

Notification report - notice of requirement for a designation under the Resource Management Act 1991 under the Auckland Unitary Plan Operative in Part



To: Craig Cairncross, Team Leader, Central/South Planning

From: Vanessa Leddra, Policy Planner, Central/South Planning

Date: 20 June 2024

Notice of Requirement: Notice of Requirement to provide to construct, operate, maintain, and improve a vehicle safety centre as part of the operation of the state highway network

Requiring authority: Waka Kotahi New Zealand Transport Authority (**NZTA**)

Site address: 253 Mill Road, Bombay

Legal description: Lot 1 Deposited Plan 124783

Lodgement date: 30 October 2023

Section 92:

1st s92 request sent: 30 November 2023

s92 response (1) received: 26 January 2024

2nd s92 request sent: 1 March 2024

s92 response (2) received: 18 March, 3 and 4 April 2024

3rd s92 request sent: 4 and 9 April 2024

s92 response (3) received: 23 April 2024

Final memo from NZTA/WSP received: 29 April 2024

Attachments

Attachment 1: Confirmation from NZTA/WSP with regard to NoR

Attachment 2: Council's specialist review - Memos and email

Attachment 3: Council's decision on Resource Consent

Summary

Pursuant to Section 168 of the Resource Management Act 1991 (**RMA**) Waka Kotahi NZ Transport Agency (**NZTA**) has given notice of a requirement for a designation in the Auckland Unitary Plan (operative in part) (**AUP**) for a public work.

The purpose of the proposed designation is to construct, operate, maintain, and improve a vehicle safety centre as part of the operation of the state highway network.

NZTA seek to construct, operate, maintain, and improve a vehicle safety centre as part of the operation of the state highway network at 253 Mill Road, Bombay, Pukekohe). The proposed work is part of a nationwide Commercial Vehicle Safety Centre (CVSC)) programme which involves the development of 12 CVSC sites across the New Zealand state highway network.

To provide for the CVSC, NZTA is proposing to designate land through a Notice of Requirement (NoR) under the RMA and had concurrently applied for associated resource consents for the construction, operation and maintenance of the CVSC.

The intention is that Heavy Commercial Vehicles (HCVs) will be directed to the CVSC from State Highway 1 (SH1) for inspection by the New Zealand Police. The wider project also includes infrastructure upgrades within the state highway corridor and local roads to support the operation of the CVSC, such as installing in-road smart technology and signage to detect and direct HCVs to the site.

The proposed works at this site for the CVSC will include:

- (a) Control (compliance) building with staff, driver, and administrative facilities;
- (b) On-site parking for staff and visitors;
- (c) Heavy Commercial Vehicle weigh bridge;
- (d) Single inspection shed (including under-vehicle inspection pit and roller brake machine);
- (e) Inspection bays;
- (f) Offload area;
- (g) Bypass lane;
- (h) Onsite stormwater, wastewater and water infrastructure;
- (i) Landscaping;
- (j) Signage and site fencing.

The CVSC site is situated approximately 250 metres east of the Bombay Interchange, at 253 Mill Road, Bombay. This strategic location is intended to allow detection and assessment of freight traffic on SH1 as it reaches south of Auckland.

Site access will be from the SH1 off-ramps at the Bombay Interchange, via Mill Road onto Great South Road, just north of the junction with the Mill Road roundabout.

This report is limited to a notification assessment of a NoR for a new designation under s168 of the RMA.

WSP have provided reports on behalf of NZTA which relate to various potential effects associated with the project, including site operations (traffic, noise and lighting) site establishment (earthworks, ecological, visual and landscape), stormwater management works in and adjacent to an induced wetland, and the change in land use.

Auckland Council must assess a NoR in two broad steps under the RMA.

Step 1: Notification (s169)

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) of the RMA.

Step 2: Recommendation by Territorial Authority (s171)

The territorial authority must provide a recommendation on the NoR. 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 addresses Step 1 only, being an assessment of the NoR in order to determine the most appropriate notification pathway.

In relation to a public notification assessment, it is considered that, on balance, the activity will have or is likely to have adverse effects on the environment that are no more than minor.

In relation to a limited notification assessment, it is considered that the proposal may adversely affect particular persons due to adverse landscape and visual effects, to an extent that is considered minor. These include the owners/occupiers of sites considered adjacent to the subject site.

The following is recommended:

Part A: Recommendation

That in accordance with section 169 of the Resource Management Act 1991, the Notice of Requirement identified as the CVSC at 253 Mill Road, Bombay, should proceed on a **LIMITED NOTIFIED** basis for the following reasons:

- The Requiring Authority has not requested public notification;
- The Requiring Authority has provided all further information by the required date;
- The adverse effects on the environment will be or are likely to be no more than minor for the reasons set out in this report. The territorial authority must publicly notify the notice of requirement if the adverse effects on the environment are likely to be more than minor with regard to ss149ZCB(2)(a)
- 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.
- There are no protected customary rights groups or customary marine title groups affected by the proposed activity (limited notification) s149ZCC(1)(b)).
- With regard to s149ZCF, it is considered that there will be adverse effects on specific persons which have been identified within this report – all other persons being sufficiently separated from the site, or the extent of adverse effects likely to be generated are considered to be less than minor.
- 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)).

NB. Section 149ZCF provides that a person is an affected person in relation to a notice of requirement if the adverse effects on the person are minor or more than minor (but not less than minor)

1 The proposal, site and locality description

1.1 Proposal

NZTA, as the requiring authority, has given notice of a requirement for a designation in the Auckland Unitary Plan (operative in part) for a public work. The purpose of the proposed

designation is to construct, operate, maintain, and improve a vehicle safety centre as part of the operation of the state highway network.

NZTA have provided a description of the proposal in a form and manner that is acceptable to Council. This is contained in sections 1.1.2, an overview in sections 1.3 and 1.4 of the Notice of Requirement for a Designation of Land (Revision F dated 24 October 2023) and a full description as set out in section 2.3.1 of the Assessment of Environmental Effects (AEE). This was submitted as part of the application(s)), prepared by WSP New Zealand Limited on behalf of NZTA and dated 24 October 2023 (Final Rev D).

The proposed work at this site includes:

- (a) Control (compliance) building with staff, driver, and administrative facilities;
- (b) On-site parking for staff and visitors;
- (c) Heavy Commercial Vehicle weigh bridge;
- (d) Single inspection shed (including under-vehicle inspection pit, roller brake machine);
- (e) Inspection bays;
- (f) Offload area;
- (g) Bypass lane;
- (h) Onsite stormwater, wastewater and water infrastructure;
- (i) Landscaping;
- (j) Signage and site fencing.

1.23 ha of land is proposed to be designated for the construction, operation and maintenance of a Commercial Vehicle Safety Centre (CVSC) – which sits within the ‘parent’ site of 253 Mill Road on the north-east corner of Mill Road and Great South Road (GSR) which is 5.2 ha in area. The location is shown below in Figures 1 and 2.



Figure 1 (taken from AEE): Aerial overview showing location of 253 Mill Road



Figure 2 (taken from AEE): Shows location of the proposed land to be designated for the CVSC in relation to State Highway 1) at Bombay.

Note: the north/south road to the west of the site is incorrectly labelled as Mill Road in this diagram. It is Great South Road.

In addition to providing for the CVSC, NZTA advise that the proposed work also requires the realignment of the private vehicle access from GSR to the balance of the site at 253 Mill Road. NZTA also advise that any balance of the land not required for the operational requirements of the CVSC will be reviewed upon completion of construction.

To support the operation of the CVSC, NZTA advise that minor infrastructure works are required along the state highway corridor, adjoining road reserve and local network roads. These works, discussed in section 1.3 in the AEE, include Weigh-in-Motion (WIM) sensors and Automatic Number Plate Recognition (ANPR) cameras which can largely be accommodated within the existing highway corridor, and local road reserves, as permitted activities in the AUP. (see section 2.3 of this report below).

NZTA advised that a number of consents are needed for the proposed project and have been applied for (as set out in 1.1.7 of the Notice of Requirement for a Designation of Land documents (Rev F dated 24 October 2023) and in section 1.4 of the AEE). At the time of undertaking the assessment for this report, resource consents (with finalised conditions) had not been granted. These consents have however now been granted.

Although initially submitted in October 2023 as a joint NoR/RC application, subsequently, as per the memo dated 22 April as part of the s92 responses and in an email dated 29 April, (see

Attachment 1), NZTA confirmed that that the application for resource consent should be processed separately, now that the s92 requests have been fulfilled (see section 2.2 of this report for further discussion).

NZTA advised (section 9.11 and Table 24 of the AEE) that sufficient information to address Outline Plan matters (Section 176A (2)(b) of the RMA) was provided with this application, such that an Outline Plan is not required to be submitted separately for the proposed work. This will be considered as part of Step 2– the ‘merits assessment’ under section 171 of the RMA and pursuant to section 176A (2) and (3) of the RMA. All the above documents were submitted and form part of the RC application (see section 2.2 below).

NZTA have provided a high-level site plan of the CVSC (Figure 3 in the AEE), general arrangement plans (Appendix B of the AEE), along with a more detailed landscape plan (Figure 4 of the AEE).

NZTA have provided a set of proposed designation conditions (in Attachment B, as part of the NoR application document) which include a general arrangement condition and more specific conditions which relate to:

- construction noise and vibration
- construction traffic management
- accidental discovery protocols
- operational noise

1.2 Background

NZTA advises that the subject site is strategically located to ‘capture’ all heavy commercial vehicles (HCV) traffic travelling between Auckland and Waikato/Bay of Plenty. The proposed work is part of a nationwide CVSC programme, which involves the development of twelve CVSC sites across the state highway network in both the North and South Islands.

The Commercial Vehicle Safety Programme (CVSP) will reduce heavy vehicle overloading through the targeted selection of overloaded vehicles. The programme will use roadside technology and intelligent software to direct potentially overloaded vehicles into 12 CVSCs, formerly known as weigh stations for assessment. These centres are located on heavy volume routes.

NZTA provides the reasons for the project in Sections 2.2.2 - 2.2.6 (inclusive) of the AEE.

The detailed design of the buildings form part of the RC application (see section 2.3, the site plan and General Arrangement Plans) and useful for determining the limited notification of this NoR. The proposed site layout plan and buildings are shown below in Figure 3.

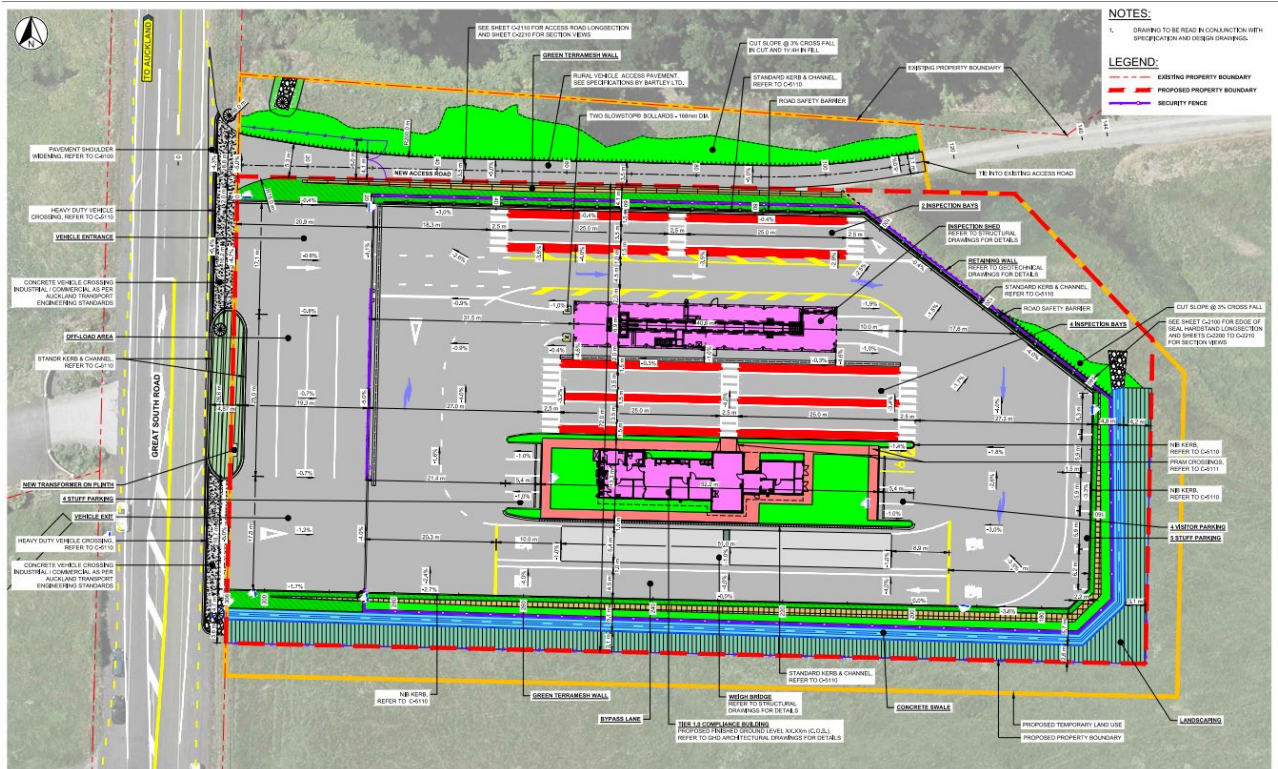


Figure 3 – proposed site layout (from AEE section 2.3.1)

A set of conditions was provided with the NoR (Appendix B of the NoR application lodged documents) and these have been considered as part of this notification determination. At the time of assessment for this report, resource consents (with finalised conditions) had not been granted. These consents have however now been granted. NZTA have proposed a **ten-year** lapse period for implementation of the proposed designation.

1.3 Site and surrounding environment description

NZTA have provided a description of the subject site, in a form and manner that is acceptable to Council. The description can be found in Section 5 of the AEE submitted as part of the application. A summary of site information is provided in Table 8 of the AEE.

In summary, there are residential properties and commercial and rural production activities located in the vicinity of the project site.

The site is zoned Rural - Rural Production as are the immediately adjoining sites to the north, west and east of the site. Much of the site is identified as featuring Prime Soils (LUC 2 & 3) with the exception of a northern portion of the site. Other AUP overlays are Natural Features and include High Use Stream Management Areas, High Use Aquifer Management Areas and Quality Sensitive Aquifer Management Areas, Bombay Volcanic and Franklin Volcanic Aquifer Overlay. Vehicle Access Restriction Controls apply to the southwest corner of 253 Mill Road, near the roundabout.

On the (diagonally) opposite corner of Great South Road and Mill Road and beyond the off ramp is a Business - Neighbourhood Centre zone. The area on the west side of the off ramp is zoned Rural - Mixed Rural. The nearest residential property to the site is around Christa Place to the east which is zoned Residential - Rural and Coastal Settlement in the AUP.



Figure 4 (Taken from AEE) shows an overview of the project site and its surroundings.

Having visited the site on 23 November 2023, I concur with the description of the site and the surrounding environment.

1.4 Section 92 further information requests

A request for further information under section 92 of the RMA was made by Auckland Council on 30 November 2023 with an initial response received from WSP on behalf of NZTA on 26 January 2024. A further information request was required and sent out on 1 March 2024. A response was received from WSP on 18 March 2024. The further additional information requested related to transport matters, stormwater and landscape matters, and was received on 4 April 2024. Further information relating to Mana Whenua and erosion and sediment control matters were received on 23 April (both relating to resource consent matters).

In summary, the section 92 request(s) asked for further information in relation to various matters including (but not limited to) adverse landscape and visual effects, traffic and transport effects landscaping, erosion control, stormwater and noise effects.

Given the section 92 responses received from NZTA, it is considered that the information is adequate to enable the consideration of the notification requirements for the NoR on an informed basis (see section 3 of this report) including:

- the nature and scope of the proposed activity as it relates to the relevant statutory documents.

- the extent and scale of any adverse effects on the environment; and
- persons who may be adversely affected.

2 Other relevant information including designations and consent applications

2.1 Other designations relating to the project

The following designations are located in the vicinity of the subject site are shown on Figure 5 below.

Designation Schedule - New Zealand Transport Agency

Number	Purpose	Location
6700	Motorway	State Highway 1 from south of Quarry Road, Drury to Bombay Road, Bombay
6701	Motorway	State Highway 1 from Bombay Road to Mill Road, Bombay
6702	State Highway - declared limited access road	State Highway 1 from Mill Road to south of Beaver Road East (Waikato District Council boundary), Bombay
6703	Road	State Highway 1 at Great South Road on-ramp, Bombay



Figure 5: other relevant existing designations shown (excluding #6700 to the north of map)

2.2 Joint NoR/RC application (as initially lodged)

As indicated in section 1.1 of this report, NZTA initially submitted a joint NoR/RC application, with Part A referring to the NoR and conditions but also to the RC application. Part B comprised general arrangement plans and Part C being the AEE and Appendices with technical assessments relating to both the NoR and the resource consent applications.

As part of the further information response from WSP dated 22 April 2024, a memo was provided which outlined which technical assessments and plans related to the NOR and RC applications. This memo also provided the final s92 response, which related to erosion and sediment control and Mana Whenua matters (see section 1.4 above).

This memo confirmed that the supporting technical assessments for the NoR are:

- Traffic Impact Assessment
- Archaeological Assessment
- Landscape and Visual Assessment
- Operational Noise and Vibration Assessment
- Operational Lighting Assessment

A drawings register was also included with the list of drawings provided with the lodged NoR and RC package (October 2023), and updated with the s92 responses (26 January, 18 March, 23 April 2024). Within the documents received on 23 April 2024, Table 1 indicates which drawings relate to the NOR, the resource consent or both (see Attachment 1).

WSP subsequently confirmed by email on 29 April that the two applications were to be progressed separately “*on the basis that, subject to the s.92 responses, the RC application did not require notification. It is our understanding that all s.92 requests have now been addressed*”. Therefore, on this basis and at NZTA’s request, the two applications (i.e., the NoR and resource consent applications) have been processed separately.

The resource consent applications are:

- BUN60424934 (Council reference),
- LUC60424936 (s9 land use consent),
- DIS60424935 (stormwater permit),
- WAT60430752 (water permit) and;
- LUS60430751(stream works consent).

A copy of the recent resource consent decisions is included in Attachment 3 to this report.

2.3 Related outline plan waiver

The supporting infrastructure works in the state highway corridor and local road reserves are permitted activities in the AUP. A waiver was granted on 30 January 2024 (Council Ref. OPW60428171) for the Outline Plan of Works relating to designations #6700, 6701, 6702 and 6703 for “proposed infrastructure upgrades... in-road and road-side technology that will screen Heavy Commercial Vehicles (HCVs) on approach to the CVSC and direct potentially non-

compliant vehicles into the CVSC for further inspection”. This is referenced in section 2.3.4 of the RC application. The reasons cited being:

“the extent of the proposed work is relatively minor compared to the scale and extent of the existing designation and the existing asset and is anticipated by the purpose of the designation. The land use effects associated with the proposed work are negligible and consistent with typical operation or maintenance activities”.

3 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 determination 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.

As discussed earlier, this report is limited to an assessment under only the first step – i.e. to determine the notification pathway, rather than a s171(2) determination of whether to confirm, modify or withdraw the NoR.

3.1 Public notification assessment (s149ZCB, and 149ZCD)

The applicant/requiring authority has not requested public notification.

The Council requested further information under section 92(1) on 30 November 2023, on 1 March, 4 April and 9 April 2024. All information requested was provided by NZTA for the NoR within the timeframe required.

3.1.1 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.

For the purpose of deciding under s149ZCE of the RMA (i.e.: full public notification being warranted), whether an activity will have or is likely to have adverse effects on the environment which are more than minor, the Council is to disregard any effects on persons who own or occupy any adjacent land. The adjacent land includes the following properties:

Table 1: Land considered adjoining/adjacent

Address
Sites directly adjoining subject site (in purple)
279 Mill Road – Lot 3 DP124783
281 Mill Road
State Highway 1 – Lot 1 DP 56542 (property to the north)

253 Mill Road (parent parcel)
Sites not directly adjoining subject site but considered adjacent to site to be designated (in red)
1998 Great South Road (Temple)
2020 Great South Road (truck stop)



**Figure 6: Sites directly adjoining subject site (purple dots) and sites not directly adjoining subject site but considered adjacent (red dots) (adapted from Geomaps)
Sites considered for the purposes of (s149ZCE(e))**

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. There are no persons who have provided their written approval.

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. In my opinion there are not any trade competition or effects of trade competition that need to be disregarded.

Effects that may be disregarded – permitted baseline assessment

Sections 149ZCE(b) and 149ZCF(2)(a) provide that a territorial authority **may** 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).

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

The Environment Court in *Beadle v Minister of Corrections A074/02* accepted that the obligation to apply permitted baseline comparisons extended to Notices of Requirement. In *Nelson Intermediate School v Transit NZ (2004) 10 ELRNZ 369*, the Court accepted that the permitted baseline must define the “environment” under section 5(2) (b) and (c) and from that section 171(1). When considering the adverse environmental effects of a proposal, the effects may be considered against those from permitted baseline activities. As the effects resultant from permitted baseline activities may be disregarded, only those environmental effects which are of greater significance need be considered.

In *Lloyd v Gisborne District Council [2005] W106/05*, the Court summed up the three categories of activity that needed to be considered as part of the permitted baseline as being:

1. What lawfully exists on the site at present;
2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e., without having to obtain a resource consent (see for example *Barrett v Wellington City Council [2000] CP31/00*); and
3. Activities which could be carried out under granted, but as yet unexercised, resource consents.

Application of the permitted baseline approach is at the discretion of the council and depends on the circumstances of the NoR. In this case under the AUP the permitted baseline has been assessed against the above tests. A number of activities associated with the project can be undertaken as a permitted activity and this is set out in section 4.3 of the AEE with further details in Part C – Appendix C of the lodged documents. This is useful for consideration as context for the current NoR and the permitted baseline is considered appropriate. I note the scale, nature and form of development that could be reasonably anticipated within the site’s rural production zoning, including (but not limited to) the following:

- A range of rural activities compliant with standards including farming, greenhouses, on-site primary produce manufacturing and on-site produce sales¹
- One dwelling per site²
- Home occupations complying with zone standards³
- Development compliant with the Rural – Rural Production Zone and Infrastructure standards⁴ including:
 - maximum building height for non-residential buildings of 15m in rural zones⁵
 - minimum yards including 12m side and rear yards for buildings other than dwellings, 10m front yard and 20m front yard for sites adjoining arterial roads⁶

¹ AUP Chapter H19 Rural zones, Table H19.8.1 Activity table – use and development (Rural Production Zone)

² AUP Chapter H19 Rural zones, Table H19.8.2 Activity table – number of dwellings and activity status in rural zones (Rural Production Zone)

³ AUP Chapter H19 Rural zones, Table H19.8.1 Activity table – use and development (Rural Production Zone)

⁴ AUP Chapter E26 Infrastructure, Table E26.2.3.1 Activity Table – Network Utilities and electricity generation – All zones and roads

⁵ AUP Chapter H19 Rural zones, H19.10.2. Building height

⁶ AUP Chapter H19 Rural zones, Table H19.10.3.1 Minimum yards setback requirement

- Electricity transmission and distribution infrastructure including distribution substations, substations within an existing or new building, pole mounted transformers, overhead electricity lines up to and including 110kV compliant with standards
- Maximum height for support structures for electricity lines and telecommunication lines of 25m.⁷

3.1.2 Assessment of adverse effects

NZTA has provided an AEE which initially formed part of a NoR and resource consent application (see section 2.2 above). The technical reports accompanying the AEE have assessed the environmental effects of the proposal as a whole, as part of a joint application. NZTA also provided additional information through their response to Section 92 requests.

The NoR (including section 92 requests) assesses the following effects:

- Traffic Impact Assessment
- Archaeological Assessment
- Landscape and Visual Assessment
- Operational Noise and Vibration Assessment
- Operational Lighting Assessment

This report groups some of these matters together when considering effects and also discusses other effects, (e.g. construction) which are not identified separately as requiring assessment in the NoR, although covered under the traffic, flooding, noise and landscaping sections.

3.1.2.1 Traffic

The AEE includes a Transport Impact Statement (Appendix E) which covers:

Trip generation and generation (Section 4.1)

These figures are based on other CVSC operations in NZ.

Traffic Modelling (Section 4.3)

The assessment concentrates on the afternoon peak operation of the network as this is when there is most traffic utilising the off ramps. Since lodgement, NZTA have confirmed the interchange will be signalised (commencement mid-2024).

Although traffic modelling of the interchange with the CVSC was not available, a desktop assessment of the potential effect on queuing with the forecast additional traffic was provided (and concentrated on the queuing on the northbound ramp). This concluded the queue would not extend back to the motorway given the length of the ramp. The analysis concluded that with the additional CVSC traffic would have a minimal impact on the ramp operation.

Site access arrangements

The visibility assessment concludes that visibility from all vehicle crossings could meet the appropriate standards. This followed changes (via s92 requests and responses in January and April 2024) relating to the width, location and visibility of vehicle crossings at the site.

⁷ AUP Chapter E26 Infrastructure, E26.2.5.2. Activities within zones in Table E26.2.3.1 Activity table (3) Height

Parking

Parking along both sides of GSR is to be prohibited by No Stopping At All Times restrictions (broken yellow lines). These markings are required to provide visibility from the vehicle crossings and to ensure the safe passage of HCVs travelling to and from the site.

Safety Assessment (Section 6.7)

The TIA indicates that there are no safety issues that would exacerbate safety concerns due to the CVSC.

In relation to construction traffic see section 3.1.2.6.

Comment:

Addressing each issue in turn, the Council's transport expert Mr Martin Peake of Progressive Transport Solutions Limited (see Attachment 2) confirms:

Trip generation and generation

The calculation of trip generation is considered reasonable, as it is based on actual experience at other CVSC sites, as is the distribution of trucks from the motorway.

Traffic Modelling

As a result of the addition of the CVSC traffic, traffic queues should not extend back to the northbound motorway, nor create safety and operational issues. However, Mr Peake notes that there are some circumstances where queues could extend onto the south bound motorway, but he considers that "subject to appropriate procedures and processes put in place by the Requiring Authority for the monitoring of the ramps and curtailing the diversion of HCVs to the CVSC site before queues reach a critical point, this risk can be managed."

Site access arrangements

Mr Peake states that the revised access arrangements are considered appropriate and would not have an adverse effect on other parties. The proposed introduction of the flush median would potentially be a positive benefit to the SGR Temple.

Parking

Parking would need to be removed along both GSR (approximately 130m on each side) adjacent to the project site to ensure the safe passage of HCV's to the CVSC site and to ensure visibility is not impeded along GSR. Based on the information provided, Mr Peake:

"considers that the introduction of the No Stopping At All Times (NSAAT) would not impact on the operation of the SGR Temple during large events".

It is noted that on both sides of GSR, 'No Stopping At All Times' restrictions are proposed, adjacent to the site of the CVSC, which would prevent parking on the road. Mr Peake comments that these restrictions would:

"require approval by Auckland Transport's Transport Controls Committee for the markings to be legally installed and enforced. Whilst the assessment does not indicate that this would affect adjacent landowners or occupiers, as part of the Auckland

Transport approval process, consultation with adjacent landowners or tenants would be required”.

Mr Peake acknowledges that this would be addressed at a later stage.

Safety Assessment

The analysis of the safety of the existing intersections and roads are based on the existing crash records.

Mr Peake states that:

“the traffic effects are generally confined to operation of the motorway interchange with the addition of heavy vehicles travelling to/from the CVSC site. The interchange is under the control of the Requiring Authority who has responsibility to manage the interchange operation and with appropriate management procedures the effects of the CVSC on the interchange.”

It is noted that in January 2023, AT asked Edin Transport Consultants to provide feedback on the CVSC site. This was included by NZTA as part of s92 response dated 4 April (see Appendix 9). Although there were 6 recommendations included as part of this feedback from Edin, Mr Peake is aware of these matters, and these have formed part of the discussions to date. He considers that these issues have been taken into consideration as part of the s92 requests and responses.

Traffic effects conclusion

Mr Peake considers that there is sufficient information available to assess the traffic and transport effects of the proposed NoR. I adopt Mr Peake’s assessment above and consider that the adverse traffic effects on the wider environment will be **less than minor**.

3.1.2.2 Cultural, Archaeological and Historical Heritage Effects

Cultural Effects

Section 7.11 of the AEE relates to Cultural Values and Effects. This states that iwi engagement has taken place through the Waka Kotahi Southern Iwi Integration Group (SIIG). This is set out in section 6.3 of the AEE (in section 3 and the subsequent response to the 3rd s92 request (dated 23 April 2024) and states that regular engagement has taken place since 2021 through the design led and pre lodgement process. A cultural values assessment (CVA) was prepared by Ngaati Te Ata Waiohua in July 2022.

A list of issues, desired outcomes and interests for iwi are summarised in Table 16 of the AEE. A condition is proposed (condition 2) at preconstruction stage requiring the cultural induction of contractor’s staff. The AEE considers that the proposal has taken into account the principles of Te Tiriti o Waitangi because consultation with Mana Whenua is being held and any feedback from Mana Whenua will be incorporated into the final design of the project and engagement and consultation will be ongoing. Section 7.11.3 of the AEE states that the effects will be no more than minor with the implementation of the proposed mitigations set out. I agree and adopt this assessment, concluding that cultural effects on the wider environment **will be minor**.

I acknowledge the engagement that the requiring authority have undertaken with the six iwi who have a potential interest in site to date and the commitment to continue their engagement throughout the NoR process.

Archaeological and Historic Heritage

The AEE confirms that “no known archaeological sites will be affected by the proposed work” and “that the findings of archaeological assessment confirms that the site is heavily modified from past activities”.

Section 7.5.4 of the AEE concludes “the likelihood of encountering and disturbing in-situ archaeological material is very low.” This conclusion is supported by a site survey. As such the potential effects of the proposed work disturbing or encountering archaeological and historic heritage is assessed as being less than minor, and any residual risk can be appropriately managed via the implementation of an Accidental Discovery Protocol (ADP).

A condition sets out the accidental discovery protocols that must be followed if any archaeological sites, urupa, traditional sites, taonga (significant artefacts), or koiwi (human remains) are exposed during site works.

Comment

Ms Mica Plowman (Principal Heritage Advisor Cultural Heritage Implementation for Council), has reviewed the NoR (See Attachment 2 to this report).

I summarise Ms Plowman’s assessment below:

- The proposal does not affect scheduled archaeological sites in Schedule 14.1 (Schedule of Historic Heritage) in the AUP (updated 10 February 2023).
- No sites are recorded on the New Zealand Heritage List/Rārangi Kōrero for the application area.
- NZTA’s archaeological assessment provides a detailed discussion of the historical and archaeological background of the project area.
- There are no recorded archaeological sites within the footprint of the proposed NTZA CVSC footprint at 253 Mill Road Drury. Nor are there any recorded archaeological sites in close proximity to the proposed works area. The nearest recorded archaeological site is located circa 800m to the southeast and other archaeological sites are outside the project works area at 253 Mill Road and will not be affected by proposed works.⁸ The next closest sites are three historic-period sites located between 1km – 1.2km to the north of the site. These recorded archaeological sites are located outside of the project works area.

Ms Plowman agrees with and supports the assessment by the applicant’s consultant archaeologist of the potential archaeological/historic heritage risk.

I am aware that the subject site is not subject to any overlays in the AUP that relate to natural or historic heritage. I have also checked Council’s Cultural Heritage Inventory (CHI) and there are no features identified on the subject site or in the near vicinity.

I adopt Ms Plowman’s assessment above. Given the lack of known natural or historic heritage values, including archaeological values, I consider a condition and advice notes on the resource

⁸ A). *253 Mill Road, Bombay: Archaeological Assessment. Prepared for WSP New Zealand Limited by CFG Heritage Limited (Hayley Glover) 28 October 2022, pg.,4-6.*

b). *Waka Kotahi NZ Transport Agency Bombay Weigh Right (CVSC) Site, Auckland Weigh Right Programme. ARCH CHECK prepared by WSP (Patrick Harsveldt Senior Archaeologist and Heritage Consultant), 20 February 2022.*

consent and on the NoR as proposed will be sufficient to manage any potential adverse effects on these values so the archaeological and historical heritage effects on the wider environment **will be less than minor**. NoR condition refinements can be considered further, as required, through the s171 'merits' assessment.

3.1.2.3 Landscape and visual effects

NZTA have provided a range of documents including Landscape and Visual Effects Assessment (LVA) prepared by WSP NZ Ltd dated 13 September 2023 (Appendix J of lodged documents), general arrangement plans, drawings of compliance station and inspection shed. Further information was provided as part of the s92 responses.

Section 2.3 of the AEE provides a description of the proposed work and section 5 of the AEE includes a description of the existing environment/landscape, both in terms of the wider landscape and immediate site character, which is not repeated here.

In section 7.8.2 (Landscape and Visual Effects) of the AEE states:

“The likely effects of the proposed work relate to the introduction of new buildings, ancillary structures and impervious surface area (6,315m² of asphaltic pavement) into a site currently in pastoral farmland with no existing buildings or structures. The proposed work will also increase the presence of HCVs that will access and egress the Project site from GSR.

The LVA identifies primary receivers that are not only immediately adjacent to the CVSC but include identified properties which overlook the site from the east, within the Bombay Village. Key Representative viewpoints for the LVA are provided in Figure 17. The AEE concludes “the visual effects on the majority of the receivers are assessed as being less than minor. For 9 Christa Place, the adjoining property at 253 Mill Road, and the SGR Temple, the assessment finds the visual effects to be minor under the RMA.”



Figure 7: Map reproduced from figure 17 of AEE, showing viewpoints used in LVA with subject site outlined in yellow.

A visual effects summary for the proposed work is provided in Table 14 (of the AEE) for each location, following establishment and mitigation works (planting) and these are shown on the landscaping plan (after 10-15 years plant establishment).

In summary, section 7.8.4 of the AEE, states:

"The overall potential landscape effects of the Project on natural character are assessed as Low-Moderate, reducing to Low following establishment of the recommended mitigation

planting.

*The visual effects for identified receivers range from Very Low to Moderate before mitigation. With the proposed mitigation planting, it is anticipated that the long-term effects will reduce to Low-Moderate for the most affected receivers at 9 Christa Place, and residential dwelling at 253 Mill Road, a residual minor effect. For other receivers, landscape and visual effects are adequately mitigated by distance from the Project site, views of the wider context, intervening vegetation and landform which will partially screen the proposed work. Landscape measures to avoid, remedy or mitigate any potential adverse landscape and visual effects have been incorporated into the planting plans provided in the General Arrangement Plans (**Appendix B**) for the proposed work. The extent of visual effects will reduce over time as the mitigation planting establishes, such that the landscape and visual effects of the proposed work will be considered no more than minor for limited receivers outlined in the LVA, and less than minor for others assessed. The provision for ongoing maintenance (as part of the standard contract requirements) will also ensure mitigations are well established post-construction.”*

A condition has been proposed by the RA relating to landscape and visual effects (condition 1).

Comment:

Gabrielle Howdle, (Principal Landscape Architect at the Council) has reviewed the NoR application and relevant material.

After visiting the site and reviewing the additional information provided, Ms Howdle provided a Landscape Effects Memo on 26 March 2024 and a further email on 20 May. These are included in Attachment 2.

This review assesses the potential effects from landscape character (rural character) and visual amenity.

Landscape Character

Ms Howdle concurs with the site and local area description provided in in the LVEA but notes:

“the area expresses a mixed rural character, with a variety of open farmland, crops, storage/supplies, services (e.g. petrol station), and residential living at present”.

A singular visual simulation was provided after a number were requested. The view is from outside 4 Christa Place looking west towards the site and illustrates the proposal including vegetation; it is noted that the planting is shown at 7-10 years growth (medium to long term), where best practice generally recommends planting to be shown at five years (short term). Ms Howdle has taken this into consideration when reviewing the effects of the proposal.

In summary Ms Howdle states that:

- while the NoR works are not rural in character, it will not appear completely incongruent within its setting as a result of its immediate context.
- The proposal will physically alter the landform of the site...it will require long and high retaining walls (up to 3.7m high) which are not common in the catchment.... This will lead to a more engineered appearance which will, in the short term (5 years) appear out of character, where the land is characteristically flat with undulation near streams or gently rolling hills.
- The compliance building will not be out of scale within the immediate environment.

- The inspection shed is not considered to appear incongruent and is comparative to other buildings in the landscape.
- Individually the built form will not appear out of place, the collective elements will have initial low-moderate effects on landscape and rural character values. This is as a result of the proposed landform modification, retaining walls, two long-run buildings, 2.44m high security metal mesh fencing, lighting and the hardstand curtilage area required.
- The reliance on planting is essential to successfully integrate, soften or screen the proposal is critical to enable a visual outcome that will in the medium timeframe sit more suitably within the landscape.
- The proposed use and infrastructure are not fully in keeping with the existing rural character specifically the more productive uses present along the eastern side of GSR. This will have a short-term effect on rural character values, but in the medium to long term once the proposed planting has established, the CVS will not appear out of place.

Ms Howdle concludes:

“That the proposal is considered to modify some key characteristics of the landscape to result in low-moderate adverse landscape and rural character effects initially, reducing to low effects in the medium term”.

Visual amenity effects

Ms Howdle’s review states that:

“because of the elevated nature of the residential properties along Christa Place, Bombay Road and Mill Road, the amenity afforded to these residents is wide and varied including areas of open pasture, rows of crops, large scale glass house, patches of dense vegetation, areas of hard standing, non-rural or residential development, commercial signage, low density rural-residential and residential development with landscaped vegetation or open yards, flat to undulating landform within the foreground and back dropped with dynamic vegetated and open hills.”

Her assessment of the effects on the owners/occupiers of the following properties are as follows:

Table 2

Property / Location	Effect Rating (Short Term - 5 Years)	RMA terminology (relating to minor)
3 Christa Place	Very low	Less than minor
4 Christa Place	Low	Minor
5 Christa Place	Low	Minor
6 Christa Place	Low	Minor
7 Christa Place	Low	Minor
8 Christa Place	Low-moderate	Minor
9 Christa Place	Moderate	More than minor
10 Christa Place	Low-moderate	Minor
253 Mill Road (parent site) – Dwelling and workers	Moderate Low	More than Minor
1998 Great South Road (Shri Guru Ravidas Temple)	Low-moderate	Minor
229 Mill Road & 2020 Great South Road (Z Service Station)	Very low to Low	Less than minor

279 Mill Road / Lot 3 DP 124783	Low	Minor
168, 170, 176 & 180 Bombay Road	Low	Minor
184 Bombay Road, 287, 295 and 303 Mill Road	Very low to Low	Less than minor
Motorists on Mill Road and Great South Road	Very low to Low	Less than minor

Ms Howdle concludes that:

“in the short term the NoR will result in adverse visual effects on nearby properties up to a moderate degree. But in the medium to long term when taking into consideration the modified and mixed character of the area, the proposal will not appear inconsistent with the character due to existing context and will result in low adverse landscape effects”.

The proposal is not considered to significantly impact on the amenity values of those travelling along public roads.

Landscape and visual effects conclusion

I adopt the assessment of Ms Howdle, disregarding the effects on the adjacent sites mentioned (253 Mill Road, 1998 Great South Road and 2020 Great South Road). The NoR will result in minor adverse effects on properties in the wider environment in relation to landscape and visual effects.

Ms Howdle has suggested changes to conditions - inclusive of condition 1, shown as underlined below to reflect the updated information provided as well suggested conditions identified as 2, 3 and 4 below.

1. *Except as provided for in the conditions below, works within the designation shall be undertaken in general accordance with the following plans and information submitted with the Notice of Requirement dated 24 October 2023:*
 - i. *Section 2 Description of Proposed Work in the Assessment of Effects on the Environment dated 24 October 2023.*
 - ii. *General Arrangement Plans dated 19 September 2023.*
 - iii. *Architectural Design Plans: Inspection Shed and Compliance shed, dated 11th December 2023*
 - a. *Fencing plan (13.11.2023) and fence details (21.02.2024)*
 - b. *Terra Mesh Wall Detail (08.03.2024)*
 - iv. *Landscape General Arrangement Plan and Landscape Plans dated 25th January 2024 and Landscape maintenance and management plan, 25th January 2024.*
2. *Use of recessive, low reflective colours (a light reflectivity value of less than 40%) and material finishes for buildings and structures (including site security fencing and walls) to minimise their visibility in the landscape. Avoid visually conspicuous and bright colours. Colours to be confirmed prior to commencement of construction.*
3. *The landscape treatment and landscape maintenance and management plan must be implemented within the first planting season (May to September) following the completion of the project works.*

4. *The grass lawn to the north of the works site must be planted with native species to support the riparian edge and integrate the landform changes relating to the project works. Species must be a mix of grasses, shrubs, and trees.*

Considering the pertinent elements of Ms Howdle's assessment for the purposes of notification assessment, I consider that in the short-term, five-year period, the NoR will result in adverse visual effects on properties in the wider environment up to a moderate degree. However, in the medium to long term when taking into consideration the modified and mixed character of the area, the proposal will not appear inconsistent with the character due to existing context and will result in low adverse landscape effects.

Landscape and visual effects matters, inclusive of proposed NoR condition additions and refinements can be considered further through the substantive process (i.e s171 'merits' assessment). I consider a 'low-moderate effect' to be minor.

Accordingly, I consider that the adverse landscape character and visual amenity effects on the wider environment **are minor**.

3.1.2.4 Operational Noise and Vibration

Section 3 of the Acoustic Assessment (Appendix K), lodged as part of the AEE states that:

"The establishment of a Designation will be supported through an understanding of the scale and nature of effects on the environment, including noise. A designation will be exempt from district plan matters such as noise, however, given the rural context to the site, confirming any noise effects beyond the site is important and may require consideration of any mitigations on-site. Furthermore, an assessment of noise effects is still required for the NoR. Noise and vibration are district plan matters (Chapter E25) under the Auckland Unitary Plan (AUP) and the NoR application will not require consent for this. However, any noise effects beyond the proposed designation boundary have been assessed to support the s171 (RMA) assessment, subject to Part 2."

Section 4 (of the Acoustic Assessment) confirms that:

- the main source of noise on site will be the movement of vehicles onto and around the site
- no significant levels of vibration will be generation on the site
- details of building services and ventilation equipment associated with the control building of are not available at this stage and therefore building services equipment has not been considered within the assessment
- three assessment scenarios were undertaken – the busiest day times periods and a nighttime scenario
- the predicted noise levels at the notional boundary of surrounding properties during each assessment scenario are outlined (see section 5.1).

Section 6 concludes that:

"Noise levels from typical operations during the daytime are expected to meet with noise standards of the AUP at all surrounding properties. During the assumed busiest daytime conditions at full capacity, some minor exceedances of the AUP noise standards for rural zones are predicted. However, these are not expected to cause significant adverse effects, and are not expected to occur frequently.

During the night-time many of the surrounding properties are commercial and so will not be affected. However, some effects may be experienced at the nearest dwellings

on Great South Road, 253 Mill road and at Lot 3 DP 124783. The magnitude of the noise predictions above the AUP noise standards is not significant, and given that this will not occur either frequently through the night or regularly at night at all, the overall impact is considered low.

On the basis of this assessment, noise is not predicted to be a material constraint to the consenting and operation of the WeighRight, Bombay site.”

The NoR includes a proposed condition (number 6) relating to operational noise.

Comment:

Andrew Gordon (Senior Noise Specialist, Contamination, Air & Noise Team) has undertaken an assessment of the requiring authority’s NoR, AEE and associated technical reports. (See Attachment 2 to this report)

Mr Gordon states that permitted noise levels for rural – rural production zone in which this site lies are specified in E25.6.3.(1). He confirms that as the NoR application is for a designation, the E25 standards would not apply but are referenced for assessment purposes.

Mr Gordon confirms that the neighbouring properties are correctly identified and set out in Table 2.1 of the Acoustic Assessment.

Mr Gordon agrees that:

- *“the most noticeable noise source will be from truck movements within the site. The assessment covers noise from engine start-up, idling and driving at slow speed (e.g. <10 km/hr) within the subject site. The ‘source’ noise levels (e.g. truck idling and leaving at 72 dB LAeq at 10m) is assumed for prediction purposes and is considered representative.”*
- *“Given proposed operating hours may extend into the ‘night time’ period, predicted noise levels arising from peak truck movements during the day and peak truck movements at night (at significantly lower movement numbers) are required for assessment purposes.”*

As indicated in the Acoustic Assessment, this considers separate daytime and night-time effects with three scenarios adopted for assessment purposes. Mr Gordon confirms that in his view, the three-scenario approach provides a good indication of expected noise levels relative to the number of trucks onsite at any one time.

A secondary noise source is the proposed inspection shed, which will include three exhaust fans, a booster pump and a roller brake machine. The control room will be fitted with mechanical ventilation. Mr Gordon agrees that noise from activities associated with the inspection shed will be insignificant compared to truck noise. This is confirmed in the s92 response from the Requiring Authority and he agrees with this.

Mr Gordon confirms that:

“specific noise management/mitigation measures are not required but note the section 92 response confirms the site design considered noise emissions and adoption of the best practicable option to ensure truck noise does not exceed a reasonable level in accordance with section 16 of the RMA”.

Based on his experience, predicted noise levels look representative of the proposal and the predicted LAeq noise levels are set out in Table 5.1 of the Acoustic Report.

Mr Gordon agrees that predicted noise levels at all affected receivers will generally comply with the permitted noise levels, except for 1998 Great South Road which will be exposed up to a 3 dBA exceedance under Scenario C when two trucks are onsite, and a fork hoist is operating for unloading/loading purposes.

Mr Gordon concludes:

- The application is supported by an Acoustic Assessment which predicted noise levels from day-to-day activities for comparison with relevant E25 standards.
- Overall, the assessment is satisfactory. He confirms predicted noise levels look representative of the proposal.
- The site will be designed and activities on the site will be conducted to enable general compliance with permitted noise levels set out in E25.6.3 (1) except for a potential exceedance of up to 3 dBA at 1998 Great South Road under Scenario C.
- The predicted noise exceedance under Scenario C is not expected to occur on a regular basis given proposed operating hours. Subjectively, a 3 dBA change is just perceptible. Further, noise up to 48 dB LAeq at night when assessed at the notional boundary of the dwelling at 1998 Great South Road is not expected to give rise to adverse effects, for example, the calculated internal noise level will be less than 35 dB LAeq and therefore potential sleep disturbance effects will be avoided.
- In his view noise from the proposal is compatible with surrounding activities, adjacent zones and the Bombay motorway interchange.
- Specific noise management and/or mitigation measures are not required and were not included in predicting noise levels.
- In his view conditions specific to noise are not required to avoid, remedy or mitigate adverse effects.

Mr Gordon has confirmed that he does not consider a condition is necessary as “reasonable level” is open to interpretation and comprises a level of uncertainty. Operational Noise and Vibration effects conclusion Given this is a NoR for a designation, I am aware that E25 standards in the AUP would not apply but are referenced for assessment purposes.

I adopt the findings of Mr Gordon, noting that the closest dwellings/properties will be around 130m or more from the designation site with regards to potential adverse effects from operational noise and that a condition is not required to mitigate these effects. Any operational noise from the proposed CVCS can be managed so that adverse effects on the wider environment will be less than minor.

3.1.2.5 Operational Lighting

The AEE does not describe any potential adverse effects from lighting. The Concept Lighting design provided is “*considered to be compliant with requirements of the AUP (E24) as such no additional mitigation measures are recommended*” and “*Likewise, the glare (threshold increment) has been assessed and determined to be compliant and therefore the proposal*

poses no risk to traffic using GSR". Furthermore, calculations undertaken for obtrusive light indicate that the lighting design would also meet standards under the AUP.

Comment:

I am satisfied that given the lighting assessment undertaken and the proposed concept lighting design will be sufficient to manage any outdoor lighting in a manner such that adverse effects on the wider environment be **less than minor**.

3.1.2.6 Construction

Note that this is not addressed as a distinct topic in NZTA's list of supporting technical assessments for the NoR but is covered under transport, noise, flooding and landscaping. The AEE indicates that the construction period is expected to be around 12 months. In terms of landscape effects, this would include site preparation and earthworks for the building platform.

In relation to landscape and visual effects, Section 7.8.2 states that:

"This includes retaining structures, construction of the buildings and ancillary structures, stormwater facilities and services, realignment and reinstatement of the existing driveway along the northern extent of the site and the formation of the site entrance / egress. There will also be the physical and visual activity of heavy machinery and related traffic management activities during the construction period. The removal of grass cover for formation of the building platform is likely to have the most noticeable visual effect from more elevated vantage points but will be temporary in nature."

In relation to construction traffic effects, in 7.2.3 the AEE states:

"Potential construction effects include disruption to the local roading network being GSR and Mill Road, particularly throughout the duration of the earthworks when the majority of the traffic movements will occur. The proposed access to the site will be to and from GSR via Mill Road and may be subject to specific temporary traffic management where appropriate. The anticipated traffic movements during the earthwork's operations entail both earth removal (unsuitable for fill) from the site and movement of engineered fill to the site.The bulk earthworks phase is anticipated to occur during the first six months of the CVSC construction programme....

The engineered fill will be transported to the Project site during the second half of the CVSC construction period and with the other construction activities in progress, it is anticipated only two to four trucks per hour are required to transport the engineered fill to site over a period of four weeks. As the truck movements and earthworks period can be reduced should the constructors adopt the use of larger trucks, the potential construction traffic effects are assessed as being less than minor".

Mr Martin Peake, Council's transport expert notes that in conjunction with the TIA, additional information was provided in relation to construction traffic effects as part of the s92 response in January 2024. He considers the assessment of the construction traffic effects to be:

"reasonable and appropriate and that the effects would be appropriately managed through established processes".

In conclusion, the NoR proposes a condition relating to construction noise and vibration and a Construction Noise and Vibration Management Plan (CNVMP) condition. (see NoR document - Attachment B condition 3).

Construction matters, inclusive of the proposed conditions can be further examined as part of the Section 171 'merits' assessment later, I generally support the proposed conditions and I

consider these appropriate to mitigate adverse effects on the wider environment. These would need to consider the routing of trucks, restrictions on truck movements necessary to avoid operation or safety issues on the adjacent road network. It is noted that if the site was developed for any other purposes there would likely still be construction traffic access and noise. The condition relating to the provision of CNVMP, along with the visual screening provided by the surrounding vegetation and planting would be acceptable.

Adopting the assessment of Mr Peake and considering the above, I consider that construction traffic effects on the wider environment to be **less than minor**.

3.1.2.7 Flooding and Stormwater

The flood assessment in the AEE states:

“that flood assessments were carried out for two scenarios, existing development case (ED) and future development case (MPD) for a 2yr, 5yr, 10yr and 100yr Average Recurrences Interval (ARI). Two different modelling assessments were carried out, volumetric floodplain assessments and 2D hydraulic model.”

Comment:

Lee Te (Senior Healthy Waters Specialist, Healthy Waters Team) has undertaken an assessment of the requiring authority’s NoR, AEE and associated technical reports. (See Attachment 2 to this report) Ms Te notes that:

“given the flood prone area has relatively steep contours an increase in flood depth does not significantly increase the flood extent in this area, it will be constrained by the topography of the flood prone area. It is noted that there are buildings in the flood prone area, however, any flood depth change as a result of the proposed development is unlikely to worsen the current flood effects”.

Ms Te concludes:

“the flood analysis provided is considered to be acceptable for the NoR assessment. We consider that there will be no significant adverse flood effects and no new parties have been identified to be affected by the proposed CVSC”. Ms Te notes that overall, the development area is 1.04 ha, and the total catchment area is 55.5 ha. The development area is very small in the overall context and if the change in flood level is as outlined in the flood assessment, then the change will not increase the flood extent in the area.”

Additionally, as a means of ensuring there is no increase in flooding effects during the construction of the CVSC, Ms Te proposes a condition requiring a construction management plan, to include:

- Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials from public roads, places adjacent to the work site and from Ngakoroa Stream and nearby wetland.
- Measures to manage any flood hazard effects during construction, such as siting construction materials out of floodplains where possible,

maintaining overland flow paths, and actions to respond to warnings of heavy rain.

The NoR does not propose a condition relating to a construction management plan.

Flooding effects during the construction period can be further considered in the 'merits' consideration (s171) phase of the assessment of the NoR.

I adopt the findings of Ms Te. Flooding analysis is considered acceptable with regard to the potential adverse effects from the proposed construction of the CVSC and conditions of consent are imposed as part of stormwater discharge permit DIS60424935 which require on-site detention and retention (as well as quality treatment) of stormwater. I conclude that the flood-related effects of the proposal on the wider environment will be **less than minor**.

3.1.2.8 Site Suitability

Geotechnical

Geotechnical investigation and design reports by WSP were provided with the application (see appendix 1 of the lodged documents). The geotechnical report sets out the expected soil conditions on the site and recommendations have been provided for foundations retaining wall designs and earthworks and proposed site layout plan (see Figure 3 above) which shows the location of the proposed retaining walls and structures. The earthworks are proposed to cover an area of 11,190 m², with a cut volume of 22,252 m³ and a fill volume of 184m³.

Comment:

The geotechnical information for the NoR has been reviewed by Hester Hoogenboezem, (Geotechnical Engineer, Regulatory Services) for Issac Kong (Regulatory Engineer). Ms Hoogenboezem considers that the provided geotechnical report is suitable for development of the site for a CVSC. She notes that the conclusions are "reasonable for the scale and magnitude of the works and indicate the site can be safely developed from a geotechnical/stability perspective".

She concludes that if appropriately managed, no other properties are likely to be affected from soil instability issues arising from the proposed earthworks.

Mr Kong notes:

"that there are multiple overland flow paths (OLFP) starting from the site and a major OLFP passing through the northern part of the site along northeastern and northern boundary. The northern/north-eastern retaining walls are proposed to be built along the curvature of the flood plain and out of the wetland. No impedance or blockage of passage of flood waters is expected."

Reference is made to flood assessment including calculation and modelling undertaken by WSP (see section 3.1.2.7 above).

I adopt Ms Hoogenboezem's and Mr Kong's assessment and I consider that geotechnical effects on the environment will be **less than minor**.

As with other effects matters, geotechnical matters can be further considered in the 'merits' consideration (S171) phase of the NoR process.

Contaminated Land

The application included a Site Investigation Report (contaminated land) as part of the lodged documents. However, during s92 requests and response stage, it was noted that as a Controlled Activity, the contamination status of the soil within the project area falls within the permitted activity provisions (Rule E30.4.1(A4)) and met the corresponding standards. Therefore, it was agreed by specialists from NZTA and Council, that consent was not required (under NES:CS or E30 for the proposed works). This was confirmed by WSP in an updated memo (Appendix 11) and the AEE was updated (Rev E 9 January 2024 Appendix 12). There are no triggers for soil contamination and no need for additional site management during construction.

3.1.3 Adverse environmental effects conclusion

- Considering the above assessment, I consider that overall the adverse effects on the environment are minor for the following reasons: environmental effects are anticipated to be localised, temporary in nature and can be avoided, mitigated, or remedied through the proposed conditions.
- effects on owners and occupiers of the land on which the activity will occur; or the owners and occupiers of any land adjacent to that land are disregarded.

As stated, environmental effects matters can be further considered in the 'merits' consideration (s171) phase of this process, as required.

3.1.4 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.

3.1.5 Public notification assessment conclusion

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

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

3.2 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.

The 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
- Ngāi Tai ki Tāmaki Claims Settlement Act 2018
- Ngāti Tamaoho Claims Settlement Act 2018.

3.2.1 Adversely affected persons assessment (section 149ZCF)

The requiring authority has provided an assessment of adversely affected persons in the AEE. The AEE concludes that there are no adversely affected persons who are affected to an extent that is minor or more than minor.

The AEE considered the following persons at the following addresses, in addition to mana whenua:

- 8, 9 and 10 Christa Place
- 253 Mill Road (parent site)
- 1998 Great South Road (the SGR temple)

I have undertaken an assessment of effects on the following 'persons' (i.e addresses) to consider if they are adversely affected.

- 229 Mill Road Bombay
- 2020 Great South Road Bombay
- 281 Mill Road Bombay
- 'S Hway Highway Bombay' site (Lot 1 DP 56542)
- 5 Christa Place Bombay
- 180 Bombay Road Bombay
- 3 Christa Place Bombay
- 168 Bombay Road Bombay

- 7 Christa Place Bombay
- 'Mill Road Bombay' site (Lot 3 DP 124783)
- 4 Christa Place Bombay
- 170 Bombay Road Bombay
- 6 Christa Place Bombay
- 176 Bombay Road Bombay
- 303 Mill Road

The following map shows the location of the persons (owners/occupiers) considered as part of this assessment for limited notification.

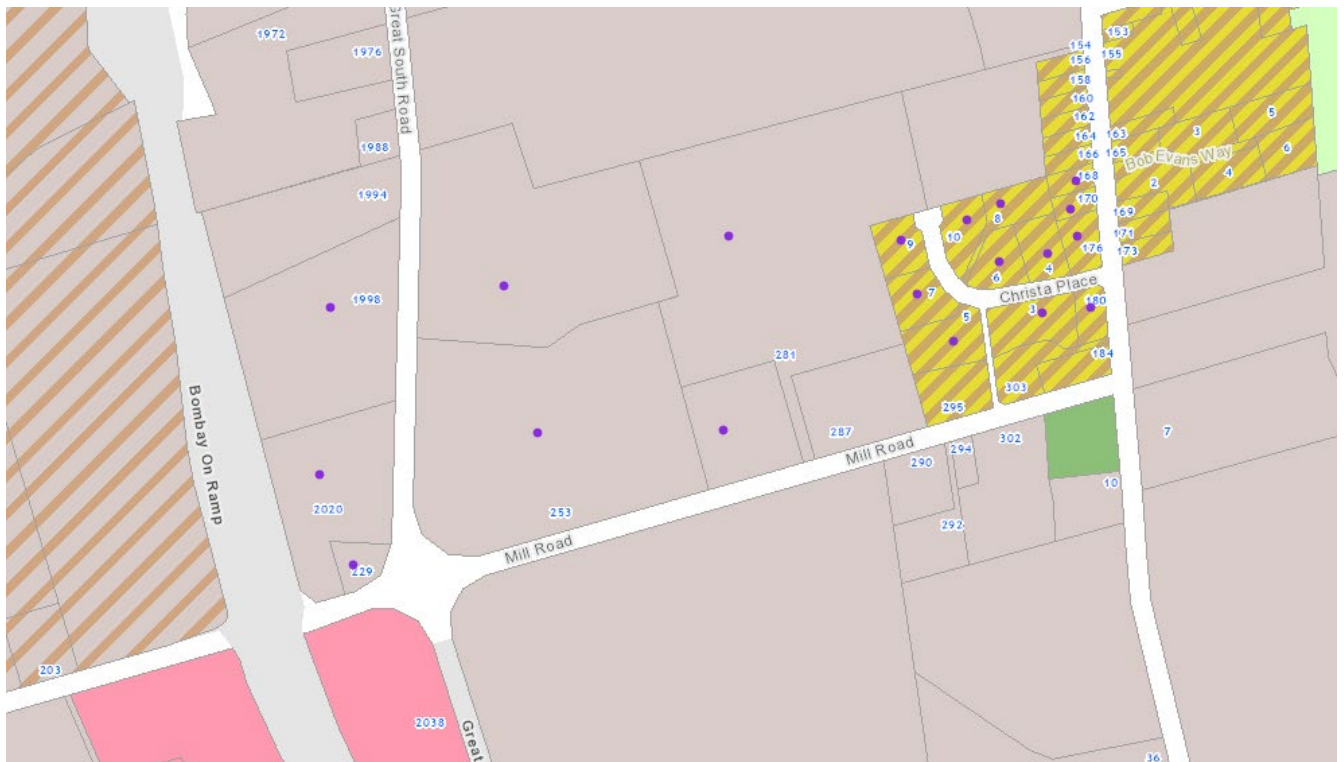


Figure 8: Map indicating persons (owners/occupiers) considered as part of limited notification assessment with purple dots. (Geomaps)

Mana whenua cultural considerations

Additionally, I have considered the information provided about mana whenua as part of the application. In terms of mana whenua, rohe maps held by Auckland Council indicate six iwi with potential interest in the site: Ngāti Tamaoho, Te Ākitai Waiohū, Ngāi Tai ki Tāmaki, Ngāti Te Ata, Ngāti Maru, and Waikato-Tainui. Ngāti Tamaoho have a statutory acknowledgement over the Ngakoroa Stream and its tributaries.

All six iwi are involved in the Southern Iwi Group and feedback has been included in s92 updates to the application. I note the commitment of the NZTA in the information provided as part of the NoR and RC application documents with regard to mana whenua and I note the continued engagement and consultation proposed. Additionally, serving notice on mana whenua will provide the opportunity for mana whenua groups to raise any specific issues. Any

issues raised by mana whenua and any other submitters will be assessed further at the s171 stage of the NoR process.

Transport effects

I summarise the comments from Mr Martin Peake, Council's transport expert:

- Traffic effects are generally confined to operation of the motorway interchange with the addition of heavy vehicles travelling to and from the CVSC site.
- The control of this interchange is the responsibility of the NZTA who will need to manage the interchange operation and with appropriate management procedures, the effects of the CVSC on the interchange.

Additionally considering the conclusion in the above public notification assessment section I consider the transport effects on affected persons will be **less than minor**.

Archaeological and Heritage Effects

Considering the conclusion in the above public notification assessment section, it is noted there are no identified sites of significance to mana whenua on or near the land requirement area. I note that:

- The chosen site for the CVSC does not adversely impact any known cultural heritage.
- Continued engagement during the detailed design and subsequent construction process will ensure that the proposed design addresses mana whenua's suggestions.
- A condition is proposed (condition 2) at preconstruction stage relating to cultural induction of contractor's staff.
- Another proposed condition sets out the accidental discovery protocols that must be followed if any archaeological sites, urupa, traditional sites, taonga (significant artefacts), or koiwi (human remains) are exposed during site works.

With reference to the previous assessment in the public notification assessment I consider that the archaeological and heritage effects on affected persons will be **less than minor**.

Landscape and visual amenity

The previous public notification assessment concluded that the effects on the wider environment are likely to be minor. When considering particular affected persons, I consider the previous assessment and also restate the pertinent conclusions of Council's visual and landscape specialist Ms Howdle:

"It is considered that in the short term the NoR will result in inappropriate adverse visual effects on nearby properties up to a moderate degree. But in the medium to long term when taking into consideration the modified and mixed character of the area, the proposal will not appear inconsistent with the character due to existing context and will result in low adverse landscape effects."

Furthermore, considering adjacent properties which were disregarded in the public notification assessment, I note 253 Mill Road and 1998 Great South Road (Shri Guru Ravidas Temple) as sites with minor landscape and visual amenity effects on affected persons.

Overall, I consider that adverse effects on affected persons **will be minor**.

Noise

Considering the noise assessment above in the public notification section, I consider that noise from the proposal can be managed in a manner such that adverse effects on affected persons will likely be **less than minor**.

Lighting

With regard to the lighting assessment covered in the public notification section, I consider that lighting effects from the proposal can be managed in a manner such that adverse effects on affected persons will likely be **less than minor**.

Construction

Considering the construction assessment above in the public notification section, I consider that construction effects from the proposal can be managed in a manner such that adverse effects on affected persons will likely be **less than minor**.

Site Suitability

Considering the comments in the section above, no significant issues have been identified for the NoR with regard to site suitability (flooding and geotechnical matters) and therefore any potential adverse effects on persons on adjacent properties or those in close proximity will be **less than minor**.

Affected Persons

Table 3 identifies sites with persons who are considered to be adversely affected.

Table 3

Address	Legal Description
281 Mill Road Bombay	Lot 2 DP 124783
10 Christa Place Bombay	Lot 3 DP 464241
(Parcel without recorded GIS address) Great South Road Bombay AKA 'S Hway Highway Bombay'	Lot 1 DP 56542
5 Christa Place Bombay	Lot 7 DP 464241
180 Bombay Road Bombay	Lot 2 DP 340325
168 Bombay Road Bombay	Lot 1 DP 76581
7 Christa Place Bombay	Lot 6 DP 464241
8 Christa Place Bombay	Lot 4 DP 464241
(Parcel without recorded GIS address) Mill Road Bombay	Lot 3 DP 124783
253 Mill Road Bombay	Lot 1 DP 124783
4 Christa Place Bombay	Lot 1 DP 464241
1998 Great South Road Bombay	Lot 2 DP 47888
170 Bombay Road Bombay	Lot 2 DP 76581
9 Christa Place Bombay	Lot 5 DP 464241
6 Christa Place Bombay	Lot 2 DP 464241
176 Bombay Road Bombay	Lot 1 DP 58471

I also consider that Auckland Transport is an affected person as road controlling authority for Auckland's non-state highway roads.

The following iwi are also considered affected persons:

- Ngāti Tamaoho
- Te Ākitai Waiohua
- Ngāi Tai ki Tāmaki
- Ngāti Te Ata
- Ngāti Maru
- Waikato-Tainui

In determining if limited notification is required, under section 149ZCC(1)(b) council must identify any affected protected customary rights group or affected customary marine title group.

Recognition of protected customary rights and customary marine title is provided for under the Marine and Coastal Area (Takutai Moana) Act 2011. The New Zealand Environment Guide website states:

*The common marine and coastal area is the area between the line of mean high water springs (the landward boundary of the part of the beach covered by the ebb and flow of the tide) and the outer limits of the territorial sea (12 nautical miles) excluding existing private titles, the bed of Te Whaanga Lagoon in the Chatham Islands and certain conservation areas.*⁹

The proposed NoR is not within the common marine and coastal area.

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

3.2.2 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 Affected persons section above.

4 Local board views

No local board views have been sought on the notification decision. A memo will be sent to the Franklin Local Board informing them of the NoR once the notification decision has been made. The local board will have the ability to provide their views on the NoR and these views will be included in the Section 171 recommendation report.

5 Notification recommendation

This NoR should proceed on a limited notified basis because:

- Under s149ZCB(2)(a) of the RMA, the adverse effects on the environment are likely to be no more than minor.
- There is no rule or national environment standard that requires public notification, and the requiring authority has not requested public notification.
- Under s149ZCB(4) of the RMA, there are no special circumstances to warrant public notification.
- Persons are adversely affected by the NoR.
- There are no protected customary right groups or marine title groups in the region affected by this NoR.

Accordingly, I recommend that this notice of requirement be processed on a **LIMITED NOTIFIED** basis.

⁹ <https://www.environmentguide.org.nz/rma/resource-consents-and-processes/notification-of-resource-consent-applications/who-are-affected-protected-customary-rights/> Accessed 3 December 2021

Report Prepared by:

Date

20 June 2024



Vanessa Leddra, Policy Planner

6 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 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 all further information by the required date.
2. There is no rule or national environment standard that requires public notification, and the requiring authority has not requested it.
3. There are no special circumstances.
4. Persons are adversely affected by the NoR.
5. There are no protected customary rights groups or marine title groups in the region affected by this proposal.

Accordingly, this notice of requirement for shall proceed on a **LIMITED NOTIFICATION** basis.

Name: Craig Cairncross

Title: Team Leader, Central South, Plans and Places, Auckland Council

Signed:



Date: 20 June 2024