

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning, Central / South

FROM Vanessa Leddra Policy Planner, Central / South

DATE 29 March 2023

SUBJECT Extension of Designation lapse dates in accordance with s184 of the Resource Management Act to the Unitary Plan (AUP) Operative in part (15 November 2016)



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Extension of lapse dates in accordance with S184 to Designation 1404 Road Widening – Whangaparaoa Road	
Chapter	Chapter K Designations
Section	Auckland Transport
Designation only	
Designation #1404	Road Widening - Whangaparaoa Road
Locations:	309, 388 – 402, 441, 454A, 455, 456, 468, 470, 473, 475, 510, 514A, 516A, 518, 520, 522A, 525, 527, 529, 540, 597, 601, 609, 611, 637, 640, 642a, 644a, 663, 722, 724, 726, 728, 736, 740, 742, 746, 748, 750A, 752, 756, 758, 760, 770A, 772A, 772, 774, 849, 851, 853A, 1073, 1075 Whangaparaoa Road, Whangaparaoa 2 Cedar Terrace, Whangaparaoa 1, 3, 5, 9 Brightside Road, Whangaparaoa 1 Penton Road, Whangaparaoa 1 Tower Hill, Whangaparaoa 1, 7 Homestead Road, Whangaparaoa 2 Ladies Mile, Whangaparaoa 1 Zita Avenue, Whangaparaoa 1, 2 Scott Road, Whangaparaoa 2 D'Oyly Drive, Whangaparaoa
Lapse Date	Five years from being operative in the Unitary Plan unless
Purpose	Road widening
Changes to text (shown in underline and strikethrough)	Lapse Date Five years from being operative in the Unitary Plan 11 March 2027 unless given effect to prior Conditions 11. Designation Lapse Date In accordance with s- <u>section</u> 184 of the Resource Management Act 1991, this designation will lapse on on the expiry of 5 (five) years after the date on which it is included in the Unitary Plan-11 March 2027 unless: a. It is given effect to before the end of that period; or b. The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation; or c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	Attachment A: Auckland Transport s184 Application Letter and updated request dated 31 March 2022 Attachment B: Commissioner's Decision Attachment C: Updated Text shown by strikethrough and under score.

Prepared by: Vanessa Leddra Policy Planner	Text Entered by: Bronnie Styles Planning Technician
Signature: 	Signature: 
Maps prepared by: Geospatial Specialist	Reviewed by: Craig Cairncross Team Leader
Signature: n/a	Signature: 
Signed off by: Celia Davison Manager Planning – Central/South	
Signature: 	

**Auckland Transport s184 Application Letter
And updated request dated 31 March 2022**

29 October 2021

Plan and Places
Auckland Council
Private Bag 92300
Auckland 1142
Attn: Jo Hart - Senior Policy Planner; Kasey Zhai - Policy Planner
Via email: unitaryplan@aucklandcouncil.govt.nz

Dear Jo and Kasey,

SECTION 184(1)(b) APPLICATION FOR DESIGNATION 1404 - WHANGAPARAOA ROAD

Auckland Transport is the requiring authority for Designation 1404 in the Auckland Unitary Plan. The purpose of this designation is “road widening” and it has a lapse date of 15 November 2021, being five years from the effective operative (in part) date of the Auckland Unitary Plan.

Pursuant to section 184(1)(b) of the Resource Management Act 1991 (**RMA**), Auckland Transport seeks to extend the lapse date of this designation by 5 years to 15 November 2026. Please accept this letter as our application under section 184(1)(b).

1 Designation Details

The description of the designation, including its conditions, is included as **Attachment 1**. Please note that Designation 1404 was removed from 22 properties, out of a total 86 properties, pursuant to a section 182 notice issued by Auckland Transport in May 2021. Nineteen of these properties were considered to no longer be required to achieve the purpose of the designation, while the remaining three had already been legalised as road.

Please also note that the section 182 notice made clear, at page 4, that:

“As the designation is a linear designation for road widening extending over a long extent of Whangaparaoa Road, removal of the designation from the identified properties will not preclude the use of the designation for road widening along the extents of Whangaparaoa Road over which the designation will remain.”

For information, that section 182 notice is included as **Attachment 2**.



2 Statutory context

184 *Lapsing of designations which have not been given effect to*

- (1) *A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*
- (a) *it is given effect to before the end of that period; or*
 - (b) *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*
 - (c) *the designation specified a different period when incorporated in the plan.*

3 **Assessment against section 184(1)(b)**

In accordance with the requirements of section 184(1)(b) of the RMA, Auckland Transport has made substantial progress and effort towards giving effect to the designation and continues to do so.

History of designation and partial removal

This designation was originally associated with the Penlink project, until the designations were separated in 2014. The Penlink designation, number 6777, was transferred to Waka Kotahi as part of the New Zealand Upgrade Programme in 2020. Penlink will provide a new 7km corridor connecting Whangaparaoa Road directly to the Northern Motorway at Redvale, Modelling predicts an increase in average annual daily traffic east of Penlink of approximately 3,900 to 6,900 vehicles per day by 2041 once Penlink is completed¹.

While Penlink will now be delivered by Waka Kotahi, any subsequent road widening on Whangaparaoa Road would be delivered by Auckland Transport to improve conditions for walking, cycling and general road safety.

In 2020-2021, Auckland Transport reviewed Designation 1404 to determine whether its full extent was still required for the purposes of future road widening. That review led to the removal of 22 out of the total 86 properties covered by the designation, as those properties were either no longer considered to be necessary for achieving the purpose of the designation or were already legalised as road reserve. The remaining 64 properties still covered by the designation are therefore required to achieve the purpose of the designation.

Other schemes

There is a proposed Whangaparaoa bus station, which may need to make use of this designation as Whangaparaoa Road may need to be widened to provide for improved bus access to and from the station. However, that work is not yet advanced enough to be

¹ Report: Penlink Traffic and Economic Analysis, Prepared for Auckland Transport (Client) by Beca Ltd (Beca), 30 June 2014, Table 7-2 p.40

relied upon for the purposes of this extension application, and while the RLTP 2021 identifies that \$34million would be required for the project, funding was not made available².

Property purchase

Within the designation, the following properties have been acquired by Auckland Council:

Address	Comments
470 Whangaparaoa Road	Full acquisition by Auckland Council
475 Whangaparaoa Road	B.156930.1
504 Whangaparaoa Road	Full acquisition by NZTA
518 Whangaparaoa Road	S26 - issued 1956
520 Whangaparaoa Road	S26 - issued 1956
529 Whangaparaoa Road	Full acquisition by NZTA
585 Whangaparaoa Road	Gazette Notice 22/1/2004 No7 p124 - sec 1 SO 328825 acquired for road
593 Whangaparaoa Road	Comp cert 5453406.1 - issued 7/1/2003
595 Whangaparaoa Road	Comp cert D659674.1 issued 23/11/2001
597 Whangaparaoa Road	Comp cert D666332.1 issued 14/12/2001
601 Whangaparaoa Road	Comp cert D605395.1 issued 18/5/2001
609 Whangaparaoa Road	Full acquisition by Auckland Council

Funding

Funding towards Penlink has been committed in the Regional Land Transport Plan, with an excerpt shown as Figure 1 below. Note this does not include direct funding for any widening of Whangaparaoa Road, other than at the direct connection point to Penlink.

PROJECT NAME	RESPONSIBLE AGENCY	TEN 10-YEAR CAPITAL EXPENDITURE (\$MILLION)
Mill Road safety improvements and local infrastructure investment in Drury network	Waka Kotahi	874
Puhi-Warkworth	Waka Kotahi	874
Penlink	Waka Kotahi	830
State Highway 1 Papakura to Drury South - Stage 1	Waka Kotahi	655
Southern Corridor Improvements (Manukau-Papakura) (Debt repayment)	Waka Kotahi	241

Figure 1

Source: Regional Land Transport Plan 2021-2031, p.67

Summary

Overall, in our opinion, the assessment above demonstrates the progress and effort that Auckland Transport has made, and continues to make, towards giving effect to this designation.

² Auckland Regional Land Transport Plan 2021–2031, Appendix 7



4 Conclusion

Based on the above, there is no reason precluding Auckland Council from extending the lapse date of Designation 1404 by 5 years, in line with section 184(1)(b) of the RMA.

Auckland Transport has provided the following purchase order number for lodgement and processing fees: **4200072941**.

Please contact Lloyd Johnson on 09 447 4607 or lloyd.johnson@at.govt.nz if you have any queries about this application.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'Jane Small', is positioned above the printed name.

Jane Small

Group Manager Property and Planning

Integrated Networks Division



Attachment 1 – Excerpt from Auckland Unitary Plan

1404 Road Widening - Whangaparaoa Road

Designation Number	1404
Requiring Authority	Auckland Transport
Location	470, 473-475, 504-522A, 529-549, 540, 585-587, 593-597, 601, 609-611, 618, 637, 640-644A, 663, 720-728, 736-752, 756-760 and 770A-776 Whangaparaoa Road, 2 Cedar Terrace, 1 Brightside Road, 1 Penton Road, 1 Tower Hill, 2 Homestead Road and 2 Ladies Mile, Whangaparaoa
Rollover Designation	Yes
Legacy Reference	Sheet 5 - Roads to be Widened and Stopped of the Planning Maps, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Five years from being operative in the Unitary Plan unless given effect to prior

Purpose

Road widening.

Conditions

1. General

1.1 The scope and extent of the works (including the horizontal and vertical alignment of the carriageway) within the designation shall be generally in accordance with the plans contained in the Notice of Requirement dated 14 April 1998 (Appendix D – Designation drawings) and referenced as Figures A1.0 to A1.3 (BCHF Cad File No. 6507C935.DWG to 6507C938.DWG Rev. E) and Figures B1.1 to B1.4 (BCHF Cad File No. 6507C931.DWG to 6507C934.DWG Rev.D.)

1.2 The designation and proposed works on the area of land subject to the designation shall not include any toll-booth type facilities or structures.

1.3 Before any construction is commenced an Outline Plan shall be submitted in terms of section 176A of the Resource Management Act 1991 to council. The outline plan may be submitted in stages to reflect any proposed staging of the physical works. This outline plan is to be submitted to council for assessment and recommendations to the council. The outline plan shall show those matters required to be included by section 176A(3) of the Act. It shall be prepared in consultation with directly affected property owners and occupiers with the record of such consultation being documented in the outline plan.

1.4 Prior to the start of physical works, the requiring authority (or its agent) shall obtain all resource consents required under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014.

2. Design Considerations

2.1 The requiring authority (or its agents) shall incorporate retaining walls into the detailed design to reduce the property effects at critical parts of the alignment, in general accordance with the details identified in Appendix C of the requiring authority's closing submissions.

2.2 As part of the upgrading works the requiring authority (or its agents) shall, subject to the proper

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performance of its statutory functions, provide suitable pedestrian crossing facilities at the following general localities along Whangaparaoa Road:

- a. Brightside Road;
- b. Weiti Crossing / Whangaparaoa Road intersection;
- c. Stanmore Bay Road;
- d. Ladies Mile;
- e. Pedestrian linkage of Duck Creek Road across the Weiti Crossing; and
- f. Such other places as may be identified in future analysis as necessary for safety purposes.

2.3 The requiring authority (or its agents) shall permit vehicle access from the Weiti Crossing road alignment to the following parcels of land in consultation with the landowners and in accordance with the provisions of the Local Government Act 1974:

- a. Lot 3 DP 95982 and Lot 1 DP 100141 being respectively the Kilmacrennan Farm and Kerrykeel Farm which are farmed as one unit known as Weiti Station (Green and McCahill Group submission); and
- b. Part Lot 1 DP 95984, Lot 1 DP 51255 and Lot 1 DP 49038 being land owned by Green and McCahill Holdings Ltd.

Explanation:

Given the size of the Green and McCahill Holdings Ltd landholding (908 hectares) two access points would be appropriate. The third access point sought by this company includes access to the Stillwater settlement which should be the subject of other considerations apart from this designation.

3. Noise Impact Mitigation

3.1 During construction, New Zealand Standard 6803P : 1984, The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work shall be complied with and the principles for managing noise set out within that document shall be formally adopted.

3.2 The road alignment shall be designed to achieve the following noise standards:

- a. For the properties identified in Table A – the relevant traffic noise design limit contained in Table A.
- b. For all other properties – the relevant noise standard contained in NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

Table A:

Location	Traffic Noise Design Limits Leq (24 hours)
Dwelling A (at the western end of the proposed road as indicated on the AEE document). This will require mitigation from the expected noise levels.	65 dBA
All other existing* dwellings west of the Weiti River Dwelling 1 on Lot 1 DP 138956 Dwelling 2 on Lot 4 DP 64380 Dwelling 3 on Lot 6 DP 64380 Dwelling 4 on Lot 7 DP 64380 This will require mitigation from the expected noise levels particularly for the properties at 173, 250, 301, 305 and 307 Duck Creek Road and that identified as Dwelling B in the AEE document along Weiti Station Road.	55 dBA
Dwellings at 7 to 37 Cedar Terrace inclusive.	62 dBA
All existing* dwellings on Whangaparaoa Rd.	65 dBA or ambient (whichever is greater)



*Existing at 14 April 1998

Note:

The assessment point for Table A is 1m in front of the most exposed point on the facades of the dwellings.

3.3 In addition to the standards in Table A above, the road alignment shall be designed with the appropriate noise mitigation measures to achieve compliance with a single event noise limit of 78 dBA L_{max} at the façade of any residential building situated within 12 metres from the new road carriageway. This shall not apply to residential buildings currently located within 12 metres of the existing road carriageway.

Explanation:

This is in accordance with the NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

3.4 If it is impracticable to meet the Design Limits in the above Conditions 3.2 and 3.3, then prior to completion of the road widening, the requiring authority (or its agents) shall, with the agreement of the owner of the dwelling and if so required by them, provide insulation and, if required, mechanical ventilation to all living rooms (including kitchens) and bedrooms, to ensure that an internal criterion of 40 dBA Leq (24 hours) is not exceeded. If it is impracticable or uneconomic to design mitigation to achieve this internal criterion then the requiring authority (or its agents) shall, with the agreement of the owner, and at a price not exceeding market value, purchase the property.

3.5 Without limiting the requirements for consultation imposed under condition 3.4, the requiring authority shall consult with the owners of 236 Duck Creek Road, being Part Lot 3 DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403 ("the Webster properties") in relation to the location, nature and extent of any proposed noise mitigation measures.

3.6 In undertaking this consultation the requiring authority shall give special consideration to the need for additional or alternative noise mitigation measures which mitigate to the greatest extent practicable the acoustic and amenity effects of the designation upon the Webster properties within the noise limit set out in condition 3.2.

3.7 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed noise mitigation measures;
- b. ensure that the owners have at least two weeks to peruse this material and respond to the requiring authority with their position; and
- c. the requiring authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties to identify other mitigation measures which may be cost effective and meet the noise limits set out in condition 3.2 and shall give special consideration to the findings of any peer review in deciding what noise mitigation measures it implements for the Webster properties.

4. Ecological Impact Mitigation

4.1 The requiring authority (or its agents) shall, in conjunction with the council and in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust, produce the following programmes:

- a. An Ecological Mitigation Programme that outlines the methods and implementation and monitoring processes to be used to avoid, remedy or mitigate adverse effects on the environment, particularly in regard to indigenous vegetation, ecosystems and species, geological features and areas of wildlife



habitats; and

b. A Restoration Planting Programme that outlines the methods and implementation and monitoring processes to restore areas of indigenous vegetation, ecosystems or wildlife habitat likely to be affected by the proposed works.

The programmes shall be submitted as part of the outline plan.

4.2 Without limiting the requirements for consultation imposed under condition 4.1, the requiring authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed ecological mitigation measures.

4.3 In undertaking this consultation the requiring authority shall give special consideration to the need for mitigation measures which mitigate to the greatest extent practicable adverse effects of the designation and related works have upon existing trees and vegetation on the Webster properties.

4.4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. Provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures; and
- b. Ensure that the owners have at least two weeks to peruse this material and respond to the requiring authority with their position; and
- c. The requiring authority shall obtain (at its reasonable cost) a peer review of the proposed ecological mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what ecological mitigation measures it implements for the Webster properties.

5. Visual Impact Mitigation

5.1 A Visual Mitigation Plan shall be prepared by the requiring authority (or its agents) in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust. The plan shall incorporate, where relevant, the recommendations of the ecological mitigation programme and the restoration planting programme and be submitted as part of the outline plan.

The Visual Mitigation Plan shall include, but not be limited to, details of all proposed planting (including species, species sizes, densities and locations), the planting programme and the required maintenance programme. Existing trees and vegetation on the properties are to be included in any maintenance programme. Attention shall also be paid to the angle and extent of cut and batter slopes through highly visible ridgelines, for example where cut and batter slopes and the proposed roadway would be viewed from properties in Duck Creek Road. In the event that noise mitigation measures such as bunds or barriers are to be employed then these are also to be incorporated in to the visual mitigation plan.

5.2 Without limiting the requirements for consultation imposed under condition 5.1, the requiring authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed visual mitigation measures proposed.

5.3 In undertaking this consultation the requiring authority shall give special consideration to the need for measures which mitigate to the greatest extent practicable adverse effects of the designation on the Webster properties. When undertaking consultation in respect of this issue any noise mitigation measures (such as bunds or barriers) that are employed to address the noise effects of the designation on the Websters properties are also to be considered by the requiring authority.

5.4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

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- a. Provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures;
- b. Ensure that the owners have at least two weeks to peruse this material and respond to the requiring authority with their position; and
- c. The requiring authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what visual mitigation measures it implements for the Webster properties.

6. Archaeological

6.1 Prior to construction and the obtaining of any necessary consents under the Historic Places Act 1993 the requiring authority (or its agents) shall undertake further investigation of archaeological sites R10/943 and R10/944 if these sites are affected by the proposed works or immediately adjoin the proposed works.

6.2 The archaeological sites recorded in the immediate vicinity of the proposed works shall be clearly marked on construction plans to be provided to the Council and pegged out/fenced off prior to, and during the period of, construction.

7. Vibration

7.1 The road alignment shall be designed with due regard to the effects of vibration.

7.2 In the event that the requiring authority receives, in respect of any building existing as at 14 April 1998, a complaint of vibration induced by construction activities or by traffic on completion of the widened/realigned section of Whangaparaoa Road, then the requiring authority shall:

- a. Monitor traffic induced vibration at location(s) from which complaints have been received where considered appropriate by the Auckland Council; and
- b. Where construction vibration levels exceed the relevant standards of ISO 2631-2, then the requiring authority shall implement practicable mitigation measures.

8. Stormwater

8.1 The requiring authority (or its agents) shall, in consultation with the Council:

- a. Provide suitable detention of concentrated stormwater flows which arise from construction works and the completed roadway to avoid, as far as is practicable, stream erosion by the discharging of this stormwater;
- b. Design, install and operate sediment control ponds to remove, to the maximum extent practicable, sediment from all concentrated discharge from the earthworks;
- c. Arrange all stormwater treatment devices in accordance with the Auckland Council's Technical Publication No. 10 being the Design Guideline Manual : Stormwater Treatment Devices, dated 2003; and
- d. Take all practicable measures to ensure stormwater is not discharged into tributaries or overland flow paths which ultimately directly flow into the Okura River Estuary.

9. Physical Works Contract

9.1 All contract documentation for physical works shall include the designation conditions, the approved outline plan and any other resource consents (including conditions) held for the project.

9.2 Construction shall be limited to the following hours:

- a. Weekdays: 7.00 a.m. to 6.00 p.m;
- b. Saturdays: 8.00 a.m. to 4.00 p.m; and
- c. Sundays and Public Holidays: No work.



9.3 Construction can be extended to the hours of 7.00 a.m. to 6.00 p.m. every day (with the specific consent of the Auckland Council) between East Coast Road and the northern boundary of the Weiti Forest with the agreement of Green and McCahill Ltd and Green and McCahill Holdings Ltd or any successors in title.

9.4 At all times reasonable access shall be maintained to properties directly affected by the construction and operation of the Weiti Crossing and the Whangaparaoa Road widening unless agreement is reached with the property occupier that access can be temporarily stopped.

10. Public Notification

10.1 At six-monthly intervals from the date of this decision the requiring authority (or its agents) shall notify all property occupiers directly affected by the designation of the current status of the project and the estimated date of commencement of final design and construction. In addition, an advertisement is to be placed in the "Rodney Times" outlining the above information.

10.2 A Public Notification Plan shall be prepared and submitted for the approval of the Auckland Council prior to the start of physical works. The plan shall include, but not be limited to, the following:

- a. Dates for the release of newsletters to directly affected and adjoining property occupiers. These letters shall include details of the construction programme and a single point of contact for the requiring authority (or its agents) for any concerns or enquiries relating to the project, including a contact person name and a telephone and facsimile number; and
- b. Details of proposed signage to advise motorists of periods of likely traffic delays.

11. Duration of Designation

11.1 In accordance with s.184 of the Resource Management Act 1991, this designation will lapse five years from being operative in the Unitary Plan unless:

- a. It is given effect to before the end of that period; or
- b. The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

12. Other

12.1 Prior to preparing an assessment of effects upon the environment under s. 88 of the Act for the resource consents required from the council, the requiring authority (or its agents) shall prepare a Scoping Report for the consideration of the council. This shall indicate what is to be addressed in the assessment of effects and allow some agreement to be reached between the parties prior to the detailed analysis required for the assessment.

13. Costs

13.1 Pursuant to s.36 of the Resource Management Act 1991, the requiring authority shall be responsible for paying administrative charges relating to receiving, processing and making a decision in respect of the requirement. The total amount payable will be communicated to the requiring authority within two months of the process being completed.

14. Local access to Stillwater Community

14.1 Safe and efficient two-way access to the Stillwater community (on both sides of the designated route) shall be provided, including throughout the construction period. Such access shall include provision for public transport (including bus stops) and for the safe and efficient movement of school buses and boat trailers. The design of any such access shall be undertaken in full consultation with



the Stillwater Ratepayers and Residents Association, the owners of the Webster properties and directly affected members of the Stillwater community.

14.2 Following such consultation, the requiring authority will submit the proposed access design to an independent auditor for a safety audit prior to construction. The cost of this audit is to be met by the requiring authority.

15. Water Supply

15.1 During each construction season (1 October – 30 April) the requiring authority shall periodically check and wash down any residences (including the roof) which are located along the designation route and which are affected by the construction of the bridge and its approaches. The cost of this cleaning will be met by the requiring authority.

15.2 The requiring authority will test the water quality of the bores at 165 Duck Creek Road, being the land described in 113B/679 (North Auckland Registry), and 236 Duck Creek Road, being the land described in certificates of title 682/218 and 1020/274 (North Auckland Registry), on a monthly basis.

15.3 In the event that either of the bores at 165 or 236 Duck Creek Road becomes contaminated, the requiring authority will provide an equivalent alternative free water supply.

15.4 The requiring authority will test the water quality of each domestic water tank located along the designation route, including the Webster properties, affected by construction of the bridge and its approaches on a monthly basis during the construction season and for one month following (1 October – 31 May) of each year of the construction period. If the water in any such tank is contaminated, the requiring authority will immediately, and at its cost entirely, have any such tank cleaned out and refilled.

16. Land Stabilisation

16.1 The requiring authority will conduct a "before and after" dilapidation survey of the properties (including the interiors of buildings) located along the designation route, including the Webster properties to assess any effects as a result of construction of the bridge and its approaches.

16.2 In any agreements entered into with any third party to carry out construction of the road and bridge, the requiring authority will require that party to accept liability for any damage or instability to land or buildings caused by construction and will also require that party to monitor slope stability throughout the duration of construction and for a period of 12 months following completion of the project. In the event that the requiring authority undertakes construction itself, it will accept such liability and conduct such monitoring.

17. Noise

17.1 Once the new road is operational, council will pass any bylaw required to enable a restriction on engine braking to be imposed on vehicles using the road in the vicinity of Stillwater, should such a restriction prove necessary.

17.2 The requiring authority will use asphalted concrete on the road surface on the Weiti Bridge and extend this surface along the road up to 307 Duck Creek Road, being the land described in certificate of title 16C/1432 (North Auckland Registry).

17.3 The requiring authority will use its best endeavours to provide a building (which is surplus to roading requirements) to be used as the Stillwater community hall. The requiring authority shall arrange for the transport at its cost of any such building to the agreed site.



18. Stock Underpass

18.1 The requiring authority shall enter into an agreement with the owners of the Webster properties to provide them with a stock underpass (under the new carriageway provided for by the designation) to agreed specifications and with agreed rights of access or tenure, to provide the owners of the properties access between the two parts of the property which will be bisected by the new carriageway.

18.2 During the period of construction of the Weiti Link, while the Webster properties are bisected by works, but before the stock underpass is completed, the requiring authority shall provide reasonable stock access across the carriageway so owners of the properties can utilise all parts of their property.

19. Duck Creek Intersection

19.1 No part of the realigned Duck Creek Road, including its intersection on the eastern side of the Weiti link will be positioned further north than indicated on the plan annexed as Appendix A of the NOR.

20. Water Supply

20.1 The requiring authority shall ensure that during construction and operation of the Weiti Crossing Road, a water supply is maintained for the purpose of watering livestock located at 236 Duck Creek Road, being Part Lot 3, DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403.

Attachments

No attachments.

EMAIL FROM LLOYD JOHNSTON AT 31 MARCH 2022

Kia ora Vanessa,

Thank you for your patience with these queries. In summary:

- Updated lapse dates – reflected in the table provided
- Address queries for Whangaparaoa Road – will require further AT investigation
- Ormiston / Chapel Road designation – will require further AT investigation
- New PO for 2022 – to be provided

Please find detailed updates below.

Updated lapse dates

I can confirm that Auckland Transport is seeking new lapse dates for these designations as per Table 01 below. Please let me know if any additional information is useful, or if these need to be submitted in letter format?

Table 1 – Corrected lapse dates sought for rollover designations

Designation number	Designation name	Address(es)	Purpose	Lapse date from AUP
1404	Road Widening - Whangaparaoa Road	470-502, 473-475, 504-522A, 529-549, 540, 585-587, 593-601, 609-	Road widening	10 March 2022
1434	Road - Marinich Drive Extension	125A Metcalfe Road to 46 Ranui Station Road, Ranui	Road widening purposes	14 December 2021
1449	Road Widening - Great North Road	267-287, 290-300, 295-297A, 301-309, 304-318A, 311-325, 429-447, 450, 4004-4012, 4007-4035, 4018, 4022-4024, 4040-4048, 4052-4054, 4070, 4087-4131, 4092-4094, 4098 and 4104-4118A Great North Road, 1-3 West Coast Road, 1 and 2 Montel Avenue, 2 Blacklock Avenue and 1 Buscomb Avenue, Henderson to Te Atatu	Road widening purposes	14 December 2021
1467	Road Widening - Hobsonville Road	Hobsonville Road from Brighams Creek Road to Upper Harbour Drive and Brighams Creek Road and Hobsonville Road intersection, Hobsonville	Road widening	11 April 2022
1468	Road Widening – State Highway 16 (Westgate to Whenuapai)	Fred Taylor Drive from Westgate Motorway Interchange, Westgate to Brighams Creek Road, Whenuapai	Road widening	10 March 2022

1571	Road widening - Beaumont Street	101-107 Beaumont Street, Auckland Central	Building line for road widening purposes	11 April 2022
1572	Road Widening - Westhaven Drive	2 Westhaven Drive, Auckland Central	Building line for road widening purposes	11 April 2022
1809	Road Widening - Allens Road and Smales Road	2, 5, 17, 22-38, 47-59, 56-60 and 67 Allens Road, 3-9 Smales Road, 1,2 Harris Road, 2 Ross Reid Place and 61 Sir William Avenue, East Tamaki	Road widening	14 December 2021

Designation 1404 Whangaparaoa Road – address queries

This is another interesting wrinkle! I suspect you are correct that there has been an error at some point. It appears that our own internal documents do include the 5no. properties that are shown on the AUP maps but not listed in the text, implying that AT assumes those 5no. sites are included in Designation 1404.

I am following up with colleagues, though it may not be a speed resolution I'm afraid. For the time being can Designation 1404 be taken forward to the Commissioner, with the status of these sites left to one side perhaps?

Designation 1808 Ormiston Road and Chapel Place – status

The original email was before my time in AT, so I will have to follow this one up with colleagues. If no s184 application was lodged, I assume designation 1808 will have expired in 2020?

Also it seems a bit unusual to have the year only and no month / date – would you assume 01 Jan 2020 as expiry date, or 31 Dec 2020?

Purchase order

I have requested a new PO for 2022 from colleagues and will send the number across as soon as it is available.

I hope this is helpful for now, and will be in touch with more updates on the outstanding points. Thank you again for bearing with me on these.

Kind regards,
Lloyd

Commissioners Decision

Decision on application to extend the lapse period under section 184 of the Resource Management Act 1991



Decision of Commissioner on an application to extend the lapse period of Designation 1404 – Whangaparaoa Road in the Auckland Unitary Plan (Operative in Part).

The proposed extension to the lapse period of Designation 1404 – Whangaparaoa Road by five years is **APPROVED**.

Introduction

1. This recommendation is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioner Janine Bell (sitting alone) appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Council has received a request from Auckland Transport under section 184 of the RMA, dated 29 October 2021, updated 31 March 2022, to extend the lapse period of Designation 1404 – Whangaparaoa Road by 5 years to 11 March 2027.

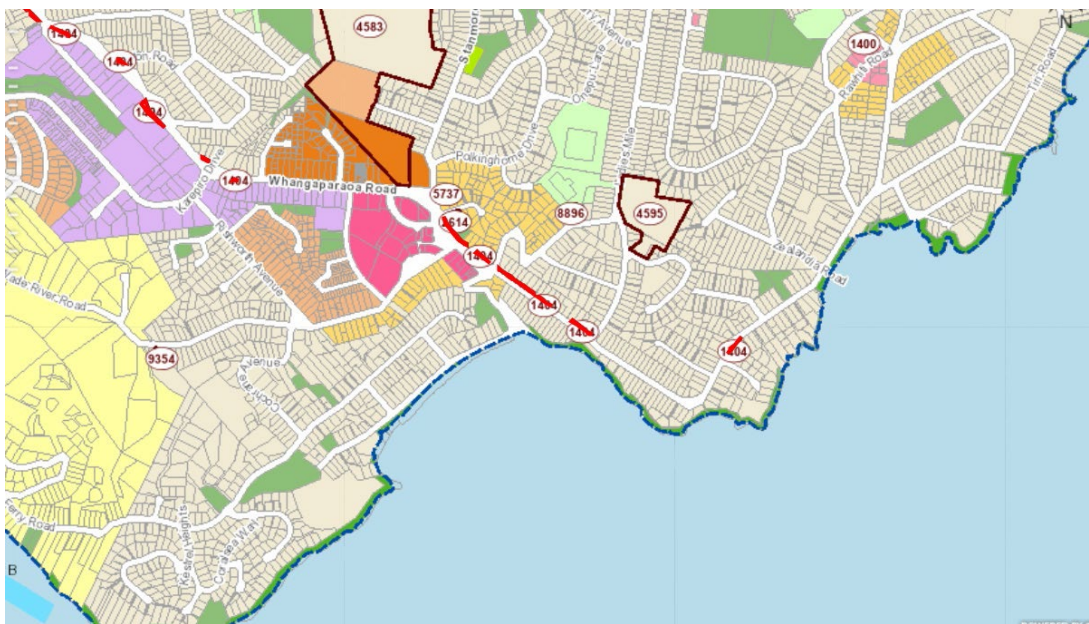
References

Designation number	1404
Purpose	Road widening
Location	309 Whangaparaoa Road 388-402 Whangaparaoa Road 441 Whangaparaoa Road 454A Whangaparaoa Road 455 Whangaparaoa Road 456 Whangaparaoa Road 468 Whangaparaoa Road 470 Whangaparaoa Road 473 Whangaparaoa Road 475 Whangaparaoa Road 510 Whangaparaoa Road 514A Whangaparaoa Road 516A Whangaparaoa Road 518 Whangaparaoa Road 520 Whangaparaoa Road 522A Whangaparaoa Road 525 Whangaparaoa Road 527 Whangaparaoa Road 529 Whangaparaoa Road 540 Whangaparaoa Road 597 Whangaparaoa Road 601 Whangaparaoa Road

	609 Whangaparaoa Road 611 Whangaparaoa Road 637 Whangaparaoa Road 640 Whangaparaoa Road 642a Whangaparaoa Road 644a Whangaparaoa Road 663 Whangaparaoa Road 722 Whangaparaoa Road 724 Whangaparaoa Road 726 Whangaparaoa Road 728 Whangaparaoa Road 736 Whangaparaoa Road 740 Whangaparaoa Road 742 Whangaparaoa Road 746 Whangaparaoa Road 748 Whangaparaoa Road 750A Whangaparaoa Road 752 Whangaparaoa Road 756 Whangaparaoa Road 758 Whangaparaoa Road 760 Whangaparaoa Road 770A Whangaparaoa Road 772A Whangaparaoa Road 772 Whangaparaoa Road 774 Whangaparaoa Road 849 Whangaparaoa Road 851 Whangaparaoa Road 853A Whangaparaoa Road 1073 Whangaparaoa Road 1075 Whangaparaoa Road 2 Cedar Terrace, Whangaparaoa 1 Brightside Road, Whangaparaoa 3 Brightside Road, Whangaparaoa 5 Brightside Road, Whangaparaoa 9 Brightside Road, Whangaparaoa 1 Penton Road, Whangaparaoa 1 Tower Hill, Whangaparaoa 1 Homestead Road, Whangaparaoa 7 Homestead Road, Whangaparaoa 2 Ladies Mile, Whangaparaoa 1 Zita Avenue, Whangaparaoa 1 Scott Road, Whangaparaoa 2 Scott Road, Whangaparaoa 2 D'Oyly Drive, Whangaparaoa.
Date of request to extend lapse date:	29 October 2021, updated 31 March 2022
Requiring authority:	Auckland Transport

3. Auckland Transport's application outlines designation 1404 provides for 'road widening'. The designation applies to a number of properties as set out above, the

majority of which are on Whangaparaoa Road. The designation is currently shown in the AUP maps as follows:





4. The designation has a lapse date of 15 November 2021 in accordance with s184(1)(b) of the Resource Management Act 1991 (RMA).
5. As outlined in the correspondences from Auckland Transport, the designation has a complex history and was originally associated with the Penlink project. The Penlink designations were separated with Waka Kotahi to deliver the Penlink project and the subsequent road widening on Whangaparaoa Road (Designation 1404) to be delivered by Auckland Transport to improve conditions for walking, cycling and general road safety.
6. In 2021, Auckland Transport reviewed Designation 1404 to determine whether its full extent was still required for the purposes of future road widening. That review led to the partial removal of 22 of the total 86 properties covered by the designation, pursuant to s182 of the RMA. Nineteen of these properties were either no longer considered to be necessary for achieving the purpose of the designation while three were already legalised as road reserve. The remaining properties still covered by the designation are therefore required to achieve the purpose of the designation.
7. In assessing the proposal to extend the lapse period under s184, some anomalies in the road numbering provided in the text of the designation were identified in comparison to the designation map.

Relevant Statutory Provisions

8. Section 184 of the RMA, states:
 - (1) *A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*

- (a) *it is given effect to before the end of that period; or*
 - (b) *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*
 - (c) *the designation specified a different period when incorporated in the plan.*
- (2) *Where paragraph (b) or paragraph (c) of subsection (1) applies in respect of a designation, the designation shall lapse on the expiry of the period referred to in that paragraph unless—*
- (a) *it is given effect to before the end of that period; or*
 - (b) *the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection.*

Assessment

9. Section 184 of the RMA states that a designation will lapse on the expiry of 5 years after the date of its inclusion in a plan unless it has been given effect to before the end of that period, or if the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and fixes a longer period.
10. In terms of s184(2)(b) the application by Auckland Transport has been made within 3 months before the expiry of the designation lapse period and sets out the progress and effort that has been made and continues to be made towards giving effect to the designation.
11. The application letter dated 29 October 2021 outlines at pages 2 and 3 the progress that has been made, and continue to be made, to give effect to the designation. In summary this includes:
 - a. Twelve properties have been acquired by Auckland Council or Waka Kotahi within the designation
 - b. Funding for Penlink has been committed in the Regional Land Transport Plan 2021-2031 However although \$34m was identified in the RLTP 2021, funding was not made available. Therefore, AT note that this does not include direct funding for any widening of Whangaparaoa Road, other than as a direct connection point to Penlink.
12. The Council's Policy Planner Central / South Planning, Ms Leddra has reviewed the application and is satisfied that the requiring authority has made and continues to

make substantial effort or progress towards giving effect to the designation and therefore recommends extending the lapse period by five years to 11 March 2027.

Conclusion

13. As set out in the application, progress and effort has been made and continues to be made by Auckland Transport towards giving effect to the road widening designation. The additional five years sought is considered appropriate to enable Auckland Transport to give effect to the designation. Therefore, the proposed extension to the lapse period for Designation 1404 Whangaparaoa Road by 5 years to 11 March 2027 is appropriate.

Decision

That pursuant to Section 184 of the Resource Management Act 1991 the extension to the lapse date of Designation 1404 1404 – Whangaparaoa Road by five years to 11 March 2027 is **approved**.

Approved

Janine A. Bell
Independent Hearing Commissioner

Signature :



Date : 27 March 2023

Updated Text shown by strikethrough and under score

1404 Road Widening - Whangaparaoa Road

1404 Road Widening - Whangaparaoa Road

Designation Number	1404
Requiring Authority	Auckland Transport
Location	309, 388 – 402, 441, 454A, 455, 456, 468, 470, 473, 475, 510, 514A, 516A, 518, 520, 522A, 525, 527, 529, 540, 597, 601, 609, 611, 637, 640, 642a, 644a, 663, 722, 724, 726, 728, 736, 740, 742, 746, 748, 750A, 752, 756, 758, 760, 770A, 772A, 772, 774, 849, 851, 853A, 1073, 1075 Whangaparaoa Road, Whangaparaoa 2 Cedar Terrace, Whangaparaoa 1, 3, 5, 9 Brightside Road, Whangaparaoa 1 Penton Road, Whangaparaoa 1 Tower Hill, Whangaparaoa 1, 7 Homestead Road, Whangaparaoa 2 Ladies Mile, Whangaparaoa 1 Zita Avenue, Whangaparaoa 1, 2 Scott Road, Whangaparaoa 2 D'Oyly Drive, Whangaparaoa
Rollover Designation	Yes
Legacy Reference	Sheet 5 - Roads to be Widened and Stopped of the Planning Maps, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Five years from being operative in the Unitary Plan <u>11 March 2027</u> unless given effect to prior

Purpose

Road widening.

Conditions

1. General

1.1 The scope and extent of the works (including the horizontal and vertical alignment of the carriageway) within the designation shall be generally in accordance with the plans contained in the Notice of Requirement dated 14 April 1998 (Appendix D – Designation drawings) and referenced as Figures A1.0 to A1.3 (BCHF Cad File No. 6507C935.DWG to 6507C938.DWG Rev. E) and Figures B1.1 to B1.4 (BCHF Cad File No. 6507C931.DWG to 6507C934.DWG Rev.D.)

1.2 The designation and proposed works on the area of land subject to the designation shall not include any toll-booth type facilities or structures.

1.3 Before any construction is commenced an Outline Plan shall be submitted in terms of section 176A of the Resource Management Act 1991 to council. The outline plan may be submitted in stages to reflect any proposed staging of the physical works. This outline plan is to be submitted to council for assessment and recommendations to the council. The outline plan shall show those matters required to be included by section 176A(3) of the Act. It shall be prepared in consultation with directly affected property owners and occupiers with the record of such consultation being documented in the outline plan.

1.4 Prior to the start of physical works, the requiring authority (or its agent) shall obtain all resource consents required under the Resource Management Act 1991 and the Heritage New Zealand

Pouhere Taonga Act 2014.

2. Design Considerations

2.1 The requiring authority (or its agents) shall incorporate retaining walls into the detailed design to reduce the property effects at critical parts of the alignment, in general accordance with the details identified in Appendix C of the requiring authority's closing submissions.

2.2 As part of the upgrading works the requiring authority (or its agents) shall, subject to the proper performance of its statutory functions, provide suitable pedestrian crossing facilities at the following general localities along Whangaparaoa Road:

- a. Brightside Road;
- b. Weiti Crossing / Whangaparaoa Road intersection;
- c. Stanmore Bay Road;
- d. Ladies Mile;
- e. Pedestrian linkage of Duck Creek Road across the Weiti Crossing; and
- f. Such other places as may be identified in future analysis as necessary for safety purposes.

2.3 The requiring authority (or its agents) shall permit vehicle access from the Weiti Crossing road alignment to the following parcels of land in consultation with the landowners and in accordance with the provisions of the Local Government Act 1974:

- a. Lot 3 DP 95982 and Lot 1 DP 100141 being respectively the Kilmacrennan Farm and Kerrykeel Farm which are farmed as one unit known as Weiti Station (Green and McCahill Group submission); and
- b. Part Lot 1 DP 95984, Lot 1 DP 51255 and Lot 1 DP 49038 being land owned by Green and McCahill Holdings Ltd.

Explanation:

Given the size of the Green and McCahill Holdings Ltd landholding (908 hectares) two access points would be appropriate. The third access point sought by this company includes access to the Stillwater settlement which should be the subject of other considerations apart from this designation.

3. Noise Impact Mitigation

3.1 During construction, New Zealand Standard 6803P : 1984, The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work shall be complied with and the principles for managing noise set out within that document shall be formally adopted.

3.2 The road alignment shall be designed to achieve the following noise standards:

- a. For the properties identified in Table A – the relevant traffic noise design limit contained in Table A.
- b. For all other properties – the relevant noise standard contained in NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

Table A:

Location	Traffic Noise Design Limits Leq (24 hours)
Dwelling A (at the western end of the proposed road as indicated on the AEE document). This will require mitigation from the expected noise levels.	65 dBA
All other existing* dwellings west of the Weiti River Dwelling 1 on Lot 1 DP 138956 Dwelling 2 on Lot 4 DP 64380 Dwelling 3 on Lot 6 DP 64380	55 dBa

Dwelling 4 on Lot 7 DP 64380 This will require mitigation from the expected noise levels particularly for the properties at 173, 250, 301, 305 and 307 Duck Creek Road and that identified as Dwelling B in the AEE document along Weiti Station Road.	
Dwellings at 7 to 37 Cedar Terrace inclusive.	62 dBa
All existing* dwellings on Whangaparaoa Rd.	65 dBa or ambient (whichever is greater)

*Existing at 14 April 1998

Note:

The assessment point for Table A is 1m in front of the most exposed point on the facades of the dwellings.

3.3 In addition to the standards in Table A above, the road alignment shall be designed with the appropriate noise mitigation measures to achieve compliance with a single event noise limit of 78 dBA Lmax at the façade of any residential building situated within 12 metres from the new road carriageway. This shall not apply to residential buildings currently located within 12 metres of the existing road carriageway.

Explanation:

This is in accordance with the NZS6806:2010 Acoustics - Road Traffic Noise - New and altered roads.

3.4 If it is impracticable to meet the Design Limits in the above Conditions 3.2 and 3.3, then prior to completion of the road widening, the requiring authority (or its agents) shall, with the agreement of the owner of the dwelling and if so required by them, provide insulation and, if required, mechanical ventilation to all living rooms (including kitchens) and bedrooms, to ensure that an internal criterion of 40 dBA Leq (24 hours) is not exceeded. If it is impracticable or uneconomic to design mitigation to achieve this internal criterion then the requiring authority (or its agents) shall, with the agreement of the owner, and at a price not exceeding market value, purchase the property.

3.5 Without limiting the requirements for consultation imposed under condition 3.4, the requiring authority shall consult with the owners of 236 Duck Creek Road, being Part Lot 3 DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403 ("the Webster properties") in relation to the location, nature and extent of any proposed noise mitigation measures.

3.6 In undertaking this consultation the requiring authority shall give special consideration to the need for additional or alternative noise mitigation measures which mitigate to the greatest extent practicable the acoustic and amenity effects of the designation upon the Webster properties within the noise limit set out in condition 3.2.

3.7 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed noise mitigation measures;
- b. ensure that the owners have at least two weeks to peruse this material and respond to the requiring authority with their position; and
- c. the requiring authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties to identify other mitigation measures which may be cost effective and meet the noise limits set out in condition 3.2 and shall give special consideration to the findings of any peer review in deciding what noise mitigation measures it implements for the Webster properties.

4. Ecological Impact Mitigation

4.1 The requiring authority (or its agents) shall, in conjunction with the council and in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust, produce the following programmes:

- a. An Ecological Mitigation Programme that outlines the methods and implementation and monitoring processes to be used to avoid, remedy or mitigate adverse effects on the environment, particularly in regard to indigenous vegetation, ecosystems and species, geological features and areas of wildlife habitats; and
- b. A Restoration Planting Programme that outlines the methods and implementation and monitoring processes to restore areas of indigenous vegetation, ecosystems or wildlife habitat likely to be affected by the proposed works.

The programmes shall be submitted as part of the outline plan.

4.2 Without limiting the requirements for consultation imposed under condition 4.1, the requiring authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed ecological mitigation measures.

4.3 In undertaking this consultation the requiring authority shall give special consideration to the need for mitigation measures which mitigate to the greatest extent practicable adverse effects of the designation and related works have upon existing trees and vegetation on the Webster properties.

4.4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. Provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures; and
- b. Ensure that the owners have at least two weeks to peruse this material and respond to the requiring authority with their position; and
- c. The requiring authority shall obtain (at its reasonable cost) a peer review of the proposed ecological mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what ecological mitigation measures it implements for the Webster properties.

5. Visual Impact Mitigation

5.1 A Visual Mitigation Plan shall be prepared by the requiring authority (or its agents) in consultation with directly affected property owners and occupiers, including the Queen Elizabeth II National Trust. The plan shall incorporate, where relevant, the recommendations of the ecological mitigation programme and the restoration planting programme and be submitted as part of the outline plan.

The Visual Mitigation Plan shall include, but not be limited to, details of all proposed planting (including species, species sizes, densities and locations), the planting programme and the required maintenance programme. Existing trees and vegetation on the properties are to be included in any maintenance programme. Attention shall also be paid to the angle and extent of cut and batter slopes through highly visible ridgelines, for example where cut and batter slopes and the proposed roadway would be viewed from properties in Duck Creek Road. In the event that noise mitigation measures such as bunds or barriers are to be employed then these are also to be incorporated in to the visual mitigation plan.

5.2 Without limiting the requirements for consultation imposed under condition 5.1, the requiring authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed visual mitigation measures proposed.

5.3 In undertaking this consultation the requiring authority shall give special consideration to the need for measures which mitigate to the greatest extent practicable adverse effects of the designation on the Webster properties. When undertaking consultation in respect of this issue any noise mitigation measures (such as bunds or barriers) that are employed to address the noise effects of the designation on the Websters properties are also to be considered by the requiring authority.

5.4 In undertaking consultation with the owners of the Webster properties the requiring authority shall:

- a. Provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures;
- b. Ensure that the owners have at least two weeks to peruse this material and respond to the requiring authority with their position; and
- c. The requiring authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what visual mitigation measures it implements for the Webster properties.

6. Archaeological

6.1 Prior to construction and the obtaining of any necessary consents under the Historic Places Act 1993 the requiring authority (or its agents) shall undertake further investigation of archaeological sites R10/943 and R10/944 if these sites are affected by the proposed works or immediately adjoin the proposed works.

6.2 The archaeological sites recorded in the immediate vicinity of the proposed works shall be clearly marked on construction plans to be provided to the Council and pegged out/fenced off prior to, and during the period of, construction.

7. Vibration

7.1 The road alignment shall be designed with due regard to the effects of vibration.

7.2 In the event that the requiring authority receives, in respect of any building existing as at 14 April 1998, a complaint of vibration induced by construction activities or by traffic on completion of the widened/realigned section of Whangaparaoa Road, then the requiring authority shall:

- a. Monitor traffic induced vibration at location(s) from which complaints have been received where considered appropriate by the Auckland Council; and
- b. Where construction vibration levels exceed the relevant standards of ISO 2631-2, then the requiring authority shall implement practicable mitigation measures.

8. Stormwater

8.1 The requiring authority (or its agents) shall, in consultation with the Council:

- a. Provide suitable detention of concentrated stormwater flows which arise from construction works and the completed roadway to avoid, as far as is practicable, stream erosion by the discharging of this stormwater;
- b. Design, install and operate sediment control ponds to remove, to the maximum extent practicable, sediment from all concentrated discharge from the earthworks;
- c. Arrange all stormwater treatment devices in accordance with the Auckland Council's Technical Publication No. 10 being the Design Guideline Manual : Stormwater Treatment Devices, dated 2003; and
- d. Take all practicable measures to ensure stormwater is not discharged into tributaries or overland flow paths which ultimately directly flow into the Okura River Estuary.

9. Physical Works Contract

9.1 All contract documentation for physical works shall include the designation conditions, the approved outline plan and any other resource consents (including conditions) held for the project.

9.2 Construction shall be limited to the following hours:

- a. Weekdays: 7.00 a.m. to 6.00 p.m;
- b. Saturdays: 8.00 a.m. to 4.00 p.m; and
- c. Sundays and Public Holidays: No work.

9.3 Construction can be extended to the hours of 7.00 a.m. to 6.00 p.m. every day (with the specific consent of the Auckland Council) between East Coast Road and the northern boundary of the Weiti Forest with the agreement of Green and McCahill Ltd and Green and McCahill Holdings Ltd or any successors in title.

9.4 At all times reasonable access shall be maintained to properties directly affected by the construction and operation of the Weiti Crossing and the Whangaparaoa Road widening unless agreement is reached with the property occupier that access can be temporarily stopped.

10. Public Notification

10.1 At six-monthly intervals from the date of this decision the requiring authority (or its agents) shall notify all property occupiers directly affected by the designation of the current status of the project and the estimated date of commencement of final design and construction. In addition, an advertisement is to be placed in the "Rodney Times" outlining the above information.

10.2 A Public Notification Plan shall be prepared and submitted for the approval of the Auckland Council prior to the start of physical works. The plan shall include, but not be limited to, the following:

- a. Dates for the release of newsletters to directly affected and adjoining property occupiers. These letters shall include details of the construction programme and a single point of contact for the requiring authority (or its agents) for any concerns or enquiries relating to the project, including a contact person name and a telephone and facsimile number; and
- b. Details of proposed signage to advise motorists of periods of likely traffic delays.

11. Duration of Designation

11.1 In accordance with ~~s. section~~ 184 of the Resource Management Act 1991, this designation will lapse ~~five years from being operative in the Unitary Plan~~ on 11 March 2027 unless:

- a. It is given effect to before the end of that period; or
- b. The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation; or
- c. The designation lapses earlier by virtue of the Unitary Plan ceasing to be operative.

12. Other

12.1 Prior to preparing an assessment of effects upon the environment under s. 88 of the Act for the resource consents required from the council, the requiring authority (or its agents) shall prepare a Scoping Report for the consideration of the council. This shall indicate what is to be addressed in the assessment of effects and allow some agreement to be reached between the parties prior to the detailed analysis required for the assessment.

13. Costs

13.1 Pursuant to s.36 of the Resource Management Act 1991, the requiring authority shall be responsible for paying administrative charges relating to receiving, processing and making a decision

in respect of the requirement. The total amount payable will be communicated to the requiring authority within two months of the process being completed.

14. Local access to Stillwater Community

14.1 Safe and efficient two-way access to the Stillwater community (on both sides of the designated route) shall be provided, including throughout the construction period. Such access shall include provision for public transport (including bus stops) and for the safe and efficient movement of school buses and boat trailers. The design of any such access shall be undertaken in full consultation with the Stillwater Ratepayers and Residents Association, the owners of the Webster properties and directly affected members of the Stillwater community.

14.2 Following such consultation, the requiring authority will submit the proposed access design to an independent auditor for a safety audit prior to construction. The cost of this audit is to be met by the requiring authority.

15. Water Supply

15.1 During each construction season (1 October – 30 April) the requiring authority shall periodically check and wash down any residences (including the roof) which are located along the designation route and which are affected by the construction of the bridge and its approaches. The cost of this cleaning will be met by the requiring authority.

15.2 The requiring authority will test the water quality of the bores at 165 Duck Creek Road, being the land described in 113B/679 (North Auckland Registry), and 236 Duck Creek Road, being the land described in certificates of title 682/218 and 1020/274 (North Auckland Registry), on a monthly basis.

15.3 In the event that either of the bores at 165 or 236 Duck Creek Road becomes contaminated, the requiring authority will provide an equivalent alternative free water supply.

15.4 The requiring authority will test the water quality of each domestic water tank located along the designation route, including the Webster properties, affected by construction of the bridge and its approaches on a monthly basis during the construction season and for one month following (1 October – 31 May) of each year of the construction period. If the water in any such tank is contaminated, the requiring authority will immediately, and at its cost entirely, have any such tank cleaned out and refilled.

16. Land Stabilisation

16.1 The requiring authority will conduct a “before and after” dilapidation survey of the properties (including the interiors of buildings) located along the designation route, including the Webster properties to assess any effects as a result of construction of the bridge and its approaches.

16.2 In any agreements entered into with any third party to carry out construction of the road and bridge, the requiring authority will require that party to accept liability for any damage or instability to land or buildings caused by construction and will also require that party to monitor slope stability throughout the duration of construction and for a period of 12 months following completion of the project. In the event that the requiring authority undertakes construction itself, it will accept such liability and conduct such monitoring.

17. Noise

17.1 Once the new road is operational, council will pass any bylaw required to enable a restriction on engine braking to be imposed on vehicles using the road in the vicinity of Stillwater, should such a restriction prove necessary.

17.2 The requiring authority will use asphalted concrete on the road surface on the Weiti Bridge and extend this surface along the road up to 307 Duck Creek Road, being the land described in certificate of title 16C/1432 (North Auckland Registry).

17.3 The requiring authority will use its best endeavours to provide a building (which is surplus to roading requirements) to be used as the Stillwater community hall. The requiring authority shall arrange for the transport at its cost of any such building to the agreed site.

18. Stock Underpass

18.1 The requiring authority shall enter into an agreement with the owners of the Webster properties to provide them with a stock underpass (under the new carriageway provided for by the designation) to agreed specifications and with agreed rights of access or tenure, to provide the owners of the properties access between the two parts of the property which will be bisected by the new carriageway.

18.2 During the period of construction of the Weiti Link, while the Webster properties are bisected by works, but before the stock underpass is completed, the requiring authority shall provide reasonable stock access across the carriageway so owners of the properties can utilise all parts of their property.

19. Duck Creek Intersection

19.1 No part of the realigned Duck Creek Road, including its intersection on the eastern side of the Weiti link will be positioned further north than indicated on the plan annexed as Appendix A of the NOR.

20. Water Supply

20.1 The requiring authority shall ensure that during construction and operation of the Weiti Crossing Road, a water supply is maintained for the purpose of watering livestock located at 236 Duck Creek Road, being Part Lot 3, DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403.

Attachments

No attachments.