

In the Matter of:

The Resource Management Act 1991

And

In the Matter of:

*A Notice under Section 181 of the
Resource Management Act 1991 made by*

New Zealand Transport Agency

File Reference:

RM180468

DECISION ON NOTICE UNDER SECTION 181 OF THE RESOURCE MANAGEMENT ACT 1991

That pursuant to Section 181(3) of the Resource Management Act 1991, Council recommends to New Zealand Transport Agency that its requirement to alter the boundaries of land as State Highway (Designation D53) including the control of access to State Highway, and all functions, powers and operations of New Zealand Transport Agency in accordance with the Transit New Zealand Act 1989 on Lot 1 DP319511 and part of Matakohe East Road, be confirmed with modification and subject to conditions of the existing designation for the following reasons:

Reasons for the decision:

- 1. The Notice of Requirement (NOR) for the alteration to an existing designation is consistent with the tests set out in Section 181(3) of the Resource Management Act 1991 (as amended on 1 October 2009).*
- 2. There is a demonstrated need for New Zealand Transport Agency to complete road safety improvements to the site, in order to better fulfil the authority's responsibilities as the operator of a safe and efficient State Highway network.*
- 3. The adverse environmental effects of the alteration to designation will be no more than minor; and the proposed road safety works will result in major positive effects in terms of the health and safety of people and communities who use this portion of the State Highway network.*
- 4. The affected landowners agree to the proposed alteration, and have entered into agreements to sell or exchange land with the applicant for the purposes of the alteration.*
- 5. The proposed alteration to designation is consistent with the provisions of the Operative District Plan, with respect to the requirement to service activities permitted by the District Plan or resource consent.*

ADVICE NOTES

- 1. Pursuant to Section 184 of the Resource Management Act 1991, this Designation will lapse on the expiry of five years after the date that it was incorporated into the District Plan if it has not been given effect to.*

2. *No costs shall be imposed on affected Landowners as a result of the proposal. All fences shall be reinstated and sites should be left in acceptable condition.*
3. *All archaeological sites are protected under the provisions of the Historic Places Act 1993. It is an offence under that act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the New Zealand Historic Places Trust for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised.*
4. *If subsurface archaeological evidence (shell, midden, hangi, storage pits, etc.) should be unearthed during construction, work should cease in the immediate vicinity of the remains and the Historic Places Trust*
5. *should be contacted.*
6. *In the event of koiwi (human remains) being uncovered, work should cease immediately and the tangata whenua of the area shall be contacted so that appropriate arrangements can be made.*
7. *The necessary consents for earthworks should be obtained from the Northland Regional Council prior to the commencement of any works.*



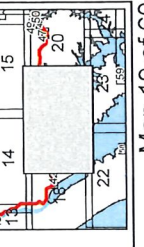
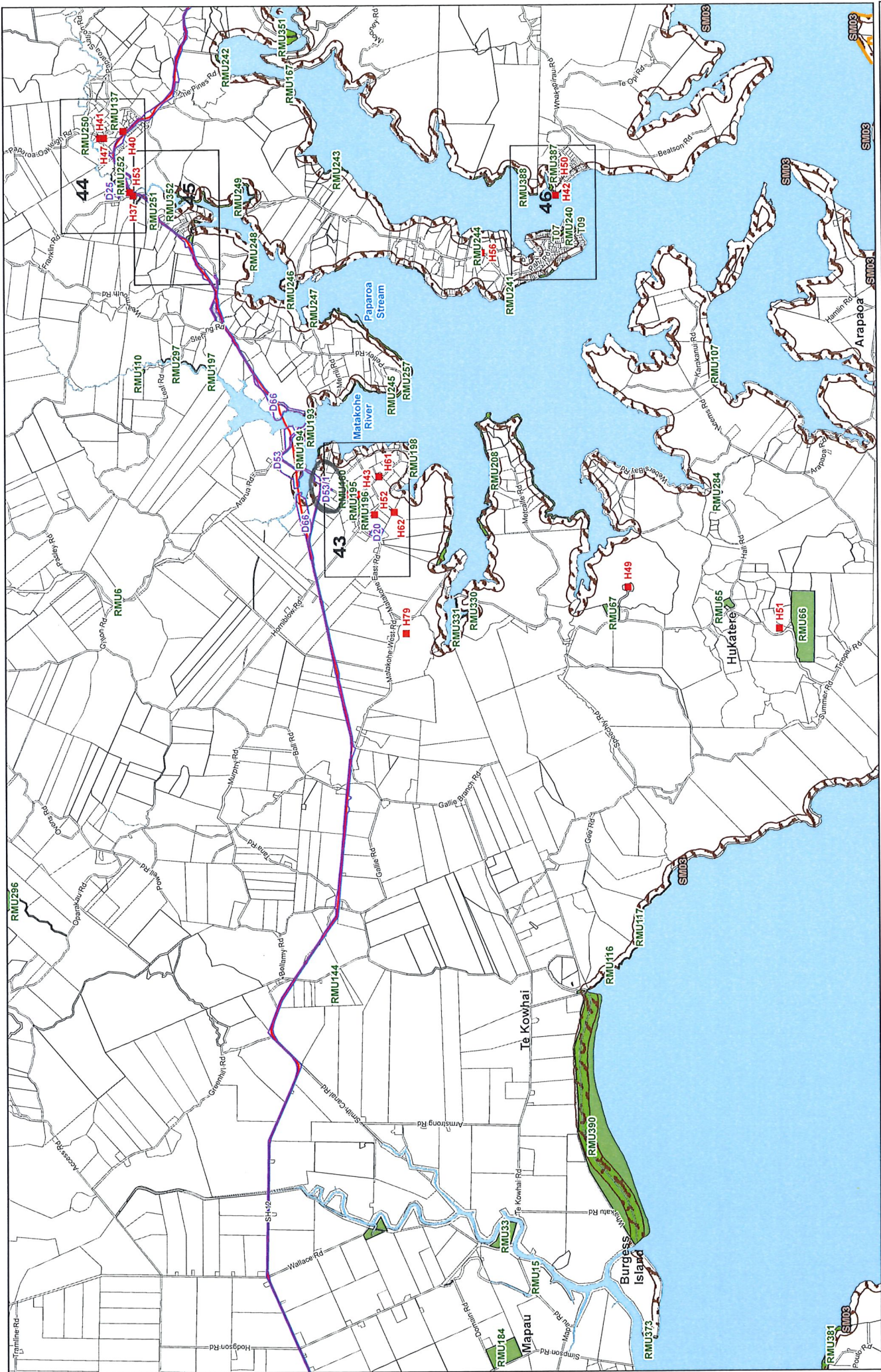
Signed:

Date: 10 April 2019

Ueli Sasagi

Principal Planner, Resource Consents

Kaipara District Council*Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991.*



KAIPARA DISTRICT PLAN - OPERATIVE NOVEMBER 2013

**Map Series Two
Sites, Features and Units**

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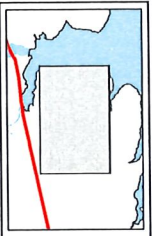
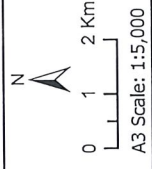




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KAIPARA DISTRICT PLAN - OPERATIVE NOVEMBER 2013
Map Series Two
Sites, Features and Units Matakohē

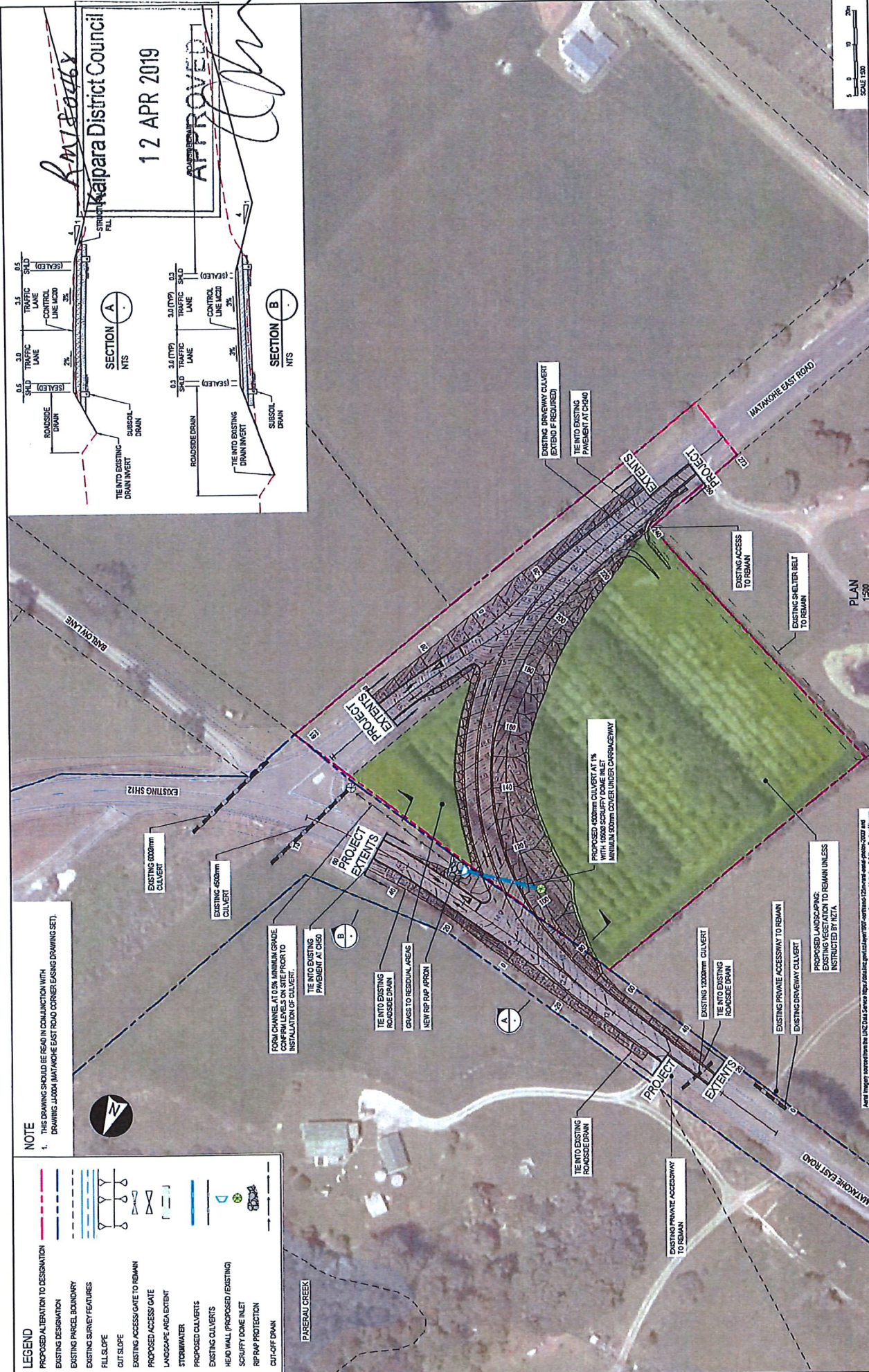
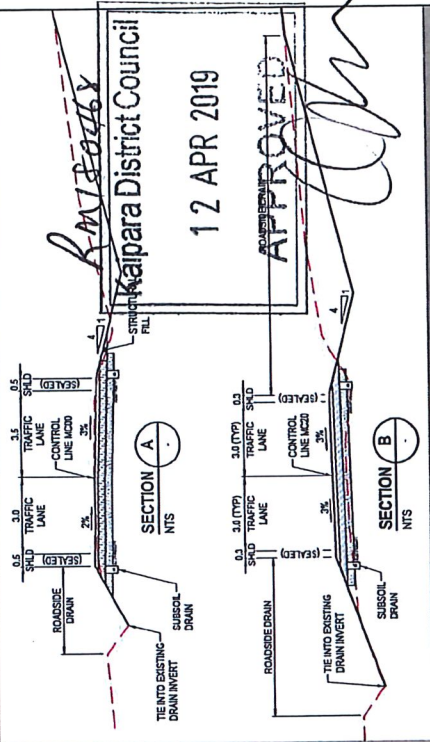


LEGEND

[Red dashed line]	PROPOSED ALTERATION TO DESIGNATION
[Blue dashed line]	EXISTING DESIGNATION
[Thin black line]	EXISTING PARCEL BOUNDARY
[Blue wavy line]	EXISTING SURVEY FEATURES
[Blue line with triangles]	FILL SLOPE
[Blue line with inverted triangles]	CUT SLOPE
[Blue line with gate symbol]	EXISTING ACCESS GATE TO REMAIN
[Blue line with gate symbol]	PROPOSED ACCESS GATE
[Blue line with gate symbol]	LANDSCAPE AREA EXTENT
[Blue line with gate symbol]	STORMWATER
[Blue line with gate symbol]	PROPOSED CULVERTS
[Blue line with gate symbol]	EXISTING CULVERTS
[Blue line with gate symbol]	HEAD WALL (PROPOSED) (EXISTING)
[Blue line with gate symbol]	RIP RAP PROTECTION
[Blue line with gate symbol]	RIFF RAP PROTECTION
[Blue line with gate symbol]	CUT-OFF DRAIN

NOTE

- THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH DRAWING J10001 MATAKOHE EAST ROAD CORNER EASING SET.



CLIENT		NORTHLAND BRIDGES	
PROJECT		MATAKOHE EAST ROAD CORNER EASING GENERAL ARRANGEMENT	
APPROVED FOR CONSTRUCTION	DATE	PROJECT TITLE	DRAWING No.
NOT FOR CONSTRUCTION	APPROVED		254914 - 2000 - DRG - RR - 0701 - B
SCALE	SIZE	DRAWN	DESIGNED
AS SHOWN	A1	N. SALLINAS	R. LAUREN
		REVIEWED	MUSLAW
REV	DATE	REVISION DETAILS	
A.	19.10.06	ISSUED FOR 50%	
B.	12.11.06	ISSUED FOR 90%	
		ISSUED FOR 100%	



Fulton Hogan
aurecon
www.aurecongroup.com

Resource Management Act 1991
**Notice for Alteration to Designation D53 lodged by New Zealand Transport Agency
for State Highway 12/Matakohe East Road/Barlow Lane Intersection**
Description of Application

Applicant	<i>New Zealand Transport Agency</i>
Proposal	<i>A Notice of Requirement for alteration to Designation D53 in accordance with section 181(3) of the Resource Management Act 1991 (RMA).</i>
Location	<i>16 Matakohe East Road</i>
Legal Description	<i>Lot 1 DP 319511</i>
KDC References	<i>RM 180468</i>

Processing Details

Date Formally Received	<i>08 February 2019</i>	Date of Report	<i>26 March 2019</i>
Section 92 Request(s)	<i>N/A</i>	Engineer Comments	<i>25 March 2019</i>
Date Further Information Received	<i>N/A</i>	Date of Site Inspection	<i>22 February 2019.</i>

Planning Requirements

Kaipara District Plan 2013

Map	Zone	Planning Notation(s)	Category of Application
<i>19</i>	<i>Rural</i>	<i>Kaipara Harbour Overlay</i>	<i>Notice of Requirement</i>

External Distribution

	Date Sent	Date Received	Comments
TUOH	<i>14 February 2019</i>	<i>26 February 2019</i>	<i>Project Supported</i>
NRC	<i>14 February 2019</i>	<i>-</i>	<i>No feedback received</i>

Description of Activity

1.1 Project Background/ Introduction

The New Zealand Transport Agency (NZTA) are responsible for the operation and maintenance of the State Highway network throughout New Zealand. Within the Northland Region, NZTA are investing in essential safety improvements across Northland's state highway network. One critical project for the Region is the upgrade of SH12, approximately 1km east of the Matakoho Village. This upgrade is being carried out to improve safety and efficiency of SH12, including removing safety risks where there are tight corners and two one-lane bridges, located at Andersons Bridge & Hardies Bridge. These bridges are located over two coastal (tidal) estuaries (Parerau Creek). The Project is currently under construction and is estimated to take approximately 18 months to complete.

The NZTA's SH12 Matakoho Bridges Project will intersect SH12 at Matakoho in four places. This will result in the existing section of SH12 north of Andersons Bridge to be converted to a cul-de-sac. Two "T" intersections are proposed to be constructed along the new SH12 alignment; the western intersection will provide the primary road connection from SH12 along Matakoho East Road through to Matakoho Village.

A new intersection layout at SH12, Matakoho East Road and Barlow Lane is therefore required to provide for the proposed change in primary traffic movement direction that will access Matakoho village and SH12 when the SH12 Matakoho Bridges Project is commissioned. This layout sits outside of the current D53 boundaries.

Resource Consent RM180468 has been granted under the National environmental Standard for Managing Contaminants in Soil to Protect Human Health (NES-CS). This consent covers the entirety of the land required for ground disturbance within the proposed new designation area, in which the site has been identified as being potentially contaminated. A Detail Site Investigation (DSI) and a Contaminated Site Management Plan (CSMP) are required as conditions of consent in accordance with the NES.

The application has confirmed that all necessary Regional Consents relating to the proposed works have been applied for with the Northland Regional Council. It is intended to undertake the proposed works in February/March 2019, pending confirmation of the Notice of Requirement for Alteration of Designation.

In February 2019, Aurecon on behalf of the NZTA as the Requiring Authority gave notice pursuant to Section 181(3) of the Resource Management Act 1991(RMA) to alter designation D53: State Highway 12 at the Matakoho East Road and Barlow Lane intersection.

The alteration seeks to include approximately an additional 9862m² of land to the existing Designation D53. Some of the land for the alteration is within the existing road corridor. The remaining land is zoned Rural which NZTA has purchased.

The Rural land is required to provide for the construction and operation of the new layout for the State Highway 12 (SH12), Matakoho East Road and Barlow Lane intersection at Matakoho, Northland.

The purpose of this report is to make a recommendation as to whether the alteration meets the terms of section 181(3) or whether sections 168 to 179 should apply to the alteration as if it were a requirement for a new designation.

The following report describes the assessment required under Section 181 of the RMA, and provides an evaluation and recommendation pursuant to the provisions of Section 181 of the RMA.

The Requiring Authority retains the ability to accept or reject any recommendation of Council in relation to a designation. If the Council disagrees with the Requiring Authorities decision, they may appeal to the Environment Court.

1.2 The Proposal

Aurecon (the Requiring Authorities agent) have submitted a Notice of Requirement application to alter the existing Designation D53 for State Highway 12 Purposes, to provide for the construction and operation of the new layout for the SH12, Matakoho East Road and Barlow Lane intersection. A detailed Assessment of Environmental Effects (AEE) dated 30 November 2018 (reference 254914-2000-REP-NN-0001) for the Project has been included, supported by detailed technical reports as follows:

- Assessment of Noise and Vibration Effects
- Assessment of Archaeology Effects
- Preliminary Site Investigation (Soil Contamination)
- Assessment of Landscape and Visual Effects

These documents have been prepared in the prescribed form, as required under the RMA and include a detailed description of the proposal and drawings in accordance with the RMA. The details provided in this AEE have been reviewed by KDC specialists and site visits undertaken. The description of the Project works are considered accurate of which I concur and the following is a summary of the Project as a whole.

In addition to the above, in accordance with section 176A(2)(c) a waiver is sought to the requirement to obtain an Outline Plan approval.

The description of the activity is provided for in Section 2 of the Applicants AEE and further supported by drawings provided in Appendix A of their Application. In summary the project includes the following works:

Intersection Layout

- Change in intersection design to allow traffic north and southbound from Matakohe Village along Matakohe East Road to SH12 to have continuous flow;
- Road users wanting to access Barlow Land and/or Andersons Bridge will turn off Matakohe East Road. Stop signs will be installed for road users wanting to turn onto Matakohe East Road;
- Temporary works to tie-in the new layout with Matakohe East Road will be undertaken to achieve safer curvature and horizontal geometry for users;
- Vegetated drains (swales) will be constructed along the length of the new intersection, tying into the existing roadside drainage along Matakohe East Road and SH12. One new culvert is proposed to be installed at approximately Ch.85 to convey water from the north western corner of the intersection from Lot 1 DP 319511 to the existing collection drain located on the northern side of SH12.

Vegetation Clearance and Landscaping

- Existing Orchard and shelter belt vegetation within Lot 1 DP 319511 is proposed to be cleared. The shelterbelt along the southern boundary adjacent to the 16 Matakohe East Road property is proposed to be retained during construction;
- Revegetation of the construction site is proposed throughout the period of construction, including approximately 100mm of topsoil followed by regressing;
- Fencing is proposed to be installed immediately south of the alignment through Lot 1 DP 319511 for the purposes of enabling the southern portion of the property to be divested at a later stage.

Earthworks

- Approximately 2750m³ of cut and approximately 5000m³ of fill is proposed over an area of approximately 9500m² which includes all of the land within Lot 1 DP 319511;
- The existing construction site being used for the SH12 Matakohe Bridges project (approximately 300m north across Andersons Bridge) is proposed to be utilised for earthworks storage. Pavement aggregate is proposed to be sourced from the Mountfield Quarry;
- Peak construction traffic flows to the site whilst undertaking the initial cut are estimated to be 10 movements per hour via the state highway network;
- Sediment control measures in accordance with the NZTA Erosion and Sediment Control Guidelines for State Highways are proposed to be implemented.

Network Utilities

- The works will require the protection and or relocation of existing network utilities that extend through the works site, including overhead electricity lines and pylons, and underground telecom cable/fibre and fibre optic.

Construction programme and sequencing

- Construction is estimated to occur over a two month period, subject to favourable weather conditions. Hours of work are proposed to be between 7am and 6pm Monday to Saturday;
- During construction, traffic flow along Matakohe East Road, Barlow Lane and SH12 will remain open. The majority of the works will be undertaken off the existing road network, within Lot 1 DP 319511. Should traffic control be required during tie-in works with the existing road network, this will be undertaken through use of manual traffic control.

1.3 Site Description

The land subject to this alteration is located at the existing road reserve at the intersection with Matakohe East Road which is defined as a Collector Road, and Barlow Lane which is defined as a Local Road under the Kaipara District Plan road hierarchy, and land at Lot 1 DP 319511 which is zoned 'Rural' and is subject to the Kaipara

Harbour Overlay. The Section of SH12 to which the works relate is Designated within the KDP as D53, is zoned 'Rural and is subject to the Areas of Significance to Maori overlay.

The site is in the rural area of Matakohe, approximately 45kms south east of the Dargaville town centre and the Kaipara Harbour. Land immediately adjacent to the site is rural (pastoral) and there are no residential dwellings within 100m of the site. The topography of the land surrounding the site is undulating and rural in character, consisting of rolling hills and valleys which ultimately drain to Parerau Creek to the north, being the upper tributaries of the Arapaoa River, which flows into the upper reaches of the Kaipara Harbour.

1.4 Consent History

The Applicant has submitted the following applications that are associated with this Project:

- Resource consents from the Northland Regional Council (NRC) pursuant to section 9(2) of the RMA under the Northland Regional Soil and Water Plan;
- A land use consent from KDC under the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (NES Contaminated Soils). This Consent is required for proposed soil disturbance which does not meet the permitted activity criteria of Regulation 8(3). As no Detailed Site Investigation (DSI) has been undertaken, Regulations 9 and 10 cannot be met. Therefore a Discretionary consent is required under Regulation 11 of the NES.

2 Requiring Authority Status and the Statutory Process

The New Zealand Transport Agency is a Requiring Authority under Section 168 (1) of the RMA.

Section 181 states that a "requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirements to alter the designation" (section 181(1)).

Section 181(3) enables a requiring authority to alter a designation without proceeding through the full procedure as if it was a new designation, if the alteration satisfies matters (a) to (c). Section 181(3) is as follows:

- "(3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—
- (a) The alteration—
- (i) Involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or
 - (ii) Involves only minor changes or adjustments to the boundaries of the designation or requirement; and
- (b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and
- (c) Both the territorial authority and the requiring authority agree with the alteration – and sections 168 to 179 shall not apply to any such alteration."

As such, each of the matters in section 181(3) are examined in the following section of this report.

3 Section 181(3) Assessment

3.1 Effects on the Environment – Section 181(3)(a)(i)

Section 181(3)(a)(i) requires that:

- "(a) The alteration—
- (i) Involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or"

The area over which the Requiring Authority wishes to extend the designation under this alteration is approximately 13032m² in size. Approximately 25% of this is made up of the existing Matakohe East Road corridor (approximately 3170m²). The remaining 9862m² is made up of Lot 1 DP 319511 which is owned by

NZTA. The additional rural land required (approximately 75% of the alteration area) is to improve the design and layout of the intersection for traffic safety and efficiency purposes.

The documentation lodged by Aurecon on behalf of the Requiring Authority sets out that the effects on traffic and access, noise and vibration, archaeology, earthworks, contaminated land, and landscape and visual effects are no more than minor.

In my opinion, due to the size and scale of the alteration, for the reasons outlined further below, any effects from the proposed alteration on the subject land or its surrounds, will be less than minor in comparison to any works that can be undertaken within the current designation (D53) or within the existing transport corridor as a permitted activity.

3.1.1 Positive Effects

The project would result in a number of positive effects to the region and the local community. This includes benefits to all road users, local businesses, tourists and through traffic that includes both residents and boarder Northland communities that frequent SH12 regularly in their day to day activities.

More specifically, the project would enhance the transport link into Matakohe Township from SH12 and improve the safety and efficiency of the intersection through:

- o Improved horizontal curvature of the road;
- o Provision of safe sight line distances for vehicles
- o Provision for primary road from SH12 to Matakohe (Matakohe East Road) to have priority at the intersection with Barlow Lane for vehicles to veer through the intersection, removing existing safety risks at the intersection when turning from the SH1 Barlow Lane intersection to access Matakohe Road;
- o Reduction in signed traffic speed from 100km/hr to 70km/hr
- o Maintains future opportunities for a separate cyclist pathway from Andersons Bridge through to Matakohe.

Having regard to the above, the following assessment addresses the adverse effects of the activity on the environment:

3.1.2 Traffic and Access

An assessment of Transport Effects has been completed by Aurecon and reviewed by Stantec Limited. The assessment considers the potential traffic effects of the project during construction and operation, as well as the positive effects once the intersection upgrade is in operation. The traffic assessment identifies a number of benefits to road users, including:

- Improvements to the safety and efficiency of through traffic at the intersection;
- Improved sightlines for drivers and improve overall efficiency of the intersection;
- The provision of consistent interpretation of speed limits to drivers and reduce the risks associated with increased vehicle speeds.

With respect to operational effects, the traffic assessment did not identify any potential effects.

During the approximate 2-month construction period, a large component of the construction work is proposed to be completed offline to the existing SH12 within Lot 1 DP 319511 and would therefore not have any impacts on existing traffic movements, flow and access. Works would then be undertaken to tie-in with Matakohe East Road with construction traffic utilising the existing constructed access for access onto Matakohe East Road from the site. Access to private property is proposed to be maintained at all times and no construction work is proposed to any private accessways.

Temporary traffic diversions may be required when the tie in works to the existing designation and Matakohe East Road are undertaken, however management will be employed to ensure general traffic movements are maintained through to Matakohe at all times. The temporary effects of construction will be managed throughout the duration of the construction programme through the Construction Traffic Management Plan (CTMP) which is proposed to be included as a condition of the designation.

Overall, the assessment confirms that the construction of the project will be managed through a CTMP and follow standard construction traffic management. In the long term, the project will result in reduced travel times and likely reduced incidences of crashes along the subject section of SH12. As such, it is considered that the potential adverse effects relating to transport during construction no more than minor with permanent effects being positive overall.

3.1.3 Noise and vibration

An Assessment of Construction and Operational Noise and Vibration for the proposed works has been undertaken by Marshall Day Acoustics Limited (MDA) and is attached at Appendix C of the application.

Overall, relying on the conclusions drawn from the Acoustic Assessment, the noise and vibration impacts both during construction and operation, can be appropriately avoided, remedied and/or mitigated subject to appropriate conditions being implemented.

The primary construction noise and vibration generating activities include:

- Mechanical sound from earthmoving machinery for earthworks;
- Fill haulage, both importation and removal will be required across the proposed alignment;
- Road sealing once earthworks are complete; and
- Construction yard activities.

The acoustic assessment contained at Appendix C of the application concludes that the project is predicted to comply with the relevant vibration and noise limits at all receivers.

Measures to mitigate construction noise and vibration effects have been identified within the Noise Assessment and will be implemented through a Construction Noise and Vibration Management Plan (CNVMP). These measures will assist in managing construction noise and the Requiring Authority has proposed this as a condition of the designation.

In respect to operational noise acoustic assessment concludes that operational noise levels are calculated to be below the limits of NZS 6806:2010 and that any change in loudness from the realignment would be imperceptible to the identified nearby receivers. Furthermore, the construction will take place over a relatively short time frame. It is therefore concluded that the project will result in less than minor operational noise and vibration on the receiving environment, including all existing dwellings within 100m of the proposed alignment.

3.1.4 Archaeological and Cultural Effects

The areas of land proposed to be incorporated into the designation are not identified as areas of cultural significance nor identified as containing any heritage features.

Archaeological Effects

An Archaeological Assessment was undertaken for the project by Geometria and is attached at Appendix D of the NoR. The assessment concludes that the area is assessed as being of low archaeological risk, and given the existing orchard and road reserve being modified over time, archaeological effects are unlikely. Additionally, historic research indicates that there was very little historic development in the immediate area until approximately 1930.

To mitigate potential effects arising from artefacts being encountered during construction, the accidental discovery protocols that have been adopted on the construction of the SH12 Matakohe Bridges Project as developed with Te Uri O Hau, are also proposed to be applied during construction works of the proposed intersection project. This approach has been discussed and agreed as being appropriate with Kaitiaki during a site walkover on 7 November 2018. It is therefore proposed that the Contractor undertake construction activities consistent with Archaeological Management Procedures (AMP), proposed as a condition of designation.

Cultural Effects

Environs Holding Ltd (on behalf of Te Uri O Hau) have upon review of the proposed designation alteration, confirmed in an email dated 26 February 2019, that they have no issue with the proposed alteration due to ongoing consultation with NZTA in regards to the wider project.

Summary

Taking into account the implementation of the proposed recommendations and mitigation measures, the small scale of works and low likelihood of encountering any archaeological material, it is considered that any actual and potential adverse effects relating to archaeology and cultural heritage associated with the alteration to the designation are considered to be less than minor.

3.1.6 Earthworks Effects

Overall, the proposed earthworks will result in approximately 2,750m³ of cut and total fill of approximately 5,000m³. The existing construction site being used for the SH12 Matakohe Bridges project (approximately 300m north across Andersons Bridge) is proposed to be utilised for earthworks storage. Pavement aggregate is proposed to be sourced from the Mountfield Quarry.

The main area of cut is to construct the east-south section of the intersection through Lot 1 DP 319511 where the cut face will be approximately 2m in depth. The existing orchard vegetation will be removed due to the earthworks. Terrestrial earthworks activities, such as clearance of vegetation, excavation and haulage of

material have the potential to result in soil mobilisation, dust generation and sediment laden stormwater discharges across land and or to receiving environments.

To minimise the effects of erosion and sediment discharge during construction, all earthworks are proposed to be undertaken consistent with the site Erosion and Sediment Control Plan (ESCP), proposed as a condition of resource consent from Northland Regional Council. Erosion and sediment control measures including silt fencing is proposed to be installed prior to the commencement of land disturbing works. Whilst undertaking activities during the summer period, a water cart will be used for dust suppression. The retention of the existing shelter belt along the southern boundary of the site is expected to assist with the containment of dust in the immediate vicinity, should it eventuate.

Given the temporary nature of the works and the implementation of these measures, it is considered that the actual, and or potential adverse effects associated with erosion, soil mobilisation and sedimentation to receiving environments during construction would be temporary in duration and would be less than minor.

3.1.7 Soil Contamination

A Preliminary Site Investigation (PSI) has been prepared for the project in accordance with the NES soil and is attached at Appendix E. The purpose of the PSI is to assess potential contamination sources and land use activities that are recognised by the Ministry for the Environment (MfE) as a 'HAIL' (Hazardous Activities and Industries List – October 2011). Four potential or confirmed HAIL activities are identified in the PSI as historically or currently occurring within or immediately surrounding the Project area. These include pesticide use and bulk storage (associated with horticultural activities), waste disposal to land (associated with burn pits/infilled gullies and undocumented fill) within Lot 1 DP 319511, cemeteries (nearby Matakoho Cemetery) and chemical application associated with a potential livestock dip. The PSI considers that there is potential risk of adverse effects to human health and the receiving environment during construction as a result of exposure or handling contaminated material, if not appropriately managed. In conclusion to this investigation, based on the proposed soil disturbance and disposal volumes, risk assessment and the anticipated duration of the works, the requirement for land disturbance to be a permitted activity under Regulation 8(3) of the NES will not be met. As a DSI is not completed, the proposed soil disturbance may be undertaken as a Discretionary Activity and prior to construction should require the preparation and certification of a CSMP to reflect the most conservative assumptions detailed in the PSI. Resource consent for the discharge of contaminants from contaminated land pursuant to the NES has been obtained by NZTA from the Council and was granted on 12 April 2019 (RM180468).

As a condition of this resource consent, further investigation in the form of a Detailed Site Investigation (DSI) is required to be undertaken prior to the commencement of construction, to quantify the nature and extent of actual contamination. The DSI would comprise soil sampling and laboratory testing to establish contaminant levels within the relevant sections of the project area to understand specific matters relating to HAIL activities and to understand waste disposal requirements in advance of works commencing. In the event that contamination is identified through the DSI, a site-specific Contaminated Soil Management Plan (CSMP) will be required to be prepared in accordance with the requirements of the NES and to address the outcomes of the DSI, in advance of works commencing.

The CSMP will provide the framework for managing contamination risks and provide mitigation measures relevant to the expected conditions (as informed by the DSI) that will be encountered while the proposed earthworks are undertaken. The CSMP outlines the measures for:

- Soil testing - methodology to test soil samples throughout excavation works;
- Soil management - excavation, transportation and disposal, dust, erosion and sediment control of contaminated soils;
- Health and safety - training, control measures, identification of hazards, hazard minimisation procedures; and
- Contingency measures, should contaminated material be encountered.

The consent granted to NZTA under the NES requires the CSMP and DSI to be submitted to Council for approval as conditions of resource consent.

With the undertaking of a DSI and CSMP prior to works commencing and the implementation of a CSMP throughout the duration of the project, any actual and potential effects on human health and the environment associated with contaminants will be appropriately avoided or mitigated and are considered to be no more than minor.

3.1.8 Landscape and Visual Effects

An Assessment of Landscape, Natural Character and Visual Amenity Effects has been undertaken by Simon Cocker of Simon Cocker Landscape Architecture and attached as part of the NoR as Appendix F. The assessment provides a desktop study, including a review of the relevant information relating to the landscape and visual aspects of the project, including the Northland Regional Policy Statement, Regional Coastal Plan for Northland, Regional Water and Soil Plan for Northland, Regional Plan for Northland, The Kaipara District Plan and the Project Drawings package prepared by Aurecon. The assessment also takes into account a site visit which was undertaken on 23 October 2018.

The assessment details the existing landscape as a largely already modified environment comprising an existing intersection and orchard within a wider rural landscape which has undergone evident human development, such as modifications for farming, dwellings, Matakoho township and bridges across the Parerau Creek.

In order to provide for construction works, the project will result in the removal of all of the vegetation and some of the shelterbelts within the horticulture block. To retain opportunities for future land use whilst being sympathetic to the surrounding rural landscape, the site will be reinstated as grassed pasture. The existing shelter belt along the site southern boundary will be retained during construction to provide screening of the site and maintain existing views from the dwelling located at 16 Matakoho East Road (Lot 2 DP 319511) which will assist in mitigating any adverse visual effects from this property.

Regarding potential adverse amenity effects, the assessment considered the visual effects from seven different viewpoints and it was concluded that visual effect of the project will be low from each of the viewpoints.

The assessment concludes that the adverse effects to both landscape and natural character will be low to moderate level during construction, and will have a low-level effect post construction.

Drawing on the recommendations of the Landscape and Visual Assessment, given the small footprint of the proposal, coupled with the above mitigation measures, any actual and potential adverse landscape and visual effects will be less than minor.

3.1.9 Summary

For the reasons outlined above, it is considered that the alteration to designation does not involve a more than minor change to the effects on the environment associated with the use of the land. The alteration to designation is therefore considered to meet the requirements of Section 181(3)(a)(i) and the physical changes to the boundary do not need to be considered under clause (3)(a)(ii).

3.2 Directly Affected Landowners/Occupiers – Section 181(3)(b)

Section 181(3)(b) requires that:

“b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and”

The documentation lodged by the Requiring Authority outlines that the alteration of the designation boundary incorporates land that the NZ Transport Agency is the owner of and thereby agrees to the alteration.

The remaining land (approximately 25% of the designation alteration area) is within the existing road corridor on Matakoho East and Kaipara District Council is the Road Controlling Authority for this land. The NZTA has consulted with the KDC Asset Management Team to obtain their agreement to the works. Bernard Petersen (Acting Roding Manager) from KDC has subsequently provided confirmation of support for the proposed alteration to the designation (email dated 8 March 2019).

The land subject to this alteration is owned and or occupied by the NZ Transport Agency or Kaipara District Council and there are no other directly affected parties. On this basis, the requirements of section 181(3)(b) have been satisfied.

3.3 Agreement on the Designation – Section 181(3)(c)

Section 181(3)(c) requires that:

“(c) Both the territorial authority and the requiring authority agree with the alteration.”

Due to the conclusions, I have drawn above that the proposed alteration will have no more than a minor change to the effects on the environment, and it is a minor area of land being added to the area of the original designation, and there are no directly affected owners/occupiers other than Kaipara District Council which has given their approval as the road controlling authority.

Accordingly, Council as the territorial authority agrees with the alteration to designation pursuant to section 181(3)(c).

4 Outline Plan

- 4.1 Section 176A of the Act- "outline Plan" – requires that an outline plan for work on designated land is to be submitted to allow the territorial authority to request changes before construction commences.
- 4.2 An Outline Plan is required to show:
- The height, shape, and bulk of the public work, project, or work; and
 - The location on the site of the public work, project, or work; and
 - The likely finished contour of the site; and
 - The vehicular access, circulation, and the provision for parking; and
 - The landscaping proposed; and
 - Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
- 4.3 However, this requirement does not apply in a case where:
- the proposed public work, project, or work has been otherwise approved under this Act; or
 - the details of the proposed public work, project, or work, as referred to in subsection (3), are incorporated into the designation; or
 - the territorial authority waives the requirement for an outline plan.
- 4.4 The Outline Plan process in the Act is one that involves the Council and the requiring authority, in this instance NZTA. There is no legislative provision for Outline Plans to be publicly notified or for interested parties to be consulted prior to their lodgement with Council.
- 4.5 The Applicant has sought as part of the NOR Application to include the level of detail typically required by an Outline Plan of Works so that the details of the public work are included into the designation; to negate the need to lodge a separate Outline Plan of Works at a later date.
- 4.6 In this instance the adverse effects of the proposed works are able to be identified and the design plans provided with the NOR application have been finalised enough and unlikely to be changed other than through recommendations contained in this report. For these it is recommended that the requirement for an outline plan be waived.


5 Conclusion

- 5.1 Based on the above assessment against the section 181(3) criteria, it is concluded that the alteration satisfies the criteria for an alteration. Therefore, the alteration to designation does not need considered as a new requirement under section 181(2) and is not subject to sections 168 to 179 of the RMA. The Council can therefore alter designation D53 in the Operative District Plan without further formality.
- 5.2 Based on the above assessment in Section 4, it is recommended that the requirement for an outline plan be waived in accordance with S176A of the RMA.


6 Recommendation

It is recommended that pursuant to Section 181(3) of the RMA, that the Council:

1. Agrees to the alteration to Designation D53 as lodged by Aurecon on behalf of the NZ Transport Agency, as Requiring Authority, as all necessary matters under Section 181(3) of the RMA are satisfied and that the Council can agree to alter the designation under the Operative District Plan pursuant to Section 181(3) Resource Management Act 1991, as submitted by Aurecon on behalf of NZTA on 8 February 2019; and
2. Agree that Sections 168-179 of the Resource Management Act shall not apply to the proposed alteration; and
3. Agree that the request for an Outline Plan of Works Waiver shall be granted, subject to the inclusion of appropriate conditions requiring management plans to be provided to KDC for authorisation prior to beginning works.


Reporting Planner 

Alisa Neal – Consultant Planner
(Barker and Associates) Date 9 April
2019

Peer Review 

Ueli Sasagi – Principle Planner 12 April 2019
Date

Recommendation Confirmed as Decision

Title – Principal Planner 

name 12 April 2019
Date