

# Recommendation on a Notice of Requirement under the Resource Management Act 1991



## PROPOSAL

New designation for the construction, operation and maintenance of a vehicle safety centre as part of the safe and efficient operation of the state highway network.

This Notice of Requirement is CONFIRMED in whole subject to conditions. The reasons are set out below.

<b>Site address:</b>	253 Mill Road, Bombay
<b>Requiring Authority:</b>	NZ Transport Agency
<b>Hearing panel:</b>	David Mead (Chairperson)

## INTRODUCTION

1. Pursuant to section 168 of the Resource Management Act 1991 (the Act), Waka Kotahi New Zealand Transport Agency (NZTA), as the Requiring Authority, gave notice to the Council to designate the site at 253 Mill Road, Bombay in the Auckland Unitary Plan for a Commercial Vehicle Safety Centre (CVSC).
2. This recommendation report assesses the Notice of Requirement (NoR) under section 171 of the Act, taking into account the issues raised in NZTA's Assessment of Environmental Effects (AEE), the council's S42A report and NZTA's response to the Commissioner's Direction. It contains the recommendation to the Requiring Authority under section 171(2) of the Act.

## BACKGROUND

3. The NoR was limited notified on 27 June 2024 and submissions closed on 26 July 2024. One submission was received from Auckland Transport. On 14 August 2024, Auckland Transport advised that "NZTA's procurement process for construction is now underway and based on the assurances provided by NZTA regarding the works on Great South Road, pavement testing and ongoing engagement with Auckland Transport for these works..... AT have decided to withdraw their submission." No other submissions were received on the NoR.
4. Views from the Franklin Local Board were sought and were provided on the 24 September 2024. The Board supports the NoR.
5. A report and recommendation on the NoR was prepared by Council officers (dated 26 September 2024) and is referred to hereafter as the "Planner's report". This report, along with the Council's various specialist assessments, was circulated to NZTA.

6. The NoR was referred to an independent commissioner for a recommendation to be made 'on the papers'.
7. The Commissioner issued a Direction on 4 October 2024 providing NZTA the opportunity, by way of a memorandum, to provide any comments they may have on the amended conditions proposed by Auckland Council (as set out in Attachment 8 to the planner's report).
8. The Commissioner also asked NZTA to comment as to how they see potential concerns as to longer traffic queues being formed on the adjacent motorway interchange being addressed. Both the AEE<sup>1</sup> and Council's review of the traffic impact assessment<sup>2</sup> refer to this queuing and possible mitigation of this effect through the SH1 / Mill Road interchange being signalised and regular monitoring of the safety performance of the on and off-ramps at the interchange, and roads within the immediate vicinity of the CVSC.
9. NZTA provided a response to the Commissioner's direction on 8 October 2024.

## **OUTLINE OF THE PROPOSAL**

10. The NoR is located at 253 Mill Road, Bombay, near to the Bombay motorway interchange. The site to be subject to the designation is zoned Rural - Rural Production.
11. The works to be enabled by the NoR are fully described in the accompanying AEE. Proposed works will include:
  - Control (compliance) building with staff, driver, and administrative facilities;
  - On-site parking for staff and visitors;
  - Heavy Commercial Vehicle weigh bridge;
  - Single inspection shed (including under-vehicle inspection pit, roller brake machine);
  - Inspection bays;
  - Offload area;
  - Bypass lane;
  - Onsite stormwater, wastewater and water infrastructure;
  - Landscaping;
  - Signage and site fencing.
12. The AEE (section 9.11) states that sufficient information to address Outline Plan matters (s176A(2)(b) of the RMA) has been provided with this NoR [as part of the then bundled NoR and resource consent information], so that an Outline Plan is not required to be submitted separately.
13. NZTA has requested a 10-year lapse period for the Designation.

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1. NoR documents PART C – Assessment of Effects on the Environment, section 7.2.4.2 Measures at the Bombay Interchange, page 44

2. Traffic And Transportation Assessment, Martin Peake - Director, Progressive Transport Solutions Ltd Date: 19 August 2024

14. Resource consent applications were granted on 13 June 2024 for:
- BUN60424934 (Council reference),
  - LUC60424936 (s9 land use consent),
  - DIS60424935 (stormwater permit),
  - WAT60430752 (water permit) and;
  - LUS60430751(stream works consent).
15. The resource consents granted are for enabling works to facilitate the construction of the Commercial Vehicle Safety Centre at the same address.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

16. Section 171 of the Act sets out the matters to which a territorial authority must have regard to when considering a requirement and any submissions received, and in making its recommendations to the requiring authority. Section 171 is subject to Part 2, which states the purpose and principles of the Act.
17. Section 171(1) requires:
- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -*
- (a) *any relevant provisions of -*
- (i) *a national policy statement:*
  - (ii) *a New Zealand coastal policy statement:*
  - (iii) *a regional policy statement or proposed regional policy statement:*
  - (iv) *a plan or proposed plan; and*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
- (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
  - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

## ASSESSMENT

18. The assessment of environmental effects undertaken by NZTA demonstrates that the project will provide positive benefits at a regional and national scale, and that the construction and operational effects from the project are, for the majority, less than minor. Some visual and landscape effects are rated as 'minor'. Mitigation measures have been identified to address operational traffic effects, ecology, and landscape and visual amenity effects. Proposed designation conditions were provided with the NoR application, in accordance with the mitigation measures identified.
19. The Planner's report similarly concluded that the adverse effects of the project will be appropriately avoided, remedied or mitigated, subject to some minor modification of conditions associated with visual and landscape impacts.
20. Collectively NZTA's Notice of Requirement application and the Council officer's hearing report provide a comprehensive commentary on the relevant national policy statements and standards and applicable Regional and District plan sections of the Auckland Unitary Plan. I do not need to repeat this material in this recommendation; rather I rely on the application documents and officer's report.
21. The Planner's report recommends that the notice of requirement be confirmed, subject to the proposed additions and modifications to the conditions. I agree with the reasons outlined. Pursuant to section 171(3) of the RMA, the reasons for the recommendation are as follows:
  - a. In terms of section 171(1) restrictions, by way of conditions attached to the notice of requirement have been recommended to avoid, remedy or mitigate adverse environmental effects associated with the works.
  - b. The notice of requirement is consistent with and gives effect to the relevant national environmental standards, national policy statements and the AUP.
  - c. In terms of section 171(1)(b) of the RMA, adequate consideration has been given to alternative sites, routes or methods for undertaking the work.
  - d. In terms of 171(1)(c) of the RMA, the notice of requirement is reasonably necessary to achieve the requiring authority's objectives.
  - e. The notice of requirement is consistent with Part 2 of the RMA in that it enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

## CONDITIONS

22. Minor amendments to NZTA's proposed conditions were recommended by the Planner's report, including updated plans/drawings in Condition 1 (general conditions), the removal of the operational noise condition (condition no.6) and a suggested landscaping condition.
23. NZTA's responses to the amendments proposed by the Planner's report identified minor changes due to the passage of time since lodging the NoR (October 2023); information

provided through the s92 RMA further information response process; and discussion with Auckland Transport during the statutory process.

24. In particular, an advice note is included in response to NZTA and AT discussions during the statutory process. This wording was agreed with AT in August 2024, for this specific designation context.
25. With regard to the specific issue raised in the Commissioner's Direction about potential queuing on the motorway off and on ramps, NZTA noted that the outcome of proposed Bombay interchange improvements will be monitored by NZTA. Monitoring will continue following opening of the CVSC, and if needed, adjustments made (e.g. to CVSC operation, or signals phasing at the interchange). Monitoring of the state highway network occurs throughout Auckland and is an integral part of state highway operations. In this context, I agree that a specific monitoring condition or advice note on an NZTA designation is not necessary.

### **Lapse Date**

26. The 10 year lapse date sought by NZTA as part of the NoR is appropriate, given the scope of works required to establish the proposed activity.

### **RECOMMENDATION**

27. In accordance with section 171(2) of the Resource Management Act 1991, the Auckland Council recommends to the NZTA that the Notice of Requirement for a Commercial Vehicle Safety Centre at 253 Mill Road, Bombay, as shown on the 'Designation Plan' in Appendix A of the Notice of Requirement, be confirmed and be subject to the conditions set out in Attachment A.

### **REASONS FOR THE RECOMMENDATION**

28. Under section 171(3) of the Act the reasons for the recommendation are:
  - a. The NoR satisfies section 171 of the Act as the designation is reasonably necessary for achieving the objectives of the Requiring Authority, and will provide for the construction, operation, and maintenance of a vehicle safety centre as part of the safe and efficient operation of the state highway network.
  - b. The work proposed by the designation is consistent with Part 2 of the Act in that it represents the sustainable management of natural and physical resources.
  - c. The designation is in general accordance with relevant objectives, policies of the Auckland Regional Policy Statement and the Proposed Auckland Unitary Plan.
  - d. Subject to the recommended conditions, set out in Attachment A, the designation will avoid, remedy or mitigate adverse environmental effects.

## **AMENDMENTS TO THE UNITARY PLAN (OPERATIVE IN PART)**

That the Auckland Unitary Plan (Operative in Part) be amended as set out in Attachment A.



**David Mead**  
**Chairperson**

**Date: 15/10/2024**

## ATTACHMENT A

Designation Number	XXXXX
Requiring Authority	New Zealand Transport Agency
Location	253 Mill Road, Bombay
Lapse Date	10 years from the date on which it is included in the Auckland Unitary Plan (Operative in Part)

### Purpose

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

### Conditions

Condition number	Auckland Council Recommended Conditions
	<b>General conditions</b>
1	<p>a) 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:</p> <ul style="list-style-type: none"> <li>i. Notice of Requirement for a Designation of Land dated 24 October 2023 [and updated 16 July 2024];</li> <li>ii. Section 2 Description of Proposed Work in the Assessment of Effects on the Environment updated 24 January 2024;</li> <li>iii. General Arrangement Plans; Architectural Design Plan; Landscape General Arrangement Plans; and Landscape Planting Plans included in Document and Drawing Schedule in memo dated 22 April 2024 ;</li> </ul> <p>b) Where there is inconsistency between the documents listed in clause (a) above and the requirements of the following conditions, the conditions shall prevail.</p>
	<b>Pre-construction</b>
2	Prior to the start of construction, appropriate provision shall be made for a cultural induction of the contractor's staff. The New Zealand Transport Agency (NZTA) Southern IIG or its nominated representative(s) shall be invited to participate.
	<b>Construction noise and vibration</b>
3	<ul style="list-style-type: none"> <li>a) A Construction Noise and Vibration Management Plan (CNVMP) shall be prepared prior to the start of construction.</li> <li>b) The purpose of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the minimisation of noise and vibration effects from construction.</li> <li>c) The CNVMP shall include details in accordance with Annex E2 of NZS 6803 and the NZTA State Highway Construction and Maintenance Noise and Vibration Guide (version 1.1, 2019) or any subsequent updated version.</li> </ul>

	<b>Construction traffic management</b>
4	<p>a) A Construction Traffic Management Plan (CTMP) shall be prepared prior to the start of construction.</p> <p>b) The purpose of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this purpose, the CTMP shall include:</p> <ol style="list-style-type: none"> <li>i. methods to manage the effects of temporary traffic management activities on traffic capacity and movements;</li> <li>ii. measures to manage the safety of all transport users;</li> <li>iii. estimated numbers, frequencies, routes, and timing of traffic movements;</li> <li>iv. methods to communicate traffic management measures to affected road users.</li> </ol> <p>c) The CTMP shall be prepared:</p> <ol style="list-style-type: none"> <li>i. in accordance with the New Zealand Guide to Temporary Traffic Management or any subsequent version; and</li> <li>ii. in consultation with Auckland Transport.</li> </ol> <p><i>Advice Note:</i></p> <p><i>Any temporary or permanent work in Great South Road will require separate approvals from Auckland Transport as the road controlling authority. These approvals are:</i></p> <ul style="list-style-type: none"> <li>• <i>Corridor Access Request and accompanying Traffic Management Plan (for temporary construction activities which affect the local road)</i></li> <li>• <i>Engineering Plan Approval (for permanent work in the road corridor e.g. stormwater assets, lighting, or pavement); and</i></li> <li>• <i>Asset Owner Approval (for any changes to traffic or parking controls).</i></li> </ul>
	<b>Accidental discovery protocol</b>
5	<p>a) An Accidental Discovery Protocol (ADP) shall be prepared prior to the start of construction. The purpose of the ADP is to set out the procedures to be followed if there are accidental archaeological discoveries which occur during construction.</p> <p>b) The ADP shall be:</p> <ol style="list-style-type: none"> <li>i. Consistent with the NZTA Minimum Standard P45 – Accidental Archaeological Discovery Specification (August 2018) or any subsequent updated version; and</li> <li>ii. Prepared in consultation with iwi.</li> </ol>
	<b>Design</b>
6	Buildings and structures shall use recessive, low reflective colours and material finishes to minimise their visibility in the landscape.