

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topic 074 Designations

New Zealand Transport Agency

Designations 6741, 6756, 6758, 6761, 6764

May 2016

Report first prepared by Murray Kivell in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 18 August 2015 and updated 9 October 2015 and updated 18 December 2015.

Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.

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1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party;
- ii. modification to a designation that will result in more than minor effects and with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions.

2. Assessment

The assessment will address:

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

See section 9 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that the following designations should be confirmed as recommended in section 9.

3. Expert input

Not applicable.

4. Mediation required


Based on the responses of the requiring authority and Auckland Council as detailed in section 9, the matters would not benefit from mediation.

5. Hearing required

Based on the responses of the requiring authority as detailed in section 9, the matters are unlikely to progress to a hearing.

6. Recommendation to Panel

That the Panel recommends that the designations be confirmed.

Author	Murray Kivell
Author's Signature	
Date	18 August 2015 and updated 9 October 2015 with no change, and updated 18 December 2015 with changes.


7. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the notices of requirement for designations 6741, 6756, 6757, 6758, 6761 and 6764 without any further modifications as sought by Auckland Council, except for the modifications recommended in the Panel report IHP Report to AC_074 NZTA AC submissions.

This recommendation applies to the designations listed in section 9 below.

8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

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

9. Assessment of modifications and submissions

Requiring authority	New Zealand Transport Agency (NZTA)
Designation number(s)	6741: State Highway 16 and 18 – Westgate to Whenuapai and Hobsonville 6756: State Highway 18 - Upper Harbour Highway 6757: State Highway 1 - North Shore Busway 6758: State Highway 1 - Constellation Drive Station 6761: State Highway 1 – Silverdale to Puhoi 6764: State Highway 1 Road Widening - Hudson Road, Warkworth
Designation purpose in the Proposed Auckland Unitary Plan	6741: NA 6756: State Highway 18 - the control, management and improvement of the state highway, including planning, design, research, construction, operation and maintenance relating to all land within the state highway designation and in accordance with the Transit New Zealand Act 1989. 6757: The North Shore Busway - for the construction, operation and maintenance of a state highway with provision for bus and high occupancy vehicle rapid transit facilities. 6758: Constellation Drive Station - for the construction, operation and maintenance of roads, buildings, facilities and amenities and park and ride facilities (including a busway control room and any ancillary structures, works and activities) for the purpose of providing a rapid transit facility for buses and high occupancy vehicles. 6761: motorway and limited access highway and associated interchange structures. 6764: road widening.
Location	State Highway network Auckland.
Designations given effect to	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	Yes
Description of the modification	NA
Notice of requirement	NA
Land ownership	NA
Land owned by the requiring authority	All land subject to designations is owned by the requiring authority
Submitters	New Zealand Transport Agency and Auckland Council

Matters addressed in submissions, amendments and reasons		
New Zealand Transport Agency Designation	Amendments requested in submissions	Assessment and reasons
6741	Auckland Council submission (5716-2725) requests amendment of condition 3 to refer to New Zealand Transport Agency State Highway construction and maintenance noise and vibration guide, August 2013. New Zealand Transport Agency disagrees because the original condition is an operational traffic noise condition. The report writer recommends no change.	No change is necessary as the original condition is an operational traffic noise condition.
6756	Auckland Council (5716-2736) requests amendment of condition 4 to refer to Agency State Highway construction and maintenance noise and vibration guide, August 2013. New Zealand Transport Agency disagrees because the original condition is an operational traffic noise condition. The report writer recommends no change.	No change is necessary as the original condition is an operational traffic noise condition.
6757	Auckland Council (5716-2741) requests amendment of condition 7.1 to refer to Agency State Highway construction and maintenance noise and vibration guide, August 2013. New Zealand Transport Agency disagrees because the original condition is an operational traffic noise condition. The report writer recommends no change.	No change is necessary as the original condition is an operational traffic noise condition.
6757	Auckland Council (5716-2743) requests amendment of Condition 7.7 to read: '7.7 Where practicable, acoustic barriers required to meet <u>Transit Noise Guidelines New Zealand Transport Agency's State highway construction and maintenance noise and</u>	No change is necessary as the original condition is an operational traffic noise condition.

	<u>vibration guide, August 2013 in particular...'</u>	
6758	Auckland Council (5716-2745) requests amendment of condition 7.1 to refer to Agency State Highway construction and maintenance noise and vibration guide, August 2013. New Zealand Transport Agency disagrees because the original condition is an operational traffic noise condition. The report writer recommends no change.	No change is necessary as the original condition is an operational traffic noise condition.
6758	Auckland Council (5716-2747) requests amendment of condition 7.7 to refer to Agency State Highway construction and maintenance noise and vibration guide, August 2013. New Zealand Transport Agency disagrees because the original condition is an operational traffic noise condition. The report writer recommends no change.	No change is necessary as the original condition is an operational traffic noise condition.
6761	Auckland Council (5716-2749) requests amendment of condition 2.1 to refer to Agency State Highway construction and maintenance noise and vibration guide, August 2013. New Zealand Transport Agency disagrees because the original condition is an operational traffic noise condition. The report writer recommends no change.	No change is necessary as the original condition is an operational traffic noise condition.
6764	Auckland Council (5716-2751) request amending condition 4.4 to refer to Agency State Highway construction and maintenance noise and vibration guide, August 2013. New Zealand Transport Agency disagrees because the original condition is an operational traffic noise condition. The report writer recommends no change.	No change is necessary as the original condition is an operational traffic noise condition.
Engagement with requiring	Various discussions have occurred with both parties. Agency	

authority and submitter by report writer.	correspondence dated 12 August 2015 'Topic 074 Designations – Auckland Council submissions on New Zealand Transport Agency designations' further informs on the New Zealand Transport Agency position. This information is relied on by the report writer.
Assessment and reasons	Matters have been canvassed above and recommendations provided.
Recommendation	It is recommended that the designations be confirmed as set out above.
Recommendation to Panel	It is recommended that the designations be confirmed as set out in the Proposed Auckland Unitary Plan.
Response from requiring Authority	Counsel for the New Zealand Transport Agency provided a memorandum dated 11 September 2015 confirming that the Agency agrees with the recommendations. The Agency does not consider mediation or a hearing to be necessary in respect of these submission points.
Further comments from report writer	In relation to all the above submission point matters the Auckland Council has agreed to not pursue the above proposed amendments. Auckland Council should provide formal documentation confirming the withdrawal of all submission points, and once this is received there will be no outstanding matters for determination by the Panel. Should the submissions not be withdrawn, then I reaffirm my original recommendations set out above.
Final comments from report writer	Legal submissions from Auckland Council (paragraphs 6.6. and 6.7, 27 November 2015) acknowledge that it would be inappropriate to change the environmental standards currently provided in the designations and therefore Council agrees not to pursue the proposed amendments, but has not withdrawn them for administrative reasons. The planning statement of evidence of Bain Cross (paragraphs 6.10, and 9.19-9.215 November 2015) for Auckland Council and Patrick Buckley (paragraphs 21-23, and Annexures B and C, 21 October 2015) for the New Zealand Transport Agency confirm these agreements. On the basis that the submissions by the Auckland Council have not been withdrawn but that Council agrees not to pursue the proposed amendments, the report writer's recommendations remain as set out above.
Recommendation from Panel	The Panel supports the report writer's recommendations.
Reasons	The Panel supports the report writer's reasons.