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I hereby give notice that a hearing by commissioners will be held on:

**Date:** **Week One: Tuesday 6 - Friday 9 October 2020**  
**Week Two: Monday 12 - Thursday 15 October 2020**

**Time:** **9.30am**

**Meeting Room:** **Main Hall**

**Venue:** **Warkworth Town Hall,  
Corner Neville and Alnwick Streets, Warkworth**

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**HEARING REPORT**

**VOLUME TWO – NOTICE OF REQUIREMENT –  
MISSING PAGES**

**MULTIPLE SITES BETWEEN WARKWORTH AND  
NORTH OF TE HANA**

**WAKA KOTAHI - THE NEW ZEALAND  
TRANSPORT AGENCY**

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**COMMISSIONERS**

**Chairperson** **Kitt Littlejohn**  
**Commissioners** **Kim Hardy**  
**Juliane Chetham**  
**Nigel Mark-Brown**

**Paulette Kenihan**  
**SENIOR HEARINGS ADVISOR**

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## **WHAT HAPPENS AT A HEARING**

At the start of the hearing, the Chairperson will introduce the hearing panel and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

### **Scheduling submitters to be heard**

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing attendance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

### **The hearing procedure**

The usual hearing procedure is:

- The Requiring Authority (the applicant) will be called upon to present their case. The Requiring Authority may be represented by legal counsel or consultants and may call witnesses in support of the application. After the Requiring Authority has presented their case, members of the hearing panel may ask questions to clarify the information presented
- The relevant local board may wish to present comments. These comments do not constitute a submission however the Local Government Act allows the local board to make the interests and preferences of the people in its area known to the hearing panel. If present, the local board will speak between the applicant and any submitters.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission
- Submitters wishing to present written information (evidence) in support of their applications or submissions should provide the number of copies indicated in the notification letter
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing
- After the Requiring Authority and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification
- When those who have lodged submissions and wish to be heard have completed their presentations, the Requiring Authority or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the Requiring Authority at this stage

- The chairperson then generally closes the hearing and the Requiring Authority, submitters and their representatives leave the room.
- The hearing panel will then deliberate “in committee” and make a decision on the resource consent application and a recommendation to the Requiring Authority on the Notice of Requirement. The Requiring Authority then has 30 working days to make a decision and inform council of that decision. You will be informed in writing of both decisions separately, the reasons for the decision and what your appeal rights are
- The decision on the resource consent component is usually available within 15 working days of the hearing closing.

**A NOTIFIED DISCRETIONARY RESOURCE CONSENT APPLICATION BY WAKA KOTAHI - THE NEW ZEALAND TRANSPORT AGENCY.**

**AND**

**A NOTIFIED NOTICE OF REQUIREMENT TO THE AUCKLAND COUNCIL UNITARY PLAN BY WAKA KOTAHI - THE NEW ZEALAND TRANSPORT AGENCY.**

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45. The ULDF shall:
- a. Confirm the overall Key Design Principles and Sector Outcomes for the Project, as set out in the descriptions of those principles and outcomes in the Planning Version of the ULDF;
  - b. Identify individual urban and landscape design sectors within the Project area;
  - c. Identify highly sensitive locations, including residential properties in close proximity to the designation, requiring particular urban and landscape design treatment; and
  - d. Identify opportunities to integrate landscape planting under a ULDMP with restoration planting and habitat rehabilitation or other planting required for the Project.
46. The Requiring Authority shall prepare the ULDF in collaboration with Mana Whenua and in consultation with:
- a. Auckland Council;
  - b. Rodney Local Board;
  - c. Auckland Transport for areas within and adjoining local roads; and
  - d. HNZPT for areas next to identified heritage sites.
47. The Requiring Authority shall include a summary of the consultation undertaken and shall document how input from the parties listed above has or has not been incorporated in the ULDF or supporting information. ~~If the Requiring Authority has not received any comment from such parties within 20 Days of providing the ULDF to them, the Requiring Authority may consider the relevant party has no comment.~~

***Urban and Landscape Design Management Plan(s)***

48. The Requiring Authority shall prepare an Urban and Landscape Design Management Plan (ULDMP) for each individual urban and landscape design sector within the Project area, in collaboration with Mana Whenua, prior to the start of Construction Works within each sector. The purpose of the ULDMP(s) is to identify how for the relevant sector:
- a. the Key Design Principles and Sector Outcomes identified in the ULDF will be met by the permanent Project Works;
  - b. the landscape and visual requirements (conditions 49 to 50) have been incorporated; and
  - c. landscape planting is to be integrated with restoration planting and habitat rehabilitation or other planting required for the Project.
49. The ULDMP(s) shall be prepared by a Suitably Qualified and Experienced Person and shall include the following details for the sector to which the plan applies:
- a. A plan describing and illustrating the overall landscape and urban design concept and rationale.
  - b. Detailed design drawings of the landscape and urban design features, including the following:
    - i. Road design including elements such as earthworks contouring including cut and fill batters to integrate with adjacent landform, benching (to be avoided if practicable), treatment of rock cuts, and spoil disposal sites; median width and treatment; borrow pits/areas; roadside width and treatment.
    - ii. Appropriate surface treatment of cut slopes such as grassing, revegetation or leaving an exposed rock face.

- iii. Roadside elements including elements such as lighting, sign gantries and signage, guard rails, fences, central and median barriers etc.
- iv. Urban design and landscape treatment of:
  - a. all major structures, including viaducts, bridges and associated infrastructure, retaining walls, ancillary buildings
  - b. any Structural Mitigation required by condition 90;
  - c. roadside furniture, such as lighting, sign gantries and signage, guard rails, fences and median barriers; and
  - d. hardscape material, (e.g. rock rip rap, sealed shoulders, kerbs, roundabouts) and interchanges.
- v. Land use re-instatement.
- vi. Landscape treatment/rehabilitation of construction yards and haul roads following completion of construction.
- vii. The integration of landscape planting with restoration planting and habitat rehabilitation or other planting required for the Project (including by resource consent conditions) where applicable, as further specified by condition 50.
- viii. Landscape design input to the form of stormwater ponds and swales to assist with landscape integration.
- ix. Pedestrian and cycle facilities including paths along local roads where these facilities are directly affected by Project Works.
- x. Features (such as interpretive signage), locations, deliverables, and timeframes for identifying and interpreting cultural heritage, built heritage, archaeology, geological heritage and ecology, in consultation with Auckland Council Heritage Unit, HNZPT, Mana Whenua and local museums/historical societies.
- xi. Noise attenuation barriers, and structures, walking and cycling facilities (including bridges, underpasses and associated retaining walls) which are identified in the ULDF as being in highly sensitive locations.
- xii. The design of the tunnel portals, which shall be integrated with the adjacent landform through the use of sloping portal structures and revegetation works. Any ancillary structures associated with the tunnels shall be located and designed so they are recessive in form and colour.
- xiii. Context-sensitive landscape design and planting at Interchanges to create a local gateway, wayfinding and promote a sense of place that reflects the destination accessed via the interchange.
- xiv. New planting, where practicable, to provide visual screening of the permanent Project Works from dwellings with direct line of sight to the Project.
- xv. Design and landscape features to acknowledge cultural values relating to landscape design identified through condition 16(f) ~~and the recommendations of the Cultural Artworks Plan (if prepared), where feasible and practicable to do so.~~
- xvi. Design and landscape features to acknowledge the recommendations of the Cultural Artworks Plan (if prepared), where feasible and practicable to do so."
- xvii. the design of mitigation measures (bundling, fencing, planting, the location of motorway infrastructure and furniture, etc) designed to address the adverse amenity effects of the motorway corridor on residential properties exposed to the designation

### ***Hochstetter's frogs***

72. The Requiring Authority shall engage a Suitably Qualified and Experienced Person to conduct habitat and presence surveys within the Designation prior to the start of Project Works in all waterways and areas where suitable Hochstetter's frog (*Leiopelma aff. Hochstetteri*) habitat exists and may be impacted by Project Works.
73. In the event that the surveys confirm the presence of Hochstetter's frogs, the Requiring Authority shall:
- a. instruct a Suitably Qualified and Experienced Person to recommend best practice methods to capture and relocate frogs to a suitable site, including by:
    - i. applying the Department of Conservation document "Native frog hygiene and handling protocols" (DOCDM-214757) or any subsequent revision to reduce the potential for pathogen transmission and infection;
    - ii. using destructive searches during frog capture; and
    - iii. setting out post-release monitoring protocols to evaluate the success of the relocations and any further steps required to maintain and enhance the relocated populations; ~~and~~
  - b. consult with the ~~Local Area~~ Operations Manager, Department of Conservation and any other recognised experts regarding the Suitably Qualified and Experienced Person's recommendations for capture and relocation of frogs;
  - c. undertake capture and relocation under the supervision of a Suitably Qualified and Experienced Person;
  - d. instruct a Suitably Qualified and Experienced Person to recommend methods to maintain or enhance Hochstetter's frog habitats within the Designation and any other relocation sites, including but not limited to measures to reduce stream sedimentation and pest animal control; and
  - e. Provide a report on the surveys undertaken and the results and the Suitably Qualified and Experienced Person's recommendations in the relevant topic section of the EMP.

*Advice Note: Hochstetter's frog capture and relocation will be carried out in accordance with a Wildlife Act Authority.*

### ***Reporting on salvage and relocation***

74. The Requiring Authority shall report the results of capture and relocation programmes for Fauna and Avifauna to the Manager following implementation, including:
- a. Location of any species salvaged;
  - b. Species types and numbers salvaged;
  - c. Where salvaged species have been relocated to;
  - d. Timing of salvage and relocations; and
  - e. Pest animal and pest plant management implemented, ~~if any~~.