

**Appendix E** Waka Kotahi response to Hugh Green Limited comments on the Stage 1B1 Papakura to Drury Fast Track Application FTC000015

For clarity the following paragraphs use the numbering contained in the HGL written comment dated 23/9/21.

## 4. Extent of the Notice of Requirement

The written comment seeks that Waka Kotahi acquire the land required from HGL as a single land take, rather than a two stage approach to the land acquisition process. A two stage process was initially considered for the Stage 1B2 land component over the HGL site at 144 Park Estate Road, based on a 'worst case scenario' lease over the 1B2 portion. This process was subsequently discounted in discussions between Waka Kotahi and HGG. Waka Kotahi now propose to continue engagement with Mana Whenua project partners for the Stage 1B2 component of the project, in order to confirm land acquisition requirements at 144 Park Estate Road and produce a single land requirement plan for both Stages 1B1 and 1B2 in relation to the HGL site. The design will seek to minimise the permanent land requirement from HGL land and will therefore mitigate the inefficiencies that the written comment highlights would be encountered during a two-stage process. It is likely that some temporary occupation of land will be required for construction, however the Waka Kotahi designation over that land will be rolled back post completion. A designation rationalisation process is confirmed in Condition GC.2 *Designation Review*.

The HGL written comment refers to Waka Kotahi taking a lease over part of the site at 144 Park Estate Road for use as a construction yard. Waka Kotahi note this arrangement is between Fulton Hogan and HGL. Waka Kotahi are not a party to this arrangement.

## 5. Shared Use Path

### 5.1 Alignment

Waka Kotahi will continue to engage with HGL with respect to the alignment of the SUP.

### 5.2 Connections

HGL have requested two connections to the Waka Kotahi SUP in relation to the site at 144 Park Estate Road, and drawings submitted with the written comment identify a third potential location. In principle, Waka Kotahi support increased connections to the SUP and note that they will increase its accessibility and utility to future residents and visitors to the area. Waka Kotahi will continue to work closely with HGL and other parties along the alignment to maximise opportunities to connect to it. Waka Kotahi also make the following comments in regard to the considerations for further connections:

- Adequate sight distance at these intersections must be provided by HGL in the design of the HGL connections to the Waka Kotahi SUP to ensure the safety path users.
- The Waka Kotahi proposed SUP designation does not feature any intersection widening for future connections and therefore HGL will need to provide this widening when designing connections.
- Waka Kotahi are investigating the installation of speed mitigation measures at intersection locations and note this feature must be taken into consideration by HGL when designing any connections to the SUP.
- Should noise walls be installed by HGL along the 144 Park Estate Road site boundary with the SUP designation, further investigation on the location and design of connections to the Waka Kotahi SUP will be required.

## 6. Stormwater Discharge Across 144 and 152 Park Estate Road

The Stage 1B1 designs do not propose any additional runoff from the northbound lane to be discharged through the existing culverts 14G, 14H and 14I (refer Application Volume 3, Appendix F, Stormwater Drainage Layout Plans). Existing consented (BUN60351085) flows from culverts 14G, 14H and 14I will continue to be discharged at the

existing outfalls, over extended/repared outfalls and rip rap, which will dissipate the energy and maintain the existing downstream flow regime. There is a marginal increase in impervious area resulting from the proposed shared use path. However, the flows from the shared used path will have a much shorter time of concentration, which will not coincide with the peak flows from the existing upstream catchment.

As noted in Appendix D, Section 4.1.1 of the Stormwater Hydrology Assessment report (Appendix G of the Assessment of Effects on the Environment), Waka Kotahi undertook a condition assessment of culverts 14G, 14H and 14I in accordance with the New Zealand Pipe Inspection Manual. The assessment undertaken suggests that all three culverts have an acceptable condition. To provide additional resilience, these culverts will be relined as part of the Stage 1B1 project. Should any replacements be required due to any unforeseen damage resulting from construction activities (as part of this project), a like for like replacement will be made in terms of culvert sizing.

## 7. Wetlands at 144 Park Estate Road

[refer also **Appendix E.1**, prepared by Bioresearches Ltd]

HGL have identified a potential conflict between the Project works (batter slopes) and consented wetland rehabilitation works (HGL resource consent BUN60339982). For clarity, the area in question is located on the west side of State Highway 1, between chainage 11,860 and chainage 11,940 on drawing 506207-0450-DRG-RR-0110 Rev A (refer Appendix F of the Papakura to Drury Stage 1B1 Assessment of Effects on the Environment). Batter slopes in this area are proposed to support the construction and operation of the proposed SUP.

HGL note there are wetlands in this location, the rehabilitation of which is authorised by resource consent BUN60339982 and that as such these areas are considered “natural inland wetlands”. This position is shared by Auckland Council. HGL note, however that the actual extent of the wetland area is arguable and that a margin of error exists.

Given this interpretation HGL consider consent is required under regulation 45 of the NES Freshwater Management for earthworks within natural inland wetlands and rule E3.4.1(A49) of the Auckland Unitary Plan (Operative in Part) (AUP) for reclamation of a wetland. Alternatively, HGL consider a variation of the HGL resource consent BUN60339982 is required so that the Project earthworks are not within the wetland areas authorised by that consent.

Waka Kotahi appreciate the position HGL describe under the approved resource consent BUN60339982. However, attached at **Appendix E.1** is a memo prepared by Bioresearches, describing the existing physical environment between chainage 11,860 and chainage 11,940. The memo notes irrespective of what activities are authorised by BUN60339982, the area between chainage 11,860 and chainage 11,940 where the SUP batter slopes are proposed is not wetland as the area does not meet the National Policy Statement on Freshwater Management (NPS:FM) definition of natural wetland and as such, could not be enhanced. HGL have referred to Auckland Council’s view that the areas in question do meet the definition of a ‘natural wetland’ under the NPS:FM, as a wetland constructed by artificial means is considered to be a wetland when it is “constructed to offset impacts on, or restore an existing or former natural wetland”. However, as explained in the Bioresearches memo, the new ‘wetland’ has not been ‘constructed’ and in practical terms could not be constructed in future due to the nature of the land and lack of hydrology. The Bioresearches memo further notes that the Wetland Delineation Protocols are incorporated by reference into the NPS:FM to aid in cases where there is uncertainty in identifying wetlands. The Protocols set out three tests for identifying wetlands (Rapid Test, Dominance Test and Prevalence Index). Drylands would fail to meet any of the three tests.

The Bioresearches memo also refers to the Environmental Management Plan (EMP) approved as part of BUN60339982. Condition 52 of the consent specifies the required enhancement works to be undertaken in accordance with the approved EMP, or any approved variation of that document, providing some scope for refinement of the actual wetland areas to be enhanced.

Based on the ecological assessment undertaken by Bioresearches as part of the lodged application (Papakura to Drury Stage 1B1 Ecological Assessment, Appendix U of the Assessment of Effects on the Environment) and memo attached as **Appendix E.1**, Waka Kotahi consider the batter slopes between chainage 11,860 and chainage 11,940 on the west side of the State Highway, will not be within a natural wetland. Waka Kotahi acknowledge these works

represent earthworks within 10 m of a natural wetland and confirm consent has been sought under regulation 45(2) of the NES Freshwater Management. Documentation submitted with the application is considered in support of this consent requirement.

Notwithstanding the fact that the land in question is not a wetland, in the event that Auckland Council determine that a variation to the consent conditions is required as a result of land acquisition by Waka Kotahi, then this will be addressed under a separate process.

## 8. Noise

[refer also Appendix E.2, prepared by Marshall Day Acoustics Ltd]

The site at 144 Park Estate Road was re-zoned in 2016 under the Housing Accords and Special Housing Areas Act as a Special Housing Area. The land alongside State Highway 1 is zoned as Mixed Housing Suburban and subject to the provisions of the Hingaia 1 sub-precinct. Under the provisions of the 'Auckland Housing Accord' which was entered into by the Government and Auckland Council, the re-zoning occurred under the Proposed Auckland Unitary Plan (PAUP) as plan variation 1. The PAUP contained a control called the 'High Land Transport Noise Overlay'. The description of this overlay in the PAUP is as follows:

*These provisions apply to land adjoining heavily trafficked roads or rail lines. Strategic land transport infrastructure, such as rail lines, state highways and other heavily trafficked roads generate high levels of transport noise which can affect community health and well-being, particularly in urban areas. These provisions require new or altered activities sensitive to noise within the overlay to undertake mitigation so that occupants are not exposed to transport noise levels above World Health Organisation guidelines.' (Part 2, chapter E section 1.5.)*

As shown in Figure 1 below, the overlay extended into the site at 144 Park Estate Road and required development to be designed and/or insulated to achieve a specified level of internal noise amenity. Although this overlay was not adopted in the Operative Auckland Unitary Plan, it was given effect to in the Hingaia 1 sub-precinct (Chapter I, precinct 6.31) ([Hingaia 1 precinct](#)) via objective 10 and policy 17 which require subdivision to be in accordance with this overlay and to avoid adverse effects on the safe and efficient operation of the state highway. The intent of the overlay is further strengthened by rule 2.2 which requires notice to be served on or written approval to be obtained from Waka Kotahi for any subdivision or resource consent adjoining the southern motorway. This requirement for written approval or notification means that Hugh Green Limited would have been unable to construct houses in this location without acoustic treatment as stated in their comments had it not been for the project and their interactions with Waka Kotahi.

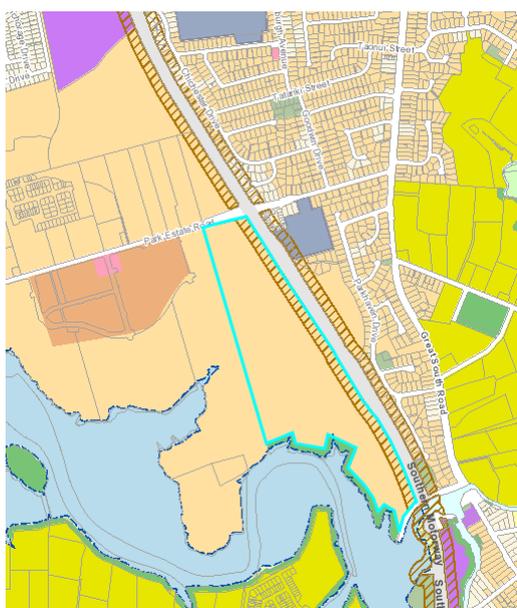


Figure 1: screenshot of PAUP maps [GIS link](#)

As noted by Hugh Green Limited in their comments, they have lodged a private plan change to remove provisions which relate to the overlay and notification, but as this is a proposed private plan change it has no legal effect yet. Waka Kotahi have made a submission on the plan change attached at **Appendix E.3** which opposes these changes requested by the private plan change and as an alternative offers a comprehensive suite of controls to address the noise issue with respect to the site at 144 Park Estate Road. While noting the administrative complexity generated by the use of PAUP rules in an operative precinct, it is relevant to note that only three sites are affected by this provision (including 144 Park Estate Road). The Parklands Property Limited site at 72 Hinau Road has a resource consent condition requiring an 'amenity bund' with fencing to address noise effects and to avoid reverse sensitivity effects in regard to State Highway 1 (refer **Appendix E.5**). The property immediately to the south of this at 115 Park Estate Road is currently undeveloped but resource consent reference BUN60386113 is currently processing. As per the documents at **Appendix E.4**, the applicant for this consent has assessed the noise issue and has proposed to impose consent conditions requiring the future dwellings to be designed and constructed to meet the relevant acoustic amenity levels. This option is also open to Hugh Green Limited and as their land was re-zoned on the basis of compliance with this control, it is appropriate that they also protect their own residents from noise from the existing environment which pre-dates their development.

In addition, the technical memorandum prepared by Marshall Day Acoustics Limited (attached as **Appendix E.2**), and the Papakura to Drury Stage 1B1 Noise and Vibration Assessment (Appendix U of the Papakura to Drury Stage 1B1 Assessment of Environmental Effects), confirms the project will not increase traffic noise in relation to the site at 144 Park Estate Road. The Project works adjacent to 144 Park Estate Road enable the construction and operation of the SUP. The State Highway alignment remains within the existing state highway designation, with the third north and south bound lanes already consented under Stage 1A of the Project (BUN60351085 and OP60351397).