

Memo

Date 29 January 2019

To: Phill Reid, Auckland-wide Manager

From: **Jo Hart – Principal Planner**

Subject: **Plan Modification: Clause 20A Amendment to Chapter K: Designations of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016).**

Delegated authority to T4 manager through Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register (Updated May 2017).

This plan modification requires decision-making pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, as corrections are required to the Auckland Unitary Plan (Operative in Part).

Rule or Section of Unitary Plan	<p>Chapter K: Designations</p> <ul style="list-style-type: none"> • Designation 6750: State Highway 1 (SH1) from Greville Road in the north to the Sunset Road overbridge in the south; • Designation 6751: State Highway 1 (SH1) from Greville Road in the south to Oteha Valley Interchange in the north; • Designation 6756: State Highway 18 (SH18) from the Albany Highway in the west to SH1 in the east • Designation 6758: Constellation Drive Station; • Designation 6775: The Northern Busway Designation adjacent to SH1 from Constellation Bus Station to Albany Bus Station; and • Designation 6776: Shared Use Path (SUP) Designation adjacent to SH1 from Constellation Bus Station to Oteha Valley Road.
Subject Site (if applicable)	Various – State Highway 1 from Oteha Valley Road, Albany to Greville Road, Albany, State Highway 1 from Greville Road, Albany to Constellation Drive, Constellation Bus Station, shared use paths adjacent to SH1 and SH18 and extension of the Northern busway between Constellation Bus Station and Albany Bus Station
Legal Description (if applicable)	
Nature of change	<p>A numbering change is required to correct Condition UDL.5(c) in the Operative in Part version.</p> <p>Discussion</p> <p>All of the above designations are associated with NZTA’s Northern Corridor Improvement Project. Alterations to conditions of four existing designations (6750, 6751, 6756, and 6758) and two new designations for the shared use path and Northern Busway extension (6775 and 6776) were confirmed by the Board of Inquiry on 16 November 2017.</p> <p>The conditions as lodged by NZTA to the BOI is shown below:</p>

- UDL.5** The UDLP shall include mitigation planting in general accordance with the requirements of Section 6 of the draft UDLF and shall include the following planting details:
- a. Identification of vegetation to be retained, protection measures, and planting to be established along cleared edges;
 - b. Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods;
 - c. The staging of planting in relation to the construction programme shall, as far as practicable, include provision for planting within each planting season following completion of works in each stage of the Project and detailed specifications relating to (but not limited to) the following:
 - i. Weed control and clearance;
 - ii. Pest animal management;
 - iii. Ground preparation (topsoiling and decompaction);
 - iv. Mulching;
 - v. Plant sourcing and planting, including hydroseeding and grassing; and
 - vi. A maintenance regime including monitoring and reporting requirements, which is to apply for a minimum 2 year period following that planting being undertaken.

UDL.6 All work shall be carried out in accordance with the UDLP.

The BOI released a draft set of conditions on 9 October 2017. The wording of Condition UDL.5(c) is shown below:

- UDL.5** The Requiring Authority shall undertake mitigation and enhancement planting in general accordance with the requirements of Sections 5 and 6 of the UDLF (Rev. 3). The UDLP shall include details of proposed mitigation planting including as follows:
- a. Identification of vegetation to be retained, protection measures, and planting to be established along cleared edges;
 - b. Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods;
 - c. The proposed staging of planting in relation to the construction programme, including provision for planting within each planting season following completion of works in each stage of the Project and detailed specifications relating to (but not limited to) the following:
 - i. Weed control and clearance;
 - ii. Pest animal management;
 - iii. Ground preparation (topsoiling and decompaction);
 - iv. Mulching;
 - ix. Plant sourcing and planting, including hydroseeding and grassing; and
 - d. Details of a proposed maintenance and monitoring programme.

The numbering of UDL.5(c) is shown as (i) to (ix). This error was not identified before the BOI final decision was released on 22 November 2017. UDL.5(c) of the final decision is shown below:

	<p>UDL.5 The Requiring Authority shall undertake mitigation and enhancement planting in general accordance with the requirements of Sections 5 and 6 of the UDLF (Rev. 3). The UDLP shall include details of proposed mitigation planting including as follows:</p> <ol style="list-style-type: none"> a. Identification of vegetation to be retained, protection measures, and planting to be established along cleared edges; b. Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods; c. The proposed staging of planting in relation to the construction programme, including provision for planting within each planting season following completion of works in each stage of the Project and detailed specifications relating to (but not limited to) the following: <ol style="list-style-type: none"> i. Weed control and clearance; ii. Pest animal management; iii. Ground preparation (topsoiling and decompaction); iv. Mulching; ix. Plant sourcing and planting, including hydroseeding and grassing; and d. Details of a proposed maintenance and monitoring programme. <p>Condition UDL.5(c)(vi) of the conditions as lodged by NZTA was amended through the BOI process to become ULD.5(d). An error in the numbering of UDL.5(c) was not identified and corrected after the draft and final conditions were released.</p> <p>Since the BOI decision, there have been three further alterations in February 2018, May 2018 and December 2018. This did not involve amendments to Condition UDL.5.</p>
<p>Effect of change</p>	<p>The effect of the amendment is less than minor and administrative in nature. This is solely an error in numbering. This does not affect the intent, or the content, of Condition UDL.5(c) and investigation has shown that there is no wording which has been omitted.</p>
<p>Changes required to be made</p>	<p>Amend Chapter K – Designations (6750, 6751, 6756, and 6758, 6775 and 6776) in the Operative in Part version.</p> <p>The following amendment is required:</p> <p>...</p> <p>UDL.5 The Requiring Authority shall undertake mitigation and enhancement planting in general accordance with the requirements of Sections 5 and 6 of the UDLF (Rev. 3). The UDLP shall include details of proposed mitigation planting including as follows:</p> <ol style="list-style-type: none"> a. Identification of vegetation to be retained, protection measures, and planting to be established along cleared edges; b. Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods; c. The proposed staging of planting in relation to the construction programme, including provision for planting within each planting season following completion of works in each stage of the Project and detailed specifications relating to (but not limited to) the following: <ol style="list-style-type: none"> i. Weed control and clearance;

	<ul style="list-style-type: none">ii. Pest animal management;iii. Ground preparation (topsoiling and decompaction);iv. Mulching;ix.v Plant sourcing and planting, including hydroseeding and grassing; andd. Details of a proposed maintenance and monitoring programme.
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Prepared by:

Jo Hart – Principal Planner



Signature:

David Sanders – Team Leader, Planning North West and Islands



Signature:

T4 Manager Approval

**Phill Reid Auckland-wide Planning Manager
Signature**

