



Notice of Requirement (Designation) Form

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

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

Sections 168(1), (2) and 181 and clause 4 of Schedule 1, Resource Management Act 1991 This part of the form reflects the information requirements of Form 18.

To the Environmental Protection Authority (EPA)

The New Zealand Transport Agency gives notice of a requirement for a designation for a project, being the construction, operation and maintenance of a State highway, being the Ara Tūhono Pūhoi to Wellsford Road of National Significance – Pūhoi to Warkworth Section.

	litional information that will help to process your application:
Plea	se tick which of the below options for a requiring authority apply:
	a Minister of the Crown
	a local authority
☑ the	a network utility operator approved as a requiring authority under section 167 of the RMA. Please provide Gazette Notice reference approving the applicant as a requiring authority
	ource Management (Approval of Transit New Zealand as Requiring Authority) Notice 1994. Gazette Notice tained in Appendix A of the AEE Report, Volume 2

The site to which the requirement applies is as follows:

The designation for a new section of State highway will extend from just beyond the northern portals of the Johnstone's Hill tunnels on the existing State Highway 1 to south of the Kaipara Flats Road intersection with SH1, which lies to the north of Warkworth, in the greater Auckland Region.

Refer to the Land Requirement Plans and Schedule, Volume 1.

The nature of the proposed works is:

The construction, operation and maintenance of a State highway, being the Ara Tühono Pühoi to Wellsford Road of National Significance – Pühoi to Warkworth Section. Refer to Section 5 of the AEE Report, Volume 2.

The nature of the proposed restrictions/conditions are:

Additional information that will help to process your application:		
Please tick whether restrictions will apply to the designation:		
	no restrictions/conditions on the designation are proposed	
Ø	restrictions/conditions applying to the designation are proposed	
	changes to the existing restrictions/conditions applying to the designation are proposed.	

Refer to Section 28 of the AEE Report, Volume 2.

The effects that the works will have on the environment and the ways in which any adverse effects will be mitigated, are:

The AEE Report, Volume 2, contains a description of the existing environment (Section 4), an assessment of the Project's effects on the environment (Sections 9 - 26), and an outline of appropriate methods to avoid, remedy or mitigate any adverse effects of the works associated with the Project (Section 28).

Actual and potential effects on the environment during construction include (discussed further in the identified AEE Report Sections, Volume 2):

- Effects from construction water management of stormwater runoff from site works during construction (including erosion and sediment control) and effects on water quality (Section 10).
- Effects on air quality effects associated with construction emissions (particularly dust) (Section 18).
- Noise and vibration effects (Sections 15 and 17).
- Traffic effects impacts on the transportation network during construction (Section 13).
- Effects on ecology effects of the Project on terrestrial, freshwater and marine ecology, including flora, fauna, streams and wetlands during construction and operation of the Project (Sections 11, 12 and 14).
- Effects on groundwater (Section 19).
- Heritage effects effects on actual and potential archaeological sites and built heritage (Section 16).
- Effects on cultural heritage effects during construction and operation on Tangata Whenua and cultural heritage values (Section 24).
- Landscape and visual effects (Section 22).

Actual and potential effects on the environment post construction, during operation of the motorway, include (discussed further in the identified AEE Report Sections, Volume 2):

- Traffic and transportation providing an improved traffic environment with a safer environment on the new motorway and improved traffic functionality within Warkworth (Section 23).
- Stormwater effects management of the ongoing discharge of contaminants in stormwater during the
 operation of the motorway and effects on flooding and freshwater and marine water quality (Section 21).
- Noise an improved noise environment along the current State Highway 1 and potential adverse effects along the new motorway (Section 24).
- Landscape and visual effects (Section 22).
- Air quality air emissions from the use of the built road (Section 18).

The AEE Report, Volume 2, draws on information provided in the Assessment Reports (contained in Volume 3). Section 28 of the AEE Report, Volume 2, outlines proposed mitigation measures.

Alternative sites, routes and methods have been considered to the following extent:

Alternatives have been considered. Refer to Section 7 of the AEE Report in Volume 2.

The works and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The works and designation are reasonably necessary to meet the objectives of the New Zealand Transport Agency. Refer to Section 29 of the AEE Report in Volume 2.

The Works

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

The New Zealand Transport Agency's objectives for the works, as part of the Project, are:

- Increase long-term corridor capacity, improve route quality and safety (e.g. gradient, alignment, overtaking), improve freight movement and provide resilience in the wider State Highway network through the addition of a 4 lane route;
- Increase travel time consistency and decrease travel times to and from the north end of the Johnstone's Hill tunnels and the north end of Warkworth;
- Alleviate congestion at Warkworth by providing a Warkworth bypass for through traffic; and
- Ensure the Warkworth to Wellsford Section of the Puhoi to Wellsford Project is not compromised.

The works, as part of the Project will contribute to those objectives by:

- Providing for a complete bypass of Warkworth for through traffic;
- Not compromising the delivery of the Ara Tühono Pühoi to Wellsford Road of National Significance;
- Separating the alignment from the existing SH1, which will improve regional and national route security on the State highway network north of Auckland. Particular points noted are that:
 - Two routes will provide network resilience and a greater level of security and choice of travel between Auckland and Northland;
 - The new alignment will have improved slip stability as a result of engineered embankments with appropriate factors of safety, improving route resilience;
 - o Instances of flooding closures will be less frequent on the new alignment, which has been designed to avoid flood paths and incorporates improved stormwater management systems;
 - o The number of crashes is forecast to reduce, which will consequently reduce the number of times the route is closed; and
 - The provision of four traffic lanes (two in each direction) for the new alignment will allow the route to be opened sooner following an incident than is currently possible on the existing SH1 which is primarily a single carriageway.

The Designation

The New Zealand Transport Agency was approved under section 167 of the RMA as a requiring authority by the Resource Management (Approval of Transit New Zealand as Requiring Authority) Notice 1994 (a copy of this Notice is contained in Appendix A of the AEE Report, Volume 2). As a network utility operator and a requiring authority under section 167 of the RMA, the New Zealand Transport Agency may designate land, water, subsoil or airspace for the "construction and operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of any State highway or motorway pursuant to the [Government Roading Powers] Act 1989".

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

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

The following resource consents are needed for the proposed activity and have been applied for:

Refer to Section 1.8 of the AEE Report in Volume 2.

The following consultation has been undertaken with the parties that are likely to be affected:

Refer to Section 8 of the AEE Report in Volume 2.

Lapse period for the designation:

The New Zealand Transport Agency seeks a lapse period of 15 years for the designation pursuant to section 184(1)(c) of the RMA. This period has been set having regard to the time anticipated to be required for the New Zealand Transport Agency to make substantial progress or efforts towards giving effect to the designation and works, including the completion of land purchase negotiations, detailed design and construction of the proposed Project. It also allows for an appropriate margin to address possible consenting, tendering, funding and construction processes.

The New Zealand Transport Agency attaches the following information required to be included in this notice by the District Plan, Regional Plan or any regulations made under the Resource Management Act 1991:

Volume 1	NORs and Land Requirement Plans and a schedule of land affected by the designation
	Resource consent applications

Volume 2 Assessment of Environmental Effects Report

Volume 3 Assessment reports

Part 1 Air Quality Assessment Report

Construction Noise Assessment Report Construction Traffic Assessment Report Construction Water Assessment Report

Part 2 Freshwater Ecology Assessment Report

Heritage Assessment Report Hydrogeology Assessment Report Marine Ecology Assessment Report

Part 3 Terrestrial Ecology Assessment Report

Vibration Assessment Report Cultural Assessment Report

Landscape and Visual Assessment Report Operation Noise Assessment Report

Part 4 Operational Water Assessment Report

Transportation and Traffic Assessment Report

Volume 4 Drawings

Part II: Matter Lodged With the EPA

Sections 145, 148 and 149ZB, Resource Management Act 1991 This part of the form reflects the information requirements of Form 16A.

To the Environmental Protection Authority (EPA)

Insert full name of person lodging the matter (the applicant): *The New Zealand Transport Agency.*

Provide a description of the proposal to which the matter relates. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

The construction, operation and maintenance of a State highway, being the Ara Tūhono Pūhoi to Wellsford Road of National Significance – Pūhoi to Warkworth Section. Refer to Section 5 of the AEE Report, Volume 2 (referred to in this section as "the Proposal").

List the relevant local authorities for the matter lodged: Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

Auckland Council.

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no

This information accompanies:

	•	
X .	1 or more of the following applications for a resource consent	
	1 or more of the following applications for a change to or cancellation of the conditions of a resource consent	
	1 or more of the following requests for the preparation of a regional plan	
	1 or more of the following changes to a plan	
	1 or more of the following variations to a proposed plan	
\boxtimes	1 or more of the following notices of requirement for a designation or to alter a designation	
	1 or more of the following notices of requirement for a heritage order or to alter a heritage order.	
Provide details of the matter or matters. Please include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):		
	to Sections 1.7 and 1.8 of the AEE Report, Volume 2, for a discussion of the resource consents sought and the NORs esignation and Alteration to Designation.	
The matter consists of one or more applications for resource consent, or an application to change or cancel the conditions of a resource consent, or a notice of requirement to alter a designation, or a notice of requirement to alter a heritage order, and relates to an activity that is part of a proposal of national significance in relation to which one or more matters have already been subject to a direction under section 142(2) or 147(1)(a) or (b) (please tick):		
	yes	

INVIRONMENTAL PROTECTION AUTHORITY	
Additional information that will help us in processing your application: If yes, please provide the following information to identify the matter for which a direction by the section 142(2) or 147(1)(a) or (b) has been made:	e Minister under
Project name: Ara Tühono Pühoi to Wellsford Road of National Significance – Pühoi to Warkworth	า Section
EPA reference number: 33/001	
EPA Project Leader: Jonathan Benge	
he matter relates (please tick one):	
wholly to the coastal marine area	
partly to the coastal marine area	
does not relate to the coastal marine area.	
Please note, if the matter relates wholly to the coastal marine area references to the Minister in t read as the Minister of Conservation. If the matter relates to the coastal marine area in part, references in this form should be read as the Minister for the Environment and Minister of Conservation.	erences to the
Please confirm that you wish the Minister to make a direction under section 147(1)(a) or (b) to refer inquiry or to the Environment Court for decision, on the grounds that the matter is or is part of a significance. Please indicate your preference (tick):	the matter to a board matter of national
a direction to refer the matter to a board of inquiry	
a direction to refer the matter to the Environment Court.	
Please note the Minister will only direct the matter to a board of inquiry or the Environment Cour consider that the matter is, or is part of, a proposal of national significance. In deciding whether part of, a proposal of national significance the Minister may have regard to any relevant factor, in section 142(3) of the RMA	a matter is, or is

It would be helpful for you to indicate whether, in your view, any of the following factors are relevant to this matter (tick factors of relevance): the matter has aroused widespread public concern or interest regarding its actual or likely effect on the X environment (including the global environment) the matter involves, or is likely to involve, significant use of natural and physical resources the matter affects, or is likely to affect, a structure, feature, place, or area of national significance the matter affects, or is likely to affect, or is relevant to, New Zealand's international obligations to the global environment the matter results, or is likely to result, in or contribute to, significant or irreversible changes to the

environment (including the global environment)

the matter involves, or is likely to involve, technology, processes, or methods that are new to New Zealand and that may affect its environment the matter is, or is likely to be, significant in terms of section 8 the matter will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions the matter affects, or is likely to affect, more than one region or district the matter relates to a network utility operation that extends or is proposed to extend to more than one district or region

Please provide reasons why you consider that the selected factors support your application to have a direction made in relation to the matter.

The Proposal has aroused widespread public interest (section 142(3)(a)(i) of the RMA)

The Ara Tühono Pühoi to Wellsford RoNS has been and continues to be the subject of considerable media and public interest since it was announced as a RoNS in 2009. This public interest has been reflected in the high attendance and interest at public open days and articles published in the media. Additionally, 46 landowners will be directly affected by the Proposal.

The New Zealand Transport Agency commenced public consultation June 2010. Since then, there have been four different phases of consultation. These consultation phases were linked to alterations to the design of the Proposal.

Phases one and two focused on the wider community, and close to 1000 submissions were received in each phase. Phases three and four focused on the directly affected landowners and neighbours of the alignment (approximately 300 landowners in phase three, and 200 landowners in phase four).

Across all the submissions received, there were five key themes: the Proposal's potential economic impact on Warkworth, safety concerns relating to the existing highway, additional access points at Woodcocks Road and at Pūhoi township, effects on visual, landscape and noise disturbance to personal property and the overall high cost associated with establishing the motorway.

The Proposal involves or is likely to involve significant use of natural and physical resources (section 142(3)(a)(ii) of the RMA)

Under the RMA, "natural and physical resources" includes "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures."

The designation area is proposed to be 673 ha. The designation boundary provides for the necessary construction activities for the Proposal, including the motorway alignment and subsidiary work, such as construction yards, sediment treatment and fill disposal sites.

The Proposal is of a significant size and scale. The estimated cost of the Proposal to the New Zealand Transport Agency is approximately \$760m. The proposed construction duration is approximately five years.

The Proposal requires the acquisition of land from multiple landowners. This land includes both Crown land and privately owned property. In total, there are 129 parcels, including 18 Crown-owned land parcels that are required for the Proposal. In total, 46 landowners have land that needs to be acquired in whole or in part by the New Zealand Transport Agency to construct the motorway.

The designation will result in a significant change in land use. Currently, the land within the designation boundary supports various activities and land uses, including rural activities, plantation forestry, rural-residential subdivision and businesses. The Proposal will enable the designated land to be used as a State highway.

Earthworks for the Proposal will involve approximately 8.0M m3 of cut and approximately 6.2M m3 of fill material for road construction. The remaining approximately 1.8M m3 of surplus material will likely be used within spoil disposal sites and landscaping works associated with the Proposal.

For these reasons, the New Zealand Transport Agency considers the Proposal is likely to involve the significant use of natural and physical resources.

other relevant factor(s).

ENVIRONMENTAL PROTECTION AUTHORITY

The Proposal will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions (section 142(3)(a)(viii) of the RMA)

The Proposal will provide an alternative route between Pūhoi and Warkworth from the current SH1. The route will provide greater security and resilience of the State highway network in the event of traffic incidents or natural hazards, which can result in the closure of the existing SH1.

Through the provision of a new 100kph four-lane alignment, the Proposal will significantly reduce travel times outside peak hours and allow journeys to be planned with a greater level of certainty. The Proposal will remove existing deterrents to travel in the corridor and improve accessibility between Auckland, Warkworth and Northland.

The provision of a more reliable State highway connection for motorists, freight and tourism will better connect Northland to Auckland and the Upper North Island. The New Zealand Transport Agency anticipates that the biggest regional growth benefit of the Proposal will be the improved economic development opportunities that better access will bring to the Auckland and Northland regions, particularly in Warkworth and Wellsford, as well as more broadly throughout the Northland region.

Improving transport connections and travel times between the main primary producing activities in Northland, particularly dairying, forestry and mining, and the major transport hubs at the Ports of Auckland and Tauranga, will deliver benefits for businesses in these industries.

From a safety perspective, there is an accident black spot along the existing SH1, at Schedewys Hill. The crash rates at this location currently far exceed the national average. Four fatal crashes have occurred between Pūhoi and Warkworth in the past five years, three of which were head-on collisions. The Proposal will assist the Crown in fulfilling its safety functions by providing a dual carriageway with improved road geometry designed, operated and constructed as a new motorway in accordance with RoNS standards.

For these reasons, the New Zealand Transport Agency considers the Proposal will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions through provision of a safe, reliable, secure and resilient alternative route to the current SH1 between Pūhoi and Warkworth. The motorway will be designed, constructed and operated to the latest design and safety standards and will result in the more efficient movement of people and freight..

Please provide the further views of the applicant regarding whether the matter should be referred to a board of inquiry or the Environment Court and any other recommendations sought as to the course of action.

The New Zealand Transport Agency considers that a Board of Inquiry process will best enable a comprehensive assessment of the Proposal within a streamlined process with defined decision-making timeframes. It will greatly assist the New Zealand Transport Agency to have such certain timeframes. Given the widespread community interest in the Proposal, the New Zealand Transport Agency also considers that a Board of Inquiry process will enable public participation. For these reasons, the New Zealand Transport Agency's preference is that the Proposal be referred to a Board of Inquiry.

Please note that the applicant's views will be considered but will not determine the recommendation of the EPA or the Minister's direction.

Part III: Additional Optional Information

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

If would be helpful to provide the following information:

 a list of the local authorities under whose administrative jurisdiction resource consent is required, and any staff members that the proposal has been discussed with. Please include the page number(s) where this information is included, if provided (eg, Volume 1, pages 1 to 10):

Auckland Council, including Peter Vari, Ryan Bradley and Warren McLennan (Policy) Andrew Gysberts and Sarah Haarhoff (Major Projects)

• if the requiring authority is <u>not</u> the owner of the land to which the requirement applies, please attach details of all property owners and occupiers. Please include the page number(s) where this information is included, if provided (eg, Volume 1, pages 1 to 10):

Please refer to the complete schedule of land affected by the designation in Land Requirement Plans referenced as Sheets LRP 100 – LRP 114 attached to this NOR for Designation.

23.08.13

ENVIRONMENTAL PROTECTION AUTHORITY

Part IV: Signature

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

I understand that the EPA can recover its actual and reasonable costs associated with processing this application

Tommy Parker

State Highway Manager - Auckland and Northland,

New Zealand Transport Agency

Address for service:

New Zealand Transport Agency

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Auckland

Attention: Patrick Kelly

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09 9699800

0272408826

Email:

patrick.kelly@nzta.govt.nz

Contact person:

Patrick Kelly

Additional contact information that would help us process your application:

Additional contact representative:

Tony Innes

Service (ie, legal):

Further North Alliance Manager

Address:

Further North

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