

IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I MUA TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE

ENV-2024-AKL-

UNDER the Resource Management Act 1991 ("the Act")

IN THE MATTER of an appeal under section 174 of the RMA against a decision of the Auckland Transport on Notice of Requirement NOR 1 - Warkworth: Northern Public Transport Hub

BETWEEN **Middle Hill Limited and the Trustees of the Tyne Trust**
Appellant

AND **Auckland Transport (NoR-1)**
Respondent

NOTICE OF APPEAL BY MIDDLE HILL LIMITED AND THE TRUSTEES OF THE TYNE
TRUST (NOR1 – NORTHERN PUBLIC TRANSPORT HUB)
19 JULY 2024

ELLIS GOULD
LAWYERS
AUCKLAND

REF: Douglas Allan (dallan@ellisgould.co.nz)

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NOTICE OF APPEAL BY MIDDLE HILL LIMITED AND THE TRUSTEES OF THE TYNE TRUST

TO: The Registrar

Environment Court

Auckland

1. **Middle Hill Limited and the Trustees of the Tyne Trust (“the Submitters”)** appeal the decision of Auckland Transport (“**AT**”) dated 24 June 2024 (“**the Decision**”) confirming Notice of Requirement NOR1 – Warkworth Northern Public Transport Hub, Park and Ride, and Western Link – North (“**NOR1**”) in the Auckland Unitary Plan (“**AUP**”).
2. NoR1 provides for construction, operation and maintenance of a public transport hub, urban arterial transport corridor, park and ride facility and associated facilities in the vicinity of the intersection of Old State Highway 1 and the Matakana Link Road, Warkworth. NOR1 forms part of a group of notices of requirement lodged by AT and collectively known as the Warkworth Project.
3. The Submitters lodged a submission on NOR1 on 3 July 2023.
4. The Submitters received notice of the Decision on 12 July 2024.
5. The Decision subject to the appeal was made by AT.
6. The Submitters are not trade competitors for the purposes of section 308D of the Resource Management Act 1991 (“**RMA**”).
7. The Submitters will be directly affected by the subject of this appeal as they are the equitable owners and occupiers of 63/67 Old State Highway 1, Warkworth (Section 15, SO 495251 – RT 757814) (“**the Submitters’ Land**”) which is adjacent to the site subject to NOR1 and should be accessed from the Western Link Road via the local road which will provide access to the Public Transport Hub.
8. The Submitters support NOR1 and the outcomes that the Warkworth Project seeks to deliver, subject to the amendments specified below which will ensure

that the Project integrates appropriately with and supports the anticipated urban development of and future access to the Submitters' Land.

Reasons for the Appeal

9. The reasons for the appeal are as follows:

- (a) NoR1, provided it is amended as specified in the relief sought in this appeal:
 - (i) Will promote the sustainable management of the natural and physical resources;
 - (ii) Will promote the efficient use and development of resources;
 - (iii) Will be consistent with the purpose and principles in Part 2 of RMA;
 - (iv) Will not generate unacceptable adverse effects on the environment, and in particular, on the Submitters' Land;
 - (v) Will promote the social, economic, and cultural wellbeing of the community; and
 - (vi) Warrants being upheld in terms of section 171 of the Act.

In addition, and without limiting the generality of the above:

- (b) The Submitters have interest in land in the vicinity of NOR1 that is variously subject to General Business, Mixed Housing Urban and Mixed Housing Suburban zones in the AUP. The Submitters' Land forms part of I553 – Warkworth North Precinct in the AUP.
- (c) Future implementation of the Western Link Road has been a key structural element in the strategic planning for growth in Warkworth. Its construction in accordance with the Warkworth Project and its completion along the route identified in planning instruments (including the Warkworth North Precinct) is essential to the efficient and coherent development of Warkworth.

- (d) The Submitters support the “*Additional Intersection Condition*” imposed in the Decision, which requires provision of a four-way intersection between the Western Link Road, the access to the Transport Hub, and the General Business zone land to the east of the Western Link Road (occupied by the Pak’nSave supermarket).
- (e) Future urban development of the Submitters’ Land requires well located and integrated connectivity to the road network. Such connectivity is also consistent with strategic planning themes within the AUP, the integrated management of land use and transport, and the intent and purpose of the Warkworth Project.
- (f) Accordingly in order for the Submitters’ Land to be developed for urban activities enabled under the AUP urban zonings, road access to an urban standard needs to be provided between the Submitters’ Land and the arterial road network including most notably the (former) SH1. That requires construction of both:
 - (i) The Western Link Road in terms of NOR1; and
 - (ii) A local/collector road between the Western Link Road and the Submitters’ Land.
- (g) In practice, the local road should serve both the proposed Public Transport Hub and the Submitters’ Land. The Submitters acknowledge that they will need to connect that local road to the internal road network on the Submitters’ Land in order to make use of it.
- (h) The designation process enables requiring authorities to carry out works within a broad envelope, subject to conditions. Those works affect adjacent land and activities in a range of ways, related to the nature and scale of the proposed works in that locality and the sensitivity of the affected sites and activities. The Warkworth Project involves extensive changes to the environment across a wide area. It is inevitable that site-specific issues will arise which may most appropriately be addressed via site-specific conditions.

- (i) To that end, the Submitters propose incorporating into NOR1 an additional condition regarding the implementation of a local road connecting the Western Link Road with the Submitters' Land across the land to be occupied by the Public Transport Hub.
- (j) This issue must be resolved via a condition because the Submitters will not otherwise have certainty that they can link into the local road given that section 178 RMA provides that landowners cannot carry out activities that might, "*prevent or hinder the public work, project, or work to which the designation relates unless the person has the prior written consent of the requiring authority*", which may not be forthcoming.

Relief Sought

10. The Submitters seek the following relief:

- (a) That the appeal be allowed.
- (b) That a new condition be added to NOR1, reading:

"XX. The final design and Outline Plan(s) for the local road serving the Northern Public Transport Hub shall be in general accordance with General Arrangement Plan - NOR 1 (SGA-DWG-WKW-300-GE-9000 dated 27 March 2023) and in particular shall provide for the local road to extend to the boundary with 63/67 State Highway 1 Warkworth 0984 (Section 15, SO 495251 - RT 757814) at the location shown on that plan, so as to ensure vehicular access between that land and the Western Link Road."

- (c) As an alternative to the relief sought in paragraph 10(b) above, that:
 - (i) The NOR1 condition addressing, "*specific outline plan requirements*" and headed, "*Additional Intersection Condition*" be amended by adding an additional obligation reading:

"XX. The final design and Outline Plan(s) for the local road serving the Northern Public Transport Hub shall provide for the local road to extend to the boundary with 63/67 State Highway 1 Warkworth 0984 (Section 15, SO 495251 - RT 757814) at the location identified on the concept plan in Schedule 1."

; and

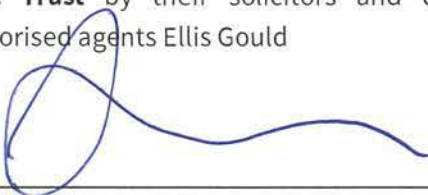
- (ii) The NOR1 “*concept plan*” (which currently shows an “*Indicative Intersection Location as described in the Additional Intersection Condition*”) be amended by also identifying graphically the part of the common boundary between the land subject to NOR1 and the Submitters’ Land to which the local road is to be extended.
- (d) Such further orders, relief, consequential amendments or other amendments as are considered appropriate and necessary to address the Submitters’ concerns set out above.
- (e) Costs of and incidental to this appeal.

Attachments

- 11. The following documents are attached to this notice:
 - (a) **Attachment 1:** A copy of the Submitters’ submission on NoR1.
 - (b) **Attachment 2:** Relevant extracts from the Decision.
 - (c) **Attachment 3:** A list of persons to be served with a copy of this notice.

DATED this 19th day of July 2024

Middle Hill Limited and the Trustees of the Tyne Trust by their solicitors and duly authorised agents Ellis Gould



Douglas Allan

ADDRESS FOR SERVICE: The offices of Ellis Gould Lawyers, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. For: Douglas Allan. dallan@ellisgould.co.nz

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must —

- 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
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not have attached a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

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

Attachment 1: A copy of the Submitters' submission on NoR1

From: NoticeOfRequirementOnlineSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: [ID:827] Notice of Requirement online submission - Josephine Annabelle Grierson
Date: Monday, 3 July 2023 10:30:30 am

The following customer has submitted a Notice of Requirement online submission.

Contact details

Full name of submitter: Josephine Annabelle Grierson

Organisation name: On behalf of Middle Hill Ltd and the Tyne Trust

Full name of your agent:

Email address: annabelle2027@gmail.com

Contact phone number: 021675229

Postal address:

Submission details

Name of requiring authority: Auckland Transport

The designation or alteration: (NOR 1) Warkworth : Northern Public Transport Hub and Western Link North

The specific provisions that my submission relates to are:

I am making a submission on behalf of Middle Hill Ltd ("MH") and the Tyne Trust. They are the beneficial owners of 67 State Highway 1, Warkworth, a property that shares a boundary with the NOR1 designation for the northern public transport hub. MH is directly affected by NOR1 and has a strong interest in all the provisions relating to it and the wider Warkworth Package. Tyne Trust (through Araroa Ltd) is also a major shareholder in TNN2 Ltd which owns land on the southern and western boundaries of NOR1 and the proposed Western Link Road ("WLR").

Do you support or oppose the Notice of Requirement? I or we support the Notice of Requirement.

The reason for my or our views are:

MH strongly supports NOR1 and the Warkworth Package of NORs on the basis that they will: - improve connectivity in the transport network - give access to 4ha of land-locked land that MH is the beneficial owner of - the early implementation of public transport infrastructure will support emission reductions by enabling an efficient public transport network and transport mode shift - leverage from the land development programmes in Warkworth It is of particular interest to MH that NOR1 proceeds as it enables the construction of the public infrastructure hub and northern end of the WLR. MH and other land owners in the area have tried since as early as 2016 to negotiate access and/or the acquisition of land specified in NOR1 without any success and believes that designation is the only way to unlock this area of land, including, in particular, its 4ha land-locked block. The NOR is essential to enable infrastructure that is of importance to the future of Warkworth to be planned for, designed, funded and implemented. In addition, MH would like to contribute to the design and funding process. It understands that design is very preliminary at this stage and is engaging Chesters Engineering to review it as Chesters has already done a lot of work on the proposed WLR (paid for by MH and Turnstone Capital) that was contributed to the PPC 25 process. Chesters also have extensive knowledge and experience of the hydrological conditions in the northern Warkworth catchments.

I or we seek the following recommendation or decision from Auckland Council:

Middle Hill supports the proposals related to NOR1. It believes the NOR1 footprint will work for its intended purposes but would like to allow for minor flexibility on the WLR alignment, subject to

further engineering review. Specifically, MH accepts that the location of the WLR/GNR/MLR intersection is a fixed point but questions whether the alignment of the approach from the south to that intersection might be further optimised. It seeks a decision from Auckland Council to proceed with the designations at the earliest possible opportunity and to proceed with a budgeting, design and funding analysis. MH notes that, to the best of its knowledge at the current time, developers hope to build the WLR to the southern boundary with TNN2 Ltd land by mid 2026 and it would be efficient to be able to continue building it as far as the GNR. It also requests that AT/Auckland Council investigate with TNN1 and TNN2 and MH the opportunity to optimise earthworks over their combined sites as it believes that there would be considerable financial savings from doing so and also the opportunity to mitigate the effects of earthworks on the environment. MH also seeks a decision from Auckland Council to consult with MH and other affected parties on matters such as landscaping and design. For example, the opportunities the works provide to enhance local amenity values in a manner sensitive to the receiving environment and to provide cycling and walking paths.

2.3

2.4

Submission date: 3 July 2023

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

I accept and agree that:

- by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public,
- I or we must serve a copy of the submission on the person who gave the notice of requirement as soon as reasonably practicable after submitting to Auckland Council.

Attachment 2: Relevant extracts from the Decision

24 June 2024

Alison Pye
Senior Policy Planner
Central/North Planning Unit - Plans and Places
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 your letter dated 10 May 2024 advising of the recommendations of the Auckland Council Independent Hearing Commissioners in relation to the eight Auckland Transport (AT) Notices of Requirement that comprise the Warkworth Project:

- NoR 1 – Northern Public Transport Hub, Park + Ride and Western Link – North
- NoR 2 – Woodcocks Road – West Upgrade
- NoR 3 – State Highway 1 – South Upgrade
- NoR 4 – Matakana Road Upgrade
- NoR 5 – Sandspit Road Upgrade
- NoR 6 – Western Link – South
- NoR 7 – Sandspit Link
- NoR 8 – Wider Western Link – North

The Commissioners' recommendation was that the eight 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 our 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).

Minor formatting and grammatical changes recommended by the Commissioners, where they have been adopted, have not been tracked.



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 – H**. 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 cursive script, appearing to read 'Jane Small', is positioned above the printed name.

Jane Small

**Group Manager, Strategic Development Programmes & Property
Infrastructure & Place**

¹ Closing legal submissions of Requiring Authority, dated 20 December 2023, at Appendix C.

Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners for Notices of Requirement 1 – 8

| Designation | Condition number | 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 |
|-------------|-------------------------------|--|--|
| All | Abbreviations and definitions | <p>Certification of material changes to management plans and CNVMP Schedules of material changes to management plans</p> <p>Confirmation from the Manager that a CNVMP Schedule (or change thereto) or a management plan or CNVMP Schedule has been prepared in accordance with the condition to which it relates.</p> <p>A CNVMP Schedule (or change thereto) or a management plan shall be deemed certified:</p> <p>(a) where the Requiring Authority has received written confirmation from the Council the Council that the CNVMP Schedule or the management plan is certified; or</p> <p>(b) ten (10) (5) working days from the submission of the CNVMP Schedule or the management plan where no written confirmation of certification has been received; or</p> <p>(c) Five (5) working days from the submission of the material change to a CNVMP Schedule where no written confirmation of certification has been received.</p> | <p>Reject amendments regarding CNVMP Schedule / Amendments by AT</p> <p>The Panel has recommended referring to certification of the CNVMP Schedule within the Certification definition. AT rejects the suggested additions as the requirement to certify the CNVMP Schedule is set out in the 'Schedule to a CNVMP' condition, not this definition.</p> <p>AT is also re-locating the deemed certification requirements in clause (c) to sit alongside the certification requirements in the CNVMP condition so that this definition relates to certification of material changes to management plans only. AT notes that the removal of references to the 'CNVMP Schedule' from this definition means that some of the Panel's tracking is indirectly accepted.</p> <p>The numbering convention adopted by AT is to use words for numbers 1 to 10 and numerical values for numbers higher than 10.</p> <p>Accept amendment to condition to include the word "management"</p> <p>AT agrees with adding the word "management" for clarity.</p> |
| All | 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 (6) (5) months of the inclusion of this inclusion in the AUP. 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> <p>(i) the status of the Project;</p> <p>(ii) anticipated construction timeframes;</p> <p>(iii) contact details for enquiries;</p> <p>(iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and information on how/where how/where they can receive additional advice support following confirmation of the designation; advice support following confirmation of the designation;</p> <p>(v) how/where to access noise modelling contours to inform the design of development adjacent to the designation; and</p> <p>(vi) a subscription service to enable receipt of project updates by email;</p> <p>(vii) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA.</p> <p>(b) 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> | <p>Amendment by AT to clause (a)</p> <p>AT amends clause (a) to improve wording and for consistency.</p> <p>Amendment by AT to clause (a)(iv)</p> <p>AT amends clause (iv) to refer to 'advice' as the project website will provide information on where parties can receive additional advice regarding where to seek support.</p> <p>Reject new clause (a)(v)</p> <p>The Panel recommends including a new sub clause (a)(v) referencing noise modelling contours within the Project Information condition. AT rejects this addition on the basis that this matter is already addressed by the Land use Integration Process (LIP) condition and is therefore unnecessary. In particular, clause (c)(i)(E) of the LIP condition (i.e. information that may be requested by a developer from AT) makes specific reference to traffic noise modelling contours. The LIP condition will encourage and facilitate the integration of master planning and land use development activity on land directly affected by, or adjacent to the designation. This is the more appropriate mechanism for engagement between AT and developers adjacent to the designation in relation to noise management.</p> |
| All | 5 | <p>Designation Review</p> <p>Pre-construction review</p> | <p>Reject pre-construction review</p> <p>The Panel has recommended splitting out this condition so there is a pre- and</p> |

| Designation | Condition number | 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 |
|-------------|------------------|---|--|
| | | <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 keep stakeholders updated on progress with implementation of the project, and to enable areas of designated land to be removed from the designation if identified as being no longer required.</p> <p>(b) The review shall involve affected landowners and occupiers and:</p> <p>(i) provide an update on the progress or effort made to give effect to the designation; and</p> <p>(ii) review the extent of the designation to identify any areas of designated land that are no longer required for the designation; and</p> <p>(iii) be made publicly available on the project website and be made available to the Council.</p> <p>Post-construction review</p> <p>As soon as reasonably practicable, but no later than six (6) months following Completion of Construction, 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 Auckland the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.</p> | <p>post- construction review of the designation. Consistent with the position outlined in Closing Legal Submissions,² AT rejects the inclusion of a pre-construction condition on the basis that such a condition is unnecessary. In particular, it 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 4(1) of Schedule 1 of the RMA). These provisions are the 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. • 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 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. <p>Reject post-construction review / Amendments by AT</p> <p>As explained above, AT rejects the recommendation to split the condition out into a pre- and post- construction review, and it also rejects the reinstatement of the six-month timeframe which was removed following the hearing. As outlined in the Closing Legal Submissions,³ 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> |
| All | 7 | <p>Network Utility Operators and Auckland Council Parks (Section 176 Approval)</p> <p>(a) Prior to the start of Construction Works, 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> <p>.....</p> <p>(ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility operations</p> <p>.....</p> | <p>Amendment by AT to condition heading and clause (a)(iv)</p> <p>Condition 7 provides that Network Utility Operators with existing infrastructure and Auckland Council in relation to parks that are located within the designation will not be required to obtain written consent from the Requiring Authority for the activities listed in the condition.</p> <p>AT deletes the reference to 'Parks' from the condition heading as it is more accurate to refer to Auckland Council.</p> |

² Closing legal submissions of Requiring Authority, dated 20 December 2023, at [19.9] – [19.15]

³ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [17.48] – [17.50]

| Designation | Condition number | 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 |
|-------------|------------------|--|--|
| | | <p>(iv) the upgrade and replacement of existing network utilities or park facilities in the same location with the same or similar effects <u>on the work authorised by the designation</u> as the existing utility or park facility.</p> <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>AT also amends clause (iv) to clarify the nature of the effects referred to and to remove the reference to parks given the potential scale of activities that could risk preventing or hindering the Projects. It is, however, appropriate to provide for upgrades and replacement of existing utilities anticipated within transport corridors as these are critical services.</p> |
| All | 9 | <p>Management Plans</p> <p>(a) Any management plan shall:</p> <p>...</p> <p>(iv) Summarise comments received from Mana Whenua and other stakeholders as required by the relevant management plan condition, along with a summary of where comments have:</p> <p>...</p> | <p>Amendment by AT to clause (a)(iv) AT deletes the word "other" as Mana Whenua are a Project partner which is different to a stakeholder.</p> |
| All | 10 | <p>Stakeholder Communication and Engagement Management Plan (SCEMP)</p> <p>(a) A SCEMP shall be prepared in consultation with Stakeholders prior to the Start of Construction. <u>The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works.</u></p> <p>(b) The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works. To achieve the objective, the SCEMP shall include:</p> <p>...</p> <p>(iii) methods to engage with Stakeholders and the owners and occupiers of properties identified in (b)(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>(v) the procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;</p> <p>(vi) ..</p> <p>(vii) methods and timing to engage with landowners and occupiers whose access is directly affected;</p> <p>(b) Any SCEMP prepared for a Stage of Work shall be submitted to the Council for information <u>a minimum of</u> ten working days prior to the Start of Construction for a Stage of Work.</p> | <p>Amendment by AT to clauses (a) and (b) AT reallocates the text in clause (b) describing the objective of the SCEMP to clause (a) for consistency with other management plan conditions.</p> <p>Amendment by AT to clauses (b)(iii), (b)(v) and (b)(vii)</p> <ul style="list-style-type: none"> AT deletes the reference to occupiers from (b)(iii) as 'occupiers' are already captured by the definition of Stakeholders; AT removes clause (b)(v) because it duplicates the requirements in (b)(iv) and is therefore unnecessary; and AT amends clause (b)(vii) to refer to "owners" instead of "landowners" to be consistent with the language used elsewhere in the condition. <p>Amendment by AT to clause (c) AT adopts the inclusion of "minimum" to clause (c).</p> |
| All | 13 | <p>Urban and Landscape Design Management Plan (ULDMP)</p> <p><i>[note some clauses have been relocated in the clean condition sets]</i></p> <p>....</p> <p>(c) To achieve the objective <u>set out in Condition 13(1)</u>, the ULDMP(s) shall provide details of how the project:</p> <p>....</p> <p>(e) Key <u>Stakeholders Relevant stakeholders</u> shall be invited to participate in the development of the ULDMP at least six (6) months prior to the start of detailed design for a Stage of Work.</p> <p>(f) The ULDMP shall be prepared in general accordance with:</p> <p>...</p> <p>(ii) Waka Kotahi New Zealand Transport Agency Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version</p> <p>(iii) Waka Kotahi New Zealand Transport Agency Landscape Guidelines (20138) or any subsequent updated version;</p> | <p>Amendment by AT to the structure of the condition</p> <p>The ULDMP condition has been separated into three separate conditions and some clauses relocated in the clean sets for ease of implementation. To ensure that there is a link between the three ULDMP conditions, the phrase "<i>set out in Condition 13(1)</i>" has been added (with updated numbering reflected in the clean sets).</p> <p>Accept in part amendment to clause (e)</p> <p>The Panel recommends deleting the word "key" in front of stakeholders. The AT decision is to accept the removal of "key" in clause (e) and replace with the word "relevant." The reference to "relevant" stakeholders in the conditions is required because at this stage of a project, engagement should be focussed on those stakeholders considered relevant to the Stage of Work. The ULDMP will be prepared by a Suitably Qualified Person who will be best qualified to advise on who</p> |

| Designation | Condition number | Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough) | Reason for modifications |
|-------------|------------------------------------|--|--|
| | | <p>(iv) <u>New Zealand Transport Agency Waka Kotahi</u>-P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and (g) The ULDMP(s) shall include: ... (iii) Landscape and urban design details – that cover the following: ... E. Landscape treatment <u>and planting</u> of permanent stormwater control wetlands and swales ...</p> <p>(iv) <u>The ULDMP shall also include the following</u> planting details and maintenance requirements: A. planting design details including: a. identification of existing trees and vegetation that will be retained with reference to the <u>Tree Management Plan TMP</u> and <u>Ecological Management Plan EMP (where relevant)</u>. Where practicable, mature trees and native vegetation should be retained; ... d. <u>planting of stormwater wetlands;</u> e. identification of vegetation to be retained and any planting requirements under the <u>Ecological Management Plan EMP</u> (Conditions a, b, c, d) and <u>Tree Management Plan TMP</u> (Condition 28) ... C. Detailed specifications relating to the following: ... f. Irrigation; and g. Plant replacement (due to theft or plants dying).</p> <p><i>Advice note: This designation is for the purpose of construction, operation and maintenance of an arterial transport corridor and it is not for the specific purpose of "road widening". Therefore, it is not intended that the front yard definition in the Auckland Unitary Plan which applies a set back from a designation for road widening purposes applies to this designation. A set back is not required to manage effects between the designation boundary and any proposed adjacent sites or lots.</i></p> | <p>the relevant Stakeholders are that should be invited to participate in the development of the ULDMP.</p> <p>Amendments by AT to clauses (f) and (g) AT has corrected a date and the references to New Zealand Transport Agency within clause (f). In order to avoid duplication AT has also amended clause (g)(iv)(A) as follows: (a) removed the reference to "planting of stormwater wetlands" in clause (g)(iv)(A)(d) and instead inserted "planting" in clause (g)(iii)(E); and (b) removed the reference to "vegetation to be retained" in (g)(iv)(A)(e) as it duplicates the requirements in (g)(iv)(A)(a) and is therefore unnecessary.</p> <p>References to the Tree Management Plan and Ecological Management Plan have also been amended to refer to the TMP and EMP.</p> <p>Reject addition of irrigation and plant replacement in clause (g)(iv)(C) The Panel recommends including "irrigation" and "plant replacement (due to theft or plants dying)" in the list of detailed specifications. AT rejects this recommendation as the list is not intended to be exclusive and it is unnecessary to list every feature. AT also considers that plant replacement is already addressed in the sentence that captures "planting details and maintenance requirements" and as noted above it has amended clause (g)(iii)(E) to also refer to "landscape treatment and planting...". In addition, maintenance of landscaping will be guided by the New Zealand Transport Agency Landscape Guidelines which the ULDMP is required to be prepared in general accordance with.</p> <p>Accept removal of advice note (front yard setback) The Panel recommends deleting the advice note to the ULDMP. AT accepts the deletion of the advice note, as outlined in the Memorandum of Counsel that was provided in response to Panel Direction #4.⁴</p> |
| NOR 1 | Specific Outline Plan Requirements | <p>Additional intersection condition The Outline Plan(s) that enables the intersection between the local road serving the Northern Public Transport Hub and the Western Link Road North shall include design details of a stub to the connection of a fourth arm of the intersection that the owners and occupiers of the site occupied by the Pak'n Save supermarket, being Sec 4 SO 476652 can construct and connect to if they decide to construct access to that site and it has not already been constructed at the time the Outline Plan is prepared.</p> <p><i>Advice note: For the avoidance of doubt, the Requiring Authority and its contractors are only required to show a stub to the connection of a fourth arm of the intersection on the Outline Plan(s) and they are not required by this condition to construct any part of the stub or the balance of the access to the Supermarket Site.</i></p> | <p>Amendment to condition to reflect agreement reached with Foodstuffs North Island Limited (Foodstuffs) AT has continued to engage with Foodstuffs and the parties have agreed to the updated condition wording which is reflected in this decision.</p> <p>Reject insertion of the word 'Road' after Western Link North The Panel recommended inserting the word "Road" after the reference to the Western Link. This change is rejected as Auckland Council's local boards are the decision makers for the naming of all roads in the Auckland Region, having been</p> |

⁴Memorandum of Counsel on Behalf of Auckland Transport in Response to Direction #4 dated 29 February 2024

| Designation | Condition number | 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 |
|-------------|------------------|--|---|
| | | <p><u>For the purposes of this condition:</u></p> <p><u>"Supermarket Site" means the site occupied by the Pak'n Save Supermarket at the time the designation was included in the AUP, within Record of Title 694504, Section 4, Survey Office Plan 476652.</u></p> <p><u>The Outline Plan(s) for the intersection between the local road serving the Northern Public Transport Hub and the Western Link North shall:</u></p> <p><u>(a) show where the northern extent of the Western Link North will tie in with the existing signalised Old State Highway 1 / Te Honohono ki Tai intersection;</u></p> <p><u>(b) locate the intersection between the local road serving the Northern Public Transport Hub and the Western Link North so that the limit lines for the intersection fall within the box outlined in black on the concept plan in Schedule 1;</u></p> <p><u>(c) include design details for an additional stub to the intersection in (b) that:</u></p> <p style="padding-left: 20px;"><u>i. can connect to a fourth arm of the intersection if the owners of the Supermarket Site decide to construct access to the Supermarket Site; and</u></p> <p style="padding-left: 20px;"><u>ii. allows for all light vehicle movements; and</u></p> <p><u>(d) include a Safety Audit of the design details of items (a), (b) and (c) above and show how matters raised in the Safety Audit have been addressed or where matters have not been addressed provide justification for this.</u></p> <p><u>Advice note: For the avoidance of doubt, the Requiring Authority is only required to show a stub to the connection of a fourth arm of the intersection on the Outline Plan(s) and is not required by this condition to construct any part of the stub or the balance of the access to the Supermarket Site. The access to the Supermarket Site will be a private access and is not intended to be vested with Council. If that access has already been constructed at the time the Outline Plan is prepared, then it shall be the responsibility of the Supermarket Site owners to provide an appropriate connection to the intersection stub.</u></p> <p><u>The requirement in (c)(ii) to allow for all light vehicle movements applies to the Outline Plan design and does not override the statutory powers of the road controlling authority to maintain the safe, effective, and efficient operation of the transport network.</u></p> | <p>allocated this responsibility by the Auckland Council Governing Body pursuant to section 319(1)(j) of the Local Government Act 1974. Each local board is responsible for deciding on road names within its respective area boundary.</p> <p>This process of naming new corridors as they are implemented requires engagement with Mana Whenua and will also need to consider themes relevant and unique to the local area. Until such time as this engagement has occurred, the naming conventions utilised within the Conditions have deliberately omitted the term 'Road'. This approach has the support of mana whenua in the Warkworth region.</p> |
| All | | <p>Flood hazard</p> <p>For the purpose of Condition 15</p> <p>(a) ARI—means Average Recurrence Interval;</p> | <p>Accept removal of ARI in definitions</p> <p>The Panel recommends deleting the definition of ARI. The Panel is correct that this is not a term that is subsequently used in the flood hazard condition and its deletion is accepted by AT.</p> |
| All | 14 | <p>Flood Hazard</p> <p>(a) The Project shall be designed to achieve the following flood risk outcomes:</p> <p><u>(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;</u></p> <p><u>(ii) no increase in flood levels in a 1% AEP event flood levels for existing authorised community, commercial, industrial and network utility building floors that are already subject to flooding or have a freeboard of less than 300mm;</u></p> | <p>Reject amendments to condition</p> <p>The Panel has recommended changes to the Flood Hazard condition to align with the Healthy Waters' version of the conditions, along with some amendments. AT rejects these changes and (except for the amendment discussed below) retains its version of the condition for the reasons explained in both the Closing Legal Submissions⁵ and the subsequent Memorandum of Counsel that was provided in response to Panel Direction #4.⁶</p> |

⁵ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [12.10] – [12.11].

⁶Memorandum of Counsel on Behalf of Auckland Transport in Response to Direction #4 dated 29 February 2024

| Designation | Condition number | Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough) | Reason for modifications |
|-------------|------------------|--|--|
| | | <p>(i) maintain the minimum freeboard requirement outlined in the relevant code of practice at the time the Outline Plan is submitted (currently, Auckland Code of Practice for Land Development for Subdivision, Chapter 4: Stormwater, Version 3.0, January 2022);</p> <p>(ii) No loss in conveyance capacity or change in alignment of existing overland flow paths, unless provided by other means;</p> <p>(iii) New overland flow paths shall be diverted away from habitable floors and discharged to a suitable location with no increase in a 1% AEP event downstream;</p> <p>(iv) maximum of 50mm increase in water level in a 1% AEP event outside and adjacent to the designation boundaries between the pre and post Project scenarios.</p> <p>(v) no new flood prone areas; and</p> <p>(vi) no increase of flood hazard classification class for the main vehicle and pedestrian access route to authorised habitable dwellings existing at time the Outline Plan is submitted. The assessment shall be undertaken for the 40% and 1% AEP rainfall events and reference the hazard class in accordance with Schedule 2 to these conditions.</p> <p>Where Flood Hazard is: A. Velocity x depth >= 0.6; or B. depth > 0.5m; or C. velocity > 2m/s.</p> <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project in 40% and 1% AEP flood levels (for Maximum Probable Development land use and including climate change).</p> <p>(c) Where the above outcomes 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 varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.</p> <p>Advice note: Consultation with Auckland Council Healthy Waters (or its equivalent) to identify opportunities for collaboration on catchment improvement projects shall be carried out at the detailed design stage.</p> | <p>Accept in part amendments to (a)(vi) and Amendments by AT</p> <p>The Panel recommends the deletion of the numerical threshold values within the Flood Hazard definition in clause (a)(vi). AT accept this change and are replacing it with a requirement to not increase the Flood Hazard class. This amendment is designed to improve the workability of the condition whilst achieving a similar outcome. A new Schedule 2 has been added to determine the Flood Hazard class aligned with Australian Rainfall and Runoff, Book 6, 2019.⁷</p> <p>AT is also amending this clause to improve clarity by capitalising "Flood Hazard" and to make it clear that the requirement relates to both the main "vehicle" and "pedestrian" access route.</p> |
| All | 16 | <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) 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. To achieve the objective, the CEMP shall include:</p> <p>...</p> <p>(iv) details of the proposed construction yards including temporary screening when adjacent to Residential areae zones;</p> <p>(v) details of the proposed locations of refuelling activities and construction lighting</p> <p>...</p> <p>(x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses;</p> <p>...</p> <p><u>(xii) a summary of measures included to respond to matters raised in engagement, if not already covered above;</u></p> <p>...</p> | <p>Amendment by AT to clauses (a) and (b)</p> <p>AT reallocates the text in clause (b) describing the objective of the CEMP to clause (a) for consistency with other management plan conditions.</p> <p>Accept amendment to clause (b)(iv)</p> <p>The Panel recommends amending "residential areas" to "Residential zones" in clause (b)(iv). This is accepted by AT however the capitalisation of the word residential is not necessary as this is a term widely accepted and used in the AUP:OP.</p> <p>Amendment by AT to clause (b)(v) and (b)(x)</p> <p>AT has made administrative amendments to the condition to separate out the location of refuelling activities from clause (b)(v) to clause (b)(x).</p> <p>Reject insertion of clause (b)(xii)</p> |

⁷ Citing (Smith et al., 2014).

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|-------------|------------------|---|--|-------------|--------------------------|---------------------|--|--|--|--|---|
| | | | <p>The Panel have recommended an additional clause to the CEMP condition. AT reject the addition as there are adequate linkages to measures included in response to engagement in the existing Management Plan and SCEMP conditions. In particular:</p> <ul style="list-style-type: none"> • Condition 10 requires a SCEMP to be prepared in consultation with Stakeholders prior to the Start of Construction and clause (b)(ix) requires the SCEMP to include linkages and cross-references to other management plans where relevant; and • Condition 9 (the Management Plan Condition) requires all management plans to include sufficient detail on managing the effects associated with the relevant activities (clause (a)(iii)) and to summarise comments received and an indication of whether they have been incorporated (clause (a)(iv)). Once finalised, the management plans must be uploaded to the Project website or equivalent virtual information source which will provide a clear record of matters that have been included within management plans in response to engagement. <p>Therefore, the additional wording proposed by the Panel in clause (b)(xii) is not necessary.</p> | | | | | | | | |
| All | 19 | <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. <u>The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects.</u></p> <p>(b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include:</p> <p>.....</p> <p>(iv) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport services, pedestrians and cyclists;</p> <p>(v) methods to maintain access to and within property and/or private roads for all transport modes where practicable, or to provide alternative access arrangements when it will not be, <u>including details of how access is managed for loading and unloading of goods.</u> Engagement with landowners or occupiers whose access is directly affected shall be undertaken in accordance with <u>the SCEMP Condition-10;</u></p> <p>....</p> <p>(viii) auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management or any subsequent version;</p> <p><u>(d) 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</u></p> | <p>Amendment by AT to clauses (a) and (b) AT reallocates the text in clause (b) describing the objective of the CTMP to clause (a) for consistency with other management plan conditions.</p> <p>Amendment by AT to clause (b)(iv) AT has deleted the word "services" from clause (b)(iv) as this was included in error.</p> <p>Amendment by AT to clause (b)(v) AT has deleted the words "all transport modes" as this wording is not necessary. In addition, AT has deleted the word "access" to improve workability of the condition, while also including reference to how access is managed for loading and unloading of goods.</p> <p>Amendment by AT to clause (viii) and new clause (d) AT has relocated clause (viii) to clause (d) and inserted the date of the current Guide to Temporary Traffic Management.</p> | | | | | | | | |
| All | 20 | <p>Construction Noise Standards</p> <p>(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:</p> <p>Table 17.1: Construction noise standards</p> <table border="1" data-bbox="450 1401 1099 1445"> <thead> <tr> <th>Day of week</th> <th>Time period</th> <th>L_{Aeq}(15min)</th> <th>L_AFmax</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | Day of week | Time period | L _{Aeq} (15min) | L _A Fmax | | | | | <p>Amendment by AT AT has amended the Saturday 0630h – 0730h limit to 45dB to as the reference to 55dB was an error.</p> |
| Day of week | Time period | L _{Aeq} (15min) | L _A Fmax | | | | | | | | |
| | | | | | | | | | | | |

| Designation | Condition number | 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--------------------------|--|---|---------|-------------|--------------|---|---------------|-------|-------|--|--------------------------|-------------|-------------------------|-----------------------|-----------|---------------|--------------------------|-----------------------|-----------|---------------|---------------------|--------------------|----------------------------------|-------|---|---------------|-------|-------|---------------|-------|-------|----------------------------|---------------|-------|-------|---------------|-------|-------|---------------|-------|-------|---------------|-------|-------|---------------------------------|--|--|--|-----|---------------|-------|--|---------------|-------|--|--|
| | | <table border="1" data-bbox="450 311 1099 954"> <thead> <tr> <th colspan="4" data-bbox="450 311 1099 347">Occupied activity sensitive to noise</th> </tr> </thead> <tbody> <tr> <td data-bbox="450 347 568 512" rowspan="4">Weekday</td> <td data-bbox="568 347 719 384">0630h - 0730h</td> <td data-bbox="719 347 891 384">55 dB</td> <td data-bbox="891 347 1099 384">75 dB</td> </tr> <tr> <td data-bbox="568 384 719 421">0730h - 1800h</td> <td data-bbox="719 384 891 421">70 dB</td> <td data-bbox="891 384 1099 421">85 dB</td> </tr> <tr> <td data-bbox="568 421 719 458">1800h - 2000h</td> <td data-bbox="719 421 891 458">65 dB</td> <td data-bbox="891 421 1099 458">80 dB</td> </tr> <tr> <td data-bbox="568 458 719 512">2000h - 0630h</td> <td data-bbox="719 458 891 512">45 dB</td> <td data-bbox="891 458 1099 512">75 dB</td> </tr> <tr> <td data-bbox="450 512 568 667" rowspan="4">Saturday</td> <td data-bbox="568 512 719 549">0630h - 0730h</td> <td data-bbox="719 512 891 549">55 dB</td> <td data-bbox="891 512 1099 549">75 dB</td> </tr> <tr> <td data-bbox="568 549 719 585">0730h - 1800h</td> <td data-bbox="719 549 891 585">70 dB</td> <td data-bbox="891 549 1099 585">85 dB</td> </tr> <tr> <td data-bbox="568 585 719 622">1800h - 2000h</td> <td data-bbox="719 585 891 622">45 dB</td> <td data-bbox="891 585 1099 622">75 dB</td> </tr> <tr> <td data-bbox="568 622 719 667">2000h - 0630h</td> <td data-bbox="719 622 891 667">45 dB</td> <td data-bbox="891 622 1099 667">75 dB</td> </tr> <tr> <td data-bbox="450 667 568 821" rowspan="4">Sunday and Public Holidays</td> <td data-bbox="568 667 719 703">0630h - 0730h</td> <td data-bbox="719 667 891 703">45 dB</td> <td data-bbox="891 667 1099 703">75 dB</td> </tr> <tr> <td data-bbox="568 703 719 740">0730h - 1800h</td> <td data-bbox="719 703 891 740">55 dB</td> <td data-bbox="891 703 1099 740">85 dB</td> </tr> <tr> <td data-bbox="568 740 719 777">1800h - 2000h</td> <td data-bbox="719 740 891 777">45 dB</td> <td data-bbox="891 740 1099 777">75 dB</td> </tr> <tr> <td data-bbox="568 777 719 821">2000h - 0630h</td> <td data-bbox="719 777 891 821">45 dB</td> <td data-bbox="891 777 1099 821">75 dB</td> </tr> <tr> <th colspan="4" data-bbox="450 821 1099 863">Other occupied buildings</th> </tr> <tr> <td data-bbox="450 863 568 954" rowspan="2">All</td> <td data-bbox="568 863 719 900">0730h – 1800h</td> <td data-bbox="719 863 891 900">70 dB</td> <td data-bbox="891 863 1099 900"></td> </tr> <tr> <td data-bbox="568 900 719 954">1800h – 0730h</td> <td data-bbox="719 900 891 954">75 dB</td> <td data-bbox="891 900 1099 954"></td> </tr> </tbody> </table> <p data-bbox="450 954 1370 1034">b. Where compliance with the noise standards set out in Table 17.1 is not practicable, the methodology in Condition 20 shall apply.</p> | 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 | 55 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 | | |
| 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 | 55 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| All | 21 | <p data-bbox="427 1034 1370 1077">Construction Vibration Standards</p> <p data-bbox="427 1077 1370 1114">.....</p> <p data-bbox="427 1114 1370 1157">Table 21-1 Construction Vibration Standards</p> <table border="1" data-bbox="427 1157 1370 1340"> <thead> <tr> <th data-bbox="427 1157 667 1193">Receiver</th> <th data-bbox="667 1157 898 1193">Details</th> <th data-bbox="898 1157 1128 1193">Category A*</th> <th data-bbox="1128 1157 1370 1193">Category B**</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="427 1193 1370 1214">Occupied activity sensitive to noise</td> </tr> <tr> <td data-bbox="427 1214 667 1278" rowspan="2">Occupied activities sensitive to noise</td> <td data-bbox="667 1214 898 1251">Night-time 2000h - 0630h</td> <td data-bbox="898 1214 1128 1251">0.3mm/s ppv</td> <td data-bbox="1128 1214 1370 1251">4.2 mm/s ppv</td> </tr> <tr> <td data-bbox="667 1251 898 1278">Daytime 0630h - 2000h</td> <td data-bbox="898 1251 1128 1278">2mm/s ppv</td> <td data-bbox="1128 1251 1370 1278">5mm/s ppv</td> </tr> <tr> <td data-bbox="427 1278 667 1315">Other occupied buildings</td> <td data-bbox="667 1278 898 1315">Daytime 0630h - 2000h</td> <td data-bbox="898 1278 1128 1315">2mm/s ppv</td> <td data-bbox="1128 1278 1370 1315">5mm/s ppv</td> </tr> <tr> <td data-bbox="427 1315 667 1340">All other buildings</td> <td data-bbox="667 1315 898 1340">At all other times</td> <td colspan="2" data-bbox="898 1315 1370 1340">Tables 1 and 3 of DIN4150-3:1999</td> </tr> </tbody> </table> | Receiver | Details | Category A* | Category B** | Occupied activity sensitive to noise | | | | Occupied activities sensitive to noise | Night-time 2000h - 0630h | 0.3mm/s ppv | 4.2 mm/s ppv | Daytime 0630h - 2000h | 2mm/s ppv | 5mm/s ppv | Other occupied buildings | Daytime 0630h - 2000h | 2mm/s ppv | 5mm/s ppv | All other buildings | At all other times | Tables 1 and 3 of DIN4150-3:1999 | | <p data-bbox="1370 1034 2049 1077">Reject change to Category B night-time construction vibration limit</p> <p data-bbox="1370 1077 2049 1173">AT rejects the change to the night-time construction vibration standard for Category B buildings. This change is not necessary as any activity of this nature will already be addressed through a Schedule to the CNVMP in response to the noise generated by the activity.</p> <p data-bbox="1370 1173 2049 1236">AT has also made a formatting correction to the table to delete unnecessary text that was repeated in the table header.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Receiver | Details | Category A* | Category B** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Occupied activity sensitive to noise | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

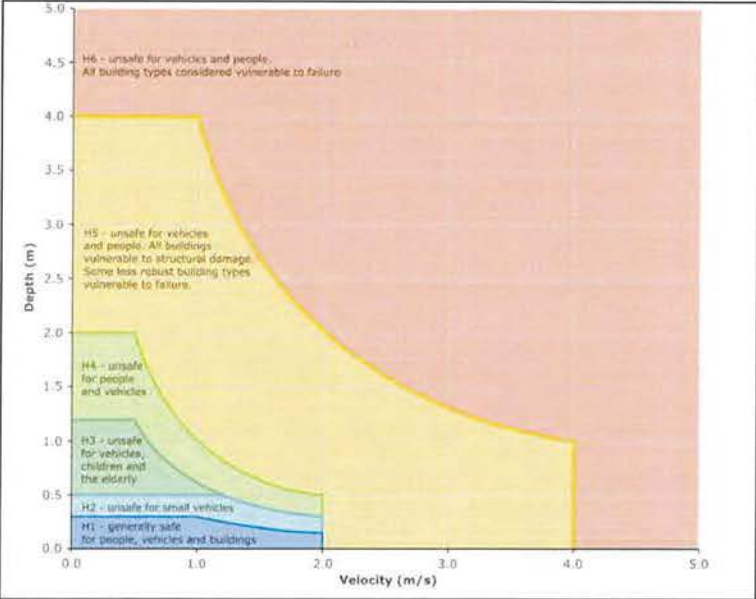
| Designation | Condition number | Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough) | Reason for modifications |
|----------------------------------|------------------|---|--|
| All | 23 | <p>Schedule to a CNVMP</p> <p>...</p> <p>c. The Schedule shall be submitted to the Manager for certification at least ten (10) 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.</p> <p>...</p> <p><u>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.</u></p> | <p>Reject amendment to clause (c) AT rejects the amendment requiring certification of the CNVMP Schedule at least 10 working days in advance of Construction Works. A five working day period is more appropriate given the Schedule is only being submitted for certification. The construction contractor will maintain close engagement with the Council's compliance team to ensure they have notice of when it will be submitted and therefore five working days is sufficient.</p> <p>Amendment by AT As per the rationale above in relation to the definition of "Certification of material changes to management plans", clause (e) has been relocated from the definition to this condition.</p> |
| All | 24 | <p>Historic Heritage Management Plan (HHMP)</p> <p>(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. <u>The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable.</u></p> <p>(b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable. To achieve the objective, the HHMP shall identify:</p> <p>....</p> <p>(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), shall be submitted to the Manager within 12 months of completion.</p> | <p>Amendments by AT AT reallocates the text in clause (b) describing the objective of the HHMP to clause (a) for consistency with other management plan conditions.</p> <p>In addition, AT has deleted clause (c) because:</p> <ul style="list-style-type: none"> The actions to avoid, remedy and mitigate adverse effects on historic heritage are set out in the HHMP inclusions in 24(b) which will be submitted through the Outline Plan process; and Monitoring and reporting actions are inherent in 24(b); it is not necessary to then condition a subsequent administrative process. <p>This deletion is consistent with other management plan conditions (e.g. TMP, CNVMP, EMP) which also include monitoring and reporting actions but do not condition a subsequent administrative process.</p> |
| All | 25 | <p>Pre-Construction Ecological Survey</p> <p>(a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken by a Suitably Qualified Person. The purpose of the survey is to inform the detailed design of ecological management plan by:</p> <p>...</p> <p>(ii) confirming whether the project will or may have a moderate or greater level of ecological effect on ecological species of value, prior to implementation of impact management measures with the level of effect to be determined in accordance with Table 10 of the EIANZ guidelines <u>as included in Schedule 4 to these conditions</u> (or subsequent updated version of the table).</p> <p>(b) If the ecological survey confirms the presence of ecological <u>features species</u> of value in accordance with Condition 26(a)(i) and that effects are likely in accordance with Condition 26(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 26 a, b, c or d for these areas (Confirmed Biodiversity Areas).</p> | <p>Amendment by AT to clause (a) AT amends the wording to improve clarity.</p> <p>Amendment by AT to clause (a)(ii) AT has amended clause (a)(ii) to acknowledge that Table 10 is included in new Schedule 4 of these conditions.</p> <p>Amendment by AT to clause (b) AT amends the wording to be consistent with the language used in Condition 25(a).</p> |
| NoR 2 NoR 3 NoR 4 NoR 5 | 26a | <p>Ecological Management Plan (EMP)</p> | <p>Amendment by AT to clauses (a) and (b) AT reallocates the text in clause (b) describing the objective of the EMP to clause (a) for consistency with other management plan conditions.</p> |

| Designation | Condition number | 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 |
|----------------|------------------|---|--|
| NoR 7 NoR 8 | | <p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 26) prior to the Start of Construction for a Stage of Work. <u>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.</u></p> <p>(b) 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. To achieve the objective, the EMP shall set out the methods which may include:</p> <p>(i)...</p> <p>B. details of how the timing of any construction work in the vicinity of any maternity long tail bat roosts will be limited to outside the bat maternity period (between December and March) where reasonably practicable;</p> | <p>Reject amendment to clause (b)(i)(B)</p> <p>The Panel recommends including “<i>details of how the timing of any construction work in the vicinity....</i>” in clause (b)(i)(B) for Condition 26a only. The AT decision is to reject this change as the additional words are unnecessary and the existing wording is adequate.</p> |
| All | 28 | <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. <u>The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities.</u></p> <p>(b) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. To achieve the objective, The NUMP shall include methods to:</p> <p>...</p> <p>(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 <u>and AS/NZS 2885 Pipelines – Gas and Liquid Petroleum;</u></p> <p>---</p> <p><u>(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.</u> The Requiring Authority shall consult with Network Utility Operators during the detailed design phase to consider opportunities to enable, or not preclude, the development of new network utility facilities including access to power and ducting within the Project, where practicable to do so. The consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, shall be summarised in the NUMP.</p> | <p>Amendment by AT to clauses (a) and (b)</p> <p>AT amends clauses (a) and (b) to be consistent with other management plans.</p> <p>Amendment by AT to clause (b)(iv)</p> <p>AT updates clause (b)(iv) as the AS/NZS 2885 Pipelines – Gas and Liquid Petroleum standard was excluded in error.</p> <p>Reject amendment to clause (d)</p> <p>AT rejects the amendments to clause (d) as integration is already provided for through the LIP condition. The wording proposed by AT ensures that opportunities to coordinate with Network Utility Operators during detailed design are considered during the development of the NUMP where practicable.</p> |
| All | 29 | <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 to retain the noise reduction performance of the surface established in accordance with (a).</p> | <p>Reject amendment to clause (b)</p> <p>The Panel recommends inserting a new clause (b) that requires the asphaltic concrete surface to be maintained to retain the noise reduction performance of the surface. Consequential to this, the Panel has recommended deletion of the Future Resurfacing Work condition (Condition 29a(a)) discussed further below.</p> <p>AT rejects the insertion of clause (b) and the requirement to maintain the noise reduction performance of the surface at the time of Construction. It is impractical to retain the noise reduction performance or the original surface on an ongoing basis as original road surfaces inherently degrade over time. Resurfacing decisions must take into account the whole-of-life cost of assets, as well as ensuring equitable resource allocation. AT also notes that resurfacing can result in an improvement in road noise performance. AT considers this matter has been appropriately considered in the Closing Legal Submissions.⁸</p> |

⁸ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [17.36] – [17.42]

| Designation | Condition number | 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 | | | | | | | | |
|-----------------------------|---|--|--|-------------|-----------------------------|-----------------------|----------------|--|-----------------|---|---|
| All | 29a | <p><u>Future Resurfacing Work</u></p> <p>a) <u>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:</u></p> <p>(i) <u>the volume of traffic exceeds 10,000 vehicles per day; or</u></p> <p>(ii) <u>the road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); or</u></p> <p>(iii) <u>it is in an industrial or commercial area where there is a high concentration of truck traffic; or</u></p> <p>(iv) <u>it is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools.</u></p> <p>b) <u>Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 29a(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.</u></p> | <p>Reject deletion of 29a (Future Resurfacing Work condition)</p> <p>The Panel recommends deleting the Future Resurfacing Work condition on the basis that it is no longer necessary with their proposed new wording in Condition 29(b) above. AT rejects this recommendation and has reinstated the condition in full.</p> <p>As explained in Closing Legal Submissions,⁹ 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 New Zealand Transport Agency Waka Kotahi corridors).</p> <p>AT notes that it has updated the reference to the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 in clause (a) to also refer to "any updated version".</p> | | | | | | | | |
| NoR 1 | 29A | <p>Noise from the transport hub Transport Hub Noise</p> <p>Noise from the operation of the transport hub and park and ride facility shall comply with the relevant zone noise limits at receivers as set out in the AUP.</p> <p><u>All mechanical and electrical services (including Public Address system) for the transport hub shall be designed to comply with the following noise rating levels and maximum noise levels, as measured and assessed at any residential zone site boundary.</u></p> <table border="1" data-bbox="443 1109 878 1193"> <thead> <tr> <th>Time</th> <th>Noise level</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7am-10pm</td> <td>50dB L_{max}</td> </tr> <tr> <td>Sunday 9am-6pm</td> <td></td> </tr> <tr> <td>All other times</td> <td>40dB L_{10m} 75dB L_{A75m}</td> </tr> </tbody> </table> | Time | Noise level | Monday to Saturday 7am-10pm | 50dB L _{max} | Sunday 9am-6pm | | All other times | 40dB L _{10m} 75dB L _{A75m} | <p>Accept in part additional condition</p> <p>AT has accepted the Panel's recommendation to include a noise condition for the transport hub. However, AT has amended the condition to specify compliance with residential noise standards directly, rather than referencing the AUP. AT has also amended the condition name. These changes are consistent with similar conditions on other projects.</p> |
| Time | Noise level | | | | | | | | | | |
| Monday to Saturday 7am-10pm | 50dB L _{max} | | | | | | | | | | |
| Sunday 9am-6pm | | | | | | | | | | | |
| All other times | 40dB L _{10m} 75dB L _{A75m} | | | | | | | | | | |

⁹ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [17.38] – [17.41].

| <p>All</p> | <p>New schedule</p> | <p>Schedule 2 - Flood Hazard Class</p> <p>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.</p> <p>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.</p>  <p>Source: Australian Rainfall and Runoff, Book 6, 2019</p> | <p>Amendment by AT</p> <p>See explanation in the Flood Hazard condition above for the rationale for this additional schedule.</p> | | | | | | | | | | | | | | | | | | | | | | | | |
|---------------------------|----------------------------|---|--|------------------|-------------------|-----------------|------------|-------------------|--------------------|--|--|--|--|--|------------------|------------------|------------------|-------------|-----------------|------------|-------------|------------------|------------------|-----------------|------------|-----------------|--|
| <p>All</p> | <p>New Schedule</p> | <p>Schedule 4: Table 10 of the 2018 EIANZ Guidelines</p> <p>Criteria for describing level of effects (Adapted from Regini (2000) and Boffa Miskell (2011))</p> <table border="1" data-bbox="443 1197 1361 1436"> <thead> <tr> <th><u>Ecological Value</u> →</th> <th><u>Very high</u></th> <th><u>High</u></th> <th><u>Moderate</u></th> <th><u>Low</u></th> <th><u>Negligible</u></th> </tr> </thead> <tbody> <tr> <td><u>Magnitude</u> ↓</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>Very high</u></td> <td><u>Very high</u></td> <td><u>Very high</u></td> <td><u>High</u></td> <td><u>Moderate</u></td> <td><u>Low</u></td> </tr> <tr> <td><u>High</u></td> <td><u>Very high</u></td> <td><u>Very high</u></td> <td><u>Moderate</u></td> <td><u>Low</u></td> <td><u>Very low</u></td> </tr> </tbody> </table> | <u>Ecological Value</u> → | <u>Very high</u> | <u>High</u> | <u>Moderate</u> | <u>Low</u> | <u>Negligible</u> | <u>Magnitude</u> ↓ | | | | | | <u>Very high</u> | <u>Very high</u> | <u>Very high</u> | <u>High</u> | <u>Moderate</u> | <u>Low</u> | <u>High</u> | <u>Very high</u> | <u>Very high</u> | <u>Moderate</u> | <u>Low</u> | <u>Very low</u> | <p>Amendment by AT</p> <p>See explanation in the Pre-Construction Ecological Survey condition above for the rationale for this additional schedule.</p> |
| <u>Ecological Value</u> → | <u>Very high</u> | <u>High</u> | <u>Moderate</u> | <u>Low</u> | <u>Negligible</u> | | | | | | | | | | | | | | | | | | | | | | |
| <u>Magnitude</u> ↓ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Very high</u> | <u>Very high</u> | <u>Very high</u> | <u>High</u> | <u>Moderate</u> | <u>Low</u> | | | | | | | | | | | | | | | | | | | | | | |
| <u>High</u> | <u>Very high</u> | <u>Very high</u> | <u>Moderate</u> | <u>Low</u> | <u>Very low</u> | | | | | | | | | | | | | | | | | | | | | | |



| | | | | | | | | |
|--|--|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|--|
| | | <u>Moderate</u> | <u>High</u> | <u>High</u> | <u>Moderate</u> | <u>Low</u> | <u>Very low</u> | |
| | | <u>Low</u> | <u>Moderate</u> | <u>Low</u> | <u>Low</u> | <u>Very low</u> | <u>Very low</u> | |
| | | <u>Negligible</u> | <u>Low</u> | <u>Very low</u> | <u>Very low</u> | <u>Very low</u> | <u>Very low</u> | |
| | | <u>Positive</u> | <u>Net gain</u> | <u>Net gain</u> | <u>Net gain</u> | <u>Net gain</u> | <u>Net gain</u> | |

Yours sincerely

Jane Small

Group Manager, Strategic Development Programmes and Property

Appendix A – Auckland Transport’s Modifications to NoR 1 conditions (clean)



[# Council to allocate #] – Northern Public Transport Hub and Western Link - North

| | |
|---------------------|--|
| Designation Number | XXXX |
| Requiring Authority | Auckland Transport |
| Location | Intersection of Old State Highway 1 and Te Honohono ki Tai (Matakana Link Road) to the first bridge crossing on the proposed Western Link – North. |
| 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 a public transport hub, urban arterial transport corridor, park and ride facility 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 Council that the material change to the management plan is certified; or (b) ten 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 |
| Educational 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; (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting); (i) earthworks associated with enabling works |
| 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 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) Ngāti Maru
- (c) Ngāti Tamatera
- (d) Ngāti Whanaunga
- (e) Te Ākitai Waiohua
- (f) Ngai Tai Ki Tamaki
- (g) Ngāti Whātua o Kaipara
- (h) Ngāti Paoa Trust Board
- (i) Te Kawerau a Maki
- (j) Te Runanga o Ngāti Whātua
- (k) Te Patu Kirikiri
- (l) Ngāti Paoa Iwi Trust.

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 |
| NUMP | Network Utilities Management Plan |
| NZAA | New Zealand Archaeological Association |
| 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: <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. |
| 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. |
| ULDMP | Urban and Landscape Design Management Plan |

General conditions

1. Activity in General Accordance with Plans and Information

- (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
- (b) Where there is inconsistency between:
 - (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. Project Information

- (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.
- (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:
 - (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 information on where they can receive additional advice;
 - (v) a subscription service to enable receipt of project updates by email; and
 - (vi) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA.
- (c) 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.

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) the timing of any designation review under Condition 5 or in response to information received through Condition 3(b)(ii)
 - (iv) 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
 - (v) details of how to apply for written consent from the Requiring Authority for any development proposal that relates to land 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 ten working days prior to the Start of Construction for a Stage of Work

4. Stakeholder Communication and Engagement

- (a) At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify:
 - (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.
- (b) A record of (a) shall be submitted with an Outline Plan for the relevant Stage of Work.

5. Designation Review

- (a) As soon as reasonably practicable following Completion of Construction the Requiring Authority shall:
 - (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 Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.

6. Lapse

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.

7. Network Utility Operators and Auckland Council (Section 176 Approval)

- (a) Prior to the start of Construction Works, 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:
 - (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 work authorised by the designation as the existing utility.
- (b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.

Pre-construction conditions

8. Outline Plan

- (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:
 - (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) Network Integration Management Plan; and
 - (viii) Network Utilities Management Plan

8A. Additional Intersection Condition

For the purposes of this condition:

"Supermarket Site" means the site occupied by the Pak'n Save Supermarket at the time the designation was included in the AUP, within Record of Title 694504, Section 4, Survey Office Plan 476652.

The Outline Plan(s) for the intersection between the local road serving the Northern Public Transport Hub and the Western Link North shall:

- (a) show where the northern extent of the Western Link North will tie in with the existing signalised Old State Highway 1 / Te Honohono ki Tai intersection;
- (b) locate the intersection between the local road serving the Northern Public Transport Hub and the Western Link North so that the limit lines for the intersection fall within the box outlined in black on the concept plan in Schedule 1;
- (c) include design details for an additional stub to the intersection in (b) that:
 - (i) can connect to a fourth arm of the intersection if the owners of the Supermarket Site decide to construct access to the Supermarket Site; and
 - (ii) allows for all light vehicle movements; and
- (d) include a Safety Audit of the design details of items (a), (b) and (c) above and show how matters raised in the Safety Audit have been addressed or where matters have not been addressed provide justification for this.

Advice note:

For the avoidance of doubt, the Requiring Authority is only required to show a stub to the connection of a fourth arm of the intersection on the Outline Plan(s) and is not required by this condition to construct any part of the stub or the balance of the access to the Supermarket Site. The access to the Supermarket Site will be a private access and is not intended to be vested with Council. If that access has already been constructed at the time the Outline Plan is prepared, then it shall be the responsibility of the Supermarket Site owners to provide an appropriate connection to the intersection stub.

The requirement in (c)(ii) to allow for all light vehicle movements applies to the Outline Plan design and does not override the statutory powers of the road controlling authority to maintain the safe, effective, and efficient operation of the transport network.

Flood Hazard

For the purpose of Condition 9:

- (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 and commonly comprise of topographical depression areas. The areas can occur naturally or as a result of constructed features.
- (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).

9. Flood Hazard

- (a) The Project shall be designed to achieve the following flood risk outcomes:
 - (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 existing authorised community, commercial, industrial and network utility building floors that are already subject to flooding or have a freeboard less than 300mm;
 - (iii) maximum of 50mm increase in water level in a 1% AEP event outside and adjacent to the designation boundaries between the pre and post Project scenarios.
 - (iv) no new flood prone areas; and
 - (v) no increase of Flood Hazard class for the main vehicle and pedestrian access route to authorised habitable dwellings existing at 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.
- (b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 1% AEP flood levels (for Maximum Probable Development land use and including climate change).
- (c) Where the above outcomes 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 varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.

10. Existing property access

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.

11. Management Plans

- (a) Any management plan shall:
 - (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) summarise comments received from Mana Whenua and stakeholders as required by the relevant management plan condition, along with a summary of where comments have:
 - A. been incorporated; and
 - B. where not incorporated, the reasons why.
 - (v) be submitted as part of an Outline Plan pursuant to section 176A of the RMA, with the exception of SCEMPs and CNVMP Schedules;
 - (vi) Once finalised, uploaded to the Project website or equivalent virtual information source.
- (b) Any management plan developed in accordance with Condition 11 may:
 - (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;
 - (ii) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process;
- (c) 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 Council as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision;
- (d) Any material changes to the SCEMP(s) are to be submitted to the Council for information.

12. Stakeholder Communication and Engagement Management Plan (SCEMP)

- (a) A SCEMP shall be prepared in consultation with 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.
- (b) To achieve the objective, the SCEMP shall include:
 - (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;
 - (iii) methods to engage with Stakeholders and the owners of properties identified in (b)(ii) above;
 - (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);
 - (v) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua;
 - (vi) methods and timing to engage with owners and occupiers whose access is directly affected;
 - (vii) 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) and (ii) above; and
 - (viii) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant.
- (c) Any SCEMP prepared for a Stage of Work shall be submitted to Council for information a minimum of ten working days prior to the Start of Construction for a Stage of Work.

13. Cultural Advisory Report

- (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.
- (b) To achieve the objective, the Requiring Authority shall invite Mana Whenua to prepare a Cultural Advisory Report that:
 - (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, and the CMP referred to in Condition 20.
 - (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.
- (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;
- (d) Conditions 13(b) and (c) will cease to apply if:
 - (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least six months prior to start of Construction Works; and
 - (ii) Mana Whenua have not provided a Cultural Advisory Report within six months prior to start of Construction Works.

14. Network Integration Management Plan (NIMP)

- (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 Network Integration Management Plan (NIMP). The objective of the NIMP is to identify how the Project will integrate with the planned transport network within the Warkworth growth area to achieve an effective, efficient and safe land transport system.
- (b) To achieve the objective, the NIMP shall include details of the:
 - (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.

- 15. Urban and Landscape Design Management Plan (ULDMP)**
- (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:
 - (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.
 - (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 Condition 13 may be reflected in the ULDMP
 - (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.
- 16.**
- (a) To achieve the objective set out in Condition 15, the ULDMP(s) shall provide details of how the project:
 - (i) is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (i.e. 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); and
 - (iv) promotes a sense of personal safety by aligning with best practice guidelines, such as:
 - 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)
 - (b) The ULDMP shall be prepared in general accordance with:
 - (i) Auckland Transport's Urban Roads and Streets Design Guide;
 - (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; and
 - (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.

17. The ULDMP(s) shall include:
- (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; and
 - (c) landscape and urban design details – that cover the following:
 - (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) re-instatement of features to be retained such as:
 - A. boundary features
 - B. driveways;
 - C. accessways; and
 - D. fences
 - (d) The ULDMP shall also include the following planting details and maintenance requirements:
 - (i) planting design details including:
 - A. identification of existing trees and vegetation that will be retained with reference to the TMP and EMP. 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,
 - D. Riparian margins and open space zones;
 - E. identification of any planting requirements under the EMP (Condition 28) and TMP (Condition 29);
 - F. integration of any planting requirements required by conditions of any resource consents for the project; and
 - G. 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 works in each Stage of Work; and
 - (iii) detailed specifications relating to the following:
 - 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.

Construction Conditions

18. Construction Environmental Management Plan (CEMP)

- (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.
- (b) To achieve the objective, the CEMP shall include:
 - (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 zones;
 - (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.

19. Complaints Register

- (a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include:
 - (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.
- (b) A copy of the complaints register required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.

20. Cultural Monitoring Plan (CMP)

- (a) Prior to the start of Construction Works, 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 start of Construction Works 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 Works, 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.

21. Construction Traffic Management Plan (CTMP)

- (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.
- (b) To achieve this objective, the CTMP shall include:
 - (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 educational facilities or to manage traffic congestion;
 - (iv) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport, pedestrians and cyclists;
 - (v) 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. Engagement with landowners or occupiers whose access is directly affected shall be undertaken in accordance with the SCEMP;
 - (vi) 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;
 - (vii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / stakeholders / emergency services);
 - (viii) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and
 - (ix) details of any measures proposed to be implemented in the event of thresholds identified in (d) below being exceeded.
- (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;
- (d) Particular consideration is to be given to the Hill Street intersection (being the intersection of State Highway 1, Hill Street, Elizabeth Street, Matakana Road, Sandspit Road and Millstream Place.

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 _A Fmax |
|---|---------------|--------------------------|---------------------|
| 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 the construction 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 period 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 13 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 13).

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 by a Suitably Qualified Person. The purpose of the survey is to inform the 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 may have a moderate or greater level of ecological effect on ecological species of value, prior to implementation of impact management measures with the level of effect to be determined in accordance with Table 10 of the EIANZ guidelines as included in Schedule 4 to these conditions (or subsequent updated version of the table).
- (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 of Confirmed Biodiversity Areas as far as practicable.
- (b) To achieve the objective, the EMP shall set out the methods which may include:
 - (i) If an EMP is required in accordance with Condition 27(b) for the presence of threatened or at risk birds (excluding wetland birds):
 - A. how the timing of any Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable;
 - B. where Pipit are identified as being present, how the timing of any Construction Works shall be undertaken outside of the Pipit bird breeding season (August to February) where practicable; and
 - C. where works are required within the area identified in the Confirmed Biodiversity Area during the bird breeding season (including Pipits), methods to minimise adverse effects on Threatened or At-Risk birds; and
 - D. details of grass maintenance if Pipit are present.
 - (ii) If an EMP is required in accordance with Condition 27(b) for the presence of threatened or at risk wetland birds:
 - A. how the timing of any Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable;
 - B. where works are required within the Confirmed Biodiversity Area during the bird season, methods to minimise adverse effects on Threatened or At-Risk wetland birds;
 - C. undertaking a nesting bird survey 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). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction inactivity;
 - D. what protection and buffer measures will be provided where nesting Threatened or At-Risk wetland birds are identified within 50m of any construction area (including laydown areas). Measures could include:
 - a. a 20 m buffer area around the nest location and retaining vegetation. The buffer areas should be demarcated where necessary to protect birds from encroachment. This might include the use of marker poles, tape and signage;
 - b. monitoring of the nesting Threatened or At-Risk wetland birds by a Suitably Qualified and Experienced Person. Construction works within the 20m nesting buffer areas should not occur until the Threatened or At-Risk wetland birds have fledged from the nest location (approximately

- 30 days from egg laying to fledging) as confirmed by a Suitably Qualified and Experienced Person;
 - c. minimising the disturbance from the works if construction works are required within 50 m of a nest, as advised by a Suitably Qualified and Experienced Person;
 - d. adopting a 10m setback where practicable, between the edge of Wetlands and construction areas (along the edge of the stockpile/laydown area); and
 - e. minimising light spill from construction areas into Wetlands.
- E. Details on any mitigation required to address any potential operational disturbance.
- (c) 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).

29. Network Utility Management Plan (NUMP)

- (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.
- (b) To achieve the objective, the NUMP shall include methods to:
 - (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;
- (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.
- (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.
- (e) The NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed.
- (f) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP.
- (g) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.

Operational conditions

30. Low Noise Road Surface

- (a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project.

31. Future Resurfacing Work

- (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:
 - (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.
- (b) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 31(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.

32. Transport Hub Noise

All mechanical and electrical services (including Public Address system) for the transport hub shall be designed to comply with the following noise rating levels and maximum noise levels, as measured and assessed at any residential zone site boundary.

| Time | Noise Level |
|-----------------------------|--|
| Monday to Saturday 7am-10pm | 50dB L _{Aeq} |
| Sunday 9am-6pm | |
| All other times | 40dB L _{Aeq} 75dB L _{AFmax} |

Traffic Noise

For the purposes of Conditions 33 to Condition 44:

- (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 5: 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 5: 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 30; and
- (k) Structural Mitigation – has the same meaning as in NZS 6806.

33. The Noise Criteria Categories identified in Schedule 5: PPFs Noise Criteria Categories at each of the PPFs shall be achieved where practicable and subject to Conditions 33 to 44 (all traffic noise conditions).

The Noise Criteria Categories do not need to be complied with at a PPF where:

- (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.

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.

34. 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 5: Identified PPFs Noise Criteria Categories
For the avoidance of doubt, the low noise road surface implemented in accordance with Condition 30 may be (or be part of) the Selected Mitigation Option(s).
35. Prior to construction of the Project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in Schedule 5: PPFs Noise Criteria Categories, taking into account the Selected Mitigation Options.
36. 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.
37. 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.

38. Prior to the Start of Construction, a Suitably Qualified Person shall identify those PPFs which, following implementation of all the Detailed Mitigation Options, will not be Noise Criteria Categories A or B and where Building-Modification Mitigation might be required to achieve 40 dB $L_{Aeq(24h)}$ inside Habitable Spaces ('Category C Buildings').
39. Prior to the Start of Construction in the vicinity of each Category C Building, the Requiring Authority shall write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within three months of the date of the Requiring Authority's letter, the Requiring Authority shall instruct a Suitably Qualified Person to visit the building and assess the noise reduction performance of the existing building envelope.
40. For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 39 above if:
- (a) The Requiring Authority's Suitably Qualified Person has visited the building and assessed the noise reduction performance of the building envelope; or
 - (b) The building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or
 - (c) The building owner did not agree to entry within three months of the date of the Requiring Authority's letter sent in accordance with Condition 39 above (including where the owner did not respond within that period); or
 - (d) The building owner cannot, after reasonable enquiry, be found prior to Completion of Construction of the Project.
- If any of (b) to (d) above apply to a Category C Building, the Requiring Authority is not required to implement Building-Modification Mitigation to that building.
41. Subject to Condition 40 above, within six months of the assessment undertaken in accordance with Condition 39, the Requiring Authority shall write to the owner of each Category C Building advising:
- (a) If Building-Modification Mitigation is required to achieve 40 dB $L_{Aeq(24h)}$ inside habitable spaces; and
 - (b) The options available for Building-Modification Mitigation to the building, if required; and
 - (c) That the owner has three months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than one option is available.
42. Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of a Category C Building, the mitigation shall be implemented, including any third party authorisations required, in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.
43. Subject to Condition 40, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with Condition 42 if:
- (a) The Requiring Authority has completed Building Modification Mitigation to the building; or
 - (b) An alternative agreement for mitigation is reached between the Requiring Authority and the building owner; or
 - (c) The building owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within three months of the date of the Requiring Authority's letter sent in accordance with Condition 40 (including where the owner did not respond within that period); or
 - (d) The building owner cannot, after reasonable enquiry, be found prior to Completion of Construction of the Project.

44. The Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable

Attachments

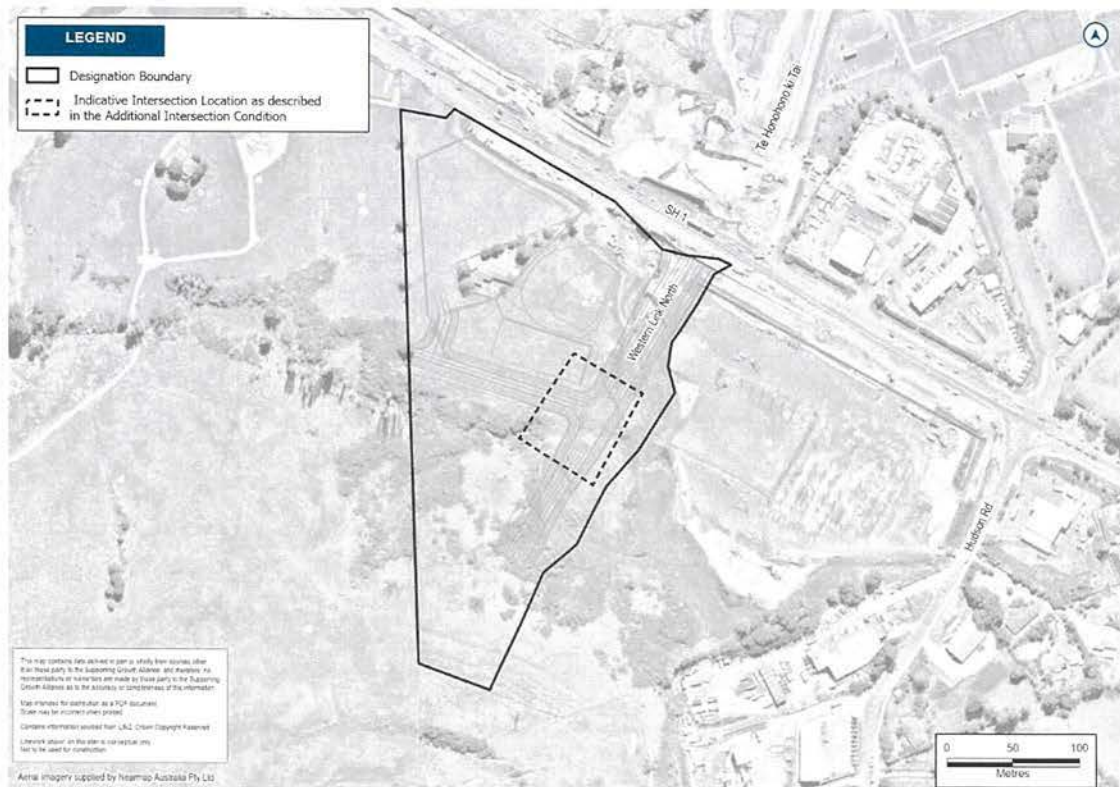
Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation, and maintenance of a public transport hub, park and ride facility, and a new urban arterial with cycle lanes and footpaths between the intersection of Old State Highway 1 and Te Honohono ki Tai (Matakana Link Road) to the first bridge crossing on the proposed Western Link – North. The proposed work is shown in the following Concept Plan and includes:

- Construction of an urban arterial with cycle lanes and footpaths, and a new transport hub with park and ride 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 to enable widening of the corridor, 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.

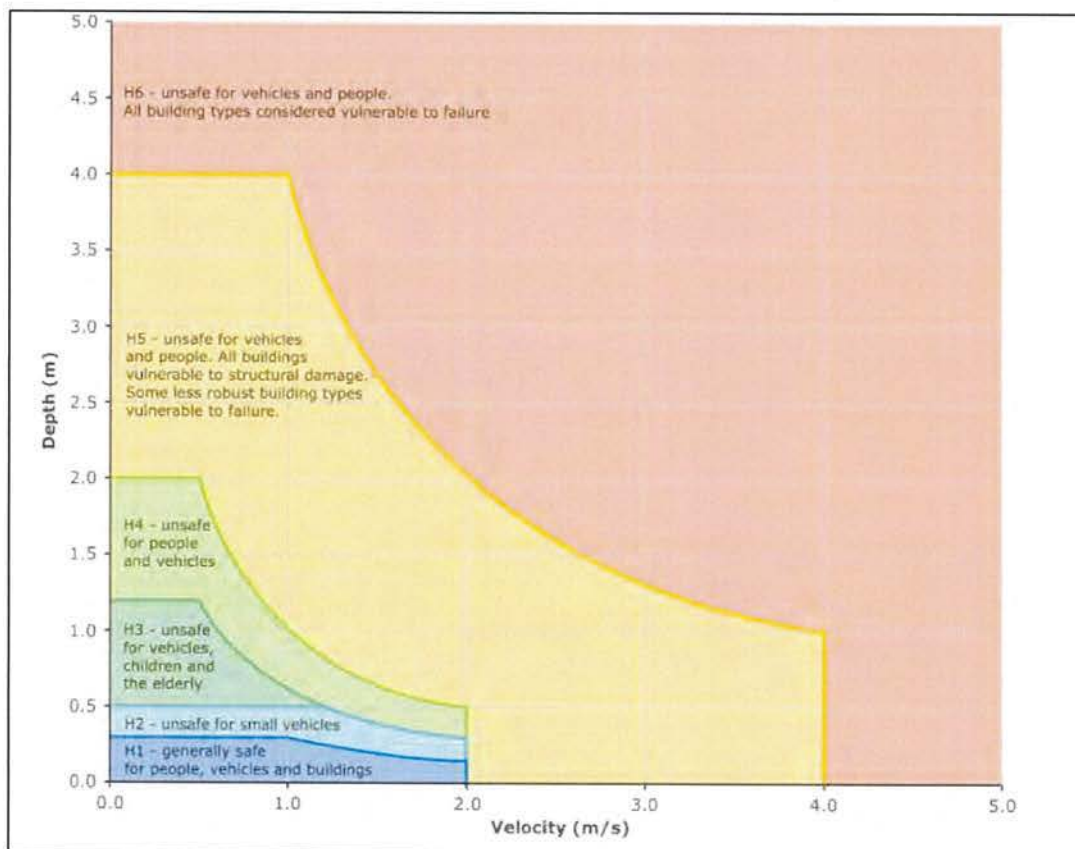
Concept Plan



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

LEGEND

 Designation Boundary

 Identified Biodiversity Area



Bat Movement Corridors

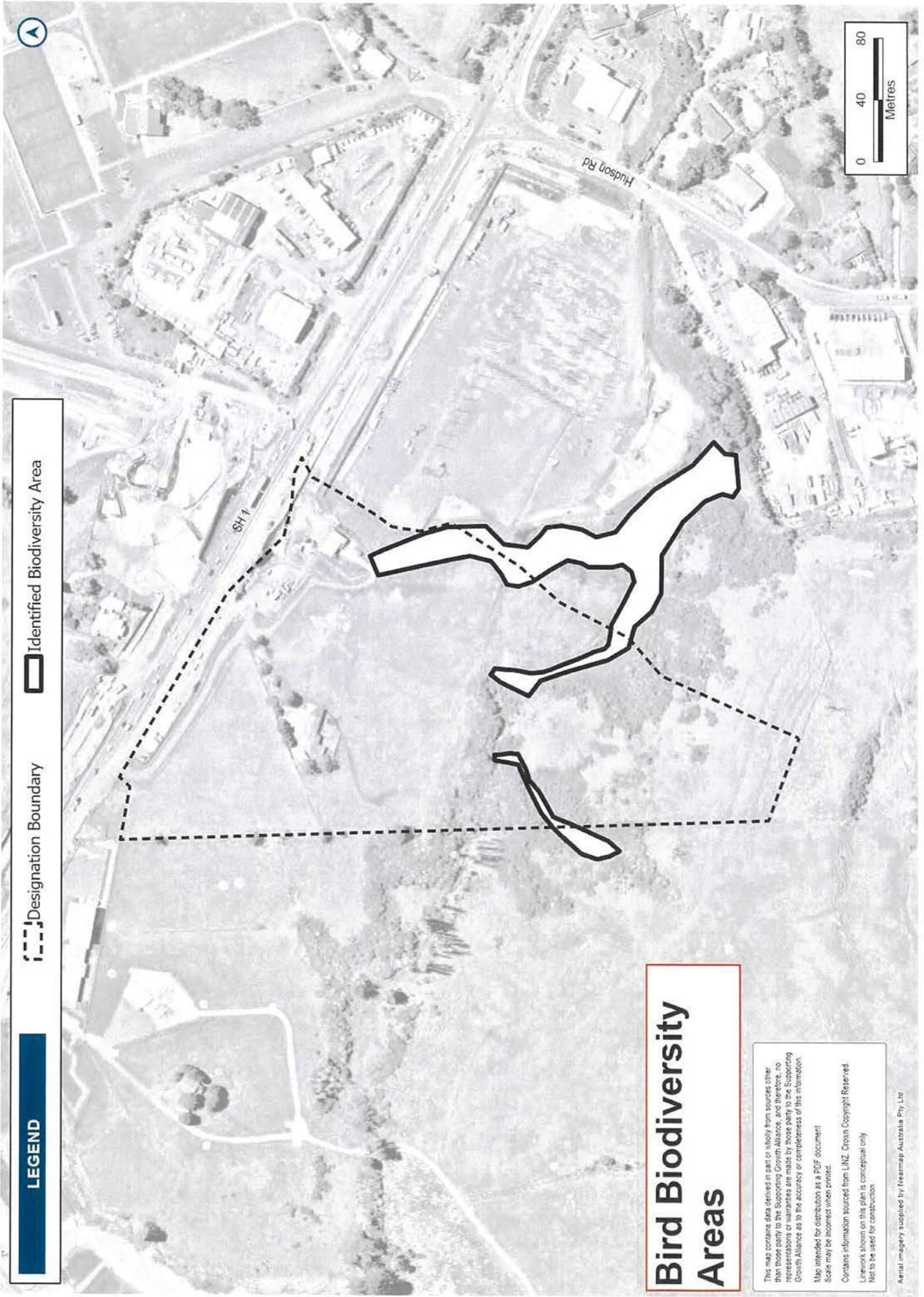
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LEGEND

--- Designation Boundary

▭ Identified Biodiversity Area

Bird Biodiversity Areas

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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: Identified PPFs Noise Criteria Categories

No PPFs are impacted by this designation.

Attachment 3: A list of persons to be served with a copy of this notice

Auckland Transport: Care of:

- Simon Titter - simon.titter@supportinggrowth.nz
- Jane Small - jane.small@at.govt.nz

Auckland Council: Care of:

- Manager Regulatory Litigation, Legal and Risk, Private Bag 92300, Auckland 1142
- Bronnie.Styles@aucklandcouncil.govt.nz
- unitaryplan@aucklandcouncil.govt.nz
- christian.brown@aucklandcouncil.govt.nz

The submitters listed in the attached schedule.

| NoR | Sub # | Submitter Name | Address for Service |
|-------|-------|---|--|
| NoR 1 | 1 | Neighbourhood Holdings Ltd | andrew.bidlake@nhl.nz |
| NoR 1 | 2 | Middle Hill Ltd and the Tyne Trust | annabelle2027@gmail.com |
| NoR 1 | 3 | Patricia Sullivan | paddyasullivan@gmail.com |
| NoR 1 | 4 | One Mahurangi Business Association and Warkwo | ropeworth@gmail.com |
| | | | 810 Great South Road Penrose Auckland 1061 |
| NoR 1 | 5 | P2W Services Limited | Auckland 1061 |
| NoR 1 | 6 | Northern Express Group, NX2 LP | steve.burris@nx2group.com |
| NoR 1 | 7 | Grant Hewison and Associates Ltd | grant@granthewison.co.nz |
| NoR 1 | 8 | Foodstuffs North Island Limited | marbutnot@bentley.co.nz |
| NoR 1 | 9 | Watercare Services Limited | mark.bishop@water.co.nz |
| NoR 1 | 10 | Equal Justice Project | rgre311@aucklanduni.ac.nz |