

Notice of Requirement (Designation) Form

Notice of Requirement 1

For office use only: Private Bag 63002 Waterloo Quay Wellington 6140	Application number:
	Date received:

This form must be accompanied by a completed Nationally Significant Proposals Application Form.

All legislative references relate to the Resource Management Act 1991 (RMA) unless stated otherwise.

You must serve the relevant local authority with notice of this matter together with notice of its lodgement with the EPA.

Part I: Notice of Requirement by Minister, Local Authority, or Requiring Authority for Designation or Alteration of Designation

Sections 168(1), (2) and 181 and clause 4 of Schedule 1, RMA.

This part of the form reflects the information requirements of Form 18 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

The NZ Transport Agency gives notice of a requirement for a designation for a project, being the construction, operation and maintenance of a State highway, being the East West Link between Onehunga and Ōtāhuhu, and associated works.

Give details of the nature of the proposed public work (or project or work).

The proposed work is the construction, operation and maintenance of the East West Link. In summary, the proposed works include:

- A new four lane arterial road between the existing State Highway 20 (SH20) Neilson Street Interchange in Onehunga and State Highway 1 (SH1) at Mt Wellington;
- Reconfiguration of Neilson Street Interchange and surrounding roads including a trench on the southern side with a land bridge connecting Onehunga Harbour Road to Onehunga Wharf;
- Local road connections to and from the East West Link;
- Local road improvements including extensions to Galway Street, Captain Springs Road and Hugo Johnston Drive;
- A new grade separated intersection at Great South Road/Sylvia Park Road;
- New commuter and recreational cycle paths along East West Link and connecting into the local communities; and
- Connection to SH1 via two new ramps south of Mt Wellington Interchange.

The proposed work is described in full in *Part C: Description of the Project* (Volume 1, Assessment of Effects on the Environment).

The site to which Project applies is identified and legally described in the Designation Plans and in the Schedule of Directly Affected Land attached to this Notice of Requirement. The requirement applies on, under and above all of the land within the proposed designation as shown on the designation plans attached to this Notice of Requirement with the following exception. The requirement applies only to the subsurface of the land at 113 Carbine Road, Mt Wellington and legally described as Part Lot 1 DP 171989, identified as property reference number 235a in the Schedule of Directly Affected Land.

 ENVIRONMENTAL PROTECTION AUTHORITY

Give details of the nature of the proposed conditions that will apply (if relevant).

The proposed conditions that will apply to the works authorised by the designation are being developed by the Transport Agency and will be submitted to Environmental Protection Authority early in 2017. The proposed conditions will reflect the Project Development Framework (set out in *Part H: Management of effects on the environment* (Volume 1)).

The Project Development Framework incorporates:

- Developing detailed design in a manner that avoids and minimises potential adverse effects on the environment and private property as far as practicable;
- Developing and implementing management and design plans prior to and during construction of the proposed work. Overarching plans outlining the guiding principles and protocols will be supported by site specific plans. Plans include:
 - Construction Environmental Management Plan. The Construction Environmental Management Plan will include management plans for:
 - Ecological management
 - Construction air quality
 - Construction erosion and sediment control (including flocculant treatment)
 - Heritage management (including accidental discovery protocol)
 - Construction noise and vibration;
 - Operational noise;
 - Construction traffic;
 - Network utilities; and
 - An activity specific Construction Environmental Management Plan is proposed for Anns Creek.
- Urban Design and Landscape Framework;
- Developing and implementing a Communications Plan to guide engagement with local communities prior to and throughout the construction process.

Part H: Management of Effects on the Environment within the Assessment of Effects on the Environment (Volume 1) provides a full description of the measures proposed to avoid, remedy and mitigate potential adverse effects. Those measures will be reflected in the proposed conditions of the designation.

Give details of the effects that the public work (or project or work) will have on the environment, and the ways any adverse effects will be mitigated.

Positive Effects

In summary, once completed the proposed works will provide the following positive effects:

- Significant benefits for the transport network including travel time reductions and improved travel time reliability, reduced traffic on local roads, improved accessibility, improved resilience of the transportation network and improved travel reliability for buses.
- Improved pedestrian and cycle connectivity and safety.
- Supporting improved business efficiency and growth through reduced congestion, notably for transport and logistics businesses.
- Landscape restoration around the northern shoreline of the Māngere Inlet.
- Improved water quality of discharges to the Māngere Inlet.

Adverse Effects

During construction there will be a range of potential adverse effects, which in most cases will be temporary and can be mitigated with appropriate construction management. In summary the potential adverse effects during construction relate to:

- Traffic and Transport (Section 12.1 of the Assessment of Effects on the Environment)
- Land use and property (Section 12.3)
- Network utilities (Section 12.4)
- Cultural values (Section 12.5)
- Built heritage and archaeology (Section 12.6)
- Geological heritage (Section 12.7)
- Trees (Section 12.8)
- Noise and vibration (Section 12.10)
- Social impacts (Section 12.3)

Permanent adverse effects as a result of works and operations will be mitigated where possible. In summary the potential permanent adverse effects relate to:

- Land use and property (Section 12.3)
- Cultural values (Section 12.5)
- Built heritage and archaeology (Section 12.6)
- Landscape and visual (Section 12.9)
- Noise and vibration (Section 12.10)
- Social impacts (Section 12.3)

An assessment of the actual and potential positive and adverse effects are set out in *Section 12: Assessment of Effects on the Environment* (Volume 1, Assessment of Effects on the Environment).

Give details of the extent to which alternative sites, routes, and methods have been considered.

An extensive option evaluation process was undertaken before the preferred alignment was selected. The first step was to identify, assess and prioritise problems within a wide study area. More than 40 components addressing the accessibility problems in the Onehunga-Penrose area were evaluated. This was narrowed to a shortlist of six potential corridors, combining various potential components. A new road connecting SH20 to SH1 along the foreshore and Sylvia Park Road was chosen as the preferred corridor.

A process to identify a preferred alignment within the preferred corridor followed that first assessment phase. The preferred alignment selection process involved a multi-disciplinary team analysing options against design, social, environmental, economic and cultural criteria. Extensive consultation with various parties who have an interest in the Project and landowners helped inform the process, and further refinements of alignment options and the preferred alignment occurred as a result.

The existing natural and built environment, social, and cultural values were taken into account at each stage of the process. Key project partners involved in consultation included Mana Whenua, Auckland Council and Auckland Transport.

Part D: Consideration of Alternatives (Volume 1, Assessment of Effects on the Environment) contains an assessment of alternative sites, routes and methods considered for the Project.

Give details of the reasons why the public work (or project or work) and the designation (or alteration) are reasonably necessary for achieving the objectives of the requiring authority.

ENVIRONMENTAL PROTECTION AUTHORITY

The Transport Agency's objective under section 94 of the Land Transport Management Act 2003 (LTMA) is "to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest". The Project will assist the Transport Agency in meeting this objective.

The Transport Agency's objectives for the Project are:

- 1) To improve travel times and travel time reliability between businesses in the Onehunga-Penrose industrial area and SH1 and SH20.
- 2) To improve safety and accessibility for cycling and walking between Māngere Bridge, Onehunga and Sylvia Park, and accessing Ōtāhuhu East.
- 3) To improve journey time reliability for buses between SH20 and Onehunga Town Centre.

The Project is reasonably necessary to meet the Transport Agency's Statutory and Project Objectives. The existing road network is heavily congested and that is having negative impacts on the performance of the transport network, the operation of businesses and the general economic potential of the area. An additional link and connections to and from SH1 and SH20 will improve travel times and travel time reliability, as well as improve network resilience. The future growth projected for Auckland will increase demand for freight transport, industrial and commercial land and employment opportunities, therefore more capacity in the transport network is needed. The Project will support this projected growth. The area is Auckland's (and the Upper North Island's) main industrial transport and distribution hub and contains an important road/rail interface hub for freight in Auckland. The Project will enhance access to this important freight hub and improve the efficiency of both the road and rail network in Auckland and the upper North Island.

The additional demand for transport network capacity and access to transport facilities cannot be met solely by public transport. Population growth will also increase demand for recreational facilities such as walking and cycling.

This designation is reasonably necessary as it will secure land required for the Project and will enable the Transport Agency to carry out the works necessary for the Project. The principal reasons for requiring a designation to facilitate the works to which this requirement relates are:

- It will enable the Transport Agency to achieve its principal objective under the LTMA;
- It is necessary for the Transport Agency to achieve the specific Project objectives;
- It will allow the Transport Agency and/or its authorised agents to undertake the works in accordance with the designation, notwithstanding anything contrary in the Auckland Unitary Plan: Operative in Part
- It will allow the land required to be identified in the Auckland Unitary Plan: Operative in Part, giving a clear indication of the intended use of the land;
- It will enable the Project to be undertaken in a comprehensive and integrated manner; and
- It will protect the proposed route from future development which may otherwise preclude the construction of the Project.

Further details of these reasons are provided in *Section 3: Project Development* and *Section 15: Statutory Analysis* (Volume 1, Assessment of Effects on the Environment).

Give details of any resource consents needed for the proposed activity and indicate whether they have (or have not) been applied for.

ENVIRONMENTAL PROTECTION AUTHORITY

A number of resource consents are needed and have been applied for to enable the construction, operation and maintenance of the Project. Resource consents needed are listed in the following table.

Construction

Consent No.	RMA/consent type	Activity
Land use activities		
RC1	Land use (s9) - NES Soil	Disturbance of contaminated soils
RC2	Land use (s9(2)) – land disturbance activities	Earthworks, vegetation alteration, vegetation removal
RC3	Land use (s9(2)) – land disturbance activities	Vegetation and vegetation removal
RC4	Land Use (s9(3))	Vegetation alteration and removal, tree trimming and works in the protected root zone of trees and establishment of access tracks
Coastal activities		
RC5	Coastal Permit (s12,s14, s15) – construction activities in the CMA and temporary occupation and associated discharge of contaminants	Reclamation, depositing of material in the CMA, disposal of waste or other matter in the CMA including dredged material, CMA disturbance, dredging, vegetation alteration/removal (including mangroves), damming or impoundment of coastal water, taking, use or diversion of coastal water, parking on CMA structures, vehicle use of the foreshore and seabed, demolition or removal of any CMA structures, temporary CMA structures, temporary construction activities, planting of native vegetation, underwater impact and vibratory piling.
RC6	Coastal Permit (s12, s14 and s15) – construction activities in the CMA and temporary occupation and associated discharge of contaminants	Declamation, depositing of material in the CMA, CMA disturbance, vegetation alteration/removal (including mangroves), damming or impoundment of coastal water, taking, use or diversion of coastal water, parking on CMA structures, vehicle use of the foreshore and seabed, demolition or removal of any CMA structures, temporary CMA structures construction activities.
Activities in on under of over water		
RC7	Water Permit (s13 and s14) - works in watercourses and associated diversion activities	Depositing of substances, , mangrove removal, diversion of a river or stream to a new course and associated disturbance and sediment discharge, demolition or removal of existing structures, , reclamation or drainage and associated diversion of water and incidental temporary damming.
RC8	Water Permit (s14) - Drilling of holes	The drilling of holes or bores during construction which will destroy damage or modify any places scheduled in the historic heritage overlay.
RC9	Water Permit (s14) - groundwater diversion and take	Drainage of groundwater
Discharges		
RC10	Discharge Permit (s15) - Discharge of contaminants into air or into or onto land or water	Discharges of contaminants from construction activities
RC11	Discharge Permit (s15) - Discharge of contaminants into air or into or onto land or water	Discharges of contaminants from disturbing contaminated land or potentially contaminated land
RC12	Discharge Permit (s15) - Air Discharges	Storage of cement and manufacture of concrete.

Permanent Works and Operation

Consent No.	RMA/consent type	Activity
Land use activities		
RC13	Activities on new land to be created – s9 and s89 RMA	Use of land for a road, pedestrian and cycleway facilities, stormwater treatment, amenity areas and associated infrastructure and activities.
Coastal activities		
RC14	Coastal Permit (s12) – occupation and associated use	Occupation and associated use by permanent structures in and below the surface of the CMA including extension or alteration of existing CMA structures, bridge structures in Anns Creek, stormwater outfalls, retaining walls and seawalls, hard protection structures, observation areas, viewing platforms and boardwalks and any other public amenities.
RC15	Coastal Permit (s12) – occupation and associated use	Occupation and associated use by permanent structures in the CMA including extension or alteration of existing CMA structures, stormwater outfalls, retaining walls and seawalls, hard protection structures and any other public amenities.
Activities in, on or over water		
RC16	Water Permit (s13 and s14) - works in watercourses and associated diversion activities	Structures (including temporary structures), bridges or pipe bridges, new cables or lines crossing over a river or stream, culverts, erosion protection structure, stormwater outfalls.
RC17	Water Permit (s14) - groundwater diversion and take	Groundwater diversion caused by excavation and associated dewatering or groundwater level control
RC18	Water Permit (s14) - Permanent damming of surface water	Dams
Discharges		
RC19	Discharge Permit (s15) - Discharge of contaminants into or onto land or water	Discharge of contaminated water from leachate interception drain to water (proposed stormwater treatment wetlands).
Stormwater diversion and discharge		
RC20	Discharge permit (s15) – Discharge of stormwater	Diversion and discharges of stormwater from new permanent impervious surfaces and existing state highways impervious surfaces to land, freshwater and coastal water from SH1 between the Mt Wellington Highway and the Princes Street Interchange, the EWL, walking and cycling facilities and new and altered existing local roads.
RC21	Land Use (s9(2)) – impervious surfaces	New impervious surfaces within the extent of works.

Miami Stream

Reference No.	RMA/Consent Type	Activity
M-RC1	Land use (s9(3) – land disturbance, and associated discharges	Earthworks and vegetation removal
M-RC2	Land use (s9(3) – stormwater	Stormwater detention and retention

Give details of the consultation (or no consultation) undertaken with parties likely to be affected.

Consultation and engagement is ongoing with various parties who have an interest in the Project including property owners, Auckland Council, Auckland Transport, Mana Whenua, business and community representative groups and the community. Engagement is being undertaken in accordance with recognised good practice through a number of channels, including one-on-one meetings, workshops, hui (meeting), public open days, newsletters and online information.

Feedback has helped identify issues of importance to the community - in particular it has been key in the selection of the Project alignment along the foreshore. This option means the Project can achieve greater environmental outcomes through the treatment of stormwater runoff from the wider catchment, reflecting Mana Whenua aspirations to restore the mauri (life force) of the Māngere Inlet.

Consultation undertaken is detailed in *Section 9: Engagement* (Volume 1, Assessment of Effects on the Environment).

Attach information required to be included in this notice by the district plan, regional plan, or any regulations made under the Act.

No specific information is required to be included by the Auckland Unitary Plan: Operative in Part.

Part II: Additional Optional Information

This part of the form includes additional information that will help in processing the application.

Please tick which of the below options for a requiring authority apply:

- A Minister of the Crown
- A local authority
- A network utility operator approved as a requiring authority under section 167. (Please provide the Gazette Notice reference approving the applicant as a requiring authority).

Please tick whether restrictions will apply to the designation:

- No restrictions/conditions on the designation are proposed
- Restrictions/conditions applying to the designation are proposed
- Changes to the existing restrictions/conditions applying to the designation are proposed.

Part III: Signature

I hereby certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I acknowledge that I have read and understood any requirements detailed on the Nationally Significant Proposals Application Form. I understand that the EPA can recover any actual and reasonable costs associated with processing this application.

I understand that I must serve the relevant local authority with notice of this matter together with notice of its lodgement with the EPA.



16 December 2016

Signature of applicant (or person authorised to sign on behalf of application) Date

Note: Please complete the checklist on the following page prior to lodging this application. The checklist is designed to assist you in providing all relevant information and is not intended to be an exhaustive list of requirements.

Notice of Requirement Application Checklist

In accordance with the standard Form 18 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 requirements, the following should be provided:	✓
A description of the proposed public work.	✓
The proposed conditions that would apply.	To be provided in early 2017
The necessity of the proposed for achieving the objectives of the requiring authority.	✓
A discussion of the actual and potential effects of the change or cancellation on the environment in sufficient detail to satisfy the purpose for which it is required.	✓
A discussion regarding how actual or potential effects of the change or cancellation will be avoided, remedied, or mitigated.	✓
A discussion of alternative methods, sites, or routes that have been considered.	✓
Evidence that all additional resource consents required for the matter have been applied for.	✓
*A list of persons who are potentially adversely affected by the proposal and any consultation undertaken with those identified.	✓

Attachment 1: New Zealand Gazette Notice

Departmental

The Resource Management (Approval of Transit New Zealand as Requiring Authority) Notice 1994 Pursuant to sections 167 and 420 (6) of the Resource Management Act 1991, the Minister for the Environment, hereby gives the following notice: N o t i c e 1. Title and commencement (1) This notice may be cited as the Resource Management (Approval of Transit New Zealand as Requiring Authority) Notice 1994. (2) This notice shall come into force on the 7th day after the date of its publication in the New Zealand Gazette. 2. Interpretation In this notice "State highway" and "motorway" have the same meaning as in section 2 (1) of the Transit New Zealand Act 1989. 3. Application of notice This notice shall apply in addition to and not in substitution for the Resource Management (Approval of Transit New Zealand as Requiring Authority) Order 1992. 4. Approval as requiring authority Transit New Zealand is hereby approved as a requiring authority under section 167 of the Resource Management Act 1991, for its particular network utility operation being the construction and operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of any State highway or motorway pursuant to the Transit New Zealand Act 1989. 5. Approval in respect of existing designation Transit New Zealand is hereby approved as a requiring authority under section 167 of the Resource Management Act 1991 for the Christchurch Northern Arterial (State Highway 74) in the district of Christchurch City Council. Dated at Wellington this 17th day of February 1994. SIMON UPTON, Minister for the Environment.

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Resource Management (Approval of NZ Transport Agency as a Requiring Authority) Notice 2015

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment hereby gives the following notice.

N o t i c e

1. Title and commencement—(1) This notice may be cited as the Resource Management (Approval of NZ Transport Agency as a Requiring Authority) Notice 2015.

(2) This notice shall come into force on the 28th day after the date of its publication in the *New Zealand Gazette*.

2. Application of notice—This notice shall apply in addition to and not in substitution for The Resource Management (Approval of Transit New Zealand as Requiring Authority) Order 1992 and The Resource Management (Approval of Transit New Zealand as Requiring Authority) Notice 1994 (as published in the *New Zealand Gazette*, 3 March 1994, No. 20, page 978).

3. Approval as a requiring authority—The NZ Transport Agency is approved as a requiring authority under section 167 of the Resource Management Act 1991 for the purpose of constructing or operating (or proposing to construct or operate) and maintaining cycleways and shared paths in New Zealand pursuant to the Government Roadway Powers Act 1989 and the Land Transport Management Act 2003.

Dated at Wellington this 10th day of November 2015.

Hon Dr NICK SMITH, Minister for the Environment.

2015-go6742
