

Project Lead Appointment Form

[*Local Board staff can assist with completion of the form if necessary]

Project title:

Clean and Managed fills

Elected member: Louise Johnston

Local Board Plan priority:

TBA

Work programme alignment:

Local Board Committee: Parks and Recreation

Start date: Oct 2016

End date: TBA

Project description:

There are many clean and managed fills located in Rodney especially around Dairy Flat, Kumeu and Taupaki . The heavy truck movements associated with these activities have resulted in road damage to the local roads (e.g. Nixon Road and Horseshoe Bush Road). As well residents are not able to safely use the roads for leisure activities such as horse riding, cycling and running as the roads do not have footpaths, bridle paths or cycle lanes.

This project is to ensure that funding is allocated to the strategic project between AC ,AT and NZTA as to where clean and managed fills should be located so as to cause minimum road damage.

In addition, this project aims to change the methodology used by AT when conducting safety audits of the roads. Currently if there are no footpaths, bridle paths or cycle lanes then AT assume that there will no or few non motorised users of the roads and AT do not take into the safety concerns of these road users into account. Refer to below extract from commissioner's report for Norsho Bulc .

135. We also heard from Ms Angela Wang, a pavement design engineer with Auckland Transport, who supported a revised consent condition which was recommended by Mr Gratton in his initial review of the proposal (his report dated March 2016). This condition, as set out in the section 42A report as conditions 56 to 59, seeks to mitigate and remedy potential road pavement damage of Blackbridge Road as a result of the proposed fill operation.

136. Based on her calculations, Ms Wang was of the opinion that, in these circumstances,

Blackbridge Road would most likely require upgrading within four to six years. Her estimate of this upgrade cost (for the approximately 2.9km between Dairy Flat Highway and the site) was \$1,902,400. She sought that a proportional cost of this upgrade be met by the applicant by way of conditions. As part of these conditions there was a requirement for the consent holder to:

- determine the ‘proportional difference in damage’;
- to estimate when an upgrade would be required; and
- to enter into a bond with Auckland Council to cover the proportional cost of this upgrade.

137. In support of this approach, Ms Wang referred to case law⁴⁰ where she believed that a similar review condition for road upgrade contribution had been applied. Mr Gratton advised, at the hearing, that he was generally in support of the replacement conditions put forward by Ms Wang and that he considered Auckland Transport’s approach to be robust. However, we understood that Council’s development engineer, Mr Malcolm Black, did not support these conditions.

138. In response to questions regarding the intent of the bond requirement, Ms Wang advised that it was to ensure that the upgrade work was undertaken; it would be a contribution to the upgrade works; and it would also be called upon should work not be undertaken. The bond was to be held by Council on behalf of Auckland Transport. We reminded Ms Wang that the applicant had advised in opening legal submissions by Mr Savage that it did not accept these road upgrade conditions, and asked her view on this position. She advised that there would be adverse effects because "Auckland Transport does not have enough funding to maintain road conditions".

139. Mr Savage, in his reply submissions, addressed this as a matter of contention. He provided a letter from Mr Russell Bartlett QC (dated 18 May 2016) who acted for Brookby Quarry Ltd in the Environment Court case to which Ms Wang referred. Mr Savage submitted that this advice clarified the intent of the Brookby condition; that it was as a review condition and not a

⁴⁰ Env 2014 AKL 000048, Memo of A Wang, Auckland Transport (dated 21st April 2016)

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requirement for a road upgrade and maintenance contribution. Mr Savage submitted that there was no legal basis for the imposition of these conditions.

140. We also note that while Auckland Transport did not oppose the proposal on traffic safety grounds, as advised by Mr Prasad, the volume of truck movements created by the proposed fill facility was considered to be of such a potentially high impact on pavement life that it justified an upgrade contribution requirement. We found this position rather at odds; that such a high traffic volume increase could trigger the need for pavement upgrade but was not considered to create any traffic safety or operating concerns.

141. In regard to this issue, we accept the evidence of Auckland Transport that the predicted number of heavy vehicles generated by the activity would create considerable damage to the road surface within six years. Submitters also provided evidence of significant damage to the nearby Horseshoe Bush Road impacted by fill activity, which was no longer in good repair. That

evidence was not challenged and given our own observations of conditions on that road, we have no reason to doubt it.

142. The conundrum is that the applicant does not accept financial responsibility for road damage, its contention being that damage to roads is covered by road user charges. In light of the evidence, it is likely that there would be a significant adverse amenity effect of reasonably high probability (and moderately high potential impact) on Blackbridge Road, which neither the applicant nor the road controlling authority is prepared to address. We do not consider this situation to be acceptable for the users of Blackbridge Road, particularly the residents

Purpose	This project aims to: <ul style="list-style-type: none"> • Ensure that strategic project between AT and AC is funded and that the start date is in 2017. • Change methodology that AT uses when carrying out safety audit to also include nonmotorised users.
Outcome	List specific project outputs/ things member wants to achieve: <ul style="list-style-type: none"> • Strategic project between AT, AC and NZTA is started in 2017 and delivered by 2019. • Formally change the methodology used by AT when doing safety audits of country roads to include non motorised users
Resources	Outline any specific resourcing requirements: <ul style="list-style-type: none"> • Access to AT and AC staff (consenting, compliance and planning)
Parameters	In addition to the mandatory requirements set out in Appendix A the Project Lead must adhere to the following <u>additional</u> requirements: <ul style="list-style-type: none"> • • •
Additional authority	The Project Lead is also authorised to: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Meet with staff, members of the public, external agencies <input checked="" type="checkbox"/> Request an officer report to the board

	<input checked="" type="checkbox"/> Provide media comment on the project (Chair discretion)
Internal stakeholders	List key staff /departmental contacts: <ul style="list-style-type: none"> • AC Planning, Consents and Auckland Transport
External stakeholders	List key community contacts: <ul style="list-style-type: none"> • Local residents located near clean and managed fills
Reporting	The Project Lead will report back to the board: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Other
Confirmation of appointment	
<p><i>[INSERT Committee Resolution]</i></p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>_____</p> <p>Chair Date:</p> </div> <div style="width: 45%;"> <p>_____</p> <p>Project Lead Date:</p> </div> </div>	

APPENDIX A

Rodney Local Board Project Leads Framework

Overview

- 1) Project leads are appointed by agreement of the relevant committee or the full local board (as the case may be) using the template appointment form below.
- 2) Being a project lead allows members to pursue particular priorities and initiatives of the local board without the need to require staff or officers to meet with the entire local board in a formal setting. It is anticipated this will speed up projects while ensuring good lines of communication exist between members and that developments are reported back to the local board regularly.
- 3) By allowing members to operate with a degree of trust it is hoped that will enable projects to progress quicker and members to take a degree of ownership and responsibility for projects and initiatives.
- 4) The committee/local board will set parameters around the responsibilities and powers of a project lead on a case by case basis. Certain requirements are mandatory for all project leads. The powers and responsibilities of project leads are set out below.

What Project Leads Must Do

- 5) All project leads must:
 - a) Complete a written application to be a project lead on a particular project and present this to the relevant committee or full local board for approval.
 - b) Ensure that any application to become a project lead relates to a project set out in a departmental work programme that has been approved by the Rodney Local Board.
 - c) Include the chairperson(s) in all correspondence relating to the project/initiative for which they are the project lead.
 - d) Operate under a 'no surprises' policy with chairperson(s) and notify them immediately of any issues, conflicts or any other problems with the project.
 - e) Report regularly to the full board or committee that appointed them a project lead on their activities in a defined project leads reporting time at workshops.
 - f) Involve other local board members where they deem necessary.
 - g) Act responsibly at all times.
 - h) Treat all council and agency staff with respect.
 - i) Adhere to the terms of their project lead appointment at all times.

What Project Leads May Do

- 6) If approved by the relevant committee or the full local board, project leads may:
 - a) Meet with staff, the public and agencies to progress the goals stated in their project lead appointment
 - b) Request an officer report to the local board/committee (as required).
 - c) Comment to the media specifically around the project, at the chairperson's discretion.

What Project Leads Must Not Do

- 7) Project lead's must not, unless explicitly stated otherwise in a committee or full local board resolution:
- a) Approve any expenditure.
 - b) Imply or promise that the local board or council will commit to any future expenditure.
 - c) Make landowner approval for any project to proceed or confirm the details of any final placement or design of any structure.
 - d) Sign off on a project as complete.
 - e) Change the scope of a project from what was agreed to in the project lead appointment.

Review

- 8) This project leads framework will be reviewed by the local board within 12 months to assess its effectiveness.

