify the notice of requirement.
- (2) Despite subsection (1), the territorial authority must publicly notify a notice of requirement if—
 - (a) the territorial authority decides (under section 149ZCE) that the activity that is the subject of the notice of requirement will have, or is likely to have, adverse effects on the environment that are more than minor; or
 - (b) the requiring authority requests public notification of the notice of requirement; or
 - (c) a rule or national environmental standard requires public notification of the notice of requirement.
- (3) Despite subsections (1) and (2)(a), the territorial authority must not publicly notify the application or notice if—
 - (c) a rule or national environmental standard precludes public notification of the notice of requirement; and
 - (d) subsection (2)(b) does not apply.
- (4) Despite subsection (3), the territorial authority may publicly notify a notice of requirement if the territorial authority decides that special circumstances exist in relation to the notice of requirement.

11.2.1 Section 149ZCE

In determining whether to publicly notify a notice of requirement, section 149ZCB(2)(a) specifies that a territorial authority must decide whether an activity will have or is likely to have adverse effects on the environment that are more than minor. In determining whether the effects are more than minor the territorial authority:

- Must disregard any effects on persons who own or occupy the land to which the designation will apply or any land adjacent to that land;
- May disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect;
- Must disregard trade competition and the effects of trade competition; and
- Must disregard any effect on a person who has given written approval in relation to the relevant notice of requirement.

In this case any effects on the persons who own or occupy the following properties can be disregarded:

- Pt Allot 16 SO 18072, Old Pine Valley Road
- 1687 Dairy Flat Highway

- 1700 Dairy Flat Highway;
- 1731 Dairy Flat Highway;
- 1732 Dairy Flat Highway; and
- 1738 Dairy Flat Highway.

The following activities are permitted under the AUP and form the permitted baseline and therefore any adverse effect may be disregarded:

- Vegetation removal:
 - Permitted E15.4 (A22A) removal of vegetation within the Future Urban Zone inside the RUB
 - Permitted E26.3.3 (A76) removal of vegetation in the riparian margin of vegetation less than 6m in height, being less than 50m² of removal.
 - Permitted E26.4.3 (A90) Tree trimming, alteration or removal on roads adjoining rural zones and on roads adjoining the Future Urban Zone
- Noise:
 - Permitted E25.4.1 (A1) construction works in compliance with noise limits in Standard E25.6.27 and E25.6.29 as measured 1m from an occupied building.
- Infrastructure:
 - Permitted E26.2.3 (A49) the installation of underground pipes for stormwater within the Road, including the Strategic Transport Corridor zone (the motorway).
 - Permitted E26.2.3 (A56) water, wastewater and stormwater outfalls and ancillary structures

Trade competition is not relevant to the project.

No persons have provided their written approval for this proposal.

11.2.2 Assessment of Adverse Effects on the Wider Environment (149ZCE)

Landscape & visual amenity

The project in this area involves the removal of vegetation, earthworks and the alteration of an intermittent stream and low quality pastoral wetlands. This takes place on properties where the land is currently characterised by farm paddocks, isolated or small groups of trees and buildings clustered around a main residential building generally set back from the road boundary.

At the eastern end of the site is the SH1 Northern Motorway Silverdale Interchange. The wider landscape is characterised by a rural appearance with key road transport links traversing through the area in various directions.

The land is not identified in the AUP as a site of outstanding natural character or as having outstanding natural features. Over the time of occupation, it is likely to have experienced significant alteration from its natural state through the transition to farmland and development of associated housing, accessory buildings and road accesses.

The widened and upgraded road is typical of a rural urban fringe area and while noticeable initially to viewers of the wider landscape it will be not unexpected or have a significant adverse visual impact as part of the growing urban area to the west of the northern motorway in the Wainui and Silverdale West areas.

Batters have been used to transition the road surfaces to the natural ground level where needed which avoids the use of retaining structures. The batters will be a maximum slope of 1m in 3m

and will be grassed upon completion of the works, avoiding bare earth cuts and blending with the existing paddock appearance of the area.

The low wetland and stream area which will be filled and effectively reclaimed as part of the works are not particularly evident to viewers as they are grazed and generally indistinguishable to the general viewer from a wet boggy area of farm paddock. They do not add any particular visual or landscape amenity benefits to the area.

Planting within the proposed raingardens within the road berms will provide a softening of the manmade built form of the road. Mature trees adjacent to the proposed road development will be retained where clear of works.

The appearance of the site as a construction area will be temporary in duration and not uncommon within a landscape such as this, where it is a normal visual experience for the viewer to see road works and infrastructure upgrading occurring from time to time.

Overall, adverse effects on the landscape and visual amenity of the area as a result of the proposed works will be less than minor.

Land disturbance

Land disturbance and earthworks activities will be required for the development of the widened and upgraded roads. The nature of the land disturbance and earthwork activities associated with the works will be limited in duration to the construction periods.

The proposed areas of land disturbance and earthworks are set well back from any buildings and will not impact on the stability of any buildings.

Noise, vibration, odour and dust associated with land disturbance will be controlled through the construction phases by requiring development to be undertaken in accordance with a Construction Management Plan and a Construction Noise Management Plan, which will promote best practice initiatives to be used. Conditions requiring these documents to be developed and contractors working on the site to operate in accordance with the requirements of these documents are proposed to be included in the designation for the works.

Stormwater resulting from the upgraded roads, as detailed in the Stormwater Management Plan included in Appendix K, will be controlled to ensure that overland flows from the new impervious surfaces will be contained within the road carriageway.

The implications for land disturbance activities within flood plains have been identified within the Pine Valley Road – Stormwater Modelling – Technical Memo prepared by WatRes Consulting and included in the Stormwater Management Plan. The impact on the flood extent as a result of the proposed stage one works is shown to be negligible, with increases in flood levels generally up to a maximum of 100mm downstream and 300mm immediately upstream. As a result, the proposed works would have less than minor adverse effects.

There are no identified places of cultural value, historic occupation or scheduled historic places within the bounds of the project. However, in accordance with the Construction Management Plan, appropriate accidental discovery protocols will be undertaken should any kōiwi, archaeology or artefacts of Māori origin be found during the land disturbing activities.

The particular earthworks methodologies, staging, stockpile locations and progressive stabilisation extents will be designed by the appointed contractors. However, the requirement for the preparation of a Construction Management Plan promoting best practice initiatives will ensure that the adverse effects of construction methodologies and arrangements will be less than minor.

As noted under the assessments for regional consents, earthworks will be undertaken with appropriate sediment and erosion control measures in place to avoid erosion and sedimentation of receiving waters. This will ensure that the land disturbing activities will have less than minor adverse effects on the habitat, quality of water and the visual appearance of the receiving waterbodies.

Overall, it is considered that the proposed works would have less than minor adverse effects as a result of the land disturbance and earthworks activities.

Vegetation and habitat

The works through properties within the extent of NoR 2 will primarily involve removal of trees near the front road boundary within the existing private properties.

Planting within the proposed roadside raingardens within the road berms throughout the extent of the project will provide amenity and habitat. AT has a draft planting guide for bioretention devices currently being reviewed by a mana whenua specialist. It is proposed that this planting guide is added to the AT Transport Design Manual (TDM) and planting will be selected and located in accordance with the AT Guide (which is anticipated to have Mana whenua approval). Plant selection is based on maintenance as well as resilience, whakapapa, and recognition that the plants are designed to be removed as they are part of a treatment device.

Given that the removal of the proposed vegetation is permitted under the AUP, it is considered that, applying the permitted baseline, there will be no adverse effects as a result of the vegetation removal.

Traffic and transportation

The project involves widening and upgrading works, including stormwater control and treatment along Pine Valley Road and Dairy Flat Highway. In addition, the works involve the upgrade and signalisation of the Dairy Flat Highway and Pine Valley Road intersection. The Transport Report included in Appendix J outlines the design standards associated with the proposed construction of the road to ensure the safe and efficient operation of the new alignment of Pine Valley Road.

As shown in the Transport Report, the road has been designed to operate safely with appropriate sight lines and gradients. The stage one arrangement will appropriately provide a two lane collector route along Pine Valley Road, with separated cycle and pedestrian paths off-carriageway. The separation of cyclists and pedestrians from the motorised vehicles on the carriageway will assist to ensure a safe and efficient transport corridor.

Along Dairy Flat Highway the road will be widened to provide an additional eastbound lane. The full buildout of the upgraded intersection will occur as part of the stage one works, save that the central right hand turn lane from Dairy Flat Highway and the outside left turn lane from Pine Valley Road will be marked out.

Stage two would involve the upgrading of the culvert on Pine Valley Road to a bridge and forming a four-lane arterial route.

The design accords with the requirements of the Milldale ITA and will provide a road environment which is appropriate for the anticipated traffic movement associated with the Milldale development and other destinations.

The project and intersection upgrade will provide for improvement to the vehicle flow and efficiency of the network, significantly improving the safety of the intersection by signalising it.

Stormwater will be appropriately controlled within the road carriageway environment to ensure drainage to raingardens and the stormwater network will avoid dangerous ponding of water on the road.

Pine Valley Road has been future proofed to enable the additional lanes for when traffic generation increases in the future, with the wider buildout of the Wainui area expected to cater for up to 9,000 households.

The new and upgraded direct link provided as a result of the works will provide efficiency for the additional traffic resulting from the development in the wider area. While this may result in a small number of additional movements to utilise the route, it is not considered in itself to be a source of significant traffic generation. Any additional traffic movements as a result of the efficiency of the route will be easily accommodated in the upgraded network.

Overall, the project is considered to result in a safe and efficient transport network and would have less than minor adverse effects on traffic and transport operations.

Noise and Vibration

The Assessment of Acoustic Effects prepared by Marshall Day Acoustics and included in Appendix L provides comprehensive detail and an assessment of the likely construction noise and vibration matters and the operational effects as a result of the project. The analysis and conclusions of the assessment have been adopted in this report to inform the level of effect of the proposals. In addition to the noise, vibration will occur as a result of some of the construction activities. These matters are considered in detail in the Noise and Vibration Report and summarised below.

The Assessment of Acoustic Effects prepared by Marshall Day Acoustics notes that construction works will comply with the noise standards at a distance of 50m from the works. Given that the proposed works are greater than 51m from any occupied dwellings within the wider environment, when applying the permitted baseline, it is considered that the construction noise and vibration effects would have no adverse effects on the wider environment.

Operational noise will generally only be associated with the movement of vehicles along the road, which are permitted activities, and would be no greater than is likely to exist on the existing road network. As noted above, the direct link provided as a result of the works will provide efficiency for the additional traffic resulting from the development in the wider area and will not be a source of significant traffic generation itself. As such, operational noise will have negligible effects on the wider environment.

Safety

As detailed in the Transport Report included in Appendix J, the project has been designed to consider transport safety, particularly in relation to design speeds, visibility, turning, and separation of vehicles, cyclists and pedestrians. The alignment provides improved sightlines to the intersection with Old Pine Valley Road, results in the removal of an intersection related to the temporary connection from Milldale to the Silverdale Interchange and will provide an appropriate speed environment.

Pedestrians and cyclists are separated from the vehicle traffic on off-carriageway cycle and pedestrian paths along Pine Valley Road. Cycle paths and footpaths are not taken onto Dairy Flat Highway in part as it is not wanted to encourage pedestrians to progress to the Silverdale Interchange which does not currently have pedestrian facilities and would be unsafe to cross. This off-carriageway cycle and pedestrian facilities arrangement meets current design

guidelines from AT in order to meet project objectives related to safety and the Tāmaki Makaurau Road Safety Governance Group's Vision Zero safety strategy.

It is considered that when taking into consideration the existing road environment the project will result in less than minor adverse safety effects.

Social and Economic wellbeing

The project has significant social and economic benefits to both the immediately surrounding areas of Wainui and Silverdale, and also the wider Auckland region. The project enables the construction and upgrade of an important strategic infrastructure asset, which will enable the development of housing in the Milldale development and wider Wainui area in a way which appropriately and efficiently utilises the land resource of the area.

The project will enable an increase in the housing supply in the area, provide increased housing choice and mitigate the upward housing costs for new buyers. It will assist to achieve a more affordable housing environment.

Businesses in the surrounding communities will benefit from the increased population within the area, increasing the viability of these entities.

Overall, it is considered that the development would have less than minor adverse effects in terms of social and economic wellbeing.

Cultural wellbeing and values

While the site is significantly altered from its natural state and is not identified as a place of value or significance to mana whenua within the AUP, it is acknowledged that development of the site needs to be cognisant of cultural values. Furthermore, it is acknowledged that the receiving waters flow to the coast, which is used as a source of kaimoana and thus has a significant value to mana whenua.

As detailed in Appendix Q mana whenua have been engaged through AT's Northern Mana Whenua Forum and have been generally supportive of the works and no particular concern was raised with respect to cultural values during those hui. In respect of the wider works, the key aspect that mana whenua have showed particular interest in has been the mitigation of works associated with the stream and wetlands. These are discussed in greater detail in the relevant Regional Resource Consents section of this report.

With respect to the works covered by the NoR, it is considered that there are less than minor adverse effects on cultural wellbeing and values.

Summary of adverse effects

On the basis of the above assessment that the proposed development would have less than minor adverse effects on the environment.

11.3 Public Notification Assessment Conclusion

On the basis of the above assessment in accordance with sections 149ZCB(1) to (4) and 149ZCE, it is recommended that this NoR be processed without public notification.

11.4 Limited Notification (Section 149ZCB & 149ZCE)

Section 149ZCC requires that:

- (2) If the territorial authority decides not to require the public notification of a notice of requirement, the territorial authority must, in relation to the designation —
 - (a) decide if there is any affected person (under section 149ZCF); and
 - (b) identify any affected protected customary rights group or affected customary marine title group.
- (5) The territorial authority must give limited notification of the notice of requirement to any affected person unless a rule or national environmental standard precludes limited notification of the notice of requirement.
- (6) The territorial authority must give limited notification of the notice of requirement to an affected protected customary rights group or affected customary marine title group even if a rule or national environmental standard precludes public or limited notification of the notice of requirement.
- (7) In subsections (1) and (3), the requirements relating to an affected customary marine title group apply only in the case of applications for accommodated activities.

11.4.1 Section 149ZCF

If the application is not publicly notified, a territorial authority must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 149ZCF:

- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded;
- The territorial authority must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
- The adverse effects on those persons who have provided their written approval must be disregarded.

The permitted baseline has been identified in section 6.2.1 and applies to this assessment also.

No relevant statutory acknowledgements have been made in accordance with an Act specified in Schedule 11.

No persons have given their written approval to the proposal.

11.4.2 Assessment of Adverse Effects on owners and occupiers of land which the designation will apply or adjacent land (149ZCE)

Having regard to the above provisions, the following comments are made in relation to the proposal.

Landscape & visual amenity

As the road alignment through the NoR 2 land matches the existing alignment, in general the dwellings occupying the sites at 1687, 1700, 1731 and 1732 Dairy Flat Highway will continue to experience a similar visual outlook. However, a change in the visual amenity will potentially be noticed by these properties in that the road widening will result in the road extent being closer to the properties and in some areas new batter slopes will be experienced. These properties are also likely to notice the removal of trees as part of the project.

It is considered that the proposed development would have a minor adverse effect on the properties at 1687, 1700, 1731 and 1732 Dairy Flat Highway.

Land disturbance

The proposed development will require earthworks within the land at 1687, 1700, 1731 and 1732 Dairy Flat Highway. Land acquisition and temporary occupation rights are being sought through the Public Works Act 1981 which will provide appropriate compensation for the land and changes imposed on the land as a result of the works. Therefore, the matters necessary to consider in this assessment need not consider the fact that the works are taking place within the properties of 1687, 1700, 1731 and 1732 Dairy Flat Highway or the resultant land contours and usability.

The works will be set well back from any buildings and will not impact on the stability of the land or buildings. The batters associated with the works have been designed to be within the maximum stable slopes determined by the geotechnical investigations that have taken place as part of the design process as detailed in the Geotechnical Interpretive Report included in Appendix O. As such it is considered that the works will have no adverse effects in terms of land stability.

Dust and odour associated with land disturbance will be controlled through the construction phases by requiring the development to be undertaken in accordance with a Construction Management Plan, which will promote best practice initiatives. A condition requiring this document to be developed and contractors working on the site to operate in accordance with the requirements is proposed to be included in the designation for the works. As such there will be less than minor adverse effects as a result of dust and odour from the associated earthworks activities.

As detailed in the Stormwater Management Plan included in Appendix K, stormwater will be controlled to ensure that overland flows from the new road levels will be contained within the road carriageway and discharge into the natural receiving stream environments. This will avoid stormwater flows from the works causing concentrated flows within the adjoining land. Where stormwater flows are likely to concentrate at the base of batters, drainage will be constructed to avoid ponding and ensure that the flow is able to continue to receiving waters. As such the earthworks will have less than minor adverse effects in terms of drainage of stormwater from the land at 1687, 1700, 1731 and 1732 Dairy Flat Highway.

Modelling included in the Stormwater Report in Appendix K has shown that the earthworks within the floodplain will have a negligible increase on the extent of flooding and therefore will have negligible adverse effects on the properties at 1687, 1700, 1731 and 1732 Dairy Flat Highway.

The particular earthworks methodologies, staging, stockpile locations and progressive stabilisation extents will be designed by the appointed contractors. However, the requirement for the preparation of a Construction Management Plan promoting best practice initiatives will ensure that the adverse effects of construction methodologies and arrangements will be less than minor in terms of the properties at 1687, 1700, 1731 and 1732 Dairy Flat Highway.

Overall, the earthworks and land disturbing activities are considered to have less than minor adverse effects on the properties at 1687, 1700, 1731 and 1732 Dairy Flat Highway.

Traffic and transportation

The project will provide efficiency for the additional traffic resulting from the development in the wider area. While this may result in a small number of additional movements to utilise the route,

it is not considered in itself to be a source of significant traffic generation. Any additional traffic movements as a result of the efficiency of the route will be easily accommodated in the upgraded network and would have a less than minor adverse effect on the owners and occupiers of the adjacent land at 1687, 1700, 1731 and 1732 Dairy Flat Highway,

Noise and vibration

The Assessment of Acoustic Effects prepared by Marshall Day Acoustics and included in Appendix L provides comprehensive detail and an assessment of the likely construction noise and vibration matters and the operational effects as a result of the project.

The assessment notes that construction works will comply with the noise standards at a distance of 50m from the works.

With mitigation measures, such as temporary noise barriers, a 10 decibel shielding can be achieved and therefore works will generally comply with the noise standards at a minimum of 20m. Only the dwelling at 1732 Dairy Flat Highway would be located within 20m of the edge of the designation, being approximately 10m from the road boundary. However, the actual earthworks will be located some 25m away. A Construction Noise and Vibration Management Plan, which will promote the use of best practice initiatives, will be prepared to ensure appropriate mitigation of the construction noise, including noise barriers, are used. A condition requiring this document to be developed and contractors working on the site to operate in accordance with the requirement of the document is proposed to be included in the designation for the works.

When applying the permitted baseline, it is considered that if appropriate mitigation in accordance with the recommendations of a Construction Noise Management Plan is implemented, the construction noise effects will have no adverse effects on owners and occupiers of properties adjacent the works, with the exception of 1732 Dairy Flat Highway. The property at 1732 Dairy Flat Highway will be expected to experience temporary minor adverse effects associated with works within 20m of the dwelling. The Acoustic report also notes that the construction noise will be less pronounced due to the high ambient noise levels.

Operational noise will generally only be associated with the movement of vehicles along the road, which are permitted activities, and would be no greater than is likely to exist on the existing road network. As noted above, the direct link provided as a result of the works will provide efficiency for the additional traffic resulting from the development in the wider area, but not be a source of significant traffic generation.

The proposed works will result in the eastbound vehicle lane on Dairy Flat Highway being moved closer to the dwelling at 1731 Dairy Flat Highway. However, given the minimal distance decrease between the house at 1731 Dairy Flat Highway and the proposed road it is considered that the additional adverse effects as a result of the operational noise from the upgraded section of road would have less than minor adverse effects.

Summary of adverse effects

It is considered on the basis of the above assessment that the project will have minor adverse effects on the land at 1687, 1700, 1731 and 1732 Dairy Flat Highway.

11.4.3 Limited Notification Assessment Conclusion

On the basis of the above assessment in accordance with sections 149ZCC and 149ZCF, it is recommended that this NoR be processed with limited notification to the owners and occupiers of the properties at 1687, 1700, 1731 and 1732 Dairy Flat Highway.

12 Assessment of effects on the Environment

Section 171(1) requires a territorial authority when considering a notice of requirement that the territorial authority must, subject to Part 2, consider the effects on the environment of allowing the notice of requirement, having particular regard to:

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

12.1 Actual and potential effects on the environment

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above in section 11 that any adverse effects relating to the proposal will be no more than minor.

Further, it is considered that the proposal will also result in positive effects in that it will facilitate the future growth of the Wainui area anticipated by the AUP given the existing Future Urban Zone provision. The provision of the upgraded route, including the provision of future widening, provides certainty to AT, the landowners and wider community that the roading network has been designed for the future capacity and will provide a safe arterial connection between Wainui Road in the north and east, Dairy Flat Highway to the south and west and the Northern Motorway to the east.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are appropriate.

12.2 Statutory Documents (Section 171(1)(a))

12.2.1 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development (NPS-UD) requires local authorities to provide at least sufficient development capacity to meet expected demand for housing. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

In addressing the eight objectives and eleven policies in Part 2 of the NPS-UD the following comments are made:

- The proposals will support the efficient use of urban and planned future urban land to enable more people to live near a centre zone with employment opportunities. The proposal will also provide opportunities where there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
- The proposed infrastructure will support the functioning of the new urban area in Milldale and the future urban area in the surrounding Wainui area such that it will enable people to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- The proposals are part of an Infrastructure Funding Agreement between CIP, Auckland Council, AT and FHLD that integrates infrastructure planning and funding decisions in a way which is responsive to ensure the supply of significant development capacity.
- The proposal will improve the efficiency of the transport network and provide for and support the Milldale development and future development in the Wainui area to ensure accessibility between housing, jobs, community services, natural spaces, and open spaces.

Based on the above discussion it is considered that the proposal accords with the NPS-UD.

12.2.2 Auckland Regional Policy Statement

The Regional Policy Statement in the AUP identifies nine issues of regional significance for resource management in Auckland. The following are considered relevant to the application:

- Urban growth and form
- Infrastructure, transport and energy
- Mana Whenua
- Environmental risk

These matters are assessed below.

B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form

The relevant objectives and policies are located in the following sections:

- B2.2.1. and B2.2.2. – Urban growth and form
- B2.3.1. and B2.3.2. – A quality built environment

These objectives and policies relate to:

- Enabling a compact urban form that is of high quality, provides greater productivity and economic growth, better utilises existing infrastructure, and provides efficient new infrastructure; and

- Providing a quality built environment where use and development responds to the characteristics of the site, maximises resource and infrastructure efficiency, is capable of adaptation and where the health and safety of people and communities are promoted.

In relation to the relevant objectives and policies the following comments are made:

- The project will involve the realigning and upgrading of the existing road infrastructure along Pine Valley Road and Dairy Flat Highway, south of Old Pine Valley Road. Upgrading this infrastructure will improve the safety and visibility of the intersections, provide separated provisions for cyclists and pedestrians along Pine Valley Road, allow for additional traffic lanes and provide for stormwater control and treatment. Access to existing properties will be reinstated.
- The proposed development largely utilises the route of the existing road infrastructure corridor and expands this to enable future development. This avoids new development on less suitable areas while meeting the functional and operational needs of its intended use. It lies within the Rural Urban Boundary within a Future Urban Zone that anticipates this type of development. The expansion and investment in infrastructure will provide for vital growth in the area to cater for Auckland's increasing population and enable the compact and efficient development of land in the Milldale development and the wider Wainui area.

On the basis of the above assessment it is considered that the proposed development accords with the relevant objectives and policies identified in section B2 - Urban growth and form.

B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy

The policies and objectives relevant to the proposed development are:

- B3.2.1. and B3.2.2. – Infrastructure
- B3.3.1. and B3.3.2. – Transport

These objectives and policies relate to:

- Developing infrastructure that is resilient, efficient and effective, recognising the benefits of this and providing for the development and operation of infrastructure;
- Recognising the functional and operational needs of infrastructure whilst ensuring the adverse effects of infrastructure are avoided, remedied or mitigated; and
- Ensuring effective, efficient and safe transport is developed that enables growth, and supports people, whilst integrating with adjacent land use, providing effective pedestrian and cycle connections, and which avoids, remedies or mitigates adverse effects on the quality of the environment, amenity values and the health and safety of people and communities.

In relation to the relevant objectives and policies the following comments are made:

- The proposed development provides upgrades to the existing road infrastructure in an efficient and effective way. There is a functional and operational need to locate the proposed new infrastructure in the proposed location. The proposed development will provide for the increased traffic flows arising from the growth expected in the local area, due to the new Milldale development and future development of the wider Wainui area.
- The proposed development is primarily located in the existing road infrastructure corridor and will benefit from the operation of the transport system in this area. It will improve the safety of turning at intersections and provide for separated cycling and pedestrians facilities along Pine Valley Road south of Old Pine Valley Road.
- The project proposes to remedy impacts to the existing stream and wetlands within and adjacent the project, by undertaking mitigation in the form of stream and wetland planting at

an off-site location. Planting of native vegetation as part of the development will result in an overall indigenous biodiversity gain.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in B3 – Infrastructure, transport and energy.

B6 Mana Whenua

The relevant objectives and policies are noted as follows:

- B6.2.1. and B6.2.2. – Recognition of Te Tiriti o Waitangi partnerships and participation
- B6.3.1. and B6.3.2. – Recognising Mana Whenua values

These objectives and policies relate to:

- Recognising the principles of the Te Tiriti o Waitangi/The Treaty of Waitangi; and
- Providing for the sustainable management of natural and physical resources including ancestral lands, freshwater, air, land, and coastal resources, as well as wāhi tapu and other taonga, through participation with Mana Whenua in resource management processes.

In relation to the relevant objectives and policies the following comments are made:

- An engagement process was established with mana whenua through the AT Northern Mana Whenua Forum process. Mana whenua have been included as a partner throughout the project, including through participation in route optioneering, confirming design concepts and inputting into ecological offsetting sites for wetland and stream restoration.

Therefore, it is considered that the proposed development accords with the relevant objectives and policies.

B10 Ngā tūpono kit e taiao – Environmental risk

The objectives and policies in relation to the proposed development are:

- B10.2.1. and B10.2.2. – Natural hazards and climate change

These relate to:

- The effects of climate change on natural hazards being recognised and provided for and that the risks to people, property, infrastructure and the environment from natural hazards are not increased in existing developed areas and avoided in new developments; and
- The functions of natural systems, including floodplains, being protected from inappropriate use and development.

In relation to the relevant objectives and policies the following comments are made:

- The project requires earthwork fill to be placed within the floodplain to enable the construction of the roads. Modelling has been undertaken to identify if the proposals are likely to increase the extent of flooding as a result. The modelling has shown that the project would have no significant impact on the extent of flooding, with some areas benefiting from the improved stormwater controls provided to control and treat stormwater runoff from within the road.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in B10.2.1. and B10.2.2. – Natural hazards and climate change.

12.2.3 Auckland Unitary Plan – District Plan Objectives and Policies Assessment

Chapter E12 – Land Disturbance – District

The relevant objectives and policies are located in sections E12.2 and E12.3 of the AUP. These objectives and policies relate to the management of earthworks to ensure that they are undertaken in a manner that minimises avoids remedies or mitigates adverse effects on the environment and cultural heritage, and protects the safety of people and stability of nearby buildings. In relation to the relevant objectives and policies the following comments are made:

- The project does not involve natural or physical resources that have been scheduled in the Plan in relation to natural heritage, natural resources, coastal environment, historic heritage or special character.
- The land disturbance activities do not impact on any known sites of significance or value to mana whenua identified within the Plan. Mana whenua have also been engaged throughout the design process via the AT Northern Mana Whenua Forum and have not raised any significant objections to the project as a result of the land disturbances.
- A Construction Environmental Management Plan will be prepared and implemented to ensure that best practice measures are followed throughout the works by the contractor and that adverse construction noise, vibration, odour, dust, lighting and traffic effects are avoided, remedied or mitigated.
- Appropriate measures will be followed during the land disturbance earthworks including adhering to accidental discovery protocols should any items of cultural significance or sensitive material be discovered during the land disturbance activities.
- Appropriate controls will be implemented in accordance with the Indicative Erosion and Sediment Control Plan included in Appendix P to avoid impact on water quality in order to maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- The land disturbance is proposed as part of the project to form the key infrastructure necessary for efficient use of land and development of needed housing within the Milldale development. This supports the development of a new community and the social, economic and cultural well-being of people.
- The design of the works has included recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles through raingarden treatment of the high use road. The works will ensure that the water catchments are retained similar to pre-development and that the intermittent stream that flows through the northern portion of the site will be able to flow from the headwater of the stream via a culvert through the road.
- The earthworks are significantly separated from buildings and would therefore not impact on the stability of the surrounding land or buildings.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E12.2 and E12.3 of the AUP.

Chapter E15 – Vegetation Management and biodiversity

The relevant objectives and policies are located in sections E15.2 and E15.3 of the AUP. These objectives and policies relate to maintaining indigenous biological diversity values and ecological values while providing for development. In relation to the relevant objectives and policies the following comments are made:

- The project does not impact on any areas of continuous indigenous vegetation cover in sensitive environments.

- The vegetation is of relatively low value and mostly of exotic species.
- Vegetation removal has been minimised to the extent needed to construct the project.
- Native species will be used in raingarden planting. It is proposed that a landscape plan will be prepared as part of the detailed design of the development identifying the full extent of planting.
- The vegetation is not identified as having a significant ecological habitat function.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E15.2 and E15.3 of the AUP.

Chapter E17 – Trees in Roads

The relevant objectives and policies are located in sections E17.2 and E17.3 of the AUP. These objectives and policies relate to enabling the safe and efficient development, maintenance, operation and upgrading of the transport system, while ensuring that the overall ecological and amenity values provided by trees in roads are maintained. In addition, they relate to protecting trees in roads that contribute to cultural, amenity, landscape and ecological values. In relation to the relevant objectives and policies the following summary comments are made:

- The removal of the trees within the existing road corridor is required in order to undertake the project, which will create a safe and efficient transport route.
- New vegetation is proposed to be planted within the rain gardens and road berm to enhance the visual amenity and provide landscape and ecological values.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E17.2 and E17.3 of the AUP.

Chapter E25 – Noise and vibration

The relevant objectives and policies for noise and vibration are located in sections E25.2 and E25.3 of the AUP. These objectives and policies relate to protection of people from unreasonable noise and vibration, and avoiding reverse sensitivity effects, while maintaining the ability for construction to occur with appropriate controls. In relation to the relevant objectives and policies the following summary comments are made:

- A Construction Noise and Vibration Management Plan will be prepared and implemented during the works. This will ensure that the construction noise and vibration will be minimised, where practicable, at its source to mitigate adverse effects on adjacent sites and sensitive receivers.
- Hours of operation relating to noise generating works will be constrained to accord with the construction standards, where practical, noting that some works may be required at night.
- The dwelling at 1731 Dairy Flat Highway is impacted in that the additional eastbound lane on Dairy Flat Highway results in the closest lane being in the order of 3.5m closer. As noted in the Noise and Vibration report included in Appendix L, this will have a negligible impact of less than half a decibel. In relation to the dwellings in the area of NoR 2 they are not considered to be impacted by closer vehicle lanes. It is therefore considered that these properties are appropriately protected from unreasonable operational traffic noise.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in sections E25.2 and E25.3 of the AUP.

Chapter 26 – Infrastructure (E26.2 Network utilities and electricity generation – All zones and roads)

The relevant objectives and policies are located in sections E26.2.1 and E26.2.2 of the AUP. These objectives and policies relate to recognising the benefits and value of infrastructure, ensuring safe, efficient and secure infrastructure is enabled to service the needs of development, enabling the construction of infrastructure and ensuring that the adverse effects of infrastructure are avoided, remedied or mitigated. In relation to the relevant objectives and policies the following comments are made:

- The project will result in new and upgraded infrastructure required to ensure the efficient use of development land to produce new housing needed to provide social and economic benefits for the wider Auckland area. Ensuring efficient development by providing appropriate high densities of development also has environmental benefits.
- The project will enable growth and development in the Milldale and wider Wainui area.
- The infrastructure meets a functional need and addresses the objectives of the project in terms of providing a safe and efficient direct link to the Silverdale Interchange for the anticipated growth in the area.
- The proposed infrastructure route has been considered in an Alternatives Assessment included in Appendix I and is considered to be the most appropriate route for the infrastructure, producing a safe and efficient operation while balancing the protection of the amenity values of adjacent land.
- The land has been modified over a number of years and is not in a natural state. The proposed realigned and upgraded road will be considered within the context of the Future Urban land that is traversed by a number of road corridors and is not considered to have a significant impact on the appearance of the land.
- The infrastructure is set well back from any existing dwelling and predominantly follows the route of the existing road.
- A Construction Environmental Management Plan will be prepared, covering erosion and sediment control measures, air quality (dust and odour), noise and vibration and vegetation removal aspects to ensure that best practice measures are implemented during the construction works to ensure the adverse effects are avoided, remedied or mitigate.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in sections E26.2.1 and E26.2.2 of the AUP.

Chapter E36 – Natural hazards and flooding

The relevant objectives and policies are located in sections E36.2 and E36.3 of the AUP. These objectives and policies relate to ensuring that the development does not increase the risks from natural hazards. In relation to the relevant objectives and policies the following comments are made:

- The impact of the development on flooding has been considered in relation to the proposed earthworks proposed within the existing floodplain. As detailed in the Stormwater Management Plan included in Appendix K the project and associated fill within the floodplain will have a negligible impact on the extent of flooding.
- The project will not result in an increased risk to people and property from the works.
- Land drainage has been considered in the design of the works and will provide for the existing intermittent stream to transverse under the road via a culvert to maintain the existing hydrological regime and flow of the stream, albeit in part diverted from its existing route.

- The works are not considered to expose vulnerable activities to a hazard, with the road being located higher than the flooding level enabling continued passage during flood events. The works themselves do not involve vulnerable uses.
- The works involve changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment. The function of overland flow paths to convey stormwater runoff safely from a site to the receiving environment is maintained.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in sections E36.2 and E36.3 of the AUP.

12.2.4 Summary

Based on the above comments the proposal is considered to accord with the relevant objectives and policies from the Regional Policy Statement and AUP and is considered to be appropriate in terms of the relevant statutory provisions. The AEE notes that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are appropriate.

12.3 Alternatives Assessment

A comprehensive alternatives assessment has been undertaken and is presented in the Alternatives Assessment included as Appendix I.

In summary the Alternatives Assessment report considers six options for the development of the direct link from Milldale to the Silverdale Motorway via the extension of Argent Lane to Pine Valley Road and Dairy Flat Highway intersection. Based on an MCA process, and through consultation with stakeholders and landowners, the alignment in Option 2 was chosen to be progressed for the project, as the preferred option.

This option meets the three overarching project objectives set by AT and provides the most efficient and safest corridor between the intersection and the interchange. It aligns with the indicative alignment for the Argent Lane Extension which was identified in the Wainui Precinct Plan I544 in the AUP.

In addition to the alignment of the northern end of Pine Valley Road where the link connects into Argent Lane, upgrades and road widening to Pine Valley Road and Dairy Flat Highway were also examined. Consideration with regards to how the widening and upgrades to these sections of roads would be undertaken was explored. Ultimately the most efficient and practical option for the widening and upgrades was to retain the existing centreline of these sections of the road and widen on both sides of the roads to provide the necessary additional width. The option selected also meets the future requirements of the Milldale ITA, which concluded that an upgrade to the Dairy Flat Highway and Pine Valley Road intersection is required as mitigation for increased traffic volumes arising from the Milldale Development as development increases.

The chosen design allows widening to provide an additional eastbound lane between the Dairy Flat Highway and Pine Valley Road intersection and the Silverdale Interchange, as well as future four lane capacity along Pine Valley Road to connect to Argent Lane.

12.4 Necessity for Achieving the Objectives of Project

As an approved Requiring Authority in terms of section 176 of the RMA via section 47(1) of the Local Government (Auckland Council) Act 2009, AT may designate to construct, operate and maintain a road and ancillary activities.

AT's objective in serving this NoR is to enable the construction, operation and maintenance of:

- Pine Valley Road as a limited access two lane collector road with dedicated off-carriageway cycle and pedestrian pathways between the realigned section of Pine Valley Road identified in NoR 1 (the new section of road from Old Pine Valley Road where it ties into the existing Pine Valley Road) through to Dairy Flat Highway and the Silverdale Interchange.
- The Pine Valley Road / Dairy Flat Highway intersection as a signalised intersection and upgrade of Dairy Flat Highway to include an additional eastbound lane between Pine Valley Road / Dairy Flat Highway intersection and the Silverdale Interchange. Provision will also be made for the utilisation of additional turning lanes at the intersection of Pine Valley Road and Dairy Flat Highway likely to be required when Future Urban Growth land is developed at 9,000 dwellings (in approximately 2036).
- A future arterial corridor width of 30m along Pine Valley Road including the removal of the existing culvert at Pine Valley Road for the construction of a new bridge or upgraded culvert, likely to be when Future Urban Growth land is developed at 9,000 dwellings (2036).

In achieving that it will also enable the achievement of the wider Project Objectives, as set out in Section 2.3.1 of the AEE which supports the NoR. For ease of reference these are repeated below:

The objectives of the project are to:

- Provide a section of arterial road between Argent Lane (Milldale) and Pine Valley Road (Dairy Flat), which is direct and future proofed for planned urban growth.
- Provide safer and more resilient road connections to/from the existing and proposed road network.
- Enable connections and accessibility to social and economic opportunities within Milldale, Silverdale and future development within Silverdale West Dairy Flat Structure Plan

The proposed works are reasonably necessary for achieving these objectives because they:

- Provide the extension to complete the full arterial alignment identified as part of the strategic future network identified by the Supporting Growth Alliance for a connected arterial through the residential zoned area of Wainui (in the north of Auckland), with the alignment identified between Wainui Road in the north to Dairy Flat Highway in the south.
- Provide a safe, connected and accessible arterial for vehicles, pedestrians and cyclists with a north-south connection through and within Milldale and the wider Wainui catchment to manage the transport appropriately as growth and demand increases in this area.
- Provide a key arterial road connection to support zoned residential development under construction for up to 4,500 households and future growth for up to 9,000 dwellings.

The proposed designation is reasonably necessary for achieving these objectives because:

- It enables AT to have the flexibility and ability to construct operate and maintain the road network and undertake the Project in accordance with the designation notwithstanding anything contrary in the relevant Unitary Plan;
- It enables the works to be undertaken in a comprehensive manner;
- It achieves certainty through identifying in the Unitary Plan the location, nature and extent of the Project and AT's intended use of that land; and
- It ensures the security of the road is maintained in respect from other network utilities and the potential actions of third parties on and within land contained within the designation footprint.

12.5 Any other matters

12.5.1 Heritage New Zealand Pouhere Taonga Act 2014

Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) no person shall modify or destroy an archaeological site unless an authority is granted by the Heritage New Zealand Pouhere Taonga (whether or not a site is a recorded archaeological site).

An archaeological assessment has been provided by Clough and Associates for the Silverdale West Structure Plan and covered the area of works. It states that no known archaeological sites are located within the Project corridor. In the event that any archaeology is accidentally discovered during the works, appropriate accidental discovery protocols will be followed.

13 Part 2

Part 2 contains the purpose and principles of the Act. Consideration of a NOR under the matters in Part 8 is subject to Part 2.

The purpose of the Act is set out in Section 5 as being to promote the sustainable management of natural and physical resources. The proposed works are considered to be appropriate in terms of this purpose, given that they provides for necessary transport infrastructure to enable the development of much needed housing in a way that will contribute to the city's housing supply and provide for the efficient use of greenfield development area. This will enable the development in Milldale and the wider area to be progressed to an appropriate level of density and avoid unnecessary spread and development of valuable farmland elsewhere in less accessible locations.

Section 6 of the Act sets out a number of matters of national importance. Amongst the matters of national importance that section 6 identifies the following are considered particularly relevant: the preservation of wetlands and the protection of them from inappropriate subdivision, use, and development, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga and the management of significant risks from natural hazards.

The proposed works encompassed within Notice for Requirement 2, will not impact on any identified significant indigenous vegetation and significant habitats of indigenous fauna. The works within the NoR 2 area do however impact on three low quality wetlands. These works are addressed in the assessment of the regional consents in Section 15-21 of this report. AT has undertaken extensive engagement with mana whenua groups as part of the project to date and this will continue throughout the project. The relationship of Māori and their culture and traditions with their ancestral lands is acknowledged but is not identified as being disrupted by the proposed development. Natural hazards in terms of flooding have been considered and modelling that has been undertaken identifies that there is no significant impact.

It is therefore considered that works encompassed in the notice of requirement will not have significant effects in terms of any matters of national importance relating to this application.

Section 7 identifies a number of "other matters" to be given particular regard by the Council in the consideration of any NoR and includes the efficient use of natural and physical resources and the maintenance and enhancement of amenity values. It is considered that the development of a key strategic infrastructure project is appropriate under s7 as it enables the development potential of land to provide for an efficient and compact development of urban housing, resulting in maximum utilisation of limited land resource.

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. It is not considered that there are any specific matters relating to the Treaty of Waitangi relevant to this application, although consultation has taken place with mana whenua partners relating to their matters of interest.

Overall, it is considered that the proposed development represents a sustainable use of land and will be carried out in a way that accords with the principles set out in Part 2 of the Act.

14 Conclusion

The above assessment provides a comprehensive analysis of actual and potential effects of the project in relation to the area addressed by NoR 2. Overall, it is concluded that the adverse effects associated with the development will be avoided, remedied or mitigated. There are significant benefits that result from the project in terms of unlocking the development potential of Milldale and the wider Wainui area, the efficient use of development land, additional housing and associated social well-being benefits and it is considered that these outweigh any adverse effects.

The assessment confirms that the project is consistent with the relevant statutory document objectives and policies relevant to the location and the project and types of activities.

Consideration has been appropriately given to alternatives as detailed in the Alternatives Assessment included in Appendix I and the designation is considered to be reasonably necessary for achieving the objectives of the project for which the designation is sought.

The proposal is not contrary to the purpose and principles outlined in Part 2 of the Act and satisfies all matters the consent authority is required to address in terms of section 171 of the Act. On that basis, it is considered that Auckland Council can recommend to Auckland Transport that it confirm the requirement.



**Stage 1 Resource
Consents**

15 Reasons for the application

15.1 Resource Management Act

Resource consent is required under the following statutory planning documents, as further identified below:

- Auckland Unitary Plan (Operative in Part)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Under the provisions of the RMA the following resource consents are required:

- Pursuant to section 88 of the RMA, resource consent is sought for the matters set out in Section 15.2 and 15.3.
- Resource Consent is being sought to enable the proposal (as described in this report) and the application intends to include all necessary consents for those activities to occur. If further consent matters are identified post lodgement of the application, these should also be considered as forming part of the application.

15.2 Auckland Unitary Plan (Operative in Part) Rules Assessment

The site is subject to the provisions of the Auckland Unitary Plan - Operative in Part ('AUP'). The following resource consents are required for the proposed development:

- Pursuant to Rule E3.4 (A19) Section 13 and 14 Discretionary Activity consent is required for the diversion of an intermittent stream within 36 Old Pine Valley Road to a new course and associated disturbance and sediment discharge.
- Pursuant to Rule E3.4 (A33) Section 13 and 14 Discretionary Activity consent is required for the installation of a new culvert of more than 30m in length when measured parallel to the direction of water flow under the new section of realigned road to allow the flow of the intermittent stream at 36 Old Pine Valley Road.
- Pursuant to Rule E3.4 (A49) Section 13 and 14 Non-Complying Activity consent is required for a new reclamation of land identified as wetlands and an intermittent stream at 1731 Dairy Flat Highway and reclamation associated with the filling over a piped intermittent stream at 36 Old Pine Valley Road.
- Pursuant to Rule E8.4 (A5), Section 14 and 15 Restricted Discretionary Activity consent is required for the diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² of road that complies with Standard E8.6.1 and Standard E8.6.4.1.
- Pursuant to Rule E9.4 (A7), Section 9(2) Controlled Activity consent is required for the development of a new and redevelopment of an existing high use road greater than 5,000m².
- Pursuant to Rule E26.5.3.1 (A106) Section 9(2) Restricted Discretionary Activity consent is required for earthworks greater than 2,500m² where the land has a slope equal or greater than 10 degrees, having slopes on batters up to approximately 18 degrees.
- Pursuant to Rule E26.5.3.1 (A107) Section 9(2) Restricted Discretionary Activity consent is required for earthworks greater than 2,500m² within the Sediment Control Protection Area, being earthworks within 50m of the edge of a watercourse or wetland of 1000m² or more.

15.3 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The site is subject to the provisions of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES Freshwater).

The following resource consents are required for the proposed development:

- Pursuant to regulation 57, Section 13(1) & 13(2) Discretionary Activity consent is required for reclamation of the bed of any river.
- Pursuant to regulation 71, section 13(1) & 13(2) Discretionary Activity consent is required for the placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river where it does not comply with the conditions in regulation 70(2), in this case being that the culvert is not laid parallel to the slope of the bed of the river or connected area, due to the realignment of the stream under the road.

15.4 Permitted Activities

The following activities are permitted under the AUP:

- E7.4.1 (A17) Dewatering or groundwater level control associated with a groundwater diversion permitted
- E7.4.1 (A27) Diversion of groundwater caused by any excavation (including trench) or tunnel

Standard E7.6.1.6 requires that dewatering or groundwater level control associated with a groundwater diversion permitted under Standard E7.6.1.10, must meet all of the following:

- The water take must not be geothermal water;
- The water take must not be for a period of more than 10 days where it occurs in peat soils, or 30 days in other types of soil or rock; and
- The water take must only occur during construction.

In relation to these standards the following confirm that the project can be undertaken as a permitted activity under Rule E7.4.1 (A17):

- Any potential groundwater dewatering will not be geothermal.
- The soil is not a peat soil and all trenching will be undertaken by contractors to limit the time that sections of trench are open for to be less than 30 days.
- The water take will only take place during construction.

Pursuant to standard E7.6.1.10 (1)(c) Diversion of groundwater caused by any excavation, (including trench) or tunnel, piles up to 1.5m in external diameter are exempt from the standards under E7.6.1.10 (2)-(6).

15.5 Summary

Overall, the proposal is a non-complying activity.

15.6 Duration of consents (Section 123)

A period of 35 years for the section 13, 14 and 15 consents is sought to enable certainty of the development into the future and avoid the necessity for the consent holder to re-consent activities at a lesser interval for the permanent infrastructure, which has a potential life of well over 35 years of operation.

16 Public Notification Assessment (Sections 95A, 95C to 95D)

Pursuant to section 95 of the Resource Management Act, a consent authority must, within the time limit specified decide, in accordance with section 95A, whether to give public notification of an application for a resource consent and notify the application if it decides to do so.

16.1 Assessment of steps 1 to 4 (section 95A)

16.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant (s95A(3)(a)), or the application involves the exchange of recreation reserve land under s15A of the Reserves Act 1977 (s95A(3)9c).

The applicant is not requesting public notification of the application. The proposal does not involve the exchange of recreation reserve land under s15A of the Reserves Act 1977. Public notification is not required under this step.

16.1.2 Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 states that public notification is precluded where an applicable rule in the planning instrument or a NES precludes public notification, or the proposal is a controlled activity, or the proposal is exclusively involving a residential activity (as defined by s95A(6)) or a subdivision activity; or where the activity status for the application is a restricted discretionary, discretionary or non-complying activity for a boundary activity, or if the activity is a prescribed activity.

In this case, the applicable rules of the AUP do not preclude public notification of the application and the proposal involves non-residential activities, is not a subdivision activity, involves non-boundary activities, does not have controlled activity status overall and is not a prescribed activity. Public notification is not precluded under this step.

16.1.3 Step 3: If not precluded by step 2, public notification required in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, public notification is required if a rule or NES requires public notification, or if the activity is likely to have adverse effects on the environment that are more than minor (s95A(7) and 95A(8)).

As noted under step 2 above, public notification is not precluded and an assessment of environmental effects in accordance with s95A is therefore required. This is set out in section 16.3 below. As described in this section, it is considered that there will be no more than minor adverse effects. There is also no rule in the AUP or NES that requires public notification. As such, public notification is not required under this step.

16.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

The proposal is for works related to the construction of a realigned road, and the upgrade and widening of an existing road corridor. Whilst the proposal does require several consents, it is not considered that there is anything noteworthy or unusual about the proposal. The proposed road does not involve any identified matters of significant public interest. In summary, it is considered that the application cannot be described as out of the ordinary or giving rise to special circumstances.

16.2 Section 95D

In determining whether to publicly notify an application, section 95D specifies that a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.
- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded.
- In the case of a restricted discretionary activity, only those effects on persons that fall within the matters of discretion restricted under the plan can be considered.
- Trade competition must be disregarded.
- The adverse effects on those persons who have provided their written approval must be disregarded.

With regards to these matters the following comments are made. In terms of the test for public notification (but not for the purposes of limited notification or service of notice), the following properties are considered as being land within the site or adjacent land:

- 10 Old Pine Valley Road;
- 36 Old Pine Valley Road;
- 1700 Dairy Flat Highway;
- 1731 Dairy Flat Highway;
- 1732 Dairy Flat Highway;
- 1687 Dairy Flat Highway; and
- Sec 6 SO 308591, Dairy Flat Highway
- State Highway 1, Northern Motorway

The permitted baseline enables a decision maker to disregard effects on the environment that are permitted by a plan.

In this case, the AUP does not include a rule that generally permits activities associated with the formation of a new or upgraded road link such as is being proposed. However, some of the activities which will be undertaken as part of the project are permitted activities. Given the overall level of earthworks and the activities associated with the wetlands and intermittent streams some activities do require resource consent.

As a non-complying activity overall, the AUP does not limit its discretion.

Trade competition is not considered to be a relevant matter in this case.

Written approval has not been obtained from any as landowners or occupiers within the area or surrounding area at this time.

Case law confirms that in considering effects for the purposes of a notification assessment, regard may be had to any condition which would eliminate or reduce the adverse effect to one that is no more than minor or de minimis. The conditions likely to be imposed under s 108 are relevant to the judgment required and it would defy common sense not to take them into account, having regard to the practical reality of what the adverse effects on the environment would be (*Montessori Preschool Charitable Trust v Waikato DC* [2007] NZRMA 55 (HC)).

The assessment of adverse environmental effects in accordance with Section 95D for this project is set out in section 16.3.

16.3 Assessment of adverse effects on the wider environment

This section outlines the likely adverse effects on the wider environment as a result of the project, relevant to the regional plan and NES activities identified in section 15.2.

16.3.1 Water quality

Land disturbance sediment

The Project involves land disturbance for the construction of the proposed new portion of realigned road, upgrade and widening of the existing road sections and installation of stormwater controls. In addition, in forming the road the works require realignment of a stream and works within the watercourse.

All land disturbance activities will be carried out with appropriate sediment and erosion control measures in place to control the discharge of sediment into receiving waters, which are predominantly the three streams within the proximity of the works. Erosion and sediment controls will be implemented in accordance with GD05 as outlined in the Indicative Erosion and Sediment Control Plan included in Appendix P, to ensure the containment of sediment from the works and the quality of receiving waters.

As such it is considered that the proposed earthworks will result in less than minor adverse effects as a result of the associated sediment discharge from the exposed and disturbed land.

Stormwater Discharges

The Project involves the development of a high use road which will result in an impervious surface being trafficked by vehicles which may leave contaminants on the surface of the road. Stormwater management controls in the form of kerbs to contain runoff within the road and raingardens are proposed for the extent of the upgraded and new road sections. As outlined in

the Stormwater Management Plan included in Appendix K, the raingardens will be designed with sufficient capacity to capture and treat the first flush of stormwater from the road, which will capture the contaminants and prevent discharge into receiving waters.

The proposed treatment of the stormwater runoff from the impervious surfaces of the road will ensure that the water quality of receiving waters is maintained and that contaminants from the High Use Road surface being carried to receiving waters have less than minor adverse effects on water quality and the life supporting capacity of the waterways.

16.3.2 Stormwater diversion

The proposed new and upgraded road results in a significant additional area of impervious surface, due to the widening of the road carriageways and additions of cycle and pedestrian paths. The existing road surfaces currently drain to roadside conveyance channels or sheet flow over the adjacent land, as there is no piped stormwater network. The proposed design for the road will capture the stormwater from the road in order to treat it for contaminants before discharging into receiving waters via a piped network. Hydrological mitigation of the increased flow rate of stormwater off the impervious surfaces is provided by the proposed raingarden devices as outlined in the Stormwater Management Plan included in Appendix K. This will mitigate the potential for additional downstream flooding as a result of the increased rate of stormwater runoff.

In addition to the hydrological mitigation, as detailed in the Stormwater Management Plan, the design of the stormwater controls has sought to ensure that the catchment areas remain similar to the existing catchments and that the discharge to receiving waterways is generally consistent with the existing scenario.

As such, it is considered that the proposed stormwater diversions from the additional impervious surfaces will have less than minor adverse effects on the hydrological regime or downstream flooding in the area.

16.3.3 Ecology

Two intermittent streams and three wetlands will be impacted by the proposed work. In the northern end of the Project Area in 36 Old Pine Valley Road works will occur within the intermittent stream to culvert it under the proposed road. The culverting of the stream will result in an altered alignment to the east of the road and a new stream channel will be created to take the flow from the end of the new culvert to the existing intermittent stream channel.

Within the property at 1731 Dairy Flat Highway, the batters associated with the widening of the existing road will impact upon low value wetlands on either side of Pine Valley Road and an intermittent stream to the eastern side.

The Ecological Assessment of Effects Report included in Appendix M outlines the impact of the proposed works on the intermittent stream within the property at 36 Old Pine Valley Road and the wetlands and streams within the land at 1731 Dairy Flat Highway. The report also details the impact of the development in terms of overall ecological impact from the removal of trees (a permitted activity) and the potential implications of sediment discharges from earthworks and other construction effects.

In terms of the impact of the works related to the two intermittent streams and three wetlands impacted by the proposed work, the report details mitigation measures in the form of offsetting by ecological enhancement of offsite streams and wetlands. With appropriate mitigation in

accordance with the Ecological Assessment of Effects the report concludes that the ecological effects will be low.

The project team have options available for offsetting involving the required enhancement of wetlands and streams at two sites under Auckland Council control which meet the offsetting requirements. Auckland Council are also engaging with Mana Whenua partners who have offered a number of other sites that are being investigated for suitability. As the consultation with Mana Whenua is ongoing, a site for offsetting has yet to be chosen. As such, it is recommended that a condition of consent be imposed on the resource consent to require the offsetting as outlined in the Ecological Assessment of Effects on a suitable site. This will enable flexibility for continued discussion and agreement of a suitable site with Mana Whenua, while ensuring that an appropriate level and quality of offsetting is achieved.

With the offsetting identified in the Ecological Assessment of Effects, undertaken as mitigation for the impact on the waterbodies and their ecological habitat, it is considered that the project would have no more than minor adverse effects on ecology.

16.3.4 Contaminated land

A Contaminated Land Preliminary Site Investigation, included in Appendix N, has been undertaken to determine if any land within the works area is identified as being potentially contaminated. The report details that the proposed road corridors that the report was prepared for (Draft Plans dated July 2019, which have since been refined to reduce the width of the corridor along Dairy Flat Highway) have no Hazardous Activities and Industries Lists (HAIL) sites or activities identified within the Project area. As such, it is considered that the proposed works will not result in the disturbance of any contaminated land and will not therefore create new pathways for contaminants to be discharged or mobilised into the environment.

However, the property located at 1732 Dairy Flat Highway is identified as having stockpiled soil and fill material from unknown sources. While the area is outside the works area, it is considered appropriate to include an advice note detailing the accidental discovery protocols of the AUP.

Based on the findings of the Contaminated Land Preliminary Site Investigation it is considered that there will be no adverse effects in relation to contaminated land discharges.

16.3.5 Social and Economic wellbeing

The project has significant social and economic benefits to both the immediately surrounding supporting areas, such as Wainui and Silverdale, and also the wider Auckland region. The project enables the construction and upgrade of an important strategic infrastructure asset, which will enable the development of housing in the Milldale development and wider Wainui area in a way which appropriately and efficiently utilises the land resource of the area.

The project will enable an increase in the housing supply in the area, provide increased housing choice and mitigate upward housing costs for new buyers. It will assist to achieve a more affordable housing environment.

Businesses in the surrounding communities will benefit from the increased population within the area, increasing the viability of such entities.

Overall, it is considered that the development would have less than minor adverse effects in terms of social and economic wellbeing.

16.3.6 Cultural wellbeing and values

While the site is significantly altered from its natural state and is not identified as a place of value or significance to mana whenua within the AUP, it is acknowledged that development of the site needs to be cognisant of cultural values. Furthermore, it is acknowledged that the receiving waters flow to the coast, which is used as a source of kaimoana and thus has a significant value to mana whenua.

As detailed in the Mana Whenua Engagement Report included in Appendix Q, mana whenua have been engaged through AT's Northern Mana Whenua Forum and have been generally supportive of the works. No particular concern was raised with respect to cultural values during those hui. In respect of the wider works, the key aspect that mana whenua have showed particular interest in has been the mitigation of works associated with the stream and wetlands and protection of water quality. As noted in discussion above, rehabilitation of wetlands and streams off-site is proposed to remedy the impact on the streams and wetland. Furthermore, all land disturbing activities will be undertaken with appropriate sediment and erosion control measures in place to protect the life supporting capacity and water quality of streams.

It is considered that with the appropriate mitigation and remediation works proposed as part of the project there is less than minor adverse effects on cultural wellbeing and values.

16.3.7 Summary of adverse effects

On the basis of the above assessment it is considered that the proposed development will have less than minor adverse effects.

16.4 Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not required as it is considered that the activity will result in less than minor adverse effects and it is not required by a rule of the AUP or NES; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached, it is recommended that this application be processed without public notification.

17 Limited Notification Assessment

Pursuant to section 95 of the Resource Management Act, a consent authority must, within the time limit specified, decide in accordance with section 95B whether to give limited notification of an application for a resource consent and notify the application if it decides to do so.

17.1 Assessment of Steps 1 to 4 (Section 95B)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addresses in the statutory order below.

17.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups, or affected persons under a statutory acknowledgement effecting the land (ss95B(2) and 95B(3)).

The above does not apply to this proposal.

17.1.2 Step 2: If not required by step 1, limited notification precluded in certain circumstances

Step 2 describes that limited notification is precluded where any applicable rules or NES preclude limited notification, or if the application is for a controlled activity (other than the subdivision of land) or a prescribed activity (ss95B(5) and 95B(6)).

The above does not apply to the proposal and therefore limited notification is not precluded.

17.1.3 Step 3: If not precluded by step 2, certain other affected persons must be notified

Step 3 requires that where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of a prescribed activity under s360H(1(b)), a prescribed person; and
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary or prescribed activity, and therefore an assessment in accordance with s95E is required and is set out in section 17.3 below.

Overall, it is considered that any adverse effects in relation to any persons will be less than minor, and accordingly that no persons are adversely affected.

17.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous step, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 16.1.4 above, it is considered that there is nothing noteworthy or unusual about the proposal that warrants limited notification in

terms of special circumstances. It is commonplace for new roads to be established within developing areas to connect new developments into the existing networks.

17.2 Section 95E

If the application is not publicly notified and limited notification is not otherwise precluded, a council must undertake an assessment in accordance with section 95E and decide if there are any affected persons, and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor). In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded.
- Only those effects that relate to a matter of control or discretion can be considered (in the case of restricted discretionary or controlled activities).
- The adverse effects on those persons who have given their written approval must be disregarded.

The permitted baseline and the fact that the development is non-complying is discussed in section 16.2 above and apply here also. No persons have given their written approval to the proposal.

Having regard to the above provisions, the following comments are made in relation to the proposal.

17.3 Assessment of adverse effects for limited notification

As noted in section 16.2 above, the immediately adjacent land is:

- 10 Old Pine Valley Road;
- 36 Old Pine Valley Road;
- 1700 Dairy Flat Highway;
- 1731 Dairy Flat Highway;
- 1732 Dairy Flat Highway;
- 1738 Dairy Flat Highway; and
- Sec 6 SO 308591, Dairy Flat Highway
- State Highway 1, Northern Motorway

17.3.1 Land disturbance sediment

All land disturbance activities will be carried out with appropriate sediment and erosion control measures in place to control the discharge of sediment into receiving waters, which are predominantly the three streams within the proximity of the works. It is noted that the stream within the land at 36 Old Pine Valley Road flows into a pond associated with the main dwelling. The streams generally flow straight through the farm paddocks on other sites without being significant features.

Erosion and sediment controls will be implemented in accordance with GD05 as outlined in the Indicative Erosion and Sediment Control Plan included in Appendix P, to ensure the containment of sediment from the works and the quality of receiving waters. This will ensure the life supporting and visual amenity of the pond and waterways is maintained and there is a less than minor adverse effect in relation to the property at 36 Old Pine Valley Road.

As such it is considered that the proposed earthworks will result in less than minor adverse effects as a result of the associated sediment discharge from the exposed and disturbed land.

17.3.2 Stormwater Discharges

As outlined in the Stormwater Management Plan include in Appendix K, the raingardens will be designed with sufficient capacity to capture and treat the first flush of stormwater from the road, which will capture the contaminants and prevent discharge into receiving waters.

The proposed treatment of the stormwater runoff from the impervious surfaces of the road will ensure that the water quality of the receiving waters is maintained and that contaminants from the High Use Road surface being carried to receiving waters have less than minor adverse effects on water quality and the life supporting capacity of the waterways and water bodies.

17.3.3 Stormwater diversion

The proposed design for the road will capture the stormwater from the road in order to treat it for contaminants before discharging it into receiving waters via a piped network. Hydrological mitigation of the increased flow rate of stormwater off the impervious surfaces is provided by the proposed raingarden devices as outlined in the Stormwater Management Plan included in Appendix K. This will mitigate the potential for additional downstream flooding as a result of the increased rate of stormwater runoff.

In addition to the hydrological mitigation, as detailed in the Stormwater Management Plan, the design of the stormwater controls has sought to ensure that the catchment areas remain similar to the existing catchments and that the discharge to receiving waterways is generally consistent with the existing scenario.

As such, it is considered that the proposed stormwater diversions from the additional impervious surfaces will have less than minor adverse effects on the hydrological regime or flooding to adjacent properties.

17.3.4 Ecology

In terms of the impact of the works relating to the two intermittent streams and three wetlands that will be impacted by the proposed work, these are not significant features of the sites as they are located in farm paddocks with low ecological values. It is considered that the impact of the works on the ecology of the site will have a less than minor adverse effect on the particular owners and occupiers of the properties.

17.3.5 Summary

Taking the above into account, it is considered that any adverse effects on persons at the surrounding properties will be less than minor. It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

17.4 Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is considered that this application should be processed without limited notification.

18 Assessment (Section 104)

18.1 Statutory Matters

Section 104D of the Act sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent. A consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of the relevant plans.

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application.

Section 104B of the Act states that a council:

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

18.2 Section 104D Assessment

As set out in sections 18.6 - 18.7 below, it is considered that the proposal will not be contrary to the relevant objectives and policies. Rather, it is considered that the project will develop required infrastructure that will unlock the development potential in the Milldale development and wider Wainui area to enable efficient and optimal development of land in accordance with the intentions of the zoning in the AUP. This will be done while maintaining the water quality of receiving waters, appropriately controlling water runoff and providing appropriate remediation of wetland and stream habitats to ensure that the ecological level is maintained or enhanced in the wider regional environment. This is in accordance with the objectives and relevant supporting policies contained in the relevant sections of the AUP.

The assessments provided in this report confirm that any adverse effects of the proposal will be no more than minor (sections 16 and 17) and that the development will not be contrary to the objectives and policies of the relevant plans (sections 18.6-18.7).

It is therefore considered that the consent authority has jurisdiction to grant consent in terms of section 104D of the Act.

18.3 Actual and Potential Effects on The Environment (Section 104(1)(A))

Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above in sections 16 and 17 that any adverse effects relating to the proposal will be no more than minor.

The project develops required infrastructure that will unlock the development potential in the Milldale development and wider Wainui area to enable efficient and optimal development of land in accordance with the intentions of the zoning in the AUP. This will result in increased housing supply, compact urban environments and positive social and economic outcomes. In addition, the proposed remediation offsetting for the wetland and streams has the ability to enhance the environment by upgrading low ecological land to high quality wetland and streams enhancing the ecological and habitat provisions of the wider region.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are appropriate.

18.4 Statutory Documents (Section 104(1)(B))

Section 104(1)(b) of the Act sets out that when considering an application for resource consent, the consent authority shall have regard to the relevant provisions of any national environmental standards, other regulations, policy statements (national and regional, including proposed regional policy statements), plans or proposed plans. Table 18.1 lists the planning documents prepared under the RMA that are considered relevant to this application.

Table 18.1: Relevant Statutory Documents

Statutory document	Description
National Policy Statement for Freshwater Management 2020	<p>The National Policy Statement for Freshwater Management 2020 (Freshwater NPS 2020) (Freshwater NPS) applies to the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management. It directs the content that regional councils, in consultation with their communities, must include in their regional plans.</p> <p>The Freshwater NPS seeks to manage freshwater in a way that 'gives effect' to Te Mana o te Wai.</p> <p>In relation to this application the key aspect is that the application provides for the concept of Te Mana o te Wai and addresses relevant objectives and policies.</p>
Resource Management (National Environmental Standards for Freshwater) Regulations 2020	<p>The NES Freshwater sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards.</p> <p>The standards are designed to protect existing inland and coastal wetlands, protect urban and rural streams from in-filling, ensure connectivity of fish habitat (fish passage).</p>
Hauraki Gulf Marine Park Act 2000	<p>The Hauraki Gulf Marine Park Act 2000 (HGMPA) establishes the Hauraki Gulf Marine Park and seeks to integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments</p> <p>The HGMPA has established objectives for the management of the Hauraki Gulf, its islands, and catchments and seeks to recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands.</p> <p>Key in relation to this application are sections 7 and 8 of the HGMPA which relate to recognition of the national significance of the Hauraki Gulf and the management of the Hauraki Gulf.</p>
Auckland Unitary Plan – Operative in Part	<p>The AUP is a combined regional policy statement, regional coastal plan, and district plan. It is the primary document through which the Council meets its obligations under the Act.</p> <p>The Auckland Regional Policy Statement, incorporated as Chapter B within the AUP, provides the overarching policy framework to guide future growth and</p>

development in the region. The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of natural and physical resources.

The AUP contains objectives, policies and methods, including rules, which establish the framework within which certain uses are permitted and proposals for development can be assessed.

In relation to this application the key aspects are that provision is made for important infrastructure development. Notwithstanding this, the Plan does identify the importance of the need to avoid, remedy or mitigate adverse effects of earthworks and stormwater runoff, including contaminants

18.5 National Policy Statement for Freshwater Management 2020

The Freshwater NPS applies to the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management. It directs the content that regional councils, in consultation with their communities, must include in their regional plans. While regional plans have not at this stage been amended to address the Freshwater NPS, key matters to be addressed which are relevant to this application are the fundamental concept of Te Mana o te Wai, the objectives and policies of the Freshwater NPS, and implementation clauses 3.24 relating to rivers and 3.26 relating to fish passage.

The wetlands, while defined as wetlands by the RMA, are not defined as natural wetlands under the Freshwater NPS, as they are areas of improved pasture that is dominated by over 50% exotic pasture species, which is noted in the Assessment of Ecological Effects which is included in Appendix M.

Fundamental Concept – Te Mana o te Wai

Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform the National Policy Statement and its implementation.

- Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
- Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
- Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others.
- Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
- Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
- Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- First, the health and well-being of water bodies and freshwater ecosystems
- Second, the health needs of people (such as drinking water)
- Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Discussion

In relation to the relevant aspects of Te Mana o te Wai, the Objectives and policies, and the relevant implementation clauses, the following comments are made:

AT has specific statutory responsibilities under the RMA, LTMA and the LG(AC)A relevant to the interest of Māori. To address these statutory requirements AT has developed a Māori Engagement Framework to help guide its engagement with the mana whenua of Tāmaki Makaurau. A key component of this framework is that mana whenua are considered as a partner and not as a key stakeholder in relation to any AT projects. As outlined in the Mana Whenua Engagement Report included in Appendix Q, Mana Whenua groups have been consulted throughout the project via the AT Northern Mana Whenua Forum. The consultation has specifically addressed the impact on streams, wetlands and stormwater management, which has enabled mana whenua to provide input into the decision-making process. Consultation will continue to be ongoing for the duration of the project.

While it is acknowledged that there is two intermittent streams that will be impacted by the proposal, the proposal involves offsetting mitigation through the enhancement of streams at an offsite location, to be secured through conditions of consent. This will ensure that overall ecosystem health is maintained and that, while some adverse effects on the low quality streams are experienced within the subject site, the overall ecosystem health will be improved by the proposed offsetting requirements as noted in the Assessment of Ecological Effects in Appendix M.

The improvements to the stormwater management from the road will involve treatment and detention of stormwater runoff from the roads, prior to discharge into the receiving waters. This will improve the quality of water runoff, preserving the quality and life-supporting capacities of the receiving waters. Water levels within the receiving waters will be maintained through maintaining stream catchments and discharging the treated stormwater runoff into the appropriate catchment receiving waters.

The proposals will not involve contaminated discharges nor are they involving water bodies that are anticipated to impact on drinking sources, and as such it is not anticipated that the proposal will impact on the health of people.

It is not practical to avoid the impact on the streams while providing for the necessary infrastructure to support the urban growth within the Milldale development and wider Wainui area. As outlined in the Alternatives Assessment included as Appendix I, a number of alternative routes have been investigated for the link between Milldale and the Silverdale motorway interchange. Given the presence of streams in the area, all route options will to some extent impact on the existing streams. The proposed route predominantly utilises the existing road network alignment and has the least impact on streams of the route options assessed.

There is a functional need for the road to be located in the location as set out under this application, as it is providing a direct transport link between the Milldale development and the motorway network, a link which has been identified as necessary mitigation to enable the anticipated growth in the area. It will have significant regional and national benefits as it will enable much needed residential housing and efficient development of the developable land at Milldale and in the surrounding area.

The Project follows the effects management hierarchy. While it is not possible to avoid, remedy or mitigate the effects of the project on the streams, effects will be offset through rehabilitation of off-site stream(s) as secured by the proposed conditions of consent.

While initial investigations by ecologists only found eels within the surrounding freshwater, fish passage through the culvert will be addressed at detailed design to ensure that if any fish are present, passage for fish is maintained.

Overall, the proposed offsetting will provide an improved condition of water bodies and freshwater ecosystems.

18.6 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The Freshwater NES sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems.

The standards are designed to:

- protect existing natural inland and coastal wetlands
- protect urban and rural streams from inappropriate in-filling
- ensure connectivity of fish habitat (fish passage)

They are also designed to protect freshwater from the impact of certain farming activities.

The proposals involve the infilling of three areas of wetlands, two portions of intermittent streams and the installation of a culvert.

The wetlands, while defined as wetlands by the RMA, are not defined as natural wetlands under the NES Freshwater, as they are areas of improved pasture that is dominated by over 50% exotic pasture species, which is noted in the Assessment of Ecological Effects which is included in Appendix M. As such, Regulations under Part 3 subpart 1 – Natural Wetlands are not applicable.

As already noted, adverse effects to the low-quality intermittent stream environments will be mitigated and offset by rehabilitating stream(s) at an off-site location. The location is to be determined following ongoing consultation with Mana Whenua and a condition is proposed as part of the application to ensure that the offset rehabilitation occurs. The level of restoration proposed will mitigate the adverse impacts on the overall freshwater ecosystem, significantly enhancing the habitat and life supporting capacity of the freshwater environment at the approved offset site. Given the low-quality existing environment the proposal is considered to have a positive overall effect on the freshwater environment.

The proposed culvert, although not meeting the regulations due to the changed direction of the stream proposed in order to shorten the required culvert length to pass under the road, has been designed to minimise the impact on the stream environment. The culverting provides for the continuation of flow from the upper stream catchment. The consideration of fish passage requirements will be undertaken as part of detailed design of the project.

Overall, it is considered, given the offsite rehabilitation proposed, that the proposals are appropriate in accordance with the purpose of the Freshwater NES.

18.7 Hauraki Gulf Marine Park Act 2000

Section 9(4) of the Hauraki Gulf Marine Park Act 2000 (HGMPA) requires that a consent authority must, when considering an application for resource consent for the Hauraki Gulf, its islands and catchments, have regard to sections 7 and 8 of the HGMPA in addition to the matters contained in the RMA. Section 7 relates to the recognition of the national significance of the Hauraki Gulf. In particular, this section notes that:

- The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance; and

- The life-supporting capacity of the environment of the Gulf and its islands includes the capacity:
 - to provide for—
 - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
 - (ii) the social, economic, recreational, and cultural well-being of people and communities:
 - to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
 - to maintain the soil, air, water, and ecosystems of the Gulf.

Section 8 relates to the management of the Gulf and lists objectives of the management of the Hauraki Gulf, its islands and catchments.

In relation to these sections and the requirement to have regard to them when considering an application for resource consent, the following comments are made:

- The proposal will provide for key roading infrastructure that is needed to unlock efficient urban growth in the Milldale and wider Wainui area and much needed housing in Auckland, which will provide for the economic and social wellbeing of the people and communities of the Auckland Region.
- Mana Whenua groups have been consulted on the proposal and the potential impacts on their cultural wellbeing and beliefs.
- Construction techniques have been chosen to avoid sedimentation of receiving waters, avoid significant water quality degradation and to protect the life-supporting capacity of the environment of the Hauraki Gulf.
- The proposal is located in the already modified area of farmland and existing road corridor and will make efficient use of the physical resources of the Hauraki Gulf by building on the existing development.

18.8 Auckland Regional Policy Statement

The Regional Policy Statement in the AUP identifies nine issues of regional significance for resource management in Auckland. The following are considered relevant to the application:

- Urban growth and form
- Infrastructure, transport and energy
- Mana Whenua
- Environmental risk

These matters are assessed below.

B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form

The relevant objectives and policies are located in the following sections:

- B2.2.1. and B2.2.2. – Urban growth and form
- B2.3.1. and B2.3.2. – A quality built environment

These objectives and policies relate to:

- Enabling a compact urban form that is of high quality, provides greater productivity and economic growth, better utilises existing infrastructure, and provides efficient new infrastructure; and

- Providing a quality built environment where use and development responds to the characteristics of the site, maximises resource and infrastructure efficiency, is capable of adaptation and where the health and safety of people and communities are promoted.

In relation to the relevant objectives and policies the following comments are made.

- The project will involve the realigning and upgrading of the existing road infrastructure along Pine Valley Road and Dairy Flat Highway, south of Old Pine Valley Road. Upgrading this infrastructure will improve the safety and visibility of the intersections, provide separated provisions for cyclists and pedestrians along Pine Valley Road, allow for additional traffic lanes and provide stormwater control and treatment. Access to existing properties will be reinstated.
- The proposed development largely utilises the route of the existing road infrastructure corridor and expands this to provide for future development, which avoids new development on less suitable areas while meeting the functional and operational needs of its intended use. It lies within the Rural Urban Boundary within a Future Urban Zone where development of this type is anticipated. The expansion and investment in infrastructure will provide for vital growth in the area to cater for Auckland's increasing population and enable the compact and efficient development of land in the Milldale development and the wider Wainui area.

On the basis of the above assessment it is considered that the proposed development accords with the relevant objectives and policies identified in section B2 - Urban growth and form.

B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy

The policies and objectives relevant to the proposed development are:

- B3.2.1. and B3.2.2. – Infrastructure
- B3.3.1. and B3.3.2. – Transport

These objectives and policies relate to:

- Developing infrastructure that is resilient, efficient and effective, recognising the benefits of this and providing for the development and operation of infrastructure;
- Recognising the functional and operational needs of infrastructure whilst ensuring the adverse effects of infrastructure are avoided, remedied or mitigated; and
- Ensuring effective, efficient and safe transport is developed that enables growth and supports people whilst integrating with adjacent land use, providing effective pedestrian and cycle connections, and which avoids, remedies or mitigates adverse effects on the quality of the environment, amenity values and the health and safety of people and communities.

In relation to the relevant objectives and policies the following comments are made:

- The proposed development provides upgrades to the existing road infrastructure in an efficient and effective way. There is a functional and operational need to locate the proposed new infrastructure in the proposed location. The proposed development will provide for the increased traffic flows from the growth expected in the local area, due to the new Milldale development and future development of the wider Wainui area.
- The proposed development is primarily located in the existing road infrastructure corridor and will improve the operation of the transport system in this area. It will improve the safety of turning at intersections and allow for provision of separated cycling and pedestrians facilities along Pine Valley Road south of Old Pine Valley Road.
- The project proposes to remedy impacts to the existing stream and wetlands within and adjacent to the project, by undertaking mitigation stream and wetland planting at an off-site

location. Planting of native vegetation as part of the development will result in an overall indigenous biodiversity gain.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in B3 – Infrastructure, transport and energy.

B6 Mana Whenua

The relevant objectives and policies are noted as follows:

- B6.2.1. and B6.2.2. – Recognition of Te Tiriti o Waitangi partnerships and participation
- B6.3.1. and B6.3.2. – Recognising Mana Whenua values

These objectives and policies relate to:

- Recognising the principles of the Te Tiriti o Waitangi/The Treaty of Waitangi; and
- Providing for the sustainable management of natural and physical resources including ancestral lands, freshwater, air, land, and coastal resources, as well as wāhi tapu and other taonga, through participation with Mana Whenua in resource management processes.

In relation to the relevant objectives and policies the following comments are made:

- An engagement process was established with mana whenua through the AT Northern Mana Whenua Forum process. Mana whenua have been included as a partner throughout the project, including through participation in route optioneering, confirming design concepts and inputting into ecological offsetting sites for wetland and stream restoration.

Therefore, it is considered that the proposed development accords with the relevant objectives and policies.

B10 Ngā tūpono kit e taiao – Environmental risk

The objectives and policies in relation to the proposed development are:

- B10.2.1. and B10.2.2. – Natural hazards and climate change

These relate to:

- The effects of climate change on natural hazards being recognised and provided for and that the risks to people, property, infrastructure and the environment from natural hazards are not increased in existing developed areas and avoided in new developments; and
- The functions of natural systems, including floodplains, being protected from inappropriate use and development.

In relation to the relevant objectives and policies the following comments are made:

- The project requires earthwork fill to be placed within the floodplain to enable the construction of the roads. Modelling has been undertaken to identify if the proposals are likely to increase the extent of flooding as a result. The modelling has shown that the project would have no significant impact on the extent of flooding, with some areas benefiting from the improved stormwater controls provided to control and treat stormwater runoff from within the road.

On the basis of the above assessment, it is considered that the proposed development accords with the relevant objectives and policies identified in B10.2.1. and B10.2.2. – Natural hazards and climate change.

18.9 Auckland Unitary Plan – Regional Plan Objectives and Policies Assessment

Chapter E1 – Water quality and integrated management and Chapter E2 – Water quantity, allocation and use.

Chapter E1 and Chapter E2 of the AUP set out the policy approach for rules contained in various chapters which seek to manage adverse effects on water quality. The relevant objectives and policies are located in sections E1.2, E2.3, E2.2 and E2.3 of the AUP.

Overall, the objectives seek to maintain water quality where it is excellent or good and progressively improve water quality over time in degraded areas. Further, the policy direction seeks that the mauri of freshwater is maintained or progressively improved and stormwater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality. In relation to the relevant objectives and policies the following comments are made:

- The stormwater from the new and upgraded high use roads will be treated in the raingardens prior to discharge to remove the contaminants from the water and protect the water quality and mauri of the receiving waters.
- Stormwater catchments from the impervious surfaces are designed and managed by the proposed stormwater controls to maintain levels of discharge to receiving waters so that they are similar to the existing catchments as outlined in the Stormwater Management Plan included in Appendix K. This will maintain flow levels in the existing receiving stream environments.
- The purpose of the proposed works is to provide key infrastructure to enable efficient use of development land and support the full buildout of the Milldale development and wider Wainui area with much needed housing.
- The design incorporates the use of raingardens to achieve the required hydrological mitigation as detailed in the Stormwater Management Plan and sought by the provisions of the plan. The design will therefore mitigate adverse effects of runoff from additional impervious surfaces, minimising adverse effects of flooding in streams and associated erosion and impacts on the safety of people and property.
- While the project does involve the placement of earthworks fill within wetlands and an intermittent stream and it is acknowledged that these will remove the function of these areas in the current environment, it is noted in the Ecology Report included in Appendix M that these areas are low quality and already extensively altered through the current farming operations. The function that these areas currently have within the environment is low. The remediation of wetlands and streams at an off-site location where remediation planting and habitat creation can occur as part of a large programme of rehabilitation will ultimately result in an enhancement of habitat and ecological values for the region as a whole, including the ultimate receiving waters of the Hauraki Gulf.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E1.2, E2.3, E2.2 and E2.3 of the AUP.

E3 Lakes, rivers, streams and wetlands

The relevant objectives and policies are located in sections E3.2 and E3.3 of the AUP. These objectives and policies relate to protection of streams and wetlands with high natural values from degradation and loss, seeking that streams and wetlands are maintained and enhanced, providing for offsetting of significant effects on streams and wetlands, and avoiding reclamation and drainage unless there is no practicable alternative. In relation to the relevant objectives and policies the following comments are made:

- The site is not in an identified overlay area with significant value or characteristics.
- The project seeks to remedy the impact on the wetlands and streams through the remediation and enhancement of wetlands in an off-site location, to be agreed through consultation with Mana Whenua and by agreement with Council. This will occur as per a recommended condition of consent and in accordance with the required off-setting identified in the Ecology Report included in Appendix M.
- All earthworks, including those works within the streams, construction of the culvert and diversion of the stream will be undertaken with appropriate measures in place as outlined in the Indicative Erosion and Sediment Control Plan, included in Appendix P, to protect the water quality, ecosystem health and mauri of the waterbodies.
- Consultation has been ongoing with mana whenua, as outlined in the Mana Whenua Engagement Report included in Appendix Q and will continue throughout the project.
- Accidental discovery protocols will be followed as required if any sensitive artefacts are found.
- The diversion of the stream within 36 Old Pine Valley Road is considered the best practicable option to ensure that the intermittent stream is retained and continues to flow under the road. Given the levels involved to provide for the formation of the road and associated connection with the existing road network, it is not practicable to lift the road further or provide a bridge or culvert structure that would avoid diversion.
- The fill to be placed in the wetlands and intermittent streams is considered the best practicable option for the formation of the road. Retaining walls were investigated as a way of avoiding the wetlands but these were not favoured as an option for constructability, safety and cost reasons.
- The impact on the intermittent streams and wetland areas involve the development of key infrastructure required to unlock housing potential and efficient land development.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E3.2 and E3.3 of the AUP.

Chapters E11– Land Disturbance Regional

The relevant objectives and policies are located in sections E11.2 and E11.3 of the AUP. These objectives and policies relate to the management of earthworks to ensure that they are undertaken in a manner which minimises sediment generation, avoids, remedies or mitigates adverse effects on the environment and cultural heritage, and protects the safety of people. In relation to the relevant objectives and policies the following comments are made:

- All construction work, including land disturbance activities, will be undertaken within controlled construction sites that will exclude public access to ensure public safety and accord with Occupational Health and Safety requirements to ensure that the safety of workers is protected.
- All earthworks activities will be undertaken in accordance with the Indicative Erosion and Sediment Control Plan which will be updated by a contractor following engagement to ensure that appropriate erosion and sediment control measures are in place and maintained during the earthwork activities. It is considered that with the appropriate measures and operations in place, the water quality, life supporting capacity and mauri of waterways will be protected.
- Appropriate measures will be followed during the land disturbance earthworks including adhering to accidental discovery protocols should any items of cultural significance or sensitive material be discovered during the land disturbance activities.

- It is not anticipated that the scale of land disturbance activities proposed will require additional monitoring of regional water quality.

On the basis of the above assessment, it is considered that the project accords with the relevant objectives and policies identified in sections E11.2 and E11.3 of the AUP.

Summary

Based on the above comments the proposal is considered to accord with the relevant objectives and policies from the AUP.

19 Any other matters

19.1.1 Heritage New Zealand Pouhere Taonga Act 2014

Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) no person shall modify or destroy an archaeological site unless an authority is granted by the Heritage New Zealand Pouhere Taonga (whether or not a site is a recorded archaeological site).

An archaeological assessment has been provided by Clough and Associates for the Silverdale West Structure Plan and covered the area of works. It states that no known archaeological sites are located within the Project corridor. In the event that any archaeology is accidentally discovered during the works, appropriate accidental discovery protocols will be followed.

20 Part 2

Part 2 contains the purpose and principles of the Act. Consideration of a resource consent under the matters in Part 4 is subject to Part 2.

The purpose of the Act is set out in Section 5 as being to promote the sustainable management of natural and physical resources. The proposed works are considered to be appropriate in terms of this purpose, given that they provide for necessary transport infrastructure to enable the development of much needed housing in a way that will contribute to the city's housing supply and provide for the efficient use of a greenfield development area. This will enable the development in Milldale and the wider area to be developed to an appropriate level of density and avoids unnecessary spread and development of valuable farmland elsewhere in less accessible locations.

Section 6 of the Act sets out a number of matters of national importance. Amongst the matters of national importance that section 6 identifies the following are considered relevant: the preservation of wetlands and the protection of them from inappropriate subdivision, use, and development, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga and the management of significant risks from natural hazards.

The proposed works will not impact on any significant indigenous vegetation and significant habitats of indigenous fauna. However, there are three areas of low-quality wetland that will be impacted by the roading upgrades to the southern end of Pine Valley Road and the intersection upgrades. The impact will involve fill being placed within the wetlands that is likely to drain part or all of the wetland. As it is not practical to avoid this in achieving the project, and given the low ecological value of the wetland as assessed in the Ecological Assessment included in Appendix M, it is proposed to undertake off-site remediation of wetlands in order to mitigate the ecological impact.

AT has undertaken extensive engagement with Mana Whenua groups as part of the project to date and this will continue throughout the project. The relationship of Maori and their culture and traditions and links with their ancestral lands is acknowledged but is not identified as being disrupted by the proposed development. Natural hazards in terms of flooding have been considered and modelling identifies that there is no significant impact.

It is therefore considered that works will not have significant effects in terms of any matters of national importance relating to this application.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any resource consent, and includes the efficient use of natural and physical resources and the maintenance and enhancement of amenity values. It is considered that the development of a key strategic infrastructure project is appropriate under section 7 as it enables the development potential of land to provide for an efficient and compact development of urban housing, resulting in maximum utilisation of limited land resource.

Section 8 requires Council to take into account the principles of te Tiriti o Waitangi/the Treaty of Waitangi. It is not considered that there are any specific matters relating to te Tiriti o Waitangi/the Treaty of Waitangi relevant to this application, although consultation has taken place with mana whenua groups relating to their matters of interest.

Overall, it is considered that the proposed development represents a sustainable use of land and will be carried out in a way that accords with the principles set out in Part 2 of the Act.

21 Conclusion

A comprehensive analysis of actual and potential effects has been provided in Section 16 and 17 of this report. Overall, it is concluded that the adverse effects associated with the development will be avoided, remedied or mitigated. There are significant benefits that result from the project in terms of unlocking the development potential of Milldale and the wider Wainui area, the efficient use of development land, additional housing and associated social well-being benefits and it is considered that these outweigh any adverse effects.

Section 18 of this report confirms that the project is consistent with the relevant objectives and policies relevant to the location and the project. The proposal will pass the test set out in s104D of the Act, as it has both no more than minor adverse effects on the environment and is not contrary to the objectives and policies of the relevant statutory plans. Furthermore, the proposal will not undermine the purpose of the specific rules for which consent is sought.

The proposal is not contrary to the purpose and principles outlined in Part 2 of the Act and satisfies all matters the consent authority is required to address in terms of section 104 of the Act. On that basis, it is considered that the application can be granted consent, subject to appropriate conditions.

A. Locality Plan

B. Form A – Application for Resource Consent

C. Certificates of Title

D. AUP Checklist

E. Engineering Drawings

F. Designation Plans

G. Land Requirement Plans

H. Integrated Transport Assessment (ITA), Stantec, 2019

I. Alternatives Assessment

J. Transport Design Report

K. Stormwater Assessment & Design

L. Noise and Vibration Assessment

M. Ecological Assessment

N. Preliminary Site Investigation (Contamination)

O. Geotechnical Interpretive Report

P. Erosion and Sediment Control Plan

Q. Mana Whenua Engagement Report

R. Stakeholder and Consultation Summary

S. Draft Conditions

