

Auckland Transport

**Assessment of environmental effects of the designation of
Auckland's Road Asset.**

June 2012

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Executive Summary

This Assessment of Environmental Effects is submitted in support of a Notice of Requirement by Auckland Transport to designate the existing public road asset owned by Auckland Council.

The designation seeks to ensure that the roads can be managed, operated and maintained in a safe, efficient and comprehensive manner in the wider interests of the community. To provide clarity the working of the Notice specifies the parts of the road network in the region that are excluded from the designation, either because they not legal road or not owned by Auckland Council or managed and operated by other parties.

The works provided for in the designation are ongoing maintenance and improvement works including:

- Ongoing maintenance within the road including road assets and facilities, public transport infrastructure, signage, berms, landscaping, vegetation, stormwater and other supporting infrastructure, street furniture, lighting, enforcement infrastructure and emergency works as detailed further in section 3.2.2. It is proposed that these works would not be subject to an Outline Plan of Works.
- Improvements within the road including safety upgrades, engineering measures, installation of regulatory controls, pedestrian and shared space facilities, amenity features, reconfiguration, resurfacing and rehabilitation and installation of stormwater and other supporting infrastructure as detailed further in section 3.2.2. It is proposed that these works would be subject to an Outline Plan of Works in the absence of Auckland Transport providing a Construction Methodology to be approved by Auckland Council.

The Notice of Requirement does not provide for work that could impact on heritage and archaeological features or the removal of scheduled notable trees as identified in the District Plan.) It was considered that the affects of work on these features should be addressed through resource consent at the time works are proposed.

The designation contains a set of proposed conditions that apply to Auckland Transport's activities in road and contains restrictions on the activities of others that could affect the operation, maintenance, integrity and condition of the public road network. The designation outlines the process by which Auckland Transport will provide its Requiring Authority approval.

The Assessment of Environmental Effects outlines the background to the need for the Notice of Requirement as a result of the establishment of Auckland Transport and its specific purpose under the Local Government (Auckland Council) Act 2009. It outlines the issues associated with managing the existing road asset as a result of the range of different rules applied to roads in the different sections of the District Plan, and that while there are existing designations that apply to the public road networks in some sections of the District Plan, the outcome is a planning framework that is inconsistent in relation to how Auckland Transport may exercise control over the region's road network. This in turn

creates uncertainty, time delays, and increased costs. Auckland Transport was also concerned about its ability to access the road network to undertake maintenance and improvements and the need to ensure the integrated management of the road network as part of Auckland's transport system.

The designation as proposed as outlined in this Assessment of Environmental Effects, is Auckland Transport's chosen method having considered the alternative methods available, because it will provide for a single-system approach in the planning, design, management and development of Auckland's transport system, and provide statutory protection to safeguard the integrity of Auckland's public local road network. Auckland Transport's objectives for the designation are described in section 4 of this report.

As outlined in the Assessment of Environmental Effects:

- The designation covers only existing formed public roads, which are operated by Auckland Transport, and does not directly affect any private land.
- The designation does not affect any existing designations over or under the road network.
- Most of the activities or works enabled by the designation are already provided for as permitted activities or through existing road network designations in the sections of the Operative District Plan.
- The proposed conditions (see the Notice of Requirement) avoid, remedy or mitigate the potential adverse effects of Auckland Transport's works.

The effects of the designation are discussed in section 5 of this report.

It is considered that the designation is entirely consistent with the purpose and principles of the RMA and the relevant regional and district planning documents. The works provided for in the designation and the designation itself are considered to be reasonably necessary for achieving Auckland Transport's objectives.

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APPENDICES

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1 Introduction

1.1 Introduction

The region's public local road network is critical to provide for the social and economic needs of the community and its health and safety. The network is a vital public asset which is under increasing demands and is, therefore, deserving of full statutory protection. Auckland Transport is charged by law to manage Auckland's transport system, of which the existing public road network is a key part, in a manner that supports Auckland's social, economic, environmental, and cultural well-being.

This Assessment of Environmental Effects (AEE) is submitted in support of a Notice of Requirement (Notice) by Auckland Transport to designate the existing public roads owned by Auckland Council. Large parts of the network are already included in the road network designations inherited by Auckland Transport from former Councils. This Notice results from the changes in governance and responsibility in Auckland that took effect in 2010 and seeks to provide a consistent statutory framework for the whole network.

The Notice will be publicly notified and submissions received will be heard. This provides the opportunity for members of the public and any parties who feel affected by the Notice to submit and be heard on this matter.

This AEE has been prepared in accordance with the requirements of the Resource Management Act 1991 (RMA) and in particular the requirements of section 168 of the RMA. It is intended to provide the information necessary for a full understanding of the proposal and to assess any actual or potential effects the proposal may have on the environment.

2 Background

2.1 Role of Auckland Transport

Auckland Transport is a council-controlled organisation (CCO) of Auckland Council. It was established on 1 November 2010 under section 38 of the Local Government (Auckland Council) Act 2009. Under section 39 of that Act the purpose of Auckland Transport is *"to contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental, and cultural well-being"*.¹ Auckland Transport is empowered to act on behalf of Auckland Council in all activities assigned to it.

Auckland Transport has a number of statutory obligations set out over a variety of different statutes. Auckland Transport is responsible for managing, operating and improving the Auckland transport system (as defined under section 37 of the Act) including the region's public road network (local and arterial), footpaths and cycling, parking and public transport. Its main tasks are to:

- Design, build and maintain Auckland's local and arterial roads, ferry wharves, cycle ways and walkways;
- Plan, fund and coordinate bus, train and ferry services across Auckland;
- Upgrade public transport infrastructure such as rail stations and bus shelters; and
- Coordinate road safety and community transport initiatives such as school travel plans.

In relation to the management of roads, various options were considered, but ultimately the Government made Auckland Transport responsible for local roads, public transport and delivery of the range of transport functions across the region in a fully integrated way.

The opportunity to achieve consistent standards (such as those around road signage) was also recognised as being important from a user's perspective. Similarly the assessment also recognised that improved service levels that can be achieved through consolidation of network management and that managing the local authority component of the regional transport network as a single network would most closely align governance with the way the network is used.

There was also recognition that the different components of the transport network overlapped on the region's local roads, as this was where transfers from walking to a bus at a bus stop occurred, where movements from a neighbourhood streets onto an arterial road and the allocation of space between sidewalk cafés, pedestrian movement and vehicle space through a shopping centre needed to be managed. It was also recognised that approximately 80 percent of Auckland public transport is road based. It was concluded that managing Auckland's local transport networks in an integrated way and in a way that aligns well with how they are used is highly desirable.

¹ Local Government (Auckland Council) Act 2009, section 39.

It is clear from this assessment by Central Government of the options for the management of the transport network in Auckland that providing for the public road network and decision making under the RMA in an integrated way such as provided through a designation would also be considered highly desirable. In that regard under section 47 of the Local Government (Auckland Council) Act 2009, Auckland Transport was made a Requiring Authority for the following purposes:

- constructing or operating or proposing to construct or operate roads in relation to the Auckland transport system; and
- the carrying out of an activity or a proposed activity in relation to the Auckland transport system for which it or the Auckland Council has financial responsibility.

The Auckland Plan also identifies that Auckland requires an integrated transport network so that people and goods are able to move freely and efficiently, while respecting the need for place making. It notes that the network comprises motorways, roads and streets, public transport (ferries, buses and trains), footpaths and cycle-ways, ports and airports. A key goal of the Auckland Plan is to improve the integration of the transport network and its components using a single-system approach. The designation of the existing road network will better enable integration and the single-system approach.

2.2 Legislative approach to road management

The public roads in the region provide physical space in which a variety of functions (transport, utility, amenity and public activity) take place. Most of the powers of territorial authorities in relation to roads derive from the Local Government Act 1974 (LGA74).

The general powers of a local authority in respect of roads under their control are set out in section 319 of the LGA74, and include the power to:

- Construct, upgrade and repair roads;
- Lay out new roads, divert or alter the course of any road, or alter the level of a road;
- Increase or diminish the width of a road; and
- Determine which parts of a road are carriageway and footpath/cycle track.

Section 316 of the LGA74 sets out the property rights related to roads and essentially vests all roads in the council of the district in which they are located (except for State highways).² Ownership of a road also includes the space above and below it. For the purposes of allowing access to roads, control is important. Section 317 of the LGA74 prescribes control over roads and provides that the basic position is that all roads in the district shall be under the control of the council.³ The statutory powers and rights which

² The Local Government Act 2002 ("LGA2002") has been passed, and Schedule 18 to the Local Government Act 2002 provides that all provisions of the LGA74 are repealed except for certain specified provisions, including Part XXI which relates to roads. Accordingly, the majority of statutory powers and rights relating to the ownership and control of local roads continue to be those set out in Part XXI of the LGA74.

³ In Auckland section 46 of the Local Government (Auckland Council) Act 2009 has given Auckland Transport the functions and powers of a road controlling authority.

attach to ownership and control of roads are constrained as they are subject to the RMA and the power of utility operators to locate within roads.

Utilities have a power to access road corridors under various pieces of legislation relevant to the particular utility (e.g. the Local Government Act 2002 provides wide powers for local authorities to carry out "water services" works; the Telecommunications Act 2001 relates to works of telecommunications operators within roads; the Gas Act 1992 relates to works of gas operators within roads; and the Electricity Act 1992 relates to works of electricity operators within roads). The right generally enables the utilities to install and maintain their infrastructure within the approach now set out in the Utilities Access Act 2012 and the National Code of Practice for Utility Operators Access to Transport Corridors (the Code). This power does not equate to an RMA right and is subject to rules (and designations) in district plans.

The result was that council activities in the road were treated in a similar planning framework as the activities of other parties, with some developing transport zones to apply to roads, recognising the need to take a specific approach to managing roads. Other plans use general rules for the same purpose. The outcome was that council road works and activities would be subject to an assessment against district plan standards and may even need to obtain consent through a process that over time became even more transparent through the practice of using independent commissioners where applications involved council projects.

Some district plans remained silent on the issue of how road maintenance activities would be undertaken. In some plans the approach of using council's designation powers was adopted to provide for the on-going management of roads.

2.3 Functions and activities provided for in the roads of the region

There are a number of other functions, activities and structures that occur in the roads that are the responsibility of other agencies; some of these functions are provided for under other statutes. These include overhead and underground pipes and cables that deliver water and power to communities within and outside the Auckland Region. Distribution systems of utilities that involve individual connections to properties within the region generally utilise the road space. They also include infrastructure required for the provision of communication services (land lines and wireless).

Passenger transport services that operate across the region and in some cases between Auckland and other parts of the country (rail, bus) require permanent structures (stations signs, seats, shelters, electronic timetables) and markings (bus lanes and bus stops) and other customer information and communication devices located on the roads of the region. Many structures required for the provision of these services, while previously managed by the territorial authorities and the Auckland Regional Council (ARC) and Auckland Regional Transport Authority (ARTA), now come under the responsibility of Auckland Transport.

Other transport infrastructure that is within, under or above roads in Auckland is provided by the New Zealand Transport Authority (NZTA) in locations where roads under Auckland Transport's control intersect or connect with the State Highway network; and by the New Zealand Railways Corporation (Kiwi Rail) where roads cross the rail corridor. The boundaries of these areas of overlap are generally subject to specific management

agreements with Auckland Transport and are generally governed by legislation in addition to the RMA.

Adjacent property owners have general common law rights to access (egress and ingress) to the public road that their property fronts on to, at all points along the boundary. Councils (and now Auckland Transport) may not interfere with that access unless provided under statutory authority. For example, under the Local Government Act 1974, councils have the right to require a proper road crossing is constructed to specific standards (generally now found in district plans and engineering standards for development and in the future in the Auckland Transport Code of Practice) and the right to erect a transport shelter provided it does not unreasonably prevent access to a property⁴.

2.4 Current road network designations

In addition to being charged with the responsibilities outlined above, Auckland Transport has inherited the public road network designations from the former North Shore, Rodney and Auckland City councils that apply to the North Shore, Rodney, Isthmus and Central Area sections of the District Plan, and over 300 transport designations for road corridor widening, new roads, car parks, and bus stations.

The four existing public road designations apply to the full width of the legal road; that is, the area between the boundaries of its adjacent private properties, where there is a formed vehicle carriageway and includes bridge structures, grass berms, footpaths, kerbs and channels and other parts of the road reserve such as street gardens, and pedestrian islands, retaining walls, now owned by the Auckland Council. The designations only apply to land already vested in the Council as road.

The designations provide Auckland Transport with the control of the roads in RMA terms, both in relation to the nature of works that Auckland Transport may undertake within the road and the works other parties may wish to undertake in the roads covered by the designation.

The result from a region wide assessment of options for Auckland Transport is that there is inconsistency in relation to how it may exercise control over the region's network. This inconsistency is outlined in Table 1.

Table 1: Current status of Auckland Transport's Authority over the region's local roads

Section of the District Plan	Local Road Network Controlling Authority	Local Road Network Requiring Authority
Rodney	Yes	Yes
North Shore	Yes	Yes
Waitakere	Yes	No*
Isthmus	Yes	Yes
Central Area	Yes	Yes
Hauraki Gulf	Yes	No*

⁴ Sections 333, 335 and 339 of the Local Government Act 1974

Manukau	Yes	No*
Franklin	Yes	No*
Papakura	Yes	No*

The North Shore and Rodney designations are quite different to the designation that applies to the Isthmus and Central Area sections of the District Plan. The Notice of Requirement that introduced the Isthmus and Central Area designation was notified in 2008 and became effective in 2010 outlined restrictions on other parties and matters that require resource consent. The Rodney and North Shore designations are general in their wording.

2.5 Difficulties in achieving its purpose

The combination of District Plan rules and the nature of the existing designations creates difficulties for Auckland Transport in relation to the ongoing management and operation of the whole road network and as part of an integrated transport network. Specifically, it affects the large number of road maintenance projects and contracts that are required to maintain service levels across the region and to improve the road network each year. The difference in rules and the presence (or not) of a designation, results in inconsistent approaches and inconsistent decision-making across the region. This in turn creates uncertainty, time delays, and increased costs for Auckland Transport (and the Auckland Council and the New Zealand Transport Authority who funds Auckland Transport) in relation to dealing with this multitude of rules and controls. This ultimately impacts on Auckland's ratepayers and the national transport fund as they face higher costs in some parts of the region to deliver the same level of service across the region. It also means that they may potentially experience delays in one part of the region when receiving the same services received elsewhere.

Auckland Transport, as road controlling authority, and Auckland Council, as land owner, must also use the range of powers provided to them by statute, to manage the competing interests for access to the road space in the wider interest and benefit of the public. The management of the region's public roads is funded by the Auckland community and the taxpayer. There is an expectation that the roads, in addition to providing for their transport function, will be reasonably available for community use and enjoyment as well as providing for the community's social and economic needs.

The on-going intensification and economic development in urban areas and the urban fringe and the growth in the rural and coastal areas as a result of lifestyle and recreational choice will also increase the pressure on the public road asset across the region, both in terms of its transport role and as a conduit for network utility services. It is therefore essential that the public road asset is able to be managed in a way that ensures the effective and efficient operation and maintenance of the road network for its transport and community functions and is managed to accommodate other network utility infrastructure.

Most of these functions are directly controlled by Auckland Council primarily through its Operative District Plan sections (and in the future the Unitary Plan),⁵ and bylaws. Most of the functions are also directly delivered by Auckland Transport.

It is also noted that the public road network contributes to the visual character, environment and amenity value for all users and adjoining properties. Some functions and activities and features in roads (trees, gardens and water features etc) are, managed and provided by Auckland Council or are provided or undertaken by Auckland Transport on behalf of Auckland Council.

As provided for under section 47 of the Local Government (Auckland Council) Act 2009, Auckland Transport is able to designate land for the construction and operation of roads in relation to the Auckland transport system to provide for an activity or a proposed activity in relation to Auckland's transport system for which it or the Auckland Council has financial responsibility.

2.6 Summary

The reasons for the Government establishing Auckland Transport and providing for it to be responsible for managing the region's public road network, were in part related to the desire to improve service standards across the regional network and the desire to improve the alignment of decision making in relation to roads and transport. Improved service standards and better alignment of decision making for the public road network are severely hampered by the different planning frameworks and rules found in the various sections of the District Plan in the region. A single framework as provided through this designation by Auckland Transport will enable the delivery of an integrated transport network and a single system approach.

⁵ The Auckland Unitary Plan will be the principal regulatory tool under the RMA for the Auckland Region. It is expected to combine the required Regional Policy Statement and give effect to the RPS through regional plan and district plan provision. It is expected to be approved in December 2012 and notified in March 2013.

3 Site, Locality and Project Description

3.1 Site description

The Road Asset Notice of Requirement applies to all the existing Auckland Council owned road corridor in the Auckland region, as identified in the Franklin, Papakura, Manukau, Waitakere, North Shore, Rodney, Isthmus, Central Area and Hauraki Gulf Islands sections of Auckland Council's operative district plan⁶.

It is noted that there are some roads at the boundary where Auckland Council ownership is to the centre line. In these instances the designation extends only to the centre line.

The designation may need to be altered from time to time as new roads are included in Council ownership and added to the network.

3.2 Auckland's public road network

3.2.1 Nature of public road asset

Assets associated with public roads in the Auckland region are a significant proportion of the Council's transport assets. As stated in its Auckland Transport Annual Report 2011, Auckland Transport manages 7,322km of roads, 6,722km of public footpaths, more than 92,000 street lights, 1,585 bus shelters, 1,094 bridges and culverts, and 134,000 road signs. By way of comparison it is slightly smaller than the state highway network which consists of 11,367 km of roads (10% of New Zealand roads).⁷

Auckland Council, and its Council Controlled Organisations, are directed by the Auckland Regional Land Transport Strategy 2010 to:

"Provide for the coordinated management of non-transport uses in road and rail corridors, including, urban design, amenities, utilities and community activities, to minimise disruption while taking the road's wider community into consideration."⁸

Existing legislation currently gives some utility companies the right to carry out works on roads and Auckland Transport has input into these works through its Corridor Access Request (also known as CAR) process (as provided for in the National Code of Practice for Utility Operators Access to Transport Corridors). Auckland Transport sets conditions on certain aspects of the work, for example road reinstatement requirements. Other services and providers can undertake activities in roads through the provisions of relevant sections of the Operative District Plan, either as a permitted activity or applying to the Council for resource consent under the RMA and landowner consent through Auckland Transport's Corridor Access Request process. A Corridor Access Request is required from Auckland Transport for any activity by any party that will alter, or cause to be altered,

⁶ Excluding those parts of the former Franklin District that are now under the jurisdiction of the Waikato District Council.

⁷ State Highway Asset Management Plan 2012–2015

⁸ Auckland Regional Land Transport Strategy 2010-2040, Policy 5.1.3

the surface of any part of the road reserve. This includes but is not limited to excavating, drilling, resurfacing and the placement of any pipe, duct, pole, cabinet or other structure below, on or above the road reserve.

The relevant provisions of the National Code are set out in Appendix 5. Work cannot be undertaken unless a Corridor Access Request has been received and approval granted. All work, including the final reinstatement of the road surface, must be carried out in accordance with the National Code of Practice for Utility Operators Access to Transport Corridors and the approval will include any operating conditions applicable to the work. Auckland Transport typically processes up to 400 applications for works in the road each week.

In administering the existing Corridor Access Request processes, Auckland Transport is conscious that the efficient movement of goods and people around the region is critical to fulfilling the long-term vision of the Auckland Plan and to meet Auckland Council's obligations under the Regional Land Transport Strategy.

Auckland Transport is developing governing principles to ensure that the transport services will be delivered on a consistent basis around the Auckland region. These principles identify the approach Auckland Transport will apply when managing the transport assets. Assets and resources will be managed in accordance with best-practice principles using a region-wide approach and with service level targets identified in Asset Management Plans.

The principles seek to consider the different approaches of the former territorial authorities to managing their road asset and to balance the desire for consistency e.g. with the visual appearance of the footpath, with the level of service requirements and affordability.

3.2.2 Current regulatory environment

Operative District Plan sections that are the subject of this Notice use a range of approaches to planning for public roads. These provisions will remain in effect until the provisions in the Unitary Plan (understood to be notified in March 2013) take effect. The approaches are outlined in Table 3 and can be summarised as:

- Some sections of the District Plan zone the roads and some do not.
 - Where the roads are zoned, this is sometimes obvious from the zoning maps, but sometimes not apparent until reading further into the plans.
 - When roads do have a zone, it is sometimes a dedicated road zone (Waitakere and Manukau), but they also sometimes take on the zoning of the adjacent land (Papakura).
- Four sections of the Council's District Plan have existing designations over the road network (being North Shore, Rodney and the Isthmus and Central Area sections of the former Auckland City).

Table 3: Summary of District Plan Section approaches to public roads

Section of Auckland Council District Plan	Roads zoned?	Roads designated?	Specific rules for use of road reserve
Auckland Isthmus	N	Y	Network utilities section (Part 4A), heritage section (Part 5C)
Auckland Central Area	some	Y	Network utilities section (Part 12), three zone sections (Public Open Space 3 (Part 14.2C); Transportation Corridor (Part 14.3)); Public Open Space 2 (Part 14.2B) in relation to trees
Hauraki Gulf Islands	N	N	Network utilities section (Part 5); Heritage section (Part 7)
Waitakere	Y	N	Transport Environment zone section, Natural Areas zone sections (Earthworks, Impermeable Surfaces, Establishment of Vegetation rules within all Natural Areas)
North Shore	Y	Y	Natural Environment section (section 8), Subdivision and development section (section 9), Network utilities section (section 14), signs section (section 13)
Manukau	Y	N	Transportation section (ch 8), network utilities section (ch 7), general section in relation to signs (ch 5)
Franklin	N	N	Network utilities section (Part 15)
Papakura	Y	N	Network utilities sections (Section 2 Part 8 for Rural; Section 3 Part 11 for Urban)
Rodney	Y	Y	Network utilities section (ch 19)

Sections of the District Plan tend to separate activities undertaken in relation to roads (construction and repair) from the function of roads. This means that the rules relating to activities in the road reserve are found in various chapters of the District Plan Sections, and not typically in the chapter dedicated to transport, while objectives and policies for the road are usually found in the transport chapter. Table 4 below shows the status of some key activities in the road reserve.⁹

⁹ The list shown in Table 2 is not conclusive, and there may be additional rules in other chapters of the relevant District Plans, particularly Structure Plans which may contain special rules for roads in that Structure Plan area.

Table 4: Summary of District Plan Section rules for activities in the road reserve

Section of District Plan ►	Auckland City Isthmus	Auckland Central Area	Hauraki Gulf Islands	Waitakere City	North Shore City	Manukau City	Franklin District	Papakura District	Rodney District
Activity ▼									
Road works for maintenance	P	P	P	P*	P	P	P*	P	-
Improvements in existing roads	R+	R+	P	P*	R+	P	P*	P	-
New underground utilities (pipes and lines)	P	P	P	P	P	P*	P	P	P
New above ground utility lines	R	R	P*	R	R	P/R	P*	P	P/R
High pressure gas lines and high voltage electricity lines	R	R	R	R	R	R	R	P	R

(P) is a permitted activity

(P*) indicates conditional permitted status

(R) shows a resource consent is needed

(R+) indicates a resource consent would be required if the roads weren't designated

(P/R) indicates permitted in some zones only (rural and special)

(-) indicates there is no applicable rule.

Table 4 should be read only as a general summary as the wording in the plans is not directly comparable.

Notes:

In the HGI section, although the network utility activity may be permitted, construction is not specifically provided for. In the Auckland Central and Isthmus sections, construction of roads is permitted.

There is general consistency between most of the Operative District Plan Sections in the activity status of key activities, with maintenance of roads and underground utilities usually being permitted, and consent being required for new above ground utility lines, high pressure gas lines and high voltage electricity lines. The main difference is relation to the works that are anticipated to be part of undertaking improvements in existing roads. There are generally a limited number of activities in the road reserve which are covered by each plan's rules. The activities listed in Table 4 were covered by almost all plans, but other activities were not consistently provided for, including installation of street furniture, street trees, street lighting, outdoor seating, buildings and public transport elements.

Roads are classified in the district plans according to their intended function in the form of a hierarchy, which is set by the RLTS and included in the sections of the district plan. The highest class generally relates to strategic routes and is generally applied to motorways, state highways and key regional arterials, while the lowest includes local roads and cul-de-sacs. Each classification assigns preferential use to either through traffic or local access. District plans often utilise road hierarchies to inform controls around access to sites as well as engineering and urban design standards that are external to the plan.

3.2.3 Designations of others that affect the roads of the region

There are a number of existing designations that affect parts of the region's road network. The existing designations are limited in their physical extent to a few roads and even then in most cases limited to only part of the roads. Examples of designations applying to roads in the network include:

- Broadcasting transmission corridor designations and airport flight path designations that are shown as applying to the air space above roads.
- Motorway designations that bisect existing roads (and bridging structures above the motorway are used to connect sections of existing roads) and areas of existing roads that are required for temporary construction activity and access).
- Electricity transmission designations for lines and/or structures that cross or run along lengths of roads (under and over).
- Rail designations for rail lines and related infrastructure that cross roads (tunnels, bridges and at grade) and other infrastructure.
- Pipeline designations (wastewater, water supply, gas and fuel) that cross roads or travel along lengths of roads.
- Auckland International Airport - the designation affects a number of existing public roads and notes that the proposed works may result in these roads either ceasing to exist or being re-aligned.

It is anticipated that in the future, Notices of Requirement from other requiring authorities may be more extensive in relation to their impact on some of the roads of the region and may potentially limit Auckland Transport's ability to make decisions about future transport functions of roads (e.g. new transport infrastructure or upgrade of roads to provide enhanced services). They may also constrain the ability of Auckland Transport around the maintenance and operation of significant sections of its own road asset. It is recognised that new Notices of Requirement may, either deliberately or as an unintended consequence, have the potential to restrict access for legitimate activities undertaken by other parties who need to access or locate in the road reserve.

After assessing these potential impacts, and after considering the absence of any significant issues arising from the existing road network designations Auckland Transport has inherited from the former Councils of the region, Auckland Transport has decided to seek to lodge a Notice of Requirement to designate the region's existing public roads.

As a result of this Notice, the role of primary decision maker for those roads where Auckland Transport holds the primary (i.e. first) designation will sit with Auckland Transport. New activities that are subsequently proposed to be undertaken within the designated area, and which are for purposes other than those allowed by the designation, would be required to get the written approval of Auckland Transport as requiring authority and will potentially be subject to conditions imposed by the requiring authority, in a similar way to the current Corridor Access Request process.

It is noted that under the RMA, approval to undertake any works in an area subject to a designation is at the discretion of the requiring authority. Where approval is withheld by the requiring authority or is given subject to conditions that are unacceptable to the party wishing to undertake the works, there is recourse through appeal to the Environment Court.

In the absence of having the primary designation on the roads, Auckland Transport must get approval from any requiring authority that has a designation over the road for any work or activity, despite the fact that the road is under the control of Auckland Transport and owned by the Council. This requirement also applies to other parties who may seek to locate new, or make upgrades to existing, structures or services in the road.

Accordingly, Auckland Transport (and the public) can lose control of the management of key elements of the road network to others who have project focused designations over parts of the road. This potentially detracts from the primary transport and amenity purpose of the region's road network, Auckland Transport's role in managing the network, and the wider public benefits associated with having a primary decision maker for roads able to manage the access of other necessary utility infrastructure. This is also consistent with the approach sought in the Auckland Plan¹⁰ of having a single-system approach in the planning, design, management and development of Auckland's transport system and seeking to find the balance between movement and place, considering capacity and the role of road/street in the urban setting.¹¹

3.2.4 Utility access to roads

On 1 January 2012 the National Code of Practice for Utility Operators Access to Transport Corridors came into effect (it had been approved in November 2011 by the Minister for Infrastructure). The purpose of the National Code of Practice for Utility Operators Access to Transport Corridors in accordance with section 9 of the Utilities Access Act, is to enable access by Utility Operators to Transport Corridors to be managed in a way that:

- a) maximises the benefit to the public while ensuring that all utility operators are treated fairly; and
- b) ensures that disruptions to roads, motorways, and railways caused by work by utility operators are kept to a minimum, while maintaining safety; and
- c) provides a nationally consistent approach to managing access to transport corridors.

Under the National Code of Practice for Utility Operators Access to Transport Corridors, utilities have the right to access the road corridors across New Zealand, subject to reasonable conditions. While the process set out in the Code is robust and would deal with most matters including making provision for a dispute resolution process, it is a process that sits outside the RMA and would not directly apply in circumstances where a designation takes precedence. For example, if a network utility operator had a designation that applied to a section of road, it would be the final decision maker in relation to what occurs in that part of the road, and as it is not a road corridor manager, it would not be required to observe the protocols set out in the National Code of Practice for Utility Operators Access to Transport Corridors.

It is Auckland Transport's position that the Requiring Authority status provided to it through the Local Government (Auckland Council) Act 2009 (as a requiring authority

¹⁰ The Auckland Plan is the 30 year strategy/spatial plan required by Part 6 of the Local Government (Auckland Council) Act 2009.

¹¹ Auckland Plan, Box 13.1 Principles – land-use and transport

under the RMA), along with its purpose under that Act, to contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental, and cultural well-being, means that:

- Auckland Transport is empowered by law to make decisions in relation to the road network,
- Auckland Transport is charged by law to deliver transport functions in the wider interests of the community, and
- Auckland Transport is charged by law to deliver the integrated transport network and single system approach required by the Auckland Plan,

This is not the case for the other parties with designation powers who may seek to designate a road or parts of it. Interestingly even Auckland Council does not have the power to designate for transport purposes. Network utility access to the road network is enabled by legislation. The primary issue for Auckland Transport is to find a method for managing access in a way that best meets all needs. Auckland Transport is concerned that if individual utilities that are requiring authorities hold a primary designation over parts of the road, they then potentially manage other parties', including Auckland Transport's access to the road network and this may not be in a manner that supports Auckland's social, economic, environmental, and cultural well-being.

The region's road network is a public asset held in common but made available to network utilities and to others in a fair and equitable way that best serves the overall interests of the community. To ensure that there is equitable access to the road there have to be controls in place to ensure that the roads are available for future generations. If network utilities, particularly those that are competing for access to the road to serve similar or the same customer groups, seek control over the areas of road in which their infrastructure is located using requiring authority powers under the RMA, there is the potential for outcomes that are not fair or equitable. This is due to the first designation under the RMA having primacy and that a requiring authority does not need to own the land it is designating. As can be seen from Appendix 3, there are a large number of utilities that have the right to use their Requiring Authority powers to designate parts of the public road network.

Auckland Transport believes that it is necessary to designate the roads in the region to ensure that they can be managed, operated and maintained in a safe, efficient and comprehensive manner to deliver the wider transport functions that the legislation requires. This would also enable the public road asset to be used by a range of network utilities in a fair and equitable way that best serves the overall interests of the community. Auckland Transport works closely with Auckland Council to ensure that the road also meets the Council's wider public good aspirations for the roads of the region as outlined in the Auckland Plan. While some of these are still to be articulated through the Unitary Plan, Auckland Transport is aware of the importance of the road as a public place and that in some parts of the region a road's placemaking function may need to be given greater emphasis.

3.2.5 Value of the Road network

A badly managed public road network in Auckland would have national significance due to the volume of traffic and people who uses the road network daily, the fact that the

roads are also the conduit for key infrastructure (some of which is nationally significant) and the potential economic impact on Auckland's economy and that of the nation if the roads are not well managed. The consequences of failure of one of the region's strategic arterial routes have been identified as:¹²

- disruption to the public transport network that is heavily reliant on the road network¹³;
- disruption to the operation of ports as cargo cannot be dispatched or delivered;
- disruption to airports, industrial areas and tourist centres due to traffic congestion;
- traffic congestion along adjacent arterial roads as drivers seek alternative routes;
- social disorder due to traffic congestion and stretched police resources; and
- economic losses to some businesses isolated by road network failure.

While the failure of some roads will not be as significant on their own, the scale of the road network means that there will be many roads that require repair and ongoing maintenance. The scale means that there is a need for a common resource management approach to manage the road network that will assist Auckland Transport to operate the road network in a cost effective and efficient manner. This in turn means that the transport network will be able to operate efficiently and effectively. As more people seek to rely on bus services provided on the region's roads this will become more critical.

3.3 Project description

3.3.1 The land over which the designation will apply

The land over which the designation will apply is owned by Auckland Council and managed and maintained by Auckland Transport.

The designation applies to:

- The full width of the legal roads, being the area between the boundaries of its adjacent private properties, and includes all assets and facilities and any grass berms, footpath, kerbs, channels and sealed or unsealed carriageway and any structures and other parts of the road that are owned by the Auckland Council (see figure 1 below).

¹² Published on the former ARC web site as at April 2012 under the Civil Defence Emergency Management banner: <http://www.arc.govt.nz/council/civil-defence-emergency-management/technological-man-made-hazards/infrastructure-failure.cfm>

¹³ 78% of daily public transport patronage is by bus as Derived from Auckland Transport monthly public transport statistics, May 2011

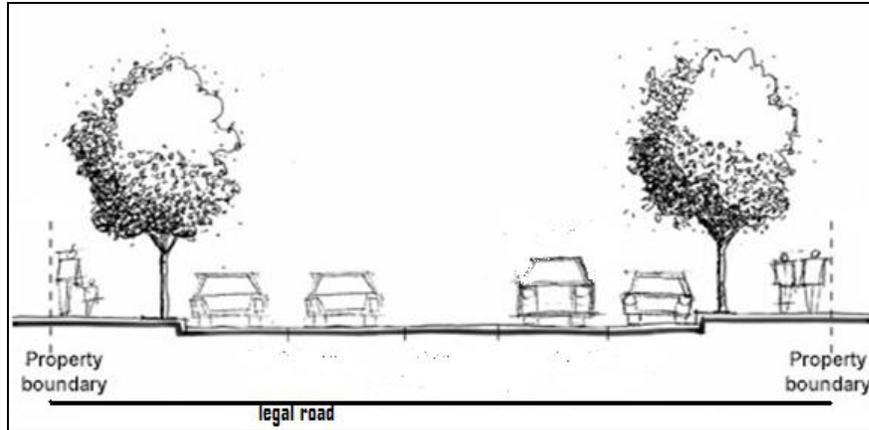


Figure 1: Example of cross section of legal road

For avoidance of doubt the designation does not apply to:

- i. Roads and service lanes not vested as legal road owned by Auckland Council but managed and operated by other parties;
- ii. Roads and service lanes not owned by the Auckland Council;
- iii. Private land or private roads within the meaning of section 315 of the Local Government Act 1974;
- iv. Structures over the coastal marine area;
- v. Unformed roads (commonly known as paper roads);
- vi. Beaches, parks and reserves;
- vii. Areas of road for which the New Zealand Transport Agency is the road controlling authority; or
- viii. Sections of roads that cross (at grade) the space occupied by a railway line, as defined in the Railways Act 2005.
- ix. Any physical works affecting any scheduled archaeological or geological feature listed in a section of the District Plan;
- x. Any physical works requiring removal of part or all of any scheduled notable tree listed in a section of the District Plan;
- xi. Any physical works affecting any scheduled building, heritage property or places of special value listed in a section of the District Plan;

The works identified in ix – xi will be subject to the requirements and statutory processes under the provisions of the relevant section of the District Plan. These works have been excluded from the designation as they require specific considerations that cannot be assessed in a designation with a region-wide view. The features that have been specifically protected in the District Plan or through the Waitakere Ranges Heritage Area Act 2008 will also have values recognised by other parties and it is appropriate that their input into the assessment of the impact on the feature should be taken into consideration.

It is appropriate for these activities to comply with the District Plan requirements, including obtaining any necessary resource consents, at the time any such works are proposed.

3.3.2 Works enabled by the designation

The designation would enable works to be undertaken in the public roads that are generally consistent with the nature of permitted activities provided for in the current sections of the region's District Plan (discussed below in section 7). It will give Auckland Transport's road operation and maintenance activities ongoing statutory protection. New projects or major upgrades that would involve large scale change to the character, intensity, and scale of the transport infrastructure existing in the road are not included.

Works provided for in the Road Asset designation include ongoing maintenance and improvement works. Specifically the designation lists the following works:

1. On-going maintenance, renewal and replacement, including in particular:
 - a) Works to improve the existing roads or road sections or on road parking areas to address any deficiencies against current standards for road surfaces, marking, signage, and lighting;
 - b) Maintenance and replacement of public transport infrastructure and parking infrastructure (including but not limited to bus shelters, pay and display machines and signs);
 - c) Maintenance and replacement of directional and informational signage;
 - d) Maintenance of vegetated berms / verges;
 - e) Maintenance and replacement planting of street gardens and rain gardens, stormwater treatments areas and ponds;
 - f) Maintaining, pruning and removal of vegetation (including but not limited to grass and trees) on roads;
 - g) Maintaining, pruning and trimming of overhanging vegetation from private property and in the road;
 - h) Maintenance and replacement of street furniture (including but not limited to seats, bicycle racks, litter bins and other features), and amenity lighting;
 - i) Cleaning of the road and its infrastructure (including but not limited to road drains, cycle facilities, bridle paths);
 - j) Maintenance and replacement of all road related assets and facilities including street lighting, traffic signals, bridges, retaining walls and crash barriers;
 - k) Maintenance and replacement of all stormwater drainage within the road;
 - l) Emergency works (including but not limited to slip repairs, removal of fallen trees) and crash repairs;
 - m) Maintenance and replacement of enforcement infrastructure (including but not limited to red light camera and weigh bridge sites);
 - n) Maintenance and replacement of infrastructure associated with the enforcement of transport laws, rules and bylaws (including but not limited to speed limit and parking restriction signage and parking meters and pay and display kiosks);
 - o) Maintenance and replacement of communications, water supply and energy supply infrastructure necessary to support the above;
 - p) Works in the drip line of scheduled and non scheduled trees and trimming of non scheduled trees in relation to the above;
 - q) Earthworks to implement the above; and
 - r) Temporary traffic management necessary to implement the above.

2. Improvements and in particular:
 - a) Construction works undertaken following safety audits, surveys or observations and crash reduction studies to incorporate safety features into existing road design;
 - b) Construction works to implement engineering measures (including but not limited to the introduction of interactive warning signs, road markings, rumble strips, lighting, removal of roadside hazards, barriers, widened road margins, improved skid resistance, improved road geometry on bends and at intersections, fine tuning of signalised intersections, improved visibility at non-signalised intersections, fencing, speed humps traffic separators);
 - c) Construction and installation of devices and structures to implement regulatory controls (including but not limited to no-stopping, no-overtaking, parking controls, bus lane controls, vehicle restrictions)
 - d) Installation of facilities (including but not limited to facilities for pedestrians and cyclists) to create 'complete streets', 'connected networks' or 'shared spaces,' share zones and pedestrian malls;
 - e) Installation of amenity features (including but not limited to street furniture and art works and other urban design features) and transport infrastructure (including but not limited to bus shelters, real time information systems etc) within existing roads;
 - f) Construction works to improve existing formed roads such as widening carriageways, installation of new lighting, footpaths, cycle facilities, storm water drainage and other improvements;
 - g) Reconfiguration of the road layout within the existing road reserve;
 - h) Rebuilding and rehabilitation and resurfacing of existing road structure;
 - i) Investigations of the surface and structure of roads (including but not limited to test pits and geotechnical testing);
 - j) Installation of kerb and channel, stormwater drainage infrastructure culverts, storm water treatment devices and other surface water management infrastructure;
 - k) Installation of traffic control devices (including but not limited to traffic islands, traffic signals, pedestrian crossings and roundabouts and intersection controls) and traffic and cycle monitoring devices;
 - l) Installation of communications, water supply and energy supply infrastructure, necessary to support the above;
 - m) Works in the drip line of scheduled and non scheduled trees and trimming of non scheduled trees in relation to the above;
 - n) Earthworks to implement the above; and
 - o) Temporary traffic management necessary to support the above.

The designation includes conditions, one of which is to waive the requirement for an Outline Plan of Works (OPW) for the maintenance activities listed in 1. above. There is also a condition enabling the waiver of an OPW for improvement works listed in 2..

3.3.3 Restrictions imposed by the designation

Auckland Transport's Road Asset designation contains restrictions that would apply to only those activities that could affect the operation, maintenance, integrity and condition of the public road network and Auckland Transport's ability to provide transport related services. The restrictions proposed by way of the designation are:

That no person may, within the designated area, undertake the following activities without the express written approval of Auckland Transport:

- *any excavation in or under the road or road reserve (including drilling, tunnelling, thrusting or similar);*
- *any activity where damage is caused, or is likely to be caused, to the road or road reserve through excavation or works;*
- *any activity where a new surface is to be laid within the road or road reserve;*
- *occupation of the road or road reserve for the purposes of construction and events and marketing;*
- *traffic management for temporary events and construction activities;*
- *Any activity that restrict the movement of pedestrians (including but not limited to café seating).*

The activities listed above are already controlled by the Corridor Access Request process and no or little extra work is required for responsible access requests.

3.3.4 Conditions

As mentioned, the Road Asset designation contains proposed conditions and advice notes. These apply to the works undertaken by Auckland Transport that are enabled by the designation and to third party works occurring within roads. The conditions seek to recognise that the work enabled by the designation is generally similar across the region and there is reliance on a standard methodology to be provided by Auckland Transport and approved by Auckland Council. There is also recognition that some works such as the maintenance activities are less than minor in their effect and do not need an Outline Plan of Works, as they occur on a daily basis across the region and any delays in undertaking the work while an Outline Plan of Works is sought would have adverse effects on the community and road users.

Improvement works are recognised as being slightly different as they may involve changes to the road and to the way in which it is formed or operated. Most of these changes will be driven by safety requirement or the need to accommodate transport services in a different way e.g. the provision of new pedestrian, bus or cycle facilities in the road. The proposed conditions expect that an Outline Plan of Works will be required unless Auckland Transport has developed a methodology for delivering the works.

The proposed conditions also include conditions on Auckland Transport in relation to how it will provide approvals under section 176 for works by others in the road. These approvals currently operate in relation to the designations applying under the North Shore, Rodney and Auckland Isthmus and Central Area sections of the District Plan. In brief, the intention is that the requiring authority process and the Corridor Access Request process would be incorporated into a single process.

In the case of improvement works occurring in the area subject to the Waitakere Ranges Heritage Area Act 2008, the conditions require that the Construction Methodology outline how heritage features identified in the Waitakere Ranges Heritage Area Act 2008 will be protected while works are undertaken on existing roads.

4 Objectives of the Requiring Authority

Auckland Transport's objectives for the Road Asset Notice of Requirement are to:

1. Contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental and cultural well being.
2. Provide for a single-system approach in the planning, design, management and development of Auckland's transport system.
3. Provide statutory protection to safeguard the integrity of Auckland's public local road network.
4. Enable the operation and maintenance of Auckland's existing public local road network.
5. Ensure all infrastructure located within the existing public local road network is managed in a sustainable manner in the interests of the Auckland community.

These objectives are discussed below.

4.1 **Contribute to an effective and efficient land transport system to support Auckland's social, economic, environmental and cultural well being**

Auckland Transport is charged by law to manage the Auckland land transport system in a manner that supports Auckland's social, economic, environmental and cultural well-being.

Auckland's public road network needs to provide for existing communities and support growth in Auckland's economy and its population. To be high performing, Auckland needs to have fast and efficient transport links within the city-region and to other cities and regions to enable the transfer of goods, services and people.

Enabling freight movement through the public road network of the region to the ports and airport from the production, manufacturing, warehousing, imports and export businesses in Auckland is not only good for Auckland but in turn facilitates economic growth for the rest of the country. This is because of the way Auckland is linked to the rest of New Zealand. Auckland is physically linked to the north of New Zealand and the rest of the country and has a gateway role resulting from its harbours and ports. The ports, rail and state highway system that connect Auckland with the rest of the country and connect New Zealand to the rest of the world are also reliant on the local road network.

The transport routes through Auckland to the port and airport also connect products from inside and outside the region to those Auckland businesses that add value through manufacturing. Businesses that rely on the delivery of products and goods to both domestic and global markets are reliant on the efficient and effective operation of the public road network. As industries in Auckland are often clustered or concentrated in

different areas of the region, access for freight and people to an efficient local road network is crucial. Linking employment to workers is also critical. In 2010, it was estimated that the population of Auckland was 1,461,900 people.¹⁴ Projections suggest that by 2040, the Auckland population could be between 2.2 and 2.5 million people.¹⁵ The Auckland Region's primary mechanism of managing development and population growth is through providing for intensification, with increasing housing densities and more intensive use of land within the existing urban area. More people are living in medium and high density developments, many of which have mixed uses. The community will increasingly rely on the public roads of the region to fulfil a range of functions including enabling movement in various forms and the delivering of essential services as well as recreation and amenity purposes.

4.2 Provide for a single-system approach in the planning, design, management and development of Auckland's transport system

The road network is a key component of the Auckland transport system as the different components of the transport network overlap on the region's local roads. This area of overlap needs to be managed in a consistent and cohesive manner with a single approach.

It is clear from the establishment of Auckland Transport and the outcomes specified in its Statement of Intent and more recently in the Auckland Plan, that a consistent set of standards, along with improved service levels as part of the management of the road network were seen as being critical in terms of creating a single transport network.

The designation will provide Auckland Transport with the necessary approvals under the RMA to deliver the objective.

4.3 Provide statutory protection to safeguard the integrity of Auckland's public local road network.

The existing public road network accommodates a wide variety of functions and activities including:

- providing access and linkages for transport users (truck, car, bus, cycle, pedestrian);
- being a conduit for local, regional and national services (electricity, gas, telecommunications, and postal);
- supporting activities occurring on adjacent properties (such as cafes with outdoor dining areas, developers with construction hoardings or site offices temporarily located on the public road);
- hosting events and activities of a public nature (such as festivals, parades, sports events, protests, street markets); and
- providing access for all properties to connect to cables and pipes services located in the roads and vehicle access to the road.

¹⁴ Statistics New Zealand – 2010 population estimates

¹⁵ Auckland Plan

The existing public road network is a key part of Auckland's land transport system as the roads enable the movement of people, freight and services. Some roads, due to their size and role (such as arterials), perform these roles for the wider regional community both for private vehicles and public transport. Others, such as local roads, serve a smaller community.

The large number of agencies and individuals that access the public road do so under a range of 'rights'. Some have Requiring Authority powers under the RMA. Some have specific access rights provided through specific legislation. Some are able to rely on common law rights. Most that seek to utilise public roads rely on the even handed approach that the road controlling authority (most commonly the territorial authority, but in Auckland's case Auckland Transport) takes in managing the public roads. This approach is also affected by other matters such as district plan rules and bylaws.

The Road Asset Notice of Requirement has been developed from the perspective of Auckland Transport's role as road manager and is reliant on Auckland Transport's power as a Requiring Authority under the RMA. The Notice does not seek to extinguish any lawful rights of access to public roads as provided to other agencies or parties including those created under statute. However, all public roads need to be operated in an efficient and integrated manner to fulfil local and regional transport roles. Auckland Transport also needs to be able to safeguard the ongoing operation of the whole public road network as part of the region's land transport system by managing the various parties that have an interest in the road to achieve, where possible, equitable outcomes. This means that Auckland Transport must be able to use all of the regulatory mechanisms at its disposal, including those of the requiring authority under the RMA to control the management, use of and access to the public road network.

The Road Asset Notice of Requirement will enable Auckland Transport as the organisation responsible for Auckland transport system to undertake activities in the road necessary to keep the road network functioning as a significant part of the transport system.

4.4 Enable the operation and maintenance of Auckland's existing public local road network

While new transport projects to deliver improved freight movement and public transport are planned, it is also essential that Auckland Transport has the ability to operate and maintain the existing local road network to support these activities.

As further intensification occurs along many of the roads in the region, there will be more pressure to limit essential works associated with the operation and maintenance of the roads to times when roads are not busy (e.g. at night or on weekends). This in turn may result in pressure to limit noise.

These activities are required to be provided for to ensure the continued operation and maintenance of Auckland's existing public road network in an efficient and effective way include:

- installation of key transport infrastructure such as street lighting, bus shelters, signs to manage changing transport requirements;
- maintenance of roads and footpaths (resealing and repairing potholes, loose chip or debris, cracked surfaces, slips, and repair of roadside furniture) to ensure the ongoing safety of road users and to sustain the serviceability and appearance of the road for the amenity of the community;
- changes to the layout of the carriage way in existing roads to address safety or capacity requirements;
- renewal and upgrades of footpaths as a result of damage resulting from reinstatement by utility and building operators, tree roots and parked vehicles or in some locations to introduce streetscape improvements such as seating and low stone walls, improved landscaping and new street lighting;
- street cleaning and weed control activities.

As outlined in section 5.4 of this AEE, there is significant variation across the region in the way that these works and activities are currently provided for. Auckland Transport is required by statute to deliver the land transport system in the region in an effective and efficient way that supports Auckland's social, economic, environmental and cultural well-being. Auckland Transport is therefore seeking to manage the roads of the region through the Road Asset Notice of Requirement by being able to ensure consistency in relation to how the ongoing operation and maintenance of the roads is treated. The designation, once in place, will not only provide greater consistency across Auckland, but the conditions under which roads will be managed will be easier to understand. The simplified planning process provided for in the designation will in turn mean reduced delays and costs for Auckland Transport which will support Auckland's social, economic, environmental and cultural well-being.

The Road Asset Notice of Requirement seeks to designate the entire existing public road network in the Auckland Region in order to enable its ongoing operation, maintenance and efficient management. The network is constantly changing as new roads are continually being formed as a result of subdivision and development. The designation will be altered to make provision for these new formed roads to be included in this designation from time to time once they are vested in the Council or declared as road.

4.5 Ensure all infrastructure located within the existing public local road network is managed in a sustainable manner in the interests of the Auckland community

Essential services (and the associated infrastructure) such as gas, power, telecommunication, water, waste water and storm water are located in the public road network. Access to the road for these services is provided for through legislation that dates from those times when the services were provided by public or government agencies. With deregulation and technological change there are a range of private and public companies involved in the delivery of some of these services (e.g. power, gas and telecommunications) although with the recent changes in Auckland, there are fewer agencies responsible for water, waste water and storm water.

With population growth and technological changes and increased consumer pressure for better access to new services, Auckland Transport anticipates that there will be ongoing

and greater requirements for a higher level of service provision to the residents and businesses and visitors to the region. The pressure placed on the public road network to accommodate new infrastructure above, under and on the road needs to be managed.

It is also noted that in addition to the infrastructure associated with essential services there is a large amount of amenity infrastructure such as street furniture, works of art planting and signage that is located in the road network. A well maintained road network will also play a vital role in community response and recovery in the case of any type of disaster or event.

Using the road network for the distribution and conveyance of essential infrastructure is an approach that Auckland Transport supports. However, managing the road asset to enable a reasonable level of access for those seeking to install new or upgrades of existing network utility infrastructure needs to be balanced with achieving the other outcomes the community is seeking for the road network (related to access, mobility and amenity).

Auckland Transport recognises that the public road network is a resource that is being called on continually to meet a range of needs and functions. As pressure on this resource increases, access to the road network must necessarily be managed more rigorously to ensure that it is utilised equitably and sustainably in the best interests of the community. It is essential from Auckland Transport's view that the principal role of the road corridor, to provide for the movement of people and goods, is recognised. It is also essential that the incidental role as a utility corridor is also enabled where this is compatible with the principal role. As the authority charged by statute to provide for the efficient, safe movement of a range of transport modes within the road network, Auckland Transport needs to be able to manage Auckland's roads in the most effective manner.

4.6 Summary

Having reviewed the effectiveness of the current and potentially future regulatory mechanisms, Auckland Transport is of the view that it is unable to safeguard the integrity and efficient operation of its public road asset unless it designates the existing roads in the region and applies an appropriate level of control on those activities that may adversely affect the integrity and operation of the road network or potentially limit other legitimate users of the road network.

Auckland Transport is also seeking to use the designation powers to allow it to operate its public road network (including improvements and ongoing maintenance) in a manner provided for in the rules that generally apply across the region under the Operative District Plan Sections. Auckland Transport recognises that there are certain site specific matters (e.g. heritage and archaeological features) that must necessarily be addressed at the time works are proposed and it is appropriate for these matters to be determined in accordance with the relevant District Plan provisions. These matters have therefore been excluded from the designation.

The designation creates the opportunity to provide for the continued operation and maintenance of the existing public road network in a way that will also provide for the social, economic, environmental and cultural well-being of the community. Auckland Transport will continue to consult with the community and utility and infrastructure providers on improvement projects for the movement of vehicles (passenger, cars and

freight), cyclists and pedestrians and delivering streetscape upgrade projects in order to understand their needs and priorities and where possible provide for them.

While the allocation of space in the road is managed in a collaborative manner, Auckland Transport considers that as the agency responsible for the management of the roads, a robust management process, with Auckland Transport being able to make decisions for the community as a whole in a clear and transparent way in relation to the roads, is essential. The Road Asset designation of the existing public road asset in the region will enable Auckland Transport to effectively and efficiently manage the road network and ensure that space for infrastructure in a sustainable manner. The Road Asset designation of the whole public road network will enable the management of the region's transport network in an integrated way while providing for any lawful rights to access the road corridor.

5 Effects on the environment

Section 168 of the RMA requires a territorial authority to consider the effects on the environment of allowing the requirement, and the public notice format prescribed by the Resource Management (Forms, Fees and Procedure) Regulations 2003 for a requiring authority's requirement for a designation (Form 18) requires details of the effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated.

The designation provided for in this Notice applies to public roads that are legal roads. Therefore the assessment of the actual and potential effects with regard to Part 2 of the RMA is different to the assessment of the effects for a new, yet to be constructed public work. It is also noted that the Council already owns the land that the designation applies to and Auckland Transport is required by law to manage the land. In addition, the nature of the work that the designation provides for is limited to the continued operation and ongoing maintenance and improvement of the local road network.

As the nature of the future works provided for mirrors activities currently provided for in the various sections of the District Plans, the works will not create unanticipated adverse effects on the environment and for the most part creates effects that are within the permitted baseline of the combination of Local Government Act 1974 and RMA and district plan regulations. Therefore the adverse effects do not need to be taken into account when considering the designation as they are part of the existing and future environment.

5.1 Procedural and Legal Effects

The proposed designation will have potential impacts on the rights of other parties to access the road network. These may not be "effects" in the true sense but are addressed here in any event

5.1.1 Relationship with other Auckland Transport road designations

There are a large number of existing designations already in Operative District Plan Sections for a public work or proposed work for which Auckland Transport now has financial responsibility. These generally affect land (not yet acquired and/or vested as road) adjacent to existing public roads or those identified as locations for new roads and are for a range of purposes including for road widening, corner cut offs, turning areas, proposed roads, and in a few instances proposed road stopping.

This Notice does not affect any of these designations, as it relates to the operation and maintenance of public roads that already exist or upon roads. This means that in the future, where existing designations for road widening are given effect to and the land is included in existing roads, that land will become part of the public road network and will be included in this designation.

Auckland Transport has inherited existing designations over the road network (being North Shore, Rodney and the Isthmus and Central Area sections of the former Auckland City). This designation will be in addition to those designations and will overlay them until such time as it is appropriate for Auckland Transport to remove them. The reason for taking this approach and not limiting this designation to apply to only those parts of the region not already designated is to ensure that the road network is provided for in a consistent manner.

In the case where parts of the road network are to be stopped, the procedures specified under either the Local Government Act 1974 or the Public Works Act will be followed. Land that is no longer road will be removed from the designation using section 182 of the RMA. Given the scale of the region it is expected that Auckland Transport will need to bundle these designation removals.

From time to time road that is part of the State Highway network and designated by the New Zealand Transport Agency may be revoked, reclassified and transferred to Auckland Transport to manage and Auckland Council to own. When the financial responsibility for a designation transfers from one requiring authority to another, responsibility for the designation itself also transfers. In these circumstances, the change is expected to require an alternation to the designation under Section 181 of the RMA.

5.1.2 Relationship with other requiring authority designations

As outlined in section 2.4, there are a large number of existing designations that apply to parts of public roads in the network. This designation does not override any prior (primary) designations that may already be in place. Auckland Transport must, as set out in the RMA, obtain approval from any requiring authority holding a prior designation for works/activities undertaken within the designated area and must undertake the works in accordance with the provisions and requirements of that designation. This is addressed in the wording of one of the advice notes included in the Notice.

Some sections of the road network are or will be covered by more than one designation in addition to this designation, in which case multiple requiring authority approvals may be required for activities in these areas.

Auckland Transport is aware that in the case of the existing district plan maps for some sections of the District Plan, the New Zealand Transport Agency and NZ Rail or KiwiRail may have concerns about how their existing designations covering their networks are depicted particularly where there are at grade and above or below ground infrastructure overlaying each other. The relationship of this Notice with those existing designations is addressed in the wording of the advice note and to an extent from the exclusion wording in the Notice. This clarifies the situation until such time as the Unitary Plan is notified and new maps are issued. The wording of the Notice also clarifies that it does not seek to control activities on the railway line or the motorway at grade separated crossings. It is noted that where associated works may be required such as reconstruction of an overhead structure carrying the motorway that directly affects the public road below, approval for the associated works would still need to be obtained.

In some instances the New Zealand Transport Agency becomes the road controlling authority on parts of roads at motorway on/off ramps, and roundabouts. The Notice does not cover areas where the New Zealand Transport Agency is road controlling authority.

There are areas of the public road network where the New Zealand Transport Agency manages a part of Council owned road (e.g. at the Great North Rd/North Western motorway intersection at Waterview). These different management arrangements are the subject of agreements between the New Zealand Transport Agency and Auckland Transport outside the RMA. The s176 approval process still applies to any works by the New Zealand Transport Agency on parts of public roads covered by the Notice as there are still issues related to traffic management and road reinstatement that need to be addressed.

There are also areas where temporary designations are in place, that that may be subsequently removed. These are typically for lay down or work areas required during construction or in order to gain access to construction areas – these types of designations appear to apply to local roads as part of the current designation for the Waterview connection and other New Zealand Transport Agency work. The Notice does not remove the ability of other Requiring Authorities to designate parts of the road should this be deemed necessary and Auckland Transport may agree that this is the most appropriate method for advancing some works. Even if the Auckland Transport designation did not exist, Auckland Transport approval under the Code would still be required for undertaking works in the road.

5.1.3 Operation of the Requiring Authority approval process

Approval from Auckland Transport would be required under section 176 of the RMA for any other parties seeking to undertake activities in any part of the public road network. This requirement is not onerous, as approval is already required by Auckland Transport for any utility or other person seeking to access the road under the National Code of Practice for Utility Operators Access to Transport Corridors. Through this process, Auckland Transport is provided with information on what is involved and how they propose to undertake both the work, manage the interface with other road users and reinstate the road. The proposed conditions align the section 176 and road access processes to ensure that, in practice, only one approval will be required.

5.1.4 Provision of Certainty

Most of the sections of the Operative District Plan provide for work and activity related to the ongoing operation, maintenance and improvement of existing roads as a permitted activity. In parts of the region where designations already exist for the road network, the work and activity related to the ongoing operation, maintenance and improvement of existing roads is also provided for. Most sections have variation in relation to definitions, terms and standards. The nature of the variation makes it necessary for Auckland Transport to have a range of internal guidelines and practice notes as to how it must operate across the region.

This designation will provide certainty to Auckland Transport, the Council and the public that the roads of the region can continue to be managed and to "*promote the efficient movement of people, goods and services throughout the Region...*" as required under Policy 4.4.7 of the RPS and to provide for the roads as part of an integrated transport network. The designation also provides certainty that the current District Plan approach in relation to protecting important environmental values relating to potential impacts on scheduled features (including buildings, scheduled trees, archaeological features and

geological features, and in the case of the Waitakere Ranges heritage features), resulting from road maintenance or road works are still controlled through a resource consent.

The designation will also enable work to be provided in a manner consistent with the functions and powers conferred on Auckland Transport by the Local Government (Auckland Council) Act 2009 while supporting the priorities and directions set in the Auckland Plan. This will ensure that the variety of functions of roads (as public spaces as well as movement corridors) and their contribution to place making can be recognised. Auckland Transport can ensure through this designation that the place making contribution of roads is considered in its projects.

The designation seeks to waive the requirement for an Outline Plan of Works for maintenance works enabled by this designation. This is as a result the recognition that as specified in the RMA, an outline plan is expected to have plans showing:

- the height, shape, and bulk of the works, including any structures; and
- the location of the works on the road; and
- the current and likely finished contour of the road; and
- the management of 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.

The maintenance works are primarily focused on replacement of existing damaged road infrastructure and assets therefore an Outline Plan of Works is not considered to be required as the change is less than minor in effect.

The designation also seeks to waive the requirement for an Outline Plan of Works where Auckland Transport has an approved construction methodology for improvement works.

This approach is in recognition that the management of the road network is similar across the region and there is reliance on a standard methodology and governing principles with service level agreements in relation to the management and provision of assets. The approach also recognises that maintenance activities occur on a daily basis across the region and there is a need to be certain that there will not be any unnecessary delays in undertaking the works.

Improvement works are recognised as being slightly different as they may involve changes to the road and to the way in which it is formed or operated, but once a methodology is agreed certainty is able to be delivered that an Outline Plan of Works is not required. To provide certainty for others, the designation also includes conditions on Auckland Transport in relation to how it will provide Requiring Authority approvals under section 176 for works by others in the road.

5.1.5 Negative effects

The negative effects are generally considered to be a matter of perception of the designation by others.

The designation may be perceived to be permissive and enable works and activity to be undertaken in a way that could result in effects on adjacent properties. This is not the case. In general, the effects are currently authorised by existing designations or district

plan rules, the effects are associated with the existing road network and the conditions proposed in the Notice will provide for legal rights of access and manage effects of work to improve roads through an Outline Plan of Works or an approved methodology.

5.2 Transport opportunities and impacts

The Auckland Plan notes that currently 85% of trips in Auckland are made along the existing road network by private car, and that around 15,000 extra cars join Auckland's roads every year. In addition the roads of the public road network are used for freight movement, and as part of the cycle network, the public transport network and the pedestrian network. The Auckland Plan seeks to ensure that the road network functions as part of a single-system transport network and requiring three key components to address current congestion problems and accommodate future business and population growth:

- improve and complete the existing road and rail network
- encourage a shift toward public transport
- support environmental and health objectives through walking and cycling

Roads provide carriageways for vehicle travel, footpaths for pedestrian travel and berms for general use as buffer zones between properties and the travelled way (that part of the road constructed for use by vehicular traffic). Key elements within the road reserve include:

- Travel Lanes
- Cycle Lanes
- Pedestrians and Footpaths
- Pedestrians and Crossings
- Berms
- Landscaping
- Intersections
- Bus Lanes and Priority measures
- On-Street Parking
- Access Management
- Traffic Calming
- Grade Separation
- Road Safety and Directional Signage
- Bus Stops
- Street Furniture
- Street Lighting
- Paving Materials
- Sightlines and Safety
- Low Impact Design
- Over dimension routes

Appendix 4 contains an outline of these elements.

Roads are required in any area where the land use requires people movement. The design of these roads is directly related to the type of land use, the type of terrain, the

volume of movement that is required and the amount of access that will be permitted. The ability to alter the design of a road to eliminate hazards, to respond to changes in land use enabled through zone rules, to ensure environmental improvements in amenity for road users, and manage stormwater is a critical factor in the ability to deliver an effective transport system.

It is inherent in the nature of most roads that there is the potential for conflict between the use of a road and the effects of that use and the amenity and use of adjacent land. This is because of the range of functions that roads serve. All roads serve more than one function and to varying degrees.

The main functions of roads are to provide mobility and to provide property access. High and constant speeds are desirable for mobility, while low speeds are more desirable for property access. The focus in local roads is generally on property access while the roads higher up the hierarchy are focused on high mobility for through-traffic. Some roads as a result of their location and adjacent land uses require a balance to be found between both functions.

Auckland Transport is required to ensure that the road network incorporates all modes of transportation including public transport, cycles and pedestrians. As outlined in the Auckland Plan and the Regional Land Transport Strategy, as Auckland's population and employment opportunities increase in areas through intensification there will be a greater focus on ensuring good public transport accessibility and good provision for pedestrians and cyclists. The provision of improved facilities such as for public transport within existing roads also requires the provision of associated infrastructure to enhance the amenity of those using public transport. This is particularly important to enable the service to be attractive and to offer an alternative transport choice to driving.

The provision of signage, shelters, and up to date information about bus services is an essential part of the road network. However, key elements of the network can often cause conflict with adjacent land owners both in relation to their location, their operation and in some instances their installation and maintenance.

Many of these conflicts can be addressed through the design of the road at the time of subdivision as a result of standards specified in district plans, however many roads in Auckland have been constructed in the absence of these specific standards. Auckland Transport is required to retrofit existing roads to standards required to support land use policies at the same time the roads are being used by travellers. To avoid these conflicts, works are undertaken at times when the roads are not under pressure, which then creates conflict with adjacent land uses.

The designation will enable operational and maintenance improvements to the safety and efficiency of roads that will benefit vehicles (freight, private and public) and cycles as well as result in improved conditions for pedestrians. The designation will also allow some improvements to the public transport infrastructure located within the existing roads. This infrastructure allows many roads to form part of the public transport network and its presence will potentially encourage commuters to use public transport in preference to cars. Improvements able to be provided in the road network for cyclists and pedestrians will complement the improvements to the public transport infrastructure by providing more options for travellers that may encourage them to get out of cars.

The designation enables traffic management measures to be introduced to optimise the existing road network and to enable the road network to be utilised in a cohesive manner that will support the transport system in Auckland.

5.3 Economic effects

Once the designation is put in place, Auckland Transport may do anything allowed by the designation, and the usual provisions of the district plan do not apply. Generally the operation and maintenance works provided for in this designation are already permitted to a large extent by the sections of the district plans across the region, although there is currently no consistency in how the works are described or provided for.

As outlined in section 3.2.2, each section of the District Plan currently describes and classifies operation and maintenance activities required to be undertaken by Auckland Transport in the roads of the region in a slightly different manner. Being able to plan, and undertake operation and maintenance works across the road network in a consistent manner will have significant economic benefits for Auckland Transport (and ultimately Auckland ratepayers) as it will mean that operation and maintenance work will be able to be undertaken with minimal procedural delay and cost.

The designation also maintains and ensures economic benefits for the local and regional economy resulting from protecting the ability of the road controlling authority to control the way that others access public roads as disruption of the delivery of goods and services is managed.

It is not Auckland Transport's intention to use the designation to decline access to the public road network. In many cases, such access is mandated by legislation and Auckland Transport recognises the value of the road asset as an essential conduit for utility infrastructure. The purpose of the designation is to enable the ongoing operation and maintenance of the road network while better managing access by other network utilities and other parties. This will result in better outcomes for the community.

There are no changes proposed to the processes impacting on any other parties as a result of this Notice, as access to the road will continue to be managed through the Code, and currently Corridor Access Requests / Road Opening Notices are already required to be obtained even for the most minor of excavation work in the road reserve such as the installation of new vehicle crossings (the area of driveway between the carriage way and the private property boundary) as the vehicle crossing usually replaces a portion of the public footpath and must be designed and constructed to appropriate standards. Property owners are responsible for the cost of constructing and maintaining the vehicle crossing serving their property unless Auckland Transport undertakes work in the road that requires the crossing to be altered.

As the land is already vested as road and used for transport purposes, there is no new land directly affected by the designation. Therefore there are no direct adverse economic impacts as a consequence of this designation on anyone other than Auckland Transport in having to meet the cost of preparing this Notice and meeting Council's processing costs.

There are expected to be positive economic effects for members of the community from Auckland Transport being able to more easily undertake operational and maintenance

works as described in this Notice. These are associated with the ability to deliver improved transport impacts as outlined above but also as a result of the enhanced environmental effects outlined below. Roads that are well maintained, safe and operating effectively directly benefit those who use them as well as those who have direct access to them.

In relation to the services located in roads there are expected to be no additional costs for utility operators, as the existing processes for their accessing the road will be utilised to provide requiring authority approval.

5.4 Environmental effects

As a result of the exclusions contained in the Notice, future works enabled by the Notice that could potentially impact on valued features such as existing scheduled trees, archaeological sites and heritage buildings will be subject to resource consent.

In relation to the activities, facilities and works enabled by the Notice the following tables (Table 5 and Table 6) provide an assessment of the effects that the works may have on the environment and the proposed mitigation. An assessment of the way these effects are already part of the existing environment baseline is also included in relation to the current approach in the sections of the District Plan.

Table 5: List of ongoing maintenance works as enabled in the designation, effects mitigation and current approach in sections of the District Plan

Ongoing maintenance works	Effects	Mitigation	Current approach in sections of the District Plan
a) Works to improve the existing roads or road sections or on road parking areas to address any deficiencies against current standards for road surfaces, marking, signage, and lighting	Possible temporary construction effects – noise, dust, access to properties	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	<p>Generally covered under 'Maintenance of roads'. Permitted in all District Plan sections except Rodney where reliant on the road designation to authorise this activity. Conditions apply in some instances. In Waitakere there are Natural Area rules to be complied with; Franklin has a range of listed conditions.</p> <p>Signage is often dealt with separately, see c) below.</p> <p>Lighting is permitted in all sections of the plan except Rodney. In some plans there is a requirement that the lighting complies with specified standards. It is sometimes mentioned separately, and sometimes covered into a wider category by way of definition e.g. 'transport equipment' (North Shore), 'structures for amenity and information' therefore 'network utility' (Franklin).</p> <p>Construction noise is generally part of maintenance of roads. Most plan sections have higher noise standards for temporary construction activity. Some differentiate between long and short term construction, with short term allowed to reach higher noise limits.</p> <p>NZS6803:1984 or NZS6803:1999, 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work' is used as the standard for five district plan sections. Franklin and Papakura are the only sections with no specific construction noise provisions. It appears that general zone noise limits would have to be complied with.</p>
b) Maintenance and replacement of public transport infrastructure and parking infrastructure (including but not limited to bus shelters, pay and display machines and	Possible visual, noise and lighting (esp. bus shelters) effects over and above existing infrastructure; temporary construction effects	<p>Replacement will be with the same infrastructure in the same location unless new designs have been agreed with the Council.</p> <p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address</p>	<p>Bus shelters are permitted in Manukau, Isthmus, HGI, and Rodney. In the Central area they are restricted controlled, while in Waitakere they are limited discretionary. North Shore distinguishes between bus stops with and without advertising (advertising being discretionary).</p> <p>Franklin and Papakura sections are silent in relation to bus stops. In Papakura they appear to be considered in relation to the underlying zone provisions, and in Franklin no zone provisions apply. Larger scale public</p>

signs		the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	transport facilities (over a bus stop) are sometimes dealt with separately and may require consent. Parking meters are permitted in all the sections, except Rodney and Manukau (not provided for) and Central Area (restricted controlled). Plan sections are mostly silent in relation to parking bays although the Manukau section provides for them as a permitted activity. The maintenance of public transport infrastructure is not explicitly provided for by any sections, only the activity itself (i.e. railways and tramways are permitted in some sections, as a result of the definition of a network utility, in other sections they require consent). It is assumed that maintenance has the same activity status as the activity itself.
c) Maintenance and replacement of directional and informational signage	Possible visual effects over and above existing and temporary construction effects	Replacement will be with the same infrastructure in the same location unless new designs have been agreed with the Council. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	Road signage is permitted by all sections except Central Area (restricted controlled) and Rodney (depends on various zoning rules). Maintenance and replacement is assumed to also be permitted.
d) Maintenance of vegetated berms / verges	Possible temporary noise effects	Noise will be mitigated through the hours of operation and noise management approach in the Construction Methodology .	This activity is not mentioned specifically in any plan sections. It is assumed that it is either covered under landscaping ((e) below) or authorised under 'maintenance of roads' provisions.
e) Maintenance and replacement planting of street gardens and rain gardens, stormwater treatments areas and ponds	Possible effect on sight lines etc	Safe sightlines for vehicles and pedestrians are fundamental to Auckland Transport's operation of the roads. Safety audits are undertaken to assess potential risk.	Landscaping and planting is covered in the Central Area section (permitted), the Waitakere section (establishment of vegetation, permitted) and the Franklin section (in the definition of 'amenity area', therefore is considered a network utility and permitted). The other sections are silent and it is assumed that gardens are considered to be part of 'operation of the road' or 'road purposes' and therefore permitted.

			Rain gardens / swales are not specifically provided for as part of the road although the Rodney section specifically permits swales. It is assumed that in the other sections, swales are a permitted activity by being part of stormwater reticulation, or a discretionary activity through being above ground stormwater infrastructure of a large area and not provided for by any other rules.
f) Maintaining, pruning and removal of vegetation (including but not limited to grass and trees) on roads	Possible temporary noise effects, access to properties	Noise will be mitigated through the hours of operation and noise management approach in the Construction Methodology. Access will be managed through the Construction Methodology.	The trimming and maintenance of non-protected vegetation is generally permitted in plan sections, although limitations sometimes apply e.g. hand tools only, urban environment only. In the North Shore section it is a limited discretionary activity.
g) Maintaining, pruning and trimming of overhanging vegetation from private property and in the road	Possible temporary noise effects, access to properties	Noise will be mitigated through the hours of operation and noise management approach in the Construction Methodology. Access will be managed through the Construction Methodology.	All plans have provision for removal of dead, dying, dangerous, diseased vegetation. Also see f) above.
h) Maintenance and replacement of street furniture (including but not limited to seats, bicycle racks, litter bins and other features), and amenity lighting	Possible visual, noise (esp. seats), lighting effects over and above existing; temporary construction effects	Replacement will be with the same infrastructure in the same location unless new designs have been agreed with the Council. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	Street furniture is dealt with in some of the sections. It is permitted in North Shore, Waitakere (unless defined as building) and Isthmus. In Franklin it is permitted under the definition of network utility. In HGI, seats and rubbish bins are permitted by inclusion in the definition of 'road network'. In Central Area, street furniture is a restricted controlled activity. In Manukau street furniture is not dealt with Lighting – see a) above; Signs – see c) above
i) Cleaning of the road and its infrastructure (including but not limited to road drains, cycle	Possible temporary noise effects	Noise will be mitigated through the hours of operation and noise management approach in the Construction Methodology.	Cleaning is not specifically mentioned in any of the plan sections. It is assumed to fall under the definition of maintenance. See a) above.

facilities, bridle paths)			
j) Maintenance and replacement of all road related assets and facilities including street lighting, traffic signals, bridges, retaining walls and crash barriers	Possible visual, noise, lighting effects over and above existing; temporary construction effects	Replacement will be with the same infrastructure in the same location unless new designs have been agreed with the Council. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	Most of these are covered under general maintenance of the road – see a) above. In terms of new or replacement bridges and retaining walls, these are permitted where they are included in the road definition or explicitly permitted. Alternatively bridges and retaining walls over 1.5m high are also included in the definition of buildings and therefore require consent in some instances. North Shore and Rodney sections do not make reference to bridges and retaining walls, and it is assumed that they are authorised under the designation of roads.
k) Maintenance and replacement of all stormwater drainage within the road	Possible temporary construction effects	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	Maintenance of underground stormwater drainage within the road is generally permitted by all plan sections although this is sometimes subject to conditions or specific exclusions.
l) Emergency works (including but not limited to slip repairs, removal of fallen trees) and crash repairs	Possible temporary construction effects	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	All plan sections provide for emergency works to be exceptions to heritage protection and tree protection rules. Other emergency works are not explicitly dealt with and would be assumed to fall within 'maintenance of the road'.
m) Maintenance and replacement of enforcement infrastructure (including	Possible visual, noise, lighting effects over and above existing; temporary	Replacement will be with the same infrastructure in the same location unless new designs have been agreed with the Council.	Weigh bridge sites are not mentioned in any plan section. Traffic cameras and surveillance cameras are generally permitted, however some sections are silent.

but not limited to red light camera and weigh bridge sites)	construction effects	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	
n) Maintenance and replacement of infrastructure associated with the enforcement of transport laws, rules and bylaws (including but not limited to speed limit and parking restriction signage and parking meters and pay and display kiosks)	Possible visual, noise, lighting effects over and above existing; temporary construction effects	Replacement will be with the same infrastructure in the same location unless new designs have been agreed with the Council. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	Signs and parking meters, or red light cameras and weigh bridges – covered above.
o) Maintenance and replacement of communications, water supply and energy supply infrastructure necessary to support the above	Possible visual, noise, lighting effects over and above existing; temporary construction effects	Replacement will be with the same infrastructure in the same location unless new designs have been agreed with the Council. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	'Connections' from communications, water and energy supply to support transport related items – e.g. energy for illuminated signs – are usually permitted if underground.
p) Works in the drip line of scheduled and non	Possible temporary construction effects, access	The effects of works within the dripline of trees will be managed though the	Works in the drip line of non scheduled trees is permitted in some plan sections when it is for network utility purposes. Other sections require

<p>scheduled trees and trimming of non scheduled trees in relation to the above</p>	<p>to properties</p>	<p>Construction Methodology required to include arboricultural protocols.</p> <p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.</p>	<p>consent.</p> <p>Existing global consents apply in the Isthmus and North Shore.</p>
<p>q) Earthworks to implement the above</p>	<p>Possible temporary construction effects</p>	<p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions to address the management of dust and sediment</p>	<p>Generally covered under general maintenance of the road – see a) above.</p>
<p>r) Temporary traffic management necessary to support the above</p>	<p>Temporary access to properties; temporary traffic effects</p>	<p>The Construction Methodology will address how access to properties will be addressed and the method of consultation with property owners and operators. Temporary traffic effects will be managed using existing TTM approaches.</p>	<p>Traffic management is not listed as an activity in any of the sections. Temporary traffic management can be incidental to construction or maintenance work in which case it would usually be permitted. All sections have temporary activity provisions – these do not apply specifically to traffic management but would often require traffic management associated with a temporary event.</p>

Table 6: List of Improvement works as enabled in the designation, effects mitigation and current approach in sections of the District Plan

Improvement works	Effects	Mitigations	Current approach in sections of the District Plan
<p>a) Construction works undertaken following safety audits, surveys or observations and crash reduction studies to incorporate safety features into existing road design</p>	<p>Temporary construction (noise, dust, traffic) effects; effect on access to properties; effect on noise and lighting from traffic (e.g. due to slowing speed)</p>	<p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.</p>	<p>No plan sections distinguish between safety related changes and other changes to road layout / design.</p> <p>Some sections specifically provide for the upgrade of roads. Depending upon the extent of works, this may be considered 'maintenance'.</p> <p>Where sections specifically mention upgrades, conditions and/or performance standards apply. Earthworks rules, impermeable surface rules and noise standards apply in Waitakere. In Manukau road widening is only permitted for secondary roads and in Franklin upgrading is only permitted if no additional land is required.</p> <p>In Rodney and North Shore the road designations would be used to authorise upgrades to the road.</p>
<p>b) Construction works to implement engineering measures (including but not limited to the introduction of interactive warning signs, road markings, rumble strips, lighting, removal of roadside hazards, installation of barriers, widened road margins, improved skid resistance, improved road geometry on bends and at intersections, fine</p>	<p>temporary construction (noise, dust, traffic) effects; effect on access to properties; effect on noise and lighting from traffic (e.g. due to slowing speed); lighting and visual effects of new infrastructure</p>	<p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.</p>	<p>This may be considered 'maintenance' or 'upgrade' of the road. See a) above which applies.</p> <p>Signs and lighting are discussed in Table 5 above.</p>

<p>tuning of signalised intersections, improved visibility at non-signalised intersections, installation of convex mirrors, fencing, speed humps traffic separators and numerous other local area treatments) to enhance safety and efficiency</p>			
<p>c) Construction and installation of devices and structures to implement regulatory controls (including but not limited to no-stopping, no-overtaking, parking controls, bus lane controls, vehicle restrictions</p>	<p>Effects on pedestrian and cyclist circulation; noise and visual effects; temporary construction effects</p>	<p>The design of new infrastructure will have been agreed with the Council. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.</p>	<p>This may be considered 'operation' or 'maintenance' of the road. See a) above and Table 5 (a).</p>
<p>d) Installation of facilities (including but not limited to pedestrians and cyclists facilities) to create 'complete streets', 'connected networks' or 'shared spaces', share zones and pedestrian malls</p>	<p>Temporary construction (noise, dust, traffic) effects; effect on access to properties; effect on traffic and delivery of goods</p>	<p>The works will have been agreed with the Council.</p>	<p>No plan section provides for these facilities specifically.</p>
<p>e) Installation of amenity features (including but</p>	<p>Temporary construction (noise, dust, traffic) effects;</p>	<p>The design of new infrastructure will have been agreed with the Council.</p>	<p>See Table 5 b) for bus shelters and Table 5 f) for street furniture. Other relevant topics are signs, lighting. Information signs are generally permitted</p>

<p>not limited to street furniture and art works and other urban design features) and transport infrastructure (including but not limited to bus shelters, real time information systems etc) within existing roads</p>	<p>effect on access to properties; effect on noise and lighting from traffic (e.g. due to slowing speed?) and people congregating (e.g. bus shelters); lighting effects</p>	<p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.</p>	<p>by plan sections.</p>
<p>f) Construction works to improve existing formed roads such as widening carriage ways, new lighting, footpaths, cycle facilities, storm water drainage and other improvements to accommodate more road users due to changes in development, reduce the associated risk of crashes and improve the road environment</p>	<p>Temporary construction (noise, dust, traffic) effects; effect on access to properties; effect on noise and lighting from traffic (e.g. due to slowing speed); lighting and visual effects of new infrastructure</p>	<p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.</p>	<p>See a) above for 'upgrades to roads'. Widening carriageways within the existing road reserve is generally permitted in those plan sections that deal with this topic. In Waitakere, impermeable area can be up to 90% of road width. In Manukau, secondary roads only are permitted to be widened.</p> <p>Lighting, footpaths, cycle facilities and drainage are also discussed above. Most sections do not distinguish between rural and urban roads for general roading activity.</p>
<p>g) Reconfiguration of the road layout within the existing road reserve</p>	<p>Temporary construction (noise, dust, traffic) effects; effect on access to properties; effect on noise and lighting from traffic; lighting and visual effects of new infrastructure</p>	<p>The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.</p>	<p>This may be considered 'maintenance' or 'upgrade' of the road. See a) above which applies.</p> <p>Signs and lighting are discussed in Table 5 above.</p>

h) Rebuilding and rehabilitation and resurfacing of existing road structure	Temporary construction (noise, dust, traffic) effects;	The Construction Methodology will address the temporary construction effects.	This may be considered 'maintenance' or 'upgrade' of the road. See a) above which applies.
i) Investigations of the surface and structure of roads (including but not limited to test pits and geotechnical testing)	Temporary construction effects of testing (noise, dust)	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	
j) Installation of kerb and channel, stormwater drainage infrastructure, culverts, storm water treatment devices and other surface water management infrastructure	Temporary construction (noise, dust, traffic) effects; effect on access to properties	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	This would come under 'stormwater reticulation' for the most part, although some plan sections do specifically mention different types of stormwater infrastructure. Stormwater infrastructure is generally permitted by all sections if underground. Some sections also permit above ground stormwater infrastructure, although Rodney requires consent for upgrading or new stormwater infrastructure. Stormwater ponds consistent with a Catchment Management Plan or Network Discharge Consent are permitted in Manukau. No other sections have specific provision for stormwater ponds, which would therefore be considered under 'stormwater reticulation' or 'buildings' provisions. Rodney is the only section that specifically mentions swales, as discussed in Table 5 e) above.
k) Installation of traffic control devices (including but not limited to traffic islands, traffic signals, pedestrian crossings and roundabouts and intersection controls)	Temporary construction (noise, dust, traffic) effects; effect on access to properties; effect on noise and lighting from traffic (eg: due to slowing speed?); lighting and visual effects	The design of new infrastructure will have been agreed with the Council. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also	Traffic signals were permitted in every plan section except Rodney which is silent and it is assumed would be authorised under the road designation. The Manukau section specifically permits traffic islands, pedestrian crossings and roundabouts. HGI and Papakura include traffic islands, pedestrian crossings and roundabouts as part of the road network, thereby permits them. Franklin, Isthmus and Central Area are silent but it would be assumed to fall under road operation and maintenance activities and

and traffic and cycle monitoring devices	of new infrastructure	outline how access to properties will be addressed and the method of consultation with property owners and operators.	therefore permitted. In North Shore and Rodney, these sections are silent and the activities are considered to be authorised under the designation of the roads.
l) Installation of communications, water supply and energy supply infrastructure, necessary to support the above	Temporary construction (noise, dust, traffic) effects; effect on access to properties; effect on noise and lighting from traffic (e.g. due to slowing speed?); lighting and visual effects of new infrastructure	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	See Table 5 o) above
m) Works in the drip line of scheduled and non scheduled trees and trimming of non scheduled trees in relation to the above	Possible temporary construction effects, access to properties, possible visual effects (e.g. removing tree)	The effects of works within the dripline of trees will be managed through the Construction Methodology required to include arboricultural protocols. The Construction Methodology will address the temporary construction effects by providing a set of operating conditions limiting hours of operation and noise, it will address the management of dust and also outline how access to properties will be addressed and the method of consultation with property owners and operators.	See Table 5 p) above
n) Earthworks to implement the above	Possible temporary construction effects	The Construction Methodology will address the temporary construction effects by providing a set of operating conditions to address the management of dust and sediment	Generally covered under general maintenance of the road – see Table 5a) above.
o) Temporary traffic management necessary	Temporary access to properties; temporary traffic	The Construction Methodology will address how access to properties will be addressed	See Table 5 q) above

to support the above.	effects	and the method of consultation with property owners and operators. Temporary traffic effects will be managed using existing Temporary Travel Management approaches.	
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The scale and significance of the effects identified above will vary from project to project and location to location.

It is noted that most maintenance and operational works in the road will cause short term temporary effects on the environment, particularly in relation to noise, vibration, dust, and impacts on access to properties and the requirement for temporary traffic management solutions that may impact on traffic flow to ensure the safety of those undertaking the work as well as those travelling past it.

There are more permanent effects related to improvements related to the installation of new features in the road or the upgrade of some features. For example:

- New structures in roads such as street furniture and the introduction of new bus shelters with lighting and advertising, the installation of on-request audio announcements at bus stops or new electronic signs at bus stops around Auckland,
- Measures resulting from safety audits, traffic management plans and corridor management plans that require significant change to the roads.

New furniture and bus shelters may introduce new visual noise and lighting effects in relation to those properties in the immediate location. Similarly the introduction of bus stops where there were none previously may result in the congregation of people and result in noise and behaviours that may impact on the amenity of adjacent residential properties. The provision of bus shelters will still be subject to the process under section 339 of the Local Government Act 1974.

There are benefits as a result of improved facilities for passengers and the effects on local residents and on the character of an area need to be considered. The visual impact can be managed by the type of lighting, the style of the structure and the noise impact of request audio announcements can be reduced through changes to the volume settings.

New structures in roads such as street furniture and bus shelters can impact on access to properties and sightlines if poorly positioned. The requirement for new bus stops or re-locating existing bus stops generally occurs when new developments open, changes are made to existing bus services or new bus routes are being planned or as part of future bus route reviews, bus priority schemes or general accessibility or safety reviews. At the present time Auckland Transport uses the Bus Stop guidelines¹⁶ developed by ARTA in relation to this process. The guidelines note that where ever new bus stops are proposed, or an existing stop is to be moved, discussions should be held between Auckland Transport, the bus operators, and the Police, in order to determine the most suitable location. It is recognised that property owners also need to be consulted during this process.

New street furniture is often introduced in town centres as part of a Council led revitalisation project or associated with the installation of bus stops. The installation of new street furniture is the subject of consultation (with local boards) and safety audits and follows design assessment to ensure that the location and the form is appropriate. Auckland Transport is in the process of developing with Auckland Council guidance on

¹⁶ Bus Stop Infrastructure Design Guidelines May 2009

how to ensure that streetscape amenity and character are ensured. This will be included in the Construction Methodology and also in time in the Auckland Transport Code of Practice.

From time to time safety reviews will occur or traffic management plans and corridor management plans will be introduced. Some measures may, depending on the type and design of the measure installed, and its location have different effects on the environment and on traffic. Positive effects are expected to include:

- Greater safety for traffic, pedestrians and property by integrating them at relative low speeds;
- Reduced traffic volume and noise;
- Improved environment e.g. landscaping & lighting;
- No requirement for traffic enforcement;
- Reduced heavy vehicle traffic;
- Improved cyclist/pedestrian facilities

Within the street/area:

- Increased travel time for motorists;
- Frustration for frontage owners (noise, signs etc);
- Excessive acceleration & deceleration and associated noise particularly with heavy vehicles;
- Creation of an uncomfortable ride for passengers on bus routes and may discourage patronage of public transport;
- Reduced or loss of kerbside parking, especially adjacent to controls;
- Restricted access to properties adjacent to the location of devices;
- Some road front property owners may be dissatisfied with the placement of devices;
- Increased response times for emergency and service vehicles depending on the measures installed;
- Increased road maintenance costs, particularly in pavement failure as traffic paths are concentrated along a single line;
- Impacts on drainage overland flow paths if not designed to accommodate them;
- Restriction on access to utility services if the design of measures impacts on the location of existing services.

Wider area effects may include:

- Shifting the problem to adjacent streets where traffic is equally undesirable and no measures have been provided;
- Increased traffic volume and noise and possibly traffic queues;
- Reduced safety for traffic, pedestrians and property;
- Requirement for traffic enforcement;
- Some road frontal property owners may be dissatisfied with their street environment due to devices outside their property;
- Possible re-routing of buses to other streets to avoid Local Area Traffic Management (LATM) measures.

The establishment of street gardens (berms and traffic islands) and rain gardens can have positive effects in terms of enhancing the local environment, but also with the

introduction of vegetation can result in adverse effects on sightlines for driver safety if not maintained. To protect sight lines, street gardens will need to be maintained. The need to ensure adequate sight lines are assessed as part of safety audits undertaken by Auckland Transport and the ability to protect sight lines needs to be provided for in the designation, as most district plans are currently silent on this matter.

Any work being undertaken in an existing road will have temporary traffic effects on those that use the road. This will vary as a result of the nature of the road and its use but could be expected to include:

- Effects of lane narrowing and temporary speed limits on roadway capacity;
- Effects of road closures and likely detour and diversion scenarios;
- Effects of site access and movement;
- Effects on passenger transport and pedestrian and cycling facilities.

Temporary Traffic Management (TTM) is governed by New Zealand legislation, in particular, the Land Transport Act 1998. There are Land Transport Rules made pursuant to that Act. In addition, Auckland Transport has inherited the Manual of Temporary Traffic Management developed in 2009 by Auckland City and this currently applies in the former Auckland City area. It is not considered necessary to make specific provision in the designation to address the traffic effects of temporary traffic management.

The designation provides an ability to undertake works within the dripline of trees in the road reserve and on adjacent land. This has been included to address the complexity of tree protection provisions that still apply to the region. While the Resource Management (Simplifying and Streamlining) Amendment Act 2009 ("the Simplifying Act") resulted in the reduction in general tree and vegetation protection rules in the sections of the Auckland District Plan in the urban environment (i.e. on sites under 4,000m², connected to a reticulated water supply and reticulated sewerage system; and containing a building used for commercial or industrial purposes or a dwelling house), there are still a complex set of tree protection provisions applying across the region. These result from:

- the Environment Court Declaration obtained by the Auckland Council to clarify what tree protection rules apply across the region; and
- the different approaches taken in each of the sections of the Plan; and
- the application of the Simplifying Act to different parts of the region; and
- recent Council plan changes to add additional trees to the list of trees specifically protected result in a complex set of tree provisions.

Despite the changes to the application of the general tree protection rules, the use in the legislation of the term "specifically identified" and the definition of "urban environment" along with the Environment Court declaration means that many of the trees in urban Auckland continue to be protected. This includes trees in the road reserve and some trees on abutting land.

Auckland Transport is responsible for the provision and maintenance of the berms/verges in the road corridor, as well as all vegetation along rural roads. Auckland Council Parks have responsibility for the maintenance of street trees and gardens in the road corridor in urban areas. Auckland Council also has responsibility for the maintenance of bush and natural areas, wetlands and landscaped areas in the road corridor. Auckland Transport has developed governing principles to address the provision and maintenance of the berms and verges in the road corridor as well as all vegetation along rural roads.

Auckland Transport must meet the rules of the district plans across the region. Some are silent in relation to the protection of street trees and others are detailed.

Trying to work through these provisions to deliver operational and maintenance works across the region in a consistent manner will add time and cost and potentially add uncertainty to the operation and maintenance of the road network. The need to check the status of trees including the location of trees and vegetation on adjacent properties adds a complexity to undertaking work in roads that is unnecessary when it is clear from past practice by councils such as Auckland and North Shore that a standard set of operational conditions could ensure a robust process and protect the trees.

Auckland Transport has made provision within its designation to be able to undertake works within the drip line of trees in a prescribed manner as set out in the conditions of the designation. North Shore and Auckland had operated with global consents that enabled works to be undertaken within the terms of similar conditions.

The only exceptions are where works may result in the need to remove all or part of a scheduled or notable tree identified in schedules of notable trees in the section of the district plans. These works may affect notable trees located within the road and even on adjacent land (as the protected tree's canopy, drip line and roots may protrude into the road reserve). These works will require resource consent as these trees have been scheduled for identified values (such as rarity, a link to a significant person or event) and assessment to understand the effect of the works on these values is essential. The trees are identified in the district plan through specific notation and Auckland Transport can anticipate the presence of the notable trees in their project work.

Mitigation measures to control construction effects are proposed to be managed through the National Code provisions in the case of third parties, the Construction Methodology and where appropriate an Outline Plan of Works. The Auckland Transport Code of Practice will in time outline Auckland Transport standards and construction methodologies so as to minimise impacts on the environment. Works of a large scale within the existing public road network that are provided for in the designation may trigger the need for a regional consent such as for earthworks, or discharges of stormwater as a result of changes to impervious surfaces. The provisions of the Regional Plans are considered to adequately deal with the environmental effects of larger scale works and it is not necessary to deal with these specifically in the designation.

In particular, the Auckland Council Regional Plan: Sediment Control, Rule 5.4.1 allows all roading, tracking and trenching on sand soils as a permitted activity. However on soils other than sand soils, up to 1 hectare of roading, tracking or trenching is permitted if the land has a slope less than 15°. Otherwise, for steeper land, up to 0.25 hectares of earthworks is permitted.

For any area within the Sediment Control Protection Area, regardless of soil type, the maximum permitted length of roading, tracking or trenching is 100 metres. The Sediment Control Protection Area is defined as

(a) 100 metres either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs);

or

(b) 50 metres landward of the edge of a watercourse, or wetland of 1000m² or more.

There are also conditions for permitted activities (Rule 5.4.1.2). These relate to sediment control and run off control. Any necessary resource consents will be obtained at the time and be subject to conditions that ensure the adverse effects are adequately avoided, remedied or mitigated. Reliance on these rules to manage effects of works in relation to earthworks is considered appropriate.

The Auckland Council Regional Plan: Air Land Water, Rule 5.5.1 (1) provides for new impervious areas of less than 1,000m² as a permitted activity in Urban Areas if they comply with specified conditions to ensure that the discharge of stormwater from the impervious surface shall not cause scouring, or more than minor adverse effects on any downstream neighbouring properties and does not cause flooding of a habitable floor level in a 100 year ARI storm or flood levels to rise within 0.5m of a habitable floor level unless an alternative freeboard requirement is provided in the District Plan. Modification to existing drainage patterns is required to be minimized and primary sediment treatment to be provided.

Outside of the 'Urban Area',¹⁷ under Rule 5.5.1 (2), new impervious areas of 1,000m² – 5,000m² from local roading activity are also permitted if they comply with specified conditions related to causing no more than minor adverse effects on any downstream neighbouring properties, modification to existing drainage patterns minimised and if stormwater is discharged to land or water, changes to the pre-existing hydrological regime are required to be minimised and not cause flood levels to rise within 0.5m of a habitable floor level unless an alternative freeboard requirement is provided in the District Plan.

5.5 Social effects

Unlike other designations, as the designation only applies to existing legal roads, there is no private land directly affected. It is noted that there are effects on adjacent land owners as a result of the installation of new features and through changes to features already in the road. Like change anywhere, these may be positively received by some individuals and may be problematic for others.

Provision for operational and maintenance work to improve the safety, personal security and attractiveness of the existing road network for walking and cycling will be positive effects of the designation and will enable and encourage alternative forms of travel, and reduce reliance on motor vehicles. Improving the provision of walking and cycling facilities in roads can result in a range of additional benefits such as improving health and fitness for individuals in the community; reducing air pollution and traffic congestion; providing people with the opportunity to interact with others in their community; increasing a sense of safety with more people out and about.

As a result of the designation Auckland Transport will be able to respond to safety audits and undertake identified safety improvements to remedy problems within the existing road in a timely manner. It will also be able to undertake emergency or unplanned works when

¹⁷ The Urban Area is all area within the MUL or in urban zones in a rural or coastal settlement

there is an immediate hazard to users, such as to provide a safer surface until the surface will be able to be replaced when the routine maintenance cycle reaches that area of the city.

As recognised in the Auckland Plan¹⁸, existing road reserves have a critically important place function in addition to the roads movement function. The designation will make it possible for planned footpath and road enhancements within existing roads through town centres to be undertaken as part of town centre upgrades. There may be temporary effects on businesses as a result of the works limiting access or creating nuisance but these effects are mitigated through consultation and/or communication processes adopted by Auckland Transport prior to and during the works.

The designation will therefore provide for long term social benefits to the local and regional community through enhancing the ability of Auckland Transport as the road controlling authority to manage the public roads.

5.6 Summary of effects

The positive effects of the designation are significant for the following reasons:

- The designation does provide a more robust statutory mechanism by which Auckland Transport is able to manage activities within the road network ensuring consistent treatments where appropriate, reducing costs and delays.
- Auckland Transport will be able to move easily to undertake safety improvements to remedy problems within the existing road.
- Matters such as the effect of road works on specific scheduled features will, as a result of the exclusions in the designation, still be assessed on a site specific basis when the works are proposed.
- Auckland Transport will be able undertake planned footpath and road enhancements within existing roads through town centres.
- Auckland Transport will be able to improve personal safety and the attractiveness of the existing road network which will make the use of the road for pedestrians, cyclists and public transport users more attractive and therefore reduce private car demands.
- Auckland Transport will be able to maintain and operate the existing public road network to benefit the local and national economy, as potential disruptions to the delivery of goods and services by road are able to be better managed.

The negative effects of the designation are insignificant for the following reasons:

- The designation covers only existing formed public roads, which are operated by Auckland Transport, and does not directly affect any private land.
- The designation does not affect any existing designations over or under the road network. A requiring authority with a preceding designation is able to undertake activities in accordance with their designation without needing the approval of the requiring authority for any subsequent designation.

¹⁸ The Auckland Plan – directive 13.1

- The scope of the designation is limited so that it does not impose controls on activities on or in the public road network in addition to those that are currently imposed.
- Most of the activities or works are already provided for as permitted activities or through existing roading network designations in the sections of the Operative District Plan.

While work on legal road potentially will temporarily affect property owners e.g. through noise or vibration or limits on access as a result of the works, these effects can be addressed/mitigated/managed through the mechanisms provided for in conditions.

6 Statutory Provisions

6.1 Resource Management Act 1991

The RMA requirements, including Part 2 which sets out the purpose and principles, are addressed in the following sections. Relevant sections of the RMA are included in Appendix 1.

6.1.1 Section 168

The Notice will be assessed against the requirements of section 168 of the RMA, a copy of which is attached in Appendix 1.

Auckland Transport has financial responsibility for the ongoing operation and maintenance of the public road network in the region and is therefore able to give notice of its requirement for a designation for a project or work and is able in respect of any land, subsoil or airspace include in a designation, restrictions for the safe or efficient functioning or operation of such project or work.

As discussed in Section 3 above, and given the current issues and additional future pressures placed on the public road asset, the designation and works and restrictions provided for by it are necessary to achieve Auckland Transport's objectives in respect of the operation and management of the public road network. A major purpose of the designation is to protect Auckland Transport's ability to manage the existing public roading infrastructure in the best interests of the community as required by law.

It is noted that Auckland Transport is not the first to utilise the designation powers under the RMA to apply to the existing public roads. A number of territorial authorities have designated their roads including former Auckland territorial authorities (i.e. Auckland City, North Shore and Rodney). The New Zealand Transport Agency consistently uses designations for the motorway and State Highway network it manages on behalf of the Crown.

It is reasonable to assume that the roads in the region's public road network have been lawfully established, and were permitted by the relevant planning mechanisms in place at the time (if any). Accordingly, it is considered that the operation and maintenance of roads enjoy existing use rights pursuant to section 10 of the RMA.

6.1.2 Part 2 matters

The four sections contained within Part 2 of the RMA, sections 5, 6, 7 and 8, are discussed below.

Section 5

The purpose of the RMA is stated in section 5 as being:

"... to promote the sustainable management of natural and physical resources."

In summary, this requires managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The Notice is consistent with section 5 of the RMA and represents sustainable management of natural and physical resources through:

- Enabling the region to provide for their social, cultural and economic wellbeing through the maintenance of transport networks the Auckland Region;
- Enabling the local community to provide for their social, cultural and economic wellbeing through minimising the impact of the designation on development, growth and employment opportunities; and
- Implementation of measures that, where possible and as far as practicable, avoid, remedy or mitigate adverse effects on the environment.

The designation provides for a regulatory environment that will promote the sustainable management of the public road network – an existing physical resource of significance in the Auckland Region due to its spatial extent, its multiplicity of use and its importance to the social and economic well-being of the community and its health and safety.

Section 6

In achieving the purpose of the RMA, section 6 requires that persons exercising functions under the RMA shall recognise and provide for the following matters of national importance:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- f) The protection of historic heritage from inappropriate subdivision, use, and development:*
- g) The protection of protected customary rights.*

There are no matters of national importance that are directly relevant to this Notice; the designation is for the existing public road network.

The designation is consistent with section 6 of the Act as the public roads covered by this Notice are existing formed roads and the Notice does not enable:

- Any physical works involving any scheduled archaeological or geological feature;

- Any physical works within the dripline of any scheduled tree or requiring the removal of part or all of such trees;
- Any physical works within the site surrounds of any scheduled building, heritage property or places of special value;

This means that a site by site assessment will be required as it was before the Notice was lodged to ensure that significant natural and physical resources are protected from future works.

Section 7

Section 7 identifies a number of “other matters” to be given particular regard. Those of relevance are:

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

Auckland Transport, like all other councils and Council Controlled Organisations, must operate the roads within an ‘ethic of stewardship’. The majority of the road network was established through subdivision as the region was developed and roads were vested in the previous councils of the Auckland Region to be maintained and managed with the public and future generations in mind.

AT adopts an asset management plan approach to ensure that the ongoing maintenance, upgrade and renewal of assets such as roads are considered with a long term view. Providing certainty for members of the public, for adjacent property owners, for utilities and road users and for the Council in relation to the ongoing management of the existing road and transport assets within the road network will be achieved through this designation. In particular, the designation will enable Auckland Transport to achieve the efficient use and development of a physical resource, being the road network as part of the region’s transport system, which is the subject of this designation.

Section 8

Section 8 relates to the Treaty of Waitangi and states:

“In achieving the purpose of this Act, all persons exercising the functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)”.

The proposal is not contrary to the principles of the Treaty of Waitangi.

6.2 Other Legislation

Section 15 of the Waitakere Ranges Heritage Act 2008 states that when making a decision or recommendation on a designation relating to the heritage area, the person

must have particular regard to the purpose of the Waitakere Ranges Heritage Act and the objectives.

The purpose of the Waitakere Ranges Heritage Act is contained in section 3 of the WRHA:

“3 Purpose

The purpose of this Act is to—

- (a) recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and*
- (b) promote the protection and enhancement of its heritage features for present and future generations.”*

The objectives are contained in section 8 of the Waitakere Ranges Heritage Act. The first four objectives are applicable to any application and these are focused on protecting the area and its ‘heritage features’, considering the cumulative effects of development and using a precautionary approach. Other objectives relate to subdivision; protection of landscape; ecosystem management; enabling communities to provide for their wellbeing; retaining rural character; water supply protection; and protection of the Waitakere Ranges Regional Park in perpetuity.

“8 Heritage area objectives

- (a) to protect, restore, and enhance the area and its heritage features;*
- (b) to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it;*
- (c) to adopt the following approach when considering decisions that threaten serious or irreversible damage to a heritage feature:
 - (i) carefully consider the risks and uncertainties associated with any particular course of action; and*
 - (ii) take into account the best information available; and*
 - (iii) endeavour to protect the heritage feature;**
- (d) to recognise and avoid adverse potential, or adverse cumulative, effects of activities on the area’s environment (including its amenity) or its heritage features;*
- (e) to recognise that, in protecting the heritage features, the area has little capacity to absorb further subdivision;*
- (f) to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect,—
 - (i) is of an appropriate character, scale, and intensity; and*
 - (ii) does not adversely affect the heritage features; and*
 - (iii) does not contribute to urban sprawl;**
- (g) to maintain the quality and diversity of landscapes in the area by—
 - (i) protecting landscapes of local, regional, or national significance; and*
 - (ii) restoring and enhancing degraded landscapes; and*
 - (iii) managing change within a landscape in an integrated way, including managing change in a rural landscape to retain a rural character;**
- (h) to manage aquatic and terrestrial ecosystems in the area to protect and enhance indigenous habitat values, landscape values, and amenity values;*
- (i) to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being;*

(j) to provide for future uses of rural land in order to retain a rural character in the area:

(k) to protect those features of the area that relate to its water catchment and supply functions:

(l) to protect in perpetuity the natural and historic resources of the Waitakere Ranges Regional Park for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Auckland region and New Zealand.”

Heritage features of the Waitakere Ranges Heritage Area are listed in section 7 of the Waitakere Ranges Heritage Act. The heritage features of particular relevance to the works enabled by this Notice are:

(a) its terrestrial and aquatic ecosystems of prominent indigenous character that—

(i) include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences:

(ii) have intrinsic value:

(iii) provide a diversity of habitats for indigenous flora and fauna:

(iv) collect, store, and produce high quality water:

(v) provide opportunities for ecological restoration:

(vi) are of cultural, scientific, or educational interest:

(vii) have landscape qualities of regional and national significance:

(viii) have natural scenic beauty:

...

(e) the quietness and darkness of the Waitakere Ranges and the coastal parts of the area:

...

(i) the subservience of the built environment to the area's natural and rural landscape, which is reflected in—

(i) the individual identity and character of the coastal villages and their distinctive scale, containment, intensity, and amenity; and

(ii) the distinctive harmony, pleasantness, and coherence of the low-density residential and urban areas that are located in regenerating (and increasingly dominant) forest settings; and

(iii) the rural character of the foothills to the east and north and their intricate pattern of farmland, orchards, vineyards, uncultivated areas, indigenous vegetation, and dispersed low-density settlement with few urban-scale activities:

...

(m) the Waitakere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural, and recreational resources:

(n) the public water catchment and supply system, the operation, maintenance, and development of which serves the people of Auckland.

While there is no specific mention of roads within the Waitakere Ranges Heritage Act, sections 3, 7 and 8 apply to the works sought to be enabled by this Notice. As a result of the Waitakere Ranges Heritage Act:

- care must be taken to protect terrestrial and aquatic ecosystems from adverse effects of road works,
- road works at night may be inappropriate if affecting quietness and darkness,
- roads are required to be subservient to the landscape, any upgrades to roads must be of appropriate character, scale and intensity and the cumulative effect of an upgrade must be considered,
- sediment generated by construction must be controlled so as not to affect the water catchment and supply system.

This Notice assists in maintaining accessibility to the heritage area by providing for the maintenance of existing roads. The proposed conditions for this Notice will ensure that the matters identified in Waitakere Ranges Heritage Act are addressed.

6.3 Relevant National Environmental Standards

6.3.1 National Environmental Standards for Telecommunication Facilities

It is noted that the National Environmental Standards for Telecommunication Facilities provide for the installation of telecommunications equipment cabinets along roads or in the road reserve as a permitted activity, subject to specified limitations on their size and location.

The National Environmental Standards for Telecommunication Facilities does not alter the requirement under the Telecommunications Act for utility operators to obtain approval from the road controlling authority for works to be undertaken within the road reserve. The designation formalises this existing process by requiring approval for works from Auckland Transport as the requiring authority.

6.3.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health does alter the permitted activity standards for works involving contaminated land from that in a number of the existing sections of the District Plan

This designation does not alter the requirements for resource consent to be obtained under the rules set by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health for any works affecting contaminated land.

6.3.3 National Environmental Standards for Electricity Transmission Activities

The National Environmental Standards for Electricity Transmission Activities specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment and specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

The NES only applies to existing high voltage electricity transmission lines. It does not apply to the construction of new transmission lines, nor to substations and does not apply to electricity distribution lines.

This Notice does not impose additional controls on existing high voltage electricity transmission lines which would affect the ability of electricity transmission operators to provide sustainable, secure and efficient electricity transmission. New transmission lines over roads would require approval for works from Auckland Transport as the requiring authority.

7 Relevant Provisions of Policy Statements and Regional Plans

7.1 Auckland Regional Policy Statement (RPS)

The RPS sets the major direction of transport policy in Auckland. Although the components of that policy are more fully developed through the Regional Land Transport Strategy (RLTS) which has been prepared pursuant the Land Transport Management Act 2003, there are still a number of relevant provisions in the Regional Policy Statement.

In particular the Regional Policy Statement identifies that:

"An effective and efficient transport system is critical to the social, economic and cultural wellbeing of the Auckland Region and its inhabitants. Transport infrastructure represents a significant physical resource in the Region which requires careful management."
(Clause 4.1)

The Regional Policy Statement also contains relevant policy intended to give effect to Objective 4.3-3 (*To develop a transport network which provides an acceptable level of accessibility between important activity areas*). These include:

Policy 4.4.7

Transport links which promote the efficient movement of people, goods and services throughout the Region will be identified in the Auckland RLTS and will be required to be protected in district plans.

This Notice is a mechanism to provide for the better management of a major element of the transport infrastructure in the region – the public roads of the region. The efficient and effective operation and maintenance of these roads is essential to the social and economic well-being of the community and wider region.

7.2 Auckland Regional Land Transport Strategy 2010 (RLTS)

The New Zealand Transport Strategy, published in December 2002, sets a broad range of objectives for transport. The Land Transport Management Act 2003 incorporates the objectives and requires regions to take them into account when they prepare regional land transport strategies. The Auckland Regional Land Transport Strategy has been prepared to meet the requirements of the Land Transport Act 2003.

The Auckland Regional Land Transport Strategy focuses primarily on modes of transport. Strategic priorities identified in the Auckland Regional Land Transport Strategy include:

- *Improve the operation of existing roads, especially regional arterials*
- *Construct limited additional road capacity.*

A key focus of the Auckland Regional Land Transport Strategy is making the most of the existing road network. The Strategy outlines the need to shift the focus of investment from completing the urban motorway system, to increase throughput in the existing road network, by introducing measures to improve corridor management such as incident management, safety, better motorist information, education, improved traffic signal co-ordination better provision for walkers and cyclists, priority for buses and/or freight where appropriate, smoothing local bottlenecks and special treatment of arterial road corridors through town centres.

Auckland Transport is seeking to designate the existing public roads of the Auckland Region, to enhance the management of Auckland's existing public local road network. The designation provides for improved management of those activities that are located, or seek to be located, in the road corridor while minimising disruption to the road transport function and making better use of the road corridors for the range of users.

7.3 Auckland Regional Arterial Road Plan (RARP) February 2009

The Auckland Regional Arterial Road Plan was developed by the Auckland Regional Transport Authority (ARTA) as a result of the recognition in the 2005 Auckland Regional Land Transport Strategy of the important role that regional arterial roads play in Auckland's transport network. The Auckland Regional Arterial Road Plan notes that regional arterial roads link districts or urban areas within the region, connect regionally significant facilities, and play a critical role in the movement of people and goods within the region. The plan states that it is essential that they operate efficiently and effectively, and are managed and developed in a manner that is sensitive to the surrounding environment.

Regional arterials include:

- strategic roads (state highways) and
- regional arterial roads (from the top level of the road hierarchy in Auckland).

The Auckland Regional Arterial Road Plan recognises that legislation gives utility authorities statutory rights of access to the road reserve for telecommunications, electricity supply, gas reticulation, water supply, wastewater reticulation and storm water discharges. It notes that much of the legislative provisions date from the period when public authorities controlled all utilities and that privatisation of many utilities and the growth in the number of service suppliers has increased the complexities of planning and finding the relocation of utilities required as a result of road works. The focus of the Auckland Regional Arterial Road Plan is on minimising service disruption to road users and particularly to adjacent properties through restricted access and other negative impacts when road upgrades are undertaken. The Auckland Regional Arterial Road Plan suggests that consideration should be given to any opportunities to consolidate services into a utility corridor outside the carriageway wherever possible.

While seeking to relocate services into a utility corridor may be an appropriate management consideration when a major road upgrade is planned, Auckland Transport needs to manage existing roads and the existing services and minimise disruption of those working on services in the road to adjacent properties. It is in response to this need that Auckland Transport is seeking to designate the roads of the Auckland Region. In

designating the existing roading network, Auckland Transport is providing a higher level of management of other parties who are legitimately seeking to access the roads of the region.

Such increased management is necessary given the additional pressure that will be placed on the public roads in the future. Auckland Transport will utilise the existing Corridor Access Request process, which is well known to utilities operators, in order to provide its requiring authority approval in relation to the designation. The designation will provide support and even protection to those services currently located in the road and those that may be installed in the future.

7.4 Regional Plans

While a designation replaces the need to obtain land use consents, it does not obviate the need to obtain any relevant regional resource consents.

The designation has been assessed against the provisions of the following relevant regional plans:

- Auckland Regional Plan: Air, Land and Water
- Auckland Regional Plan: Sediment Control

The other regional plans (Coastal Plan and Farm Dairy Discharges) are not considered to be directly relevant to this Notice although it is noted that there are roads located in the coast.

7.4.1.1 Auckland Regional Plan: Air, Land and Water

Stormwater discharge

Section 15 of the RMA provides for the regulation of the discharge of contaminants into the environment while section 14 provides for the regulation of the diversion of water. Chapter five of the Auckland Regional Plan: Air, Land and Water sets out the criteria for assessing applications for stormwater discharge permits.

The extent of impervious surface area increase is a trigger for requiring resource consent. Where the designation will result in an increase in impervious surface, depending on the area of increase it may require stormwater discharge consent under the Auckland Regional Plan: Air, Land and Water (see 5.4).

Where an Integrated Catchment Management Plan (ICMP) exists, it is expected that the road network will have been included. Therefore any Network Discharge Consent will include the road as impervious area. Some Integrated Catchment Management Plans also strongly support Low Impact Design (LID) principles and may require installation of Low Impact Design measures within to deal with stormwater collection and treatment. Run off from most existing roads where there is an Integrated Catchment Management Plan and a Network Discharge Permit will be authorised and no consent is required.

Some parts of the road network will drain to existing piped networks that are not subject to an Integrated Catchment Management Plan and Auckland Transport will need to consider if stormwater systems (or alternative mitigation measures) need to be implemented in relation to work in existing roads.

Works in a watercourse

Chapter 7 of the Auckland Regional Plan: Air, Land and Water, contains objectives, policies and rules relating to the management of the beds of lakes, rivers streams and wetlands in the Auckland region.

The rules detail what activities in, on, under or over the beds of lakes, rivers, streams and wetlands associated with the bed of a lake or permanent or intermittent river or stream (as defined in chapters 3 and 12 of the Auckland Regional Plan: Air, Land and Water) are permitted activities in the region, and what activities require consent.

There are numerous roads that cross permanent streams in the region. Many have bridge structures and others rely on culverts. Where works are required to upgrade or repair these structures, the works can be expected to trigger the need for resource consent to remove the existing structures, install temporary erosion and sediment control measures (off line) and construct new structures. In most instances controlled activity resource consent would be expected to be required under rule 7.5.18 of the Auckland Regional Plan: Air, Land and Water.

Contaminated land

Section 15 of the RMA provides for the regulation of discharges from contaminated land. Chapter 5 of the Auckland Regional Plan: Air, Land and Water contains objectives, policies and rules (5.5.44, 5.5.46 and 5.5.47) relating to the remediation, disturbance, management and discharge from contaminated land.

Where works involve construction activity (particularly earthworks) on land that is potentially contaminated land as a result of the previous adjacent land use, a review of relevant information on the level of contamination in the area is likely to be required. The investigation could also involve the assessment of soil sampling taken from locations identified in a desktop analysis as having a medium to high likelihood of contamination within the areas of earthworks for future transport infrastructure.

While the investigation may not find concentrations considered significant or likely to pose a significant risk to human health or the environment, it is possible that the Auckland Council may deem some soil to be unsuitable for reuse and not fit for "clean fill". Resource consent for the construction works may be required if there is discharge of contaminants to land or water.

7.4.1.2 Auckland Regional Plan: Sediment Control

Sections 9 and 15 of the RMA provide for the regulation of activities relating to land use and sediment discharge into the environment. Land disturbing activities such as earthworks associated with re-configuration of the road layout within the existing road reserve and rebuilding and rehabilitation and resurfacing of existing road structure have the potential to generate and discharge large volumes of sediment into sensitive receiving environments. The Auckland Regional Plan: Sediment Control contains objectives, policies and rules related to the management of sediment generation and discharge from land disturbing activities.

The water bodies and coastal waters in the region have been identified as being particularly vulnerable to the effects of the discharge of sediment. To avoid the discharge of sediment into these receiving environments, the Auckland Regional Plan: Sediment

Control identifies areas around water bodies, wetlands and coastal waters as Sediment Control Protection Areas (SCPA's) and notes that land use activities that disturb the soil in these areas are likely to have a higher potential to have an adverse effect. The Auckland Regional Plan: Sediment Control provides for a higher level of control in these areas as there is a greater risk of land disturbance activities discharging sediment into adjoining receiving waters and adversely affecting water quality.

The road works provided for in the designation involve preparatory works where the road's carriageway, footpaths and grass berms or loose metal verges, vehicle crossings and areas of vegetation can be removed. Works may involve storage of topsoil for reuse. Road surfacing and foundation material and soils / clays excavated are expected to be removed for disposal offsite. Drainage and road base may need to be reconstructed with the road constructed in a series of engineered layers and finished with a bitumen surface.

While all efforts will be made to minimise sediment leaving disturbed areas, it will be necessary to prevent silty runoff entering the stormwater drainage system and install suitable temporary Erosion and Sediment Control measures during construction. In some instances the scale of the works and the nature of work (e.g. where located in the vicinity of a stream) will mean that resource consent under Rule 5.4.3.1 of the Auckland Regional Plan: Sediment Control could be expected to be required (see section 5.4).

8 District Plan Provisions

The following is a review of relevant district plan objectives and policies and is set out in the order of the sections of the District Plan, and their various key parts. Appendix 2 contains the specific provisions.

8.1 Objectives and Policies

8.1.1 Isthmus Section

The Auckland District Plan (Isthmus section) has a number of specific transportation and roading objectives and policies primarily contained in Part 12. These are based around efficient use of transportation resources while protecting and enhancing the environment; accessibility and safety improvements; minimisation of adverse effects caused by road traffic; and recognition of the roading system as a significant urban resource.

Policies provide for road works, protection and enhancement of roads, traffic management techniques, public transport infrastructure, and capacity and safety improvements, new roads where essential (while efficiency improvements for existing roads are encouraged).

The Isthmus section also has specific network utility services objectives and policies contained in Part 4A. These apply to roads. The objectives and policies provide for the existence and maintenance of established network utility services and the provision of new network utility services whilst mitigating adverse effects.

The financial contribution policy is to require contributions for improving roads.

Within specific activity sections of the Plan there are policies related to the operation of roads. In relation to the Residential 1 zone, there is a policy to enhance amenity of streetscapes through road maintenance and improvements compatible with the character of the vicinity. In the Residential 2 and 3 zones, policies require the retention of the trees located on roads which give the zones a distinctive character. Business 3 and 4 zones have a policy to adopt parking and traffic measures which seek to avoid congestion and parking problems. The Isthmus section also has a Special Purpose Transport Corridor and Transportation Link zone (Part 10) with objectives and policies focused on enabling and maintaining transportation routes for private development.

8.1.2 Central Area Section

The Auckland District Plan (Central Area Section) has a number of specific transportation objectives and policies located in various parts of the plan including Part 9 Transportation. These focus on accessibility to, from and around the area. There is also a focus on passenger transport provision and pedestrians. The policies provide for traffic management measures; protection and enhancement of the roading system; road works to improve the roading system; and passenger transport, pedestrian and cycle facilities.

Another objective is to reduce traffic congestion and improve traffic flow, while the policies for this relate to management of parking provision.

Network utility services objectives and policies in Part 12 for the Central Area section apply to roads. These provide for the maintenance of established network utility services and the provision of new network utility services whilst mitigating adverse effects.

The Central Area is divided into Strategic Management Areas (SMAs) and Precincts which have their own objectives and policies. The emphasis on various aspects of road operation varies for each area. Most of the Strategic Management Areas include an objective to enhance accessibility. Other policies for various Strategic Management Areas include: to avoid, remedy or mitigate the significant adverse effects of transportation on the environment; to enhance diversity and character of the street network; and improve streetscape.

There is a focus on the roads being attractive, high amenity areas (in some precincts more than others). There is also a focus on streetscapes and the permeability of the area for vehicles, cyclists and pedestrians. Many of the streets in the Central Area are zoned as public open space and seen as important to protect for pedestrian amenity, safety and movement. Policies provide for passenger transport facilities on the street but restrict other structures. They provide for upgrade and improvements of streets, including landscaping, paving, street furniture and planting.

While most precincts / roads in the Central Area have a pedestrian focus in contrast to focusing only on the efficient operation for vehicles, there is a precinct applying to the motorway corridor and surrounding land, which has an objective of recognising that existing corridor is a significant resource for conveyance. Fanshawe Street is also mentioned as requiring efficient operation.

The Central Area section has a financial contributions policy to collect contributions on development for improving streets.

8.1.3 Hauraki Gulf Islands Section

The Auckland District Plan (Hauraki Gulf Islands Section) has a number of specific transportation and roading objectives and policies, most are located in Part 13. The main roading objective is to recognise and provide for the existing road system as an important resource while managing it to minimise adverse effects. Policies provide for enhancements for vehicle, cyclist and pedestrian safety and the provision of passenger transport facilities.

Network utility services objectives and policies in Part 5 of the Hauraki Gulf Islands section apply to roads. These provide for the efficient establishment, operation and maintenance of network utility services.

A few of the land units and strategic management areas have transport related objectives and policies – policies provide for transport facilities at the wharves and the appropriate development of transport infrastructure on Great Barrier and Waiheke.

8.1.4 Franklin Section

The Auckland District Plan (Franklin section) has specific transportation objectives and policies in Part 9. These include: to minimise conflict between the movement and access functions of roads (related policies apply to land use adjacent to roads); ensuring a safe

roading network; and ensuring construction, modification and use of roads does not cause adverse effects. Policies seek to ensure that road furniture, signage and vegetation do not cause safety issues, and that consent may be required for road works depending on the nature and scale of likely effects.

The network and other utilities and essential services objectives and policies in Part 15 of the Franklin section apply to roads. These objectives are: to recognise the importance and essential nature of utilities and to provide for their development, operation and maintenance; and to ensure the provision of these utilities and services is efficient and does not adversely affect people, values or resources. This section of the Plan provides a much better approach to enabling works of network utilities than for work to maintain roads.

There is also a district wide objective of achieving integrated land transport and land use, which is supported by policies: to ensure the efficient and effective functioning of the transport network, including facilitating passenger transport, pedestrian and cyclist activity; and reducing adverse effects of transport through efficient use, management and development of transport infrastructure.

The urban objectives and policies include provisions relevant to road management. In Business Centres a policy is that the movement function and visual appeal of the key roads be protected and enhanced, and in the residential areas the council policy is to investigate traffic-restraint measures, carry out planting and maintenance of street trees and construct new footpaths.

The Franklin section's financial contributions policy requires a payment for every additional allotment towards upgrading and extension of roads. This may be used for widening, kerbing, footpaths, gradient changes, surfacing, stormwater control, signage among other things.

8.1.5 Manukau Section

The Auckland District Plan (Manukau Section) has specific transportation objectives and policies in Chapter 8. Objectives are: to minimise or mitigate adverse effects arising from the transportation system; to maximise energy efficiency and accessibility; and to provide for safe, efficient and convenient movement of people and goods. Policies address the need to provide cycle and footpath linkages and provide for the future transport and development needs of Manukau. While there are no policies seeking to provide for ongoing maintenance or upgrading of the road network this section of the Plan has the clearest set of rules for road zones.

The transport system is also mentioned in some area-specific objectives and policies: an objective for the business areas is to promote traffic efficiency, and policies state that access to and from education activities and the Airport is to be efficient.

Network utility provisions do not apply to roads in the Manukau section. The financial contributions policy is to fund infrastructure in a fair and reasonable manner through financial contributions. There are several objectives and policies relating to the design of roads in new development areas.

8.1.6 North Shore Section

The Auckland District Plan (North Shore Section) has several specific transportation objectives and policies in Section 12. The first objective of effectiveness and safety focuses on avoiding, remedying or mitigating the adverse effects of transport activity and protecting the amenity value of streets. Integrated transport management is also promoted. Policies include: to encourage the most efficient and safe use of transportation infrastructure; to increase the person carrying capacity of congested corridors; and to avoid, remedy or mitigate the significant adverse effects of new and reconstructed transport infrastructure. Environmental effects specifically mentioned are stormwater discharge, visual amenity, noise and air quality.

There is also an objective focusing on passenger transport provision as a satisfactory alternative to the private motorcar; with a related policy to provide on-street passenger transport facilities (bus shelters, priority measures). A third objective is to safely and conveniently provide for cyclists and pedestrians.

Network utilities objectives and policies apply to roads in the North Shore section. The objectives in Section 14 address the construction, operation and maintenance of an efficient and effective network, while avoiding adverse effects.

A few zone-specific objectives and policies apply to the operation of the road. In the Business areas, a policy is to provide for the upgrading of the transport network to accommodate business traffic. In Takapuna Centre, a policy seeks to maintain and enhance transport infrastructure. In the Residential 3 Built Heritage zone, a policy seeks to ensure that road works are carried out in a manner compatible and complementary to the special streetscape character.

There are also many objectives and policies related to road design and layout for future development and structure plan areas.

8.1.7 Papakura Section

The Auckland District Plan (Papakura Section) includes a general objective to improve levels of infrastructure to meet community needs, including public transport, pedestrian, and cycling and road links.

The Papakura section (Section 2 Rural, Part 6) also contains network utilities objectives and policies, which apply to roads. The objective for rural areas is to provide for the efficient development, operation and maintenance of network utilities while minimising adverse effects as far as practicable. Roads are considered 'public works' and the objective in rural areas is to support the provision and maintenance of public works required for the proper functioning of Papakura.

In the urban areas policies (Section 3 Urban, Part 11) there is more emphasis than the rural areas on the provision of utility services not compromising environmental quality. There is also a specific road objective and policies in the urban section: this is to establish an efficient, safe and convenient road network which retains and enhances amenity. The policies address the need to identify roading improvements where necessary.

There are also several objectives and policies related to road design and layout for future development and structure plan areas.

8.1.8 Rodney Section

The Auckland District Plan (Rodney Section) has several transport objectives and policies. These are focused on the minimisation or remediation of adverse effects from the transport system, on the natural environment, health and safety and amenity values. There is also an objective to enable the safe, efficient and convenient movement of people and goods.

The policies address the need to minimise categories of adverse effects which include water quality, stormwater runoff, natural resources and landscapes, cultural heritage, noise and vibration, visual amenity, air quality, congestion, community severance and safety. Other policies support the incorporation of cycling, walking and public transport opportunities in the transport system.

In high intensity development areas, enhancement of streets is listed as a possible mitigation measure for effects on amenity values.

While utilities objectives and policies do not apply to roads in the Rodney section (as existing roads are designated), there is a utilities policy supporting minimal disruption to the safety and efficiency of roads for traffic and pedestrians when maintenance work is done on utilities, and a policy that utilities should not reduce the amenity values of roads.

There are also several objectives and policies related to road design and layout for future development and structure plan areas.

8.1.9 Waitakere Section

There are no specific transport and roading objectives in the Auckland District Plan (Waitakere Section), but there are a number of transport specific policies. One policy under the growth management objective is that improvements to transport networks will be encouraged, with an emphasis on improvements required to achieve the form of development described in the growth management policies. This whole section is under appeal.

Other policies in the Waitakere section support:

- Road design to minimise the adverse effects of vehicle emissions on air - this means alleviating congestion through traffic control, roading pattern and design to facilitate alternative modes of transport (passenger, cycling and walking)
- Activities within the road promoting and enhancing natural regeneration processes within the Green Network
- Road design to avoid, remedy or mitigate effects on natural landscape character and visual amenity (including minimal use of kerbing, channelling and formed footpaths where not required)
- Road design not to increase traffic movements to a level detracting from quiet and wilderness character of outstanding landscapes
- Artificial lighting on roads not to affect ability for adjacent occupants to sleep (appealed)
- Carriageways to be laid out for safe circulation of vehicles, cyclists and pedestrians; safe discharge of stormwater; avoidance of edge fretting; and safe access to adjoining sites
- Road works avoiding clearance or damage to street trees

- Structures within the road to be compatible with existing streetscape and minimise impact on adjacent sites and existing vegetation (appealed).

Within the Waitakere Ranges Heritage Area the policy is to avoid transport infrastructure of an urban scale and nature (concrete footpaths, curb and channel). This whole section is under appeal.

There are also many policies related to road design and layout for future development and structure plan areas.

8.1.10 Summary of objectives and policies

It is clear that a variety of road related issues are canvassed in the objectives and policies in the current sections of the District Plans. While they are not all relevant in relation to this Notice, the need to ensure that infrastructure is adequately maintained and redeveloped is noted in all plans. Similarly the need to maintain and improve accessibility is also recognised. As the objectives and policies predate the formation of Auckland Transport and the transfer of the management of the roads to Auckland Transport from Council, the objectives and policies are not reflective of Auckland Transport's wider purpose. The need to address the transport and place making priorities and directives contained in the Auckland Plan are also not reflected in the objectives and policies.

9 Consultation

As part of the initial preparation of the Notice and this Assessment of Environmental Effect an assessment of the parties that have a specific interest in the existing public roads was undertaken. In summary it was identified that the following have an interest in the existing roads of the region:

- Auckland Council who is owner of the road network and charged with management of the land that abuts it;
- Parties that already have designations that affect the road (as outlined in Section 3.2.3);
- Parties that have existing network infrastructure in the road much of which is not currently designated (e.g. but not limited to Watercare, Telecom etc);
- Property owners that have infrastructure under and over the road (e.g. University of Auckland with its pedestrian tunnel under Symonds Street, Auckland City Hospital with its tunnel to the University of Auckland Medical school under Park Road, Sky City with its air bridges over Federal Street, Westfield with its air bridge over Albert Street to the Downtown car park etc);
- Transport agencies with an interest in the Region's public road network (including but not limited to the New Zealand Transport Agency and other road user groups);
- Members of the public who have private pipes and other connections in the roads due to the location of existing infrastructure;
- Developers who as a result of their construction methods occupy the road for a long term, but temporary, basis;
- Others in the community who have a particular interest in aspects of the roads (street trees, streetscape elements, café seating etc).

As part of the preparation for both the Auckland Plan and the Unitary Plan, Auckland Council has been discussing matters related to the transport system with Auckland Transport. Auckland Transport is well aware, through the Auckland Plan, of the Council's desire to see:

- the public road network operated as part of a single integrated transport network, along with rail and motorways;
- existing roads improved to address current congestion problems and accommodate future business and population growth;
- provision made for utilities (such as ultra-fast broadband) to enable Aucklanders to work from home or to stagger their trips and therefore support reduction in peak congestion;
- improve the safety of Auckland's streets to encourage increasing numbers of people to commute by walking and cycling;

- the place making role of roads in the urban setting and the role of transport recognised.

This understanding has influenced the decisions made about the scope of the Notice.

Auckland Transport also has a good understanding of the type and nature of third party interest in the existing public roads and how they may potentially be affected by a designation. This understanding is derived from:

- The administration of the CAR process;
- The nature of submissions received to the Auckland City Notice of Requirement for its road network; and
- The working relationship Auckland Transport has with Utility Operators, roading agencies, public transport agencies, property owners and developers.

This understanding has influenced the decisions made about the scope of the Notice.

The Notice is providing a more robust statutory basis in which to administer existing controls rather than additional controls or works. Accordingly, there is no adverse effect on parties that occupy or seek access to the public road network. From the perspective of a party seeking to undertake works in the road, the process for obtaining requiring authority approval will be the Corridor Access Request process currently in place.

Auckland Transport is not required under the RMA to consult on a Notice. Section 36A of the RMA provides that the requiring authority does not have a duty to consult in relation to a Notice, although they may choose to do so. The Notice must be publicly notified. Public participation is provided for by the fact that any party may lodge a submission.

Auckland Transport considered that no parties would be disadvantaged by the lack of consultation as it is aware of the potential effects of the proposed designation on other parties and considers these effects to be negligible.

The designation does not authorise any activities that are not already part of the existing road environment or provided for under the sections of the District Plan. Auckland Transport has an excellent understanding of the potential effects on parties with an interest in the roads and considers that there is no need to consult prior to public notification of this Notice.

In making the decision to proceed to designate the road network Auckland Transport felt that it was appropriate to undertake communication once the Notice is notified, to ensure that all of those with an interest in the existing roads of Auckland Region are informed about the proposal. This will assist in those parties better understanding what is proposed, why Auckland Transport is using the designation process and will inform them of their right to lodge a submission. To support this approach Auckland Transport will meet with key stakeholders and respond to questions from the community. Auckland Transport will invite the parties with infrastructure in the road for a special briefing (with key Auckland Transport in attendance to address process issues) and undertake special briefings for transport agencies and groups with an interest in the road (including but not limited to the New Zealand Transport Agency, and road user groups) and brief Local Board members with transport portfolios.

10 Consideration of Alternatives in relation to achieving the objectives of the requiring authority

10.1 Alternatives considered

Section 171 of the RMA requires the territorial authority when considering a requirement and any submissions received to it to consider the effects on the environment of allowing the requirement, having particular regard to 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

The RMA also requires the territorial authority to consider whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

Auckland Transport, as requiring authority, is required to manage all of the existing public roads of the region. As a matter of law Auckland Transport is entitled to seek to designate land for road purposes. While the land is vested in Auckland Council, for all practical purposes Auckland Transport controls the land (for transport purposes).

Despite there being no RMA requirement to do so (as there are no significant adverse effects on the environment and the designation being sought is for an existing work), Auckland Transport has undertaken an evaluation to determine if there were any other alternatives available to achieve its objectives.

A range of alternative options were considered and narrowed down to the most viable alternatives. Consideration was given to both the different methods that may be provided to give greater protection to the roads and enable the maintenance and improvement works and the different options for designating the roads. The options considered were:

1. Do nothing;
2. Zone the roads;
3. Alternative designations;
4. Wait for the Unitary Plan

The first two options that are presented are alternatives to designation, the third option involved consideration of the extent and nature of the designation. The last option is a designation option but addresses a different timing.

10.1.1 “Do nothing” Option

This option involves maintaining the status quo in terms of control and process. However, under the existing regulatory environment and the increasing pressure that will be placed on the road resource in the future, this will not achieve Auckland Transport’s objectives, particularly as this method would not meet the objective “to provide statutory protection to safeguard the integrity of Auckland’s public local road network” as it would still allow other requiring authorities to designate and control parts or all of public roads in the region. This is because the effect of sections 178 and 176 means that once a Requiring Authority gave notice of its designation to Auckland Council, Auckland Transport or any other parties (including members of the public) would be required to obtain prior written consent from that Requiring Authority to do works and the Requiring Authority may decide to not give consent as it may consider that the work would “prevent or hinder” the public work to be carried out under that designation.

It is noted that the arrangements for space allocation in the roads of the region is undertaken by Auckland Transport managing the resource on behalf of the Council and the community. This would not be possible once any utility has a designation over part of a road(s).

In many respects the Notice preserves the status quo:

- It does not authorise any more activities that are not already provided by the sections of the operative District Plan;
- It does not impose any additional restrictions on other parties’ rights to access the road than already exist as when Auckland Transport grants access to the road (whether required by statute or not) it will also provide its requiring authority approval.
- It does not provide for a consistent planning approach across the Auckland transport network.

10.1.2 Zoning Option

This option is to ask the Auckland Council to zone all of the roads in the seven sections of the District Plan. This is an approach that has been taken by a number of councils, including Christchurch City, the former Auckland City for some of the existing roads in the Central Area and by Waitakere City Council in relation to the Transport Environment provisions. While zoning can provide integrated management of activities within roads, similarly does not address the primary issue of concern regarding notices of requirement lodged by other requiring authorities irrespective of any zoning provisions. Most of the utility operators are requiring authorities and could seek to use notices for existing and new infrastructure, irrespective of any zoning provisions. A zoning option does not allow Auckland Transport, as road controlling authority, to directly manage the activities of third parties to achieve its objectives.

While a ‘road zoning’ may not give Auckland Transport direct control over the road, a zone could enable some or most of the works that this designation seeks to provide for. It is however not likely that a zoning would be able to meet other of the objectives of Auckland Transport such as *‘provide for a single-system approach in the planning, design, management and development of Auckland’s transport system’* or *‘contribute to*

an effective and efficient land transport system to support Auckland's social, economic, environmental and cultural well being as the zone have a range of rules to reflect the different character of the parts of the region and adjacent land use. This would mean that Auckland Transport would be subject to a range of rules and approaches and not be able to deliver the management of the road network in a consistent manner.

This alternative would not meet Auckland Transport's objectives.

10.1.3 Designation Option

This option has included consideration of other matters to include in the scope of the designation i.e. sub options:

- Designating strategically important roads only;
- Include a wider range of roads in the designation;
- Providing for a greater level of restriction on activities;
- Enabling a wider range of road operation, maintenance and works activities to be provided for by way of this designation.

10.1.3.1 Designation of strategically important roads only

This sub option considers only designating strategically important roads, such as strategic routes and regional arterial roads. While this option will provide more robust management of these key roads, it fails to recognise that the entire regional road network contributes to an efficient transportation function as local and collector roads are also critical parts of the transport network, providing both for the distribution of large numbers of vehicles (private, public and business) and for local amenity by enabling residents and visitors to safely walk or cycle.

This sub option would be inconsistent with the Auckland Plan and Auckland transport objective *"to provide for a single-system approach in the planning, design, management and development of Auckland's transport system."*

10.1.3.2 Include a wider range of 'roads' in the designation

As the term 'road' is the subject of a range of different definitions in the sections of the Operative Plan and the various pieces of legislation that apply to roads, Auckland Transport has decided that while it could include a wider range of roads in the designation as it is responsible in many cases for management of their transport function, this would not be appropriate for resource management reasons. In particular it has decided to exclude:

- Roads and service lanes not vested as legal road owned by Auckland Council but managed and operated by other parties;
- Roads and service lanes not owned by the Auckland Council;
- Private land or private roads within the meaning of section 315 of the Local Government Act 1974;
- Structures over the coastal marine area;
- Unformed roads (commonly known as paper road);
- Beaches, parks and reserves;
- Areas of road for which the New Zealand Transport Agency is the road controlling authority; or

- Sections of roads that cross (at grade) the space occupied by a railway line, as defined in the Railways Act 2005.

There are roads and service lanes not vested as legal road, but owned by Auckland Council but managed and operated by other parties and roads and service lanes not owned by the Auckland Council across the region. Service lanes often provide off-street vehicle access to the rear or side of suburban retail centres. While they potentially have an important transport function, as they remove goods loading from the road network and reduce the number of vehicle crossings, not all service lanes are entirely in public ownership, or are fully formed. As many require specific consideration, it has been decided not to include them in this designation. Similarly roads in private ownership across the region have important access functions for individual properties, but they do not form a vital part of the transport network and are not managed by Auckland Transport.

The majority of paper roads or unformed roads were established in the early days of Auckland's European settlement and were laid out on paper by a surveyor and vested in the Crown to await the time when a decision to commence construction was made. In many instances the roads layout was determined without checking topography. This means that paper roads around the region are not always likely to be developed and are not likely to need protecting for transport reasons due to their location.

In some parts of the region, vehicle access to properties is only achievable via beaches, (and sometimes only at high tide), while some beaches are popular for off-road recreation (by 4WDs, bikes and other vehicles). These beaches do not form a vital part of the transport network and are not included in this designation.

Auckland Transport recognises that more specific assessment of individual situations may result in some other type of management approach being adopted for some or of these exclusions.

In addition Auckland Transport has decided to make it clear that excluded from the designation are:

- Areas of road for which the New Zealand Transport Agency is the road controlling authority; or
- Sections of roads that cross (at grade) the space occupied by a railway line, as defined in the Railways Act 2005.

The nature of the existing public road network and the way it interfaces with the New Zealand Transport Agency state highway network and the rail network across the region at grade and through grade separation (i.e. rail tunnel under the road, road over the motorway etc) is difficult to depict in maps that are normally expected to accompany a Notice of Requirement. Mapping for the purpose of a district plan is single dimensional and does not convey the common law expectation that property rights extend "*from the heavens to the centre of the earth*". It is understood that unless specified in terms of strata a designation also provides similar rights.

As outlined earlier there are locations in the region where the networks and designations overlay each other. To avoid confusion the situation related to sections of road for which the New Zealand Transport Agency is the road controlling authority or has an existing designation and sections of roads that cross (at grade) the space occupied by a railway line, as defined in the Railways Act 2005 or NZ Rail has an existing designation are addressed.

This should clarify the situation where there is the potential for overlap between the management responsibilities of Auckland Transport and those of New Zealand Transport Agency and NZ Rail.

10.1.3.3 Greater restriction of activities

Consideration has been given to the need to control a wider range of activities on and within the road network in order to meet Auckland Transport's objectives. However, the majority of the activities do not affect the efficient operation and maintenance of the road network, or compete for space within the road reserve, and are generally controlled through other statutory processes such as the District Plan or the Bylaws.

Auckland Transport does not wish to impose unnecessary and duplicate layers of statutory control on activities. Accordingly, it is seeking to minimise the restrictions imposed by the designation to those activities that have the potential to materially affect Auckland Transport's ability to efficiently operate and maintain the road network; affect the integrity of the road and its surface; or utilise space under the road for the provision of utility services.

10.1.3.4 Enabling a wider range of road operation, maintenance and improvement works and related activities to be provided for by way of this designation

This is the option that has been selected and is the only alternative that will enable Auckland Transport's objectives to be met.

A function of a designation is to enable works to be undertaken in accordance with the designation without the need for resource consents under the District Plan. Auckland Transport carefully considered what type of works it undertakes in the road that the designation would provide for. In most instances Auckland Transport does not require resource consents for works on roads in light of the protection of its existing use rights under section 10 of the RMA; and as a result of the works being provided for as permitted activity rules under a number of the sections of the Operative District Plan; and existing road network designations. The decision was made not to provide for new projects, but to enable ongoing operation and maintenance and improvement works that would allow changes to respond to specific safety and transport requirements.

This approach is proposed to reduce the on-going statutory compliance requirements that Auckland Transport encounters across the region as a result of the inconsistency between sections of the District Plan, although there is the likelihood that outline plans would still need to be submitted for some works. It is noted that an outline plan must show:

- a) *the height, shape, and bulk of the public work, project, or work; and*
- b) *the location on the site of the public work, project, or work; and*
- c) *the likely finished contour of the site; and*
- d) *the vehicular access, circulation, and the provision for parking; and*
- e) *the landscaping proposed; and*
- f) *any other matters to avoid, remedy, or mitigate any adverse effects on the environment.*

The designation also excludes works within the road that may impact on heritage features, archaeological sites and scheduled trees and the heritage features of the Waitakere Ranges. Such considerations are site specific and related to the specific nature

of works and should be assessed separately. For this reason, Auckland Transport has decided to limit the works enabled by the designation and undertake such site specific assessments under the normal District Plan processes. It considers assessing adverse effects on a case by case basis in this manner is the most appropriate, transparent and effective way of addressing these site specific issues.

10.2 Unitary Plan Option

This option which involved rolling over existing designations and lodging a new Notice of Requirement for those parts of the region's road network that were not designated was discarded, as a designation that is processed through a proposed district plan cannot be relied upon until the plan (or that part of the plan) is made operative. While the Unitary Plan is expected to be notified in March 2013, it is unlikely to be made operative for at least 3-5 years after that. Operating the road network in the current state until 2018 was not considered to be consistent with the purpose of Auckland Transport.

It was also noted that when a Notice of Requirement has completed its statutory process (i.e. any appeals have been resolved/settled) it must be included in the "district plan *and any proposed district plan*" (section 175(2) of the RMA). Therefore, if this Notice to the 'operative plan' completes the statutory process *before* the Unitary Plan becomes operative (which is likely) it will be included, under section 175 of the RMA in both the operative district plan/s and the (proposed) Unitary Plan – and will continue to be included in the Unitary Plan when that Plan is made operative. If this Notice to the 'operative plan' completes the statutory process *after* the Unitary Plan becomes operative (which is unlikely) it will be included in the (operative) Unitary Plan because that will be the only operative district plan.

Because the Notice to the 'operative plan' will eventually be "included" in the Unitary Plan (whether or not that Plan is operative) there is no need to roll the existing designations into the (proposed) Unitary Plan or lodge a new notice to the Unitary Plan.

In addition it is noted that other Requiring Authorities could seek to lodge new Notices of Requirement for existing and new infrastructure in advance of the Unitary Plan and Auckland Transport would be placed in a situation of having lost primacy.

10.3 Summary

The assessment of alternatives such as relying on provisions currently in place or a zone to enable works, is that they would fail to adequately protect Auckland Transport's ability to manage its public road infrastructure to meet its objectives. The rules of the various sections of the District Plan, and other regulations provided for by statute such as bylaws and the National Code of Practice for Utility Operators Access to Transport Corridors have limited weight in ensuring that Auckland Transport can manage the road asset when restrictions are able to be imposed on its operations in public roads through designations by other parties.

While the current rules and existing designations in the operative district plan provide for many of the works provided for in the designation, the variation would hamper Auckland

Transport in providing for the continued operation and ongoing maintenance and improvement of the public road network in a consistent manner.

The works provided for by the designation, and the designation itself, are considered to be the best option and for that reason is necessary for achieving Auckland Transport's objectives.

11 Conclusion

Given the importance and value of the existing public road assets of the Auckland Region, Auckland Transport has given significant consideration as to how best to manage these assets on behalf of the community. As a result, Auckland Transport has decided that the appropriate mechanism to ensure that it achieves its objectives for the operation, maintenance and management of the public local road network is to designate this network.

A designation provides a robust statutory basis by which to manage the region's public road network in the face of existing and increased future pressure. The designation will enable Auckland Transport to continue to operate and maintain the public road network, while efficiently and equitably managing the use of this essential physical resource in the wider interests of the community.

It is considered that the designation is entirely consistent with the purpose and principles of the RMA and the relevant regional and district planning documents. The works provided for in the designation and the designation itself are considered to be reasonably necessary for achieving Auckland Transport's objectives.

Appendices

