

Hearings Commissioner

Notice of Meeting

A meeting of the Hearings Commissioner will be held in the Council Chamber, Forum North, Whangarei on:

**Thursday
10 February 2011
9.00 am**

and

**Friday
11 February 2011
9.00 am**

Application by
New Zealand Transport Agency

Commissioner
Les Simmons

Planner's Report and Recommendation to the Hearings Commissioner:

The New Zealand Transport Agency (NZTA) has lodged a notice of requirement for an alteration of designation with the Whangarei District Council (WDC) and resource consent applications with the Northland Regional Council (NRC). These applications are being jointly heard.

The notice of requirement received by WDC is for an alteration of two existing designations DTNZ 1 (State Highway 1N) and DTNZ 2 (State Highway 14) under the Whangarei District Plan to increase the capacity of the intersection of State Highway 1 (SH1) and State Highway 14 (SH14). The nature of the proposed works is the construction, operation and maintenance of an improved intersection of SH1 and SH14.

NZTA seeks a lapse period of 10 years and an outline plan of works be included as part of the notice of requirement.

The resource consent applications received by NRC are for the following activities at the intersection of SH1 and SH14:

1. Land use consent to undertake approximately 7,000 cubic metres of earthworks, including within a Riparian Management Zone.
2. Discharge Permit to discharge stormwater to land and water from land disturbance activities.
3. Water Permit to divert stormwater associated with land disturbance activities.

This report was written and peer-reviewed by the following signatories:

Environmental Planner
(Consents):

_____ Date: _____
Amber Tsang

Resource Consent
Manager:

_____ Date: _____
Alister Hartstone

Resource Management Act 1991

Hearing By: Hearings Commissioner for the Whangarei District Council and the Northland Regional Council of a notice of requirement and resource consent applications from NZTA at the intersection of State Highway 1 and State Highway 14.

Evidence By: Amber Tsang
BPlan (Honours)
Environmental Planner (Consent)
Whangarei District Council

File Ref: RQ1000001 P052971.RQ

Dated: 25 January 2011

1. The Proposal

- 1.1 The New Zealand Transport Agency (NZTA) has lodged a notice of requirement for an alteration of designation with the Whangarei District Council (WDC) and resource consent applications with the Northland Regional Council (NRC) for the proposed works at the intersection of SH1 and SH14. Pursuant to Section 102 of the Resource Management Act 1991 (the Act), these applications are being jointly heard.
- 1.2 The notice of requirement from NZTA received by the Whangarei District Council WDC on 29 March 2010 is for an alteration of two existing designations DTNZ 1 (SH1N) and DTNZ 2 (SH14) under the Whangarei District Plan to increase the capacity of the intersection of SH1 and SH14.
- 1.3 The designated purpose of the two existing designations DTNZ 1 and DTNZ 2 is State Highway 1N and State Highway 14. Both existing designations are not subject to any conditions under the District Plan.
- 1.4 Given that the proposed works to increase the capacity of the intersection of SH1 and SH14 require additional land to be incorporated into the existing designations and works to be undertaken outside of the boundary of the existing designations, a notice of requirement is required for the proposed alteration of the two existing designations.
- 1.5 The plans illustrating the existing designation boundaries, the proposed designation boundaries and associated areas of land to be incorporated into the existing designations through the proposed alteration, and the current and proposed alignments of SH1 and SH14 are included in Appendix A of the notice of requirement.
- 1.6 Section 4 of the notice of requirement describes the nature of the proposed works to which the proposed alteration relates. The nature of the proposed works is the construction, operation and maintenance of an improved intersection of SH1 and SH14. More specifically, the proposed works include the following:
 - Approximately 23,500m² of earthworks associated with increasing the capacity of the intersection, establishment of the stormwater pond, footpath reestablishment and driveway reestablishment. The volume of earthworks will be approximately 6789m³ consisting of 4845m³ cut to fill and 1944m³ cut to waste;

- New road pavement resulting in a total new impervious area increasing the sites existing impervious area by approximately 4000m² as confirmed by Mr Ross Holland, Consultant Planner of NZTA, in his email dated 8 December 2010 (provided at Attachments 1);
 - Enhancing cyclist provisions by widening the shoulders of the State highways up to 1.5m;
 - Relocating and establishing new footpaths adjacent to the widened carriageway;
 - New kerb and channel stormwater drainage will be installed along the extent of the works and catchpits/pipes will convey stormwater to discharge points;
 - Establishment of a stormwater pond within the area of Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650;
 - Removal of 3 trees located within the existing State Highway designations;
 - Removal of 10 trees on the north western corner of the intersection within the area of Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 (refer to the report titled "Intersection Improvements – SH1_SH14: Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 Tree Impact Assessment" by Simon Cocker Landscape Architecture and Kent Thwaites Arboricultural consultant for Environmental Arts dated 15 June 2010);
 - Removal of vegetation comprising the portion of gardens within private land to be incorporated into the designation;
 - Reinstatement and relocation of driveways, fencing and planting on private property boundaries;
 - Service relocation;
 - Upgrading traffic signals;
 - 202m of retaining walls along property frontages varying in height from approximately 0.5m to 1.1m; and
 - Landscaping to mitigate the effects of the proposed intersection works in accordance with an approved landscape management plan.
- 1.7 NZTA seeks a lapse period of 10 years and an outline plan of works be included as part of the notice of requirement.
- 1.8 On 14 April 2010, WDC requested information regarding certificate of title, noise and vibration effects, affected parties, utility services within the project area and alternatives to the removal of trees pursuant to Section 92 of the Act. The requested information was received on 29 June 2010.
- 1.9 A revised copy of the notice of requirement dated 3 August 2010 incorporating the further information requested is provided at **Attachment 1**. Given the size of the document, only Appendix A of the notice of requirement is attached with this report. The Hearings Commissioner has been forwarded a full copy of the document. The full document is available for viewing at WDC Customer Services, Forum North.
- 1.10 Council's Consultant Engineer, Mr John Smith, Consultant Traffic Engineer, Mr Wes Edwards, Acoustic Consultant, Mr Nevil Hegley, Consultant Landscape Architect, Mr Mike Farrow, and Mr David Snowdon of Council's Parks and Recreation Department (Parks) have assessed the notice of requirement and the submissions received on behalf of Council. Copies of their assessments are provided at **Attachment 2**. Their comments have been incorporated into the assessment and the relevant sections of this report.

- 1.11 The proposed works also require resource consents from NRC for the following activities:
1. Land use consent to undertake approximately 7,000 cubic metres of earthworks, including within a Riparian Management Zone.
 2. Discharge Permit to discharge stormwater to land and water from land disturbance activities.
 3. Water Permit to divert stormwater associated with land disturbance activities.
- 1.12 The report addressing the NRC consents prepared by Mr James Griffin, Consents Officer of NRC is provided at **Attachment 3**.

2. The Site and the Surroundings

- 2.1 Sections 2 and 3 of the notice of requirement describe the site to which the proposed alteration relates. The site is as follows:
- The intersection of SH1 and SH14 is located within the suburb of Horahora approximately two kilometres to the west of the city centre.
 - The proposed works extend along SH1 to the north of the intersection along Western Hills Drive for approximately 238m, and to the south of the intersection along Otaika Road for approximately 185m.
 - The proposed extent of works on SH14 along Maunu Road is over approximately 230m to the south east from the intersection and approximately 140m to the north east from the intersection as far as Armstrong Avenue.
 - The proposed works extend over Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 located in the north western corner of the intersection to accommodate the new access to the properties at 102 to 114 Maunu Road and a stormwater pond.
 - The boundaries of the designations are proposed to incorporate the necessary portions of the land from some of the adjoining properties required for the footprint of the road widening and stormwater measures associated with the intersection works.
- 2.3 The intersection is predominantly adjoined by properties which are zoned Living 1 under the District Plan. On the north western corner of the intersection there are two properties i.e. Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 which are zoned Open Space and owned by WDC as road reserves.
- 2.4 A mature oak tree is located within the intersection on a traffic island on the south western corner of the intersection. The Kirikiri Stream which runs through a culvert under SH1 is located approximately 100m to the north of the intersection. The land where it adjoins Kirikiri Stream is located within the Flood Susceptible Area under the District Plan.
- 2.5 The surrounding area is characterised by medium to high density residential properties and a number of commercial activities such as motels and medical clinics.
- 2.6 A location map and an aerial photo showing the locality of the site and the GIS maps showing zoning and other resource area notations of the properties in the area are provided at **Attachment 4**.

3. Statutory Context

- 3.1 The application was lodged after 1 October 2009. Hence, the Resource Management (Simplifying and Streamlining) Amendment Act 2009 applies.

Alteration of Designation

- 3.2 Pursuant to Section 181(1) of the Act, a requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.
- 3.3 Section 181(2) of the Act states that Sections 168 to 179 shall apply to a requirement referred to in Section 181(1) above as if it were a requirement for a new designation, unless Section 181(3) applies.
- 3.4 Section 181(3) of the Act states that Sections 168 to 179 shall not apply to any proposed alteration of a designation if the alteration 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 involves only minor changes or adjustments to the boundaries of the designation or requirement, and 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 both the territorial authority and the requiring authority agree with the alteration.
- 3.5 In this case, not every owner or occupier of the land directly affected has given their agreement to the proposed alteration. Accordingly, Sections 168 to 179 of the Act shall apply to the notice of requirement from NZTA for an alteration of two existing designations DTNZ 1 and DTNZ 2 under the Whangarei District Plan, as if it were a requirement for a new designation.

Notice of Requirement

- 3.6 Section 171(1) of the Act sets out matters that, subject to Part 2, a territorial authority must have regard to when considering a requirement and any submission received. These matters include any actual or potential effects on the environment of allowing the requirement, any relevant provisions of a policy statement, a plan or a proposed plan, whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work, whether the work or designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought, and any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.
- 3.7 Section 171(2) of the Act states that the territorial authority may recommend to the requiring authority that it confirms the requirement, modifies the requirement, imposes conditions or withdraws the requirement. Section 171(3) of the Act requires the territorial authority to give its reasons for the recommendation under Section 171(2) of the Act. These sections of the Act are significant in that the territorial authority has no ability to make a decision on the notice of requirement; it can only make recommendations.
- 3.8 Following receipt of the territorial authority's recommendation, Section 172 of the Act provides that the requiring authority has 30 working days to advise the territorial authority whether it accepts or rejects the recommendation in whole or in part, and gives associated reasons for the decision if it rejects the recommendation in whole or in part.
- 3.9 The territorial authority then has 15 working days to lodge a notice of the decision and a timeframe for appealing that decision under Section 173(1) of the Act. The notice must be served on all submitters and any directly affected parties. Section 173(2) of the Act allows the notice to be in a summary form, with the full decision available for public inspection.
- 3.10 Section 174 of the Act provides rights to the territorial authority and any person who has made a submission on the requirement to appeal the decision of the requiring authority to the Environment Court.

Outline Plan of Works

- 3.11 Following the introduction of a new designation into the District Plan, as specified in Section 176A of the Act, the requiring authority is to submit an outline plan of works for any development and/or modifications on the designated site, unless the details of the proposed public work, project, or work, as referred to in Section 176A(3), are incorporated into the designation, or a waiver is given by the territorial authority.
- 3.12 Section 176A(3) of the Act specifically sets out the matters that an outline plan must show. These matters include the height, shape, and bulk of the public work, project, or work; the location on the site of the public work, project, or work; the likely finished contour of the site; the vehicular access, circulation, and the provision for parking; the landscaping proposed; and any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
- 3.13 Under section 176A(4) of the Act the Council has the opportunity to request the requiring authority to make changes to the outline plan. The Council has appeal rights against any requirement authority decision not to adopt such requested changes.

Lapsing of Designations

- 3.14 Pursuant to Section 184(1) of the Act, a designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless it is given effect to before the end of that period; or the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or the designation specified a different period when incorporated in the plan.

4. Notification and Submissions

- 4.1 Pursuant to Section 169(1) of the Act, a territorial authority must decide whether to notify a notice of requirement, under Sections 95 to 95F of the Act.
- 4.2 Pursuant to Sections 95A to 95F of the Act, a consent authority may, using its discretion, make a decision whether to notify an application for resource consent. In determining the notification decision the consent authority must firstly have regard to the likely adverse effects on the environment of the proposal and secondly whether any persons considered to be adversely affected by the proposal.
- 4.3 If the consent authority decides that the adverse effects on the environment may be more than minor it must notify the application. If the decision has been made that the effects will not be more than minor, the consent authority must then identify any persons adversely affected by the proposal to determine whether limited notification is required.
- 4.4 Notwithstanding the above, if special circumstances exist in terms of Section 95A of the Act, if the applicant requests notification, or a rule in a Plan or Proposed Plan expressly provides that such an application should be publicly notified, then the application must be notified.
- 4.5 On 13 August 2010, it was considered and determined under authority delegated to the Resource Consents Manager of the Whangarei District Council pursuant to Sections 95B of the Act that the application be subject to limited notification because the effects of the proposed works are considered to be no more than minor, but the written approval from all persons considered to be adversely affected by the proposed activity has not been obtained. Copy of the notification assessment report is provided at **Attachment 5**.
- 4.6 The notice of requirement received by WDC and the resource consent applications received by NRC were jointly notified on a limited notification basis.

- 4.7 On 27 August 2010, notice was served upon the parties considered to be adversely affected by the proposed works i.e. the owner and occupier of the properties marked with a tick as shown on Map A provided at **Attachment 6**, and the infrastructure owners and operators including WDC Sewer and Stormwater, Vector Gas, Telecom and Northpower.
- 4.8 The period for lodging a submission ended on 24 September 2010. During this submission period, WDC received 15 submissions. Three of the submissions received were made by parties who were not included in the limited notification process – Casablanca Motel, Cherry Court Motor Ledge and Mr John Perry. NZTA has confirmed acceptance of these submissions.
- 4.9 One late submission was received from Mr Vince Cocurullo on 29 September 2010. On 18 November 2010, it was considered and determined under authority delegated to the Resource Consents Manager of the Whangarei District Council pursuant to Sections 37 of the Act that Council waives the requirement for the submission by Vince Cocurullo to be received by 24 September 2010. The Council extends the time period by three working days to 29 July 2010 to allow this submission to be accepted as valid for the following reasons:
- The late submission mirrors similar points raised in other submissions,
 - NZTA has confirmed acceptance of the late submission,
 - It is considered unlikely that any parties would be unduly prejudiced by the acceptance of this late submission, and
 - It would not cause an unreasonable delay in processing the application.
- 4.10 On 1 October 2010, NZTA requested the application be served to all residents of North Street to allow an opportunity for making submission and the submission period for the application be extended 20 working days from 6 October 2010 to 4 November 2010. During this extended submission period, WDC received 3 submissions.
- 4.11 WDC received 19 submissions in total. Copies of all the submissions received and an individual summary of the submissions are included at **Attachment 7**. In summary the submitters have raised the following matters which require consideration:
- Potential congestion effects from re-design;
 - Effects on individual property accesses (safety and visibility);
 - North Street and Te Mai Road intersection treatment;
 - Potential of a roundabout;
 - Benefit and cost analysis rationale;
 - Construction and Operational Noise;
 - Construction and Operational Vibration;
 - Effects of dust;
 - Removal of trees;
 - Physical damages to property;
 - Effects on business and property values; and
 - Notification of the proposal.

- 4.12 In terms of the effects on business and property values, there have been several Court decisions which have directed that this is a matter which falls outside the scope of the Resource Management Act 1991. Where there is evidence of adverse effects on business and property values this should not be considered as a separate adverse effect over and above the environmental effects e.g. traffic and noise effects, as this would lead to a 'double weighting' of the effects where a reduction in business and property values would be a result of environmental effects. It is also noted that although the economic effects of the proposal have to be considered, it is only to the extent that it affects the community at large, not the effects on the expectations of individual business and property owners or investors.
- 4.13 In terms of the notification of the proposal, a full assessment pursuant to Sections 95A to 95F of the Act has been undertaken in order to reach a conclusion as to whether the effects of the activity will be more than minor or minor, and who may be adversely affected by the activity. The reasons for the conclusion are outlined in the notification assessment report provided at Attachment 5.
- 4.14 The other matters raised in the submissions are addressed in the relevant sections of this report. The matters raised in the submissions which relate to the NRC consents are addressed in the NRC report prepared by Mr Griffin provided at Attachment 3.

5. Actual or Potential Effects on the Environment

- 5.1 As detailed above, when considering a requirement and any submission received, Council must have regard to any actual or potential effects on the environment of allowing the requirement.
- 5.2 Section 3 of the Act defines the term effect as including –
- (a) Any positive or adverse effect; and*
 - (b) Any temporary or permanent effect: and*
 - (c) Any past, present or future effect: and*
 - (d) Any cumulative effect which arises over time or in conjunction with other effects – regardless of scale, intensity, duration or frequency of the effect, and also includes –*
 - (e) Any potential effect of high probability; and*
 - (f) Any potential effect of low probability which has a high potential impact.*

The Permitted Baseline / the Existing Environment

- 5.3 The designated purpose of the two existing designations DTNZ 1 and DTNZ 2 is State Highway 1N and 14 and the nature of the proposed works – the construction, operation and maintenance of an improved intersection of SH1 and SH14 are considered in accordance with the purpose.
- 5.4 The existing designations DTNZ 1 and DTNZ 2 are not subject to any conditions under the District Plan. In other words, NZTA could as of right undertake redesign of the road layout or road works i.e. resealing of the road surface with no restriction under the District Plan relating to noise and vibration limits or hours of work, provided that the works are within the boundary of the designations and are in accordance with the designated purpose.
- 5.5 Given that the proposed works to increase the capacity of the intersection of SH1 and SH14 require additional land to be incorporated into the existing designations and works to be undertaken outside of the boundary of the existing designations, a notice of requirement is required for the proposed alteration of the two existing designations.

- 5.6 While the proposed works are assessed in their entirety, it is considered appropriate to take into account the existing environment, the works that NZTA could undertake within the existing designations as of right at present and the associated effects of the permitted works, when considering any actual or potential effects.

Effects on Traffic and Access

- 5.7 The Scheme Assessment Report included in Appendix H of the notice of requirement states the various issues facing the intersection of SH1 and SH14. In particular, it is stated that capacity and queuing are the major issues at this intersection. The works associated with the notice of requirement are therefore proposed to address these issues by increasing the capacity of the intersection of SH1 and SH14.
- 5.8 The key transport-related aspect of the proposed works as summarised by Council's Consultant Traffic Engineer, Mr Wes Edwards, are:
- Four approach lanes including a left-turn slip lane and two departure lanes on each approach;
 - A 1.5m wide cycle lane on each approach;
 - Installation of pram crossings at intersections (ramps from footpath to road level);
 - raised median islands on intersection approaches, including across the North Street intersection; and
 - A kerb-to-boundary distance of 1.8m, to be fully paved as footpath.
- 5.9 Mr Edwards has reviewed the notice of requirement and the traffic engineering issues raised by the submitters. The follow issues were identified by Mr Edwards and was forwarded to NZTA for comments and clarification on 22 November 2010:
- Achievement of safe intersection sight distance;
 - Distance between kerb and boundary;
 - Vehicle-pedestrian inter-visibility;
 - Effects of the left-turn slip-lanes;
 - Alternatives and mitigation measures of the installation of median islands; and
 - Effects of potential U-turns or wrong-way movements.
- 5.10 NZTA has subsequently provided the following information addressing the issues identified by Mr Edwards. The following information are provided at **Attachment 8**:
- A report titled "North Street and Maunu Road Intersection" by Aecom dated 26 November 2010 (received by WDC on 21 December 2010);
 - An email by Cathy Forrest, Consultant Civil Engineer of NZTA, dated 23 December 2010 including an updated alignment plan titled "Signs and Road Marking Plan" by Aecom ref: 60100418-RD-301 rev 05; and
 - An email by Gordon Peebles, Consultant Civil Engineer of NZTA, dated 20 January 2011.
- 5.11 Based on the information provided, Mr Edwards has provided comments on the following (refer to Mr Edwards' report dated 24 January 2011 included in Attachment 2):
- Design features including left turn slip lanes and median traffic islands;

- Effects on motor vehicle traffic including through traffic and users of North Street;
- Effects on pedestrians and cyclists including pedestrian walking along roads and crossing roads;
- Effects on private property access;
- Temporary Effects during Construction; and
- The transport-related matters raised by the submitters including double right turn, access to properties, on-site manoeuvring, North Street, Te Mai Road, roundabouts versus traffic signals and reduced road widening.

5.12 In terms of the overall effects on traffic and access, Mr Edwards concludes that:

The proposal is considered to have substantial benefits for motor vehicle traffic using the State Highway and the adjacent road network. Cyclists will experience some beneficial and some adverse effects and the overall effect on cyclists is considered to be neutral. Pedestrians will be adversely affected to a minor degree. Users of some private driveways will experience adverse traffic effects. Some driveways have insufficient sight distance to meet safety standards.

5.13 In terms of the North Street intersection treatment, Mr Edwards concludes that:

Right turns will be prevented at North Street and this has the potential to affect a significant number of people; however given the current poor crash risk which will be exacerbated as a result of the road widening prevention of right turns is considered to be a sensible safety precaution. No mitigation, such as alternate access to North Street, has been incorporated into the proposal as this is considered to be cost-prohibitive; leaving all right-turning traffic to and from North Street to incur a significant detour.

5.14 Overall, Mr Edwards considers that *the adverse effects of the proposal are significant but on balance are marginally outweighed by the overall benefits so that the overall adverse effect is minor.* Mr Edwards has recommended several conditions which require the following:

- All properties having direct access to the roads within the area of works are to have on-site manoeuvring provided so that reverse-manoevring into the road is not required.
- Numbers 104 to 112 Maunu Road are to have direct driveway access to Maunu Road closed and alternate access provided via a new access driveway along the north end of these properties, with the design to the satisfaction of the relevant Council officer.

Note: A Section 348 Right of Way application by NZTA to provide new access for the properties at 104 to 112 Maunu Road is currently being processed by WDC. The proposed rights of way are shown on the plan prepared by Reyburn & Bryant 1999 Ltd ref S12243 rev I provide at **Attachment 9**.

- A covenant or alternative form of agreement to the satisfaction of the relevant Council officer is to be obtained with the owner of 92 Maunu Road to ensure that sight distance meeting the CSD standard is provided at the eastern side of the pedestrian crossing across the Western Hills Drive left-turn slip-lane.
- The sight distance available at the driveways to 61 and 63 Maunu Road is to be improved to meet the SISD minimum standard for 60 km/hr.
- A Construction Traffic Management Plan is to be provided to the satisfaction of the relevant Council officer.

Noise and Vibration Effects

- 5.15 Sections 8.2 and 8.4 of the notice of requirement relate to operational noise and vibration. Sections 8.3 and 8.5 of the notice of requirement relate to construction noise and vibration.
- 5.16 In terms of operational noise and vibration, given that the proposed alignment of the road will bring traffic closer to dwellings on properties located adjacent to the intersection, these properties may experience an increased level of noise and vibration associated with the use of the intersection by traffic.
- 5.17 In terms of construction noise and vibration, Council's Acoustic Consultant, Mr Nevil Hegley has assessed the potential noise and vibration effects and advised that the properties identified and marked on Map A provided at Attachment 6 will experience some level of noise and vibration during the construction phase.
- 5.18 Mr Hegley has recommended several conditions to ensure that the potential effects of noise and vibration will be mitigated adequately (refer to Mr Hegley's correspondence dated 24 November 2010 included in Attachment 2). The specific mitigation measures include advance notice, relocation of residents, house upgrade, noise barrier, construction management plan, and noise and vibration mitigation plan.
- 5.19 On-going discussion between Mr Hegley and the Acoustic Engineer(s) of NZTA with regards to the noise and vibration conditions and the specific mitigation measures is being undertaken. It is anticipated that an agreed set of conditions will be presented at the hearing.

Effects of Dust

- 5.20 Section 8.7 of the notice of requirement relates to the effects of dust. It is proposed that a Construction Management Plan including mitigation measures for dust control will be prepared by contractors and provided to WDC for comments and approval prior to the commencement of works. A condition requiring a Construction Management Plan including mitigation measures for dust control to be prepared and submitted for approval is therefore recommended to ensure that the potential effects of dust be addressed adequately.

Removal of trees

- 5.21 The proposed works involve the removal of a mature oak tree in the south western corner of the intersection and two titoki trees to increase the carriageway area of the road. These trees are located within the existing boundary of the designations DTNZ 1 and DTNZ 2 and are not subject to protection by conditions under the District Plan.
- 5.22 The proposed works also involve the removal of 10 trees on the north western corner of the intersection within the area of Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 which are currently owned by the WDC as road reserves. The removal of these trees is required for the provision of the new access to the properties at 102 to 114 Maunu Road and a stormwater pond.
- 5.23 The following specialist reports addressing the effects and associated mitigation of the proposed removal of trees and the possible alternatives were submitted in conjunction with the notice of requirement and were reviewed by Council's Landscape Architect Consultant, Mr Mike Farrow, and Mr David Snowdon of Parks:
- SH1 and SH14 Intersection Urban Design Report by Boffa Miskell and Simon Cocker Landscape Architecture dated 24 June 2010 including a concept plan which identifies the proposed landscaping and planting;
 - State Highway 1 / State Highway 14 Intersection Visual and Urban Design Assessment by Simon Cocker Landscape Architecture dated 15 June 2010;

- Intersection Improvements – SH1_SH14 Tree Impact Assessment by Simon Cocker Landscape Architecture and Kent Thwaites Arboricultural consultant for Environmental Arts dated 15 June 2010; and
 - Intersection Improvements – SH1_SH14: Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 Tree Impact Assessment by Simon Cocker Landscape Architecture and Kent Thwaites Arboricultural consultant for Environmental Arts dated 15 June 2010.
- 5.24 While NZTA could as of right at present remove the three trees which are located within the existing boundary of the designations including the oak tree for State Highway purposes, it is acknowledged that the oak tree is an imposing and longstanding feature of this part of the road corridor with the high rated value of the specimen and its role as a navigational element, as commented by Mr Farrow. It is proposed that one or more semi mature tree(s) of some 6 to 8m in height will be planted within in the south western corner of the intersection.
- 5.25 In terms of the trees on the north western corner of the intersection within the area of Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650, the original stormwater pond design has been revised attempting to reduce the impact on the trees and to facilitate the retention of more trees. It is confirmed by Mr Simon Cocker, Consultant Landscape Architect of NZTA, in his email dated 20 January 2011 (provided at Attachments 1) that:
- The proposal will result in the removal of 10 trees (being trees 1, 5, 7, 8, 9, 10, 11, 12, 13 and 14 as shown on Figure 2 of the report titled “Intersection Improvements – SH1_SH14: Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 Tree Impact Assessment” by Simon Cocker Landscape Architecture and Kent Thwaites Arboricultural consultant for Environmental Arts dated 15 June 2010);
 - The proposal will encroach on the dripline of 2 trees (being trees 2 and 4); and
 - Assuming the recommendations of the report being implemented, the proposal will provide for the retention of 4 trees (being trees 2 and 4, as well as trees 3 and 6).
- 5.26 Schedule 14A of the District Plan sets out the criteria for Heritage Tree classification and notes that trees scoring greater than 100 points under the STEM evaluation method would be classified as Heritage Trees. While the trees located within Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 only score from 60 to 96 points under the STEM evaluation method, these trees are classified as Heritage Trees under the District Plan because they are located within a road reserve and greater than 6m in height.
- 5.27 It is considered that the amenity currently enjoyed by the properties located adjacent to the intersection could be adversely affected by the removal of the 10 trees located within Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650. In particular, these trees are currently acting as a screen for properties at 104 and 114 Maunu Road and there are a number of properties which have direct views over these trees.
- 5.28 Users of SH1 and SH14 and pedestrians could also experience adverse effects on amenity as a result of the removal of these trees. In assessing the effects on amenity, it is considered appropriate to take into account that the 10 trees proposed to be removed are classified as Heritage Trees by definition but not by value and they are located within a road reserve which is reserved for roading purposes and is different from a public park or a recreational reserve.
- 5.29 It is stated in Section 8.9 of the notice of requirement that replacement planting is proposed to be carried out as part of the works. It is proposed that landscaping including mitigation planting will be undertaken as set out in the Urban Design Report (Appendix F of the notice of requirement). In particular, the recently planted kahikatea and kowhai within Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 will be relocated within the site and the stormwater detention area will be used as part of the amenity improvements by planting the pond and surrounds.

- 5.30 While Mr Snowdon confirms that Parks supports the proposed landscape mitigation in general, there is currently insufficient information available in the notice of requirement to enable a full consideration of the appropriateness of the proposed landscape mitigation. Mr Snowdon has therefore recommended several conditions to ensure that the effects as a result of the removal of trees will be mitigated adequately. The recommended conditions require a detailed landscape plan to be submitted and approved by Parks prior to any road widening and construction works and the landscaping be implemented following completion of the construction works (refer to Mr Snowdon's correspondence dated 24 September 2010 included in Attachment 2).
- 5.31 On-going discussion between Mr Snowdon and Mr Cocker with regards to the detailed landscaping is being undertaken. It is anticipated that a detailed landscaping plan and/or an agreed set of conditions in terms of landscaping will be presented at the hearing.

Effects on Residential Amenity and Individual Property

- 5.32 The proposed works to increase the capacity of the intersection of SH1 and SH14 require additional land to be incorporated into the existing designations. Some fencing and planting on both private and Council properties located adjacent to the intersection will require removal.
- 5.33 As stated in Section 8.10 of the notice of requirement, planting is proposed to be undertaken at the conclusion of the proposed works to mitigate the visual impact of bare earth surfaces in areas outside the footprint of the new impermeable surface formed. Planting and associated landscape treatment will be integrated into the area surrounding the intersection to minimise the visual effects and impact on adjacent properties.
- 5.34 Specific mitigation for the properties to be required and/or purchased by NZTA has been identified in the Urban Design Report (Appendix F of the notice of requirement). A condition requiring the proposed mitigation to be implemented within a satisfactory timeframe is recommended to ensure that the potential effects on residential amenity be mitigated adequately.
- 5.35 R Caldwell, T Shirley and C A Parkes in their submissions have raised concerns regarding the damage to the foundation of their house due to ground movement caused by heavy equipment. It is advised by Council Consultant Engineer, Mr John Smith, that as the properties are well removed from the area where heavy equipment will be operating, the likelihood of damage is remote.
- 5.36 Other matters affecting amenity values and individual properties including traffic, access, noise, vibration, dust and removal of trees are being addressed specifically as discussed in the previous sections of this report.
- 5.37 It is noted that the purchasing of land and the compensation process fall outside the scope of the Resource Management Act 1991 and are administered by the Public Works Act 1981. It is stated in Section 8.11 of the notice of requirement that where land is required, and/or fences and plants are removed, the purchase and remediation will be agreed with the property owners on a case by case basis as part of the compensation process, in accordance with the Public Works Act 1981.

Effects on Infrastructure

- 5.38 Section 8.6 of the notice of requirement describes the existing infrastructure including power, telephone, fibre optics, gas, water, sewer and stormwater in the area. It is stated that consultation with the infrastructure owners and operators has been undertaken and where affected the infrastructure will be relocated. For this reason, Mr Smith has recommended conditions to require consultation with the infrastructure owners and operators prior to the commencement of works with their requirements to be incorporated into the contract works, and removal of any redundant infrastructure to the requirements and satisfaction of the relevant infrastructure owners and operators.

- 5.39 The infrastructure owners and operators in the area including WDC Sewer and Stormwater, Vector Gas, Telecom, and Northpower were served a copy of the application and no submissions from them were received.

Archaeological and Cultural Effects

- 5.40 Sections 8.12 and 12.2 of the notice of requirement address the archaeological and cultural effects and the consultation with iwi. It is stated that an accidental discovery protocol would be applied and followed should any archaeological material or remains be uncovered, and for this reason a condition is recommended.
- 5.41 The site is not identified as being subject to any archaeological features or listed in the District Plan as being of significance to Maori. There is no knowledge or evidence of previous habitation or reference to cultural issues on the site. Regardless, all identified and unidentified archaeological sites are protected by the Historic Places Trust Act 1993 and the proposed works are required to comply with the provisions of the Historic Places Trust Act 1993.
- 5.42 Therefore, it is considered that the archaeological and cultural effects or any impact upon the relationship of Maori and their culture and traditions with their ancestral lands, water, sites of waahi tapu and other taonga will be no more than minor.

Positive Effects

- 5.43 It is recognised that positive effects will be generated by the proposed works as they will increase the capacity of the intersection of SH1 and SH14 and result in improvements to the overall functioning of the intersection which will be of benefit to both the residents of the District and the road users from outside of the District. In addition, the certainty provided with the designations will secure NZTA's ability to maintain and upgrade the Stage Highway network which contributes to the provision of a safe, effective and efficient road transport network throughout the District.

6. Relevant Policy Statement and Plan Provisions

New Zealand Coastal Policy Statement (NZCPS)

- 6.1 The subject site is not located within the Coastal Countryside Environment under the District Plan or in proximity to the coast. Given the location of the site, the nature of the proposed works and the associated effects as discussed in Section 5 of this report, the NZCPS is not considered directly relevant to this notice of requirement.

Regional Policy Statement for Northland (RPS) and Regional Water and Soil Plan for Northland (RWSP)

- 6.2 The relevant provisions of the RPS and RWSP are addressed in the NRC report prepared by Mr Griffin provided at Attachment 3. It is noted that the subject site is not located within any Outstanding or Notable Landscape Area under the District Plan or listed as being an Outstanding Natural Feature.

Whangarei Operative District Plan

- 6.3 Rules under the District Plan provide for the proposed works i.e. the construction, operation and maintenance of a road subject to various restrictions regarding formation standard, traffic movement, noise and vibration etc. The rules also prescribe matters for assessing applications for such activities; these matters are addressed where relevant in this report.
- 6.4 The relevant objectives and policies are contained in Chapters 5, 6, 14 and 22 of the District Plan. The relevant objective and policies of the District Plan are highlighted and provided at **Attachment 10**.

These objectives and policies aim to balance the need for a safe, effective and efficient road transport network throughout the District with the need to protect the environment from the potential adverse effects of road transport activities, particularly effects on cyclist and pedestrian safety, trees of heritage significance, the health and safety of the communities, and the amenity values of the surrounding area.

- 6.5 The proposal to alter the two existing designations seeks to address the present limited capacity of the SH1 and SH14 intersection and the consequential congestion which increases delays on the road transport network and adverse effects on the environment through the inefficient operation of vehicles and associated discharges to the environment. The proposal recognises that a safe, effective and efficient road transport network is essential to the District, and the certainty provided with the designations secures NZTA's ability to maintain and upgrade the Stage Highway network.
- 6.6 The effects of the proposed works have been discussed in Section 5 of this report. It is generally considered that the potential adverse effects can be avoided, remedied or mitigated through various measures as outlined within the notice of requirement and the recommended conditions by Council's experts. In addition, it is considered that these effects need to be balanced against the necessity for the public infrastructure and its effective operation.
- 6.7 Based on the above considerations, I consider that the proposed works associated with the notice of requirement would not be contrary to the objectives and policies of the District Plan, when considered as a whole.

Plan Change 92

- 6.8 Plan Change 92 seeks to provide strategic policy direction on a sustainable growth pattern for the district and guidance on how Council will provide for sustainable development of the District's urban form. Specifically new objectives and policies are introduced under Chapter 6 Built Form and Development of the District Plan.
- 6.9 Plan Change 92 was approved by Council on 8 September 2010 with the decision for the plan change being notified in the Whangarei Leader on 14 September 2010. The appeal period has lapsed and three appeals were attracted. The appellants have all sought additional provisions and other minor amendments to the wording as consequential changes required for consistency and legibility. The objectives and policies of particular relevance to the proposed works would not be affected; I therefore consider full weight shall be placed on these provisions. The relevant objectives and policies of Chapter 6 have been identified.

7. Alternative Sites, Routes and Methods

- 7.1 The test in terms of Section 171(1)(b) of the Act is whether NZTA has given adequate consideration to alternative sites, routes, or methods of undertaking the proposed works. The determination of whether the best option has been chosen is not provided under Section 171 of the Act.
- 7.2 Section 9 of the notice of requirement discussed the extent of consideration relating to alternative sites, routes and methods.
- 7.3 The notice of requirement relates to an alteration to the boundary of two existing designations DTNZ 1 (SH1N) and DTNZ 2 (SH14) in order to increase the capacity of the intersection of SH1 and SH14. For this reason, NZTA has not considered alternative sites or routes.
- 7.4 NZTA has considered the following alternatives as evidenced in the notice of requirement and the further information provided:
- Alternative alignments for the SH1 and SH 14 intersection (refer to the Scheme Assessment Report included in Appendix H of the notice of requirement);

- Alternative designs for the North Street and Maunu Road intersection (refer to the report titled "North Street and Maunu Road Intersection" by Aecom dated 3 November 2010 included in Attachment 8); and
- Alternatives to the removal of a mature oak tree in the south western corner of the intersection and the trees located within the area of Pt Lot 10 DP 14650 and Pt Lot 11 DP 14650 (refer to the Tree Impact Assessments included in Appendix J and K of the notice of requirement).

7.5 It is considered that NZTA has given adequate consideration to the possible alternative alignments for the SH1 and SH 14 intersection, having specific regard to the designs for the North Street and Maunu Road intersection.

8. Necessity to Achieve Objectives of NZTA

8.1 Section 10 of the notice of requirement states the objectives of NZTA and the specific objectives of the proposed works. In particular, it is stated that the proposed works – the SH1 and SH14 intersection improvement is required to contribute to *an affordable, integrated, safe, responsive and sustainable land transport system*.

8.2 The proposal to alter the two existing designations is considered reasonably necessary for achieving the objectives of NZTA, as the proposal seeks to address the present limited capacity of the SH1 and SH14 intersection and the consequential congestion. It is recognised that positive effects will be generated by the proposed works as they will increase the capacity of the intersection of SH1 and SH14 and result in improvements to the overall functioning of the intersection which will be of benefit to both the residents of the District and the road users from outside of the District. In addition, the certainty provided with the designations will secure NZTA's ability to maintain and upgrade the Stage Highway network which contributes to the provision of a safe, effective and efficient road transport network throughout the District.

9. Outline Plan of Works

9.1 As detailed in Section 3 of this report, NZTA is required to submit an outline plan of works for any development and/or modifications on the designated site, unless the following details as outlined in Section 176A(3) of the Act are incorporated into the designation:

- The height, shape, and bulk of the public work, project, or work;
- The location on the site of the public work, project, or work;
- The likely finished contour of the site;
- The vehicular access, circulation, and the provision for parking;
- The landscaping proposed;
- Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

9.2 As stated in Section 6.2 of the notice of requirement, NZTA is not intending to submit an outline plan of works and the details of the proposed works as outlined above are addressed in the notice of requirement.

9.3 It is considered that the notice of requirement has in general included sufficient details in terms of the height, shape, and bulk of the proposed works, the location of the site, the likely finished contour of the site, the vehicular access, circulation, and the provision for parking.

9.4 However, as discussed in the previous sections of this report, further details in terms of engineering details, landscaping and proposed planting, and how adverse effects will be appropriately mitigated are required.

In particular, conditions are recommended to require various management and mitigation plans to be submitted prior to the commencement of the proposed works.

- 9.5 The details provided in the notice of requirement are considered insufficient to enable an outline plan of works not to be submitted. However, It is recommended that should the management and mitigation plans including but not limited to traffic, construction, landscaping, noise and vibration be submitted to the satisfaction of WDC then WDC may consider waiving the requirement for an outline plan of works.

10. Lapse Period

- 10.1 As detailed in Section 3 of this report, a designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless the designation specified a different period when incorporated in the plan. NZTA seeks a lapse period of 10 years. As stated in Section 6.3 of the notice of requirement, the extended lapse period is sought in order to provide sufficient time to undertake the works should delays in the funding programme occur. Given the nature of the proposed works and its need to obtain the necessary funding and the nature of the works, a lapse period of 10 years is considered reasonable.

11. Part 2 of the Resource Management Act 1991

- 11.1 Part 2 of the Resource Management Act 1991 details the purpose and principles of the Act and as such forms the backbone for all the documents and processes that are prepared under the Act.

- 11.2 Section 5 of the Act states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act sustainable management means managing the use, development and protection of natural and physical resources, in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 11.3 The provisions of Section 5 are further strengthened by Section 6 which recognises seven matters of national importance in achieving the purposes of the Act. Section 7 sets out a list of other matters to which particular regard must be had. In particular, the following matters as outlined in Section 7 are considered relevant to this notice of requirement:

- *The efficient use and development of natural and physical resources (7(b))*
- *The maintenance and enhancement of amenity values (7(c))*
- *Maintenance and enhancement of the quality of the environment (7(f))*

- 11.4 The proposal to alter the two existing designations seeks to address the present limited capacity of the SH1 and SH14 intersection and the consequential congestion which increases delays on the road transport network and adverse effects on the environment through the inefficient operation of vehicles and associated discharges to the environment.

It is considered that the proposal represents the sustainable management of resources by contributing to the provision of a safer and more efficient road transport system. The improvements to the overall functioning of the intersection will be of benefit to both the residents of the District and the road users from outside of the District.

- 11.5 I acknowledge that the proposed works will have adverse effects on the properties adjacent to the intersection and the North Street residents. However, these effects need to be balanced against the necessity for the public infrastructure and its effective operation. It is considered that the potential adverse effects can be avoided, remedied or mitigated to an acceptable level through various measures as outlined within the notice of requirement and the recommended conditions by Council's experts. I therefore consider that the proposal would be consistent with the purpose of the Act and the relevant matters outlined in Section 7 of the Act.
- 11.6 As discussed in Section 5 of this report, the site is not identified as being subject to any archaeological features or listed in the District Plan as being of significance to iwi. There is no knowledge or evidence of previous habitation or reference to cultural or environmental issues on the site. It is not considered that the activity associated with the proposed designation would impact upon the relationship of Maori and their culture and traditions with their ancestral lands, water, sites of waahi tapu and other taonga. Therefore, no matters pertaining to the Treaty of Waitangi, as outlined in Section 8 of the Act, are considered relevant to this notice of requirement.

12. Conclusion

- 12.1 The notice of requirement from NZTA is for an alteration of two existing designations DTNZ 1 (SH1) and DTNZ 2 (SH14) under the Whangarei District Plan to increase the capacity of the intersection of SH1 and SH14. The designated purpose of the two existing designations DTNZ 1 and DTNZ 2 is State Highway 1N and 14 and the nature of the proposed works – the construction, operation and maintenance of an improved intersection of SH1 and SH14 are considered in accordance with the purpose.
- 12.2 In considering the matters discussed in Section 5 of this report, it is concluded the potential adverse effects of the proposed works can be avoided, remedied or mitigated to an acceptable level subject to the various measures as outlined within the notice of requirement and the recommended conditions. This includes the effects on traffic and access, noise and vibration, dust, removal of trees, residential amenity and individual property, infrastructure, archaeological and cultural effects.
- 12.3 In balancing the adverse effects of the proposed works and the necessity for the public infrastructure and its effective operation, it is considered that the proposed works will result in improvements to the overall functioning of the intersection which will be of benefit to both the residents of the District and the road users from outside of the District, and outweigh the adverse effects. On balance the overall effects on the environment are considered acceptable.
- 12.4 In terms of matters discussed in Section 6 of this report, it is concluded that the proposal will not be contrary to the relevant provisions of the Whangarei Operative District Plan and other relevant plan provisions.
- 12.5 Taking into account the existing designations and the present limited capacity of the SH1 and SH14 intersection affecting the Stage Highway network and the road transport system of the District, it is considered that NZTA has given adequate consideration to the possible alternative alignments for the intersection, having specific regard to the designs for the North Street and Maunu Road intersection.
- 12.6 The proposal is considered reasonably necessary for achieving the objectives of NZTA, as it seeks to address the present limited capacity of the SH1 and SH14 intersection and the consequential congestion.

The certainty provided with the designations secures NZTA's ability to maintain and upgrade the Stage Highway network, hence contributes to the provision of an integrated, safe and sustainable land transport system.

- 12.7 In terms of the matters discussed in Section 11 of this report, it is concluded that the proposal will be consistent with Part 2, the purpose and principles of the Resource Management Act 1991.
- 12.8 Based on the above considerations, I recommend the notice of requirement by NZTA to alter the two existing designations DTNZ 1 and DTNZ 2 under the Whangarei District Plan to increase the capacity of the intersection of SH1 and SH14 be confirmed subject to conditions.
- 12.9 It is considered that the details provided in the notice of requirement are insufficient to enable an outline plan of works not to be submitted. However, It is recommended that should the management and mitigation plans (required by conditions) including but not limited to traffic, construction, landscaping, noise and vibration be submitted to the satisfaction of WDC then WDC may consider waiving the requirement for an outline plan of works.
- 12.10 Given the nature of the proposed works and its need to obtain the necessary funding and the nature of the works, a lapse period of 10 years is considered reasonable.
- 12.11 It is anticipated that an agreed set of conditions in terms of noise and vibration, and a detailed landscaping plan and/or an agreed set of conditions in terms of landscaping will be presented at the hearing.

Recommendation

Having considered the application against the relevant provisions of the Act and having taken into account matters raised in the submissions received, the reporting planner recommends that the Whangarei District Council **CONFIRMS** the notice of requirement by NZTA to alter the two existing designations DTNZ 1 and DTNZ 2 under the Whangarei District Plan to increase the capacity of the intersection of SH1 and SH14. **This is subject to the recommended conditions outlined in Attachment 11 of this report.**

Reasons for the Recommendation:

1. On balance the overall effects of the proposal on the environment are considered to be minor.
2. The proposed works will not have significant long term adverse effects on the environment subject to the various measures as outlined within the notice of requirement and the recommended conditions.
3. The proposed works will result in improvements to the overall functioning of the intersection which will be of benefit to both the residents of the District and the road users from outside of the District, and outweigh the adverse effects.
4. The proposal will not be contrary to the relevant provisions of the Whangarei Operative District Plan and other relevant plan provisions.
5. Adequate consideration has been given to the possible alternatives to the proposed road alignments.
6. The proposal is considered reasonably necessary for achieving the objectives of NZTA.
7. The proposal will be consistent with Part 2, the purpose and principles of the Resource Management Act 1991.

Attachments:

1. Copy of the notice of requirement dated 3 August 2010
2. Assessments by Council's Consultant Engineer, Mr John Smith, Consultant Traffic Engineer, Mr Wes Edwards, Acoustic Consultant, Mr Nevil Hegley, Consultant Landscape Architect, Mr Mike Farrow, and Mr David Snowdon of Council's Parks and Recreation Department
3. NRC consents report by Mr James Griffin, Consents Officer of NRC
4. Aerial photo and locality map, and District Plan maps
5. Copy of the notification assessment report
6. Map A indicating adversely affected parties
7. Copy of submissions received by WDC and an individual summary of the submissions
8. Further information provided by NZTA addressing traffic engineering issues:
 - A report titled "North Street and Maunu Road Intersection" by Aecom dated 26 November 2010
 - An email by Cathy Forrest, Consultant Civil Engineer of NZTA, dated 23 December 2010 including an updated alignment plan titled "Signs and Road Marking Plan" by Aecom ref: 60100418-RD-301 rev 05
 - An email by Gordon Peebles, Consultant Civil Engineer of NZTA, dated 20 January 2011
9. Proposed rights of way plan prepared by Reyburn & Bryant 1999 Ltd ref S12243 rev I
10. Relevant objective and policies of the District Plan
11. Recommended Conditions