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Te Tupu Ngātahi Supporting Growth Minor Alteration Letter 30 January 2024



30 January 2024

Te Tupu Ngātahi Supporting Growth PO Box 105218 Auckland 1143

Joy LaNauze and Cheryl Cleary Auckland Council 135 Albert Street Auckland Private Bag 92300, Auckland 1142

Issued via email

Dear Joy and Cheryl

# Re: Consultation undertaken for minor alterations in designation extents – Takaanini Level Crossings NoR 1, and South Frequent Transit Network NoR 4

I am writing in response to your respective letters dated 15 December 2023 regarding the abovenamed subject matter.

## Context

As you are aware, we wrote to each of you on behalf of the requiring authority Auckland Transport (AT) on 9 November 2023 identifying minor changes in the designation extent for Takaanini Level Crossings NoR 1 (TLC NoR 1), and South Frequent Transit Network NoR 4 (South FTN NoR 4). These letters<sup>1</sup> were provided on the basis of advice from the Council on 7 November 2023, which noted that changes to the lodged extent of the NoRs for the purposes of public notification would not be possible due to logistical constraints. In lieu of changes to the NoR extents to be publicly notified, AT requested that the letters be published as part of the s92 response, thereby forming part of the public record so that the most recent recommended changes to the design and designation extent would be in the public domain at the point of public notification. Public notification then took place on 16 November 2023, and included the boundary adjustment letters on the Council website.

In your letters dated 15 December 2023 and accompanying email correspondence, you requested further details on the extent and nature of engagement with the owners of the land affected by the proposed changes in the NoR extents on the basis that Council needs to be satisfied that the affected owners are aware of the changes, and cannot claim any procedural unfairness. Accordingly, this letter:

- Recaps the changes to the NoR extents identified in my 9 November 2023 letters;
- Provides a summary of the engagement that has taken place with each of the six affected property owners. Note that written records corroborating all engagement activities are contained in the OneDrive folder provided, and are footnoted in this letter where relevant. An index of the material contained in the OneDrive folder and footnoted is provided at the end of this letter.

<sup>&</sup>lt;sup>1</sup> See Attachments 1 and 2 in the OneDrive folder.





In AT's view, the combination of direct engagement (documented in this letter below) and public notification of the 9 November 2023 letters via Auckland Council's website demonstrate that affected parties have been clearly informed of the proposed changes to the NoR extents. Accordingly, none of the affected parties have been prejudiced by the proposed changes in the NoR extents, and none can claim procedural unfairness. We therefore consider that further public notification of the NoRs is unwarranted and unnecessary, and that the proposed refinements to the NoR extents can be addressed through the hearings process.

# Recap of proposed changes to the NoR extents

Table 1 summarises the proposed changes to the NoR extents as identified in the 9 November 2023 letters. The rationale for the changes is contained in the letters and is not repeated here.

NoR	Affected Property	Owner	Approx land to be designated as at lodgement (13/10/23)	Approx land to be designated under revised design (as at 9/11/23).	Change
TLC NoR 1	162 Great South Road		303m <sup>2</sup>	665m <sup>2</sup>	+362m <sup>2</sup>
	166-168 Great South Road		1,453m <sup>2</sup>	755m <sup>2</sup>	-698m <sup>2</sup>
South FTN NoR 4	296 Porchester Road		5,494m <sup>2</sup>	1,851m <sup>2</sup>	-3,643m <sup>2</sup>
	354 Porchester Road		5,702m <sup>2</sup>	4,690m <sup>2</sup>	-1,012m <sup>2</sup>
	51 Popes Road		5,295m <sup>2</sup>	6,473m <sup>2</sup>	+1,178m <sup>2</sup>
	52 Popes Road		8,818m <sup>2</sup>	8,557m <sup>2</sup>	-261m <sup>2</sup>

Table 1 – Summary of proposed changes to NoR extents identified in 9 November 2023 letters

The table shows that the proposed NoR changes resulted in a proposed larger designation extent on two properties, and a smaller designation extent proposed on four properties.

# Evidence of affected party engagement

#### 162 Great South Road (TLC NoR 1)

#### Written communication via letters

- A letter<sup>2</sup> was sent to the property owner (manufacture and a concept design and identified that the property was potentially affected by a designation, provided an indicative extent of affected property based on a concept design, and identified the likely timeframes for the lodgement of NoRs.
- A letter<sup>3</sup> was sent to the property owner on 13 October 2023, which confirmed the lodgement of an NoR affecting the property.

<sup>&</sup>lt;sup>2</sup> See Attachment 3 in the OneDrive folder.

<sup>&</sup>lt;sup>3</sup> See Attachment 4 in the OneDrive folder.

 A letter<sup>4</sup> was sent to the property owner on 15 November 2023 via email, which explained that the proposed extent of designation on the property had changed (specifically whether it had increased or decreased), and that the forthcoming notification letter and information from Council on 16 November 2023 was therefore effectively out-of-date.

#### Meetings and other communications

- The project team was unable to establish contact with the owners of 162 Great South Road initially after sending letters in March and October. An email address was obtained after speaking with the site occupiers (a car dealership). First contact<sup>5</sup> with the representative of the owner was made on 13 October 2023.
- Subsequent phone calls with the owner's representative took place on 9 November and 13 November<sup>6</sup>, and proposed changes to the designation were discussed. The owner was invited to discuss the proposal further in person or via video conference. The project team reiterated that the revised boundary effectively superseded the forthcoming notification letter and information from Council on 16 November, which could not be updated due to logistical constraints.
- Further email<sup>7</sup> correspondence continued with the landowner in December 2023, during which they noted that a resource consent application for a new car dealership on the site had been submitted. The consent application has not been approved at the time of writing.
- A meeting<sup>8</sup> was held on 22 January 2024 to further discuss the proposal with the owner and the owner's legal counsel.

#### **Submission**

has submitted on the NoR.

#### 166 Great South Road (TLC NoR 1)

#### Written communication via letters

- A letter<sup>9</sup> was sent to the property owner (**Mathematical** on 21 March 2023. This letter identified that the property was potentially affected by a designation, provided an indicative extent of affected property based on a concept design, and identified the likely timeframes for the lodgement of NoRs.
- A letter<sup>10</sup> was sent to the property owner on 13 October 2023, which confirmed the lodgement of an NoR affecting the property.
- A letter<sup>11</sup> was sent to the property owner via email on 15 November 2023, which explained that the proposed extent of designation on the property had changed, and that the forthcoming notification letter and information from Council on 16 November 2023 was therefore effectively out-of-date.



 $<sup>^{\</sup>rm 4}$  See Attachments 5 and 6 in the OneDrive folder.

<sup>&</sup>lt;sup>5</sup> See Attachment 7 in the OneDrive folder.

<sup>&</sup>lt;sup>6</sup> See Attachments 6 and 8 in the OneDrive folder.

<sup>&</sup>lt;sup>7</sup> See Attachment 9 in the OneDrive folder.

<sup>&</sup>lt;sup>8</sup> See Attachment 35 in the OneDrive folder.

<sup>&</sup>lt;sup>9</sup> See Attachment 10 in the OneDrive folder.

<sup>&</sup>lt;sup>10</sup> See Attachment 11 in the OneDrive folder.

<sup>&</sup>lt;sup>11</sup> See Attachments 12 and 13 in the OneDrive folder.

# Meetings and other communications<sup>12</sup>

- A meeting was held with representatives on 28 September 2023. During this meeting, the representatives identified a range of concerns relating to effects on site access, underground fuel storage tanks/associated hazardous area extents, tanker delivery requirements, pricing totem signage, the car wash facility on site, and parking. Following this meeting, site plans were provided by the representatives.
- Further meetings were held with representatives on 25 October 2023 and 2 November 2023 to discuss potential revisions to the design/designation extent to address the issues raised by
- A meeting was held on 15 November 2023 during which the project team confirmed it intended to change the extent of the NoR as it applied to 166 Great South Road in response to concerns raised, and that the extent required was smaller compared with the lodged NoR extent. The project team reiterated that this boundary effectively superseded the forthcoming notification letter and information to be sent by Auckland Council on 16 November, which could not be updated due to logistical constraints.
- Efforts to further optimise the concept design within the revised NoR boundaries are ongoing.

#### Submission

has submitted on the NoR.

#### 296 Porchester Road (South FTN NoR 4)

#### Written communication via letters

- A letter<sup>13</sup> was sent to the property owner (manual and a second a
- A letter<sup>14</sup> was sent to the property owner on 13 October 2023, which confirmed the lodgement of an NoR affecting the property.
- A letter<sup>15</sup> was sent to the property owner on 15 November 2023 via email following the meeting on 15 November, which explained that the proposed extent of designation on the property had changed, and that the forthcoming notification letter and information from Council on 16 November 2023 was therefore effectively out-of-date.

#### Meetings and other communications<sup>16</sup>

- The project team met with a representative of the owners (methods) on 1 September 2023. The representative stated that it opposed the westward kink on Porchester Road shown in the then-proposed design due to the impacts on the 296 Porchester Road property.
- A meeting was held with representatives on 26 October 2023 (along with representatives of the owners of 354 Porchester Road), during which similar concerns were



<sup>&</sup>lt;sup>12</sup> See Attachment 14 in the OneDrive folder.

 $<sup>^{13}\,</sup>$  See Attachment 15 in the OneDrive folder.

<sup>&</sup>lt;sup>14</sup> See Attachment 16 in the OneDrive folder.

<sup>&</sup>lt;sup>15</sup> See Attachments 17 and 18 in the OneDrive folder.

<sup>&</sup>lt;sup>16</sup> See Attachment 19 in the OneDrive folder.

raised. Following the meeting, **sector** representatives shared further information regarding existing and consented development of its site on 27 October 2023.

 A meeting was held with representatives on 15 November 2023 (along with representatives of the owners of 354 Porchester Road). During this meeting, the project team confirmed it intended to change the extent of the NoR as it applied to 296 Porchester Road in response to concerns raised, and that the extent required was smaller compared with the lodged NoR extent (see Table 1). The project team reiterated that this boundary effectively superseded the forthcoming notification letter and information from Auckland Council on 16 November, which could not be updated due to logistical constraints.

## Submission

have submitted on the NoR.

# 354 Porchester Road (South FTN NoR 4)

#### Written communication via letters

- A letter<sup>17</sup> was sent to the property owner (and a number of a sent to the property was potentially affected by a designation, provided an indicative extent of affected property based on a concept design, and identified the likely timeframes for the lodgement of NoRs.
- A letter<sup>18</sup> was sent to the property owner on 13 October 2023, which confirmed the lodgement of an NoR affecting the property.
- A letter<sup>19</sup> was sent to the property owner on 15 November 2023 via email, which explained that the proposed extent of designation on the property had changed, and that the forthcoming notification letter and information from Council on 16 November 2023 was therefore effectively out-of-date.

#### Meetings and other communications<sup>20</sup>

- The project team met with **sector** representatives on 30 August 2023. **Sector** stated that it opposed the westward kink on Porchester Road shown in the then-proposed design due to the impacts on the 354 Porchester Road property.
- A meeting was held with representatives on 26 October 2023 (along with representatives of the owners of 296 Porchester Road), during which similar concerns were raised. Following the meeting, representatives shared further information regarding existing and consented development of its site on 30 October 2023.
- A meeting was held with representatives on 15 November 2023 (along with representatives of the owners of 296 Porchester Road). During this meeting, the project team confirmed it intended to change the extent of the NoR as it applied to 354 Porchester Road in response to concerns raised, and that the extent required was smaller compared with the lodged NoR extent. The project team reiterated that this boundary effectively superseded the forthcoming notification letter and information on 16 November from Council, which could not be updated due to logistical constraints.



<sup>17</sup> See Attachment 20 in the OneDrive folder.

<sup>&</sup>lt;sup>18</sup> See Attachment 21 in the OneDrive folder.

<sup>&</sup>lt;sup>19</sup> See Attachments 22 and 23 in the OneDrive folder.

<sup>&</sup>lt;sup>20</sup> See Attachment 24 in the OneDrive folder.

#### Submission

• has submitted on the NoR and have acknowledged conversations with the project team in their submission.

#### 51 Popes Road (South FTN NoR 4)

#### Letters

- A letter<sup>21</sup> was sent to the property owner on 10 August 2023. This letter identified that the property was potentially affected by a designation, provided an indicative extent of affected property based on a concept design, and identified the likely timeframes for the lodgement of NoRs.
- A letter<sup>22</sup> was sent to the property owner on 13 October 2023, which confirmed the lodgement of an NoR affecting the property.
- A letter<sup>23</sup> was sent to the property owner on 15 November 2023 via email, which explained that the proposed extent of designation on the property had changed, and that the forthcoming notification letter and information from Council on 16 November 2023 was therefore effectively out-of-date.

#### Meetings and other communications<sup>24</sup>

- The project team was unable to establish contact with the owners of 162 Great South Road initially after sending letters in March and October. AT managed to contact a representative of the owners by phone on 8 November 2023 to discuss the project. The representative is the partner of one of the owners, and is named on the PO Box address as the recipient for the property. This is consistent with information in the Council's GIS database.
- During the 8 November phone call, the owner's representative confirmed that they had closed the PO Box a year prior accordingly, they had not received the above letters about the project.
- An email address was provided, and all previous correspondence was sent to this email address on 8 November. The owner's representative stated on the phone that they wished to digest the information, and would be in contact if they had further questions.
- The project team offered a meeting to discuss the proposal in more detail on four occasions between 8-15 November 2023, but this offer was not taken up.
- The project team followed up with a phone call during the week commencing 18 December 2023.
- The team noted that the property was up for sale during the week commencing 18 December 2023. An email was sent to the agent and a phone call was held with the agent on 22 December 2023 to discuss the proposal<sup>25</sup>.
- A meeting was held with the owner's representative on 22 January 2024 to further discuss the proposal<sup>26</sup>.



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<sup>&</sup>lt;sup>21</sup> See Attachment 25 in the OneDrive folder.

<sup>&</sup>lt;sup>22</sup> See Attachment 26 in the OneDrive folder.

<sup>&</sup>lt;sup>23</sup> See Attachments 27 and 28 in the OneDrive folder.

<sup>&</sup>lt;sup>24</sup> See Attachment 28 in the OneDrive folder.

<sup>&</sup>lt;sup>25</sup> See Attachment 29 in the OneDrive folder.

<sup>&</sup>lt;sup>26</sup> See Attachment 34 in the OneDrive folder.

#### **Submission**

• The owners of 51 Popes Road have not submitted on the NoR.

# 52 Popes Road (South FTN NoR 4)

#### Written communication via letters

- A letter <sup>27</sup>was sent to the property owner on 10 August 2023. This letter identified that the property was potentially affected by a designation, provided an indicative extent of affected property based on a concept design, and identified the likely timeframes for the lodgement of NoRs.
- A letter<sup>28</sup> was sent to the property owner on 13 October 2023, which confirmed the lodgement of an NoR affecting the property.
- A letter<sup>29</sup> was sent to the property owner on 15 November 2023 via email, which explained that the proposed extent of designation on the property had changed, and that the forthcoming notification letter and information from Council on 16 November 2023 was therefore effectively out-of-date.

#### Meetings and other communications<sup>30</sup>

• The project team met with the owners of 52 Popes Road on 2 November 2023 at the property. In general, the owners were supportive of the project, but had some concerns regarding the designation extent and proximity of boundaries to the existing dwelling on site. The project team explained that the stormwater channel design was being re-examined, and that changes to the proposed designation could result. The owners also confirmed that they had received previous letter correspondence summarised above.

#### **Submission**

• The owners of 52 Popes Road have submitted on the NoR and have acknowledged conversations with the project team in their submission.

#### Summary of affected party engagement

Overall, we consider that the engagement and communication details outlined in this letter, demonstrate that all parties directly affected by the proposed boundary changes:

- Were contacted directly and advised of the proposed NoR extent changes prior to public notification;
- Have had ongoing contact with the Project team; and
- Have had an opportunity to submit on the Project and in most cases, have done so.

Given the above, we reiterate our view that the combination of direct engagement and public notification of the 9 November 2023 boundary alteration letters demonstrate that all affected parties, as well as the public more generally, have been clearly informed of the proposed changes to the NoR extents within the time necessary to participate in the recent submission process; and that further



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<sup>&</sup>lt;sup>27</sup> See Attachment 30 in the OneDrive folder.

<sup>&</sup>lt;sup>28</sup> See Attachment 31 in the OneDrive folder.

<sup>&</sup>lt;sup>29</sup> See Attachments 32 and 33 in the OneDrive folder.

<sup>&</sup>lt;sup>30</sup> See Attachment 33 in the OneDrive folder.

public notification of the NoRs is therefore unwarranted and unnecessary. We further reiterate that the proposed refinements to the NoR extents can be addressed through the hearings process.

We trust this letter assists in resolving the matters raised in your 15 December 2023 letters. Please advise if you should require any further clarification.

Yours sincerely

Liam Winter Planning Lead – Takaanini Projects





No.	Attachment		
1	Letter to Auckland Council – Minor alteration to notified extent of South FTN NoR 4; dated 9/11/23.		
2	Letter to Auckland Council – Minor alteration to notified extent of TLC NoR 1; dated 9/11/23.		
3	Letter to dated 21/3/23.		
4	Letter to dated 13/10/23.		
5	Letter to dated 14/11/23.		
6	Email correspondence between Te Tupu Ngātahi and providence providence persentatives following phone discussion; dated 15/11/23 (including 14/11/23 letter attached).		
7	Email correspondence between Te Tupu Ngātahi and <b>service services and services</b> representatives; dated 13/10/23.		
8	Notes from phone correspondence between Te Tupu Ngātahi and providence between Te Tupu Ngātahi		
9	Email correspondence between Te Tupu Ngātahi and <b>service services and services</b> representatives; dated 20/12/23.		
10	Letter to dated 21/3/23.		
11	Letter to dated 13/10/23.		
12	Letter to dated 14/11/23.		
13	Email correspondence between Te Tupu Ngātahi and representatives following meeting; dated 15/11/23 (including 14/11/23 letter attached).		
14	Records of communications (including emails, phonecalls, meetings, and letter drops) between Te Tupu Ngātahi and the between 12/8/22 and 12/12/23.		
15	Letter to & Others; dated 10/8/23.		
16	Letter to & Others; dated 13/10/23.		
17	Letter to & Others; dated 14/11/23.		
18	Email correspondence between Te Tupu Ngātahi and providence representative following meeting (including 14/11/23 letter attached).		
19	Records of communications (including emails, phonecalls, meetings, and letter drops) between Te Tupu Ngātahi and representatives between 17/8/23 and 27/10/23.		
20	Letter to dated 10/8/23.		
21	Letter to dated 13/10/23.		
22	Letter to dated 14/11/23.		
23	Email correspondence between Te Tupu Ngātahi and representatives following meeting (including 14/11/23 letter attached).		
24	Records of communications (including emails, phonecalls, meetings, and letter drops) between Te Tupu Ngātahi and total between 10/8/23 and 15/11/23.		
25	Letter to the second seco		
26	Letter to the second se		

# Index of attachments referred to in footnotes (refer to OneDrive folder for full records)



No.	Attachment			
27	Letter to the second se			
28	Email correspondence between Te Tupu Ngātahi and 51 Popes Road representative (including 14/11/23 letter attached); dated between 8/11/23 and 14/11/23.			
29	Email correspondence between Te Tupu Ngātahi and <b>service services</b> ; dated between 21/12/23 and 22/12/23.			
30	Letter to the second se			
31	Letter to the second se			
32	Letter to the second se			
33	Email correspondence between Te Tupu Ngātahi and <b>Sector Sector</b> (including 14/11/23 letter attached); dated 15/11/23.			
34	Record of meeting with 51 Popes Road representative; dated 22/1/24.			
35	Record of meeting with representatives; dated 22/1/24.			



Te Tupu Ngātahi Supporting Growth Minor Alteration Letter 9 November 2023



9 November 2023

Te Tupu Ngātahi Supporting Growth PO Box 105218 Auckland 1143

Cheryl Cleary c/o Auckland Council 135 Albert Street Auckland Private Bag 92300, Auckland 1142

Issued via email:

Dear Cheryl

# MINOR ALTERATION TO NOTIFIED EXTENT OF AUCKLAND TRANSPORT'S NOTICE OF REQUIREMENT – SOUTH FREQUENT TRANSIT NETWORK NOR 4 – POPES/PORCHESTER INTERSECTION AND APPROACHES

#### **Overview and request**

As you are aware, the South Frequent Transit Network (South FTN) Notices of Requirement (NoRs) were lodged on 13 October 2023, and are scheduled to be publicly notified on 16 November 2023. We are grateful to the Council processing team for its assistance with that process to date.

Since lodgement, the project team has continued to engage with affected parties. In some instances, new information has necessitated further work on the proposed design and localised refinements to designation boundaries in response to the matters raised by those parties.

We understand that it is not possible at this late stage to make changes to public notification information due to logistical constraints. However, to ensure that affected landowners and interested parties are kept up to date on all recent project developments and designation extents, Auckland Transport has requested that we provide this letter update as part of the section 92 response.

Auckland Transport respectfully requests that this letter is provided along with responses to section 92 requests in the relevant notification information and/or online. This will ensure that the affected landowners are provided with accurate information showing the proposed property impact of NoR 4 as it relates to their property. We note that we have been in contact with landowners directly, but also wanted to formally provide this communication as part of the s92 responses so that it forms part of the record for processing purposes.

We would be happy to discuss these boundary refinements with the Council processing team in due course.





#### Proposed change to NoR 4

NoR 4 includes provision for the upgrade of the intersection of Porchester and Popes Roads. The lodged designation extent includes the following land requirements on the immediately adjoining properties.

Address	Title No.	Legal Description	Approx. land to be designated (m²) – as lodged
296 Porchester Road	622075	Lot 2 DP 466165	5,494
354 Porchester Road	NA98B/473	Lot 2 DP 163055	5,702
51 Popes Road	NA15C/1111	Lot 1 DP 60825	5,295
52 Popes Road	NA119C/30	Lot 2 DP 189669	8,818

Table 1 – Land	d requirements	for Popes	<b>Porchester</b>	intersection as lodged	
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Following lodgement, continued engagement has been undertaken with affected parties. New information identified through this engagement has resulted in identification of a revision to the proposed design, and a consequent change in the likely final designation boundary. The resultant change in designation extent is summarised in Table 2, and is shown in Figure 1.

 Table 2 – Change in land requirements for Popes / Porchester intersection resulting from proposed designation change

Address	Approx. land to be designated (m <sup>2</sup> ) – as lodged	Approx. land to be designated (m <sup>2</sup> ) – as proposed under revised design	Change (m²)
296 Porchester Road	5,494	1,851	-3,643
354 Porchester Road	5,702	4,690	-1,012
51 Popes Road	5,295	6,473	1,178
52 Popes Road	8,818	8,557	-261



Figure 1 – Comparison between design/designation as lodged (left) and as currently proposed (right)

#### Rationale

The full rationale for the proposed change and implications for the assessment of environmental effects will be addressed in evidence moving forward. However, by way of summary, the changes have been occasioned by:

- New information on the consenting history and existing/planned development on the 296
  Porchester and 354 Porchester sites. This new information was material in the context of the
  Assessment of Alternatives, and the understanding of the existing environment that had informed
  the previous option choices. The team has revisited alignment options where new constraints
  have been identified. A straight alignment is now recommended for Porchester Road in this
  location, where the lodged design showed a slight westward kink;
- New information on the existing and consented stormwater network serving the live-zoned area to the west of Porchester Road, and resultant changes in the functional requirements for stormwater conveyance and treatment for the road upgrades on the west side of the intersection;
- Refinement of stormwater conveyance options for the east side of Porchester Road as a result of straightening the road alignment; and
- Retesting of intersection layouts from a transport perspective following sensitivity testing accounting for the probable removal of the Future Urban Zone (FUZ) to the east of Porchester Road.

We trust this letter is of assistance in understanding likely changes to the design and designation following notification.

Kind regards

Liam Winter Planning Lead