

# Hearings Commissioners

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WHANGAREI  
DISTRICT COUNCIL

## Notice of Meeting

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

**Friday**  
**25 June 2010**  
**9.15 am**

**Application by**

**Whangarei District Council**  
**Roading Division**

**Commissioner**

**Robert Chan**

### Vision Statement

To be a vibrant, attractive and thriving District  
by developing sustainable lifestyles based around  
our unique environment; the envy of New Zealand  
and recognised world wide.

## Report to the Hearings Commissioner on a Notice of Requirement:

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An application for a Notice of Requirement has been received by the Whangarei District Council to establish a designation for the construction and use of a road between the southern end of the Kamo Bypass (State Highway 1) and the western end of Spedding Road, Tikipunga, commonly referred to as the "Spedding Road Link". The proposed designation will be over Lots 2, 5 & 9 DP143700, Section 1 SO 354925 and Lot 442 DP 46703 (Recreation Reserve).

This notice of requirement was lodged by Cook Costello Limited on behalf of the Whangarei District Council and was reported on by Council's Consultant Environmental Planner (Consents), Ian McAlley.

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

Consultant  
Environmental Planner  
(Consents):



Date: 3 June 2010

\_\_\_\_\_  
Ian McAlley

Team Leader  
(Consents):

\_\_\_\_\_  
Heather McNeal

Date: \_\_\_\_\_

Consents Manager:

\_\_\_\_\_  
Alistair Hartstone

Date: \_\_\_\_\_

# Resource Management Act 1991

Hearing By: The Whangarei District Council Hearings Commissioner of an application for a Notice of Requirement by the Whangarei District Council to establish a designation for the construction and use of a road between the southern end of the Kamo Bypass (State Highway 1) and the western end of Spedding Road, Tikipunga, commonly referred to as the "Spedding Road Link". The proposed designation will be over Lots 2, 5 & 9 DP143700, Section 1 SO 354925 and Lot 442 DP 46703 (Recreation Reserve).

Evidence By: Ian McAlley  
BPlan (Honours)  
Consultant Environmental Planner  
(Consents)  
Whangarei District Council

File Ref: RQ0900002 P062410; 082586; 082587

Dated: 4 June 2010

## 1. The Proposal

- 1.1 Subject to section 168 of the Resource Management Act the Whangarei District Council has given notice of its requirement for a designation. The purpose of the designation is to establish and construct a road between the southern end of the Kamo Bypass (State Highway 1) and the western end of Spedding Road, Tikipunga, commonly referred to as the "Spedding Road Link".
- 1.2 The proposed designation will be over Lots 2, 5 & 9 DP143700, Section 1 SO 354925 and Lot 442 DP 46703 (Recreation Reserve) and the land that the designation will be over is zoned Living One and Open Space Environment with Mining Hazard 3 and Flood Susceptible Resource Areas also being applicable.
- 1.3 It is proposed to construct the Spedding Road Link as part of the second stage of the Kamo Bypass. The Kamo Bypass (Stage II) is the completion of an existing bypass route designed to take traffic travelling north/south on State Highway One off Kamo Road and avoid the Kamo village. The Spedding Road Link will provide a connection between Tikipunga and Kamo with the Link passing along the southern boundary of the Whangarei Golf Course, run along the boundary of and over in part, the Otangarei sports fields and connect to the existing part of Spedding Road by Denby Crescent.
- 1.4 Whangarei District Council's objective for the proposal is as follows: "The Council is committed to providing the Spedding Road link to the Kamo Bypass Stage 2 to improve safety and access within the Whangarei Urban Area and to provide an east - west link connecting Tikipunga, Glenbervie and Tutukaka directly with State Highway 1".

- 1.5 The Spedding Road Link is part of a series of strategic roading network improvement projects identified in transportation studies undertaken by Whangarei District Council over the past 10 years. It forms part of an outer ring-road which includes State Highway One, the proposed Porowini Avenue extension (under construction) and the proposed lower harbour crossing. The purpose of the ring-road is to provide an efficient arterial route around the Whangarei Central Business District (CBD) providing an alternative for traffic that would otherwise travel through the CBD. In particular the Spedding Road Link will provide an alternative north/south connection to the Tikipunga and Glenbervie suburbs of Whangarei and divert traffic away from the Mill Road, Nixon Street and Hatea Drive areas.
- 1.6 The proposed road will be a high-quality two-lane road with separate walking and cycling facilities and it is estimated that the total land area required for the designation is 53,130m<sup>2</sup>. The road verges will be contoured and planted and boundaries with adjacent properties will be appropriately fenced, including noise attenuation fencing and earth bunding where appropriate. The proposed designation will traverse five separate titles of land, detailed above and will include/require the following works:
- i. approximately 100,000m<sup>3</sup> of earth works and some bush clearance
  - ii. the establishment of 1291 metres of two laned carriageway with a separate footpath / cycle lane
  - iii. the upgrading of the Denby Crescent and Spedding Road intersection including a roundabout
  - iv. construction of a Kea (pedestrian) crossing adjacent to the Tania Place/Spedding Road intersection
  - v. the construction of the Spedding Road and Stage 2 Kamo Bypass signalised intersection
  - vi. access from the proposed development (subdivision) on the southern side of the carriageway at CH 90m to the Spedding Road extension
  - vii. access from William Jones Drive to the Spedding Road extension at CH 890m
  - viii. possible construction of a wetland at approximately CH 600m on the northern side of the carriageway formation
  - ix. Construction of approximately 700m of 8m high mesh fencing along the boundary of the proposed designation and the Denby Golf Course
- 1.7 A copy of the application for a notice of requirement (hereafter referred to as 'the application') is included as **Attachment 1**.

## 2. The Site and the Surroundings

- 2.1 The legal descriptions and approximate areas subject to the proposed designation are detailed below:

Lots 2 DP143700	1.9488ha
Lot 5 DP143700	6902m <sup>2</sup>
Lot 9 DP143700	6320m <sup>2</sup>

Section 1 SO 354925	1.9020ha
Lot 442 DP 46703 (Recreation Reserve)	1400m <sup>2</sup>

- 2.2 Looking at the subject site from the new roads proposed connection with the existing Kamo Bypass, the proposed route follows an east-west direction descending into the Otangarei Stream Valley and rising steeply up onto a plateau in the vicinity of Spedding Road.
- 2.3 The western portion of the proposed designation comprises a long narrow overgrown grass area bordering the rear yards of residential properties of William Jones Drive to the south east and fairways of the Whangarei (Denby) Golf Course. The middle portion of the proposed route comprises the open playing fields of the Otangarei Sports Park and then the route swings upwards through an area of bush onto open land where it connects with the western end of the existing Spedding Road formation.
- 2.4 The land subject to the proposed designation contains no buildings and it is noted that an approved subdivision exists on the northern side of the proposed route in the area where the proposed formation rises up the hill and along this portion there is a WDC bush reserve on the southern side of the proposed route.
- 2.5 An aerial photo and map showing the locality of the site is included at **Attachment 2**; District Plan maps showing zoning and other resource area notations of properties in the area are provided at **Attachment 3**; and a map showing the proposed alignment is provided at **Attachment 4**.

### 3. Statutory Matters

- 3.1 The Whangarei District Council is a requiring authority in terms to section 166 of the Resource Management Act (RMA). It is noted that this application was made prior to the 2009 amendments to the RMA.
- 3.2 In terms of section 168 of the RMA a local authority (in this instance the Whangarei District Council) may give notice to a territorial authority of its requirement for a designation

*168 Notice of Requirement to Territorial Authority*

(1) *A Minister of the Crown who, or a local authority which, has financial responsibility for a public work, may at any time give notice ... to a territorial authority of its requirement for a designation—*

(a) *For a public work ...*

- 3.3 Section 168A of the RMA specifically details matters to be taken into account where the notice of requirement is being made by a territorial authority (in this instance the Whangarei District Council)

*168A Notice of Requirement by Territorial Authority*

(1) *When a territorial authority proposes to issue notice of a requirement for a designation—*

(a) *For a public work within its district and for which it has financial responsibility; or*

...

*it shall notify the requirement in accordance with section 93(2); and the provisions of section 168, with all necessary modifications, shall apply to such notice.*

- (2) *Sections ... , 96, 97, and 99 to 103 shall apply, with all necessary modifications, in respect of a notice under subsection (1), as if every reference in those sections—*
  - (a) *To a resource consent were a reference to the requirement; and*
  - (b) *To an applicant or a consent authority were a reference to the territorial authority; and*
  - (c) *To an application for a resource consent were a reference to the notice under subsection (1).*
- (3) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
  - (a) *any relevant provisions of—*
    - (i) *a national policy statement;*
    - (ii) *a New Zealand coastal policy statement;*
    - (iii) *a regional policy statement or proposed regional policy statement;*
    - (iv) *a plan or proposed plan; and*
  - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
    - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
    - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
  - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
  - (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*
- (4) *The territorial authority may decide to—*
  - (a) *confirm the requirement;*
  - (b) *modify the requirement;*
  - (c) *impose conditions;*
  - (d) *withdraw the requirement.*
- (5) *Sections 173, 174, and 175 apply, with all necessary modifications, in respect of a decision made under subsection (4).*

3.4 It is noted that under section 168A (prior to the 2009 amendments) public notification of a notice of requirement was mandatory.

3.5 In accordance with section 168A(3) *“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”*. Part 2 of the RMA details the purpose and principles of the Act

### 3.6 *Section 5 – Purpose*

(1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

(2) *In this Act sustainable management means managing the use, development and protection of natural and physical resources, in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

(a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

(b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

(c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

## **4. Consultation, Public Notification and Submissions**

4.1 The application was lodged with Council on 2 September 2009. The application was suspended on 16 September for further information relating to:

- i. possible noise and vibration effects of the new road
- ii. provision of a site suitability report
- iii. requesting an updated review of the Hatea Catchment Drainage plan
- iv. detail of the Northland Regional Council consents that will be required to construct the road

Items i - iii were provided on 2 November 2009, however in a subsequent letter dated 10 November 2009 item iv above was re-requested along with plans showing the location of the noise attenuation fences (sound barriers) proposed.

All information was subsequently provided and the application was publicly notified 19 January 2010.

4.2 During the notification period, the application attracted ten submissions – one late submission (refer section 14 of this report) and three subsequently withdrawn (relevant submissions are included in Attachment 5):

### **i. GJ & DW Hill – Oppose – Consider Presenting a Joint Case**

- Concerned about effects on residential amenity, in particular noise effects from traffic
- Concerns about traffic safety with regard to schoolchildren on speeding road
- Concerns regarding intersection of Denby Crescent and Spedding Road
- Concerns about vibration effects on the new road given that site is subject to a Mine Hazard Area

- ii. T Newman – Neutral – Consider Presenting a Joint Case**
- Want to see safe vehicle access from Abba Lane onto Spedding Road and pedestrian access in close proximity to Abba Lane provided to shopping centre
- iii. C Jennings – Oppose – Do not state if they wish to be heard**
- Are of the opinion that an upgrade to Corks/Station Roads would be more appropriate
  - Concerns regarding effects on residential amenity and increases in vehicle traffic
  - Negative noise and dust effects from construction
  - Negative effect on traffic safety due to an increase in traffic volumes and speed
  - Requirements for noise attenuation
  - Negative impact on property values
- iv. T McLean – Oppose – Does not wish to be heard**
- Concerns regarding noise and vibration from increased traffic on the existing portion of Spedding Road
  - Concerns regarding safe access from property with increased vehicle numbers on Spedding Road
  - Negative impact on property values
  - Negative impact on residential amenity
- v. New Zealand Transport Agency (NZTA) – Support – Wish to be heard**
- NZTA considers that the Spedding Road Link will improve connectivity between the local road network and State Highway One
  - The new connection will provide an alternative north-south connection
  - Construction of the Spedding Road Link at the same time as the Kamo Bypass Stage II will allow for the construction period to be minimised and for cost sharing efficiencies and construction consistencies to be found and environmental effects minimised
- vi. J Cullen – Neutral – Does not wish to be heard**
- Concerns regarding the safety of school children in the area from increased traffic on the existing portion of Spedding Road
  - Concern regarding the safety of vehicles and occupants having to reverse out onto the road
- vii. B & N Cresswell – Oppose – Wish to be heard**
- Concerns regarding the increase in traffic on the existing portion of Spedding Road

- Particular concerns regarding the noise and vibration effects related to increased traffic

The submission of B & N Creswell was a late submission received after the closing dates for submissions. The inclusion or otherwise of the submission will be discussed later in this report.

4.3 Submissions were also received from the following parties:

- S Kingi
- K Montreal
- New Zealand's Historic Places Trust

These submissions were all withdrawn following further consultation by the applicant with the submitters.

4.4 A pre-hearing meeting was also held on 16 April 2010. All submitters were invited, except for B & N Creswell, as their submission had not been received at this time. A report from the meeting chairperson, Mr Glenn Mortimer, of the prehearing meeting is included as **Attachment 6**.

## 5. Assessment of Effects

5.1 Section 3 of the RMA defines the term 'effect' as including –

*"Any positive or adverse effect; and*

*(a) Any temporary or permanent effect: and*

*(b) Any past, present or future effect: and*

*(c) 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 –*

*(d) Any potential effect of high probability; and*

*(e) Any potential effect of low probability which has a high potential impact."*

5.2 The potential effects of this proposal are assessed to relate to the following:

- Traffic Volumes
- Noise
- Vibration
- Construction Noise and Vibration
- Ecological Effects
- Stormwater Effects
- Landscape Effects
- Parks and Reserves
- Archaeological effects
- Geotechnical Issues

5.3 Where appropriate the relevant rules of the District Plan have been included in the assessment below to provide a reference as what is allowed for under the District Plan. The actual and potential environmental effects of the proposal and any associated mitigation measures will be considered in more detail below.

5.4 It is noted that one of the matters that submitters has 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 maybe negatively impacted upon 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.

#### 5.5 **Traffic Volumes**

5.5.1 New roads in any environment are controlled by the same rule, being Rule 47.2.10 Road formation

*Laying out or forming of a new road is permitted if:*

*a) It complies with the standards set out in Appendix 6K; and*

*b) The Annual average daily vehicle trips on the road will not exceed 2500.*

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

*Discretion is restricted to:*

*i. Effects on traffic safety;*

*ii. Effects on road efficiency;*

*iii. Effects on the amenity of the locality;*

*iv. Effects of noise;*

*v. Effects of dust;*

*vi. Effects of storm water;*

*vii. Location of road;*

*viii. Expected usage;*

*ix. The additional matters listed in Chapter 2.3.3.*

5.5.2 The May 1999 Connell Wagner Spedding Road Link Feasibility Study Report concluded the proposed Spedding Road Link will form a high speed east-west link directly connecting the Tikipunga area to the Whau Valley and Kamo areas. This will result in significant reductions in traffic flow on Kiripaka and Station Roads with a minor increase in the flows on the Kamo Bypass also predicted. It is estimated that the Spedding Road Link will carry in the order of 9300 vehicles per day (therefore the proposal does not comply with the rule detailed above) and submitters have raised concerns with regard to the impact of this new traffic, particularly on the existing alignment of Spedding Road with concerns related to traffic and pedestrian safety and effects of noise and vibration.

5.5.3 As part of the design process of the new road, the existing portion of Spedding Road is to be completely reconstructed. A roundabout is to be constructed at the intersection of Denby Crescent and Spedding Road as a speed calming treatment, forming a threshold treatment to slow vehicles entering the urban area from the new link. The roundabout will also improve the safety of vehicles entering and

exiting from Denby Crescent and the roundabout will include pedestrian crossing points on each leg.

- 5.5.4 In addition a school zone speed limit of 40km/h on Spedding Road will apply, between the Kiripaka Road roundabout and the new Denby Crescent roundabout, which will operate during the school drop-off period in the morning and pick-up period in the afternoon and during other times the speed limit would revert back to 50km/h. This will slow vehicle speeds at the drop off and pick up times for the school and is not shown on the drawings previously circulated as this work is to be carried out as part of WDC's Minor Safety programme.
- 5.5.5 Also a 'kea' (pedestrian) crossing is to be installed on Spedding Road near the Tania Place intersection to enable a safe crossing point for school children accessing the Tikipunga Primary School. A kea crossing includes a narrowing of the road and manned 'lollipop' signs that are used to stop traffic when children are to cross the road.
- 5.5.6 The redevelopment of the existing portion of Spedding Road will result in a carriageway and road markings appropriate to the volume of traffic that the road will accommodate and it is intended that the current grassed berms and trees on the existing section of Spedding Road be retained. The extension of kerb and channel and the provision of new footpaths will include a 3m wide walking/cycle path (on the southern side of the road) from Denby Crescent to the existing road end of Spedding Road and will link into the walking/cycle path to be provided on the new road link.
- 5.5.7 The reconstruction of the existing portion of Spedding Road from the Kiripaka Road roundabout to the road end will result in a pavement that will be significantly thicker than the existing, which is expected to assist in mitigating vibration concerns by providing a more solid pavement. Marshall Day have commented on this in their report of 25 March 2010 (**Attachment 7**) and state "at the existing portion of Spedding Road, there is already some traffic. If vibration from passing traffic was an issue at the adjacent dwellings, residents would already be aware of this effect. The expected increase of vehicle numbers along Spedding Road once the proposed extension is in place is not expected to increase the magnitude of vibration levels. Vibration is therefore considered to have no more than a minor effect on nearby residents."
- 5.5.8 In addition to the above, based on the results of the Marshall Day modelling (report of 25 March 2010, **Attachment 7**), WDC has agreed to install asphaltic concrete surfacing on the existing section of Spedding Road. This will further assist in mitigating noise and vibration effects on the existing section of road. This addition is not shown on the drawings previously as this was introduced after these drawings were compiled.
- 5.5.9 With regard to the possible wider effects of the new road link, WDC has undertaken modelling of the effects of the Spedding Road extension on the traffic network. The modelling has demonstrated that the existing Kiripaka Road/Paramount Parade/Spedding Road roundabout will operate adequately for the next 20 years even with the additional traffic flows on Spedding Road.
- 5.5.10 Whilst it is recognised that the Spedding Road extension will increase traffic on the existing portion of Spedding Road, the new route will result in a decrease in traffic on Kiripaka Road, as less vehicles will be using the Kiripaka Road/Mill Road route and this will tend to balance out the effects on the existing roundabout.
- 5.5.11 Although some areas will experience higher than current flows of traffic as a result of the new link, overall it is considered the proposed Spedding Road link will have positive effects in terms of traffic flow throughout the City.

## 5.6 Noise

5.6.1 The potential noise effects from the future use of the road in terms of both its construction and subsequent use have been assessed by Marshall Day Consultants. There are two matters to consider in this regard, the impact of a new road and the impact of increased traffic volumes on the existing portion of Spedding Road.

5.6.2 Noise in the Open Space Environment is controlled by the following: Rule 46.3.6 Noise

*Any activity is a permitted activity if:*

*a) Noise generated by the activity, measured at the boundary of a site in a Living Environment or the notional boundary of any residential unit in a Countryside Environment, does not exceed:*

*i) 50 dBA L10 between 0700 - 2200 Monday to Sunday; and*

*ii) 40 dBA L10 at any other time;*

*and*

*iii) 65 dBA Lmax on any day between 2200 – 0700, except for emergency service vehicles and the operation of emergency service call-out sirens; or*

*b) Noise is generated by non-amplified voice noise; and*

*c) Except where expressly provided elsewhere in this Plan, sound levels shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.*

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

*Discretion is restricted to:*

*i. Maximum level of noise likely to be generated;*

*ii. The nature and frequency of the noise, including any special audible characteristics;*

*iii. Effect on nearby residential units;*

*iv. Compatibility within the Environment*

*v. Compatibility with surrounding Environments;*

*vi. Length of time for which specified noise level is exceeded, especially at night;*

*vii. Likely adverse effects on-site and beyond the site;*

*viii. Mitigation measures to reduce noise generation;*

*ix. The additional matters listed in Chapter 2.3.3.*

5.6.3 Noise in the Living Environment is controlled by the following: Rule 36.3.11 Noise

*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.*

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

*Discretion is restricted to:*

- i. Maximum level of noise likely to be generated;*
- ii. The nature and frequency of the noise, including any special audible characteristics;*
- iii. Effect on nearby residential units;*
- iv. Compatibility within the Environment;*
- v. Compatibility with surrounding Environments;*
- vi. Length of time for which the specified noise level is exceeded, especially at night;*
- vii. Likely adverse effects on-site and beyond the site;*
- viii. Mitigation measures to reduce noise generation;*
- ix. The additional matters listed in Chapter 2.3.3.*

5.6.4 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. The New Zealand Standard for Assessment of Environmental Sound, NZS 6802, excludes traffic noise and there is currently no operative New Zealand Standard for the evaluation of traffic noise. Nevertheless, traffic noise has been the subject of intensive study overseas and there is Draft NZ Standard - "Acoustics - Road traffic noise - New and altered roads". Also there are no noise performance standards in the Whangarei District Plan that relate directly to the operation of local roads.

5.6.5 Ambient noise level measurements generally form the basis of noise assessments of road traffic noise, therefore, unattended noise loggers were left on private properties near the proposed road extension route to provide noise level survey information. The two positions for the survey were in the vicinity of the project, with the positions chosen being both ends of the proposed road extension as this is where existing dwellings are located.

5.6.6 The ambient noise level was determined to be 45 dBA <sub>Leq(24hour)</sub> at the two measurement positions and on this basis Marshall Day Acoustics considers that a noise limit of 57 dBA <sub>Leq (24hour)</sub> is suitable for dwellings surrounding this site. The reasoning provided for this conclusion are summarised as follows:

- a. The recommendation is in line with the noise limit applied for the nearby Kamo Bypass

- b. The applicable Noise Guidelines contain a noise limit of 57 dBA<sub>Leq(24hour)</sub> when the existing background noise level of 45 dBA<sub>Leq(24hour)</sub> is considered. This is because the ambient noise level is lower than 50 dBA<sub>Leq(24hour)</sub> making this a low noise environment. The noise limit in this case would be "ambient + 12dB", or 57 dBA<sub>Leq(24hour)</sub>
  - c. According to OECD guidelines a noise level of 57 dBA<sub>Leq(24hour)</sub> will "ensure that noise impact remains limited but some disturbance is probably occasioned to the more sensitive individuals, in particular older persons." This is considered to be a reasonable level of amenity for the majority of residents.
- 5.6.7 Therefore Marshall Day are of the opinion that a noise limit of 57 dBA<sub>Leq(24hour)</sub> should be applied to both the existing and future development near the road. Although the applicable Noise Guidelines apply only to existing dwellings, in this instance the future subdivision adjacent to the new road route is already confirmed and there is likely to be an expectation that future noise levels from the proposed road will not be unreasonable also.
- 5.6.8 In order to achieve the noise level specified above, mitigation measures will be required. Existing dwellings on the lower portion of the proposed new road route are around 35 to 40 metres from the nearest road carriageway.
- 5.6.9 To enable the necessary noise mitigation to be designed a noise model of the proposed road alignment was developed which included the input of digital terrain data and the predicted traffic flows for the year 2021 were entered into the model. The noise model was run based on a road surface treatment of coarse chip seal and without any noise barriers in place (worst case scenario).
- 5.6.10 Noise levels of up to 63 dBA<sub>Leq(24hour)</sub> are predicted at the closest dwellings in this scenario showing that without mitigation the proposed noise limit of 57 dBA will be exceeded by up to 6 dB and therefore noise mitigation measures are required.
- 5.6.11 Noise mitigation measures typically used to reduce road traffic noise include noise barriers and low noise surface treatments. Low noise surface treatments such as asphaltic concrete can reduce noise levels by around 3 dBA when compared with coarse chip. Open Graded Porous Asphalt (OGPA) can reduce noise levels further; reductions of up to 7 dBA can be achieved when compared with coarse chip. Noise barriers can consist of walls, earth bunds, or a combination of both.
- 5.6.12 Noise modelling of the alignment including noise barriers alongside the road carriageway has been performed with WDC proposing that the preferable design solution would be to use noise barriers rather than low noise road surfaces. Calculations show that the use of a 2 metre high noise barrier would be sufficient to protect dwellings at the southern extent of the proposed road extension (Otangarei) and for the proposed future subdivision to the north of the northern extent of the proposed extension, a 3 to 3.5 metre high noise barrier would be required.
- 5.6.13 The barrier heights are given as a guide only and it is likely that these heights will change slightly after detailed design of the road is completed. As an alternative to the use of noise barriers the road could be sealed using OGPA. The use of this seal type would allow the 57 dBA<sub>Leq(24hour)</sub> criterion to be met without the need for any noise barriers. Alternatively asphaltic concrete could be used to reduce noise levels at the northern part of the extension and reduce the height of noise barriers required. Where the future subdivision is to the south-east of the proposed road extension noise levels cannot be reduced below 57 dBA<sub>Leq(24hour)</sub> because this part of the subdivision will be accessed via the Spedding Road extension and it is not possible to locate a noise barrier across the subdivision

(road) entrance. To achieve the 57 dBA<sub>Leq(24hour)</sub> criterion at this subdivision would require the use of an OGPA road surface.

- 5.6.14 With regard to the existing portion of Spedding Road and in recognition that the increased traffic on this existing portion of road will lead to greater noise WDC commissioned Marshall Day to undertake further noise assessment of the existing portion of Spedding Road (report dated 25 March 2010, **Attachment 7**). In the initial assessment it was considered that a noise criterion of 57 dBA<sub>Leq (24hour)</sub> would provide an acceptable level of amenity for existing and future dwellings along the proposed new extension. However, this assessment was performed based on noise measurements conducted at dwellings beside which traffic flows were very low or non-existent.
- 5.6.15 Along the existing portion of Spedding Road, current ambient noise levels are affected by existing traffic. The noise measurements and modelling undertaken have shown that the existing ambient noise level along this route is between 50 to 55 dBA<sub>Leq (24hour)</sub> at dwelling facades on the existing portion of Spedding Road.
- 5.6.16 Based on the predicted existing level of noise on Spedding Road, a Noise Guideline design noise level of 62 dBA<sub>Leq (24hour)</sub> has been determined for the road. This will exceed the Noise Guideline design level and the overall change in noise level is expected to result in at least a doubling in loudness for most dwellings, therefore noise mitigation is necessary and should be implemented if found to be practicable.
- 5.6.17 Noise mitigation measures generally include the provision of a low noise road surface, noise barriers, or building facade improvement. Marshall Day do not recommend the use of noise barriers because there is little room beside the existing portion of Spedding Road to establish noise barriers or bunds, with the only possibility being to erect a solid fence along the property boundary. However as all properties are accessed via Spedding Road and gates would be required for every property it is not possible to maintain an effective acoustic barrier because of the opening gates and therefore this solution is not considered practicable.
- 5.6.18 Facade sound insulation is considered a last resort in high noise areas to provide sound insulation improvements to affected dwellings. However, in this situation this is not recommended as noise levels are only marginally above the Noise Guideline values and this solution does not provide any noise reduction to the dwellings outdoor recreation areas. It is considered that such a solution should only be implemented after all other noise mitigation options have been considered and found not to be practicable.
- 5.6.19 In this instance, Marshall Day have recommended that the best option for noise reduction at the dwellings is the use of a non-porous road surface such as SMA or asphaltic concrete. The noise emissions have been modelled assuming that standard chip seal will be used. The use of asphalted concrete will reduce noise levels by around 3 dB when compared with chip seal (worst case scenario). This would reduce overall noise emissions on the existing portion of Spedding Road to around 60 to 61 dBA<sub>Leq (24hour)</sub> and such a level of noise would be below the Noise Guidelines design noise level.
- 5.6.20 Whilst the overall noise reduction that will be achieved through the use of this surfacing will be modest consideration should be given to whether the overall cost of this treatment is practicable. Notwithstanding this WDC has agreed to use Asphaltic Concrete to surface the existing section of Spedding Road from the Kiripaka Road/Paramount Parade roundabout to the existing road end in order to mitigate the future effects of traffic noise to an acceptable level.

- 5.6.21 Specific noise concerns were also raised regarding an increase in traffic flows on the existing portion of Spedding road, particularly heavy vehicles and the acceleration and deceleration of vehicles from the existing Kiripaka Road/Paramount Parade roundabout and the new roundabout to be constructed at the intersection of Denby Crescent and Spedding Road.
- 5.6.22 This matter has been specifically commented on by Marshall Day and a subsequent letter to their initial noise report (dated 11 May 2010) concludes that the predictions of noise for the road contained in the report are accurate for the proposed situation (the addition of the roundabout) and are in accordance with good modelling methodology. There may be a small reduction or increase of noise due to the roundabout, *"however any change in noise level is unlikely to be significant"*. Marshall Day are of the opinion that the character of noise at the intersection may be different from that on Spedding Road east of the intersection, however it is noted that this is also the case for the existing scenario.
- 5.6.23 Overall the noise assessments undertaken conclude that the noise levels experienced at the facade of dwellings adjacent to the proposed route and those dwellings on the existing portion of Spedding Road will be at an acceptable level of amenity for existing and future dwellings. Computer noise modelling has shown that these noise levels are achievable for the proposed route through the use of noise barriers and/or low noise road surface treatments. Overall, noise levels in the areas immediately adjacent to the Spedding Road extension and the existing portion of Spedding Road will increase, however with mitigation the overall increase is considered to be reasonable. In addition WDC Environmental Health Officer, Mr Reiner Mussle has reviewed the information provided from Marshall Day and concurs with the assessments, findings and recommendations made.
- 5.6.24 Overall it is concluded that whilst there will be an increase in noise as a result of the new road and the increased level of traffic on the existing portion of Spedding Road, that this increase in noise will, with the application of proposed mitigation measures, be within acceptable limits and therefore the effects of such will be no more than minor, when compared in relation to the existing environment.

## 5.7 **Vibration**

- 5.7.1 The same rule regarding vibration occurs in all Environments, whereby, *"Any activity is a permitted activity if: a) It does not exceed the vibration limits given in Appendix 10"*. Appendix 10 of the District Plan states that activities should not create vibration that exceeds specified levels and that measurements should be at or within the boundaries of a property. In the opinion of Marshall Day, there are no suitable rules or guidelines in the District Plan as to a reasonable level of vibration to be experienced from road traffic.
- 5.7.2 Ground borne vibration due to road traffic is a common concern in urban areas and complaints are usually related to annoyance and the potential for dwelling damage. Traffic vibration issues are evaluated by the source transmission path - receiver process, however as the transmission path is through the intervening ground or earth there are very limited methods for mitigation.
- 5.7.3 Noise from traffic can also generate low frequency vibration in lightweight building elements (i.e. windows, walls, doors) and internal items (i.e. plates, glasses and pictures). In this situation the transmission path is through the air rather than the ground with the main components that affect the amplitude and frequency of ground borne vibration being:
- The vehicle mass, speed and suspension system
  - The road surface roughness and deformities (grates, pot-holes, cracks and the like)

- The soil type and stratification
  - The distance between source and receiver
  - The type of building
- 5.7.4 According to the Marshall Day report, vibration from heavy vehicles of less than 3.5 tonne gross weight is rarely perceptible in buildings and the level of vibration required to damage buildings is significantly greater than the levels at which humans can perceive vibration.
- 5.7.5 Specific vibration levels from the operation of the new road extension have been predicted using numerical models and the variation in vibration level with ground conditions investigated. The results indicate that for the typical range of attenuation values for silt and clay soils, vibration levels would be less than 0.2mm/s at the location of all dwellings adjacent to the road. Given the observed wetness of the soils in the area, the actual range of attenuation values for the soils in the area are likely to be higher than those used in the calculation. Vibration levels are thus likely to be well below the 0.2mm/s limit contained in the Plan at the nearest dwellings.
- 5.7.6 With regard to the existing alignment of Spedding Road, concerns from submitters have been raised that the vibration caused by increased vehicle traffic, particularly from heavy vehicles, will lead to levels of vibration that will cause damage to adjacent houses.
- 5.7.7 The WDC Roading Manager has stated that the existing formation of Spedding Road is of very poor quality and was never built to take regular or increased numbers of heavy vehicles. As part of the new road construction the existing portion of Spedding Road will be completely taken up and rebuilt to a standard, with sufficient sub-pavement strengthening, to ensure that the road is able to take the load placed on it and that any vibration effects will be adequately dealt with.
- 5.7.8 Like the noise assessment, WDC Environmental Health Officer, Mr Reiner Mussle has reviewed the information provided from Marshall Day and concurs with the assessments, findings and recommendations made. Although vibration is difficult to accurately predict, the vibration from the operation of Speddings Road has been predicted and the range of typical ground attenuation values for silt and clay soils suggest that the levels of vibration from the road will be lower than the 0.2mm/s limit given in the District Plan.
- 5.7.9 Overall it is assessed that any effect from vibration will be within acceptable limits and that as such any vibration effects will be no more than minor.

## 5.8 Construction Noise and Vibration

- 5.8.1 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.*

In the absence of a specific rule related to construction vibration, any vibration related to construction activities is controlled by the same vibration standards that have been assessed above.

- 5.8.2 It has been assessed by Marshall Day that with appropriate management, construction noise and vibration generated by the required works can, in most potentially affected areas, comply with the limits contained in the District Plan. However, some situations may arise where dwellings and other buildings are in such close proximity to construction areas that compliance may present some challenges.
- 5.8.3 In these circumstances temporary noise mitigation in the form of temporary construction noise barriers may be required. To ensure that construction noise and vibration effects are adequately managed, it is recommended that a Construction Noise and Vibration Management Plan be produced before commencement of construction activity which would detail noise mitigation measures and management procedures to ensure relevant standards are complied with, or acceptable outcomes achieved.

## 5.9 Ecological Effects

- 5.9.1 The proposed road will cross some areas of land which may have been part of a wider wetland area at one time. Mr Mark Poynter of Poynter & Associates Environmental Ltd has assessed the possible ecological effects of the proposal (assessment included in the original application, **Attachment 1** to this report) and is of the opinion that the area to be crossed by the road does not constitute a wetland of ecological significance and does not meet the criteria in the Regional Water and Soil Plan for indigenous wetlands.
- 5.9.2 The particular wetland area is a modified area, characterised by some exotic rush and pasture and is not dominated by indigenous wetland plants. Overall the loss of the wetland area within the road extension is not considered to have a significant ecological effect and does not require any offset ecological mitigation.

## 5.10 Stormwater Effects

- 5.10.1 The site is in-part a flood susceptible area. Rule 56.2.3 of the District Plan regulates development in a Flood Susceptible Area:

*Construction or alteration (excluding internal modifications) of a building, construction of vehicular access to a building or allotment, or earthworks in a Flood Susceptible Area, is a permitted activity if:*

- a) A report or certificate from a suitably qualified and experienced professional is provided to the Whangarei District Council which indicates that the activity is designed to accommodate the flood hazard and will not create any adverse effects upstream or downstream nor endanger human life; or*
- b) The work involved is maintenance of an existing building.*

*Construction or alteration of a building or earthworks that does not comply with a condition for a permitted activity is a restricted discretionary activity.*

*Discretion is restricted to:*

- i. Construction or alteration of a building in relation to its location;*
- ii. The avoidance, remediation or mitigation of coastal hazards;*
- iii. The additional matters listed in Chapter 2.3.3.*

- 5.10.2 An assessment of the possible effects of the proposal on stormwater has been prepared by Cook Costello Engineers (report dated 4 November 2009, **Attachment 10A**). This report has been reviewed by Hawthorn Geddes engineers on behalf of WDC (letter dated 29 March 2010, **Attachment 10B**). It is recognised that all works undertaken in the vicinity of the Otangarei Stream need to be done so in accordance with the provisions of the Hatea Catchment Plan and the stormwater report provided is based on the Hatea Catchment Plan and updated to include more recent development that has occurred in the area/catchment.
- 5.10.3 The route of the proposed road crosses the low-lying land of the Otangarei Stream "valley" and crosses the watercourse of the same name. The stormwater assessment undertaken by Cook Costello covers a number of facets associated with the Otangarei Stream, localised stormwater catchments and runoff from the proposed new roadway. The report identifies an existing constraint at the Kiripaka Road culvert located downstream from the site and considers the capacity of this culvert to be a limiting factor in the design of the culverts for the new Spedding Road Link.
- 5.10.4 Subsequent to the initial report by Cook Costello, additional information/clarification was provided by Sean Kelly of Cook Costello to Hawthorn Geddes, which addressed aspects raised in the initial appraisal. It is noted that no specific design has been provided for the Spedding Road link runoff quantity and/or quality control and that this can be addressed at detailed design stage.
- 5.10.5 The mechanism principles indicated in the Cook Costello report are considered to be generally appropriate and Hawthorn Geddes recommended that WDC should confirm that the Denby Golf Club has accepted the attenuation storage encroaching onto their land, as indicated in the stormwater reports. This approval has been provided (dated 2 December 2009, **Attachment 8**)
- 5.10.6 WDC Senior Environmental Engineering Officer, Mr Dean Murphy is satisfied with the reports provided and the reviews undertaken and considers that the proposal is acceptable provided that the requirement for specific design of stormwater quality and attenuation methods be carried forward to become conditions of any approved designation (this report is included as **Attachment 9**).

## 5.11 Landscape Effects

- 5.11.1 Construction of the new road will have some potential for landscape impacts. The new road will be able to be viewed from parts of William Jones Drive, the Denby Golf Course and land owned by BBM Holdings Ltd (the consented but undeveloped subdivision adjacent to be new road route). The construction of the road will involve earthworks with any cut and fill areas to be regrassed and road side plantings are also proposed.
- 5.11.2 The noise barriers proposed on the lower portion of the new road link (at the rear of properties on William Jones Drive) are no higher than the permitted height of fences allowed for under the District Plan, therefore the potential effects of these noise barriers are considered to be no more than minor. It is noted that the landscape planting proposed to occur between the new roadway and these noise barriers will provide screening of the barriers when viewed from the road and will also assist in avoiding vandalism, particularly 'tagging'. In the upper portion of the new road alignment the barriers are significantly higher, in the order of 3 - 3.5 m in height. However, these barriers are located on the lower side of the bank and therefore will not negatively impact upon the adjacent subdivision when developed. It is also noted that planting is proposed to screen these barriers from view from the road.

5.11.3 An 8 m high mesh fence is also proposed along the boundary of the golf course in order to provide protection to passing cars from miss-hit golf balls. The fence will be of an open mesh construction, in part screened with planting. As the fence proposed is on the opposite side of the road from any existing dwellings, it is considered that the potential effects of such will be no more than minor. It is also noted that such fences are already in existence in the area to protect vehicles from golf balls and that no submissions have raised landscape issues as part of the notification process of this application.

5.11.4 In order to ensure that the landscape planting proposed is properly planned and undertaken it is recommended that a condition be included with any approved designation that a landscape plan be provided, prior to approval of any outline plan.

## 5.12 Parks and Reserves

5.12.1 A portion of the existing Otangarei sports fields will be traversed by the new road alignment. The Parks Planner, Mr Dominic Kula has reviewed the application with the Parks and Recreation Manager, the Parks Technical Officer responsible for affected Parks land and the Rooding Manager.

5.12.2 Overall the designation envelope has been designed to address any concerns that the WDC Parks Department may have regarding effects on the adjacent sports fields. It is understood that the 1400m<sup>2</sup> land to be taken for road construction enables a minimum 5m setback between the designation envelope and the existing sports fields.

5.12.3 The design work undertaken to date provides for physical separation of the road and sports fields and the design work also provides that stormwater and any other rooding effects do not impact upon the existing sports fields/reserve.

5.12.4 However, the Parks Department has minor concerns, given that a design and build contract is proposed for the project, that there be surety that work undertaken to date on the design will flow through to the detailed design undertaken by the contractor.

5.12.5 The Parks Department requests that conditions be included in the application to ensure that the detailed design of the road alignment addresses setbacks from the existing sports fields, provides separation of the road and sportsfields and ensures that there is adequate management of stormwater (either in accordance with pre-application design work and agreements or to the satisfaction of the Parks and Recreation Manager).

5.12.6 This matter has been discussed with the Rooding Manager who is comfortable with the approach and therefore it is considered appropriate to include conditions to this end on the designation, if approved.

## 5.13 Archaeological Effects

5.13.1 An archaeological assessment of the proposed road route has being undertaken by Geometria Ltd (report dated May 2010, **Attachment 11**). One archaeological site consisting of remnant 19th-century stone walls and an associated cemetery was recorded in the project area and will be partly modified by the proposal. It is also possible that other historic or archaeological sites and features may be encountered in the course of works and recommendations are made in the report regarding the potential impact of the proposed development on recorded and unrecorded archaeological remains.

5.13.2 The archaeological report was provided to the New Zealand Historic Places Trust for their review (letters dated 11 and 14 May 2010, **Attachments 12**). As a result of consultation with the Historic Places Trust, WDC has agreed to apply for an 'authority to modify, damage or destroy archaeology' with regard to the site discovered, with such an authority to be applied for prior to any groundworks occurring in this area. The Historic Places Trust states that work in other areas should be completed using an accidental discovery protocol. On the basis of the above the New Zealand Historic Places Trust withdrew their submission to the application and the possible effects of the proposal on archaeological values are considered to be no more than minor.

#### 5.14 **Geotechnical Issues**

5.14.1 Part of the proposed route crosses an area subject to a mining hazard. Development in such areas is subject to Rule 56.2.4 Mining Subsidence:

*Construction or alteration (excluding internal modifications) of a building or earthworks within a Mining Hazard Area is a permitted activity if:*

- a) *A geotechnical survey of the ground under, and in the immediate vicinity of the site, is undertaken, and*
- b) *A report or certificate, which has been prepared by a suitable qualified and experienced professional, is provided to the Council which indicates that:*
  - i) *Where the site is to accommodate a residential unit, there is an identified building area of at least 100m<sup>2</sup> where a residential unit can be built so that there is compliance as a permitted activity with the rules in this plan; and*
  - ii) *The site is suitable for the activity or structure, and*
  - iii) *The structure is of an appropriate design and the building materials are appropriate in the circumstances; and*
- c) *The risk of subsidence is not increased by the construction, alteration or excavation.*

*Construction or alteration of a building or earthworks that does not comply with a condition for a permitted activity is a restricted discretionary activity.*

*Discretion is restricted to:*

- i. *Construction standards;*
- ii. *Effects on health and safety;*
- iii. *The additional matters listed in Section 2.3.3.*

5.14.2 A feasibility study was undertaken by Connell Wagner PTY Ltd dated May 1999 (part included in the original application, **Attachment 1**). This report concludes that geotechnical investigations were undertaken to determine the suitability of the ground conditions for the proposed route and that ground conditions are generally suitable for road construction, however the valley floor consists of swampy ground will require specific foundation design. WDC Senior Environmental Engineering Officer, Mr Dean Murphy is satisfied that all geotechnical issues can be dealt with at the design stage with the further relevant site investigations to be undertaken.

## 5.15 Overall Assessment of Effects

- 5.15.1 The actual and potential effects of the proposed activity on the environment have been evaluated in a manner consistent with Section 168A and it is concluded that the adverse effects can be mitigated and overall the potential effects of the proposal on the environment are no more than minor, recognising that some matters will be dealt with as conditions of the designation, if approved.

## 6. District Plan Objectives and Policies

- 6.2 The following objectives and policies are considered to be relevant in the assessment of this application:

### 6.3 Chapter 5 Amenity Values

Objective 5.3.1 - The characteristic amenity values of each Environment are maintained and where appropriate enhanced.

Objective 5.3.2 - Adverse effects on amenity values do not result in a reduction of amenity value below that which is desirable for people's health and safety.

Policy 5.4.1 - Effects on the Local Environment

To ensure that activities do not produce, beyond the boundaries of the site, adverse effects that are not compatible with the amenity values characteristic of the surrounding and/or adjacent environment unless such effects are authorised by a district plan, a designation, a resource consent, or otherwise. The following effects should be given particular consideration in this respect:

- Noise and effects;
- Shading;
- Glare;
- Light spill;
- Dust;
- Smoke;
- Odour;
- Vibration;
- Spray drift;
- Visual amenity.

Policy 5.4.3 Activities in Living Environments

To ensure activities in Living Environments do not have adverse effects that are significantly greater than those associated with residential activities, whilst acknowledging that adverse effects of activities from outside the living Environments, e.g. the Airport, may not be avoidable altogether and may affect amenity values.

Policy 5.4.6 Open Space Environments

To ensure amenity values and natural character associated with Open Space Environments are maintained and enhanced, and to enable public appreciation and enjoyment of such places except where public access is restricted due to ecological cultural, public health and/or safety reasons.

5.4.12 Traffic

To encourage vehicle movements and parking demand, where it does not adversely affect the amenity values of the particular environment in which it is located, having regard to the characteristics of that environment and adjacent environments, and the range of activities for which it makes provision for.

## 6.4 Comments on Amenity Values Objectives and Policies

6.4.1 Within the overview (section 5.2) Chapter 5, Amenity Values of the District Plan the following statement is provided to describe in general terms the characteristics of the Living Environment:

*Living Environments tend to be passive environments where people relax and interact with each other on a social basis. In general, they have high levels of amenity as a result of a combination of some or all of the following characteristics:*

- *Low intensity development;*
- *Presence of trees and private gardens;*
- *Landscaped frontages and street set backs;*
- *Off-street parking;*
- *High degree of privacy;*
- *Daylight and sunlight access;*
- *A high proportion of private and public open space;*
- *Low levels of noise, visual pollution, odour and nuisances;*
- *Safe environment for children, cyclists and pedestrians;*
- *Low levels of vehicular traffic;*
- *Feeling of community;*
- *Non-residential support activities, such as business and community activities, of an appropriate scale.*

*Some areas of Living Environments are compromised by the effects of activities located in other environments. Where there are conflicts between existing legitimate land use activities, a balance is required to be struck between the achievement of high levels of amenity in living environments, and the efficient use of existing resources.*

6.4.2 The Plan does not contain a similar statement regarding the Open Space Environment; however specific objectives and policies associated with the Open Space Environment are assessed below.

6.4.3 Overall it is considered that the objectives seek to maintain and enhance the amenity values of the District and to avoid conflict between incompatible activities.

6.4.4 Generally activities with similar effects are concentrated together, however this strategy depends upon such activities not producing effects that would adversely affect other activities and being relatively insensitive to the effects of similar activities. Activities are also encouraged to be located and designed in a way that avoids remedies or mitigates any adverse effects that they might have on the environment.

6.4.5 Conflict often occurs at the interface between activities due to different levels of amenity, or where effects occur beyond the boundary of a site. Activities should be carried out in a manner which ensures that they do not produce, beyond the boundaries of the site, levels of adverse effects such as noise, nuisance, shading, glare, light spill, dust, smoke, odour, vibration or other emissions such as spray drift that may adversely affect adjoining sites.

6.4.6 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.

- 6.4.7 The Living Environments are considered to be particularly sensitive to the effects of non-residential activities and any activity that locates in a Living Environment should not have any effects that cannot be avoided, remedied or mitigated to a level consistent with the amenity of a residential area. Open space is an essential ingredient for community well-being, health and safety with these areas used for recreational purposes and for passive enjoyment and the amenity values of such environments should be protected also.
- 6.4.8 In particular significant increases in traffic, or changes to the character of quiet roads, can result in significant adverse effects on the safe and efficient functioning of these streets and on the amenity values of the locality.
- 6.4.9 With regard to this application particular regard has been given to the effects of noise and vibration from the proposed new road and from the increase in traffic on the existing alignment of Spedding Road in accordance with Policy 5.4.12. These assessments have concluded that, subject to particular mitigation measures are being applied, that the effects of the new road will not negatively impact upon the amenity values of the surrounding environment and that the health and safety of residents will not be negatively impacted upon, achieving objective 5.3.2.
- 6.4.10 Overall, it is considered that the proposal meets Objectives 5.3.1 and 5.3.2 and will ensure that Policies 5.4.3 and 5.4.6 are adhered to. Based on the above considerations, it is concluded that the proposal is in keeping with the relevant objectives and policies of the District Plan related to amenity values.

## 6.5 Chapter 15 – Open Space

Objective 15.3.3 - Provide open space and manage activities within open space in a manner that avoids, remedies or mitigates adverse effects on the environment.

Objective 15.3.4 - Protection of open space from subdivision, use and development inconsistent with their purpose.

Policy - 15.4.5 Effects

To manage activities within open space in a manner that avoids, remedies or mitigates adverse effects, to the extent practicable, on the environment both within and outside those areas.

Policy - 15.4.6 Open Space Values

To ensure that the values of the Open Space Environment are not compromised by subdivision, use or development of it, or of adjoining land.

## 6.6 Comments on Open Space Objectives and Policies

- 6.6.1 Activities carried out on open space land can result in adverse effects on both this land and adjoining sites, if the effects of such activities are not minimised and it is considered that open space has a variety of values, depending upon its purpose and location.
- 6.6.2 Open space areas are important to both the community and for general environmental health and development of open space land and land that adjoins open space, should not adversely affect the values that these areas have. It is considered that open space plays an important function in providing recreational and social opportunities for the public. Activities on open space areas can potentially result in adverse effects on the environmental qualities of the site and adjoining properties. It is therefore important that such activities are managed in such a way that avoids, remedies or mitigates these effects.

- 6.6.3 It is assessed that the potential effects of this proposal can be managed in such a way as to ensure that the intrinsic values of the open space areas included within the proposed route alignment of the new road will not be adversely impacted upon, therefore achieving objective 15.3.3. It is also noted that where the new route alignment will include a portion of the Otangarei Sports Park, this has been specifically assessed by the WDC Parks and Recreation Division who have concluded that subject to specific design and a setback of the road from the edge of any playing fields, that is possible that any adverse effects will be adequately avoided in accordance with objective 15.3.4.
- 6.6.4 Based on the above considerations, it is concluded that the proposal is in keeping with the objectives and policies of the District Plan related to open space.

## 6.7 Chapter 19 – Natural Hazards

Objective 19.3.1 - The adverse effects of natural hazards on people, property and the environment are avoided, as far as practicable, or otherwise remedied or mitigated.

### Policy 19.4.1 - Natural Hazard Effects

To ensure that subdivision, use and development do not increase the risk from, occurrence of, or the adverse effects of natural hazards.

### Policy 19.4.7 - Flood Flow Paths

To ensure that subdivision, use and development does not obstruct the flood flow paths of rivers and the efficient functioning of natural drainage systems.

## 6.8 Comments on Natural Hazards Objectives and Policies

- 6.8.1 The avoidance and mitigation of the effects of natural hazards is considered to be the best management approach, with avoidance being preferred to reduce the risk to property and the health and safety of people. Certain uses and development may initiate or intensify the adverse effects of natural hazards on the site and beyond and this will be assessed on a case-by-case basis. Activities located in the flood paths of rivers and streams have the potential to interfere with the flow of floodwater and if not appropriately assessed and provided for may increase the adverse effects of the flooding upon human health and safety, property and infrastructure.
- 6.8.2 This proposal is subject to potential risk related to flooding and mining subsidence and the assessments undertaken with the application have concluded that subject to specific design that these potential hazard effects can be adequately avoided achieving objective 19.3.1 and policies 19.4.1 and 19.4.7. Therefore, it is considered that the proposal is in keeping with the relevant objectives and policies related to natural hazards.

## 6.9 Chapter 22 Road Transport

Objective 22.3.1 - Establish and maintain a safe and efficient road transport network.

Objective 22.3.2 - Avoid, remedy or mitigate any adverse effects of road transport activities on the surrounding environment.

### Policy 22.4.2 Road Linkages

To identify and provide for future road linkages.

### Policy 22.4.3 New Roads and Intersections

To design and construct new public and private roads, intersections, vehicle crossing places and entranceways to meet the minimum standards in Appendix 9, to avoid, remedy or mitigate adverse effects on the environment and the roading network.

#### Policy 22.4.4 Ecological, Landscape and Amenity Values

To ensure adverse effects of road transport activities on ecological, amenity and landscape values should be avoided, remedied or mitigated to the extent practicable.

#### Policy 22.4.6 Pedestrian Safety

To ensure that cyclists and pedestrians, including vulnerable groups, such as the young, the elderly and the disabled, are safe from vehicles and other road traffic. Suitable facilities for cyclists and pedestrians should be provided in new developments and within the existing roading hierarchy, as appropriate.

### 6.10 Comments on Road Transport Objectives and Policies

- 6.10.1 The road transport network is considered to be very important to the community, however it consumes a large amount of resources and has the potential to create many adverse effects. Roads can detract from the visual character of an environment and ecological values can be compromised by inappropriate roading location and can provide a vector for plant and animal pests and such adverse effects can be minimised through sensitive design and construction practices.
- 6.10.2 The efficiency and safety of the road transport network impacts on the well-being of the community and it is also recognised that the transport network can have a significant effect on the natural environment and amenity values and managing the location of activities and development, relative to the transport network, is one way of avoiding the effects of transportation being spread over a wide area, where mitigation is more difficult to implement.
- 6.10.3 As is the case with this application, indicative roads can be identified in the Plan to illustrate where it is desirable to construct roads in the future. Such indicative roads can be used to guide development into certain areas of the District and the design and location of indicative roads will contribute to a safe and efficient road transport network.
- 6.10.4 New roads, intersections and access points need to be designed and located in such a way that any impacts on existing infrastructure and the environment are kept to within acceptable limits, and are constructed to Council-approved performance standards. Where works directly impact on the State Highway network, the works shall be designed and constructed to New Zealand Transport Agency (Transit New Zealand) performance standards.
- 6.10.5 The potential effects of this proposal on amenity values have been commented on above and it is specifically noted that the alignment of this new road link follows an indicative road alignment that has been contained in the Proposed District Plan and are now Operative District Plan for over 10 years in accordance with Policy 22.4.2.
- 6.10.6 There is a necessity for this road link to try and ease pressure on underperforming local roads and to assist in creating an overall more efficient roading network. The road will be constructed in accordance with the relevant standards to ensure that it is of an adequate width and alignment to cater for proposed traffic and includes 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.
- 6.10.7 Overall it is considered that the proposal will meet with the objectives of policies contained within the District Plan related to road transport.

## 6.11 Summary

- 6.11.1 In summary the proposal is considered to be consistent with the relevant objectives and policies of the District Plan relating to Amenity Values, Open Space, Natural Hazards and Road Transport.

## 7. Regional Policy Statement

7.1 The Northland Regional Council's Policy Statement became fully operative in 2002. It has sections on land management and transportation pertinent to the proposed project. The section on land management has objectives and policies relating to the protection of high quality soils from inappropriate land use activities, an issue which is not considered relevant with respect to the location of the proposed Spedding Road link. The section on transportation has policies relating to the maintaining and enhancing the safety and efficiency of major roads and minimising the environmental effects of any new works and it is assessed that the proposed project is generally in accordance with these policies.

7.2 The development of the proposed road will require consent from the Northland Regional Council for earthworks, stormwater discharge and silt control during earthworks and stormwater discharge from the completed road.

7.3 The Northland Regional Policy Statement became operative on 31st March 1999. The statement seeks to provide a policy framework and direction for resource management in the 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 and has no rules.

7.4 A number of specific policies have been developed to protect the existing soil and water quantity and quality of the Region and ecosystems and biodiversity (see sections 14, 17, 20 and 23 of the Northland Regional Policy Statement).

7.5 It is considered that the proposal is consistent with the relevant objectives and policies of the Regional Policy Statement; however a full assessment of the objectives and policies is more appropriately dealt with as part of the relevant resource consent applications submitted to Northland Regional Council.

### 7.6 The Regional Water and Soil Plan for Northland

7.7 The Northland Regional Council adopted the Regional Soil and Water Plan for Northland in 2004. The purpose of the Regional Water and Soil Plan (RWSP) is to assist the Northland Regional Council, together with the resource users of Northland, to promote the sustainable management of the Regions water and soil resources. Several sections are relevant to the designation and associated road construction works

- Section 7- Water Quality Management
- Section 12 - Land Management
- Section 22 - Rules for Runoff from Roads and from Land Disturbance Activities
- Section 33 - Rules on Land Disturbance Activities
- Section 35 - Rules for Land Disturbance Activities within the Streamside Management Area

- 7.8 The earthworks involved in constructing the road will require land use consent by virtue of the rules on land disturbance activities in Sections 33 and 35. Under Section 33 land use consent is required for earthworks involving more than 5000m<sup>3</sup> in any one year where the activity is not undertaken on erosion prone land. A requirement for earthworks in the order of 100,000m<sup>3</sup> are estimated in constructing the road, which is well above the threshold set in the Plan.
- 7.9 Overall, it is considered that the proposed designation is consistent with the relevant policies and objectives of the RWSP, however a full assessment of the objectives and policies is more appropriately dealt with as part of the required resource consent applications submitted to Northland Regional Council
- 7.10 Cook Costello on behalf of Whangarei District Council lodged an application with the Northland Regional Council on the 13th of August 2009 for an Earthworks Consent which has been granted.

## **8. National Policy Statement, New Zealand Coastal Policy Statement**

- 8.1 There is no applicable National Policy Statement and due to the proposal not being in close proximity to the coast it is not considered necessary to assess the proposal against the New Zealand Coastal Policy Statement

## **9. Part 2, Resource Management Act 1991**

- 9.1 As noted previously, in accordance with section 168A(3) of the RMA "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". Part 2 of the Resource Management Act 1991 details the purpose and principles of the Act and as such forms the backbone for all the documents and processes that are prepared under the Act.
- 9.2 The single/principle purpose of the Resource Management Act (RMA), to promote the sustainable management of natural and physical resources (Part 2, Section 5), accords pre-eminence to promoting sustainable management of natural and physical resources, not just their "management".
- 9.3 After Section 5, Sections 6 – 8 of the RMA provide guidance to decision makers on a hierarchy of considerations, being:
- Matters of national importance
  - Other matters that must be given particular regard
  - Principles of the Treaty of Waitangi that must be taken into account
- 9.4 The matters set out in Sections 6 – 8 while important, are all subordinate to the overall purpose of the RMA, set out in Section 5.

### **9.5 Section 5 – Purpose**

- 9.5.1 Section 5 of the Act states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act sustainable management means managing the use, development and protection of natural and physical resources, in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

9.5.2 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 them 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.

## 9.6 Section 6 – Matters of National Importance

9.6.1 Section 6 of the RMA lists matters of national importance that must be recognised and provided for and in this particular instance no matters of national importance, as outlined in Section 6 of the Act, are considered relevant to this application.

## 9.7 Section 7 - Other matters

9.7.1 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.*

9.7.2 In respect to this application, it has been assessed as the potential effects of this proposal can be either 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.

## 9.8 Section 8 – Treaty of Waitangi

9.8.1 Section 8 of the Act requires council to take into account the principles of the Treaty of Waitangi. Local iwi were served a copy of the application, however no submissions from local iwi were received.

9.8.2 It is recognised that there is the potential for effects on known archaeological sites to occur, however the New Zealand Historic Places Trust is satisfied with the information provided and that if relevant and accepted procedures are followed that the effects of such will be no more than minor. Therefore, it is considered that by notifying local iwi of this application and through the course of processing this application, there was regard had for the Treaty of Waitangi.

## 10. Alternatives Considered

10.1 Section 168A(3)(b) 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—*

*(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work ...”*

10.2 Assessments considering the alternatives and the economic viability of the Spedding Road Link have been included in the following transportation studies commissioned by the Whangarei District Council:

- Spedding Road Link Feasibility Study Report May 1999 Connell Wagner
- Addendum Option C - Spedding Road Feasibility Study Nov 2001 Connell Wagner
- Whangarei Urban Area Project Feasibility Assessment Nov 2007 MWH
- Kamo Bypass Stage II Economic Assessment Gabites Porter April 2006 Gabites Porter
- Whangarei Urban Area Project Feasibility Report May 2009 Gabites Porter
- Addendum to Whangarei Urban Area Project Feasibility Report June 2009 Gabites Porter
- Whangarei Urban Area Strategy Modelling Report June 2009 Gabites Porter

10.3 In May 1999 a transportation study commissioned by Whangarei District Council and completed by Connell Wagner Pty Ltd assessed different alternatives in addition to the proposed route and these are briefly described as:

- Option A - an 80km/h alignment which cuts across the golf course
- Option B - a 70 km/h alignment which sweeps around the golf course
- Option C - similar to Option B but with a slight different road alignment at the Spedding Road end of the proposed route

10.4 More recently Gabites Porter Consultants were commissioned by Whangarei District Council to assess the economic viability of competing options for Kamo Bypass Stage II. By this time the second stage of the Bypass had been under consideration for some time with different studies and assessments considering the merit of different infrastructure scenarios.

10.5 The resultant report takes into account much of the earlier work undertaken, including the provision of a link through to Tikipunga. The resulting Draft Whangarei Urban Area Project Feasibility Report released in May 2009 and its addendum in June 2009 assesses the feasibility of the Kamo Bypass Stage 2 Option and the Spedding Road extension and concludes with regard to the Spedding Road Link that:

- The benefits outweigh the costs of construction
- The road will decrease traffic on Vinegar Hill Road/ Kiripaka Rd/Mill Road, however it will put more traffic on Western Hills Drive and Kamo Road

- Due to the shift in traffic it improves the levels of service on the Vinegar Hill Road/ Kiripaka Rd/ Mill Road route however it puts more traffic on Western Hills Drive.
  - As much of the traffic affected by this option is travelling between the Tikipunga area and travelling south to the CBD the function of the road is consistent with the overall traffic planning for Whangarei City and the wider environment.
- 10.6 It is noted that NZTA in conjunction with WDC are undertaking an extensive upgrading proposal of Western Hills Drive.
- 10.7 Overall it is considered that possible alternatives to the Spedding Road Link have been adequately considered, particularly in light of the wider traffic and transportation issues affecting Whangarei.

## 11. Necessity

11.1 Section 168A(3)(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—*

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

11.2 It is assessed that the designation is the appropriate planning method to be applied to the securing of the required route, the construction of the road and its long term operation, in accordance with the stated objective of the project, that *"The Council is committed to providing the Spedding Road link to the Kamo Bypass Stage 2 to improve safety and access within the Whangarei Urban Area and to provide an east - west link connecting Tikipunga, Glenbervie and Tutukaka directly with State Highway 1"*.

## 12. Other Matters

12.1 Section 168A(3)(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."*

12.2 In this instance it is assessed that there are not any other matters that require assessment with regard to the proposal applied for.

## 13. Outline Plan

13.1 Section 176A – "Outline plan" – requires that an outline plan of a public work on designated land is to be submitted to allow the territorial authority to request changes before construction commences.

13.2 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.
- 13.3 However, this requirement does not apply in a case where:
- The proposed work has been otherwise approved under the Act;
  - The details of the public work have been incorporated into the designation;
  - The territorial authority waives the requirement for an outline plan.
- 13.4 The Outline Plan process in the Act is one that involves the Council and the requiring authority, in this instance WDC. 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.
- 13.5 As detailed above there is the potential to waive the requirement for an Outline Plan, but in this instance it is not considered appropriate to do so, due to the specific mitigation measures that have been suggested as necessary to provide for the avoidance of hazard effects and the requirements to mitigate noise and vibration effects.

## 14. Late Submission

- 14.1 As previously detailed, the submission of B & N Creswell was a late submission received on 27 May 2010, after the closing dates for submissions. Submissions on the application closed on 16 February 2020 and the submission was received 70 working days after the close of submissions. The reason for the lateness of the submission is that the Creswell's were on holiday and only received the notification of the application on their return. Their property is located at 31 Spedding Road.
- 14.2 Sections 37 and 37A of the RMA relate to waivers and extensions to time limits. In general terms a time limit can only be extended to twice that specified, therefore the submission of B & N Creswell being received more than 20 working days after the close of submissions is outside of this timeframe.
- 14.3 In particular Section 37A(5) applies whereby:
- "a consent authority may extend a time period under section 37 so that the extended period exceeds twice the maximum time period specified in the Act only if—*
- (a) *the applicant agrees to the extension; and*
- (b) *the authority has taken into account the matters specified in subsection (1).*
- 14.4 In this instance the applicant has stated that they are opposed to any extension being granted, as they are of the opinion that the matters raised by the Creswells have also been raised by others, therefore there is no disadvantage in the assessment of effects of not allowing the submission of B & N Creswell.

- 14.5 In this instance there is no discretion in the provisions of section 37A(5) of the RMA, as the applicant must agree to a more than doubling of the timeframe for the submission to be allowed, therefore as the applicant has not agreed to such an extension the submission must not be allowed.

## 15. Conclusion

- 15.1 Overall it is considered that the proposal satisfies the tests in section 168A of the Act and will not be inconsistent with the provisions of the relevant Plans and Part 2 of the Act.
- 15.2 The potential effects of the proposal have been assessed to be no more than minor and the proposal is considered appropriate and necessary for achieving the purpose of the notice of requirement.
- 15.3 Therefore, it is recommended that the Notice of Requirement be confirmed and that conditions be applied to the designation.

### Recommendation

That pursuant to Section 168A(4) of the Resource Management Act 1991 that the application for a Notice of Requirement for the Whangarei District Council to establish a designation for the construction and use of a road between the southern end of the Kamo Bypass (State Highway 1) and the western end of Spedding Road, Tikipunga, commonly referred to as the "Spedding Road Link" over Lots 2, 5 & 9 DP143700, Section 1 SO 354925 and Lot 442 DP 46703 (Recreation Reserve) be **confirmed** and that conditions be imposed on the designation.

#### Reasons for the Recommendation:

1. The adverse effects of the proposal on the environment have been assessed to be no more than minor, subject to measures outlined in the notice of requirement and recommended conditions. This includes effects related to traffic volumes, noise and vibration.
2. The designation is not contrary to the relevant provisions of the Whangarei District Plan and other relevant Plan provisions and is in keeping with the objectives and policies of the District Plan.
3. The proposal is assessed to satisfy the relevant matters contained in Part 2 of the Act.
4. Adequate consideration has been given to alternatives.
5. The designation is reasonably necessary as it enables the construction of a road link assessed as being necessary to assist in the better management of traffic and the relief of congestion within the Whangarei urban area and the notice of requirement/designation is considered to be the appropriate planning tool to be exercised to achieve the objective.

#### Commencement:

This consent shall commence in accordance with s116 of the RMA or on the date upon which the last of any of the Related Consents commence under s116 or 119 of the RMA, whichever is the later.

**Lapsing of Consent:**

This consent shall lapse 5 years after the date of commencement unless the consent is given effect to before the expiry of this period or such longer period as may be granted under Section 125 of the Resource Management Act 1991.

**Duration:**

If the consent is exercised, all aspects of this consent shall have an unlimited duration (in accordance with s123(a) of the RMA).

**Extent of Consent:**

The area identified on plans referenced as the land requirement plans, drawings for notice of requirement and resource consent, drawings for resource consent, indicative design cross sections as set out in the schedule of affected land attached to the application for the Notice of Requirement.

**Conditions:**

1. The scope and extent of works associated with the designation shall proceed in general accordance with the detail outlined in the documents provided by:
  - a. Phillipa Campbell Environmental Consulting Limited on behalf of the Whangarei District Council dated August 2009
  - b. Spedding Road Extension Site Suitability and Geotechnical Report – Cook Costello, 16 September 2009
  - c. Spedding Road Extension Stormwater Report - Cook Costello, 2 November 2009
  - d. Spedding Road Extension Assessment of Noise Effects – Marshall Day, 16 October 2009
  - e. Spedding Road Extension Assessment of Noise Effects – Marshall Day, 25 March 2010
  - f. Archaeological Report, Spedding Road Extension – Geometria, May 2010
2. That the Whangarei District Council shall be responsible for all necessary land purchases, compensation costs, legalisation, construction and reinstatement works and similar, for completion of the project unless otherwise agreed with the affected parties.
3. Prior to the start of physical works, any required resource consents shall be obtained from the Northland Regional Council.
4. Hydrological and water quality aspects are to comply with Northland Regional Council requirements.
5. No physical works are to commence on the site prior to an Outline Plan application being approved by the Council in accordance with Section 176A of the RMA. The Outline Plan application is to include:
  - a. Final engineering plans of the proposed works, prepared in accordance with the Whangarei District Council Environmental Engineering Standards and certified by a suitably experienced registered civil engineer prior to being submitted for approval by the Council's Team Leader Environmental Engineering. Such plans are to include the following:
    - i. All site works proposed, including excavation and fill volumes of earthworks and the boundaries of proposed earthworks.

- ii. All physical mitigation works proposed, including details of the proposed stormwater and sediment control systems.
    - iii. Any requirements of the granted Northland Regional Council consents
    - iv. Sound barriers/fences to be constructed in accordance with the recommendation of the Marshall Day reports
    - v. Any improvements to be undertaken to other roads in the immediate vicinity of the new designation as part of the construction of the new road
  - b. An amenity landscaping plan for the designation area prepared by a qualified landscape architect for approval by the Council's Resource Consents Manager. Such plans are to include the following:
    - i. An overall concept plan at an appropriate scale to detail all areas and features including hard landscape treatments.
    - ii. Planting plans at 1:100 scale detailing the plant positions and species [their common and Latin names], the numbers used and their grade at planting.
    - iii. A set of specifications outlining best practice installation and maintenance regimes.
    - iv. A statement regarding when each stage of landscaping will be undertaken.
- 6. During construction, New Zealand Standard 6803: 1999, Acoustics – Construction Noise shall be complied with and the principles for managing noise set out within that document shall be formally adopted.
- 7. Prior to any ground works occurring on Section 1 SO 354925 an 'authority to modify, damage or destroy archaeology' is to be obtained from the New Zealand Historic Places Trust. Notwithstanding this requirement the provisions of the New Zealand Historic Places Act 1993 shall be complied with in the event that any archaeological or historical remains are uncovered during construction. If any artefact, including human remains, is exposed during any site works the following procedures shall apply:
  - a. Immediately when an artefact has been exposed, all site works shall cease; and
  - b. The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched; and
  - c. The site supervisor shall notify tangata whenua and the New Zealand Historic Places Trust so that the appropriate action can be taken.
- 8. Before the commencement of any ground clearing work on site, the requiring authority shall install and maintain suitable stormwater and sediment control devices and measures to prevent the transportation of sediment into natural watercourses or adjoining properties.
- 9. All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; this shall include use of a water truck for dust mitigation as required.
- 10. All exposed cut and fill batters shall be re-vegetated with grass to blend in with the character of the surrounding environment within a month of works ceasing.

11. A minimum 5m setback between the designation boundary and the existing Otangarei sports fields is to be provided, along with adequate management of stormwater to the satisfaction of the Parks and Recreation Manager.

### ***Advice Notes***

1. Section 120 of the Resource Management Act 1991 provides a right of appeal to this decision. Appeals must be in writing, setting out the reasons for the appeal, and lodged with the Environment Court within 15 working days after the decision has been notified to you. Appellants are also required to ensure that a copy of the notice of appeal is served on all other relevant parties.
2. The consent holder/applicant shall pay all charges set by the Council under section 36 of the Resource Management Act 1991. The applicant will be advised of the charges as they fall.
3. Compliance with Council's specific practices is to be obtained prior to the commencement of any work to Council's roads and/or infra-structure.

### **Attachments:**

- |        |  |
|--------|--|
| One    | Copy of the Application                        |
| Two    | Aerial photo and Locality of the Site          |
| Three  | District Plan Planning Maps                    |
| Four   | Plans of Proposal                              |
| Five   | Submissions Received                           |
| Six    | Pre Hearing Report                             |
| Seven  | Marshall Day Reports                           |
| Eight  | Written Approval Denby Golf Club               |
| Nine   | WDC Senior Environmental Engineers Report      |
| Ten A  | Cook Costello Stormwater Report                |
| Ten B  | Hawthorn Geddes Stormwater Comments            |
| Eleven | Archaeology Report                             |
| Twelve | Letters from New Zealand Historic Places Trust |