

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

Submissions on existing designations from  
Auckland Council

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 13 October 2015 and updated 18 December and 22 February 2016.**

**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.**

## Contents

1. Introduction .....	3
2. Assessment .....	3
3. Expert input.....	3
4. Estimate of mediation required.....	3
5. Estimate of hearing requirements.....	3
6. Update – 18 December 2015 .....	4
7. Update – 22 February 2016 .....	4
8. Recommendation to Panel .....	4
10. Panel recommendations to Auckland Council .....	5
11. Panel reasons .....	5
12. Assessment of modifications and submissions.....	6
13. Attachment 1 changes to the text of the Proposed Auckland Unitary Plan.....	10
14. Attachment 2 changes to the maps of the Proposed Auckland Unitary Plan.....	10
15. Annexure 1 record of relief sought and agreed position.....	10

## 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 11 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that the following designation/modifications/requirements should be confirmed.

## 3. Expert input

Not applicable.

## 4. Estimate of mediation required

Based on the responses of the requiring authority as detailed in section 12, there are no matters that have been identified that would benefit from mediation.

## 5. Estimate of hearing requirements

Based on the responses of the requiring authority as detailed in section 12, the following matters have been identified to progress to a hearing.

Agreement has not been reached between the Auckland Council and the New Zealand Transport Agency on the following submission points:

6719 SH1- Shelley Beach Priority Lane (5716-2717);

6721 SH1- Victoria Park Tunnel (5716-2718);

6722 SH16-Waterview Connection causeway to Patiki Road (5716-2719);

6723 SH16-Waterview Connection Waterview to Western Springs (5716-2720);  
6724 SH 16 Avondale (5716-2721);  
6729 SH20 and Railway-Mt Roskill (5716-2722); and  
6731 SH20-Hillsborough to Mt Roskill (5716-2724).

It is estimated that 0.5 days of hearing will be required.

## 6. Update – 18 December 2015

Legal submissions presented by counsel for the New Zealand Transport Agency (Cameron Law, 30 November 2015) included an attachment Annexure B – NZ Transport Agency Designation Council Submission Table, to record the agreed position of the New Zealand Transport Agency and Auckland Council on these outstanding matters.

The agreements replace the operative plan rules with the generic Unitary Plan provisions rather than a specific rule reference because these rules may change through the hearings process.

The report writer's recommendation is to accept these above amendments which are mainly administrative in nature being clearer and easier to use.

## 7. Update – 22 February 2016

Several informal meetings and one formal meeting that involved the facilitator have occurred between December 2015 and mid-February 2016. Enclosed as part of this final report in Annexure 1 is a record of designation numbers, relief sought in submissions and the agreed position of parties. These are discussed further in section 12 of this report.

## 8. Recommendation to Panel

That the Panel confirm the designation/modification/requirement relating to these matters.

<b>Author</b>	Murray Kivell
<b>Author's Signature</b>	
<b>Date</b>	13 October 2015 and updated 18 December 2015 and 22 February 2016

## 10. 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 subject to further modifications shown in Attachment 1 and Attachment 2 and also as set out in the Panel reports IHP Report to AC\_074 NZTA 6768, IHP Report to AC\_074 NZTA lapse dates minor, and IHP Report to AC\_074 NZTA 6727.

### Note

IHP Report to AC\_074 NZTA 6768, IHP Report to AC\_074 NZTA lapse dates minor, and IHP Report to AC\_074 NZTA 6727 contain additional modifications recommended in response to other submissions.

This recommendation applies to the designations listed in section 12 below.

## 11. Panel reasons

The reasons for the Panel's recommendation are set out in section 12 below.

<b>Panel Chair</b>	David Kirkpatrick
<b>Chair's Signature</b>	
<b>Date</b>	18 May 2016

## 12. Assessment of modifications and submissions

Auckland Council lodged a series of submissions to the New Zealand Transport Agency designations included in the seven operative plans which have not lapsed and are to be included in the Proposed Auckland Unitary Plan.

The majority of the submissions listed in the Council table of submissions (attached, dated 13 October 2015) were not reported on in the first instance. This report addresses this oversight. Where submissions have been reported on, this is noted with reference to the relevant report.

Auckland Council seeks that the designations be included in the Proposed Auckland Unitary Plan in a manner that updates and corrects reference to relevant standards, organisations and delegations etc. along with addressing mapping errors.

The report considers the list of designations with these requested modifications that are considered minor matters and or corrections. Annexure 1 provides details of all relief sought with respect to each submission point raised by Auckland Council.

The table in Annexure 1 is relied on to determine where there is agreement recorded between the New Zealand Transport Agency and Auckland Council. Where agreement has not been reached then a recommendation is provided in this report. Auckland Council has agreed 'not to pursue the submission point' in some cases but these submission points have not been withdrawn.

Requiring authority	New Zealand Transport Agency
Designation number (s)	6704, 6709, 6716, 6719, 6721, 6722, 6723, 6724, 6729, 6731, 6741, 6750, 6753, 6756, 6757, 6758, 6761, 6764, 6766, 6767, 6768.  Refer to Annexure 1 for more detail including: Designation reference, Submission Number, Relief Sought and Agreed Position between Auckland Council and the New Zealand Transport Agency.
Designation purpose	Various – related to state highways.
Location	State highways
Designation given effect to	Yes
Lapse date in Proposed Auckland Unitary Plan	NA
Rollover designation with no modifications	NA
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.

<p>Matters addressed in submissions</p>	<p>Auckland Council submissions request changes to a range of designations in the following circumstances:</p> <ul style="list-style-type: none"> <li>i. to correct designation boundaries that are mapping errors and or do not align with the extent of designation within the operative plan – the New Zealand Transport Agency has agreed to provide ‘shape files’ of its designations to resolve those mapping issues;</li> <li>ii. to correct designation labels, references and drafting errors – the New Zealand Transport Agency has agreed with these changes;</li> <li>iii. to update some designation conditions to refer to relevant Acts of Parliament, and contemporary standards or codes – the New Zealand Transport Agency has agreed with these changes; and</li> <li>iv. to those amendments that are recorded as not supported by the New Zealand Transport Agency - Council now has agreed not to pursue the proposed amendments and Auckland Council procedurally should withdraw these submission points.</li> </ul> <p>Annexure 1 records the relief requested in each case and is not repeated in this report.</p>
<p>Engagement by requiring authority with Auckland Council</p>	<p>There have been extensive discussions between the requiring authority, Council and the report writer to a lesser extent to understand and address the submission points raised.</p> <p>A meeting was held with the New Zealand Transport Agency representatives on 6 October 2015 to clarify the current position of the New Zealand Transport Agency on matters.</p>
<p>Assessment and reasons</p>	<p>The submissions relate to existing designations most of which have been given effect to. These requested changes can be considered as administrative changes to correct obvious errors, improve mapping and improve the readability of the conditions relating to a designation.</p> <p>Many changes have been agreed between the two parties. The New Zealand Transport Agency notes that often the changed conditions relate to construction phases of a project that have been completed, complied with some time ago and now have no further effect. On this basis the New Zealand Transport Agency is accepting of the changes being made. The New Zealand Transport Agency is also accepting changes where it has been determined that the amendments do not result in any practical change to the New Zealand Transport Agency’s ongoing obligations.</p> <p>Overall, the changes will not result in any substantive change to and environmental effects resulting from these designated sites.</p>

	<p>The assessment is organised in groups below:</p> <p><b>Group 1</b></p> <p>The New Zealand Transport Agency has agreed to provide shape files to the Council in relation to the following designations with the relevant submission point recorded in brackets:</p> <p>6704 SH22-Karaka to Pukekohe (5716-2708, 5716-2709);</p> <p>6709 SH20-Manukau Harbour Crossing to Mangere (5716-2710 and 5716-2711);</p> <p>6716 SH20-Manukau City Centre to Wiri (5716-2716);</p> <p>6752 SH17 (5716-2732);</p> <p>6766 SH 16-Hobsonville to Wellsford (5716-2753);</p> <p>These changes are recommended as minor amendments, subject to the requiring authority providing amended maps for Panel review.</p> <p><b>Group 2</b></p> <p>Agreement is recorded between the Auckland Council and the New Zealand Transport Agency on the following designation conditions:</p> <p>6716 SH20-Manukau City Centre to Wiri (5716-2712, 5716-2713, 5716-2714, 5716-2715);</p> <p>6741 SH16 and 18 Westgate to Whenuapai and Hobsonville (5716-2724, 5716-2726, 5716-2727, 5716-2728, 5716-2729);</p> <p>6750 SH1- Auckland Harbour Bridge to Albany (5716-2730);</p> <p>6751 SH1-Albany 6752 (SH17) (5716-2731);</p> <p>6752 SH17 (5716-2733), Note this designation does not exist and the submission requests relabeling to 6751;</p> <p>6753 SH18-Rosedale (5716-2734);</p> <p>6756 SH18-Upper Harbour (5716-2735, 5716-2737, 5716-2738, 5716-2739, 5716-2740);</p> <p>6757 SH1- North Shore Busway (5716-2742, 5716-2744);</p> <p>6758 SH1-Constellation Drive Station (5716-2746, 5716-2748);</p> <p>6761 SH1-Silverdale to Puhoi (5716-2750);</p> <p>6764 SH1 Road Widening-Hudson Road, Warkworth (5716-2752);</p> <p>6766 SH16-Hobsonville to Wellsford (5716-2754);</p> <p>6767 SH17-Silverdale Interchange (5716-2755);</p> <p>6768 SH16 Road Widening-Kumeu/Huapai (5716-2756).</p>
--	---

	<p><b>Group 3</b></p> <p>The Council submission points on the following designations have been addressed and recommendations provided in a separate Panel report referenced as IHP Report to AC_074 NZTA 6741 6756 6757 6758 6761 6764.</p> <p>6741 SH 16 and 18-Westgate to Whenuapai and Hobsonville (5716-2725);</p> <p>6756 SH18–Upper Harbour Highway (5716-2736);</p> <p>6757 SH1-North Shore Busway (5716-2741 and 5716-2743);</p> <p>6758 SH 1-Constellation Drive Station (5716-2745 and 5716-2747);</p> <p>6761 SH1-Silverdale to Puhoi (5716-2749);</p> <p>6764 SH1 Road widening-Hudson Road, Warkworth (5716-2751);</p> <p><b>Group 4</b></p> <p>Agreement has not been reached between the Auckland Council and the New Zealand Transport Agency on the following submission points:</p> <p>6719 SH1- Shelley Beach Priority Lane (5716-2717);</p> <p>6721 SH1- Victoria Park Tunnel (5716-2718);</p> <p>6722 SH16-Waterview Connection causeway to Patiki Road (5716-2719);</p> <p>6723 SH16-Waterview Connection Waterview to Western Springs (5716-2720);</p> <p>6724 SH 16 Avondale (5716-2721);</p> <p>6729 SH20 and Railway-Mt Roskill (5716-2722); and</p> <p>6731 SH20-Hillsborough to Mt Roskill (5716-2724).</p> <p>My assessment is consistent with the Agency’s assessment. In the absence of the amended wording proposed by Auckland Council then an assessment cannot be made on the merits of these changes.</p> <p>In the absence of evidence my assessment is that no change is made to each of the above listed designations.</p>
Recommendations	<p><b>Recommendation in relation to Assessment Group 1 Matters:</b></p> <p>These changes are recommended as minor amendments, subject to the requiring authority providing amended maps for Panel review.</p> <p><b>Recommendation in relation to Assessment Group 2 Matters:</b></p> <p>It is recommended that the agreed modifications be accepted by the Panel.</p> <p><b>Recommendation in relation to Assessment Group 3</b></p>

	<p><b>Matters:</b></p> <p>Refer to separate Panel report referenced as IHP Report to AC_074 NZTA 6741 6756 6757 6758 6761 6764.</p> <p><b>Recommendation in relation to Assessment Group 4 Matters:</b></p> <p>It is recommended that the requested modifications by Auckland Council be rejected.</p>
Recommendation to Panel	That the Panel recommends to the Council that these designations with modifications included in the Schedule of Designations in the Proposed Auckland Unitary Plan be confirmed subject to amendments as set out in the recommendations to Assessment Groups 1, 2, above and in Attachments 1 and 2.
Response from requiring authority	Agrees with the above recommendations to Panel.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Reasons	The Panel agrees with the report writer's reasons.

### **13. Attachment 1 changes to the text of the Proposed Auckland Unitary Plan**

Refer to separate document referenced as IHP Report to AC\_074 NZTA AC submissions\_Attachment 1.

### **14. Attachment 2 changes to the maps of the Proposed Auckland Unitary Plan**

That the maps for designations 8507, 8516 & 8519 be amended as set out in the Panel's GIS viewer map of the designation as of 9 May 2016. No map attachments are provided in this report because of the length of the highway designations makes this impracticable.

### **15. Annexure 1 record of relief sought and agreed position**

Refer to separate document referenced as IHP Report to AC\_074 NZTA AC submissions\_Annexure 1