

Joint Hearings Commissioner

Notice of Meeting

A meeting of the Hearings Commissioner will be held in the Whangarei Library, May Bain Room, Rust Avenue, Whangarei on:

Thursday & Friday 5 & 6 December 2013 10am

Applications by New Zealand Transport Agency & Whangarei District Council – Roading Division

Commissioner Les Simmons

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Report to the Hearings Commissioner on a Notice of Requirement by New Zealand Transport Agency:

An application for a Notice of Requirement under s181 of the RMA has been received by the New Zealand Transport Agency ("NZTA") to alter an existing designation (DTNZ1) to enable the four laning of SH1 between Wilson Avenue and Fourth Avenue, Whangarei City. Landuse consent is also sought to establish a road link between Kauika Road West and Fourth Avenue, Western Hills. Although two separate projects they are directly linked and if one does not proceed the other is unlikely to proceed; for this reason both proposals are considered together.

This proposed alteration to the designation will have a total length of 480 metres starting approximately 40m north of Wilson Avenue and extending to approximately 100 metres south of Fourth Avenue, Whangarei.

A copy of the Landuse Application Report is appended as **Appendix 1** to this report and a copy of the Notice of Requirement Application Report is appended as **Appendix 2** to this report.

In accordance with section 176A(2)(b) the requiring authority seeks to incorporate details of the proposed works into the designation thus negating the need to obtain an Outline Plan approval and that, pursuant to section 184, the lapse period applying to this NOR be 10 years rather than 5 years.

This Notice of Requirement was lodged by Northern Civil Limited on behalf of the New Zealand Transport Agency ("NZTA") while the Landuse Consent Application was lodged by McAlley Consulting Ltd on behalf of the Whangarei District Council ("WDC"); both applications have been reported on by Council's Consultant Planner, Diana Bell.

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

Consultant Environmental Planner (Consents):

Date:

22 November 2013

Diana Bell

Consents Manager:

Date: 25 November

2013

Alister Hartstone

Resource Management Act 1991

Hearing By:

Hearings Commissioner for the Whangarei District Council of a Notice of Requirement application by NZTA to alter an existing designation for the widening, construction and use of State Highway 1 in the area described as 40m north of Wilson Avenue to 100 metres south of Fourth Avenue, Whangarei and landuse consent to establish a road link between Kauika Road West and Fourth Avenue, Western Hills.

In accordance with section 176A(2)(b) the requiring authority seeks to incorporate details of the proposed works into the designation thus negating the need to obtain an Outline Plan approval and that, pursuant to section 184, the lapse period applying to this NOR be 10 years rather than 5 years.

File Ref: LU1200156 and RQ1200008

Dated: 18 November 2013

1 Introduction

- 1.1 A requiring authority may at any time give notice to a territorial authority of its requirement to alter a designation for a project or work. Subject to section 181 of the Resource Management Act ("the Act") the NZTA has given notice to Whangarei District Council ("WDC"), as the relevant territorial authority, of its requirement for an alteration to an existing designation (DTNZ1), known as State Highway 1 ("SH1").
- 1.2 The existing Designation (DTNZ1) in the WDC District Plan states:

ID	Name and location of Site		gnation rpose	Legal Description/ Area (ha)	Underlying Environment	Мар
DTNZ 1	State Highway IN Whangarei District Kaipara District Boundary at the Brynderwyns to Whangarei District Far North Boundary at Hukerenui deleting Kamo Road from DTNZ 3 up to Spring Flata.	State 1N	Highway	Various	Various	Various

- 1.3 There are no operational conditions relating to DTNZ1 in the District Plan.
- 1.4 The purpose of the alteration to the existing designation is to widen the existing road, being State Highway 1 (also known as Western Hills Drive) to provide 2 traffic lanes in each direction in the area described as 40m north of Wilson Avenue to 100 metres south of Fourth Avenue. For the purposes of this report the area where the designation is being altered is referred to as SH1. However private property addresses are referred to as Western Hills Drive being the locally known name for this section of road.
- 1.5 In addition to the above, in accordance with section 176A(2)(b) the requiring authority seeks to incorporate details of the proposed works into the designation thus negating the need to obtain an Outline Plan approval and that, pursuant to section 184, the lapse period applying to this NOR be 10 years rather than 5 years.
- 1.6 The landuse consent application arises due to the amendments by the NZTA to the Fourth Avenue/SH1 intersection as it will remove the ability to turn right into, or out of Fourth Avenue. These changes necessitate the construction of a new road link between Kauika Road West and Fourth Avenue.
- 1.7 The Notice of Requirement ("NOR") application was received by WDC on 26 October 2012 and publicly notified on 6 August 2013, with submissions closing on 3 September 2013. A total of 13 submissions were received.
- 1.8 The Landuse Consent Application was received by WDC on 13 December 2012 and publicly notified on 6 August 2013, with submissions closing on 3 September 2013. A total of 15 submissions were received.

2 The Proposal

2.1 The application forms part of a wider programme of road widening and improvement works along the SH1 corridor through Whangarei.

Notice of Requirement

2.2 The purpose of this Notice of Requirement (NOR) is to incorporate additional land into the existing designation in order to increase the capacity of State Highway 1 (SH1) by widening it from two lanes to four lanes. It involves the widening of SH1, for a distance of approximately 480m, between Wilson Avenue and Fourth

Avenue (within the suburb of Woodhill). The project starts 40m north of Wilson Avenue and ends 100m south of Fourth Avenue.

- 2.3 The proposal ties in with the existing alteration to designation DTNZ1 to the north (enabled by RQ1000002) and at the southern end of the project the amended designation will tie in with the existing designation and formation of State Highway 1 which is already four lanes (two lanes in each direction).
- 2.4 In addition to works within the designation there are works associated with the project that will extend into private property. Works on private property include the construction of fences and retaining walls and the re-grading and reforming of accesses to meet with the newly formed alignment of SH1.
- 2.5 In order to facilitate safe and efficient vehicle movements on SH1 the Wilson Avenue/SH1 intersection will be closed and an alternate route for this traffic has been provided by the Council by way of a new road connection from Wilson to Fifth Ave accessing SH1 via the Central Avenue intersection.
- 2.6 In addition, the intersection of Fourth Avenue and SH1 is to be altered, with right turn movements on and off SH1 no longer allowed (but left turn movements on and off SH1 will be retained). An alternate traffic route (for those no longer able to make right hand turns at the Fourth Avenue/SH1 intersection) is to be provided (by means of a WDC consent), with a new road link joining Fourth Avenue to Kauika Road (and then via Wilson Avenue and Central Avenue onto SH1), noting that road users in this area will also be able to access SH1 via Cheviot Street (an existing connection).
- 2.7 As the designation boundary is proposed to extend beyond its current extent there is a need to incorporate private property into the existing designation. The extent of private property required is detailed in the plan titled SH1N Minor Intersection Improvements RP 261/3.30 261/4.55 see plan below:



2.8 The nature of the works associated with this alteration to the existing SH1 designation are those required for the construction, operation and maintenance of

two traffic lanes in each direction between Wilson Avenue and Fourth Avenue, incorporating intersection alterations/improvements with local roads along this section of SH1. In general the works require:

- · The relocation of fences and retaining walls;
- The closing of the intersection of Wilson Avenue and SH1 (to all traffic);
- The regrading and reforming of private vehicle accesses onto SH1; and
- Works to re-form the Fourth Avenue/SH1 intersection.
- 2.9 More specifically the proposed construction works associated with the alteration to designation require:
 - Earthworks over an area of approximately 13,500m² associated with widening SH1 to four lanes (two in each direction), providing footpaths and reinstatement of private property accesses;
 - Earthworks with a volume of approximately 3,000m³, consisting of 2,500m³ cut and 500m³ fill;
 - New road pavement additional to the existing impervious area of approximately 1,800m²;
 - The replacement of the existing chip seal surface material with a foamed bitumen and asphaltic overlay over a stabilised pavement;
 - Establishing a central painted flush median between Wilson Avenue and Kauika Road and a raised median from Kauika Road, past the Fourth Avenue intersection and connecting to the existing raised median at the southern end of the project;
 - Amendments to the Fourth Avenue intersection to prohibit right turns into and out of Fourth Avenue onto SH1;
 - The closing off of Wilson Avenue to any ingress or egress from SH1;
 - Enhancing cyclist provisions by widening the shoulders of SH1 up to 1.5m (in is noted that dedicated cycleways are not being provided, but rather the widened shoulders will make better provision for cyclists);
 - Provision of footpaths to cater for pedestrians;
 - New kerb and channel stormwater drainage, catchpits and stormwater pipes for the extent of the works, linked into the existing piped stormwater system;
 - Removal of trees;
 - Removal of fencing and vegetation comprising the portion of gardens within private land to be incorporated into the designation and reinstatement of driveways, fencing and planting on property boundaries:
 - Service relocation including the undergrounding of power and telephone lines and the provision of new street lighting which will result in the footpath being free from power/telephone poles; and
 - Construction of retaining walls along property frontages of various heights.
 - Directional signs.
- 2.10 In accordance with section 176A(2)(b) the requiring authority seeks to incorporate details of the proposed works into the designation thus negating the need to obtain an Outline Plan approval.
- 2.11 The applicant has sought a consent lapse period of 10 years under section 184(1)(c). The primary reason for this is to ensure there is sufficient time

available to allow for potential delays in the funding programme which could delay the construction start time.

Landuse Consent Application

- 2.12 This application seeks consent to create a road connection between Kauika Road West and Fourth Avenue.
- 2.13 As stated above, as part of the four-laning of SH1 through Whangarei City, the NZTA proposes to alter the intersection of Fourth Avenue with SH1. See plan below:



Proposed Changes to the intersection of Fourth Avenue and SH1

- 2.14 The amendments by the NZTA of the Fourth Avenue/SH1 intersection will remove the ability to turn right into, or out of Fourth Avenue. Left turns from SH1 into Fourth Avenue and left turns from Fourth Avenue onto SH1 will still be possible.
- 2.15 Due to this change, alternate traffic passage for those road users who would have traditionally made right turn movements is to be provided via the roading network managed by the District Council. These changes in traffic patterns necessitate the construction of a new road link between Kauika Road West and Fourth Avenue. Traffic using this new link will then travel onto Wilson Avenue, across the newly constructed Wilson Avenue/Fifth Ave connection (consented via LU1000063) and connect to SH1 at the Central Avenue lights. Traffic will also be able to access SH1 via the Cheviot Street/SH1 intersection, which is an existing option.
- 2.16 The Central Avenue intersection with SH1 is being upgraded as a consequence of the extra volume of traffic it will need to accommodate, along with some other minor improvements, particularly traffic calming, which is to occur on Kauika Road West and Wilson Avenue.
- 2.17 The physical works required for the proposal mainly relate to minor excavation and construction of new road pavement. An existing house at 29 Kauika Road West has been removed to make way for the works and Whangarei District Council has acquired other land necessary for the works.

2.18 A guard rail and head light barrier will be constructed between the proposed new road link and the proposed widened State Highway carriageway. A second guard rail will also be constructed as part of the NZTA works adjacent to the widened State Highway carriageway.

3 The Site and the Surroundings

- 3.1 The legal descriptions and approximate areas subject to the proposed alteration to the designation are detailed on the plan titled SH1N Minor Intersection Improvements RP 261/3.30 261/4.55.
- 3.2 The landuse aspects of the consent application involve works on Section 1, 2 and 3 SO 434216, Road Reserve and the State Highway. The adjustment of property boundaries necessary to enable the road link have been previously completed by WDC, along with the removal of the dwelling from 39 Kauika Road West.
- 3.3 The location of the site to which the NOR application relates, is a 480m length of road, commencing 40 north of Wilson Avenue to 100 metres south of Fourth Avenue. This section of SH1 runs in a generally north-south direction.
- 3.4 Part of the NOR works extend beyond the existing designation boundaries and therefore the boundaries of the designation will need to be altered to incorporate those properties required for the extent of the road widening associated with the works.
- 3.5 State Highway 1 extends through urban Whangarei along Western Hills Drive both to the north east and south west of the site.
- 3.6 SH1 runs through the residential areas of Whangarei approximately two kilometres to the west of the city centre. It serves not only as the inter-regional route that connects Whangarei to the Far North and Auckland, but also serves as the main northern spine road within Whangarei City, providing the connection between the residential areas of the city and the central business area. In addition to these functions it also provides access to significant areas of residential and commercial development.
- 3.7 SH1 forms the backbone of the National Highway Network and is the key connection to the Whangarei arterial network. At present, this section provides pedestrian facilities on both sides of the road, except in the vicinity of the Fourth Avenue intersection, where the footpath becomes part of the local road network.
- 3.8 The land adjacent to the project area is predominantly residential in nature and character however there are some businesses located within the area that is the subject of this application, namely three hotels/motels, two on the eastern side of SH1 and one location on the western side. Generally properties on the northwestern side of SH1 are more elevated than the highway, with houses on the south-eastern side generally at the same elevation as the road or slightly below.
- 3.9 An aerial photo and map showing the locality of the site is included at **Appendix 3** and District Plan maps showing zoning and other resource area notations of properties in the area are provided at **Appendix 4**.

4 Statutory Matters

Notice of Requirement - RQ1200008

- 4.1 The NZTA is a requiring authority in terms of section 167 of the Resource Management Act (RMA).
- 4.2 In terms of section 181 of the RMA a requiring authority (in this instance the NZTA) may give notice to a territorial authority of its requirement to alter a designation. Section 181 is set out below:

S181 Alteration of Designation

- (1) 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.
- (2) Subject to subsection (3), sections 168 to 179 shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.
- 4.3 Subsection 3 of Section 181 does not apply because the written notice of the proposed designation has not been given by every owner or occupier of the land directly affected; and it involves a more than minor change to the boundaries of the designation.
- 4.4 Accordingly, the application is required to be assessed under S181(2) of the RMA, and sections 168-179 shall apply.
- 4.5 Section 171 of the RMA (recommendation by a territorial authority) specifically details matters to be taken into account where the NOR is being made by a requiring authority (in this instance the NZTA). Section 171 *states:*
 - (1A) when considering a requirement and any submission received, a territorial authority must not have regard to trade competition or the effects of trade competition.
 - (1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:
 - (a) Any relevant provisions of
 - (i) A national policy statement;
 - (ii) A New Zealand coastal policy statement;
 - (iii) regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
 - (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—

- (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
- (ii) it is likely that the work will have a significant adverse effect on the environment; and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.
- (2) The territorial authority may decide to—
 - (a) confirm the requirement:
 - (b) modify the requirement:
 - (c) impose conditions:
 - (d) withdraw the requirement
- (3) The territorial authority must give reasons for its recommendation under subsection (2).
- 4.6 In addition, the applicant has sought to incorporate the details of the works within the designation hence negating the need to submit an Outline Plan of Works prior to the construction of the proposed works. Therefore the application is required to be assessed in accordance with Section 176A (3) of the RMA. Section 176A(2)(b) states:

An outline plan need not be submitted to the territorial authority if -

(b) the details of the propose public work, project, or work, as referred to in subsection (3), are incorporated into the designation;

Section 176A(3) states:

An outline plan must show -

- (a) The height, shape, and bulk of the public work, project or work; and
- (b) The location of the site of the public work, project or work; and
- (c) The likely finished contour of the site; and
- (d) The vehicular access, circulation, and the provision for parking; and
- (e) The landscaping proposed; and
- (f) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
- 4.7 Section 171(1) requires the NZTA to establish that the work meets the purpose of the Act under Part 2, particularly in terms of section 5 that outlines the purpose of the Act as to "promote the sustainable management of natural and physical resources". 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 avoiding, remedying, or mitigating any adverse effects of activities on the environment".

- 4.8 Sections 172 and 173 of the Act specify the processes that apply following NZTA's receipt of the Council's recommendation. NZTA has 30 working days to advise the Council whether it accepts or rejects the recommendation in whole or in part, and give reasons for its decision if it rejects the recommendation in whole or in part. The Council is then required to serve on all submitters a copy of the decision and publicly notify it within 15 working days. The NZTA decision is then open to appeal under section 174 of the Act from the Council and all submitters.
- 4.9 A designation (including an alteration to) lapses on the expiry of five years after the date on which it is included in the district plan unless the designation is given effect to before the end of the period, the Council fixes a longer period in accordance with section 184(1)(b) of the Act, or the designation specified a different period when incorporated within the plan. The applicant has requested a 10 year lapse period in this instance.
- 4.10 In terms of Section 176(1) (Effect of designation) of the Act, a designation has three main purposes, as summarised in *Quay Property Management Ltd v Transit NZ W28/2000:*
 - 1 It removes any requirement to obtain resource consents under the district plan;
 - 2 It gives the requiring authority consent to do anything in accordance with the designation;
 - 3 It prevents any use of the land subject to the designation that would prevent or hinder the work without written permission of the requiring authority. (Quay Property Management Ltd v Transit NZ W28/2000.)
- 4.11 The requiring authority is therefore able to undertake activities on land it has designated, giving primacy to the designation over the district plan and not requiring it to obtain resource consents for works within the scope of a designation. In addition, 'protection' is given to the designated land, in favour of the requiring authority, with any person wishing to do anything on designated land that might prevent or hinder the work needing to first obtain written consent from the requiring authority.
- 4.12 Section 176(2) states: 'The provisions of a [district] plan [or proposed district plan] shall apply in relation to any land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose'.

<u>Landuse Consent - LU1200156</u>

4.13 The sites which are to be used to create a link road between Fourth Avenue and Kauika Road West are located within the Living 1 Environment and within road reserve; the proposal is therefore assessed against the relevant rules applying to the Environment – see portion of 'Environment' Planning Map 37 below:



4.14 There are also three two trees located within the works site. Heritage Tree number 262, being a pohutukawa, is located at 41 Kauika Road. The oak tree located at the intersection of Fourth Avenue and State Highway 1, is considered to be a heritage tree because of its size and location. See 'Resource' Planning Map 37 below:



- 4.15 The activity table for the Living 1 Environment is contained within Section 36.3 of the District Plan. The proposal does not comply with the following:
 - Rule 36.3.3 relates to Network Utility Operations. A Network Utility Operator is defined in Section 4 as a person who "constructs, operates or proposes to construct or operate a road or railway line". The Whangarei District Council's Roading Division is considered to be a Network Utility Operator. The proposed extension does not fit within the permitted activity standards defined in the

Plan for the provision of network utility services and as such the proposal requires assessment as a Restricted Discretionary Activity.

• Rule 36.3.11 relates to *Noise;* it states:

Any activity is a permitted activity if:

- (a) Noise generated by the activity, measured within the boundary of any other site in the Environment, does not exceed:
 - (i) 45 dBA L10 between 0700 and 2200; and
 - (ii) 35 dBA L10 at any other time; and
 - (iii) 60 dBA Lmax on any day between 2200 and 0700, except for emergency service vehicles and the operation of emergency service call-out sirens; and
- (b) Sound levels shall be measured in accordance with NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.
- 4.16 The applicant has stated that "it is not technically possible to measure or assess road noise in accordance with the stated New Zealand Standard therefore it is not possible to demonstrate compliance". The proposal is therefore required to be assessed as a Restricted Discretionary activity.
- 4.17 The Road Transport rules are contained within Section 47 of the District Plan. The proposal does not comply with Rule 47.2.11 which requires compliance with all the relevant Standards set out in the Whangarei District Council's Environmental Engineering Standards 2010.
- 4.18 The applicant has stated that:

The proposed extension of Fourth Avenue will result in a road over 500m long. The required formation standard in terms of the 2010 Environmental Engineering Standards for a Class C road (Table 3.1) is an 11.0m wide carriageway, comprising 2 traffic lanes with provision for car parking and a footpath on both sides. In addition, Table 3.3 requires a minimum curve radius of 45m for a local residential road.

The proposed road link has a 7.5m carriageway width, with no car parking and a footpath on one side only. Additionally the proposed curve radius is 35m.

- 4.19 Given the above, the proposal requires assessment as a Restricted Discretionary activity.
- 4.20 As stated above, there are two heritage trees located within the area of site works:
 - Heritage Tree number 262, being a Pohutukawa, located at 41 Kauika Road;
 - The Oak tree located at the intersection of Fourth Avenue and State Highway
 1, considered to be a heritage tree because of its size and location within a
 'road reserve' (it is noted that this tree has not been individually assessed as
 a heritage tree rather it is a blanket provision); and
- 4.21 The rules relating to Heritage Trees are contained within Section 59 of the District Plan. Rule 59.2.3 states the "construction or alteration of any structure,

excavation of land, or formation of a new impervious surfaces is permitted if it does not occur within the dripline of a Heritage Tree". In this instance the road construction and footpath construction will involve works within the dripline of the two heritage trees (the Pohutukawa and Oak tree); these works requires assessment as a Restricted Discretionary activity.

4.22 Overall, the landuse consent application (LU1200156) is considered to be for a Restricted Discretionary Activity.

National Environmental Standards

4.23 The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 took effect on 1 January 2012. The applicant has provided an assessment of the proposed works against the WDC Hazardous Activities and Industries Checklist. The proposal is not considered to be, nor does it involve any of the activities on the checklist, therefore the requirements of the NES are not triggered.

Comment [ah1]:

5 Consultation, Public Notification and Submissions

- 5.1 Both applications were publicly notified in the 'Northern Advocate' on 6 August 2013, with the period for receiving submissions closing on 3 September 2013.
- 5.2 A total of 15 submissions were received on the proposed Notice of Requirement while a total of 13 submissions were received on the proposed landuse consent application. All submissions were received within the statutory timeframes. Copies of the submissions received are included at **Appendix 5.**
- 5.3 A summary of the submissions are as follows:

Table 1: Summary of Submissions

Name	Address	Landuse and/or Alteration of Designation	Support /Oppose	Issues	Relief Sought	Wish to be heard Yes/No
Amy Turner	13 Glendale Road Woodhill Whangarei	NOR	Oppose	- No right turn restriction at Fourth Ave/SH1 intersection.	Change to no right turn to traffic lights or a round about, or an alternate route heading south rather than north.	Yes
Aaron Edwards	21 Paratai Crescent Woodhill Whangarei	RC	Oppose	 Proposal does not address pedestrian and cyclist issues across the state highway. The works involve the construction of a convoluted road layout and will cause significant inconvenience to residents. Support the efforts to preserve mature trees. 	Decline the application. If approved: - All efforts to preserve significant trees shall be taken. - NZTA should meet with the WDC Walking and Cycling Reference Group to discuss provision for these modes and possible changes to the design.	Yes
NZHPT	N/A	RC and NOR	Neutral	All archaeological sites are protected under the Historic Places Act 1993.	The Accidental Discovery Protocol (ADP) should be included as an advice note if consent granted or designation adopted.	Not stated.
Graeme Willie	3-417 Hereford Street Linwood Christchurch	NOR	Support		Make it a beautiful recreational family park, lake etc.	No
John and Elaine Olsen	55 Kauika Road West Whangarei	NOR	Oppose	Oppose the reduction of the front yard in front of our property at 351 and 351A for the following reasons:	Further negotiations to find satisfactory solutions.	Not stated.

Name	Address	Landuse and/or Alteration of Designation	Support /Oppose	Issues	Relief Sought	Wish to be heard Yes/No
				 Insufficient room for on-site manoeuvring. Inadequate space for off-street parking and no on-street parking available. Shortened driveways will mean vehicles extend onto the footpath in order to achieve signt line distance. Noise. Inconvenience when entering and exiting. Devaluation. 		
Eric and Audrey McKay	22 Kirikiri Road Woodhill Whangarei	RC and NOR	Oppose	 Inconvenient for residents. Delay in travel time particularly in emergencies when travelling to hospital. Road efficiency questionable; no allowance for new subdivision. Link road will be hazardous, narrow carriageway, tight, unstable cornering with raised platforms to hinder progress and create noise disturbing for adjoining residents. Property devaluation. Noise and grease problems. 	Decline application. - Further consideration given to lights or a roundabout at Fourth Avenue. - Alternatively Kirikiri Road East be extended to the highway or Cheviot Street to permit a right hand turn.	Yes
Caroline Parkes	10B Cheviot Street Woodhill Whangarei	NOR and RC	Oppose	Movement of heavy equipment and compacting of the ground may cause movement of property.	NZTA to take responsibility for any repairs or damage to property as a result of earth movement.	No
Josephine	28A Kauika	Oppose	RC	- No direct front access for elderly and	Construct a vehicle crossing	Yes

Name	Address	Landuse and/or Alteration of Designation	Support /Oppose	Issues	Relief Sought	Wish to be heard Yes/No
Jackson	Road West			disabled mother from the front of the unit. - Any available parking will be too far away.	at 28A Kauika Road West to allow us to make a parking area which will create a one level parking area suitable for a elderly or disabled resident.	
Joanna Dearnley	11 Woodhill Close Avenues Whangarei	Neutral	RC and NOR	Traffic safety.	Decline application or If Wilson Ave is to be closed from SH1 then traffic lights at right hand turn into Central Ave must allow cars to turn without an arrow; Woodhill Close turn off from Wilson Ave needs a better system. Woodhill Close needs a give way sign. Wilson Avenue needs a give way sign at intersection with Fifth Avenue.	No
Brian and Dayl Jones	56 Enwright Road Hikurangi (owners of 3/368 Western Hills Drive)	Oppose	NOR and RC	Noise Safety – no barriers to stop cars or headlights in front of my property.	Decline the application. Want a more relevant acoustic report. Landscaping. Barriers.	Yes.
Jason	41 Kauika Road	NOR and RC	Oppose	Joining of Kauika Road West to Fourth	Decline the application.	No

Name	Address	Landuse and/or Alteration of Designation	Support /Oppose	Issues	Relief Sought	Wish to be heard Yes/No
Tomey	West			Avenue will be dangerous where it takes a sharp bed. There are 3 driveway entries very close. The link road will become a race track. Currently a cul-de-sac – increase in noise. Earthworks will de-stablise house foundations.	Foundation strengthening to house.Noise repression system.	
Amy Russell	41A Kauika Road West	RC	Neutral	 Traffic noise and vibration and effects on ability to sleep. Provision for vehicle access with clear visibility and sufficient distances to provide safe entry and exit. 	Control/minimise the existing noise and vibration from the increased vehicle volumes and speed of vehicles.	No
					 Provision for vehicle access with clear visibility and sufficient distances to provide safe entry and exit to 41A Kauika Road West. 	
Kevin and Judy Burch	6 Oakland Ave Woodhill	RC and NOR	Oppose	Link roads not wide enough to cater for proposed increase traffic load and safety of all users.	Kauri tree be retained and the island be reconfigured/resized.	Yes
				 With the number of motels in the area there are a number of large articulated vehicles which will need to use this road. Road calming devices proposed are annoying, dangerous and cause 	Left hand slip lane from the bypass to Fourth Avenue does not need any modification as it works perfectly well.	

Name	Address	Landuse and/or Alteration of Designation	Support /Oppose	Issues	Relief Sought	Wish to be heard Yes/No
				congestion. - Oppose the removal of the Kauri tree. - Support the left hand exit and entry to Fourth Avenue.		
Paul and Tiffany Jones	49 Kauika Road West	RC	Oppose	 Wilson Avenue is not wide enough for the additional traffic flow the proposed changes will cause. Some cars have to reverse out of their driveways causing a dangerous situation. Diversion of traffic into a quiet residential area making it dangerous for families and children. 	Decline the application	No
Mark and Barbara Rasmussen	33 Bream Bay Drive Ruakaka	NOR and RC	Neutral	Access to property at 374 Western Hills Drive is severely compromised and will be extremely hazardous with traffic rounding the corner to our inclined driveway that is very narrow and steep.	Landscaping of 39 Kaukia Ave presents an opportunity to establish tree plantings that can partly offset the loss of heritage trees from nearby Mander Park. A wider verge should be	Yes
Angus Norwood	59 Fourth Avenue	NOR and RC	Oppose	Object to raised calming device at 61 Fourth Avenue	provided to allow traffic visibility around the corner into Kauika Road West. Decline the application however subject to he	Yes

Name	Address	Landuse and/or Alteration of Designation	Support /Oppose	Issues	Relief Sought	Wish to be heard Yes/No
	Woodhill			 Require our vehicle entrance to be moved 5m from the SH1 and Fourth Ave intersection. Road width of Fourth Avenue at intersection Noise increase at intersection requires addressing Protect Kauri Tree Possible house foundation damage More detail required of noise controls. Detail of suitable retained cutting on boundary needed. 	changes proposed happy for the application to be approved.	
Larrain Martin	72 Fourth Avenue Woodhill	NOR and RC	Oppose	 Closure of Wilson Ave/SH1 intersection. Oppose no right turn restriction at Fourth Avenue/SH1 intersection. 	Accepts four lanes on SH as necessary but does not agree with proposed closures to local roads.	Yes
WDC Parks	N/A	NOR and RC	Neutral	- The application proposes planting within the road reserve which is managed and maintained by Council's Parks Department; this needs to be cost effective to maintain.	Wishes to work with NZTA to achieve landscape solutions that are acceptable to all parties.	
Jean Ottley	57 Kauika Road West	RC	Oppose	Opposed to redirecting the traffic into Kauika Road West and especially into Wilson Avenue (west) and Fifth Avenue – roads are not wide enough and additional traffic will result in impediments to pedestrians, traffic noise, traffic fumes and reduced parking.	Decline the application	Yes

5.4 The matters raised in submissions are discussed in the Assessment of Effects section of this report.

6 Assessment of Effects

- 6.1 Section 3 of the RMA 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."
- 6.2 The effects of this proposal are assessed in relation to the following:
 - Traffic Effects;
 - Noise and Vibration Effects
 - Effects on Residential Property and Amenity
 - Stormwater Effects;
 - Earthworks and Geotechnical Matters;
 - Visual Impact, Landscape Effects and Urban Design;
 - Ecological Effects
 - Archaeological effects
- 6.3 It is noted that one of the matters that submitters have raised is the possible impact of the proposal on property values. Impacts upon property values are not considered an "effect" in terms of Section 3 of the RMA. There is the potential that property values may be negatively impacted due to environmental effects and there is a duty to "avoid, remedy and mitigate" environmental effects, however, the possible impact of a proposal on property values per-se is not an effect that can be considered in this process, rather it is a property valuation matter.

Traffic

- 6.4 The traffic effects can be split into the following categories and are addressed in turn below:
 - Traffic Growth and Effect of Motor Vehicle Traffic on SH1
 - Effect on Vehicular Traffic from Closure of Intersections

- Pedestrians and cyclists
- Private property Access
- Construction (traffic)

Traffic Growth and Effect of Motor Vehicle Traffic on SH1

- 6.5 The Scheme Assessment Report (SAR) submitted with the application has stated that this section of SH1 (Western Hills Drive) currently carries approximately 22,000 -26,000 vehicles per day with a projected growth rate of 2-3% annually.
- 6.6 SH1 through Whangarei currently provides 4 lanes (2 vehicle lanes in each direction) in some parts however along the section of SH1 subject to this application there are only two vehicle lanes in each direction at intersections, with these two lanes then merging into a single vehicle lane in each direction. Wes Edwards, Traffic Consultant, has advised in his independent Traffic assessment undertaken on behalf of WDC; that a traffic volume of 20,000 vehicles per day is a common threshold for the provision of 4 lanes on urban arterial routes such as this section of SH1. Wes Edwards Assessment is included at **Appendix 6.**
- 6.7 The SAR identifies a number of safety issues along the SH1 route and intersections. The SAR has highlighted the following benefits of an alteration to the existing designation in comparison with retaining the existing situation.
 - · Reduction in queue lengths along SH1;
 - Improved travel speeds along SH1;
 - Reduction in fuel consumption for vehicles travelling along SH1, which in turn results in reduced operating costs for the public.
- 6.8 The subject alteration to an existing designation forms part of a wider programme of improvement works by NZTA along the SH1 corridor and road connections within Whangarei.
- 6.9 Wes Edwards has confirmed that the proposed widening and alterations to the intersections along this section of SH1 will have beneficial effects for traffic travelling along SH1 as well as for traffic travelling through the intersections of Selwyn Ave and Central Ave. He has stated that:
 - `The effect of the proposed widening and removal of the right turn movements at the Fourth Avenue intersection would have a beneficial effect for traffic travelling through the area on Western Hills Drive (SH1). The forming of four lanes with a flush median would improve the free-flow of through traffic along this section of the road, removing impediment of vehicles turning right into driveways, and avoiding the need to merge into one lane downstream of the signalled intersections.
- 6.10 One issue raised in submissions is that the recent trend of stable traffic volumes, or in some cases a decline in traffic volumes, indicates that widening of the SH1 corridor is not required. Mr Edwards has considered this matter and has stated:
 - ".... there are a variety of potential reasons for stable traffic volumes including the current economic depression. It is probable that an improved economy would lead to economic growth which is likely to lead to traffic

growth in the future. The proposed road layout is also expected to lead to a safe and more efficient highway."

- 6.11 Some submitters have raised concerns about the proposed works resulting in a severance of the western and eastern side of SH1. On this point it is considered that the existing highway already creates a severance for residential properties located on the western side of the highway from the central business areas on the eastern side of the highway. While the proposed works will enable an increase in the Highway width, it is considered that this will result in a less than minor increase in any severance effect. The upgrading of the signals and pedestrian crossing at the Central Ave intersection will improve access arrangements for pedestrians in particular.
- 6.12 Overall the proposed widening of SH1 and the intersection improvements will result in a positive effect in terms the capacity of SH1 and improved traffic safety. This will have a beneficial effect in terms of traffic flow throughout Whangarei.

Effect on Vehicular Traffic from Closure of Intersections

- 6.13 As noted above, the proposal involves the removal of right turns at the Fourth Avenue intersection with Western Hills Drive and the full closure of Wilson Avenue; this will result in longer travel distances for those accessing local streets and there may also be some additional delay incurred when turning in or out of alternative intersections to or from SH1.
- 6.14 NZTA and WDC have provided an assessment of these effects. The WDC Assessment of Traffic Effects for the Fourth Ave to Kauika Road West Link notes there are three primary catchment areas for traffic affected by the full or partial closure of the above two intersections. Mr Wes Edwards has stated that:

"of the four roads providing access to these catchments on the western side of Western Hills Drive, Fourth Avenue caries the highest traffic volume by far, in 2008 carrying an estimated 1629 movements per day out of a total 3004 movements for all four roads.

6.15 The three primary catchments are discussed within Mr Edwards report as follows:

Wilson Catchment

The northern "Wilson" catchment lies to the north of properties accessed from Kauika Road West and Wilson Avenue and is estimated to produce 483 movements per day when fully occupied. These movements could currently use Wilson Avenue (which is to be closed), Central Avenue and Selwyn Avenue. The addition of the link to Fourth Avenue would introduce the possibility to enter and leave the catchment via a left turn at Fourth Avenue, or potentially via Cheviot Street. The left-turn entry via Fourth Avenue is likely to be the most attractive route into this area from the south and the volume using the other routes is expected to be minimal.

Assuming half of the movements are inbound movements, and that approximately one third of those might be from the south and use Fourth Avenue, then the volume contributed to the new link would be approximately 80 movements per day for inbound traffic and a negligible volume for outbound traffic. The journey time for these residents is likely to be similar to the existing route via Wilson Avenue.

Fourth Ave Catchment

The central Fourth Ave catchment, allowing for future development of vacant lots, is estimated to generate around 2043 movements per day. This catchment represents the area generally accessed from Fourth Avenue at present, and all traffic currently turning right would need to divert via either Cheviot Street or via the proposed link through to Central Avenue or Selwyn Avenue. The route chosen would depend on the proximity of the site within the catchment and the location of the origin or destination.

Trips originating in the north are more likely to use the proposed link from Kauika Road West unless the destination property is located closer to the Cheviot Street end of the catchment. Destinations in the south are most likely to result in detours turning right out of Cheviot Street. A count of turning movements at the Fourth Avenue intersection showed that the north/ south split was 60/40.

Assuming half of the trips are inbound, and given that trips to and from the south are about forty percent of those, then it is expected that around 613 inbound trips per day would use the new link road to travel into the catchment from the north.

An assessment of changes in travel distances from this catchment is summarised in the following diagrams using representative locations. The existing route is shown dashed.



Figure 3: Alternate Routes for Right Turn Out of Fourth Ave

For traffic currently turning right out of Fourth Avenue the diversion via Cheviot Street is of a modest length which would probably take around 15 to 20 seconds to travel however there could be higher delay turning right out of Cheviot Street than currently experienced turning right out of Fourth Avenue.

The alternate route using the new link road and turning right at the Central Avenue intersection is available but is significantly longer.

For traffic currently turning right into Fourth Avenue the alternate routes also add moderate additional distances that would take in the order of 25 to 30 seconds to travel, not accounting for any changes in delay at intersections.



Figure 4: Alternate Route for Right Turn In to Fourth Ave

Cheviot Street Catchment

The southern Cheviot Street catchment represents the area where traffic is most likely to be using Cheviot Street at present and would continue to do so despite the removal of the right turn movements at Fourth Avenue.

6.16 The capacity of some local streets to carry the additional volume has been raised as an issue in submissions. The existing traffic volume on these streets and the existing road width has been provided and this data is summarised below together with an estimate of future volume if the proposal_occurs.

Table 2: Road Widths and Volumes

Road	Width	Daulian	Daily	Volume
Road	wiatn	Parking	Existing	Proposed
Central Ave	11m	Both sides	323	1023
	. 8m		323	1023
Wilson Ave	8.2m	One side	469	1169
Kauika Rd West	12.8m	Both sides	110	810
New Link Rd	7.5m	None		700
Fourth Ave	10.3m	One side	1629	1629
Oakland Ave	8.3m	Both sides	152	552
Cheviot St	8.2m	One side	583	983

6.17 Mr Edwards has provided an assessment in terms of the capacity of local streets and has stated the following:

Aside from the new link road which would not have on-street parking all roads are at least 8m in width. A carriageway width of 8m with parking on both sides prevents two vehicles passing between two parked cars and as a result traffic must wait for oncoming traffic where cars are parked on both sides of the road. This introduces some delay but with moderate levels of on-street parking this delay is general minimal and can assist in reducing vehicle speeds.

The Austroads series of publications presents capacity formulae, based on American data, which would indicate that the two-way capacity of road with narrow lanes is in the order of 800 vehicles per hour, with good operating conditions at about half of that value. As most roads in the area would have less than 800 vehicles per day this indicates that there is more than sufficient mid-block capacity on these local streets where two cars can pass each other. Even allowing for cars needing to wait for each other where cars are parked on both sides of narrower streets the streets are considered to have sufficient capacity to accommodate the increase in traffic.

The Whangarei District Plan standards for new road formation require a minimum carriageway width of 7.5m for minor local streets such as cul de sacs, 8.2m for local roads, and 11m for collector roads which would generally carry volumes over 2000-3000 vehicles per day.

Modern subdivisions are increasingly providing narrower carriageways in order to conserve developable land and to assist in moderating traffic speeds and volumes in residential areas, and the latest revision of the NZ Standard for subdivisions reflects this practice. It is common for minor residential streets to have carriageway widths in the order of 5.5m including parking on one side. Residential streets commonly have widths around 8m width with parking on both sides, unless buses regularly use the street in which case parking is often provided on one side only. Only the busier collector roads generally have widths in excess of 8m and have carriageways in the order of 11m wide so that two vehicles can pass between two parked cars. The use of wider carriageways where demand for on-street parking is low can result in a wide open feel which tends to encourage higher vehicle speeds.

After reviewing the volumes estimated to be using each street under this proposal and the width on each street it is considered that each street is appropriate for the proposed increase in traffic volume; albeit that there may be isolated locations, such as on the inside of bends, where the removal of onstreet parking might be required. Such situations can be dealt with by Council in the normal course of managing the road network.

The width of the new link road, at 7.5m, is slightly narrower than might have been expected for such a road, and this width has presumably been chosen to reduce incursion into private properties. I am aware of streets of this width in recent residential subdivisions that perform adequately; although in this case I would recommend that there be no parking permitted on this section of the carriageway.

The removal of parking from the western side of the road would maximise visibility around the bends and at driveways. The removal of parking from the

eastern side of the road would be recommended to provide for the passing of two vehicles, including trucks and buses, as this section of road is curved resulting in longer vehicles occupying more road width. In addition the tighter bend at the north end means that the need to give way to oncoming traffic may not be obvious to vehicles approaching the bend. With no parking permitted the 7.5m width is considered to be appropriate.

6.18 Some residents are, understandably, opposed to additional traffic on the local streets as a result of the new link road and the removal of right turns at Fourth Avenue; and others are opposed to the additional traffic distances involved. Mr Edwards has considered these matters and has stated:

An assessment of the carriageway widths available leads to the conclusion that the streets can accommodate the additional traffic volumes.

6.19 Mr Edwards then goes on to discuss the traffic impact at intersections and states the following:

The alternate intersections for traffic that would currently turn right at SH1/Fourth Avenue or would currently use Wilson Avenue include Selwyn Street, Central Avenue, and Cheviot Street. The intersections of SH1/Selwyn and SH1/Central are controlled by traffic signals and are expected to provide reasonable access in and out of the catchment area.

The intersection of SH1/ Cheviot Street is priority-controlled. During peak periods the volume of traffic on SH1 results in delays exiting Cheviot Street, particularly for the right turn out movement. During peak periods queues can extend back from the SH1/ SH14 Manu Road intersection across the Cheviot Street intersection resulting in further delay. As a result it is expected that some traffic that might otherwise use Cheviot Street is avoiding that intersection during peak periods and using Fourth Avenue instead.

The NZTA and WDC projects are based on the assumption that the previously approved widening works at SH1/ Central Avenue and at SH1/ Maunu Road SH14 are completed prior to the banning of right turns at Fourth Avenue. Those works include the construction of a right-turn bay on SH1 for traffic turning right into Cheviot Street. The increase in capacity at the SH14 intersection is expected to reduce the likelihood of queues on SH1 extending back to Cheviot Street.

Despite these improvements it is expected that delay exiting Cheviot Street would remain during peak periods and that the removal of the right turns at Fourth Avenue would increase the delay. The provision of the link road between Fourth Avenue and Kauika Road West would allow some traffic to use Central Avenue instead, reducing the delays at Cheviot Street to some extent.

6.20 One submitter has questioned the need to prohibit the right turn movements at Fourth Avenue, and has stated that the retention of those movements would remove the need for the proposed link road and avoid traffic redistribution within the neighbourhood. Mr Edwards has considered this and has stated:

The full or partial closure of side road intersections is also expected to provide a significant improvement to safety along the highway by reducing

exposure to crash risk, and the greatest benefit is derived from the removal of right turn movments.

Based on the information available at this time it is accepted that the removal of right turn movements at Fourth Avenue is reasonably necessary. On that basis the inclusion of the link road reduces the additional travel distances incurred by the removal of the right turns, although it does lead to an increase in traffic volumes on some streets.

6.21 Another submitter has raised concern at the sharp radius curve where the new link road connects with Kauika Road West. The NZTA notes that this curve is tighter than the Council Engineering Standard but that this courve would be located between two traffic calming devices that would reduce speeds on the approach to the bed. A further submission has raised concerns that vehicles may run off the road and into unit 3/368 Western Hills Drive and the lack of crash barriers to prevent this. NZTA advise that they are consulting with this submitter; an update is expected to be provided at the hearing.

Effects on Pedestrians and Cyclists

- 6.22 Wes Edwards has advised that the proposed widening will have little if any effect on the volume of traffic and that the proposal would be neutral in regard to the effects of additional traffic volumes on pedestrians and cyclists. Only the physical form of the proposed changes to the road and footpaths have been considered.
- 6.23 The application proposes to provide a 1.8m wide footpath along the western and eastern sides of SH1. A footpath width of 1.8m is generally sufficient to allow two wheelchairs to pass each other and is considered to be an appropriate width in this context. It is however noted that due to the constrained environment and the footpaths being located adjacent to the kerb Mr Edwards recommends that close attention be paid to the final form of vehicle crossing so that wheelchairs, mobility scooters and push chairs have an acceptable profile to negotiate and are not subjected to steep transitions.
- 6.24 The effects of pedestrians walking along the roads have been assessed by Mr Edwards. He has noted that the proposed road layout would have the kerbside traffic lane separated from the kerb by a 1.5m wide shoulder for the entire length of this section and that this would assist in making the pedestrian environment more pleasant than it would be if the traffic lane was adjacent to the kerb.
- 6.25 However Mr Edwards goes on to state that pedestrians would face increased hazards due to the footpath being located immediately adjacent to boundary fences where the inter-visibility between people on the footpath and drivers of cars exiting driveways would be poorer. He notes that for the alteration of the designation for the section north of Wilson Ave the NZTA consultants proposed that all driveways, where possible, would be located in the centre of a 6m wide access strip. Mr Edwards recommends that the same approach is adopted for this proposal.
- 6.26 The effects of the pedestrian crossing roads as a result of the new layout have also been assessed by Mr Edwards who has stated that:

The primary change for pedestrians crossing Western Hills Drive SH1 is that at present there are only two traffic lanes north of Fourth Avenue and with the

proposed works the number of lanes is increased to four. A flush median is present in both the existing and proposed situation. The increased width_results in a further distance for pedestrians to cross which makes the task more difficult

- 6.27 Along this section of SH1 there is currently no dedicated cycle lane, although the lane width is such that this provides space for cyclists. Under the proposal Western Hills Drive would be marked with 1.5m wide shoulders on each side of the road; these shoulders will not be demarcated as dedicated cycle lanes but in practice they would serve that function.
- 6.28 As detailed earlier vehicles exiting driveways would need to encroach into the shoulder and this could require cyclists to stop or to merge into the motorised traffic lanes.

Private Property Access

- 6.29 All properties in this section of SH1, and some properties in the vicinity of Fourth Avenue and Kauika Road West would be affected by the proposal to some degree. In some cases a narrow strip of land is to be purchased (or has already been purchased) and the road boundary would be set back into the property. This would require the removal of front boundary fences; all fences are expected to be replaced. There would also be changes to most driveways, and in some cases due to the height differences introduced by the new road formation there would be some regrading of driveways back into properties.
- 6.30 The proposed road widening and other works are shown on the documents supplied with the Notice of Requirement. Some additional information has been supplied in response to queries and this includes additional details of changes to property access. Details of access modifications have been provided_for some affected properties, although in some cases negotiations are still ongoing at time of writing.
- 6.31 The effects on private property access have been assessed by Mr Edwards as part of his traffic assessment. Specific consideration has been given to visibility, reverse manoeuvring, constrained right hand turns and loss of on-street parking.
- 6.32 Many driveways would have reduced visibility for drivers exiting from driveways as a result of the reduced distance between the carriageway and the road boundary. Intervisibility between drivers_exiting driveways and pedestrians on the footpath would also be reduced in some cases. This has been assessed by Mr Edwards who states:

The NZTA consultant team has confirmed that the sight distance for all driveways along the project section would exceed 97m which provides the recommended distance for a 50km/hr environment but does not provide the actual distance so compliance with SISD at 60km/hr cannot be determined. As this section of the road is straight and on a relatively even grade the sight distance available at each location is expected to be sufficient.

6.33 The proposed works impact on the ability to turn a car around on some sites. The NZTA have advised that they propose to provide on-site turning facilities for 348 and 357 Western Hills Drive. They also advise that 351, 351a and 363 Western Hills Drive either do not have sufficient room to accommodate on-site turning, or the owner prefers the status quo.

- 6.34 Mr Edwards notes that the driveway for 365 Western Hills Drive is located near the end of a proposed median island which would constrain right turn movements into that driveways and recommends that the length of this island be reduced to avoid any impediment.
- 6.35 It is further noted that the eastern end of Kauika Road West is a cul-de-sac head and there is currently the ability to park a number of cars in this location. The proposed works will require the removal of this parking which would require a slightly longer walk to a convenient parking location.
- 6.36 Mr Edwards concludes that although the distance between the road boundary and the kerb line does not meet the relevant standards this produces the least overall adverse effects of the options considered and the overall effects are no more than minor.
- 6.37 It is expected that NZTA will provide an update on consultation with submitters and advise of any additional changes made with respect to property access.

Temporary Traffic Effects during construction

- 6.38 Wes Edwards has advised that any adverse effects from the proposed road widening would be similar to other road works that could currently be undertaken within the existing designation.
- 6.39 The proposal does involve changes to individual driveways within private properties, the demolition and removal of fences and the construction of new fences. The scale of those effects is considered to be relatively minor and on an individual property basis should be of a short duration.
- 6.40 A Construction Management Plan has been submitted with the application. This document considers various alternative approaches and indicates the sort of construction sequence, and the temporary closures that are to be used. It is recommended that a detailed Construction Traffic Management Plan be prepared and submitted for the approval of Council officers as a condition should the application be recommended for approval.

Summary of Traffic Effects

6.41 Any adverse traffic effects are considered to be minor. I am in agreement with the traffic analysis and assessment undertaken by Wes Edwards and his conclusions that any adverse effects to individual properties would be minor. I also concur with the assessment that any adverse effects will be sufficiently outweighed by the wider benefits (positive effects) as a result of the road improvements. I generally concur with the following conclusions from Wes Edwards' in respect of traffic:

The proposal is considered to have substantial benefits for motor vehicle traffic using the State Highway and the adjacent road network. Cyclists would experience some beneficial and some adverse effects and the overall effect on cyclists is considered to be neutral. Pedestrians would be adversely affected to a minimal degree. Users of some private driveways would experience adverse traffic effects that are considered to be minor. Residents in the local area would need to travel increased distances as a result of the removal of turning movements from the intersections on SH1.

There are numerous other effects that will be assessed by others, but from a traffic viewpoint the proposal would have significant benefits for through motor vehicle traffic at the expense of minor adverse effects for pedestrians, for users of driveways along the road, and residents of the local area.

The proposal has been amended to reduce some of the adverse effects on a number of properties and it is understood that consultation with affected parties has addressed some issues and that consultation in other matters is ongoing.

At this point, prior to hearing the outcome of further consultation and the presentations of NZTA, Council and submitters; in my opinion the adverse effects of the proposal have been sufficiently mitigated to the point where the overall benefits sufficiently outweigh the overall adverse effects. I recommend that the proposal be supported.

Noise and Vibration

- 6.42 The potential noise effects from the alteration to the designation and the creation of a link road in terms of both its construction and subsequent use as a road have been assessed by the applicant. Separate noise assessments have been undertaken in respect of Construction Noise and Vibration; and Operational Noise and Vibration for the works proposed as part of the NOR and a further Noise Report has been prepared in support of the works proposed as part of the landuse consent application. No assessment of the likely effects of either the construction noise or vibration for the landuse consent application have been received. These assessments have been independently assessed by Hegley Acoustic Consultants. A copy of Hegley Acoustic Consultants assessment is included at **Appendix 7** to this report. These are each addressed below.
- 6.43 Council's Environmental Health officer has also assessed the applications and has stated that from an environmental health point of view there are no further requirements or objections to the granting of the relevant consents.

Operational Noise and Vibration

- 6.44 Traffic noise is normally assessed differently from other environmental noise because of its largely continuous nature and because it is generally tolerated to a somewhat greater degree than other noise. Mr Hegley has assessed the proposal and with regard to the NOR it is stated that Aecom has undertaken a detailed survey of SH1 to determine the existing noise environment and assessed the noise in accordance with the requirements of Transit New Zealand's Guidelines for the Management of Road Traffic Noise State Highway Improvements (the Guidelines). He however notes that NZS6806: 2012 Acoustics Road-traffic Noise New and Altered Roads is now available but when taking into account the history of the site it is recommended the Guidelines are adopted.
- 6.45 Mr Hegley goes on to assess the operational noise associated with the NOR and states:

From the work undertaken by Aecom the proposed upgrade will comply with the requirements of the 24 hour L_{Aeq} design criteria as set out in the Guidelines for the design year 2026. However, Aecom has reported that 12 residences are less than 12m from the edge of the nearest carriageway for the upgrade road alignment so a noise reduction of at least 3dB would

therefore be required at 1m from the facade of these dwellings. No specific method to achieve the 3dB reduction is given although different methods have been highlighted. It is agreed it is practical to achieve the necessary 3dB reduction.

6.46 With regard to the operation noise associated with the proposed link road, Mr Hegley states that the noise should not be assessed with either NZ6808:2010 Acoustic – Road Traffic Noise – New and Altered Roads or the Guidelines. He goes on to state:

To dismiss the use of any noise controls simply because the activity does not fall exactly within the basic criteria of both NZ6806 and the Guidelines is difficult to support when there are no other criteria to adopt. It is agreed the use of NZ56806 is not the document to consider as the proposed control from the adjoining SH1 development adopts the Guidelines. However, the requirements of the Guidelines for this section of the project should be adopted. The reality of the activity is that this link road is an integral part of the upgrading of SH1 so it should be considered as such, not as a totally separate project. For the residents of Fourth Avenue the single event sound should be designed for as the link road is coming significantly closer to two houses than currently occurs.

Regardless of the above, Section 16 of the Resource Management Act has been acknowledged but does not address the requirement to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. Adopting the Guidelines will satisfy the requirements of Section 16.

Construction Noise

6.47 The District Plan contains specific rules related to construction noise but does not contain any specific rules related to construction vibration. The same rule related to construction noise occurs in all Environments:

Any activity is a permitted activity if:

- a) Noise from construction, maintenance and demolition work, meets the limits in NZS 6803:1999 Acoustics – Construction Work; and
- b) Sound levels are to be measured in accordance with NZS 6803:1999.

Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

- 6.48 Dwellings on sites located along this section of SH1 to be widened are located between 5 metres and 35 metres from the boundary of the works area and for the purposes of this assessment hotels/motels adjacent to the area of works have been assessed within the 'residential' rather than the 'commercial' category as outlined in the Standard.
- 6.49 It is stated within the application that although the entire project is likely to take more than 20 weeks the period of construction adjacent to any particular location would likely be more than 14 days but less than 20 weeks.

- 6.50 It is predicted that construction noise levels in excess of those allowed for as a permitted activity are likely to occur at many of the buildings adjacent to the proposed works area. The applicant has confirmed that the majority of the proposed road widening would be undertaken during the day, throughout the week, however some night time and weekend works will be necessary.
- 6.51 The applicant has also stated that noise mitigation measures will be used to ensure compliance with the daytime period noise criteria; however the noise from the works is unlikely to be sufficiently mitigated to comply with the night period construction noise criteria. The noise mitigation measures are as follows:
 - Temporary / portable noise screens
 - Limiting night works as far as possible
 - Night works should not be performed in any one area for more than 3 consecutive nights at a time with a respite period of at least two nights
 - If complaints are received and measured noise is found to be in excess of 55dBA_{Leg} then residents will be offered hotel accommodation.
- 6.52 As stated above Mr Nevil Hegley has undertaken an independent assessment of the noise effects associated with the proposed works. With regard to construction noise he has stated:

The suggestion in the report is that noise limits, as set out in NZS6803, will be exceeded with some noise control work implemented. There is no information on what reduction can be achieved, no noise limits for construction noise offered and no assurance any noise control treatment will even be implemented.

Regardless, by setting appropriate noise conditions there is no reason why consent should not be recommended.

It is noted there is no construction noise assessment for the link road proposed by Whangarei District Council and no reason to believe the same issues will not be experienced for this section of the work, albeit there will be less residents exposed to the high noise levels.

Construction Vibration

- 6.53 The District Plan does not contain any specific rules related to Construction Vibration; therefore construction vibration is controlled by the same vibration standards that have been assessed above for operation vibration.
- 6.54 Potential effects from vibration during construction will be generated from a number of sources, including:
 - · Hydraulic hammers/rock breakers;
 - Vibratory rollers and compactors;
 - Jackhammers; and
 - Heavy construction vehicle traffic travelling over a rough surface.

- 6.55 It is stated within the application that some residences may be impacted more than others at certain times, depending on the exact location of the works in relation to each residence.
- 6.56 A number of submitters have raised concerns with respect to vibration potentially de-stabilising house foundations. Within the application it is stated that a combination of engineering and administrative measures will be implemented during construction in order to manage the impact of construction vibration on potentially affected residences. These measures include:
 - · Pre-construction building dilapidation inspections;
 - Communication of the works program with affected residents; and
 - Vibration monitoring during construction
- 6.57 Mr Hegley has assessed the construction vibration effects and has stated:

There are not any guidelines in the District Plan with respect to construction vibration and it is reasonable to expect a more relaxed level during construction activities than for day to day activities in the same way as for noise. With this in mind it would be reasonable to limit any specific vibration for construction work to the control of building damage rather than human perception, except at night time when any vibration effects should be minimal.

6.58 In terms of ongoing vibration, Mr Hegley has stated:

The effects of vibration from the traffic using SH1 will be dependent on the quality of the road surface. Providing the road surface is maintained, and this is normally the case for state highways, any vibration will be well within a reasonable limit all times for all residents along the route.

Summary of Noise Effects

6.59 It has been assessed by Hegley Acoustic Consultants that with appropriate conditions the noise and vibration effects will be suitably mitigated.

Effects on Residential Property and Amenity

- 6.60 The proposed road widening will result in the highway boundary being located in closer proximity to residential sites. Potentially this may create adverse effects on the residential amenities currently enjoyed by sites adjacent to the highway corridor. It will also result in a larger number of vehicles using local roads due to the intersection changes proposed.
- 6.61 Residential sites located along SH1 already experience some adverse effects from the proximity of SH1. However due to the scale of the proposed road widening and the proximity of SH1 to adjacent dwellings the application has the potential to exacerbate these effects. Matters regarding noise and vibration have been discussed in the previous sections of this report.
- 6.62 Where existing fences, gardens and trees are required to be removed on residential sites, then replacement of such will be undertaken in accordance with the relevant provisions of the Public Works Act on a case by case basis. This

- would be agreed between the applicant and individual property owners and form part of the compensation process under the Public Works Act.
- 6.63 The provision of new fencing and planting would however provide both screening and softening of the front boundary of properties which would appropriately mitigate adverse effects for properties adjacent to SH1.
- The proposed new link road will join two existing roads in very close proximity to each other; as stated above this will result in a larger number of vehicles using local roads. The major potential effect generated by the use of the new road and additional traffic volumes on local roads is considered to be noise; noise effects have been discussed in the previous sections of this report and appropriate conditions will be imposed should the projects be granted to ensure these effects are adequately mitigated. Any effects on amenity values will be mitigated through the creation of a slow street environment, the retention of existing mature trees, where possible, and the provision of a head light screen on the State Highway edge between the two roads. An assessment of the carriageway widths has been undertaken and it has been concluded that the streets can accommodate the additional traffic volumes from a traffic safety perspective. Further, the associated intersections have all been assessed as to the impact of the changes and all intersections are considered to be able to safely operate with the changes in traffic volumes.
- 6.65 The new link road will significantly affect the amenity values of the properties along Kauika Road West due to the change from a cul-de-sac to a link road. However the majority of the new link road construction is occurring either within existing road reserve or within the designation associated with the existing State Highway. Therefore, the construction of a road within this area is to a large degree a permitted activity and an activity which would be reasonably anticipated to occur. WDC has already purchased the land necessary for road constriction.
- 6.66 The proposed site office located at 39 Fourth Avenue will comprise two portacabins and 2 car parking spaces. The applicant has confirmed that the site offices would be open during normal working hours only, however where night-time works are proposed then the site office would also be open. Given the temporary nature and the modest scale of the site offices, together with the acoustic fencing proposed, it is considered that any adverse effects as a result of the site offices will be no more than minor and will be temporary in nature.
- 6.67 It is considered that the effects of the proposal on residential property and amenity will be minor.

Stormwater Effects

6.68 A small portion of the existing designation (in the vicinity of 348 and 359 Western Hills Drive) is identified as being Flood Susceptible. The flood susceptibility, together with the stormwater runoff arising from the designated area has been considered by WDC Consulting Engineer, Mr Fraser Campbell. A copy of Mr Campbell's report is included within **Appendix 8**. He has concluded that:

The widening of the state highway and linking of Fourth Ave and Kauika Rd West is expected to increase the area of impervious surface by way of additional road surface area.

In their response to requests for further information the applicant provided revised information on the catchments and expected runoff. The applicant has divided the area under consideration into 3 catchments (referred to as Areas 7, 8 and 9) and for each catchment the change in road area and residential area was estimated. This led to estimates for runoff from each catchment. The changes in runoff where stated as being small. They varied from an increase in 2.2% to a decrease of 1.2%. I would agree that with in the variables associated with estimating runoff these changes in stormwater runoff would be negligible.

The application sets out the proposed upgrading of the roading stormwater system which consists of new single and double sumps and corresponding stormwater lines (sump connections) to link to the existing public stormwater system. This upgrading was driven by the change in road alignment and the desire to overcome the sump grate blockages referred to in paragraph 12.

The applicant advises that the new, 1 in 5 year return period flows, will be within the existing pipe capacities. Based on the information supplied I would agree with this conclusion

At the northern end of the proposed designation, adjacent to Wilson Ave, the Wharowharo Stream flows under the highway through a culvert. It is understood that the during extreme rainfall events not all of the runoff in the Wharowharo Stream can flow through this culvert. The excess flows down SH1 in a southerly direction to an overland flow path in the vicinity of 357/359 Western Hills Drive. The applicant makes the statement that the existing overland flow paths have not changed due to the changes in road vertical alignment.

I have reviewed the proposed new roading cross-sections provided and agree with the applicant that the proposed work is not likely to change this flow path significantly and divert stormwater elsewhere.

6.69 Northland Regional Council has confirmed that no regional consents are required for the proposed works.

Earthworks and Geotechnical Matters

- 6.70 The area subject to the proposed works is shown as being in a low hazard stability area on land stability maps and information held by the Council.
- 6.71 The NOR proposes earthworks with a volume of approximately 3,000m³ comprising 2,500m³ cut and 500m³ to fill over an area of approximately 13,500m².
- 6.72 The proposed new link road will effectively be at existing ground level. It will require minimal earthworks and will be approximately 80m in length and 600m² in area.
- 6.73 It is stated with the SAR report that a geotechnical investigation has been carried out; the geotechnical constraints identified include low strength existing subgrades. The report goes on to state that the proposed construction works are geo-technically feasible provided the recommendations of the report are followed.

6.74 A number of submitters have raised concerns about the proposed works potentially destabilising their house foundations; vibration effects are covered in detail in the previous sections of this report.

Landscape Effects, Visual Impact and Urban Design Effects

- 6.75 The application and more specifically the widening of the existing SH1 will result in the removal of vegetation within frontages of private properties and potentially one 'heritage' tree.
- 6.76 A landscaping plan has been developed for the 'islands' located at the Fourth Avenue/SH1 intersection. The landscaping plan proposes low growing plant species. It is stated within the application that:

this planting will enhance the appearance of the State Highway corridor as well as perceptually reinforcing the right hand curve of the State Highway for road users and protect the root zone from ongoing damage from mowing and other traffic in the future.

6.77 Robin Rawson, Council's Group Planner (Infrastructure & Services) has assessed the proposal and has stated that:

This intersection is not a key node or entrance to the city and in terms of Council priorities for maintenance budgets does not warrant a high level of amenity and planting. Planting at a low priority intersection does not add to the legibility of the relationship between State Highway 1 and Whangarei City. Areas of planting may be needed in areas of the proposed development that will not be mowable because of gradient, mower access around structures or narrow corners of traffic islands.

6.78 Where the proposed new road link between Fourth Avenue and Kauika Road West runs parallel to the State Highway there is a small strip of land some 2 metres wide where it is proposed that a fence be erected for the purpose of preventing headlight strike. As this fence will be in a prominent position a semi permeable fence which comprises of a series of vertical upright elements, spaced to allow perpendicular views, but prevent oblique views through the structure is proposed. It is not known who will own these structures; it is requested that NZTA confirm this at the hearing. Mr Rawson, Council's Group Planner (Infrastructure & Services), has stated that:

Duplication of these structures will reduce opportunities for management of this area in the future and will have high maintenance costs. Ideally the two functions are incorporated into 1 structure, or appropriate planting placed behind the barrier and a short term structure added to the guard rail until the planting is an appropriate height to screen headlights.

- 6.79 Within the area of the link road it is proposed to retain existing vegetation, both in the road reserve and in private properties as much as possible.
- 6.80 A pohutukawa tree, approximately 4 metres in height, which is located on the northern boundary of 39 Kauika Road West will be relocated from its present position to a new location to the north within the Kauika Road West road reserve. Mr Rawson, Council's Group Planner (Infrastructure & Services), has suggested that this pohutukawa tree is placed a minimum of 10 metres from adjoining

private property so that activities on adjoining sites are not affected by shading or the possible future heritage status of the tree.

6.81 In response to the submission received from Robin Rawson, Council's Group Planner (Infrastructure & Services), the applicant has stated the following:

NZTA will work with WDC Parks Dept to achieve their objectives without compromising the design. Final agreed number and types of trees can be agreed with Simon Cocker (landscape architect) and WDC Parks Dept on an approved landscape plan. NZTA will consider the guardrail and headlight screen as a single structure for easier maintenance. Final agreed landscape plan will be developed which can provide minimal maintenance requirements and does not compromise the design and safety benefits of the project.

6.82 The applicant has engaged Simon Cocker Landscape Architecture to provide an assessment of the potential landscape, visual and urban design effects of the proposed Fourth Avenue to Kauika Road West road link. Mr Cockers assessment concludes the following:

That occupants of 59A Fourth Avenue have the potential to experience more than minor adverse visual effects. With appropriate mitigation the level of effects will be reduced to some extent for this property. Mitigation should include consideration of replacement planting. With appropriate mitigation the level of effects will be reduced to less than minor for this property.

The occupants of dwellings numbered 70, 72 and 74 Fourth Avenue have the potential to experience more than minor adverse visual effects. With appropriate mitigation the level of effects will be reduced to no more than minor.

Occupants of dwellings along the State Highway corridor between Fourth Avenue and Wilson Avenue have the potential to experience more than minor adverse effects. With appropriate mitigation the level of effects will be reduced to less than minor for these properties. Mitigation should include the retention of existing vegetation and tree and shrub planting or screen fencing if options for planting mitigation are not available.

The assessment has highlighted potential adverse urban design effects that are likely to occur as a result of construction of the proposal. Consideration of the mitigation strategies summarised above will largely mitigate these effects, with the exception of existing effects on severance of connections.

In addition, occupants of dwellings on Kauika Road West will experience more than minor amenity effects generated by increased traffic activity as a result of the proposed link road. Effects will also be experienced by occupants of dwellings on Wilson and Fifth Avenues, but the change from the existing situation will be slight and the effect therefore less than minor.

Vegetation on the eastern boundary of 41A Kauika Road should be retained.

Guidelines have been prepared to ensure that the existing oak tree located at the Fourth Avenue junction, and the Heritage Tree (No. 262), located at number 41 Kauika Road West will not be affected either by construction works or by the proposal over the long term.

Planting will be undertaken within the islands created by the State Highway / Fourth Avenue junction.

- 6.83 Ms Rebecca Skidmore has been engaged Council to provide comments on the report prepared by Mr Cocker. No comments have been received as yet however I understand that Ms Skidmore is generally in agreement with the conclusions reached by Mr Cocker; this will be confirmed at the hearing.
- 6.84 It is acknowledged that this existing section of SH1 is a key feature of the immediate environment and forms part of the character of the surrounding area. Furthermore this part of SH1 is already subject to an existing designation that needs to be taken into account as part of any assessment. The existing designation is well treed and landscaped so a condition requiring further landscape mitigation will ensure the existing environmental quality is maintained and potentially enhanced.
- 6.85 However, without appropriate mitigation, such as landscaping, SH1 could become an overly engineered and dominant urban feature. For this reason it is considered appropriate and necessary for an Urban Design and Landscape Mitigation Plan, prepared by a suitably qualified expert, to be submitted prior to any works commencing. This would assist in mitigating any adverse effects in respect to the visual impact and landscape effects on individual sites within a satisfactory timeframe, and would ensure the highway does not become an overlay engineered and dominant urban feature.

Ecological Effects

- 6.86 The proposed works will encroach to a minor extent into the dripline of the Oak Tree at the Fourth Avenue/State Highway 1 intersection (considered to be a heritage tree by way of 'note' within Appendix 2 the District Plan Any tree greater than 6.0m in height or with a girth (measured 500mm above the ground) greater than 600mm located within a road reserve or reserve administered by the council is classified as a Heritage Tree). A comprehensive Tree Protection Methodology has been submitted with the application to ensure that both adverse effects of construction and longer-term adverse effects on the tree will be avoided or mitigated.
- 6.87 There is the potential that a Kauri tree (considered to be a heritage tree due to its size and being within a road reserve), located outside the designation but within the road corridor to the southwest of 59A Fourth Avenue, may be removed due to the extent of works that will need to occur in close proximity to the tree, specifically a retaining wall to enable the construction of the amended northbound exit from SH1 into Fourth Avenue. A number of submitters expressed the desire the retain the Kauri tree; NZTA are currently in consultation with the landowner assessing possible amendments to the design of the road works in order to possibly retain the Kauri tree.



Photograph showing Kauri Tree (left) and Oak Tree (centre)

- 6.88 The Fourth Avenue deviation will pass close to, but avoid the dripline of a Heritage Tree (a listed heritage tree no.262) a pohutukawa located on private property at 41 Kauika Road West. The tree is elevated slightly above the existing level of the road; since minor works may be required in close proximity to the tree. The measures proposed within the Tree Protection Methodology prepared for the Oak Tree will be followed when undertaking works in close proximity to the Pohutukawa tree; this will ensure that both adverse effects of construction and longer term adverse effects on the tree will be avoided or mitigated.
- 6.89 Robin Rawson, Council's Group Planner (Infrastructure & Services), has assessed the proposal and is satisfied that the proposed tree protection methodology is acceptable.

Archaeological Effects

6.90 No archaeological sites or areas of interest are identified on the District Plan Maps. The New Zealand Historic Places Trust (NZHPT), who has been consulted, have advised that there is no historic heritage item at significant risk from the project. The NZHPT have recommended that all earthworks proceed under an accident discovery protocol and for this reason a condition is recommended.

Overall Assessment of Effects

6.91 The actual and potential effects of the proposed activity on the environment have been evaluated and it is concluded that the adverse effects can be mitigated and overall the potential effects of the proposal on the environment are minor, recognising that some matters will be dealt with as conditions, if approved.

7 Relevant Objectives and Policies

- 7.1 The following objectives and policies are considered to be relevant in the assessment of the proposed works:
- 7.2 Chapter 5 Amenity Values
 - Objective 5.3.1
 - o Objective 5.3.2
 - Objective 5.3.5

- o Policy 5.4.1
- o Policy 5.4.3
- Policy 5.4.10
- Policy 5.4.12

Comment:

In summary the relevant objectives and policies contained within Chapter 5 of the District Plan seek to maintain and enhance the amenity values of the District and to avoid conflict between incompatible activities.

The proposal would generally maintain the amenity values of the Living Environment. It is considered that this would be achieved through a series of mitigation measures such as landscaping within individual sites as well as enhancement landscaping at road intersections.

Levels of noise or quietness are an important part of amenity values, particularly where people are living in close proximity to one another. The enjoyment of property, or the ability to effectively function in an area, can be affected by glare, odour, light spill and other adverse amenity effects from activities that are not characteristic of the particular locality. It is considered that adverse effects as a result of dust, vibration and noise can be appropriately mitigated which will ensure that there is no reduction of amenity value below that which is desirable for people's health and safety.

Increases in traffic, or changes to the character of roads, can result in significant adverse effects on the safe and efficient functioning of these streets and on the amenity values of the locality. Particular regard has been given to the effects of noise and vibration from the proposed alteration, the proximity of the highway to residential properties as well as the additional traffic on local roads. These assessments have concluded that, subject to particular mitigation measures being applied, that the effects of the proposed works will not adversely impact upon the amenity values of the surrounding environment to a more than minor extent and that amenity values will generally be maintained.

Having regard to Policy 5.4.3, it is considered that the application would be generally consistent with this policy. This section of SH1 is located through a predominately residential area, which provides high traffic volumes. The traffic volumes along SH1 are projected to increase. In this instance the application provides for an alteration to an existing designation and any adverse effects as a result of the widening can be appropriately mitigated.

In respect to Policy 5.4.12 the proposal will provide for an overall improvement to the traffic flow and safety. A key characteristic of the existing environment is the presence of SH1, which bisects the western and eastern part of Whangarei. Whilst the width of the highway would be extended it has been assessed that this would not adversely affect the amenity of the surrounding environment to a more than minor extent.

Overall, it is concluded that the proposal is in keeping with the relevant objectives and policies of the District Plan related to amenity values.

7.3 <u>Chapter 14- Heritage Trees</u>

- Objective 14.3
- o Policy 14.4.2

Comment:

The proposed works have been designed to retain significant trees where possible. Both the Oak tree and the Pohutukawa tree in close proximity to the works will be retained and measures will be implemented during construction to ensure any effects on the trees are avoided or mitigated. The Kauri tree may require removal depending on final design; mitigation planting is proposed if this is the case. It is therefore considered that the proposal will be generally consistent with the relevant Heritage Tree policies and objectives.

7.4 <u>Chapter 22 – Road Transport</u>

- o Objective 23.3.1
- Objective 23.3.2
- Policy 22.4.3
- Policy 22.4.4
- Policy 22.4.6

Comment:

The road transport network is considered to be important to the wider community, however it is also recognised that roads can potentially create many adverse effects. More specifically roads can detract from the visual character of an environment and can result in adverse effects on neighbouring residential properties.

The proposed alteration to an existing designation and associated link road will contribute towards establishing and maintaining a safe and efficient road network within Whangarei. As previously set out in this report, SH1 serves a dual function for Whangarei by firstly providing the main link from Auckland to Whangarei and secondly serving as a main route connecting residential areas of Whangarei with the central business area. The application will result in significant improvements to the overall functioning of the highway which will be of benefit to both residents within the immediate environment and the wider community. In this regard the proposal is considered to be wholly consistent with objective 22.3.1.

The proposed widening will require amendments to existing road linkages, with safety improvements proposed reducing the potential for conflict with side roads. In this regard the application will be consistent with policies 22.4.2 (Road Linkages) and 22.4.3 (New Roads and Intersections).

The potential effects of this proposal on amenity values have been commented on above and it is specifically noted that the alignment of this alteration will broadly follow the existing road alignment albeit that this will be widened to improve existing capacity and safety. Where adverse effects on the surrounding environment have been identified, these have been appropriately mitigated or can be mitigated through conditions. Traffic volumes generated by or re-routed by the

proposal along the new link road are low. The proposal will be consistent with objective 22.3.2.

The roads will largely be constructed in accordance with the relevant standards to ensure that they are of an adequate width and alignment to cater for proposed traffic. As noted above the proposed link road has a 7.5m carriageway width, with no car parking and a footpath on one side only; the required formation standard is an 11.0m wide carriageway, comprising 2 traffic lanes with provision for car parking and a footpath on both sides. The proposed works also include design methods to ensure that amenity values are maintained and also to maintain and enhance the safety of pedestrians and cyclists achieving policies 22.4.3 and 22.4.6.

Overall it is considered that the proposal will meet the relevant objectives of policies contained within Chapter 22 of the District Plan relating to road transport.

8. Regional Policy Statement

Operative Northland Regional Policy Statement

- 8.1 The Northland Regional Policy Statement (NRPS) is the Regional Policy Statement relevant to this application. The NRPS seeks to provide a policy framework and direction for resource management in the Northland Region. It sets out the significant natural resource issues, acknowledging Northland's diverse geographical features and differing social, cultural and economic needs. It contains long term policy based strategies for sustainable management of natural and physical resources in the region including transportation networks.
- 8.2 It is considered that section 29 (Transport) of the NRPS is pertinent to the application. Objective 29.3.1 is as follows:

Maintain and enhance the safety and efficiency of the region's transport network, while minimising adverse environmental effects

- 8.3 It is considered the application to provide for 4 traffic lanes along SH1, as well as the intersection improvements which include the creation of a link road, are generally in accordance with these objectives and policies.
- 8.4 SH1 forms the only interregional route connecting Whangarei to the Far North and Auckland, which is also the main route for heavy vehicles. In addition SH1 also provides the connection between residential areas of Whangarei and the central business area. However the section of SH1 to which the application relates provides only 2 lanes of traffic in some parts. The applicant has confirmed that future projected volumes of traffic would be approximately 26,000 vehicles per day. Wes Edwards, Traffic Consultant, has advised that a traffic volume of 20,000 vehicles per day is a common threshold for the provision of 4 lanes on urban arterial routes.
- 8.5 It is considered that the road widening and associated works will maintain and enhance the safety and efficiency of the road network. Adverse environmental effects have been mitigated wherever possible. The provision of 4 traffic lanes will reduce conflicts between heavy vehicles and other users of the roading network. Overall the applications are considered to be consistent with the NRPS.

Proposed Regional Policy Statement for Northland

- 8.6 The proposed Regional Polciy Statement for Northland was notified in October 2012. Council Decisions on submissions were issued in September 2013 and the document is now subject to appeal; as such little weighting should be given to this planning document.
- 8.7 Section 3.8 Efficient and Effective Infrastructure recognises that a well functioning and effective transport system can improve business efficiency, innovation, competition and trade, support concentrations of economic activities and facilitate mobile and flexible work force.
- 8.8 As stated above it is considered the that the road widening and associated works will maintain and enhance the safety and efficiency of the road works; for these reasons the applications are considered to be consistent with the Proposed Regional Policy Statement for Northland.

9. National Policy Statement, New Zealand Coastal Policy Statement

9.1 There is no national policy statement applicable to the application and given the separation of the proposed designation from the coastal environment the New Zealand Coastal Policy Statement has not been regarded as relevant.

10 Part II Assessment, Resource Management Act 1991

Section 5 - Principle and Purpose of the Act

- 10.1 Part II of the Act sets out the Purpose and Principles. Section 5 of the Act sets out the overriding purpose, which is the sustainable management of natural and physical resources.
- 10.2 The Act states that 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".
- 10.3 It is considered that the proposal "enables people and communities to provide for their ... economic ... wellbeing and for their health and safety". In particular, it is considered that the proposal will assist the public in providing a better traffic and

transportation network and assist in alleviating congestion on other parts of the roading network. It is assessed that the proposal will adequately avoid, remedy and/or mitigate all potential adverse effects on the surrounding environment (in some instances subject to the application of mitigation measures) and the proposal is considered to be consistent with the principal of sustainable management of natural and physical resources.

Section 6 - Matters of National Importance

- 10.4 Section 6 of the Act sets out the Matters of National Importance:
 - (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetland, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:
 - (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:
 - (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:
 - (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
 - (f) The protection of historic heritage from inappropriate subdivision, use and development.
 - (g) The protection of recognised customary activities
- 10.5 In this particular instance there are no matters of national importance that are of relevance to the assessment of these applications. In terms of historic heritage, the submission from the New Zealand Historic Places Trust considers that there are no heritage items located on the application site and the proposed works will not result in any adverse effects in this regard.

Section 7 - Other Matters

- 10.6 Section 7 of the Act details those matters that a consent authority shall have particular regard to in the assessment of an application. With regard to this application the following matters as outlined below are considered to be relevant to this application:
 - (b) The efficient use and development of natural and physical resources;
 - (c) The maintenance and enhancement of amenity values;
 - (f) Maintenance and enhancement of the quality of the environment.
- 10.7 The alteration to an existing designation and associated land use consent application will provide an efficient use of an existing resource. This will be achieved through the widening of an existing road and providing an alternative traffic route to provide safety improvements and improve the efficiency and capacity of the highway

10.8 In respect to this application, it has been assessed that the potential effects of this proposal can be avoided, remedied and/or mitigated. Therefore on this basis the application as presented is considered to satisfy the requirements of Section 7 of the RMA.

Section 8 - Treaty of Waitangi

- 10.9 Section 8 requires that, in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- 10.10 There are no known relevant matters in terms of section 8 of the Act, which relate to the Treaty of Waitangi.

11 Alternative Sites, Routes and Methods that have been considered

Section 171(1)(b) - Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work.

11.1 The route of the proposed alteration to the designation is indicated on the plans forming part of the NOR application.

Section 171(b) of the Act states that:

Whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work if –

- The requiring authority does not have an interest in the land sufficient for undertaking the work; or
- (ii) It is likely that the work will have a significant adverse effect on the environment.
- 11.2 In this instance NZTA does not have an interest in the land sufficient for undertaking the works and the works have been considered by the applicant to have a significant adverse effect on the environment. For these reasons alternative sites, routes and methods are required to be considered.
- 11.3 The application relates to an alteration to an existing designation and for this reason the applicant has not considered other alternative routes. The applicant has stated:

"No alternative routes for the State Highway have been considered as the requirement relates only to an increase in the capacity of the existing Highway, changing the boundary of the existing designation in order to provide four lanes along the existing route, rather than a proposal to reroute the Highway".

11.4 The applicant has however considered a number of alternative alignments along the existing corridor; the alternatives considered are set out in the SAR report and in addition to a 'do minimum' option, three options were considered. Different

layouts have varying social/community, environmental, amenity, ecological and cultural costs/benefits; the positive and negative features are set out in the summary for each option within the SAR report.

- 11.5 The applicant has also stated that alternative methods for achieving the required outcomes were considered in the design process. These alternative methods include working with different cross sectional widths, different lane widths, whether to incorporate cycle lanes and aspects such as left and right turning bays and slip lanes.
- Overall it is considered that possible alternatives to the proposal have been adequately considered, particularly in light of the wider traffic and transportation issues affecting Whangarei. It is further noted that the proposed works are part of a wider road upgrading programme already commenced by NZTA for SH1 through Whangarei.

12 Necessity for the designation

Section 171(1)(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought

- 12.1 The NOR seeks to alter an existing designation (DTNZ1) for the purpose of widening this section of State Highway 1, also known as Western Hills Drive. This application forms part of a wider programme of improvement works along SH1 through Whangarei.
- 12.2 The present limited capacity of State Highway 1 and the intersections with local roads that adjoin it creates congestion, therefore increasing delays on the State Highway and surrounding network and creating harm to the environment through the inefficient operation of vehicles and associated emissions discharges to the environment.
- 12.3 As Whangarei continues to grow, State Highway 1 is being placed under increasing pressure from traffic movements both across and along the State Highway. This congestion is further compounded by growth in the areas both north and south of Whangarei and the strategic importance of Whangarei in terms of the port, logging, farming, tourism and inter-regional movements
- 12.4 NZTA's stated objective is "undertake its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system." (Land Transport Management Act 2003.)
- 12.5 It is stated within the application that the NZTA's specific objectives for this project are to:
 - o Provide increased capacity in the State Highway Corridor;
 - o Provide a no surprises environment for motorists on the highway;
 - o Reduce the current crash rate;
 - Provide a safe solution for all road users, including pedestrians and cyclists; and

- Minimise any adverse effects on the environment, or where this is not achievable, adopt means to mitigate those effects.
- 12.6 The application would enable 2 vehicle lanes in each direction which would contribute towards a sustainable land transport system through Whangarei.
- 12.7 Overall taking into account the project objectives which relate to improving the capacity and safety of SH1, it is considered the alteration to the designation is reasonably necessary for achieving the objectives of the requiring authority as set out in the NOR Application.

13 Other Matters

13.1 Section 171(1)(c) of the RMA requires that:

"when considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement."
- 13.3 In this instance it is assessed that there are no other matters that require assessment with regard to the NOR Application applied for.

14 Outline Plan

- 14.1 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.
- 14.2 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.
- 14.3 However, this requirement does not apply in a case where:
 - The proposed public work, project, or work has been otherwise approved under the 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.
- 14.3 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.
- 14.4 The Applicant has sought as part of the NOR Application to include an Outline Plan of Works so that the details of the public work are incorporated into the designation; this would negate the need to lodge an Outline Plan of Works are a later date.
- 14.5 In this instance it is not considered appropriate to waive the requirement for an Outline Plan of Works, as NZTA are still in negotiations with a number of landowners and as such a final set of detailed plans are not available.

15 Lapse Period

15.1 S184(1) of the Act states that:

A designation lapses on the expiry of 5 years after the date on which it is included in the district plan...unless -

(c) The designation specified a different period when incorporated in the plan."

- 15.2 The applicant has sought a consent lapse period of 10 years under section 184(1)(c). The primary reason for this is to ensure there is sufficient time available in the event that delays occur in the funding programme.
- 15.3 It is considered given the requirement to obtain the necessary funding and the nature of the works that a 10 year lapse period is reasonable in this instance.

16 Conclusion and Recommendation

- 16.1 Overall the adverse effects as a result of proposed works are considered to be sufficiently outweighed by the wider benefits as a result of the improvements to the road network and on balance the overall effects on the environment are acceptable.
- 16.2 The proposal is considered to be consistent with the relevant objectives and policies of the Plan and Part II of the Act. Further, the proposal is considered appropriate and necessary for achieving the objectives of the requiring authority of which the designation is sought.
- 16.3 Having considered the applications against the relevant provisions of the Act, it is recommended that pursuant to Sections 104, 104C and 108 the restricted discretionary consent is granted, subject to appropriate conditions, and that pursuant to Section 171 the Notice of Requirement to alter an existing designation be confirmed also subject to appropriate conditions. It is intended that a draft set of conditions for both applications be tabled at the hearing.

16.4 At the present point in time, given NTZA's ongoing consultation with submitters it is considered that the requirement for an Outline Plan of Works cannot be waived.

Recommendation

That pursuant to Section 171(2) and Section 181 of the Resource Management Act 1991 the application for a Notice of Requirement by New Zealand Transport Agency to alter an existing designation for the construction and use of a road (State Highway 1) between land located 40m north of Wilson Avenue to 100 metres south of Fourth Avenue, Whangarei be **confirmed** and that conditions be imposed on the designation.

Reasons for the Recommendation:

- Adverse effects are considered to be sufficiently outweighed by the wider benefits (positive effects) as a result of the improvements to the road network. On balance the overall effects on the environment are acceptable. Where more than minor adverse effects have been identified these effects can be appropriately mitigated as outlined in the Notice of Requirement and recommended conditions.
- 2. The alteration to the designation widens an existing road designation identified in the Operative District Plan. The alteration to the designation is not contrary to the relevant provisions of the Whangarei District Plan and other relevant Plan provisions.
- 3. The proposal is assessed to satisfy the relevant matters contained in Part 2 of the RMA and achieves the overall sustainable management of natural and physical recourses.
- 4. Adequate consideration has been given to alternative highway alignments.
- 5. The alteration to the designation is reasonably necessary for achieving the objectives of the NZTA to operate the highway in a way that contributes to an integrated, safe, responsive and sustainable land transport system. The Notice of Requirement would enable the widening of SH1 to provide 4 vehicle lanes, which will assist in the better management of traffic and the relief of congestion within the Whangarei urban area.

Conditions:

CONDITIONS TO BE CONFIRMED

Recommendation

That pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991 the application by Whangarei District Council to establish a link road between Fourth Avenue and Kauika Road West be **granted** and that conditions be imposed.

Reasons for the Recommendation:

 Any actual or potential effects on the environment are considered to be minor and able to be adequately mitigated. Noting that the proposal assists in enabling the improvement program for SH1 to occur by providing a secondary roading network to accommodate the re-routed traffic that will result from the removal of the right turn option at the Fourth Avenue/SH1 intersection.

- 2. The proposal is considered consistent with the relevant objectives and policies of the operative District Plan
- 3. There are no other relevant matters relevant to the consideration of this application.
- 4. The proposal is consistent with Part 2 of the Act.

Conditions:

CONDITIONS TO BE CONFIRMED

Appendices:

One Copy of Landuse Consent application

Two Copy of NOR application

Three Aerial photo and Locality of the Site

Four District Plan Planning Maps
Five Submissions Received

Six Wes Edwards Traffic Consultants Peer Review Report (Traffic)

Seven Hegley Acoustic Consultants Peer Review Report (Noise and Vibration)

Eight Fraser Campbell Stormwater Consultant Peer Review Report

NB: The Hearings Commissioner has also been forwarded a full copy of the

Application Report including Appendices.