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Mill Road Notice of Requirement

Recommendations

That the Board:

- i. Accepts the recommendation of the independent commissioners to confirm the Notices of Requirement 1, 2 and 3 (NoRs) for the Redoubt Road - Mill Road Corridor and the southern portion of Murphys Road (the Project) subject to the conditions set out in the independent commissioners recommendation (Attachment 1);
- ii. Confirms the requirement for the Project with 10 year lapse periods for NoRs 1 and 2 and a 15 year lapse period for NoR 3 subject to the conditions (Attachment 2); and
- iii. Notes that the General Counsel will notify Auckland Council under delegated authority of the board's decision.
- iv. Notes that submitters will have 15 working days to lodge an appeal once notified by council of the decision.

Executive summary

The Redoubt Road - Mill Road Corridor Project Notices of Requirement 1, 2 and 3 (NoRs) were lodged, under delegated authority by the Group Manager Property and Planning, on the 24 October 2014. The application was publically notified on 17 April 2015 with the submission period closing on 26 May 2015. 287 submissions were received. 16 submissions were in support, 265 submissions were in opposition and six were neutral. The hearing was held on 31 August, 1 - 4 and 18 September 2015 before independent commissioners' appointed by Auckland Council. The hearing was closed on 16 October 2015.

On 19 February 2016, Auckland Transport (AT) received the independent commissioners' recommendation which included 53 conditions (**Attachment 1** Commissioners' Recommendation, **Attachment 2** Conditions Auckland Transport PA 191).

AT has a statutory timeframe of 30 working days to give written notification to Auckland Council (AC) of its decision in relation to the recommendation from the independent commissioners' (on or before 5 April 2016).

This paper recommends the board accepts the recommendation to confirm the Redoubt Road - Mill Road Corridor Project NoRs subject to conditions as recommended by the independent commissioners.

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Strategic context

The Project will facilitate the Auckland Plan's proposed amount and pattern of urban development in south Auckland. In doing so, the Project contributes to the Auckland Plan's higher level goals and objectives relating to the efficient provision of infrastructure, compact urban centres, and greater use of public transport.

Auckland Transport's 2012-2041 Integrated Transport Programme sets out the 30 year investment programme to meet the transport priorities outlined in the Auckland Plan across modes covering the responsibilities of all transport agencies. The programme identifies the Project as a major project and signals its expected construction start date within the first decade of investment.

Background

The Project is divided into three Notices of Requirement, an urban section (NoR 1 – Redoubt Road), a future urban section (NoR 2 – Murphys Road) and a rural section (NoR 3 – Mill Road). The NoRs propose 10 - 15 year lapse periods (NoR 1 - 10 years; NoR 2 - 10 years; NoR 3 - 15 years). The lapse periods are considered necessary to assist with planning, final design, and funding. The NoRs provide certainty to directly affected landowners/occupiers, iwi, stakeholders (including network utility operators), and the community, as to the extent and location of the Project. Once confirmed the NoRs are designated in the relevant district plan for the purpose of construction, operation, and maintenance, subject to conditions.

The board approved the project objectives in February 2014. In October 2014 the board endorsed the lodgement of the NoRs under delegated authority by the Group Manager of Property and Planning. AC directly notified over 2000 affected property owners and interested parties/groups. Public submissions closed on 26 May 2015. In total 287 submissions were received, a large portion were pro-forma submissions (approx. 215) in opposition by members of the public not living near the road corridor. Submitters generally opposed the application on the basis of adverse ecological impacts on native bush and Totara Park, that alternative routes should not have been dismissed and the large cost of the Project. Of the submissions received, 20 were from directly affected landowners (of a total of 316 affected landowners) who submitted in opposition, 2 submitted in support.

The Planners Report (s42a report) prepared by AC was pre-circulated to AT and submitters prior to the hearing and recommended that the designation be confirmed.

Council hearing

The hearing commenced on 31 August 2015 and extended over 6 days. On the final day the hearing was adjourned, with independent commissioners instructing experts from AT and AC to resolve outstanding differences with respect to the proposed conditions. Following deliberations between AT

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and AC the only conditions not agreed related to ecology mitigation. The hearing was closed by the chair of the independent commissioners in writing on 16 October 2015.

At the completion the commissioners acknowledged the effort and assessments undertaken by AT. 23 submitters presented at the hearing including Redoubt Ridge Environmental Action Group (RREAG), Forest & Bird, the Green Party and affected landowners. During the hearing AT and AC ecological experts were given access to 146 Mill Road (access had previously been denied) to assess the ecology of the bush area. Both experts provided supplementary evidence which confirmed the view outlined in AT's expert evidence in chief.

The commissioners' recommendation

The commissioners' were required to consider the Redoubt Road - Mill Road Corridor Project proposal, submissions and evidence from AT and AC and whether the conditions proposed by AT were sufficient to address the effects generated by the Project. The commissioners' recommended to AT that it confirm the NoRs subject to conditions.

The commissioners' concluded "that upgrading the Redoubt Road – Mill Road corridor is necessary to relieve existing and forecast congestion, accommodate planned growth, provide for alternative modes of transport, improve traffic safety and improve network efficiency. While the project will result in some adverse effects, particularly in relation to ecology, these effects can be appropriately avoided, remedied or mitigated."

The proposed NoR conditions were agreed with AC with the exception of the conditions relating to ecology mitigation. AT proposed a minimum land area to be utilised for replacement planting of 2.2ha and a minimum replacement planting ratio of 7:1. AC requested a substitute ratio based on a future model (not yet developed) including additional options for the funding of biodiversity protection on private land as conditions. The independent commissioners' recommendation agreed with the AT ecology mitigation conditions and did not recommend substantive modification to the other AT conditions. The commissioners accepted that a 10 year lapse date for NoRs 1 and 2 and a 15 year lapse date for NoR 3 is appropriate.

Next steps

Subject to Board approval:

- General Counsel, pursuant to Delegation Instrument ATDI2012/01 from the Chief Executive dated 17 July 2013, will notify AC of AT's decision to confirm the Redoubt Road - Mill Road Corridor Project NoRs with a 10 year lapse period for NoR 1 & 2 and 15 year lapse period for NoR 3 and conditions as outlined in the recommendation.
- AC must serve a copy of the decision on all submitters and directly affected landowners/occupiers within 15 working days of AT making its decision. Submitters may lodge an appeal to the Environment Court within 15 working days from when the decision is served.

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Attachments

Attachment Number	Description
1	Commissioners' recommendation
2	Commissioners' recommended conditions Auckland Transport PA191

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Document ownership

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Glossary

Acronym	Description
AC	Auckland Council
AT	Auckland Transport
NoR	Notice of Requirement
RREAG	Redoubt Ridge Environmental Action Group