

APPENDIX C **Consultation and Support Information**

Appendix C.1 – Landowner agreements / approvals

Appendix C.2 – Confirmation of deferral from Patuharakeke and Te Parawhau to Te Uri o Hau

Appendix C.3 – Te Uri o Hau support letter

Landowner agreements / approvals

Roets, Stefan

From: Grant Bilyard <Grant.Bilyard@nzta.govt.nz>
Sent: Monday, 29 July 2024 2:11 pm
To: stephanie.kane@beca.com; Simpson, Alisdair; Roets, Stefan
Subject: FW: Zentral Estate Limited - request for comments on proposed designation

FYI
thanks

From: Richard Arderne <rarderne@newforests.com>
Sent: Tuesday, July 16, 2024 5:56 AM
To: Grant Bilyard <Grant.Bilyard@nzta.govt.nz>
Cc: Reihana Fisher <reihana@nzfm.co.nz>; stephanie.kane@beca.com
Subject: RE: Zentral Estate Limited - request for comments on proposed designation

Hi Grant,

No issue with the proposed inclusion of the drainage easement.

Kind regards

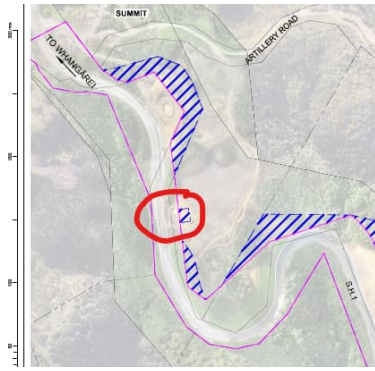
Richard Arderne
Manager Operations/Investment Analytics
New Forests Asset Management Pty Limited

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Email: rarderne@newforests.com
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From: Grant Bilyard <Grant.Bilyard@nzta.govt.nz>
Sent: Monday, July 15, 2024 2:57 PM
To: Richard Arderne <rarderne@newforests.com>
Cc: Reihana Fisher <reihana@nzfm.co.nz>; stephanie.kane@beca.com
Subject: FW: Zentral Estate Limited - request for comments on proposed designation

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Hi Richard,
NZTA is updating the designation through the Brynderwyns to better reflect the current situation. For Zentral Estates the below refers only to the small area of the drainage easement in Fill Site B. We are proposing to include the small easement area inside the designation. (The area below / south of the drainage easement is being purchased from Zentral and is also being included in the designation.)
Picture showing the new alignment for the designation in Zentral land circled in red.



1. If you have any concerns with this change to the designation, please let me and Stephanie know.
2. If you have no concerns or objections please advise also, this will speed up the notification process for us.

Any questions please give me or Stephanie a call.

Thanks,
Grant

From: Stephanie Kane <Stephanie.Kane@beca.com>

Sent: Thursday, July 11, 2024 4:36 PM

To: Grant Bilyard <Grant.Bilyard@nzta.govt.nz>

Cc: Sonya McCall <sonya.mccall@nzta.govt.nz>; Roets, Stefan <Stefan.Roets@wsp.com>; Simpson, Alisdair <alisdair.simpson@wsp.com>

Subject: Zentral Estate Limited - request for comments on proposed designation

Kia ora Grant,

As discussed at our usual Monday meeting, we are looking to lodge a Notice of Requirement to alter the existing designation boundaries within the recovery works area, to better reflect the new layout of the road. As part of this process (in accordance with clause 19(3) of the Order in Council), we are required to seek comment from the following groups:

1. every owner or occupier of the land directly affected by the alteration to designation; and
2. any Māori entity directly affected by the alteration to the designation.

There's a stipulated 20-working day period for these parties to provide comments on the proposed designation alteration. However, we're seeking to expedite the lodgement of the NoR, so would ideally like to have comments back as soon as possible.

I've attached the proposed designation boundaries that we'll be submitting to WDC. The proposed designation incorporates a small section of Part Allot 316A PSH OF Waipu owned by Zentral Estate Limited. This small area is located within the Fill Site B footprint and is subject to an easement in favour of NZTA. The remainder of land within the proposed designation boundaries is Crown land held by NZTA.

A designation is a function under the RMA that enables the requiring authority (a council, Minister or network utility operator etc - in this case, NZTA) to identify areas in a district plan for a specific public work or project (a road, hospital, school or transmission line etc). A designation removes the need to comply with district plan rules and/or the need for land use consent for works relating to the particular designated purpose. In this case, Designation NZTA-1 provides for the maintenance, operation, use and improvement of State Highway 1 within the boundaries of the Whangārei District.

Anyone wishing to undertake an activity on land subject to a designation must seek approval from the relevant requiring authority prior to commencing the activity. The easement that applies over the subject part of Zentral

Estate's property already provides NZTA with lawful access to the area, the designation would simply enable NZTA to undertake activities relating to the maintenance, operation, use and improvement of the adjacent State highway without seeking prior approval from Whangārei District Council.

The existing designation has no conditions relevant to the section over the Brynderwyn Hills. The Order in Council prescribes conditions that can be imposed on that part of the designation that has been altered. In this case, that would include the small area of Zentral Estate land over which the easement applies. However, as the conditions only apply to the construction phase of recovery works, which has now ended, the designation will remain without any conditions once altered.

I'd be grateful if you could please pass this onto your point of contact for Zentral Estate Limited. I'm happy to provide further information or clarification as necessary.

Ngā mihi nui, nā
Steph

Stephanie Kane

Associate - Planning

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Mob: +64 21 248 7734

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My working hours are Monday 8:30-5pm and Tuesday-Thursday 8:30am-2:30pm

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Deferral from Hapū to Te Uri o Hau

From: Victoria Kurupo <vkurupo@uriohau.co.nz>
Sent: Tuesday, 17 October 2023 10:03 am
To: Teal, Wayne
Cc: Hemi Clendon; Kurt Grant (Vision Site Solutions); Simpson, Alisdair; Hannah Thompson; BOND, Mark; Roets, Stefan; Grant Bilyard
Subject: Re: Hapu CIA for Brynds

Kia ora tatou,
E mihi ana i tenei ata.

We can confirm that Te parawhau and Patuharakeke have deferred it to us for engagement. However, at certain times and with things of importance we will also call them to the table or still give them the opportunity to be at the table should they wish to.
They are happy to be given updates from Te Uri o Hau to help with moving the project forward.

Kia pai te rā

Victoria Kurupō

On 17/10/2023, at 9:16 AM, Teal, Wayne <Wayne.Teal@wsp.com> wrote:

External Email *

Thanks Kurt and Hemi for the clarifications and updates.

Would be great for us to have the confirmation from Victoria when this is finalised as this will be a key part in our interactions with local authorities moving forward especially with wildlife and environmental considerations and outcomes.

We'll send out minutes soon from the meeting yesterday.

Nga Mihi

<image001.gif>

Wayne Teal
Team Leader
Planning and Ecology

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M: 02111 87376
Wayne.Teal@wsp.com
wsp.com/nz

Roets, Stefan

From: Cindy Hempsall <chempsall@uriohau.co.nz>
Sent: Friday, 2 August 2024 3:20 pm
To: Stephanie Kane; RMA
Cc: Roets, Stefan; Simpson, Alisdair
Subject: RE: SH1 Brynderwyn Hills Recovery Works - request for comment on proposed designation alteration

Kia Ora Steph,

Thank you for your response, Te Uri o Hau have no concerns.

Ngā mihi mahana

Cindy Hempsall (she/her*)
Matai Kaitiaki – Nga Maunga Tapu
Environs Te Uri o Hau

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E: chempsall@uriohau.co.nz



*To learn more about why pronouns matter read more [here](#)



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Environs Holdings Ltd environmental subsidiary to Te Uri o Hau Settlement Trust
PO BOX 657 WHANGAREI 0110 | Iwi Entity | www.uriohau.com

Mon	Tues	Wed	Thurs	Fri
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Maungaturoto Office

From: Stephanie Kane <Stephanie.Kane@beca.com>

Sent: Tuesday, July 30, 2024 1:00 PM
To: Cindy Hempsall <chempsall@uriohau.co.nz>; RMA <RMA@uriohau.co.nz>
Cc: Roets, Stefan <Stefan.Roets@wsp.com>; Simpson, Alisdair <alisdair.simpson@wsp.com>
Subject: SH1 Brynderwyn Hills Recovery Works - request for comment on proposed designation alteration

External Email *

Tēnā koe Cindy,

Thank you for your queries, and apologies for the delay in replying.

I've provided prelim responses below in red, but happy to chat further as required.

Ngā mihi nui, nā
Steph

Sensitivity: General

Sensitivity: General

From: Cindy Hemsall <chempsall@uriohau.co.nz>
Sent: Monday, July 15, 2024 11:32 PM
To: Stephanie Kane <Stephanie.Kane@beca.com>; RMA <RMA@uriohau.co.nz>
Cc: Sonya McCall <sonya.mccall@nzta.govt.nz>; Roets, Stefan <Stefan.Roets@wsp.com>; Simpson, Alisdair <alisdair.simpson@wsp.com>
Subject: RE: SH1 Brynderwyn Hills Recovery Works - request for comment on proposed designation alteration

Kia Ora Steph,

Just a few question's that I'm sure you'll be able to answer, just needing some clarity and confirmation.

Are there any culturally significant sites within the proposed designation boundaries that need to be protected? How will NZTA ensure these sites are respected and preserved during and after the alteration? Based on council GIS maps and the information conveyed through the project CVA and worksite CEAs, there are no specifically identified culturally significant sites within the proposed designation footprint. However, the alteration does extend further into the drainage basin upstream of the waterfall, which we understand holds significance to Te Uri o Hau and other hapū in the wider area.

The Agency remains bound by the Heritage New Zealand Pouhere Taonga Act 2014 in relation to any accidental discovery of cultural or archaeological heritage material. Additionally, the recovery works project area is subject to the conditions of the Archaeological Authority issued by HNZPT.

The alteration has no physical effects or impacts on the area. Any additional works beyond those already canvassed with Te Uri o Hau that may potentially be undertaken as recovery works are subject to the relevant provisions of the RMA and associated legislation, as modified by the Order in Council (OIC). These provisions and the specific requirements imposed by the OIC include engagement with the project kaitiaki advisor and relevant Māori entities.

The Agency remains committed to honouring its obligations as a Crown partner to Te Tiriti o Waitangi and maintaining a good relationship with mana whenua partners. Any future works undertaken within the designation that may impact cultural values will be subject to engagement with mana whenua.

What specific measures are NZTA taking to minimize the environmental impact of the designation alteration on local ecosystems, particularly the waterfall and downstream areas? Are there any additional environmental controls needed? The alteration of the designation is intended to enable the Agency to undertake relevant works on SH1 for the purpose of its maintenance, operation, use and improvement without being subject to district land use consent requirements under the RMA.

With the exception of work that meets the definition of emergency works (under s330 of the RMA) or, as in this case, recovery works subject to a specific OIC enacted through a relevant Act, any significant works (e.g. widening of the road corridor, new structures etc) would likely remain subject to the requirement for an

Outline Plan to be lodged with Council, or at least for the Agency to request that this requirement is waived. Part of both of those processes include consideration of environmental effects. The Agency would still be bound by regional consent requirements and relevant environmental standards that apply (e.g. for streamworks or riparian vegetation removal etc).

No additional controls are required for the designation alteration, but the waterfall realignment and streamworks will be subject to the conditions of [Schedule 2](#) of the OIC through the regional consent, which we're anticipating lodging with NRC by the end of the month. The Wildlife Act remains applicable in relation to activities that may affect protected species and taonga species.

What are the specific conditions imposed by the OIC during the construction phase, and how will they be managed now that construction is complete? Are there any anticipated changes in these conditions? The conditions that apply to any part of a designation altered through the process modified by the OIC are all of those contained within [Schedule 3](#) of the OIC. As per [Condition 2](#) of Schedule 3, the conditions only relate to construction of a project and apply only to construction works, and may be removed from the designation once the project is operational. The conditions largely relate to activities that are undertaken as part of construction works, being noise and vibration, lighting, ecological impacts and potential effects on archaeological and cultural heritage. The conditions generally reiterate the need for inputs or procedures that are captured in Wildlife Act consent conditions, management plans, and/or have already been progressed as part of the design and construction works, for example, the need for ecological oversight and kaitiaki monitoring of active works areas. There is a process under the OIC for amendment or additions to the conditions, but the acceptance of such is ultimately up to the Agency.

It is the Agency's position that the conditions imposed on the Wildlife Act consent, the regional resource consents (to be lodged), the Archaeological Authority, and the best practice requirements for erosion and sediment control are sufficient to manage any ongoing actual and potential adverse effects, as these will endure beyond the construction phase.

How will the alteration affect the current easements. Will there be any new easements or changes to existing ones that could impact the land use? The designation does not affect any current easements, nor would it affect any future easements, provided they did not confer rights that impacted the Agency's ability to undertake works within the designation for the designated purpose.

One new easement has been registered as part of the negotiations with Zentral Estate Limited, the owner of the private property around Fill Sites A and B. The location and extent of this easement is shown in the snip below. I am not aware of any additional easements proposed, but I have ccd Grant in as he is best placed to confirm this.

What are the plans for the long-term maintenance of the altered designation area? The land within the designated area that is within Crown ownership will be managed largely as it has been, with the road corridor being subject to operations and maintenance activities managed through a separate NZTA contract, and the land being passively managed as part of the Crown portfolio. The Agency is required to undertake pest management for a period of up to 10 years over the 78ha of Crown land adjacent to the SH1 corridor by the conditions of the Wildlife Act consent issued for the recovery works.

The proposed boundaries of the alteration area have been drawn to incorporate the main cut faces so that these can be actively maintained (or repaired, if necessary) without the need for district land use consent. We have included additional areas to allow for a 'buffer' in the event that significant remediation or recovery works are required in future, to enable machinery access at the top of cut faces and allow for potential softening or

battering/benching. We have also provided for a healthy margin upstream of the waterfall area in the event that additional work needs to be undertaken within the upstream drainage basin in future (acknowledging that this would remain subject to regional consent requirements and engagement with mana whenua). Part of both fill sites have been included within the designation as there is drainage infrastructure beneath some of the fill areas, and the Agency wishes to retain the ability to use Fill Site A as an emergency disposal area in future, if necessary.

Are there any future development plans for the area that Te Uri o Hau should be aware of? Beyond what could be reasonably considered operations and maintenance works on an existing State highway corridor, and with the exception of any works required in response to a severe weather event, the Agency does not anticipate any development works in the designated area.

Ngā mihi mahana



Cindy Hempsall (she/her*)

Matai Kaitiaki – Nga Maunga Tapu

Environs Te Uri o Hau

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*To learn more about why pronouns matter read more [here](#)



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Maungaturoto Office

Sensitivity: General

From: Stephanie Kane <Stephanie.Kane@beca.com>

Sent: Monday, July 15, 2024 12:22 PM

To: Cindy Hemsall <chempsall@uriohau.co.nz>; RMA <RMA@uriohau.co.nz>

Cc: Sonya McCall <sonya.mccall@nzta.govt.nz>; Roets, Stefan <Stefan.Roets@wsp.com>; Simpson, Alisdair <alisdair.simpson@wsp.com>

Subject: SH1 Brynderwyn Hills Recovery Works - request for comment on proposed designation alteration

External Email *

Tēnā kōrua Cindy and Rebecca,

As part of the regulatory approval requirements for the Brynderwyn Hills Recovery Works project, NZTA will be lodging a Notice of Requirement (NoR) to alter the boundaries of the existing SH1 designation through the extent of the recovery works area. Whilst we've discussed this broadly during our regular catchups, we've now confirmed the proposed designation boundaries and the WSP team are pulling the documentation together.

I've attached the proposed designation boundaries that we'll be submitting to WDC. The existing designation, NZTA-1, provides for the maintenance, operation, use and improvement of State Highway 1 within the boundaries of the Whangārei District. It has no conditions relevant to the section over the Brynderwyn Hills. The Order in Council prescribes conditions that can be imposed on that part of the designation that has been altered. However, as the conditions only apply to the construction phase of recovery works, which has now ended, we anticipate that the designation will remain without any conditions once altered.

Clause 19(3) of the Order in Council requires NZTA to seek comment from the following groups:

1. every owner or occupier of the land directly affected by the alteration to designation; and
2. any Māori entity directly affected by the alteration to the designation.

NZTA is inviting comment on the proposed designation alteration from Te Uri o Hau as mana whenua for the project area. There's a stipulated 20-working day period for comments; however, we're seeking to expedite the lodgement of the NoR, so would ideally like to have comments back as soon as possible please. I'm happy for feedback to take whichever form is most convenient for Te Uri o Hau, whether via email correspondence or through a separate letter. NZTA is required to show how comments received have/have not been addressed as part of the NoR.

Whilst most of the proposed designation boundaries sit within Crown land, there is a very small extent of privately-owned land around the Fill Site B area that is included in the footprint, which is already subject to an easement in favour of NZTA. As such, we're also separately seeking comment on the proposed alteration from the landowner, Zentral Estate Limited.

I'm happy to discuss the purpose and extent of the designation or the scope of the NoR further. Do let me know if you have any questions.

Ngā mihi nui, nā

Steph

Stephanie Kane

Associate - Planning

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My working hours are Monday 8:30-5pm and Tuesday-Thursday 8:30am-2:30pm

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