

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-

**I MUA I TE KOOTI TAIAO
I TÁMAKI MAKAURAU ROHE**

IN THE MATTER

of an appeal under section 174 of the Resource
Management Act 1991 ("**RMA**")

BETWEEN

WASTE MANAGEMENT NZ LIMITED

Appellant

AND

AUCKLAND TRANSPORT

Respondent

NOTICE OF APPEAL

14 FEBRUARY 2025

**Russell
McAugh**

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To: The Registrar
The Environment Court
AUCKLAND

1. Waste Management NZ Limited ("**WM**") appeals against parts of the decision of Auckland Transport in respect of a notice of requirement for a designation for an upgrade to Dairy Flat Highway Between Silverdale and Dairy Flat ("**NoR 8**").

BACKGROUND AND DECISION APPEALED

2. WM is New Zealand's largest integrated waste and environmental services company, with landfill, recycling, composting, and other waste management operations located across New Zealand.
3. WM owns and operates the nationally significant Redvale Landfill and Energy Park on Landfill Access Road, Dairy Flat ("**Redvale Landfill**"), which sits immediately adjacent to, and will be impacted by, NoR 8. As Redvale Landfill is the only Class 1 Landfill servicing North Auckland, its ongoing operation provides essential waste disposal services to Aucklanders.
4. Landfill Access Road (which connects to Dairy Flat Highway) is the only access to the Redvale Landfill. It is critical that the works proposed by NoR 8 are carefully planned and managed so as to not adversely affect the access to, and ongoing operation of, the Redvale Landfill.
5. WM filed a submission in opposition to NoR 8 on 14 December 2023. WM filed evidence and legal submissions during the Council-level hearing, seeking amendments to the conditions of NoR 8 to minimise the adverse effects on the Redvale Landfill and ensure its ongoing operation is adequately considered by Auckland Transport in undertaking the works. Prior to the hearing on NoR 8, WM also engaged with, and met representatives of, Auckland Transport in an effort to address the matters raised in WM's submission.
6. On 8 November 2024, the Panel made its recommendation to Auckland Transport on NoR 8. The Panel did not address the WM submission or recommend that WM's amendments to conditions be accepted.
7. WM received notice of Auckland Transport's decision on NoR 8 on 23 January 2025 ("**Decision**"). Auckland Transport did not reject the Panel's recommendations as they relate to WM's submission points (ie it did not accept

the amendments WM sought or amend the conditions to address the matters raised in WM's submission).

8. WM is not a trade competitor for the purposes of section 308D of the RMA.

SCOPE OF APPEAL

9. The parts of the Decision being appealed are those that are inconsistent with and / or reject the matters raised by WM in its submission on NoR 8.

REASONS FOR APPEAL

10. The Decision and NoR 8 in its present form:
- (a) will not promote the sustainable management of the natural and physical resources in Tāmaki Makaurau, and is contrary to or inconsistent with Part 2 and other provisions of the RMA;
 - (b) is inconsistent with other relevant planning documents, including the Auckland Unitary Plan;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable the social, economic and cultural wellbeing of the community; and
 - (e) does not avoid, remedy or mitigate actual and potential adverse effects on the environment.
11. In addition to the reasons outlined above, WM appeals the Decision on the basis NoR 8 and the Decision:
- (a) Does not recognise WM (as an operator of nationally significant infrastructure) as a stakeholder that Auckland Transport must consult with under the conditions of NoR 8, including in preparing the Stakeholder Communication and Engagement Management Plan. Given the potential impact of the works on the Redvale Landfill, it is appropriate that Auckland Transport engages, and communicates directly, with WM on construction activities and key project milestones.
 - (b) Fails to ensure that the works proposed by NoR 8 will be appropriately integrated with operation of the Redvale Landfill as nationally regionally significant infrastructure, reliant on Dairy Flat

Highway for access. The conditions of the NoR need to ensure that the works are carefully planned and managed in a way that does not adversely affect ongoing access to, and the operation of, the Redvale Landfill.

- (c) Fails to adequately consider the adverse effects on current and future operations at the Redvale Landfill (including the implementation of any aftercare obligations required by the conditions of WM's consent).
- (d) Does not include conditions which will appropriately avoid, remedy or mitigate the adverse effects of NoR 8 on access to the Redvale Landfill, including to ensure that safe and efficient access to the Landfill is maintained during construction of the works proposed through NoR 8.

RELIEF SOUGHT

12. WM seeks:

- (a) amendments to the conditions for NoR 8 that appropriately address WM's concerns (as set out in **Attachment A**);
- (b) such further other relief or other consequential amendments as considered appropriate and necessary to address WM's concerns; and
- (c) costs.

ATTACHMENTS

13. The following documents are attached to this notice:

- (a) a copy of WM's submission (**Attachment B**);
- (b) a copy of the relevant parts of the Decision (**Attachment C**); and
- (c) a list of names and addresses of persons to served with a copy of this notice (**Attachment D**).

WASTE MANAGEMENT NZ LIMITED by its
solicitors and authorised agents Russell
McVeagh:



Signature:

L J E Rapley | C A Carter

Date:

14 February 2025

Address for Service:

C/- Charlotte Carter
Russell McVeagh
Barristers and Solicitors
48 Shortland Street
Vero Centre
PO Box 8/DX CX10085
AUCKLAND

Telephone:

(09) 367 8003

Email:

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TO: The Registrar of the Environment Court at Auckland.

AND TO: Auckland Transport.

AND TO: The submitters to the notice of requirement.

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
 - (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
3. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.
4. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

ATTACHMENT A – RELIEF SOUGHT

Abbreviations and definitions

ACRONYM/TERM	
Developer	Any legal entity that intends to master plan or develop land adjacent to the designation, <u>or relies on access to Dairy Flat Highway for its activities.</u>
<u>Landfills</u>	<u>Facilities used for the disposal and recovery of waste materials, which includes the facility located at Landfill Access Road, Dairy Flat.</u>
Stakeholder	Stakeholders to be identified in accordance with Condition 4, which may include as appropriate: <ul style="list-style-type: none"> (a) adjacent owners and occupiers; (b) adjacent business owners and operators; (c) central and local government bodies; (d) community groups; (e) developers; (f) development agencies; (g) educational facilities; and (h) network utility operators; and <u>(i) operators of Landfills.</u>

Proposed conditions

NO.	CONDITION
3	<p>Land use Integration Process</p> <p>(a) The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation and the Start of Construction. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the designation, <u>including land reliant on access to Dairy Flat Highway.</u> To achieve this purpose:</p> <p>[...]</p>
21	<p>Construction Traffic Management Plan</p> <p>(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects.</p> <p>(b) To achieve this objective, the CTMP shall include:</p> <ul style="list-style-type: none"> (i). methods to manage the effects of temporary traffic management activities on traffic;

NO.	CONDITION
	<ul style="list-style-type: none">(ii). measures to ensure the safety of all transport users;(iii). the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near educational facilities <u>and Landfills</u> or to manage traffic congestion; <p>[...]</p>

ATTACHMENT B – ORIGINAL SUBMISSION FILED BY WM

**SUBMISSION ON REQUIREMENT FOR DESIGNATION THAT IS SUBJECT TO
PUBLIC NOTIFICATION UNDER SECTION 168 OF THE
RESOURCE MANAGEMENT ACT 1991**

To: Auckland Council ("**Council**")

Name: Waste Management NZ Limited ("**Waste Management**")

Submission on: Notices of Requirement for the North Project, specifically the Notice of Requirement lodged by Auckland Transport ("**AT**") for a designation to Upgrade to Dairy Flat Highway between Silverdale and Dairy Flat ("**NoR 8**")

Introduction

1. Waste Management is New Zealand's largest integrated waste and environmental services company, with landfill, recycling, composting, and other waste management operations located across New Zealand. The services provided by Waste Management are vital in sustainably protecting the future of New Zealand's natural environment.
2. Waste Management owns and operates the regionally significant Redvale Landfill and Energy Park on Landfill Access Road, Dairy Flat ("**Redvale Landfill**"), which sits immediately adjacent to, and will be impacted by, NoR 8. Redvale Landfill is the only Class 1 Landfill servicing in North Auckland. It is widely recognised as a world-class waste disposal facility providing essential waste disposal services to Aucklanders.
3. Waste Management could not gain an advantage in trade competition through this submission.

Scope of submission

4. This submission relates to all of NoR 8, but particularly as it relates to works in the vicinity of the Redvale Landfill.
5. Waste Management opposes NoR 8 as currently proposed on the basis that the Notice of Requirement will significantly and adversely affect the Redvale Landfill and seeks that it is recommended to be declined for the reasons outlined below.

Reasons for submission

6. The reasons for this submission are that NoR 8 (as currently proposed), if granted:
 - (a) will not promote the sustainable management of the natural and physical resources in Auckland, and is therefore contrary to or

inconsistent with Part 2 and other provisions of the Resource Management Act 1991 ("**RMA**");

- (b) is inconsistent with other relevant planning documents, including the Auckland Unitary Plan; and
- (c) does not avoid, remedy or mitigate actual and potential adverse effects on the environment.

Specific reasons for submission

7. Without limiting the generality of paragraph 6 above, Waste Management opposes NoR 8 for the following reasons:

- (a) **Access and transport effects:** NoR 8 proposes alterations to, and construction works around, Landfill Access Road, which is the only access into the Landfill.¹ The land impacted by NoR 8 is also expected to have "controlled access" in the future.² Safe and efficient access to Redvale Landfill is essential, and the works proposed by NoR 8 have the potential to significantly and adversely affect that access. Notwithstanding that, specific access and transport effects on Redvale Landfill do not appear to have been considered at all in the Transport Assessment or AEE.
- (b) **Cycling and pedestrian safety effects:** NoR 8 proposes to have separated walking and cycling on the east side of Dairy Flat Highway (between Wilks Road and Richards Road). However, the general arrangement plans immediately outside Landfill Access Road (which is between Wilks Road and Richards Road) identify walking and cycling facilities as part of the proposed roundabout. Waste Management is concerned about cyclist and pedestrian safety around Landfill Access Road, particularly the potential for conflicts with heavy vehicles turning into Landfill Access Road or out onto Dairy Flat Highway in order to access and exit the Redvale Landfill.
- (c) **Construction traffic effects:** A Construction Traffic Management Plan ("**CTMP**") is proposed for NoR 8 to confirm the most appropriate construction traffic management measures based on the future traffic environment.³ Certain activities have also been identified for specific consideration within a future CTMP, being the Dairy Flat Primary School, the Commercial Properties at Kahikatea Flat Road intersection and Dairy Flat Community Hall.⁴ Waste Management is concerned that the Redvale Landfill has not been identified as sensitive to construction traffic effects in the same way. It is essential that Redvale Landfill is specifically identified as requiring specific consideration when the CTMP is developed.

¹ General Arrangement Layout Plan – Upgrade to Dairy Flat Highway between Silverdale and Dairy Flat (NoR 8) at Sheet 3.

² Assessment of Environmental Effects dated 15 September 2023 at p 206.

³ At p 202.

⁴ At Table 10-1.

- (d) **Other construction effects:** There will be dust, vibration and noise effects during construction, and once the upgrades as part of NoR 8 are operational. Waste Management is concerned that these adverse effects will lead to complaints from neighbouring landowners and the nearby school, which may be mistakenly attributed to Waste Management's operations at Redvale Landfill, given the proximity between the Landfill, proposed the works, and neighbouring properties like the school which are sensitive to such potential effects. Appropriate conditions are required to respond to these effects.
- (e) **Assessment of alternatives:** There appears to be no consideration of the Redvale Landfill in the assessment of alternatives. Further assessment of alternatives, in particular the roundabout and associated proposals for the intersection with Landfill Access Road, is required.
- (f) **Lapse period:** AT has sought a lapse period of 20 years for NoR 8.⁵ Waste Management does not consider a 20-year lapse period is appropriate where there is no certainty as to funding and timing of construction of the proposed works.

Recommendation sought

8. Waste Management seeks that the Council recommends:

- (a) decline of NoR 8; or
- (b) amendments to NoR 8, including by way of conditions, to address Waste Management's concerns, including, for example:
 - (i) amending the design of the roundabout at Landfill Access Road to address concerns raised by Waste Management including in relation to the current provision of walking and cycling facilities on the western side of Dairy Flat Highway; and
 - (ii) a lapse period of 5 years corresponding with the statutory default lapse period in s184 RMA; and
- (c) such further other relief or other consequential amendments as considered appropriate and necessary to address the concerns set out above.

⁵

At p 36.



9. Waste Management wishes to be heard in support of this submission.

Name: **Jim Jefferis**
Head of Environment and Consents

Date: 14 December 2023

Address for Service: C/O Jim Jefferis
Waste Management NZ Ltd
Private Bag 14919
Panmure
Auckland 1741

Email: jjefferis@wastemanagement.co.nz

ATTACHMENT C – RELEVANT PART OF DECISION BEING APPEALED

9 December 2024

Alison Pye
Senior Policy Planner
Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Dear Alison,

NOTICE OF DECISION OF AUCKLAND TRANSPORT UNDER SECTION 172 OF THE RESOURCE MANAGEMENT ACT 1991

Thank you for the recommendations received on 8 November 2024 from the Auckland Council Independent Hearing Commissioners in relation to the nine Auckland Transport (**AT**) Notices of Requirement (**NoRs**) that comprise the North Projects:

- NoR 5 – New SH1 crossing at Dairy Stream
- NoR 6 – New Connection between Milldale and Grand Drive
- NoR 7 – Upgrade to Pine Valley Road
- NoR 8 – Upgrade to Dairy Flat Highway between Silverdale and Dairy Flat
- NoR 9 – Upgrade to Dairy Flat Highway between Dairy Flat and Albany
- NoR 10 – Upgrade to Wainui Road
- NoR 11 – New connection between Dairy Flat Highway and Wilks Road
- NoR 12 – Upgrade and Extension to Bawden Road
- NoR 13 – Upgrade to East Coast Road between Silverdale and Redvale Interchange

The Commissioners' recommendation was that the nine Notices of Requirement should be confirmed subject to conditions.

Pursuant to section 172 of the Resource Management Act 1991, AT accepts the Commissioners' recommendation that the Notices of Requirement should be confirmed and **accepts in part** and **rejects in part** the Commissioners' recommendations on conditions of the Notices of Requirement.

Table 1 below sets out:

- The Commissioners' recommended conditions which are rejected or partially accepted, along with the reasons for AT's decision; and
- Other modifications that AT has made to the conditions for consistency, clarity and ease of implementation.

Only those recommended conditions that AT has modified are outlined in Table 1 below (shown in **bold strikethrough** for deletions and **bold underline** for additions).



A schedule of amendments that have been made to the proposed designation boundaries since lodgement is contained in the Closing Legal Submissions.¹ All of those changes are adopted for the purposes of this decision and the final designation boundaries for each NoR have been updated on the GIS files.

Complete clean sets of the designation conditions reflecting this decision are attached to this letter as **Appendices A – I**. These clean condition sets include the changes set out in the table below, as well as formatting changes (including rearranging the order and numbering of conditions) and minor non-substantive changes (such as capitalisations) which have not been tracked in the table below.

Yours sincerely

A handwritten signature in black ink, which appears to read 'Jane Small', is positioned below the text 'Yours sincerely'.

Jane Small

Group Manager, Strategic Development Programmes & Property

Infrastructure & Place

¹ Closing legal submissions of Requiring Authority, dated 9 August 2024, at Appendix E.

Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners for Notices of Requirement 5 - 13

Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
All	Land use Integration Process	<p>...</p> <p>(c) Information requested or provided under Condition 32(b) above may include but not be limited to the following matters:</p> <p>(i) design details including but not limited to:</p> <p>A. boundary treatment (e.g. the use of retaining walls or batter slopes);</p> <p>B. the horizontal and vertical alignment of the road (levels);</p> <p>C. potential locations for mid-block crossings;</p> <p>D. integration of stormwater infrastructure; and</p> <p>E. traffic noise modelling contours.</p> <p>(ii) potential modifications to the extent of the designation in response to information received through Condition 32(b)(ii);</p> <p>...</p>	<p>Reject amendment to cross-referencing</p> <p>The Panel has recommended changing the cross-references in clause (c) to refer to the Project Information condition. AT rejects this change as the cross-referencing is intended to be an internal cross-reference to the Land use Integration Process condition.</p>
All <u>NoRs 5, 6 and 12</u>	Designation Review	<p>Pre-construction review</p> <p>if the land adjacent to the designation is re-zoned from Future Urban or any live urban zone to any rural zone (once made operative in the Auckland Unitary Plan), the Requiring Authority shall review the extent of the designation.</p> <p>In carrying out this review, the Requiring Authority shall:</p> <p>(i) Consider the implications of any zoning change and integration of land use with the transport network in the North Growth Area;</p> <p>(ii) Identify whether any areas of designated land are no longer required for the construction, operation, maintenance or mitigation of effects of the project; and</p> <p>(iii) Consider whether the boundaries of the designation require modification in accordance with section 182 of the RMA.</p> <p>(a) The Requiring Authority shall, at five (5) yearly intervals from the confirmation of the designation, undertake a review of the designation. The purpose of the review is to enable areas of designated land to be removed from the designation if identified as being no longer required, and to keep stakeholders updated on progress with implementation of the project.</p> <p>(b) The five-yearly reviews shall:</p> <p>(i) include a review of the extent of the designation to identify any areas of designated land that are no longer required for the designation (to be formalised via section 182 of the RMA);</p> <p>(ii) provide an update on the progress or effort made to give effect to the designation and the anticipated date for implementation; and</p> <p>(iii) be made publicly available on the Requiring Authority's website and be made available to the Council and the Rodney Local Board.</p> <p>Post-construction review</p>	<p>Accept in part pre-construction review condition</p> <p>The Panel has recommended splitting out this condition so that there is a pre- and post-construction review of the designation. AT accepts this recommendation in part, but has proposed alternative wording for this condition, to apply to NoRs 5, 6 and 12 only.</p> <p>AT has proposed a review of the extent of the designations for new or partially new AT corridors (NoRs 5, 6 and 12) if the zoning of the land adjacent to the designation changes from future urban or urban zoning to rural zoning and such changes are made operative in the Auckland Unitary Plan. This is considered an appropriate trigger for a review of long-term designations of 30 years and in the context of these new corridors. No pre-construction review is proposed for NoR 11 as that is a 25 year designation. NoR 11 also facilitates movement to a SH1 interchange, joining two fixed points; therefore a down-zoning from future urban to rural is unlikely to require a pre-construction review of the designation.</p> <p>AT rejects the Panel's recommendation for a five yearly review on all designations on the basis that such a review is unnecessary, consistent with the position outlined in Closing Legal Submissions². In particular, AT notes that:</p> <ul style="list-style-type: none"> The requirement to undertake such reviews across all designations (including others within the region) would be a costly and inefficient imposition on public funds that could otherwise be allocated to priority projects. There is already a statutory mechanism that requires AT to review the accuracy, need, relevance, and appropriateness of the designations every 10 years as part of the Council plan review process (Section 79 and clause

² Closing legal submissions of Requiring Authority, dated 9 August 2024, at [4.10] – [4.13]



Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
NoRs 7, 8, 9, 10, 11, 13	Designation Review	<p>(c) As soon as reasonably practicable following Completion of Construction, but no later than six (6) months, the Requiring Authority shall:</p> <p>(i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and</p> <p>(ii) give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.</p>	<p>4(1) of Schedule 1 of the RMA). These provisions are an appropriate mechanism for a Requiring Authority to consider the need for a designation and they also allow the public to have their say through the plan notification and submission process.</p> <ul style="list-style-type: none"> Section 182 of the RMA also sets out the process for removing a designation which may be initiated at any time. The lapse periods are based on long-term implementation timeframes and a five-yearly periodic review could create an expectation for a shorter timeframe than is the case. There is no such condition proposed on any other designation in the AUP:OP. The Project website will provide landowners, occupiers and the community with updates on the Projects. In addition, the Project Information condition provides for AT to identify at ten yearly intervals appropriate methods with the relevant Local Board(s) to inform the wider community of the Project status; and raise awareness of the Project website. The Land use Integration Process condition provides for engagement with a Developer or Development Agency regarding potential modifications to the extent of the designation in response to information received regarding master planning or land development details that will assist with land use integration. <p>Reject six-month timeframe for Post-construction review</p> <p>AT rejects the reinstatement of the six-month timeframe which was removed in the conditions attached to Mr Sraffon's primary evidence. The condition needs to retain some flexibility as the roll back process may be subject to third party actions and other external factors that could impact the timeframe.</p> <p>See above.</p>
NoRs 7, 8, 9, 10, 11, 13	Designation Review	<p>Pre-construction review</p> <p>(a) The Requiring Authority shall, at five (5) yearly intervals from the confirmation of the designation, undertake a review of the designation. The purpose of the review is to enable areas of designated land to be removed from the designation if identified as being no longer required, and to keep stakeholders updated on progress with implementation of the project.</p> <p>(b) The five-yearly reviews shall:</p> <p>(i) include a review of the extent of the designation to identify any areas of designated land that are no longer required for the designation (to be formalised via section 182 of the RMA);</p> <p>(ii) provide an update on the progress or effort made to give effect to the designation and the anticipated date for implementation; and</p> <p>(iii) be made publicly available on the Requiring Authority's website and be made available to the Council and the Rodney Local Board.</p> <p>Post-construction review</p> <p>(a) As soon as reasonably practicable following Completion of Construction, but no later than six (6) months, the Requiring Authority shall:</p> <p>(i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and</p>	<p>See above.</p>

Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
All	General Section 176 Approval	<p>(i) give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.</p> <p>(a) Prior to the start of the formal acquisition process under the Public Works Act 1981 for a property, or submission of the Outline Plan, persons on properties zoned Rural or Future Urban will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) Internal alterations; (ii) Repair of existing utility services repairs; (iii) One extension to an existing structure as at 2023, up to 30m²; (iv) Temporary or relocatable structures, provided they are removed from the site and the land is reinstated (including closing and capping any associated services) at the landowner's expense prior to the start of Construction Works. The landowner shall be responsible for any resource consent required for the structures, their removal or relocation, <p>(b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>	<p>Accept in part the inclusion of "utility repairs"</p> <p>The Panel has recommended inclusion of 'utility repairs' to this condition on the basis that the NZTA website includes reference to this as a type of work for which s 176 approval would not be required. AT notes that the precise wording on the NZTA website is 'repair of existing utility services'. AT therefore accepts the inclusion of wording that aligns with the NZTA website on the basis that it is appropriate for these small-scale and existing activities to be provided for.</p>
All	Flood Hazard	<p>For the purpose of Condition 10:</p> <p>...</p> <p>(c) Flood prone area – means potential ponding areas that may flood in a 1% AEP event and commonly comprise of topographical depression areas. The areas can occur naturally or as a result of constructed features. Identification of a potential Flood Prone Area would be by an assessment of residual flood risk in a 1% AEP event (e.g. from blockage of the Project stormwater network) on land outside and adjacent to the designation following the application of Conditions (10)(a)(i) – (iv);</p> <p>...</p>	<p>Reject amendment to definition of flood prone area</p> <p>The Panel has recommended an amendment to the definition of 'flood prone area' to delete a reference to "in a 1% AEP event". AT rejects this proposed change for the reasons explained in the Requiring Authority's Memorandum in response to Direction 6³ i.e. removing reference to the 1% AEP event would lead to uncertainty as to what flood events the condition would apply to.</p>
All	Flood Hazard	<p>(a) The Project shall be designed to achieve the following flood risk outcomes beyond the boundary of the designation:</p> <ul style="list-style-type: none"> (i) no increase in flood levels in a 1% AEP event for Existing Authorised Habitable Floors that are already subject to flooding or have a freeboard less than 500mm; (ii) no increase in flood levels in a 1% AEP event for authorised community, commercial, industrial and network utility building floors existing at the time the Outline Plan is submitted that are already subject to flooding or have a freeboard less than 300mm; (iii) maximum of 50mm increase in flood water levels in a 1% AEP event outside and adjacent to the designation boundary between the Pre-Project Development and Post-Project Development scenarios; (iv) no new flood prone areas; and (v) no increase of Flood Hazard class for the main access to authorised habitable dwellings existing at the time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event and reference the hazard class in accordance with Schedule X to these conditions. <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the Pre-Project Development and Post-Project Development 1% AEP flood levels (for Maximum Probable Development land use and including with allowances for climate change).</p> <p>(c) Where:</p> <ul style="list-style-type: none"> (i) the flood risk outcomes in (a) can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising Existing Authorised Habitable Floor level and new overland flow paths or 	<p>Amendments by AT</p> <p>Amendments to improve wording and clarity. The reference to "Council" has also been amended to "Manager" for consistency across conditions and to provide more certainty as to who information is provided to, as explained in the Closing Legal Submissions.⁴</p>

³ Memorandum of Counsel in response to Direction 6 of the Panel, dated 27 August 2024, at [5.2] – [5.3].

⁴ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.76].



Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
<u>NoRs 5, 6 and 11</u> AH	Overland Flow Paths	<p>(ii) the outcomes are varied at specific location(s) through agreement with the relevant landowner, confirmation shall be provided to the Council Manager that any necessary landowner agreement and statutory approvals have been obtained for that alternative measure or varied outcome.</p> <p>Where the Project modifies an Overland Flow Path by either:</p> <ul style="list-style-type: none"> diverting the entry or exit point at the designation boundary; or pipng, or reducing its capacity; <p>the design shall provide for the continued passage of flow in a manner which manages potential effects upstream and downstream of the modified Overland Flow Path.</p>	<p>Reject application of condition to all NoRs</p> <p>The Panel has recommended that AT applies the Overland Flow Path condition to all NoRs, not just NoRs 5, 6 and 11. AT rejects this change for the reasons detailed in the Requiring Authority's Memorandum in response to Direction 6⁵ and notes in particular:</p> <ul style="list-style-type: none"> The AUP provides an exclusion for road network activities in existing roads in relation to rules and standards for overland flow paths. This exclusion does not apply prior to new roads being formalised, being NoRs 5, 6 and 11. It is inappropriate for this condition to extend to existing roads that are subject to that exclusion and AT notes that Healthy Waters agreed with AT's approach.
All	Management Plans	<p>(a) Any management plan shall:</p> <p>...</p> <p>(iv) be submitted as part of an Outline Plan pursuant to section 176A of the RMA for Certification, with the exception of SCEMPs and CNVMP Schedules;</p> <p>...</p> <p>(d) If there is a material change required to a management plan which has been submitted with an Outline Plan, the revised part of the plan shall be submitted to the Manager as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision;</p> <p>...</p>	<p>Reject requirement to certify management plans</p> <p>The Panel has recommended certification of management plans for all NoRs (with the exception of SCEMPs). AT rejects this change for the following reasons, consistent with the Chair's view in the Recommendation Report and as detailed in Mr Scrafton's primary evidence and Closing Legal submissions:⁶</p> <ul style="list-style-type: none"> Under the RMA, the two-step outline plan process is intentionally different to the resource consenting process, which has no similar subsequent statutory oversight once resource consents are granted. A requirement for certification would be inconsistent with the final decision-making powers of a requiring authority under the RMA. Council will already be involved in the outline plan process, for which they have a duty to make recommendations within 20 working days. An appeals process is also available to Council, should it be required. Certification does not add any more robustness but has the potential to hold up implementation of the Projects.
All	Stakeholder Communication and Engagement Management Plan (SCEMP)	<p>(a) A SCEMP shall be prepared in consultation with relevant Stakeholders prior to the Start of Construction. The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout the Construction Works.</p> <p>(b) To achieve the objective, the SCEMP shall include:</p> <p>(i) a list of Stakeholders;</p> <p>(ii) a list of properties within the designation which the Requiring Authority does not own or have occupation rights to;</p> <p>(iii) methods to engage with Stakeholders and the owners of properties identified in (b)(i)-(ii) above;</p> <p>(iv) the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s);</p> <p>...</p>	<p>Accept deletion of clauses</p> <p>The Panel recommended deleting clauses (b)(ii) and (b)(iii) from the SCEMP condition. This change was proposed in Closing Legal Submissions⁷ and was omitted from the conditions in error. AT therefore accepts this recommendation and has shown the deletion to the left in italics for clarity.</p>
All	Urban and Landscape Design	<p>...</p>	<p>Amendment by AT</p> <p>Amendment to improve clarity of wording.</p>

⁵ Memorandum of Counsel in response to Direction 6 of the Panel, dated 27 August 2024.

⁶ Scrafton Primary Evidence, at [10.5]-[10.37] (p 67-68); Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.20] – [14.24].

⁷ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [26.9] and [26.10].

Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)																		
All	Management Plan (ULDMP)	(b) Mana Whenua shall be invited to participate in the development of the ULDMP(s) to provide input into relevant cultural landscape and design matters including how desired outcomes for management of potential effects on cultural sites, landscapes and values identified and discussed in accordance with the Cultural Advisory Report in Condition 15 may be reflected in the ULDMP. ...																			
All	Urban and Landscape Design Management Plan (ULDMP)	(a) To achieve the objective set out in Condition 16 the ULDMP(s) shall provide details of how the project: ... (vi) will address the outcomes and relevancy of recommendations and opportunities contained in the Te-Tupu Ngātahi Urban Design Evaluation 2023, including the Outcomes and Opportunities Plans, in developing the detailed design response. (b) The ULDMP shall be prepared in general accordance with: (i) Auckland Transport's Urban Roads and Streets Design Guide, or any subsequent or updated version; (ii) New Zealand Transport Agency Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) New Zealand Transport Agency Landscape Guidelines (2018) or any subsequent updated version; (iv) New Zealand Transport Agency P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and (v) Auckland's Urban Ngāhere (Forest) Strategy or any subsequent updated version. ...	Reject new clause to refer to the Urban Design Evaluation (UDE) The Panel has recommended the addition of a new clause to the ULDMP condition to refer to the Urban Design Evaluation (UDE) lodged with the Assessment of Environmental Effects, including the outcomes and opportunities plans. AT rejects this change. As explained by Mr Foster in his primary evidence, the proposed conditions already address the core recommendations contained in the UDE assessment. ⁸ Accept amendment to clause (b)(i) The Panel has also recommended making reference to 'any subsequent or updated version' of AT's Urban Roads and Streets Guide in the ULDMP condition. AT accepts this amendment, which reflects that this document may be updated or superseded in the future.																		
All	Construction Vibration Standards	... Table 24.1 Construction Vibration Standards <table border="1"> <thead> <tr> <th>Receiver</th> <th>Details</th> <th>Category A*</th> <th>Category B*</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Occupied activities sensitive to noise</td> <td>Night-time 2000h - 0630h</td> <td>0.3mm/s ppv</td> <td>2mm/s ppv</td> </tr> <tr> <td>Daytime 0630h - 2000h</td> <td>2mm/s ppv</td> <td>5mm/s ppv</td> </tr> <tr> <td rowspan="2">Other occupied buildings</td> <td>Daytime 0630h - 2000h</td> <td>2mm/s ppv</td> <td>5mm/s ppv</td> </tr> <tr> <td>At all other times</td> <td>Tables 1 and 3 of DIN4150-3:1999</td> <td></td> </tr> </tbody> </table> * Category A criteria adopted from Rule E25.6.30.1 of the AUP ** Category B criteria based on DIN 4150-3:1999 building damage criteria for daytime ...	Receiver	Details	Category A*	Category B*	Occupied activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	2 mm/s ppv	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	At all other times	Tables 1 and 3 of DIN4150-3:1999		Reject amendment to construction vibration standards The Panel has recommended that the Category B construction vibration standards during the night-time for occupied activities sensitive to noise be amended from 2 mm/s ppv to 1 mm/s ppv, to be consistent with the NZTA standards. AT rejects this change for the reasons explained in Closing Legal Submissions ⁹ and particularly notes: <ul style="list-style-type: none">The vibration standards for AT and NZTA are derived from different standards which reflects the fact that they are two different requiring authorities that operate under different standards and guidelines.The AT standard of 2 mm/s ppv is taken from the AUP, which uses this value as the amenity criterion for night-time works.The amendment is unnecessary as in practice the outcome for receivers will be the same and it is merely a question of what level will trigger a Schedule to be prepared.
Receiver	Details	Category A*	Category B*																		
Occupied activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	2 mm/s ppv																		
	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv																		
Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv																		
	At all other times	Tables 1 and 3 of DIN4150-3:1999																			
All	Schedule to a CNVMP	(a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction of an activity to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the Schedule, when: ...	Amendment by AT Amendment to improve wording.																		
All	Pre-Construction Ecological Survey	(a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken in the relevant geographic area by a Suitably Qualified Person. The purpose of the survey is to inform ecological management by: (i) confirming whether the species of value within the Identified Biodiversity Areas recorded in the Identified Biodiversity Area Schedule X are still present; and	Amendment by AT Amendment to clarify that the appropriate survey area will depend on the relevant Stage of Work, as determined by a Suitably Qualified Person. AT also amends clause (a)(i) to improve drafting and clarify that the ecological survey is required																		

⁸ Foster Primary Evidence, at [7.13] and Appendix C.

⁹ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.48] – [14.54].

Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
All		<p>(i) confirming whether the project will or may is likely to have a moderate or greater level of ecological effect on ecological species of value (prior to implementation of impact management measures). The level of effect shall be determined in accordance with Table 10 of the EIANZ guidelines (or subsequent updated version of that table) as included in Schedule X to these conditions.</p> <p>(b) If the ecological survey confirms the presence of ecological species of value in accordance with Condition 28(a)(i) and that effects are likely in accordance with Condition 28(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 29 for these areas (Confirmed Biodiversity Areas).</p>	<p>to confirm whether the project is likely to have a moderate or greater level of effect.</p>
All	Ecological Management Plan (EMP)	<p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 28) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable.</p> <p>(b) To achieve the objective, the EMP shall set out the methods which may include:</p>	<p>Amendments by AT Amendments improve clarity of wording including to delete clause (b). Rather than including "to achieve the objective, the EMP shall set out the methods which may include" at the start of the EMP condition, AT has inserted "the EMP may include the following to achieve the objective" at the end of each clause.</p>
NoRs 5, 6, 7, 8, 9, 10, 12, 13	Ecological Management Plan (EMP)	<p>(c) If an EMP is required in accordance with (a) for the presence of long tail bats, the EMP may include the following to achieve the objective:</p> <ol style="list-style-type: none"> Measures to minimise as far as practicable, disturbance from construction activities within the vicinity 50m of any active long tail bat roosts (including maternity) that are discovered through survey until such roosts are confirmed to be vacant of bats. how the timing of any construction works within 50m in the vicinity of any active maternity long tail bat roosts. Those construction works shall will be undertaken limited to outside the bat maternity period (between December and March) where reasonably practicable; Details of areas where vegetation is to be retained where practicable and where additional planting is proposed to be provided and maintained for the purposes of the connectivity of long tail bats habitats; and Details of how bat connectivity will be provided and maintained (e.g. through the presence of suitable indigenous or exotic trees or artificial alternatives); Details of measures to minimise any operational disturbance from light spill. 	<p>Amendments by AT Amendments to improve clarity of wording. As above, rather than including "to achieve the objective, the EMP shall set out the methods which may include" at the start of the EMP condition, AT has inserted "the EMP may include the following to achieve the objective" at the end of each clause, including this clause relating to long tail bats. This rationale also applies to the clauses that follow. To avoid confusion, the reference to "including maternity" after long tail bat roosts is removed, and the meaning of "vicinity" in clause (i) is clarified as being 50m. To avoid duplication AT has also deleted clause (iv) and incorporated those requirements into clause (iii).</p>
NoRs 6, 7, 10	Ecological Management Plan (EMP)	<p>(d) If an EMP is required in accordance with (a) for the presence of Threatened or At-Risk birds (excluding wetland birds), the EMP may include the following to achieve the objective:</p> <ol style="list-style-type: none"> how the Timing of any Construction Works which may have adverse effects on Threatened or At-Risk birds (excluding wetland birds). Those Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable; and Where works are required within the area identified in the Confirmed Biodiversity Area during the bird breeding season, methods to minimise adverse effects on Threatened or At-Risk birds. 	<p>Amendments by AT Amendments to improve clarity of wording and to make clear that it is only the timing of those Construction Works that may have adverse effects on Threatened or At-Risk birds that may be included in the EMP.</p>
NoRs 6, 7, 8, 9, 10, 11, 12, 13	Ecological Management Plan (EMP)	<p>(e) If an EMP is required in accordance with (a) for the presence of Threatened or At-Risk wetland birds, the EMP may include the following to achieve the objective:</p> <ol style="list-style-type: none"> Relocated Details of any Undertaking a nesting bird surveys of Threatened or At-Risk wetland birds, prior to any Construction Works taking place within a 50m radius of any identified Wetlands (including establishment of construction areas adjacent to Wetlands). Nesting bird surveys shall be undertaken within any wetland that is both within a Confirmed Biodiversity Area and located within a 50m radius of Construction Works. Surveys should shall be undertaken prior to any such works taking place and repeated at the beginning of each wetland bird breeding season until the Completion of Construction and following periods of construction inactivity; how the Timing of any Construction Works which may have adverse effects on Threatened or At-Risk wetland birds. Those Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable; 	<p>Amendments by AT Amendments to improve clarity of wording including by relocating clauses, and to make clear that it is not only the timing of those Construction Works that may have adverse effects on Threatened or At-Risk birds that may be included in the EMP. AT also inserts "breeding" in clause (ii) to fix an omission and has re-drafted clause (ii) to improve clarity including as to the location and timing of nesting bird surveys.</p> <p>Accept in part amendments to EMP condition The Panel has recommended changes to the EMP clause for Threatened or At-Risk wetland birds, including to increase the area for protection and buffer measures from 50m to 200m and to simplify the condition.</p>

Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
NoR 9	Ecological Management Plan (EMP)	<p>iii. Where works are required within the Confirmed Biodiversity Area during the bird breeding season, methods to minimise adverse effects on Threatened or At-Risk wetland birds; and</p> <p>iv. Details of what protection and buffer measures will be provided where are proposed to manage effects on nesting Threatened or At-Risk wetland birds are identified within 200m of any construction area (including laydown areas) through a survey undertaken in accordance with Condition (e)(iii). Proposed measures must consider shall address:</p> <p>A. the type, intensity and duration of the construction activity;</p> <p>B. and species of wetland bird affected the likely sensitivity of the nesting bird species to the construction activity; and</p> <p>C. any environmental features (e.g., vegetation and contour) that could influence the extent of potential adverse effects on the Threatened or At-Risk wetland birds.</p>	<p>AT rejects amendment of the area referenced in (e)(iv) for the reasons detailed in the Closing Legal Submissions.¹⁰ In particular:</p> <ul style="list-style-type: none"> Extending the setbacks to 200m would encompass additional wetlands that have not been included in the ecological impact assessment and subsequent Identified Biodiversity Areas. Application of the NZTA Dotterel Guidelines (which were used to define the 50m area) is standard practice for this type of assessment and a range of wetland bird species. <p>AT accepts in part the proposed amendments of the Panel to simplify the rest of clause (e)(iv), but with amended wording to improve drafting and ensure the condition is workable.</p>
NoR 5	Low Noise Road Surface	<p>(f) if an EMP is required in accordance with (a) for the presence of native herpetofauna, the EMP may include the following to achieve the objective:</p> <p>(i) A description of the methodology and timing for survey, trapping and relocation of lizards rescued;</p> <p>(ii) A description of the relocation site(s), including:</p> <p>A. any measures to ensure the relocation site remains available;</p> <p>B. any weed and pest management to ensure the relocation site is maintained as appropriate habitat;</p> <p>(iii) A post vegetation clearance search for remaining lizards; and</p> <p>(iv) Any proposed monitoring.</p>	<p>Amendments by AT</p> <p>Amendments to improve clarity of wording.</p>
NoR 5	Low Noise Road Surface	<p>(a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project.</p> <p>(b) The asphaltic concrete surface shall be maintained as far as practicable to retain the noise reduction performance of the surface established in accordance with (a), unless condition 34 applies.</p>	<p>Accept in part new clause (b)</p> <p>The Panel recommends inserting a new clause (b) that requires the low noise road surface to be maintained to retain the noise reduction performance of the surface. Consequently to this, the Panel has recommended deletion of the Future Resurfacing Work condition on NoRs 6-13 (only retaining it for NoR 5) which is rejected by AT for the reasons discussed in the row below.</p> <p>AT accepts in part the insertion of a new clause (b) for all NoRs except NoR 5, to clarify how the requirement to maintain the low noise road surface applies to its corridors and particularly that the requirement is subject to the Future Resurfacing Work condition. In conjunction with this, AT amends a similarly drafted existing traffic noise condition (reproduced below) to avoid duplication and clarify that the maintenance requirements for the low noise road surface are set out in new clause (b) only:</p> <p>Any barriers required by the Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable.</p> <p>However, to achieve consistency with that existing traffic noise condition, AT amends the Panel's recommended clause (b) to add 'as far as practicable'.</p> <p>Reject new clause (b)</p>

¹⁰ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [21.14] to [21.18].

Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
All NoR-5	Future Resurfacing Work	<p>(b) The asphaltic-concrete surface shall be maintained to retain the noise-reduction performance of the surface established in accordance with (a), unless condition 34 applies.</p> <p>(a) Any future resurfacing works of the Project shall be undertaken in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 or any updated version and asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented where:</p> <ul style="list-style-type: none"> (i) the volume of traffic exceeds 10,000 vehicles per day; or (ii) the road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); or (iii) it is in an industrial or commercial area where there is a high concentration of truck traffic; or (iv) it is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools. <p>(b) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 34(a)(i) – (iv) are not met by the road or a section of it and therefore where the application of asphaltic concrete surfacing (or equivalent low noise road surface) is no longer required on the road or a section of it. Such advice shall also indicate when any resealing is to occur.</p>	<p>AT rejects the insertion of clause (b) for NoR 5 on the basis that it is unnecessary for this corridor as the requirement to implement a low noise road surface is sufficient alongside the requirements of the Future Resurfacing Work condition.</p> <p>Reject Panel recommendation</p> <p>The Panel recommends deleting the Future Resurfacing Work condition from most NoRs (all but NoR 5) on the basis that it is no longer necessary with their proposed new wording in the Low Noise Road Surface Condition above. AT rejects this recommendation and has reinstated the condition in full.</p> <p>As explained in Closing Legal Submissions,¹¹ the condition sets out the criteria for when the low noise road surface will be implemented and these criteria are drawn from the AT Reseal Guidelines. If future arterial corridors meet the criteria set out in the condition, then the condition commits AT to carry out future resurfacing works in asphaltic concrete (or equivalent low noise road surface) which is considered adequate.</p> <p>The condition also reflects AT's commercial and operational requirements. In particular, resurfacing decisions must take into account the whole-of-life cost of assets, as well as ensuring equitable resource allocation. AT must consider its responsibility to future residents, and this goes beyond noise impacts as it must also take into account cost to ratepayers. It is relevant to note that road surfaces on AT corridors are more likely to require the entire road pavement to be upgraded (rather than just the road surface, as is often the case for NZTA corridors).</p>
All	Traffic Noise	<p>Notwithstanding the above applying to the PPFs in Schedule 4, conditions 36, 37, 39, and 40 shall be read as also including a requirement for the future BPO assessment to determine the BPO for the environment (including any dwellings to be retained within the designation) that is present prior to construction starting (in terms of road surface, barriers, or other source noise mitigation), noting that the Requiring Authority is not responsible for acoustically treating dwellings that are constructed following the lodgement of the NoR.</p>	<p>Reject new condition</p> <p>The Panel has proposed a new traffic noise condition for all AT NoRs that requires a future best practicable option (BPO) assessment for the environment that is present prior to construction starting. AT rejects this new condition on the basis that the recommendation is inconsistent with NZ6806. In addition, the projects will be constructed with low noise road surfaces, which will benefit both existing and future receivers. As explained in detail in Closing Legal Submissions,¹² developers have a shared responsibility to manage noise and only those Protected Premises and Facilities (PPFs) set out in the schedules that currently exist should be assessed at the time of detailed design.</p>
All NoRs 6 – 13	All Traffic Noise Conditions	<p>All Traffic Noise Conditions</p> <p>...</p> <p>Prior to the Start of Construction of the Project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in Schedule X PPFs Noise Criteria Categories, taking into account the Selected Mitigation Options.</p> <p>Any barriers required by the Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable.</p>	<p>Amendment by AT</p> <p>AT is removing all traffic noise conditions from NoR 5, as there are no identified PPFs for that corridor and the conditions were included in error. AT is also amending a specific traffic noise condition to improve clarity, as shown.</p>
NoRs 6 – 13	Traffic Noise	<p>Amendment by AT</p> <p>Consequential to AT accepting a modified new clause (b) on the Low Noise Road Surface condition, AT amends this similarly drafted condition to avoid duplication and clarify that the maintenance requirements for the low noise road surface are set out in new clause (b) to the Low Noise Road Surface condition only. Aside from</p>	<p>Amendment by AT</p> <p>Consequential to AT accepting a modified new clause (b) on the Low Noise Road Surface condition, AT amends this similarly drafted condition to avoid duplication and clarify that the maintenance requirements for the low noise road surface are set out in new clause (b) to the Low Noise Road Surface condition only. Aside from</p>

¹¹ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [12.10] – [12.16].

¹² Closing legal submissions of Requiring Authority, dated 9 August 2024, at [12.2] – [12.9].



Designation	Relevant Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications (or rejection of recommendations)
N/A	N/A	N/A	<p>a low noise road surface, barriers are the only other feasible mitigation option that could form part of the Detailed Mitigation Option.</p> <p>Reject recommendation to distinguish temporary construction areas</p> <p>AT has carefully considered the recommendation from the Panel that the Requiring Authorities provide a different delineation within their respective designation maps for construction areas (shown as 'indicative construction areas in the general arrangement plans').</p> <p>AT rejects this recommendation for the following reasons.</p> <p>As noted in the primary evidence of Mr Scrafton,¹³ the suggested identification of a temporary and permanent designation boundary is not appropriate or feasible in the context of a long-term designations, particularly given the design processes that are still required to be advanced before implementation. Design standards and construction techniques are also very likely to evolve between now and when construction for the projects is likely to occur and therefore it is not appropriate to lock in any one design or construction methodology at this stage, when there are likely to be efficiencies in the future. For example, future design changes may mean a construction yard could become a permanent wetland opportunity due to changes in the environment and future requirements for stormwater design or mitigation.</p> <p>Given this, the differentiation between the extent required for the construction and operation of the projects is not able to be accurately defined at this stage. This will be confirmed by the Requiring Authorities and discussed with landowners under the Public Works Act, closer to the time of construction.</p> <p>Flexibility is also required in the designs and designations to account for a range of staging configurations and future integration with land use.</p> <p>The concept plans included in the conditions focus on the designation boundary, and the design detail shown is very indicative and subject to detailed design. Delineating indicative construction areas on these plans would be impractical and would not mitigate an effect.</p> <p>Landowners already have access to the General Arrangement plans lodged and notified with the NoRs for potential locations of indicative construction areas.</p> <p>AT notes that there have been other examples across the Te Tupu Ngātahi programme where further concept design work in response to submissions has already resulted in the need to use an area initially proposed as an indicative construction area. For example, at Spartan Road in Takaanini, an overbridge has been moved to where the construction area was initially indicated and the construction area was moved away from the bridge.</p>

¹³ Scrafton Primary Evidence, at [10.25] to [10.28].



Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Small'.

Jane Small

Group Manager, Strategic Development Programmes and Property

Appendix D – Auckland Transport’s Modifications to NoR 8 conditions (clean)

[XXXX] Upgrade to Dairy Flat Highway between Silverdale and Dairy Flat

Designation Number	[XXXX]
Requiring Authority	Auckland Transport
Location	Dairy Flat Highway between Silverdale Interchange and Durey Road in Dairy Flat
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 20 years from the date on which it is included in the AUP.

Purpose

The construction, operation and maintenance of an upgrade to Dairy Flat Highway to an arterial transport corridor and associated facilities.

Conditions

Abbreviations and definitions

Acronym/Term	Definition
Activity sensitive to noise	Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centre, lecture theatre in a tertiary Education Facility, classroom in an Education Facility and healthcare facility with an overnight stay facility
AUP	Auckland Unitary Plan
BPO or Best Practicable Option	Has the same meaning as in section 2 of the RMA 1991
CEMP	Construction Environmental Management Plan
Certification of material changes to management plans	Confirmation from the Manager that a material change to a management plan has been prepared in accordance with the condition to which it relates. A material change to a management plan shall be deemed certified: (a) where the Requiring Authority has received written confirmation from the Manager that the material change to the management plan is certified; or (b) 10 working days from the submission of the material change to the management plan where no written confirmation of certification has been received
CMP	Cultural Monitoring Plan
CNVMP	Construction Noise and Vibration Management Plan
CNVMP Schedule or Schedule	A schedule to the CNVMP
Completion of Construction	When construction of the project (or part of the project) is complete and it is available for use
Confirmed Biodiversity Areas	Areas recorded in the Identified Biodiversity Area Schedule where the ecological values and effects have been confirmed through the ecological survey under Condition 27
Construction Works	Activities undertaken to construct the project excluding Enabling Works
Council	Auckland Council
CTMP	Construction Traffic Management Plan

Developer	Any legal entity that intends to master plan or develop land adjacent to the designation
Development Agency	Public entities involved in development projects
Education Facility	Facility used for education to secondary level. Includes: <ul style="list-style-type: none"> • schools and outdoor education facilities; and • accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above. Excludes: <ul style="list-style-type: none"> • care centres; and • tertiary education facilities.
EIANZ Guidelines	Ecological Impact Assessment: EIANZ Guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018
EMP	Ecological Management Plan
Enabling Works	Includes, but is not limited to, the following and similar activities: <ol style="list-style-type: none"> (a) geotechnical investigations (including trial embankments); (b) archaeological site investigations; (c) formation of access for geotechnical investigations; (d) establishment of site yards, site entrances and fencing; (e) constructing and sealing site access roads; (f) demolition or removal of buildings and structures; (g) relocation of services; and (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting)
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Identified Biodiversity Area	Means an area or areas of features of ecological value where the project ecologist has identified that the project will potentially have a moderate or greater level of ecological effect, prior to implementation of impact management measures, as determined in accordance with the EIANZ Guidelines
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate
Mana Whenua	Mana Whenua as referred to in the conditions are considered to be, but not limited to, the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the project: <ol style="list-style-type: none"> (a) Ngāti Manuhiri (b) Te Kawerau ā Maki (c) Te Ākitai Waiohū (d) Ngāti Whanaunga (e) Te Runanga o Ngāti Whātua (f) Ngāti Maru (g) Te Patu Kirikiri (h) Ngāti Whātua o Kaipara (i) Ngāti Tamaterā (j) Ngai Tai ki Tāmaki (k) Ngāti Paoa Iwi Trust (l) Ngāti Paoa Trust Board Note: other iwi not identified above may have an interest in the project and should be consulted
Network Utility Operator	Has the same meaning as set out in section 166 of the RMA
NIMP	Network Integration Management Plan

NoR	Notice of Requirement
North Growth Area	Land for future urban development in the North of Auckland, including Future Urban zoned areas in Ara Hills, Ōrewa, Wainui East, Silverdale West, Redvale and Dairy Flat
NUMP	Network Utilities Management Plan
Outline Plan	An outline plan prepared in accordance with section 176A of the RMA
Project Liaison Person	The person or persons appointed for the duration of the project's Construction Works to be the main point of contact for persons wanting information about the project or affected by the Construction Works
Protected Premises and Facilities (PPF)	Protected Premises and Facilities as defined in New Zealand Standard NZS 6806:2010: <i>Acoustics – Road-traffic noise – New and altered roads</i>
Requiring Authority	Has the same meaning as section 166 of the RMA and, for this designation is Auckland Transport
RMA	Resource Management Act 1991
SCEMP	Stakeholder Communication and Engagement Management Plan
Stakeholder	Stakeholders to be identified in accordance with Condition 4, which may include as appropriate: (a) adjacent owners and occupiers; (b) adjacent business owners and operators; (c) central and local government bodies; (d) community groups; (e) developers; (f) development agencies; (g) Education Facilities; and (h) Network Utility Operators.
Stage of Work	Any physical works that require the development of an Outline Plan
Start of Construction	The time when Construction Works (excluding Enabling Works) start
Suitably Qualified Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability, experience and competence in the relevant field of expertise.
TMP	Tree Management Plan
ULDMP	Urban and Landscape Design Management Plan

General conditions	
1.	<p>Activity in General Accordance with Plans and Information</p> <p>(a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the project description and concept plan in Schedule 1.</p> <p>(b) Where there is inconsistency between:</p> <ul style="list-style-type: none"> (i) the project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	<p>Project Information</p> <p>(a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within six months of the inclusion of this designation in the AUP. This shall be updated as required so it remains current.</p> <p>(b) All directly affected owners and occupiers shall be notified in writing as soon as reasonably practicable once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <ul style="list-style-type: none"> (i) the status of the project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and where they can receive additional advice; (v) a subscription service to enable receipt of project updates by email; (vi) the types of activities that can be undertaken by landowners without the need for written consent to be obtained under s176(1)(b) of the RMA; and (vii) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA. <p>(c) At ten yearly intervals from the inclusion of this designation in the AUP until the start of detailed design, the Requiring Authority shall identify appropriate methods with the relevant Local Board(s) to:</p> <ul style="list-style-type: none"> (i) inform the wider community of the project status; and (ii) raise awareness of the project website. <p>(d) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any Staging of Works.</p>

3.

Land use Integration Process

- (a) The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation and the Start of Construction. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the designation. To achieve this purpose:
 - (i) the Requiring Authority shall include the contact details of a nominated contact on the project website (or equivalent information source) required to be established by Condition 2(b)(iii); and
 - (ii) the nominated contact shall be the main point of contact for a Developer or Development Agency wanting to work with the Requiring Authority to integrate their development plans or master planning with the designation.
- (b) At any time prior to the Start of Construction, the nominated contact will be available to engage with a Developer or Development Agency for the purpose of:
 - (i) responding to requests made to the Requiring Authority for information regarding design details that could assist with land use integration; and
 - (ii) receiving information from a Developer or Development Agency regarding master planning or land development details that could assist with land use integration.
- (c) Information requested or provided under Condition 3(b) above may include but not be limited to the following matters:
 - (i) design details including but not limited to:
 - A. boundary treatment (e.g. the use of retaining walls or batter slopes);
 - B. the horizontal and vertical alignment of the road (levels);
 - C. potential locations for mid-block crossings;
 - D. integration of stormwater infrastructure; and
 - E. traffic noise modelling contours.
 - (ii) potential modifications to the extent of the designation in response to information received through Condition 3(b)(ii);
 - (iii) a process for the Requiring Authority to undertake a technical review of or provide comments on any master planning or development proposal advanced by the Developer or Development Agency as it relates to integration with the project; and
 - (iv) details of how to apply for written consent from the Requiring Authority for any development proposal that relates to land that is within the designation under section 176(1)(b) of the RMA.
- (d) Where information is requested from the Requiring Authority and is available, the nominated contact shall provide the information unless there are reasonable grounds for not providing it.
- (e) The nominated contact shall maintain a record of the engagement between the Requiring Authority and Developers and Development Agencies for the period following the date in which this designation is included in the AUP through to the Start of Construction for a Stage of Work. The record shall include:
 - (i) details of any requests made to the Requiring Authority that could influence detailed design, the results of any engagement and, where such requests that could influence detailed design are declined, the reasons why the Requiring Authority has declined the requests; and
 - (ii) details of any requests to co-ordinate the forward work programme, where appropriate, with Development Agencies and Network Utility Operators.
- (f) The record shall be submitted to Council for information 10 working days prior to the Start of Construction for a Stage of Work.

4.	<p>Stakeholder Communication and Engagement Design</p> <p>(a) At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify:</p> <ul style="list-style-type: none"> (i) a list of Stakeholders; (ii) a list of properties within the designation which the Requiring Authority does not own or have occupation rights to; and (iii) methods to engage with Stakeholders and the owners and occupiers of properties identified in (a)(i) – (ii) above. <p>(b) A record of (a) shall be submitted to the Manager for information with an Outline Plan for the relevant Stage of Work.</p>
5.	<p>Designation Review</p> <p>As soon as reasonably practicable following Completion of Construction, the Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the project; and (ii) give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
6.	<p>Lapse</p> <p>In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 20 years from the date on which it is included in the AUP.</p>
7.	<p>Network Utility Operators and Auckland Council Parks (Section 176 Approval)</p> <p>(a) Prior to the Start of Construction, Network Utility Operators with existing infrastructure and Auckland Council in relation to parks located within the designation will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) operation, maintenance and repair works; (ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility or parks operations; (iii) minor works such as new service connections; and (iv) the upgrade and replacement of existing network utilities in the same location with the same or similar effects on the works authorised by the designation as the existing utility. <p>(b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>
8.	<p>General Section 176 Approval</p> <p>(a) Prior to the start of the formal acquisition process under the Public Works Act 1981 for a property, or submission of the Outline Plan, persons on properties zoned Rural or Future Urban will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) Internal alterations; (ii) Repair of existing utility services; (iii) One extension to an existing structure as at 2023, up to 30m²; and (iv) Temporary or relocatable structures, provided they are removed from the site and the land is reinstated (including closing and capping any associated services) at the landowner's expense prior to the Start of Construction. The landowner shall be responsible for any resource consent required for the structures, their removal or relocation. <p>(b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>
<p>Pre-construction conditions</p>	

<p>9.</p>	<p>Outline Plan</p> <ul style="list-style-type: none"> (a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA. (b) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the project. (c) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include: <ul style="list-style-type: none"> (i) Construction Environmental Management Plan; (ii) Construction Traffic Management Plan; (iii) Construction Noise and Vibration Management Plan; (iv) Urban and Landscape Design Management Plan; (v) Historic Heritage Management Plan; (vi) Ecological Management Plan; (vii) Tree Management Plan; (viii) Network Utilities Management Plan; and (ix) Network Integration Management Plan.
	<p>Flood Hazard</p> <p>For the purpose of Condition 10:</p> <ul style="list-style-type: none"> (a) AEP – means Annual Exceedance Probability; (b) Existing Authorised Habitable Floor – means the floor level of any room (floor) in a residential building which is authorised and exists at the time the Outline Plan is submitted, excluding a laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage; (c) Flood Prone Area – means potential ponding areas that may flood in a 1% AEP event and commonly comprise of topographical depression areas. The areas can occur naturally or as a result of constructed features. Identification of a potential Flood Prone Area would be by an assessment of residual flood risk in a 1% AEP event (e.g. from blockage of the project stormwater network) on land outside and adjacent to the designation following the application of Conditions (10)(a)(i) – (iv). (d) Maximum Probable Development – is the design case for consideration of future flows allowing for development within a catchment that takes into account the maximum impervious surface limits of the current zone or if the land is zoned Future Urban in the AUP, the probable level of development arising from zone changes; (e) Pre-Project Development – means existing site condition prior to the project (including existing buildings and roadways); and (f) Post-Project Development – means site condition after the project has been completed (including existing and new buildings and roadways).

<p>10.</p>	<p>Flood Hazard</p> <p>(a) The project shall be designed to achieve the following flood risk outcomes beyond the boundary of the designation:</p> <ul style="list-style-type: none"> (i) no increase in flood levels in a 1% AEP event for Existing Authorised Habitable Floors that are already subject to flooding or have a freeboard less than 500mm; (ii) no increase in flood levels in a 1% AEP event for authorised community, commercial, industrial and network utility building floors existing at the time the Outline Plan is submitted that are already subject to flooding or have a freeboard less than 300mm; (iii) maximum of 50mm increase in flood levels in a 1% AEP event outside and adjacent to the designation boundary between the Pre-Project Development and Post-Project Development scenarios; (iv) no increase of Flood Hazard Class for the main access to authorised habitable dwellings existing at the time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event and reference the hazard class in accordance with Schedule 2 to these conditions; and (v) no new Flood Prone Areas. <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the Pre-Project Development and Post-Project Development 1% AEP flood levels (for Maximum Probable Development land use with allowances for climate change).</p> <p>(c) Where:</p> <ul style="list-style-type: none"> (i) the flood risk outcomes in (a) can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising Existing Authorised Habitable Floor level and new overland flow paths; or (ii) the outcomes are varied at specific location(s) through agreement with the relevant landowner, <p>confirmation shall be provided to the Manager that any necessary landowner agreement and statutory approvals have been obtained for that alternative measure or varied outcome.</p>
<p>11.</p>	<p>Existing property access</p> <p>Prior to submission of the Outline Plan, consultation shall be undertaken with landowners and occupiers whose vehicle access to their property will be altered by the project. The Outline Plan shall demonstrate how safe reconfigured or alternate access will be provided, unless otherwise agreed with the affected landowner.</p>

<p>12.</p>	<p>Management Plans</p> <p>(a) Any management plan shall:</p> <ul style="list-style-type: none"> (i) be prepared and implemented in accordance with the relevant management plan condition; (ii) be prepared by a Suitably Qualified Person(s); (iii) include sufficient detail relating to the management of effects associated with the relevant activities and/or Stage of Work to which it relates; (iv) be submitted as part of an Outline Plan pursuant to section 176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; and (v) once finalised, uploaded to the project website or equivalent virtual information source. <p>(b) Any management plan developed in accordance with Condition 12 may:</p> <ul style="list-style-type: none"> (i) be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), a Stage of Work of the project, or to address specific activities authorised by the designation; and (ii) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process; <p>(c) Information shall be submitted with the management plan (or revised plan as referred to in (d) below) which summarises outcomes of consultation and any input received from Mana Whenua and Stakeholders as required by the relevant management plan condition. The summary shall note how this input has been incorporated or reflected in the management plan, or if not, the reasons why;</p> <p>(d) If there is a material change required to a management plan which has been submitted with an Outline Plan, the revised part of the plan shall be submitted to the Manager as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision; and</p> <p>(e) Any material changes to the SCEMP(s) are to be submitted to the Manager for information.</p>
<p>13.</p>	<p>Stakeholder Communication and Engagement Management Plan (SCEMP)</p> <p>(a) A SCEMP shall be prepared in consultation with relevant Stakeholders prior to the Start of Construction. The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works.</p> <p>(b) To achieve the objective, the SCEMP shall include:</p> <ul style="list-style-type: none"> (i) a list of Stakeholders; (ii) the contact details for the Project Liaison Person. These details shall be on the project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s); (iii) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (iv) methods and timing to engage with owners and occupiers whose access is directly affected; (v) methods to communicate key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified in (b)(i) above; and (vi) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant. <p>(c) Any SCEMP prepared for a Stage of Work shall be submitted to the Manager for information a minimum of 10 working days prior to the Start of Construction for a Stage of Work.</p>

<p>14.</p>	<p>Cultural Advisory Report</p> <p>(a) At least six months prior to the start of detailed design for a Stage of Work, Mana Whenua shall be invited to prepare a Cultural Advisory Report for the project. The objective of the Cultural Advisory Report is to assist in understanding and identifying ngā taonga tuku iho (treasures handed down by our ancestors) affected by the project, to inform their management and protection.</p> <p>(b) To achieve the objective, the Requiring Authority shall invite Mana Whenua to prepare a Cultural Advisory Report that:</p> <ul style="list-style-type: none"> (i) identifies the cultural sites, landscapes and values that have the potential to be affected by the construction and operation of the project; (ii) sets out the desired outcomes for management of potential effects on cultural sites, landscapes and values; (iii) identifies traditional cultural practices within the area that may be impacted by the project; (iv) identifies opportunities for restoration and enhancement of identified cultural sites, landscapes and values within the project area; (v) taking into account the outcomes of (i) to (iv) above, identify cultural matters and principles that should be considered in the development of the ULDMP (Condition 15) and HHMP (Condition 26) and the CMP referred to in Condition 20; and (vi) identifies and (if possible) nominates traditional names along the project alignment. Noting there may be formal statutory processes outside the project required in any decision-making. <p>(c) The desired outcomes for management of potential effects on cultural sites, landscapes and values identified in the Cultural Advisory Report shall be discussed with Mana Whenua and those outcomes reflected in the relevant management plans where practicable; and</p> <p>(d) Conditions 14(b) and (c) will cease to apply if:</p> <ul style="list-style-type: none"> (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least six months prior to the Start of Construction; and (ii) Mana Whenua have not provided a Cultural Advisory Report within six months prior to the Start of Construction.
	<p>Urban and Landscape Design Management Plan (ULDMP)</p>
<p>15.</p>	<p>(a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the ULDMP(s) is to:</p> <ul style="list-style-type: none"> (i) enable integration of the project's permanent works into the surrounding landscape and urban context; and (ii) ensure that the project manages potential adverse landscape and visual effects as far as practicable and contributes to a quality urban environment. <p>(b) Mana Whenua shall be invited to participate in the development of the ULDMP(s) to provide input into relevant cultural landscape and design matters including how desired outcomes for management of potential effects on cultural sites, landscapes and values identified and discussed in the Cultural Advisory Report in Condition 14 may be reflected in the ULDMP.</p> <p>(c) Relevant Stakeholders shall be invited to participate in the development of the ULDMP at least six months prior to the start of detailed design for a Stage of Work.</p>

<p>16.</p>	<ul style="list-style-type: none"> (a) To achieve the objective set out in Condition 15, the ULDMP(s) shall provide details of how the project: <ul style="list-style-type: none"> (i) is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (eg. centres and density of built form), natural environment, landscape character and open space zones; (ii) provides appropriate walking and cycling connectivity to, and interfaces with, existing or proposed adjacent land uses, public transport infrastructure and walking and cycling connections; (iii) promotes inclusive access (where appropriate); (iv) promotes a sense of personal safety by aligning with best practice guidelines, such as: <ul style="list-style-type: none"> A. Crime Prevention Through Environmental Design (CPTED) principles; B. Safety in Design (SID) requirements; and C. Maintenance in Design (MID) requirements and anti-vandalism/anti-graffiti measures; (v) has responded to matters identified through the Land use Integration Process (Condition 3); and (b) The ULDMP shall be prepared in general accordance with: <ul style="list-style-type: none"> (i) Auckland Transport's Urban Roads and Streets Design Guide, or any subsequent or updated version; (ii) New Zealand Transport Agency Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) New Zealand Transport Agency Landscape Guidelines (2018) or any subsequent updated version; (iv) New Zealand Transport Agency P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and (v) Auckland's Urban Ngahere (Forest) Strategy or any subsequent updated version.
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17.	<p>The ULDMP(s) shall include:</p> <ul style="list-style-type: none"> (a) a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; (b) developed design concepts, including principles for walking and cycling facilities and public transport; (c) landscape and urban design details – that cover the following: <ul style="list-style-type: none"> (i) road design – elements such as intersection form, carriageway gradient and associated earthworks contouring including cut and fill batters and the interface with adjacent land uses and existing roads (including slip lanes), benching, spoil disposal sites, median width and treatment, roadside width and treatment; (ii) roadside elements – such as lighting, fencing, wayfinding and signage; (iii) architectural and landscape treatment of all major structures, including bridges and retaining walls; (iv) architectural and landscape treatment of noise barriers; (v) landscape treatment and planting of permanent stormwater control wetlands and swales; (vi) integration of passenger transport; (vii) pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses; (viii) historic heritage places with reference to the HHMP (Condition 26); and (ix) re-instatement of construction and site compound areas; and (x) features disturbed during construction and intended to be reinstated such as: <ul style="list-style-type: none"> A. boundary features; B. driveways; C. accessways; and D. fences. (d) the ULDMP shall also include the following planting and maintenance details: <ul style="list-style-type: none"> (i) planting design details including: <ul style="list-style-type: none"> A. identification of existing trees and vegetation that will be retained with reference to the TMP (Condition 29) (where relevant) and EMP (Condition 28). Where practicable, mature trees and native vegetation should be retained; B. street trees, shrubs and ground cover suitable for the location; C. treatment of fill slopes to integrate with adjacent land use, streams, riparian margins and open space zones; D. identification of any planting requirements under the EMP (Condition 28) and TMP (Condition 29); E. integration of any planting required by conditions of any resource consents for the project; and F. re-instatement planting of construction and site compound areas as appropriate. (ii) a planting programme including the staging of planting in relation to the construction programme which shall, as far as practicable, include provision for planting within each planting season following completion of each Stage of Work; and (iii) detailed specifications relating to the following: <ul style="list-style-type: none"> A. weed control and clearance; B. pest animal management (to support plant establishment); C. ground preparation (top soiling and decompaction); D. mulching; and E. plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species.
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Construction conditions

<p>18.</p>	<p>Construction Environmental Management Plan (CEMP)</p> <p>(a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CEMP is to set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable.</p> <p>(b) To achieve the objective, the CEMP shall include:</p> <ul style="list-style-type: none"> (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the Project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential areas; (v) details of the proposed construction lighting; (vi) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vii) methods for providing for the health and safety of the general public; (viii) measures to mitigate flood hazard effects such as siting stockpiles out of floodplains, minimising obstruction to flood flows, actions to respond to warnings of heavy rain; (ix) procedures for incident management; (x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses; (xi) measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up; (xii) procedures for responding to complaints about Construction Works; and (xiii) methods for amending and updating the CEMP as required.
<p>19.</p>	<p>Complaints Process</p> <p>(a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include:</p> <ul style="list-style-type: none"> (i) the date, time and nature of the complaint; (ii) the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous); (iii) measures taken to respond to the complaint (including a record of the response provided to the complainant) or confirmation of no action if deemed appropriate; (iv) the outcome of the investigation into the complaint; and (v) any other activities in the area, unrelated to the project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally. <p>(b) A copy of the complaints record required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.</p>

20.

Cultural Monitoring Plan (CMP)

- (a) Prior to the Start of Construction, a CMP shall be prepared by a Suitably Qualified Person(s) identified in collaboration with Mana Whenua. The objective of the CMP is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction Works.
- (b) To achieve the objective, the CMP shall include:
 - (i) requirements for formal dedication or cultural interpretation to be undertaken prior to the Start of Construction in areas identified as having significance to Mana Whenua;
 - (ii) requirements and protocols for cultural inductions for contractors and subcontractors;
 - (iii) identification of activities, sites and areas where cultural monitoring is required during particular Construction Works;
 - (iv) identification of personnel to undertake cultural monitoring, including any geographic definition of their responsibilities; and
 - (v) details of personnel to assist with management of any cultural effects identified during cultural monitoring, including implementation of the Accidental Discovery Protocol.
- (c) If Enabling Works involving soil disturbance are undertaken prior to the Start of Construction, an Enabling Works CMP shall be prepared by a Suitably Qualified Person identified in collaboration with Mana Whenua. This plan may be prepared as a standalone Enabling Works CMP or be included in the main Construction Works CMP.

Advice note:

Where appropriate, the CMP shall align with the requirements of other conditions of the designation and resource consents for the project which require monitoring during Construction Works.

<p>21.</p>	<p>Construction Traffic Management Plan (CTMP)</p> <p>(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects.</p> <p>(b) To achieve this objective, the CTMP shall include:</p> <ul style="list-style-type: none"> (i) methods to manage the effects of temporary traffic management activities on traffic; (ii) measures to ensure the safety of all transport users; (iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near Education Facilities or to manage traffic congestion; (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; (v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport, pedestrians and cyclists; (vi) methods to maintain access to and within property and/or private roads where practicable, or to provide alternative arrangements when it will not be, including details of how access is managed for loading and unloading of goods; (vii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; (viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / Stakeholders / emergency services); (ix) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and (x) details of any measures proposed to be implemented in the event of thresholds identified in (ix) being exceeded. <p>(c) Auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management (April 2023) or any subsequent version.</p>
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22.

Construction Noise Standards

(a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable:

Table 22-1 Construction Noise Standards

Day of week	Time period	L _{Aeq} (15min)	L _{AFmax}
Occupied activity sensitive to noise			
Weekday	0630h - 0730h	55 dB	75 dB
	0730h - 1800h	70 dB	85 dB
	1800h - 2000h	65 dB	80 dB
	2000h - 0630h	45 dB	75 dB
Saturday	0630h - 0730h	45 dB	75 dB
	0730h - 1800h	70 dB	85 dB
	1800h - 2000h	45 dB	75 dB
	2000h - 0630h	45 dB	75 dB
Sunday and Public Holidays	0630h - 0730h	45 dB	75 dB
	0730h - 1800h	55 dB	85 dB
	1800h - 2000h	45 dB	75 dB
	2000h - 0630h	45 dB	75 dB
Other occupied buildings			
All	0730h – 1800h	70 dB	
	1800h – 0730h	75 dB	

(b) Where compliance with the noise standards set out in Table 22-1 is not practicable, the methodology in Condition 25 shall apply.

23.

Construction Vibration Standards

(a) Construction vibration shall be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures and shall comply with the vibration standards set out in the following table as far as practicable.

Table 23-1 Construction Vibration Standards

Receiver	Details	Category A*	Category B**
Occupied activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	2mm/s ppv
	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv
Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv
All other buildings	At all other times	Tables 1 and 3 of DIN4150-3:1999	

* Category A criteria adopted from Rule E25.6.30.1 of the AUP

** Category B criteria based on DIN 4150-3:1999 building damage criteria for daytime

(b) Where compliance with the vibration standards set out in Table 23-1 is not practicable, the methodology in Condition 25 shall apply.

24.

Construction Noise and Vibration Management Plan (CNVMP)

- (a) A CNVMP shall be prepared prior to the Start of Construction for Stage of Work. A CNVMP shall be implemented during the Stage of Work to which it relates. The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 22 and 23 to the extent practicable.
- (b) To achieve the objective, the CNVMP shall be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6803:1999) and shall as a minimum, address the following:
 - (i) description of the works and anticipated equipment/processes;
 - (ii) hours of operation, including times and days when construction activities would occur;
 - (iii) the construction noise and vibration standards for the project;
 - (iv) identification of receivers where noise and vibration standards apply;
 - (v) a hierarchy of management and mitigation options, including any requirements to limit night works and works during other sensitive times, including Sundays and public holidays as far as practicable;
 - (vi) methods and frequency for monitoring and reporting on construction noise and vibration;
 - (vii) procedures for communication and engagement with nearby residents and Stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints;
 - (viii) contact details of the Project Liaison Person;
 - (ix) procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers;
 - (x) procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for those areas where compliance with the noise Condition 22 and/or vibration standards Condition 23 Category B will not be practicable;
 - (xi) identification of trigger levels for undertaking building condition surveys, which shall be Category B day time levels;
 - (xii) procedures and trigger levels for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred as a result of construction vibration;
 - (xiii) methodology and programme of desktop and field audits and inspections to be undertaken to ensure that the CNVMP, Schedules and the Best Practicable Option for management of effects are being implemented; and
 - (xiv) requirements for review and update of the CNVMP.

25.

Schedule to a CNVMP

- (a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the Start of Construction of an activity to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the Schedule, when:
 - (i) construction noise is either predicted or measured to exceed the noise standards in Condition 22, except where the exceedance of the L_{Aeq} criteria is no greater than 5 decibels and does not exceed:
 - A. 0630 – 2000: 2 periods of up to 2 consecutive weeks in any 2 months;
or
 - B. 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days;
 - (ii) construction vibration is either predicted or measured to exceed the Category B standard at the receivers in Condition 23.
- (b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP.
- (c) To achieve the objective, the Schedule shall include details such as:
 - (i) construction activity location, start and finish dates;
 - (ii) the nearest neighbours to the construction activity;
 - (iii) the predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards and predicted duration of the exceedance;
 - (iv) for works proposed between 2000h and 0630h, the reasons why the proposed works must be undertaken during these hours and why they cannot be practicably undertaken during the daytime;
 - (v) the proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why;
 - (vi) the consultation undertaken with owners and occupiers of sites subject to the Schedule, and how consultation has and has not been taken into account;
and
 - (vii) location, times and types of monitoring.
- (d) The Schedule shall be submitted to the Manager for Certification at least five working days (except in unforeseen circumstances) in advance of Construction Works that are covered by the scope of the Schedule and shall form part of the CNVMP.
- (e) The CNVMP Schedule shall be deemed certified five working days from the submission of the CNVMP Schedule where no written confirmation of Certification has been received.
- (f) Where material changes are made to a Schedule required by this condition, the Requiring Authority shall consult the owners and/or occupiers of sites subject to the Schedule prior to submitting the amended Schedule to the Manager for Certification in accordance with (d) above. The amended Schedule shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.

26.

Historic Heritage Management Plan (HHMP)

- (a) A HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable.
- (b) To achieve the objective, the HHMP shall identify:
- (i) any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures;
 - (ii) methods for the identification and assessment of potential historic heritage places within the designation to inform detailed design;
 - (iii) known historic heritage places and potential archaeological sites within the designation, including identifying any archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted;
 - (iv) any unrecorded archaeological sites or post-1900 heritage sites within the designation, which shall also be documented and recorded;
 - (v) roles, responsibilities and contact details of project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with AUP accidental discovery rule, and monitoring of conditions;
 - (vi) specific areas to be investigated, monitored and recorded to the extent these are directly affected by the project;
 - (vii) the proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version;
 - (viii) methods to acknowledge cultural values identified through Condition 14 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so;
 - (ix) methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the designation during Construction Works as far as practicable. These methods shall include, but are not limited to:
 - A. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access;
 - B. measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and
 - C. training requirements and inductions for contractors and subcontractors on historic heritage places within the designation, legal obligations relating to unexpected discoveries and the AUP Accidental Discovery Rule (E11.6.1). The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 14).

Advice note:

Accidental Discoveries

The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.

27.

Pre-Construction Ecological Survey

- (a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken in the relevant geographic area by a Suitably Qualified Person. The purpose of the survey is to inform ecological management by:
- (i) confirming whether the species of value within the Identified Biodiversity Areas recorded in the Identified Biodiversity Area Schedule 3 are still present; and
 - (ii) confirming whether the project will or is likely to have a moderate or greater level of ecological effect on species of value (prior to implementation of impact management measures). The level of effect shall be determined in accordance with Table 10 of the EIANZ Guidelines (or subsequent updated version of that table) as included in Schedule 4 of these conditions.
- (b) If the ecological survey confirms the presence of ecological species of value in accordance with Condition 27(a)(i) and that effects are likely in accordance with Condition 27(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 28 for these areas (Confirmed Biodiversity Areas).

28.

Ecological Management Plan (EMP)

- (a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 27) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the project on the ecological features of value in Confirmed Biodiversity Areas as far as practicable.
- (b) If an EMP is required in accordance with (a) for the presence of long tail bats, the EMP may include the following to achieve the objective:
 - (i) measures to minimise as far as practicable, disturbance from construction activities within 50m of any active long tail bat roosts that are discovered through survey until such roosts are confirmed to be vacant of bats;
 - (ii) timing of any Construction Works within 50m of any active maternity long tail bat roosts. Those Construction Works shall be undertaken outside the bat maternity period (between December and March) where reasonably practicable;
 - (iii) details of areas where vegetation is to be retained and where additional planting is proposed to be provided and maintained for the purposes of the connectivity of long tail bat habitats; and
 - (iv) details of measures to minimise any operational disturbance from light spill.
- (c) If an EMP is required in accordance with (a) for the presence of Threatened or At-Risk wetland birds, the EMP may include the following to achieve the objective:
 - (i) details of any nesting bird surveys of Threatened or At-Risk wetland birds. Nesting bird surveys shall be undertaken within any wetland that is both within a Confirmed Biodiversity Area and located within a 50m radius of Construction Works. Surveys shall be undertaken prior to any such works taking place and repeated at the beginning of each wetland bird breeding season until the Completion of Construction;
 - (ii) timing of any Construction Works which may have adverse effects on Threatened or At-Risk wetland birds. Those Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable;
 - (iii) where works are required within the Confirmed Biodiversity Area during the bird breeding season, methods to minimise adverse effects on Threatened or At-Risk wetland birds; and
 - (iv) details of what protection and buffer measures are proposed to manage effects on nesting Threatened or At-Risk wetland birds identified through a survey undertaken in accordance with Condition (c)(i). Proposed measures shall address:
 - A. the type, intensity and duration of construction activity;
 - B. the likely sensitivity of the nesting bird species to the construction activity; and
 - C. any environmental features (e.g., vegetation and contour) that could influence the extent of potential adverse effects on the Threatened or At-Risk wetland birds.
- (d) The EMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any regional resource consents granted for the project.

Advice note:

Depending on the potential effects of the project, the regional consents for the project may include the following monitoring and management plans:

- (i) stream and/or wetland restoration plans;
- (ii) vegetation restoration plans; and
- (iii) fauna management plans (e.g. avifauna).

<p>29.</p>	<p>Tree Management Plan (TMP)</p> <p>(a) Prior to the Start of Construction for a Stage of Work, a TMP shall be prepared. The objective of the TMP is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 5.</p> <p>(b) To achieve the objective, the TMP shall:</p> <ul style="list-style-type: none"> (i) confirm that the trees listed in Schedule 5 still exist; (ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree listed in Schedule 5. This may include: <ul style="list-style-type: none"> A. any opportunities to relocate listed trees where practicable; B. planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 17); C. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and D. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards including provision of kauri dieback management measures; and (iii) demonstrate how the tree management measures (outlined in A – D above) are consistent with any relevant conditions of resource consents granted for the project. <p>(c) Where replacement planting of any tree listed in Schedule 5 is required under (b)(ii)(B) it shall be at a ratio of 2:1 for Single Trees and a minimum of like for like (in m²) for Group of Trees.</p>
<p>30.</p>	<p>Network Utility Management Plan (NUMP)</p> <p>(a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities.</p> <p>(b) To achieve the objective, the NUMP shall include methods to:</p> <ul style="list-style-type: none"> (i) provide access for maintenance at all reasonable times, or emergency works at all times during construction activities; (ii) protect and where necessary, relocate existing network utilities; (iii) manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage, beyond normal wear and tear to overhead transmission lines in the project area; (iv) demonstrate compliance with relevant standards and Codes of Practice including, where relevant, the NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances 2001; AS/NZS 4853:2012 Electrical hazards on Metallic Pipelines, and AS/NZS 2885 Pipelines – Gas and Liquid Petroleum. <p>(c) The NUMP shall be prepared in consultation with the relevant Network Utility Operator(s) who have existing assets that are directly affected by the project.</p> <p>(d) The development of the NUMP shall consider opportunities to coordinate future work programmes with other Network Utility Operator(s) during detailed design where practicable.</p> <p>(e) The NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed.</p> <p>(f) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP.</p> <p>(g) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.</p>

31.	Network Integration Management Plan (NIMP) <p>(a) At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall prepare, in collaboration with other relevant road controlling authorities, a NIMP.</p> <p>(b) The objective of the NIMP is to identify how the project will integrate with the planned transport network in the North Growth Area to achieve an effective, efficient and safe land transport system. To achieve this objective, the NIMP shall include details of the:</p> <ul style="list-style-type: none">(i) project implementation approach and any staging of the project, including both design, management and operational matters; and(ii) sequencing of the project with the planned transport network, including both design, management and operational matters.
Operational conditions	

32.	<p>Low Noise Road Surface</p> <p>(a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project.</p> <p>(b) The asphaltic concrete surface shall be maintained as far as practicable to retain the noise reduction performance of the surface established in accordance with (a), unless Condition 33 applies.</p>
33.	<p>Future Resurfacing Work</p> <p>(a) Any future resurfacing works of the project shall be undertaken in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 or any updated version and asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented where:</p> <ul style="list-style-type: none"> (i) the volume of traffic exceeds 10,000 vehicles per day; (ii) the road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); (iii) it is in an industrial or commercial area where there is a high concentration of truck traffic; or (iv) it is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools. <p>(b) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 33(a)(i) – (iv) are not met by the road or a section of it and therefore where the application of asphaltic concrete surfacing (or equivalent low noise road surface) is no longer required on the road or a section of it. Such advice shall also indicate when any resealing is to occur.</p>
	<p>Traffic Noise</p> <p>For the purposes of Conditions 34 to 39:</p> <ul style="list-style-type: none"> (a) Building-Modification Mitigation – has the same meaning as in NZS 6806; (b) Design year has the same meaning as in NZS 6806; (c) Detailed Mitigation Options – means the fully detailed design of the Selected Mitigation Options, with all practical issues addressed; (d) Habitable Space – has the same meaning as in NZS 6806; (e) Identified Noise Criteria Category – means the Noise Criteria Category for a PPF identified in Schedule 6: Identified PPFs Noise Criteria Categories; (f) Mitigation – has the same meaning as in NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads; (g) Noise Criteria Categories – means the groups of preference for sound levels established in accordance with NZS 6806 when determining the Best Practicable Option for noise mitigation (i.e. Categories A, B and C); (h) NZS 6806 – means New Zealand Standard NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads; (i) Protected Premises and Facilities (PPFs) – means only the premises and facilities identified in Schedule 6: Identified PPFs Noise Criteria Categories; (j) Selected Mitigation Options – means the preferred mitigation option resulting from a Best Practicable Option assessment undertaken in accordance with NZS 6806 taking into account any low noise road surface to be implemented in accordance with Condition 32; and (k) Structural Mitigation – has the same meaning as in NZS 6806.
34.	<p>The Noise Criteria Categories identified in Schedule 6: Identified PPFs Noise Criteria Categories at each of the PPFs shall be achieved where practicable and subject to Conditions 34 to 39 (all traffic noise conditions).</p> <p>The Noise Criteria Categories do not need to be complied with at a PPF where:</p> <ul style="list-style-type: none"> (a) the PPF no longer exists; or (b) agreement of the landowner has been obtained confirming that the Noise Criteria Category does not need to be met. <p>Achievement of the Noise Criteria Categories for PPFs shall be by reference to a traffic forecast for a high growth scenario in a design year at least 10 years after the programmed opening of the project.</p>

35.	As part of the detailed design of the project, a Suitably Qualified Person shall determine the Selected Mitigation Options for the PPFs identified on Schedule 6: Identified PPFs Noise Criteria Categories. For the avoidance of doubt, the low noise road surface implemented in accordance with Condition 32 may be (or be part of) the Selected Mitigation Option(s).
36.	Prior to the Start of Construction of the project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in Schedule 6: Identified PPFs Noise Criteria Categories, taking into account the Selected Mitigation Options.
37.	If the Detailed Mitigation Options would result in the Identified Noise Criteria Category changing to a less stringent Category, e.g. from Category A to B or Category B to C, at any relevant PPF, a Suitably Qualified Person shall provide confirmation to the Manager that the Detailed Mitigation Option would be consistent with adopting the Best Practicable Option in accordance with NZS 6806 prior to implementation.
38.	The Detailed Mitigation Options shall be implemented prior to Completion of Construction of the project, with the exception of any low-noise road surfaces, which shall be implemented within 12 months of Completion of Construction.
39.	Any barriers required by the Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable.

Attachments

Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation and maintenance of an upgrade to Dairy Flat Highway to an urban arterial corridor between Silverdale Interchange and Durey Road, Dairy Flat, including public transport and active transport facilities and associated infrastructure.

The proposed work is shown in the following Concept Plan and includes:

- Upgrading the corridor to an urban arterial with public transport and walking and cycling facilities.
- Tie-ins with existing roads and localised widening around the existing intersections to accommodate new intersection forms.
- New or upgraded stormwater management systems, bridges and culverts (where applicable).
- Batter slopes, and associated cut and fill activities (earthworks).
- Vegetation removal.
- Other construction related activities required outside the permanent corridor including the re-grade of driveways, construction traffic manoeuvring and construction laydown areas.

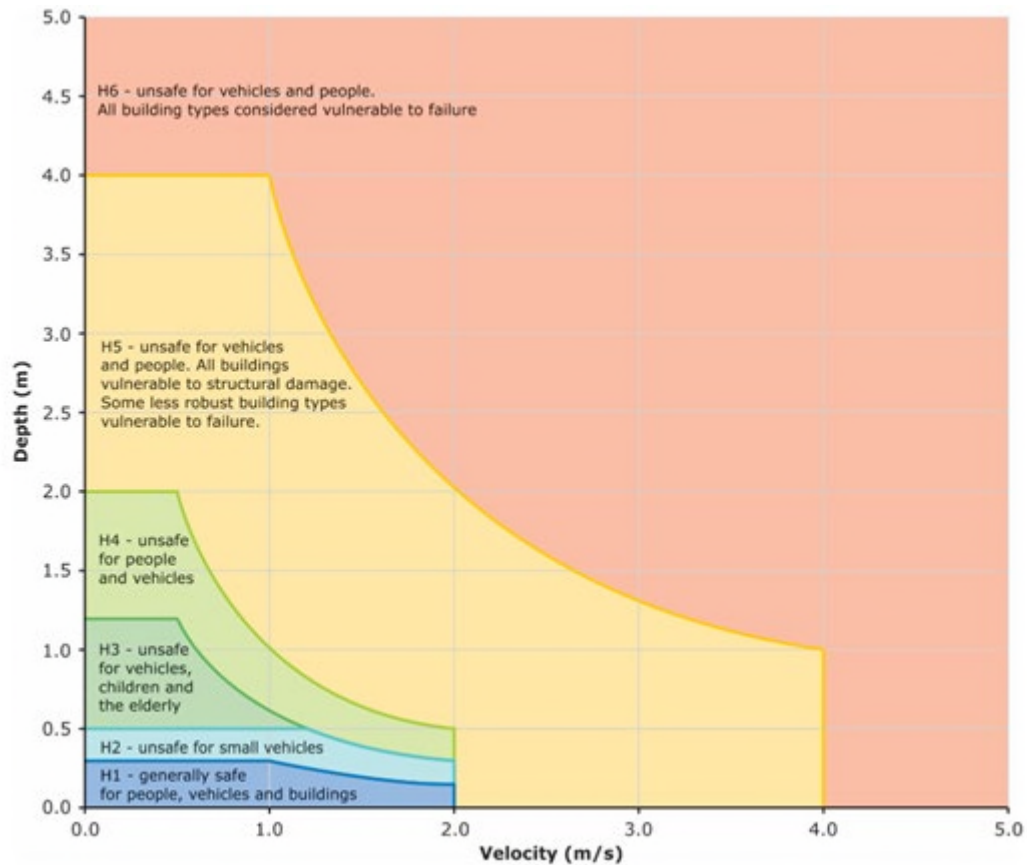
Concept Plan



Schedule 2 – Flood Hazard Class

The combined flood hazard curves shown below set hazard thresholds that relate to the vulnerability of the community when interacting with floodwaters. The combined curves are divided into hazard classifications that relate to specific vulnerability thresholds

The vulnerability thresholds identified in the flood hazard curves can be applied to the best description of flood behaviour available for a subject site. In this regard, the hazard curves can be applied equally to flood behaviour estimates from measured data, simpler 1D numerical modelling approaches, through to complex 2D model estimates with the level of accuracy and uncertainty of the flood hazard estimate linked to the method used to derive the flood behaviour estimate.



Source: Australian Rainfall and Runoff, Book 6, 2019

Schedule 3: Identified Biodiversity Areas





This map contains data derived in part or wholly from sources other than those party to the Supporting Growth Alliance, and therefore, no representations or warranties are made by those party to the Supporting Growth Alliance as to the accuracy or completeness of this information.

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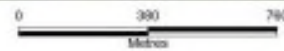
Aerial imagery supplied by Hemisphere Australia Pty Ltd.

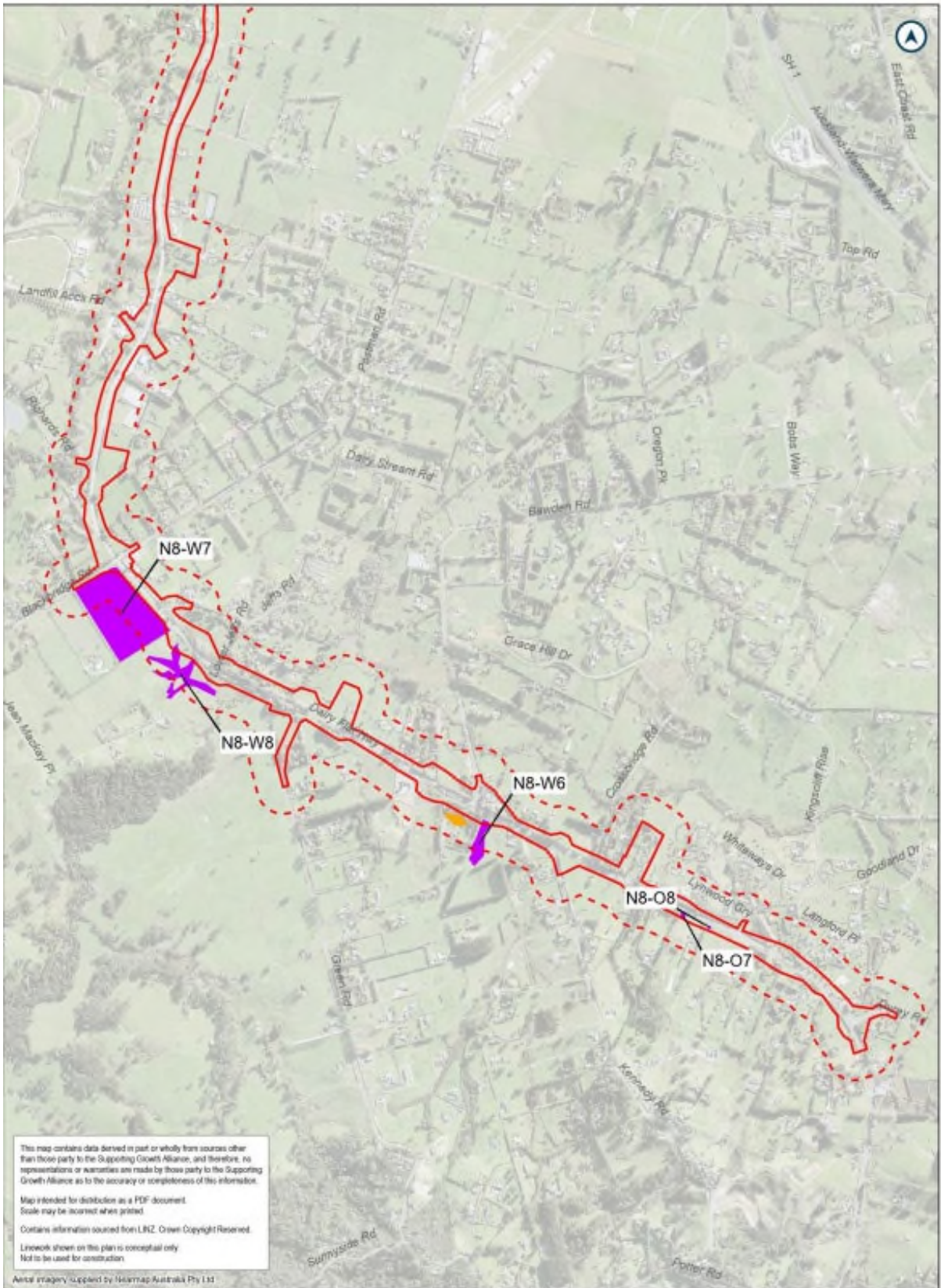
LEGEND

— Designation Boundary - - - Buffer 100m

Identified Biodiversity Areas for Wetland Avifauna

■ Unnamed Wetlands
■ Named Wetlands





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LEGEND

— Designation Boundary - - - Buffer 100m

Identified Biodiversity Areas for Wetland Avifauna

■ Unnamed Wetlands

■ Named Wetlands



Schedule 4: Table 10 of the 2018 EIANZ Guidelines

Criteria for describing level of effects (Adapted from Regini (2000) and Boffa Miskell (2011))

Ecological Value →	Very high	High	Moderate	Low	Negligible
Magnitude ↓					
Very high	Very high	Very high	High	Moderate	Low
High	Very high	Very high	Moderate	Low	Very low
Moderate	High	High	Moderate	Low	Very low
Low	Moderate	Low	Low	Very low	Very low
Negligible	Low	Very low	Very low	Very low	Very low
Positive	Net gain	Net gain	Net gain	Net gain	Net gain

Schedule 5: Trees to be included in the Tree Management Plan

Tree number	Vegetation type	Protection	Location	Species	Age
805	Single tree	Open space	4 Postman Road	Chinese Poplar (<i>Populus chinensis</i>)	Semi-mature
806	Hedge	Open space	4 Postman Road	Titoki (<i>Alectryon excelsus</i>), Tarata (<i>Pittosporum tenuifolium</i>) Bottlebrush (<i>Callistemon sp.</i>) Oleander	Semi-mature
807	Hedge	Open space	4 Postman Road	Leyland Cypress (<i>Cupressus x leylandii</i>), weed species	Semi-mature



Schedule 6: Identified PPFs Noise Criteria Categories

Address	New or Altered Road	Noise Criteria Category
1686 Dairy Flat Highway	Altered	A
1680 Dairy Flat Highway	Altered	A
1321 Dairy Flat Highway	Altered	A
1349 Dairy Flat Highway	Altered	A
1338 Dairy Flat Highway	Altered	A
1008 Dairy Flat Highway	Altered	A
12 Durey Road	Altered	A
1564A Dairy Flat Highway	Altered	A
1570 Dairy Flat Highway	Altered	A
1258 Dairy Flat Highway	Altered	A
1306 Dairy Flat Highway	Altered	A
1284 Dairy Flat Highway	Altered	A
1286 Dairy Flat Highway	Altered	A
2 Horseshoe Bush Road	Altered	A
1285 Dairy Flat Highway	Altered	A
957 Dairy Flat Highway	Altered	A
1731 Dairy Flat Highway	Altered	A
1424 Dairy Flat Highway	Altered	A
1361 Dairy Flat Highway	Altered	A
1452 Dairy Flat Highway	Altered	A
41 Durey Road	Altered	A
1315 Dairy Flat Highway	Altered	A
1182 Dairy Flat Highway	Altered	A
11 Durey Road	Altered	A
1700 Dairy Flat Highway	Altered	A
825 Dairy Flat Highway	Altered	A
1355 Dairy Flat Highway	Altered	A

1584 Dairy Flat Highway	Altered	A
5 Postman Road	Altered	A
4 Lascelles Drive	Altered	A
25 Lynwood Grove	Altered	A
1 Richards Road	Altered	A
1636 Dairy Flat Highway	Altered	A
1596 Dairy Flat Highway	Altered	A
1646 Dairy Flat Highway	Altered	A
17 Lower Jeffs Road	Altered	A
1550 Dairy Flat Highway	Altered	A
859 Dairy Flat Highway	Altered	A
1215 Dairy Flat Highway	Altered	A
16 Durey Road	Altered	A
1016 Dairy Flat Highway	Altered	A
18 Wilks Road West	Altered	A
1005A Dairy Flat Highway	Altered	A
956 Dairy Flat Highway	Altered	A
15 Wilks Road	Altered	A
1615 Dairy Flat Highway	Altered	A
12 Postman Road	Altered	A
1153 Dairy Flat Highway	Altered	A
1564 Dairy Flat Highway	Altered	A
1006 Dairy Flat Highway	Altered	A
1250 Dairy Flat Highway	Altered	A
18 Langford Place	Altered	A
27 Green Road	Altered	A
22 Langford Place	Altered	A
18 Green Road	Altered	A
20 Jeffs Road	Altered	A

883 Dairy Flat Highway	Altered	A
792 Dairy Flat Highway	Altered	A
1617 Dairy Flat Highway	Altered	A
9 Lower Jeffs Road	Altered	A
6 Lynwood Grove	Altered	A
6 Kennedy Road	Altered	A
7 Lower Jeffs Road	Altered	A
851 Dairy Flat Highway	Altered	A
16 Langford Place	Altered	A
55 Kennedy Road	Altered	A
1327 Dairy Flat Highway	Altered	A
2 Lynwood Grove	Altered	A
1412 Dairy Flat Highway	Altered	A
22 Lynwood Grove	Altered	A
1579A Dairy Flat Highway	Altered	A
31 Green Road	Altered	A
1602A Dairy Flat Highway	Altered	A
1660 Dairy Flat Highway	Altered	A
16 Lynwood Grove	Altered	A
38 Jeffs Road	Altered	A
26 Langford Place	Altered	A
20 Langford Place	Altered	A
987 Dairy Flat Highway	Altered	A
1349A Dairy Flat Highway	Altered	A
6 Langford Place	Altered	A
823 Dairy Flat Highway	Altered	A
1236 Dairy Flat Highway	Altered	A
1623 Dairy Flat Highway	Altered	A
19 Richards Road	Altered	A

21 Postman Road	Altered	A
28 Lynwood Grove	Altered	A
785 Dairy Flat Highway	Altered	A
1005 Dairy Flat Highway	Altered	A
841 Dairy Flat Highway	Altered	A
32 Jeffs Road	Altered	A
26 Lynwood Grove	Altered	A
1602 Dairy Flat Highway	Altered	A
918 Dairy Flat Highway	Altered	A
1414 Dairy Flat Highway	Altered	A
1270B Dairy Flat Highway	Altered	A
807 Dairy Flat Highway	Altered	A
14 Blackbridge Road	Altered	A
18 Kennedy Road	Altered	A
22 Postman Road	Altered	A
15 Lower Jeffs Road	Altered	A
851B Dairy Flat Highway	Altered	A
1491 Dairy Flat Highway	Altered	A
1326 Dairy Flat Highway	Altered	A
30 Wilks Road	Altered	A
11 Lascelles Drive	Altered	A
1687 Dairy Flat Highway	Altered	A
1509 Dairy Flat Highway	Altered	A
10 Lascelles Drive	Altered	A
1248 Dairy Flat Highway	Altered	A
1487 Dairy Flat Highway	Altered	A
1667 Dairy Flat Highway	Altered	A
17 Kahikatea Flat Road	Altered	A
19 Kennedy Road	Altered	A

958 Dairy Flat Highway	Altered	A
11 Jeffs Road	Altered	A
28 Blackbridge Road	Altered	A
1198A Dairy Flat Highway	Altered	A
10 Bawden Road	Altered	A
34 Lascelles Drive	Altered	A
1448 Dairy Flat Highway	Altered	A
989 Dairy Flat Highway	Altered	A
785 Dairy Flat Highway	Altered	A
24 Goodland Drive	Altered	A
8 Kennedy Road	Altered	A
934 Dairy Flat Highway	Altered	A
37 Whiteways Drive	Altered	A
1416 Dairy Flat Highway	Altered	A
1256 Dairy Flat Highway	Altered	A
28 Lascelles Drive	Altered	A
20 Kennedy Road	Altered	A
1428 Dairy Flat Highway	Altered	A
1455 Dairy Flat Highway	Altered	A
32 Langford Place	Altered	A
9 Goodland Drive	Altered	A
31 Wilks Road West	Altered	A
25 Postman Road	Altered	A
19 Langford Place	Altered	A
1014 Dairy Flat Highway	Altered	A
36 Blackbridge Road	Altered	A
9 Langford Place	Altered	A
24 Lynwood Grove	Altered	A
29 Langford Place	Altered	A

1198C Dairy Flat Highway	Altered	A
38 Wilks Road West	Altered	A
30 Wilks Road West	Altered	A
1440 Dairy Flat Highway	Altered	A
783 Dairy Flat Highway	Altered	A
1444 Dairy Flat Highway	Altered	A
26 Postman Road	Altered	A
12 Kahikatea Flat Road	Altered	A
1432 Dairy Flat Highway	Altered	A
10 Kahikatea Flat Road	Altered	A
16 Kahikatea Flat Road	Altered	A

APPENDIX D – LIST OF SUBMITTERS TO BE SERVED WITH A COPY OF THIS APPEAL

Auckland Transport

Address for service:

Natasha.garvan@supportinggrowth.nz; Mathew.gribben@supportinggrowth.nz;
Megan.Exton@supportinggrowth.nz

Auckland Council

Address for service:

unitaryplan@aucklandcouncil.govt.nz

Submitters to be served:

SUBMITTERS ON NORTH NOR 8

SUBMITTER	ADDRESS FOR SERVICE
Allen T Chalmers and Michelle VL Koster-Crockford	2 Wilks Road West, Dairy Flat, Auckland
Mark Walter Werman and Audrey Joan Moss	mwerman@xtra.co.nz
Claudine Osborne	claudine@r2o.net.nz
Richard Osborne	richard@r2o.net.nz
Simpson Family Trust, Attn: Chris and Sheree	chris@imeco.co.nz / sheree@transcribe.co.nz
Yuehu Yuan	eric yuan6308@gmail.com
NZDL Trading Trust	jessicawang816@gmail.com
Dine Yoeh Hoo	jason@goodland.co.nz
Sylvia Choi	sylvia.x.choi@gmail.com
Manuhiri Kaitiaki Charitable Trust	kaitiaki@ngatimanuhiri.iwi.nz
HY North Limited	nickr@barker.co.nz ; cc tchien2007@gmail.com
John Gregory Cross	cossjf@extra.co.nz

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Mark Eduard de Jong	markdj100@gmail.com
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Telecommunications Submitters (Aotearoa Towers Group. Chorus New Zealand Limited, Connexa Limited, One New Zealand, Spark New Zealand Trading Limited)	chris@incite.co.nz
Fulton Hogan Land Development	nickr@barker.co.nz ; Gregory.Dewe@fultonhogan.com
Nick de Witte	nick@nanahu.co.nz
Mammoth Ventures Limited	duncan@cabra.co.nz
The Hibiscus Trust and Auckland Memorial Park and Cemetery Limited	nigel@argyle.co.nz
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Heritage New Zealand Pouhere Taonga	amorris@heritage.org.nz
Dairy Flat Tennis Club	ptslawson@gmail.com
ACGR Old Pine Limited	james@jgh.nz
DP Boocock No.2 Trustee Limited	cam@samltd.co.nz
Papanui Station House Limited	captaincargil@gmail.com
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AW Holdings 2021 Limited Partnership	magdalenar@barker.co.nz
Goodland Country Estate Trustee Company Limited	helen@burt.co.nz

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Sally Jane Paterson	patterson0792@gmail.com
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Pioneer Corporate Trustees Limited	office@premierproperties.co.nz