
Notice of Requirement for Designation to Waikato District Council

13th June 2018

State Highway 39, a western bypass of Hamilton City



Quality Assurance Statement

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NOTICE OF A REQUIREMENT FOR A DESIGNATION UNDER SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991 (RMA)

To: Waikato District Council
Private Bag 544
NGARUAWAHIA 3742

From: The New Zealand Transport Agency
PO Box 5084, Lambton Quay
WELLINGTON 6145

The New Zealand Transport Agency ('Transport Agency') gives notice of a requirement for a designation for a public work.

A description of the activity to which the application relates is:

- This Notice of Requirement (NoR) is in relation to State Highway 39, that forms a western bypass of Hamilton City (between Ngāruawāhia and Ōtorohanga) within the boundaries of Waikato District.

The site to which this requirement applies is:

- Legal road beginning at State Highway 1 on the Te Rapa section of the Waikato Expressway at Koura Drive, just north of the city of Hamilton. It then:
 - Veers south briefly before reaching a roundabout junction where it follows Te Kowhai Road westbound, eventually changing to Limmer Road.
 - At the intersection of Horotiu Road State Highway 39 veers south (the northbound road formed the previous State Highway 39 route) until the intersection with State Highway 23 at Whatawhata.
 - It shares a brief concurrency, turning left into State Highway 23, then immediately right back onto State Highway 39 southbound until the boundary with Waipa District to the south.

The nature of the proposed public work is:

- To formally designate State Highway 39 in the Waikato District Plan.

The purpose of the designation is:

“To undertake maintenance, operation, use and improvement of the State highway network.”

The nature of the proposed conditions that would apply are:

- No particular conditions would apply to the designation. This approach is consistent with the other state highway designations in the District Plan.

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

- This NoR does not involve the construction of any public work, it simply seeks the formalisation of a designation over an existing formed state highway route. The effects of the operation of this road form part of the existing environment.

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

- State Highway 39 forms a western bypass of Hamilton City. In 1936/7 the road was declared a main highway under the Main Highways Act 1922 from Horotiu/Ngāruawāhia to Te Rore via Whatawhata and improvements made.
- State Highway 39 is an existing part of the state highway network having been gazetted as such on 16 December 1999 (New Zealand Gazette No.1999–au9428, pp 4613). At that time, these roads were already formed and were being utilised as a quicker route between Auckland and New Plymouth.
- The State Highway 39 corridor is popular for freight transport, particularly LPG tankers, with a large component of heavy motor vehicles travelling to southern regions. This state highway corridor also has tourism movements south from Auckland to Raglan, western coastal areas, the Waitomo Caves, and further south to Mount Ruapehu. It has a parallel route performing similar functions in SH3. As stated in the Waikato Regional Land Transport Plan, its function will need to be reviewed once the Waikato Expressway has been completed.
- The requirement under Section 171(b) of the RMA relating to the adequacy of consideration of alternative sites, routes and methods is only applicable where the requiring authority does not have an interest in the land or where there are significant adverse effects. The Transport Agency owns the land and the road is already operational. There is therefore no need to consider alternative sites, routes, or methods as part of this Notice.

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

- The impact on the function of State Highway 39 will need to be reassessed at such time that the Waikato Expressway is completed. Until such time, the designation of State Highway 39 will assist the Transport Agency in its objectives to manage and maintain a safe and efficient state highway system in the Waikato District.

No additional resource consents are required in relation to the proposal.

- The route of State Highway 39 is a formed and operational part of the state highway network. No physical works are proposed as part of this NoR, and no resource consents are required.

No consultation has been undertaken with parties that are likely to be affected.

- No consultation has been undertaken as it is considered there are no parties who are likely to be affected by this NoR to designate State Highway 39. The roads which are the subject of this designation are formed and have operated as the preferred, quicker route between Auckland and New Plymouth for some time. The effects of this roading network are known, form part of the existing environment and will not change as a result of the designation. The designation reflects the current ownership and maintenance responsibilities for this part of the roading network. Refer section 6 of this NoR.

Signed by:



Jenni Fitzgerald

Principal Planning Advisor – Consents and Approvals

Pursuant to authority delegated by the Transport Agency

1. The Transport Agency

The Transport Agency is a Crown entity with its objective, functions, powers and responsibilities set out in the Land Transport Management Act 2003 and the Government Rounding Powers Act 1989. The Transport Agency is also a requiring authority under s.167(3) of the RMA.

Our purpose is creating transport solutions for a thriving New Zealand. The Transport Agency shapes New Zealand's transport networks and people's safe and efficient use of them. We connect families, help businesses take goods to market, and help others work, study and play.

An integrated approach to transport planning, funding and delivery is taken by the Transport Agency. This includes investment in public transport, walking and cycling, local roads, and the construction and operation of State Highways. The Transport Agency exhibits a sense of social and environmental responsibility when undertaking this work.

2. Purpose of this Notice of Requirement

This Notice of Requirement (NoR) is to designate State Highway 39. The purpose of this designation is:

"To undertake maintenance, operation, use and improvement of the State highway network."

3. Reasons for the designation

State Highway 39, which forms a western bypass of Hamilton City, is a relatively old section of the nation's state highway network, having been declared a main highway under the Main Highways Act 1922 in 1936/37. The road was then formally gazetted as state highway on 16 December 1999 (New Zealand Gazette No.1999-au9428, pp 4613).

The Transport Agency (its predecessor Transit NZ) did not lodge an NoR with Council to formally designate this route as state highway at this time because it was envisioned that State Highway 39 was only to be state highway on a temporary basis pending the construction of the Waikato Expressway. The Transport Agency will be reviewing the function of State Highway 39 and whether it will need to be retained as state highway in the future however in the interim seek to formally designate the route under the RMA.

The purpose of this NoR, therefore, is to formally designate the route. This will enable the Transport Agency to manage, operate, maintain and improve State Highway 39 in a manner that is consistent with its management of the rest of its state highway network.

4. Requiring authority's objectives

There is no particular project proposed as part of this NoR.

The designation of State Highway 39 will enable the Transport Agency to achieve its objectives of managing and maintaining a safe and efficient state highway network in Waikato District.

5. Assessment of Alternatives

State Highway 39 is an existing part of the nation's state highway network, and has been operating as such for several years.

It is therefore not considered necessary to consider alternative route options for a state highway through this part of Waikato District.

6. Consultation

The Transport Agency has had discussions and email correspondence with officers of Waikato District Council to discuss the nature and scope of this Notice of Requirement.

The general consensus is that:

- State Highway 39 is an existing state highway route and has been through a formal public gazettal process; and
- The route is shown as being labelled 'State Highway 39' on the Planning Maps of the Waikato District Plan.

It is considered that there would be a common expectation in the community that State Highway 39 is already part of the designated state highway network in Waikato district.

Given that the said section of road has already been operating as a State Highway for several years and that no works are proposed as part of the NoR, it is considered that no persons would be affected by this proposal to formally designate State Highway 39.

On that basis no wider consultation has taken place.

7. Effects of the work on the Environment

This NoR addresses an unusual situation in that it rectifies an oversight whereby State Highway 39 has not been included in the schedule of designated state highways in the Waikato District Plan.

The effect of the designation will be to enable the Transport Agency to manage, operate, maintain, and improve its state highway network in a consistent manner across Waikato District.

There are no works proposed as part of the NoR. For any particular physical works that may be proposed in the future (e.g. re-alignment, road widening) the Transport Agency will follow the appropriate procedures under the Resource Management Act for designated land (e.g. Outline Plans).

It will also apply for regional resource consents where appropriate (e.g. where rules are triggered for discharges and water takes that go beyond the global consents the agency already holds for discharges to land and water).

These processes will require an assessment of effects on the environment to be carried out commensurate with the nature and scale of the proposed works.

In preparing the assessments of effects, the Transport Agency will refer, as appropriate, to its internal guideline documents including those which relate to the following topic areas:

- Historic heritage;
- Urban landscape;
- Noise and vibration;
- Air quality;
- Ecological resources;

- Water resources; and
- Erosion and sediment control.

8. Mitigation Measures

Not applicable (no works proposed as part of this NoR).

9. Monitoring

Not applicable (no works proposed as part of this NoR).

10. Notification

There are no works proposed as part of this NoR, and therefore there are no adverse effects on the environment to be assessed.

It is therefore considered there are no persons who are, or would be, affected by this Notice of Requirement, and it can appropriately be processed without notification.

11. Statutory Assessment

11.1 National Policy Statement

There are not considered to be any National Policy Statements relevant to this NoR.

11.2 National Environmental Standards

There are not considered to be any National Environment Standards relevant to this NoR.

11.3 Regional Policy Statement 2016

The Regional Policy Statement includes “recognising and protecting the value and long-term benefits of regionally significant infrastructure (which includes “significant transport corridors as defined in Map 6.1 and 6.1A”).

Key policies include:

- protection of the effectiveness and efficiency of existing and planned regionally significant infrastructure, including the requirement for district plans to include provisions to avoid as far as practicable adverse effects on the function of significant transport corridors as identified in the RPS
- new development to be coordinated with the development, funding, implementation and operation of transport and other infrastructure

11.4 Waikato Regional Land Transport Plan 2015–2045

The Waikato Regional Land Transport Plan is based on a number of policy principles that are considered fundamental to achieving the long-term transport objectives for the Waikato Region. These principles give effect to the three core pillars of the strategic policy approach for transport: strategic corridors and network connectivity, road safety, and managing travel demand and ensuring transport choice.

Integrated land use and transport planning is fundamental to the successful implementation of the RLTP. This principle lies at the heart of an integrated regional land transport system that enables a range of economic, social and environmental outcomes to be met at local, regional and wider spatial scales. Integrated land use planning also ensures a resilient transport system.

State Highway 39 has been identified as a regionally significant road corridor in the RLTP. Regional road corridors make a major contribution to the social and economic wellbeing of a region and connect to regionally significant places, industries, ports or airports. They are also major connectors between regions, and in urban areas may have substantial passenger transport movements.

The RLTP includes provisions that support the protection of the function of significant transport corridors including through the development of a regional transport hierarchy which gives a consistent approach to be used by territorial authorities in their district plans.

Key policies of the RLTP include:

- P3 – Support territorial authority planning mechanisms that facilitate integrated land use and transport planning.
- P4 – Ensure through land use mechanisms that land development takes into account the existing transport hierarchy and future requirements of the transport network, and does not compromise the safety and efficiency of strategic transport corridors.
- P8 – Develop, maintain and protect key strategic corridors as defined in section 4 of the plan in a manner consistent with their functions and desired investment outcomes outlined in this section.
- P25 – Plan and develop the region’s transport network to enable appropriate connectivity between local networks and strategic corridors.
- P35 – Work collaboratively to improve route security, particularly on key lifeline routes and inter–regional strategic corridors.
- P50 – Recognise State Highway 39 as a freight and alternative tourism route and prioritise improvements for safety and road freight purposes in the short term, and review this once the Waikato Expressway has been completed.

These provisions have been reflected in the Waikato District Plan (Waikato Section), as described in section 11.5 below.

11.5 Waikato District Plan

The Waikato District Plan (Waikato Section) makes appropriate provision for the state highway network by identifying state highways at the top of the Roding Hierarchy. It is recognised that they provide a vital transportation link both within the Waikato District and to other regions. State Highway 39 has been recognised as a Regional Arterial Road, giving access to important tourist areas and providing significant intra–urban links.

Relevant objectives and policies in the Plan seek to ensure that:

8.2.1 An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.

8.4.1 Land transport networks are provided, while not compromising the qualities and character of surrounding environments.

Rule 30 of the Plan includes the schedule of designations. Section J (New Zealand Transport Agency) specifically states that all state highways are deemed to be designated except for State Highway 1B and State Highway 39.

State Highway 1B is a temporary State highway and will be handed back over to Waikato District Council once the Waikato Expressway is completed in 2020. For this reason, we will not be preparing a Notice of Requirement to include this State Highway in the review of the District Plan.

State Highway 39 is an established key part of the state highway network in Waikato District and it is appropriate that it is designated and included in the designations schedule.

It is anticipated that the updated schedule will be 'carried over' (subject to a few minor amendments) into the Review of the Waikato District Plan.

12. Other Matters

There are not considered to be any other matters which are relevant for consideration as part of this Notice.

13. Part 2 Purpose and Principles of the RMA

State Highway 39 is a vital part of the national and regional state highway network. In terms of part 2 of the RMA it is a regionally significant physical resource.

State Highway 39 provides a key transportation bypass of Hamilton, from Ngāruawāhia to Ōtorohanga, providing a quicker alternative route between Auckland and New Plymouth. It is a popular corridor for freight transport travelling to southern regions and also has tourism movements south from Auckland to Raglan, western coastal areas, the Waitomo Caves, and further south to Mount Ruapehu.

The designation of this route in the Plan will enable the efficient management, operation, maintenance and improvement of this resource, and will benefit the economic and social well-being of the community and the users of the state highway.

The adverse effects of maintenance and improvements to the state highway will be managed under the appropriate designation provisions and regional rules.

The designating of State Highway 39 in the Plan is consistent with Part 2 of the RMA.

14. Conclusion

For the reasons outlined above, the New Zealand Transport Agency requests that Council confirm this Notice of Requirement without modification.

Appendix 1: Rule 30: Schedule of Designations – New Zealand Transport Agency (J)

New Zealand Transport Agency (J)

All state highways identified on the left hand page of the planning map are deemed to be designated except for State Highway 1B and State Highway 39. Designations of the New Zealand Transport Agency allow the construction, use, development and operation (including the improvement, enhancement, realignment, alteration, expansion and maintenance) or any other such purpose relating to the management of State highways in accordance with the Land Transport Management Act 2003 and the Government Roadway Powers Act 1989.

Des #	Purpose of designation	Location	Area (ha)	Legal description
J1	State Highway 1 (Limited access except those parts within the former boroughs of Huntly and Ngaruawahia as at October 1989, and that part of Taupiri between Mangawara bridge and Kainui Road)	From Franklin District/Waikato District boundary north of Meremere to Hamilton City/Waikato District boundary at Ruffell Road, and then from Hamilton City/Waikato District boundary at Newell Road to Waipa District/Waikato District boundary at Racecourse Road.		
J2	State Highway 2 (limited access)	From Franklin District/Waikato District boundary at Mangatangi Stream to Hauraki District/Waikato District boundary.		
J3	State Highway 26 (limited access)	From Hamilton City/Waikato District boundary at Matangi Road to Matamata Piako District/Waikato District boundary.		
J4	State Highway 23 (limited access)	From Hamilton City/Waikato District boundary at Wallace Road to Raglan.		
J5	Regional Arterial Road State Highway 21 (limited access)	From junction with State Highway 1 at Tamahere to Waipa District/Waikato District boundary at the Narrows Bridge.		
J7	Road for state highway and road for access to state highway (Waikato Expressway – Cambridge Section)	SH1, Discombe Road		
J8	Proposed SH 23 realignment Waitetuna	SH No 23 / approx 0.3500 (30m wide)		Part of Section 1 SO 59266. (15 year designation)
J9	Road for state highway and road for access to state highway (Waikato Expressway, Tamahere.)	SH1 at Tamahere between Bollard Road and Pickering Road		
J10	Limited Access Road, State Highway 26	Tauwhare	2.4158	
J11	Limited Access Road, State Highway 1 Expressway	From District boundary north of Meremere, to a mid-point between Ohinewai and Huntly, including Rangiriri and Ohinewai Bypass		
J12	Road (associated with Limited Access Road – SH1 Expressway)	Meremere		
J13	Proposed SH23 realignment, Raglan Deviation	Near Four Brothers Scenic Reserve		
J14	Huntly Internal Bypass	Huntly		
J16	Road for state highway and road for access to state highway (Waikato Expressway, Ngaruawahia Bypass)	Taupiri to Horotiu		

J17	Road for state highway and road for access to state highway (Waikato Expressway, Hamilton Bypass.)	Lake Road to Bollard Rd, 450 Cambridge Rd (SH1), Tamahere, 509, 524 Cambridge Rd (SH1) Tamahere, Matangi Road, Matangi, 164 Percival Road, Ruakura, Greenhill Road, Puketaha, Puketaha Rd, Puketaha, 95 Puketaha Road, Puketaha, Osborne Road, Horsham Downs, 9 Borman Road, Horsham Downs, Horsham Downs Road, Horsham Downs., 27 Paterson Road, Horsham Downs		(Lapses in 2015), PT Lot 2 DPS 9591, Pt Lot 1 DPS 10332, Lot 1 DPS 7657, Lot 23, DP 343310, Pt Lot 2 DP 8068, Lot 38 DP 18626, Lot 13 DP 18626, Lot 2 DP 322225, Lot 2 DP 304594, Road reserve (Greenhill Rd), Lot 2 DP 36126, Lot 1 DP 36126, Lot 3 DP 11006, Road reserve (Puketaha Rd), Lot 1 DPS 15865, Lot 1 DPS 82276, Lot 1 DPS 77066, Lot 2 DPS 82276, Lot 1 DPS 83575, Lot 1 DPS 11563, Lot 1 DPS 28538, Lot 2 DPS 82276, Allotment 271 Komakorua Parish, Pt Allotment 270 Komakorua Parish, Road reserve (Osbourne Rd), Lot 2 DP 306401, Lot 2 DP 306402, Lot 2 DPS 25168
J18	Road for state highway and road for access to state highway – Maramarua Deviation	State Highway 2, Maramarua		
J19	Road for state highway and road for access to state highway – (Waikato Expressway, Huntly Bypass	Ohinewai to Taupiri		
J20	Road for state highway and road for access to state highway – (Waikato Expressway, Te Rapa Bypass)	Hutchinson Road to Ruffell Road, includes SH1 interchange with Hutchinson Road roundabout		
J21	Longswamp section of Waikato Expressway	Longswamp Road Designation DES 0002/16		
J22	Southern Links	DES0018/13		SEC 1 SO 60548, Prop # 2006537, LINZ ID 4408590, SEC 2 SO 60548, Prop # 2006539, LINZ ID 4512382, PT LOT 1 DPS 61258, Prop # 2007786, LINZ ID 4328414, LOT 28 DP 331936, Prop # 2007605, LINZ ID 6689767, LOT 27 DP 331936, Prop # 2007607, LINZ ID 6689766, LOT 2 DP 445431, Prop # 2012301, LINZ ID 7348402, LOT 3 DP 445431, Prop # 2012302, LINZ ID 7348403, SEC 1 SO 478373, Prop # 2015044, LINZ ID 7544140, PT LOT 3 DPS 11242, Prop # 1008552, LINZ ID 4355902, LOT 1 DPS 68856, Prop # 2001312, LINZ ID 4346488, LOT 1 DPS 49494, Prop # 1008553, LINZ ID 4288848, LOT 1 DPS 11859, Prop # 1008545, LINZ ID 4515263