

Notification report - notice of requirement for alteration to Designations 6766 and 6740 under the Resource Management Act 1991 under the Auckland Unitary Plan Operative in Part



To: Peter Vari – Team Leader – Planning Regional, North, West and Islands

From: Ben Willis – Policy Planner, Regional, North, West and Islands

Date: 4/07/2023

Notice of Requirement/Designation Number:	Designations 6766 (State Highway 16 from Brigham Creek to State Highway 1, Wellsford) and 6740 (State Highway 16 from north end of Fred Taylor Drive to Brigham Creek)
Requiring authority:	Waka Kotahi New Zealand Transport Agency
Site address:	State Highway 16 between Brigham Creek roundabout and Kumeu

Summary

Waka Kotahi New Zealand Transport Agency, as the requiring authority, has lodged a notice of requirement (**NoR**) for an **alteration** of Designations 6766 and 6740 in the Auckland Unitary Plan (operative in part) (**AUP**), under Section 181 of the Resource Management Act 1991 (**RMA**).

The purpose of the NoR is to provide for the construction, operation and maintenance of the Project including safety, efficiency, walking and cycling improvements, and ancillary works. These include the removal of vegetation, stormwater treatment, environmental restoration and mitigation (e.g. planting and noise barriers), temporary construction and storage areas and other ancillary structures and activities associated with these works.

The project involves safety, capacity, walking and cycling improvements to State Highway 16 (SH16) between the Brigham Creek Roundabout and Kumeū. These proposed improvements form Stage 2 of the wider SH16 Brigham Creek to Waimauku Project. Works include roadside barriers, flexible wire rope median barrier, a flush median, wider shoulders, upgrade of the Coatesville Riverhead Highway intersection with SH16 to a two-lane roundabout and a shared walking and cycling path.

Auckland Council (Council) must assess a NoR in two broad steps under the RMA:

Step 1: Notification (s169)

Within 10 working days of receiving the notice of requirement, and where a requiring authority has not requested that a NoR be fully notified, or has requested limited notification or non-notification, a notification decision must be made by the Council under, s149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF (which need to be read alongside s169).

If the Council requests further information from the requiring authority under section 92(1), but the requiring authority does not provide the information before the deadline concerned, or refuses to provide the information, public notification is required (s169(1A)).

Step 2: Recommendation by Territorial Authority (s171) (s181 if an alteration)

The territorial authority must provide a recommendation on the NoR, avoiding all unreasonable delay (s21). The territorial authority can decide to recommend to the requiring authority that the requirement be confirmed, modified, subject to conditions or withdrawn (s171(2)).

This report is limited to an assessment of a NoR for an alteration to Designation 6766 and Designation 6740 under the Step 1 notification. It recommends the following:

Part A: Recommendation

That in accordance with section 169 of the Resource Management Act 1991, the alteration of Designation 6766 (State Highway 16 from Brigham Creek to State Highway 1, Wellsford) and 6740 (State Highway 16 from north end of Fred Taylor Drive to Brighams Creek) should proceed on a **LIMITED NOTIFIED** basis for the following reasons:

Limited notified

- A notice of requirement must be limited notified to any affected person (under section 149ZCF) unless a rule or a national environmental standard precludes public notification (s149ZCC(1)(a) and (2))
- The Requiring Authority has provided most but not all further information requested by the required date, however the information not yet supplied is deemed to be not necessary to make a notification decision. Any outstanding information can be addressed prior to the s42A reporting.
- The Requiring Authority has requested limited notification
- The Requiring Authority has not requested public notification
- The adverse effects on the environment will be or are likely to be less than minor.
- Section 149ZCB(2)(c) provides that the territorial authority must notify the notice of requirement if a rule or national environmental standard requires public notification. There is no rule in the AUP or an NES that requires public notification.
- There are no special circumstances under s149ZCB(4) that warrant notification; and

- There are no affected protected customary rights groups or affected customary marine title groups (limited notification) s149ZCC(1)(b)).

1 The proposal, site and locality description

1.1 Proposal

Waka Kotahi New Zealand Transport Agency, as the requiring authority, has served a notice of requirement (**NoR**) on Auckland Council (**Council**) pursuant to section 181 of the Resource Management Act 1991 (**RMA**) for an alteration to Designations 6766 and 6740 at SH16 between Bringham Creek and Kumeu.

New Zealand Transport is seeking to alter the boundaries of Designation 6766 and 6740 to accommodate the widening, safety improvements and walking and cycling improvements of State Highway 16 between Kumeu and Bringham Creek Road.

The alteration is part of a larger project and is required in order to understate stage 2 of the SH16 Bringham Creek to Waimauku Project. The SH16 Bringham Creek to Waimauku corridor has been identified as one of the sections of rural state highway requiring safety improvements by the Safe Roads and Roadsides Programme. The works are required to retrofit the corridor with safety mechanisms specifically designed to reduce the incidents of deaths and serious injuries on this stretch of rural state highway.

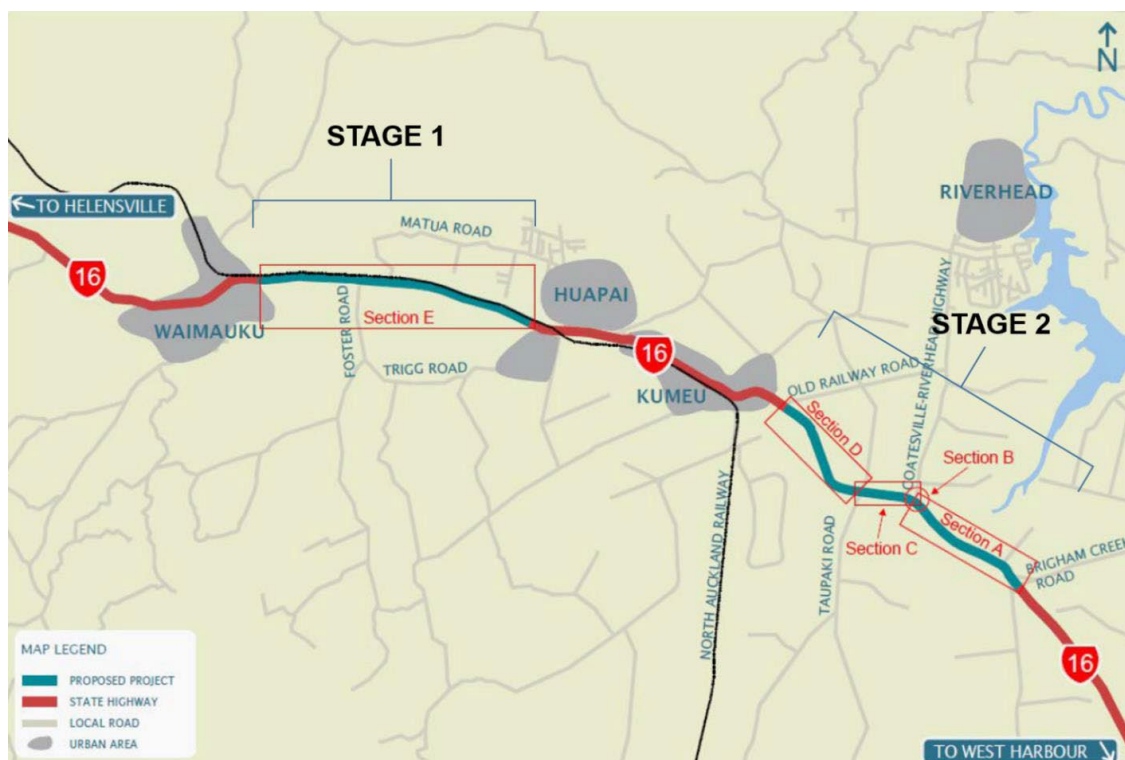


Figure 1: Context of stages of the proposal

The project involves safety, capacity, walking and cycling improvements to State Highway 16 (SH16) between the Bringham Creek Roundabout and Kumeu. These proposed improvements form Stage 2 of the wider SH16 Bringham Creek to Waimauku Project. Works include roadside barriers, flexible wire rope median barrier, a flush median, wider shoulders, 4 laning a section of SH16, upgrade of the Coatesville Riverhead Highway intersection with SH16 to a two-lane roundabout and a shared walking and cycling path. The median barriers will reduce the right turns into and out of many properties located along the corridor as well as affect the turning in Kennedy Road.

1.2 Locality Plan

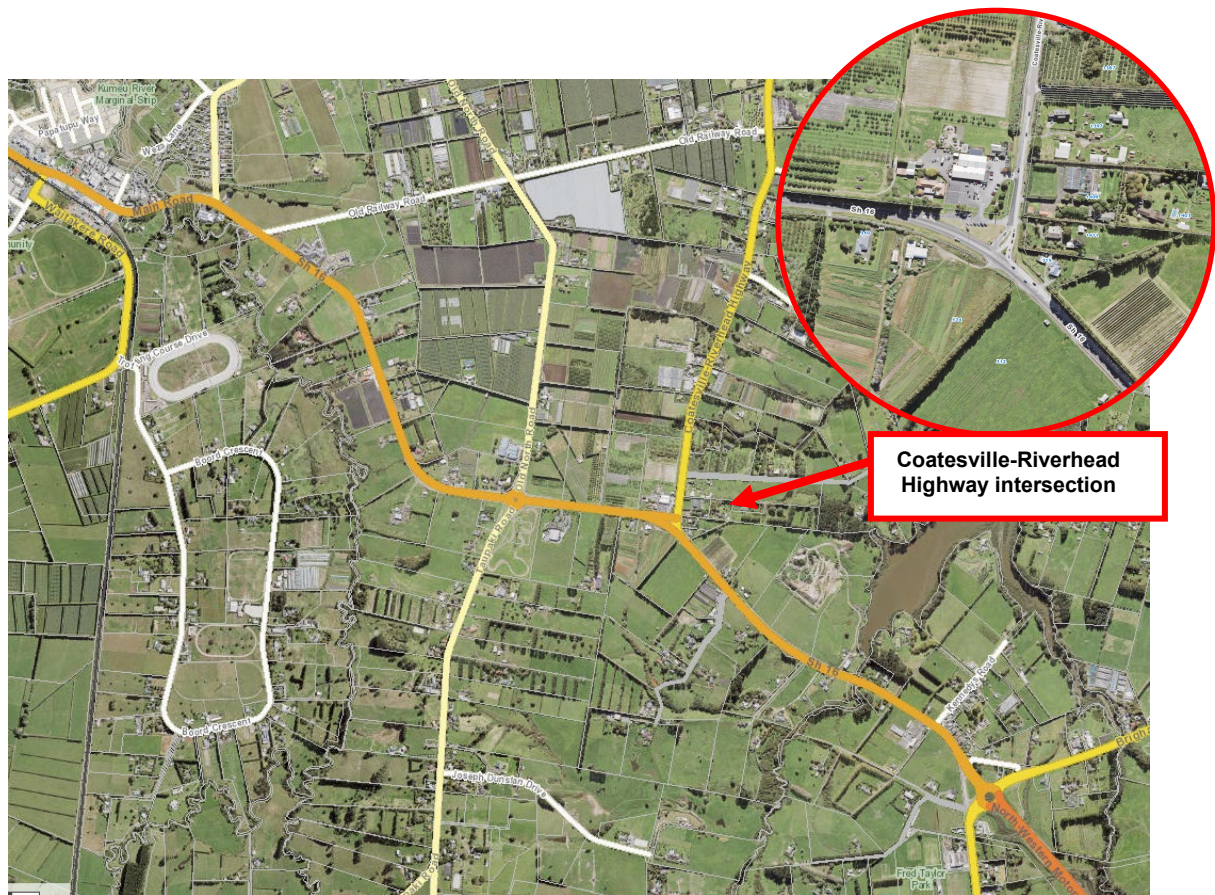


Figure 3: Aerial map of locality

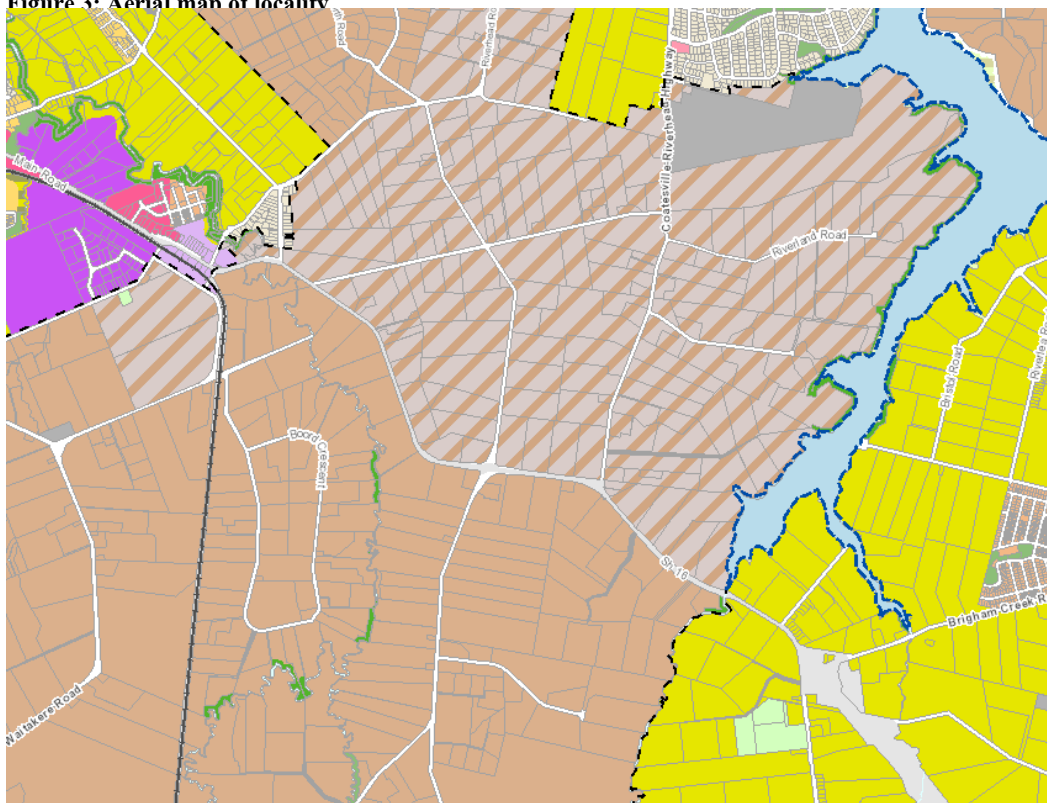


Figure 2: Auckland Unitary Plan: Operative in Part zoning map of locality

1.3 Site and surrounding environment description

The requiring authority has provided a description of the subject site in a form and manner that is acceptable to Council. I have undertaken a site visit on 23/02/2023 and am also familiar with the site and the route, I concur with the description of the site and have no further comment. This can be found in the assessment of environmental effects (AEE) submitted as part of the NoR and entitled: SH16 Brigham Creek to Waimauku Project - Stage 2 Brigham Creek to Kumeū AEE, Prepared by Beca Limited, 23 November 2022.

2 Notification

Auckland Council must assess a NoR in two broad steps under the RMA. Firstly, where a requiring authority has not requested that a NoR be fully notified, or has requested limited notification or non-notification, a notification decision must be made under s149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF of the RMA (these sections must be read alongside section 169 of the RMA, which modifies these sections for the purposes of designations).

Secondly, a recommendation to the requiring authority needs to be made under s171(2) of the RMA, on whether the NoR should be confirmed, modified, or withdrawn or conditions are to be imposed.

In the case where Council is the requiring authority under s168A, the Council makes a decision to confirm, modify, or withdraw the requirement, or to impose conditions.

2.1 Public notification assessment (s149ZCB, and 149ZCD)

The requiring authority has not requested public notification.

2.1.1 Adverse effects assessment (section 149ZCE)

The following assessment addresses the adverse effects of the activities on the environment.

Effects that must be disregarded - effects on persons who are owners and occupiers of the land in, on or over which the notice of requirement relates, or of land adjacent to that land

Under s149ZCE, Council is to disregard any effects on person who own or occupy any adjacent land. The adjacent land includes the following properties:

Table 1: Adjacent land

Address	
43 Main Road, Kumeu	43 Old Railway Road, Kumeu
37 Main Road, Kumeu	507 State Highway 16, Kumeu
7 Main Road, Kumeu	505 State Highway 16, Kumeu
5 Main Road, Kumeu	26 Old Railway Road, Kumeu
550 State Highway 16, Kumeu	493 State Highway 16, Kumeu
538 State Highway 16, Kumeu	491 State Highway 16, Kumeu

Address

522 State Highway 16, Kumeu	489 State Highway 16, Kumeu
506 State Highway 16, Kumeu	475 State Highway 16, Kumeu
482 State Highway 16, Kumeu	465 State Highway 16, Kumeu
472 State Highway 16, Kumeu	451 State Highway 16, Kumeu
464 State Highway 16, Kumeu	429 State Highway 16, Kumeu
436 State Highway 16, Kumeu	407 State Highway 16, Kumeu
418 State Highway 16, Kumeu	393 State Highway 16, Kumeu
454 Taupaki Road, Kumeu	15 Old North Road, Kumeu
466 Taupaki Road, Kumeu	1404 Coatesville-Riverhead Highway, Kumeu
366 State Highway 16, Taupaki	1397 Coatesville-Riverhead Highway, Kumeu
350 State Highway 16, Taupaki	1409 Coatesville-Riverhead Highway, Riverhead
340 State Highway 16, Taupaki	1411 Coatesville-Riverhead Highway, Riverhead
324 State Highway 16, Taupaki	315 State Highway 16, Riverhead
312 State Highway 16, Taupaki	299 State Highway 16, Riverhead
300 State Highway 16, Taupaki	291 State Highway 16, Riverhead
296 State Highway 16, Taupaki	239 State Highway 16, Riverhead
292 State Highway 16, Taupaki	191 State Highway 16, Whenuapai
288 State Highway 16, Taupaki	189 State Highway 16, Whenuapai
284 State Highway 16, Taupaki	2-6 Kennedys Road, Whenuapai
280 State Highway 16, Taupaki	179 State Highway 16, Whenuapai
276 State Highway 16, Taupaki	177 State Highway 16, Whenuapai
272 State Highway 16, Taupaki	175 State Highway 16, Whenuapai
268 State Highway 16, Taupaki	173 State Highway 16, Whenuapai
264 State Highway 16, Taupaki	171 State Highway 16, Whenuapai
256 State Highway 16, Taupaki	
260 State Highway 16, Taupaki	
246 State Highway 16, Taupaki	
238A State Highway 16, Taupaki	
238 State Highway 16, Taupaki	
Esplanade Reserve at Ngongetepara Stream	

Address

222A State Highway 16, Whenuapai	
222 State Highway 16, Whenuapai	
218 State Highway 16, Whenuapai	
212 State Highway 16, Whenuapai	

Effects that must be disregarded - any effect on a person who has given written approval to the notice of requirement and not withdrawn that approval prior to the notification decision being made. (s149ZCE(e))

The following persons have provided their written approval and any adverse effects on them have been disregarded:

Table 2

Transpower New Zealand Limited

Spark NZ Trading Ltd

Effects that must be disregarded - effects of trade competition

Under section s149ZCE(d) the Council must disregard trade competition and the effects of trade competition. There are no effects of trade competition relevant in this case.

Effects that may be disregarded – permitted baseline assessment

Sections 149ZCE(b) and 149ZCF(2)(a) provide that a territorial authority **may** (NB. Not must) disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (this is referred to as the permitted baseline).

Application of the permitted baseline approach is at the discretion of Council and depends on the circumstances of the NoR. As much of the project is to be undertaken within the existing designation which does not impose any conditions on the works and continues with the same uses, I consider that a permitted baseline should be applied for the purposes of considering the environmental effects.

2.1.2 Assessment of adverse effects

The requiring authority has provided an AEE with the NoR. Each of the technical reports attached to the requiring authorities AEE has assessed the environmental effects of the Proposal. These include the following effects:

2.1.2.1 Construction and operation

The requiring authority's AEE states:

Construction of the proposed safety, efficiency, walking and cycling improvements has the potential to generate adverse effects on the natural environment, temporary effects on the operation of the existing road network including access to private properties along the alignment. An indicative constructability methodology has been considered based on best practice to manage potential effects that arise from construction activities. The final construction methodology will be determined by the appointed contractor who will undertake the construction works.

Construction works are proposed to be undertaken during the day and at night-time across the entire Project extent. Night-time works may include constructing footbridge works and other online works such as median barriers and road resurfacing. Construction along the alignment will be staged.

...

A Construction Management Plan (CMP) further detailing the proposed methodology and sequencing will be completed by the contractor, prior to the commencement of works.

The CMP will include a Construction Traffic Management Plan (CTMP), which will set out specific details of construction traffic management. The Contractor will be required to keep two lanes of traffic available at most times with no more than 1km of highway to be constructed at once. Shifting of lane traffic and sequential construction of new lanes will likely be the method employed to ensure two lanes of traffic can be maintained. When works require lane closures, it will, where possible, take place at night or during off-peak hours. All other traffic management will be in accordance with the Transport Agency Code of Practice for Temporary Traffic Management (CoPTTM).

...

Erosion and sediment control (ESC) measures will be implemented prior to the commencement of construction and earthwork activities. These will be in accordance with the Erosion Sediment Control Plan set out in Appendix Q. These measures are in general accordance with GD05.

Comment:

I adopt this assessment of construction and operation effects on the environment and consider the effects to be less than minor for the following reasons:

- The management of various aspects of the works through a variety of management plans is considered appropriate mitigation for construction effects.
- The nature of the works are within scope of the purpose of the existing designation.

I also note that a resource consent application has been applied for concurrently and will assess the effects of and implement conditions regarding stormwater, earthworks, noise and vibration, traffic, and land contamination.

2.1.2.2 Noise and vibration effects

The AEE states:

A Construction Noise and Vibration Management Plan (CNVMP) will be prepared containing information regarding noise performance standards, predicted levels, affected receivers, on-site management, mitigation options, communication procedures, and complaints procedures. The CNVMP will be implemented on site for the duration of the construction works. It is considered a living document that will be kept up to date

regarding actual timing/equipment use and methodologies, should these change throughout the construction process

The following outlines specific mitigation strategies to address temporary noise and vibration effects:

- *Engagement with affected receivers*
- *Temporary noise barriers (sheets of plywood or noise curtains)*
- *Avoidance of unnecessary noise and vibration through site management and additional measures*
- *Progressive staging of construction works so dwellings will only be affected for a limited time when works are in the vicinity*
- *To manage vibration effects, use of alternative compaction methods, use of a static roller and in certain locations undertaking a pre-construction building condition survey to enable the determination of liability due to damage that may be caused due to and during the vibratory rolling*
- *A Construction Noise and Vibration Management Schedule which will be based on actual predicted noise levels for the dwelling in question, including any terrain shielding present, and take account of the actual duration of the works to be undertaken that will then inform the Best Practicable Option for noise mitigation in that location.*

The requiring authority's technical report Assessment of acoustic effects (03 November 2022) prepared by Marshall Day Acoustics states:

... for most daytime works, noise levels would comply at most locations. For dwellings located closer than 25m from works, management and mitigation would need to be implemented."

For many of the dwellings this means that construction noise levels would exceed the night-time noise limit (even with mitigation) by a considerable margin, and management and mitigation would need to be implemented, including potentially offers of temporary relocation if noise or vibration effects from the works cannot be managed otherwise. It is noted that construction will travel along the alignment progressively, thus each dwelling will only be affected for a limited time when works are in the vicinity. This may extend from two nights to potentially up to 10 nights, depending on the works required and the line-of-sight from the receiving dwelling to the works.

Construction vibration levels would generally be low for all works, with the exceptions of the retaining wall installation and the use of earthmoving equipment and vibratory rollers for road widening.

Several dwellings are within 14m of a potential vibratory rolled area. These receivers are 175, 218, 291, 340, 407A and 507 SH16. Two commercial buildings appear within 6m of the alignment edge, The Grind Café at 1 Kennedys Road and The Kumeu Produce Market at 407A SH16.

The Sinton buildings at 191, 222A and 238 SH16 are all between 25 and 30 metres from the proposed works.

... in order to manage vibration effects, alternative ways of compaction may need to be used. We recommend that, if practicable, a static roller is used instead. If this is impracticable, we recommend that a pre-construction building condition survey is carried out. This will enable determination of liability due to damage that may be caused due to and during the vibratory rolling. It is also important that communication with affected parties is carried out.

Overall, the proposed works can be constructed in such a way that any adverse construction noise and vibration effects will be temporary, and can be mitigated or managed using the above strategies so that effects are minor and not unreasonable.

Council's noise specialist states:

For operational noise, in summary the preferred mitigation scenario results in noise levels generally unchanged from what is currently experienced or reduced by varying degrees (from imperceptible change to noticeable). The properties exposed to the highest existing and future noise levels are typically those which cannot be practicably mitigated due to proximity, receiver height (two storeys so would overlook screens) or access/driveways limiting screening location availability which would reduce the efficiency of screening.

Comment:

I adopt this assessment of noise and vibration effects and consider that the effects on the wider environment are less than minor. Any effects relating to noise and vibration are only likely to be experienced by those directly adjacent to the works.

2.1.2.3 Vegetation removal

The requiring authority's AEE states:

The widening of the SH16 corridor for additional lanes, the SUP and supporting infrastructure will result in the removal of 159 trees or tree groups within the Project extent comprising:

- *67 Trees/tree groups within the existing designations will be removed*
- *92 trees/tree groups outside of the existing designations but within the new designation boundary will be removed.*

The removal of vegetation has the potential to cause ecological, landscape and amenity effects. These effects are addressed in sections 8.3.2 and 8.4.7 below. Other than the loss of one threatened kauri tree, there is minimal loss of botanical value associated with removing roadside vegetation.

The proposed vegetation removal will not result in an increase to natural hazard risks. Sections of the project require vegetation removal to install infrastructure that will improve the resilience of the infrastructure network in this area, such as upgrading the stormwater networks.

The arborist has identified trees beyond the designation boundary that will likely have their tree root zones within the construction footprint. Mitigation measures will be undertaken to protect these trees where possible.

Comment:

I adopt this assessment of vegetation removal effects and consider that the effects are less than minor for the following reasons:

- The proposed replanting is sufficient mitigation for the proposed vegetation removal and no scheduled vegetation is proposed to be removed.

2.1.2.4 Ecology effects

The requiring authority's AEE states:

Sedimentation:

As a result of the stream bed disturbance, there is the possibility of local and temporary increase in turbidity and suspended solid concentrations during construction, thereby reducing the water quality of the stream. High sediment concentrations can have adverse effects on aquatic ecology, including smothering instream organisms, reducing the abundance and diversity of macroinvertebrates, and harming the current fish population as many fish are visual feeders.

The installation of riprap aprons as part of stormwater network improvements will permanently alter a small portion of the benthic composition of the Ngongetepara Stream, the stream at 429 and 436 SH16 and the Kumeū River.

The impacts include increasing the number of large cobbles and /or boulders of the benthic composition, which can alter the stream flow profile and result in positive effects associated with increased habitat diversity. However, the amount of riprap to be placed in the streambed of each stream is relatively small given their impact reaches, and they will not be placed throughout the full cross section of any of the streams. The effects of this are considered less than minor.

Riparian vegetation loss:

The ECIA concludes that the overall temporary loss of vegetation will be less than minor when considering the proposed restoration planting, which will result in a net gain of native riparian planting that will provide stronger ecosystem services to the stream and stream habitat.

Roadside vegetation removal:

Vegetation along the road corridor, contains mostly rank grass and roadside trees and shrubs. The removal of terrestrial vegetation can reduce the provision of ecosystem services, such as stormwater filtration, fauna habitat provision, and protection from wind and heat, although this was provided at a low level to begin with. Other than the loss of one kauri tree, there is minimal loss of botanical value associated with removing roadside vegetation.

Wetlands

The natural wetland at 436 SH16, is located 16m from the edge of the road and is approximately 179m². It is likely being fed by seepage emerging from the surrounding sloped landscape and follows a natural flow pathway running parallel to SH16, towards the tributary of the Kumeū River. The wetland at 436 SH16 is considered to have low ecological value due to its use as a livestock paddock, degraded vegetation and invasive weed presence.

Through the proposed landscape planting, a new wetland buffer will be replanted of approximately 200m². There will be no permanent loss of vegetation within the wetland buffer. The wetland riparian planting will ... add stronger ecological value to the wetland and wetland buffer than the exiting roadside grass.

The wetland at 522 SH16 covers a much larger footprint than the wetland at 436 SH16 and it is much closer to the existing state highway corridor.

The Project was designed to avoid the wetland as far as practicable and minimise effects on the wetland, however the SUP still needs to run parallel to the road being a linear infrastructure project, therefore the temporary works in the wetland cannot be avoided. Slope embankments were originally proposed, however a retaining wall has since been chosen as the preferred design support structure for the SUP to minimise effects and further reclamation and loss of the wetland. This will result in a 5m² permanent loss of the wetland area. The ECIA concluded that the area proposed to be affected is of low ecological value consisting of pasture grass and exotic rush. The ECIA also notes that the overall state of the wetland is degraded, is mowed and is used for grazing livestock.

This wetland is not a 'natural wetland' under the NPS:FM (refer to Statutory Assessment in Section 10) and therefore the NPS:FM and NES:F regulations do not apply.

The ecological and habitat values associated with the wetland are considered to be low. The wetland is degraded and used as a grazing paddock for the landowner's stock. The proposed wetland planting would enhance the ecological values of the wetland.

The Project will also replant the wetland buffer ... temporary and permanent loss of vegetation in and around the wetland. Post-construction, 309m² of the wetland buffer will be enhanced with the same wetland riparian planting and high native revegetation

Death or injury to fish

There is a potential injury or /mortality risk to fish during construction from the use of coffer dams for the installation of ripraps in the stream edges and removal of outfalls. Eels are especially at risk as they burrow into sediments when disturbed. However, the in-stream works are confined to small areas... The use of coffer dams (or similar) allows aquatic life to be kept well away from the impact zone to minimise death or injury to aquatic life.

Herpetofauna

Although no copper skinks were found in the surveys undertaken, there are some locations along the corridor, particularly around the stream at 429 SH16, where copper skink habitat is present. A precautionary approach will be taken to avoid any possibility of injuries / mortality to copper skinks, should any skinks be present.

Effects of Avifauna

Avifauna nesting, foraging and roosting habitat exists within the road reserve / designation across the SH16 corridor, and at each of the streams and wetlands within the SH16 vicinity. Vegetation clearance will reduce the physical extent of available avifauna habitat. However, this will be restored post construction. The construction will also create disturbance via noise and movement, which can result in short-term avoidance behaviour from native avifauna. The area extents that will be impacted only represents a small proportion of similar avifauna habitat within the wider surrounding landscape. The connectivity of the vegetation from the roadside, streams, and wetlands will not be severed from the wider landscape during works. As such, other avifauna habitat can be found nearby for avifauna to relocate to.

Bats

No bats have been recorded within the SH16 corridor extent according to iNaturalist and DOC. However, one long-tailed bat has been recorded approximately 2 km from the corridor in 2020. Therefore, the possibility of bat roosting within the Project extent cannot be ruled out.

The proposed works associated with riparian vegetation clearance could potentially cause the injury or mortality of native bats roosting within the riparian vegetation during the day, including the threatened long tailed bat. However, the likelihood of this is low, as only some vegetation within the proposed clearance area is expected to be able to host roosting bats, and among these, even less trees are expected to be active.

Despite the risk being low, to avoid death or injury to native bats roosting during the day, tree felling as part of riparian vegetation clearance should be overseen by a specialist bat ecologist, certified by the Department of Conservation. Any trees to be felled that have a DBH >15cm¹⁶ will be assessed for roost features using the roost identification criteria from the Bat Roost Protocol. If any Moderate or High value roost trees are found (as defined by an ecologist), then they must be monitored for bat activity for a minimum of two nights immediately prior to felling. If bat roosts are confirmed, then the tree must be clearly marked and cannot be removed, and the Department of Conservation must be informed.

The requiring authority's technical report Ecological Impact Assessment (18 November 2022) prepared by Beca Ltd states:

Management has been incorporated into the proposed work activities construction methodology to reduce ecological effects. This includes the ESCP (Blyth, 2022), management of discharge to streams and wetlands through stormwater design and mitigation (Bridge & Fraser, 2022), restoration planting according to the LEPP (Beca Ltd, 2022c), retention of roadside trees according to the arborist report and LEPP (Beca Ltd, 2022c; Scott-Dye, 2022), and the alteration of road design and construction to avoid and minimise impacts to the wetlands.

Overall, with the above management strategies integrated, the proposed SH16 upgrades will lead to Very Low or Low effects on the terrestrial vegetation, streams, and wetlands. However, additional management measures are recommended to reduce potential injury or mortality to native fauna, particularly for herpetofauna and bats which will also require a survey prior to construction.

Comment:

I adopt this assessment of ecological effects and consider that the effects are less than minor and can be adequately mitigated by the proposed landscape planting and through conditions.

It is noted that the ecological aspects of the project including riparian vegetation, wetland buffer vegetation and wetland vegetation, will be assessed under the resource consent application by the council's ecologist and arborists.

2.1.2.5 Landscape and visual effects

The requiring authority's AEE states:

The construction of the Project will be staged in sections along the highway limiting visual effects associated with construction activities to small sections at a time. Any landscape and visual effects will be temporary.

There will be a loss of 159 trees/tree groups, that are of varying quality. While the removal of rank grass and 159 trees/tree groups across 4.3 km of road will not affect the underlying character and composition of a predominately rural landscape, it is expected to produce at least a partial change in condition at the roadside level. To mitigate this loss, Waka Kotahi proposes to plant over 88,400 new plants, which will result in a positive net gain in vegetation across the alignment. As these plants

establish over time, the ecological, biodiversity and amenity values of the wider area will be enhanced.

...

On completion of the project, landscape planting is proposed to mitigate the loss of vegetation removal. However, the vegetation will take 5-10 years to form a mature canopy. This will result in a visual change to the landscape of the corridor during this time. Although there will be a change to the landscape, the Project has aimed to improve the amenity along the corridor with a well designed SUP and carefully chosen planting to enhance the road corridor. Where the new footprint impacts on the adjacent landscape – planting has been proposed to create a linear green corridor and provide a buffer to the neighbouring properties. The SH16 'green corridor' is formed through the planting of high native revegetation plant species along most cut and fill embankments. Clusters of larger trees will be placed along the corridor to create different levels of vegetation canopies, to enhance layering of the planting.

...

Noise Barriers:

...when considering the existing rural character of the SH16 corridor, it is important that the materiality of the noise barriers is appropriate to reduce the visual prominence of these structures. For these reasons, timber has been proposed as the preferred material for the noise walls. Timber provides a softer appearance within the corridor. With support from various planting typologies, there is an opportunity to further reduce the visual effects of the structures through planting species adjacent to the walls.

Comment:

I adopt this assessment of landscape and visual effects and consider that the effects on the environment are less than minor.

2.1.2.6 Transport effects

The requiring authority's AEE states:

A Construction Traffic Management Plan (CTMP), based on the Code of Practice for Temporary Traffic Management, will be prepared by the contractor prior to construction, which will set out specific details of construction traffic management. This will also include site specific Traffic Management Plans (TMP) tailored to manage specific site constraints.

...

Permanent physical changes to State Highway 16 and adjoining roads will impact existing vehicle access to sites along these road corridors. This will occur both temporarily during construction works and permanently where access needs to be relocated to accommodate new road infrastructure.

Potential permanent effects arising from these changes may include:

- *Loss of safe vehicle ingress and egress to properties causing potential conflict with other vehicles, cyclists or pedestrians*
- *Traffic delay within the corridor from vehicles turning into and exiting sites*

...

There is one crossing along the alignment that vehicles have the right of way which is at 366 SH16. This site accommodates Soljans Estate Winery. The Winery has a right turn bay to allow eastbound vehicles to pull into a median bay to wait before crossing the west bound traffic lane and into the winery. Signage will be installed to tell pedestrians to give way to vehicles turning into the driveway. It would be unsafe for vehicles to give way at this location as they would have to cross two lanes of traffic and give way to pedestrians, which could result in them blocking traffic lanes.

...

The Project involves the installation of a physical median barrier to prevent head on collisions and satisfy a key Project driver to improve safety. Physical median barriers are installed from Brigham Creek Road to the Taupaki Road Roundabout.

A permanent effect of this design is a slight increase in travel distance for some road users (with the longest travel distance being 3.08km). Road users will need to travel further to reach their destination as they will need to utilise a turn around facility instead of crossing the centreline as they currently do.

Comment:

Council's transport specialist, Martin Peake from Progressive Transport Solutions, has reviewed the notice on behalf of Council and agrees with the assessment of the applicant and that the effects on the environment will be less than minor. I adopt the assessment provided by the applicant for transport affects and consider that the effects on the wider environment are less than minor.

2.1.2.7 Archaeological effects

The requiring authority's AEE states:

Archaeological sites within a 200m buffer around the Project corridor were identified, these include:

- *16 historic heritage sites, 12 of which will not be affected by the proposed works.*
- *7 of those sites are recorded archaeology sites:*
 - *4 are former structures*
 - *1 was a boat structure*
 - *1 was a former railway line*
 - *1 midden deposit.*

The only area where there are recorded archaeological sites in the vicinity of proposed works is in the area adjacent to Brigham Creek in Section A and adjacent to the BP Station in Section D. Four of these sites were identified as potentially affected by the project.

While there are no confirmed archaeological remains within the area of proposed works, the possibility that pre-1900 remains may be exposed cannot be excluded near the sites listed above. An application under Section 44(a) of the HNZPTA has been applied for in parallel with this NoR. It will cover all works within this Project as a precaution.

...

Overall, the proposed works have avoided where possible any impacts upon archaeological sites. There is some, but limited, potential to affect archaeological sites, particularly around Brigham Creek. Any adverse effects are likely to be less than minor

given the limited extent of works that may affect any archaeological sites. With the HNZPTA Authority and Archaeological Management Plan in place, any archaeological effects will be appropriately managed and recorded if discovered to build a stronger understanding on the history relating to the Brigham Creek area and the former portage rail.

The requiring authority's technical report SH16 Stage 2 – Archaeological Assessment (February 2022) prepared by Clough & Associates Ltd states:

The proposed Stage 2 SH16 improvement works have avoided where possible any impacts upon archaeological sites. There is some, but limited, potential to affect the historic heritage sites in the area around Brigham Creek, where a cluster of sites is recorded within Section A and another single site in Section D.

The sites present in the vicinity of Brigham Creek which have the potential for effects include CHI 3486 (Alexander Sinton's Homestead), being possible subsurface remains of a 19th century shed, and R11/2081, CHI 13589 (bridge over Brigham Creek). There are no confirmed remains relating to these sites within the proposed area of works, and any adverse effects are likely to be less than minor given the limited extent of works that may affect them. Any effects can be appropriately mitigated through archaeological investigation and recording to recover information relating to the history of the area.

There is one scheduled historic heritage place immediately adjacent to the proposed works at 238 SH16 (AUP OP ID 525, Sinton House (former), CHI 13241, R11/2828). The works extend very marginally into the scheduled extent of place, but will have no archaeological effects on the scheduled item.

There is also limited potential to affect remains related to the old railway line R10/1487, CHI 15093 in Section D near Kumeū. Again, there are no confirmed remains relating to the site within the project area and any adverse effects are likely to be minor.

Comment:

I adopt this assessment of archaeological effects and consider that the effects are no more than minor. I am of the opinion that any unrecorded subsurface archaeological sites exposed during works can be adequately addressed through conditions as part of any resource consents.

2.1.2.8 Built heritage effects

The requiring authority's AEE states:

Overall, the Project will not significantly adversely affect the historic built heritage values associated with the Sinton family around Brigham Creek. Minor adverse effects arising from the loss of existing mature vegetation due to the construction of the SUP can be adequately addressed through replanting along new boundaries. Therefore, any effects on built heritage values will be less than minor.

There is also an opportunity for the installation of heritage interpretation along the SUP around Brigham Creek as a separate project. This will provide education opportunities to the public about the Sinton Family and may enhance appreciation for the heritage values associated with 238, 222A and 191 SH16.

Regardless, any adverse effects on built heritage can be mitigated through the following recommendation:

- Construction risks to built heritage is clearly explained to the contractors
- Demolition of the shed at 222a SH16 will be mitigated through low level photographic recording and drawings if required, to a level equivalent to Level 3 of HNZPT guidelines 2018 – recording of built structures, and
- That any construction management plan includes risk assessment and protection measures to control potential risk of damage or nuisance from construction activities on built heritage.

The requiring authority's technical report High Level Heritage Impact Assessment (November 2022) prepared by Plan Heritage states:

Works are proposed to upgrade SH16 including new road alignments and infrastructure, and a new shared footpath/cycleway along the southern portion of SH16. These works will affect several recorded built heritage places, including one scheduled property at 238 SH16, and two properties proposed for inclusion on the schedule at 222A SH16 and 191 SH16. All three properties were historically associated with the Sinton family.

Changes will occur to the property boundaries of Sinton House (former), but not affect the building itself. The identified heritage values of Sinton House (former) are largely unaffected in the longterm, and the improvement of the shared path / cycleway will allow for future opportunities to view the place from the public realm, which are not present currently. Although not currently included in the AUPOP Schedule 14.1, the properties at 191 SH16 and 222A SH16 will be similarly affected.

None of the proposed changes will significantly adversely affect the core values identified for these three locations. Minor adverse effects arising from the loss of existing mature vegetation can be adequately addressed through replanting along new boundaries, which will result overall in a neutral outcome for historic heritage values identified with Sinton house (former), and associated non-scheduled historical places.

Comment:

I adopt this assessment of built heritage effects and consider that the effects on the environment are less than minor and can be adequately mitigated through conditions.

2.1.2.9 Stormwater

The requiring authority's AEE states:

Projects like these can cause adverse effect on flooding surrounding streams and the existing stormwater networks if not design appropriately to manage stormwater effects. Effects can include:

- *An increase in flooding effects when increasing the impervious surface area*
- *An increase in untreated stormwater*
- *Increased pressure on stormwater infrastructure in large rainfall events, leading to the flooding of the road and unsafe driving conditions for road users.*

...

Discharging to some surrounding streams is included within the Project design. All outlet structures will be specifically designed to ensure that adequate energy dissipation is achieved and that the effects of the discharge do not cause scour/erosion

within the immediate receiving stream environments. This will be achieved through the use of riprap and rock lined channels.

All swales will be designed in accordance with appropriate guidelines and shall not pose a hazard to road users. All treatment swales are to be planted to minimise the footprint.

Where piped networks are proposed, new inlets are spaced such that gutter flow will not encroach into the nearest traffic lane in a 10% AEP event.

During large rainfall events, secondary stormwater flows will typically be contained within the road carriageway and designed such that one lane remains open for traffic each way during a 1% AEP storm event. However, this is not achievable in all locations of the corridor due to existing flooding issues.

...

These untreated sections of new impervious areas would have less than minor ecological effects on the streams. These areas are small in scale and runoff into these streams is currently untreated. Therefore, there will still be a significant decrease in untreated water in these streams as a result of this Project. Aside from these two locations, the Project will treat most new impervious area as well as most of the existing impervious area. The Project will result in an overall improvement to surrounding water quality.

...

Overall, all discharge points receive adequate hydrological mitigation except Discharge Point 1 at Ngongetepara Stream (Brigham Creek). The base of the stream at this location is typically RL1.3m, however two of the discharge points from the pipe network are higher up the stream embankments due to the incised banks to the stream. The discharge from the SH16 stormwater network is also located at the downstream end of Redhills Catchment, immediately before it discharges to Brigham Creek, a tidal area. Due to the location within the catchment, level and proximity to the tidal area, SMAF is not required at this location. However, as there are some swales in this area, as small amount of detention is achieved in this area.

...

The total detention volume achieved is constrained by the footprint and constructability. The proposed design does not completely meet the required detention volume under the AUP, but the design is expected to result in an overall betterment of the downstream stream health.

Comment:

I adopt this assessment of stormwater and consider that the effects are less than minor and can be adequately mitigated.

2.1.3 Adverse effects conclusion

I consider that overall the adverse effects are less than minor for the following reasons:

- environmental effects are not considered significantly greater than those effects resulting from the permitted baseline
- environmental effects are localised, temporary in nature and can be avoided, mitigated or remedied through the proposed conditions.

2.1.4 Special circumstances and general discretion

Special circumstances

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications (NoR in this case) of this nature;
- or circumstances which makes notification desirable, even where the conclusion is that the adverse effects will be no more than minor.

I consider that there are no special circumstances under s149ZCB(4) surrounding this NoR.

2.1.5 Public notification assessment conclusion

The NoR can be processed without public notification for the following reasons:

- the adverse effects are less than minor;
- there are no special circumstances;

2.2 Limited notification assessment (section 149ZCC)

If the NoR is not publicly notified, the Council must decide if there are any affected persons, or customary rights or title groups.

A person is affected if the adverse effects of the activity on them are minor or more than minor (but are not less than minor).

Also adverse effects:

- permitted by a rule or national environmental standard may be disregarded,
- on those persons who have provided their written approval must be disregarded.

Council must also have regard to any statutory acknowledgement under schedule 11 of the RMA. Within the Auckland region, the following are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015.

2.2.1 Adversely affected persons assessment (section 149ZCF)

The requiring authority has provided an assessment of adversely affected persons in Section 9.1.2 of the AEE.

Land requirements

The requiring authority's AEE states a total of approximately 81,790m² of land, split over 71 land parcels and 15 road parcels, is required accommodate both the temporary construction works and permanent changes.

The land requirements are on the boundary of these properties (adjacent to the existing state highway corridor) and do not include any buildings. Land requirements do not preclude the overall existing functions of impacted properties as the area primarily contains paddocks, trees, driveways and business frontages.

Not all of the above land will need to be acquired by the Crown. Some land is only temporarily required for construction, primarily to provide access offline to the road reserve where construction or upgrading of pavement widening, the SUP and retaining structures will take place.

Pre-lodgement engagement has been undertaken with landowners and Waka Kotahi will discuss with each landowner whether land acquisition is necessary.

It is proposed to roll back the designation where land is no longer required for ongoing operation and maintenance of the SH16 corridor once construction is complete.

Comments:

I concur with this assessment of temporary and permanent land acquisition effects and consider that the effects are minor for the following reasons:

- In most cases the land acquisition is for a small strip of pastoral land or front yard land adjacent to the road frontage of the relevant site.
- Mitigation is provided through the Public Works Act process, with each of the landowners receiving compensation for any land required for either temporary or permanent acquisition.

I consider the effects on landowners with land subject to permanent or temporary land acquisition to be minor and will warrant notification.

Noise and vibration

Noise and vibration effects are discussed in section 2.1.2.2 of this report and the assessment provided by the requiring authority and council's noise specialist will not be duplicated here. Table 21 of the AEE identifies properties considered to have minor adverse effected from noise and vibration during construction including seven individual properties and all properties within 25m of construction night works. In terms of the effects on adjacent persons, I adopt the findings of both the requiring authorities noise specialist and council's, that the mitigation measures and Construction Noise and Vibration Management Plan proposed will provide sufficient mitigation for the construction noise effects outside of the properties identified by the RA and consider the effects on the properties identified to be considered minor.

Private onsite Wastewater

The private wastewater systems of five properties are identified in Table 21 of the AEE as being impacted by the works, the RA identifies these properties as having minor effects and also identified a further 14 properties which may be impacted. I adopt these properties identified as having minor effect and are notified on a limited notification basis.

Transport effects

The properties of Kennedys Roads loss of the ability to turn right into or out of the road is considered to be a minor effect, while the close proximity to the SH16-Brigham Creek roundabout and the proposed Coatesville-Riverhead Highway roundabout will provide alternative turning points these properties will still be impacted by the transport changes. Note section 7.4.2 of the AEE discusses the consultation undertaken with the properties on Kennedys Road and provides the key feedback provided.

Conclusion

Overall, I agree with the AEE and the properties identified in Table 21 of the AEE as adverse effects on them have been determined to be minor in relation to construction noise and vibration effects, and impact on private onsite wastewater systems. It is recommended that all properties identified by the RA be notified and that further properties identified as being affected by transport effects and those properties being affected by temporary and/or permanent land acquisition be included. 83 landowners are affected by temporary and/or permanent land acquisition and considered directly affected persons and should be notified on a limited notification basis. Additionally, that all the properties on Kennedys Road are considered directly affected and should be notified on a limited notification basis. Refer to the Table 3 below for the full list of directly affected persons.

Table 3 : Directly affected persons

43 Main Road, Kumeu	42 Old Railway Road, Kumeu
37 Main Road, Kumeu	43 Old Railway Road, Kumeu
7 Main Road, Kumeu	507 State Highway 16, Kumeu
5 Main Road, Kumeu	505 State Highway 16, Kumeu
550 State Highway 16, Kumeu	26 Old Railway Road, Kumeu
538 State Highway 16, Kumeu	493 State Highway 16, Kumeu
522 State Highway 16, Kumeu	491 State Highway 16, Kumeu
506 State Highway 16, Kumeu	489 State Highway 16, Kumeu
482 State Highway 16, Kumeu	475 State Highway 16, Kumeu

472 State Highway 16, Kumeu	465 State Highway 16, Kumeu
464 State Highway 16, Kumeu	451 State Highway 16, Kumeu
436 State Highway 16, Kumeu	429 State Highway 16, Kumeu
418 State Highway 16, Kumeu	407 State Highway 16, Kumeu
454 Taupaki Road, Kumeu	393 State Highway 16, Kumeu
466 Taupaki Road, Kumeu	15 Old North Road, Kumeu
455 Taupaki Road, Kumeu	1404/1368 Coatesville-Riverhead Highway, Kumeu
449 Taupaki Road, Kumeu	1385 Coatesville-Riverhead Highway, Kumeu
366 State Highway 16, Taupaki	1387 Coatesville-Riverhead Highway, Kumeu
350 State Highway 16, Taupaki	29 Brigham Lane, Riverhead
340 State Highway 16, Taupaki	62 Brigham Lane, Riverhead
324 State Highway 16, Taupaki	63 Brigham Lane, Riverhead
312 State Highway 16, Taupaki	85 Brigham Lane, Riverhead
300 State Highway 16, Taupaki	86 Brigham Lane, Riverhead
296 State Highway 16, Taupaki	88 Brigham Lane, Riverhead
292 State Highway 16, Taupaki	89 Brigham Lane, Riverhead
288 State Highway 16, Taupaki	1397 Coatesville-Riverhead Highway, Kumeu
284 State Highway 16, Taupaki	1401 Coatesville-Riverhead Highway, Riverhead
280 State Highway 16, Taupaki	1403 Coatesville-Riverhead Highway, Riverhead
278 State Highway 16, Taupaki	1409 Coatesville-Riverhead Highway, Riverhead
272 State Highway 16, Taupaki	1411 Coatesville-Riverhead Highway, Riverhead
268 State Highway 16, Taupaki	315 State Highway 16, Riverhead
264 State Highway 16, Taupaki	299 State Highway 16, Riverhead
256 State Highway 16, Taupaki	291 State Highway 16, Riverhead
260 State Highway 16, Taupaki	Lot 6 DP 53169, State Highway 16
246 State Highway 16, Taupaki	Lot 7 DP 53169, State Highway 16
238A State Highway 16, Taupaki	239 State Highway 16, Riverhead
238 State Highway 16, Taupaki	191 State Highway 16, Whenuapai

Esplanade Reserve at Ngongetepara Stream	189 State Highway 16, Whenuapai
222A State Highway 16, Whenuapai	2-6 Kennedys Road, Whenuapai
222 State Highway 16, Whenuapai	179 State Highway 16, Whenuapai
218 State Highway 16, Whenuapai	177 State Highway 16, Whenuapai
212 State Highway 16, Whenuapai	175 State Highway 16, Whenuapai
13 Kennedys Road, Whenuapai	173 State Highway 16, Whenuapai
15 Kennedys Road, Whenuapai	171 State Highway 16, Whenuapai
17 Kennedys Road, Whenuapai	1 Kennedys Road, Whenuapai
17A Kennedys Road, Whenuapai	181 State Highway 16, Whenuapai
19 Kennedys Road, Whenuapai	3 Kennedys Road, Whenuapai
21 Kennedys Road, Whenuapai	5 Kennedys Road, Whenuapai
8 Kennedys Road, Whenuapai	9 Kennedys Road, Whenuapai
10-14 Kennedys Road, Whenuapai	11 Kennedys Road, Whenuapai
18 Kennedys Road, Whenuapai	

No customary rights or marine title groups are considered adversely affected.

2.2.2 Limited notification assessment conclusion

Given the assessment above, it is recommended that the NoR be considered on limited notified basis. Notice of the NoR should be served on the persons identified in Table 3 above.

3 Local board views

At the time of preparing this report a memo has not been provided to the local board as its views on notification are not required. Local board views will be sought before the section 42A report is completed.

4 Notification recommendation

This NoR should proceed on a limited notified basis because:

The Requiring Authority has provided most but not all further information requested by the required date, however the information not yet supplied is deemed to be not necessary to make a notification decision. Any outstanding information can be addressed prior to the s42A reporting.

Under s149ZCB(2)(a) the adverse effects on the environment will or are likely to be less than minor.

There is no rule or national environment standard that requires public notification and the requiring authority has not requested it. Or there is a rule or national environmental standard that requires public notification – identify rule or NES. Waka Kotahi NZ Transport Agency, as the

requiring authority, requests that the notice be Limited Notified to the potentially affected persons identified in Table 21 of the AEE.

Under s149ZCB(4) there are no special circumstances to warrant notification.

There are no protected customary right groups or marine title groups in the region affected by this NoR.

In this instance, persons are adversely affected by the NoR.

Accordingly I recommend that the notice of requirement for an alteration to Designation 6766 and Designation 6740 be processed on a **LIMITED NOTIFIED** basis.

Report Prepared by:

4 July 2023

A handwritten signature in black ink, appearing to read 'Ben Willis', with a stylized, cursive script.

Ben Willis

Policy Planner

5 Notification determination

Having read the Council planner's report and recommendations on the NoR, I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.

Under sections 149ZCB, 149ZCC, and 149ZCD of the RMA, this NoR be limited notified because:

1. The requiring authority has provided sufficient information to make a notification decision.
2. The adverse effects on the environment will be less than minor.
3. There is no rule or national environment standard that requires public notification and the requiring authority has not requested it.
4. There are/are no special circumstances.
5. Persons are adversely affected by the NoR.
6. There are no protected customary rights groups or marine title groups in the region affected by this proposal.

Accordingly, this notice of requirement for an alteration to Designation 6766 and Designation 6740 shall proceed on a **LIMITED NOTIFICATION** basis.

Name: Peter Vari

Title: Team Leader Planning, Regional, North ,West and Islands

Signed: P Vari

Date: 4 July 2023