BEFORE THE ENVIRONMENT COURT **ENV-2022-AKL-000**

AUCKLAND REGISTRY

I MUA I TE KOOTI TAIAO O AOTEAROA

KI TAMAKI MAKAURAU

In the Matter	of the Resource Management Act 1991 (**Act**)
And	
In the Matter	of an appeal under section 174 of the Act against part of a decision of Auckland Transport to confirm Notice of Requirement D2 Jesmond Road to Waihoehoe West Frequent Transit Network Upgrade, Drury
Between	Oyster Capital **Appellant**
And	Auckland Transport **Requiring Authority**

Notice of Appeal Against Decision of Requiring Authority to Confirm Notice of Requirement D2 Jesmond Road to Waihoehoe West Frequent Transit Network Upgrade on Behalf of Oyster Capital

Dated 15 July 2022

Jeremy Brabant

Barrister

Level 4, Vulcan Building Chambers

PO Box 1502, Shortland St

Auckland City

021 494 506

Email: jeremy@brabant.co.nz

To: The Registrar
Environment Court
Auckland

1. Oyster Capital (**Oyster**) appeals against part of a decision of:

   AUCKLAND TRANSPORT (**AT**) to confirm Notice of Requirement D2 – Jesmond Road to Waihoehoe West Frequent Transit Network Upgrade (**NOR D2**).

2. Oyster made a submission on NOR D2[1] and actively participated in the hearing of the Drury Aterial Notices of Requirement.

3. Oyster received notice of the decision confiriming NOR D2 (**Decision**) on or about 23 June 2022.

4. The Decision was made by AT.

5. Oyster is not a trade competitor for the purposes of s 308D of the Resource Management Act 1991 (**RMA**).

6. Oyster <u>generally supports</u> the confirmation of NOR D2 <u>subject to</u> amendments to:

   a. The timeframe for review of the NOR D2 designation boundary; and

   b. Construction and operational noise:

      i. Condition 24: Construction Noise and Vibration Management Plan (**CNVMP**); and

      ii. Condition 31: Operational conditions (low noise road surface standards).

[1] Submitter #4.

7. The site to which NOR D2 applies is:

   NOR D2 applies to an area of land of approximately 182,108m^2 (not including legal roads) located in Drury from Jesmond Road (from State Highway 22) to Waihoehoe Road east of Fitzgerald Road. The requirement applies to 111 land parcels (not including legal roads).

Grounds of Appeal

8. The reasons for the appeal are as follows:

   a. Although NOR D2 is generally in accordance with the purpose and principles of the RMA and generally satisfies the s 171 requirements, further refinement to the conditions is required to ensure appropriate integration with future land use and development.

   b. NOR D2, amended in line with Oyster's relief:

      i. Will promote the sustainable management of natural and physical resources;

      ii. Will achieve the efficient use and development of natural and physical resources;

      iii. Is the most appropriate way to achieve the purpose of the RMA;

      iv. Satisfies the requirements of 171 of the RMA;

      v. Gives effect to the relevant higher order planning documents; and

      vi. Appropriately avoids, remedies, or mitigates adverse effects on the environment.

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

Context

9. Oyster is a land development company specialising in the development of land for residential and commercial land uses and has been involved in the development of Drury East since early 2017 when it began looking at strategic residential land development opportunities in Drury.

10. Oyster subsequently identified an area of land approximately 49 ha immediately north of Waihoehoe Road and immediately east of the North Island Main Trunk railway as a suitable development location (**Oyster Site**).

11. Oyster has approximately 35 ha of the Oyster Site under control[2] located at 76, 76A, 116, 136, and 140 Waihoehoe Road – all of these sites are impacted by NOR D2.

12. By way of background Oyster:

    a. Submitted a private plan change request (**PC50**) to rezone the Oyster Site from Future Urban Zone to Residential – Terrace Housing and Apartment Building Zone. The decision of Auckland Council to approve PC50 is currently under appeal to the Environment Court; and

    b. Submitted an application to the Environmental Protection Authority for resource consent under the Covid-19 Recovery (Fast-track Consenting) Act 2020 (**FTCA**) for a residential development at 76, 76A, 116, 136, and 140 Waihoehoe Road.[3] The FTCA application seeks to comprehensively develop the eastern part of the Oyster Site and includes construction of a two-lane collector road (North – South Ōpāheke Road) and will have a development frontage (albeit limited) within the footprint of NOR D2. A decision on the FTCA consent application has not yet issued.

[2] By way of unconditional sale and purchase agreements.
[3] Waihoehoe Precinct Project.

13. As part of the above planning and consenting exercises, Oyster has undertaken comprehensive and extensive engagement with Auckland Council, AT, the Supporting Growth Alliance, adjoining landowners (including the proponents of interrelated private plan changes PC48 and PC49) in relation to the alignment, layout, upgrading, and feasibility of the transport infrastructure for Drury East. Oyster has also undertaken extensive and detailed design of transport upgrades as part of its recent FTCA consent application.

Designation Boundary Review

14. Oyster's proposed development site will have a (limited) frontage to Waihoehoe Road and will therefore be subject to the extent of NOR D2.

15. Oyster's intention is to progress physical development of the Oyster Site as soon as possible. That development is intended to integrate with transport infrastructure including the future Waihoehoe Road West FTN Upgrade.

16. To ensure integration, Oyster sought an amendment to Condition 3 requiring a review of the extent of the designation to occur no later than 6 months from the completion of construction. The Commissioners agreed.

17. The Decision to reject the recommendation:

    a. Fails to provide landowners with certainty to be able to use and develop their land (both as of right and as authorised by a resource consent);

    b. Does not properly justify why, on completion of construction, surplus land will be required to provide a safe arterial transport corridor;

    c. Fails to engage with the reality of anticipated development and transport integration in Drury East, including the Oyster Site;

    d. Is likely to result in increased delays, cost, and uncertainty for landowners seeking to use their land;

e. Is not reflective of good planning practice to reduce or minimise the extent of a designation when there is certainty that identified land is no longer required; and

f. Fails to properly mitigate the adverse effect the designation will have on land.

Construction and Operational Noise Conditions

Construction Noise

18. NOR D2 allows construction to occur on Sundays and Public Holidays.[4] If compliance with the Sunday/Public Holidays noise standard is not "practicable", then the conditions provide that management of noise must be undertaken in accordance with the CNVMP.

19. To ensure that the allowance for construction noise on Sundays and Public Holidays was not abused, Oyster sought to further constrain the ability to exceed noise standards at sensitive times by requiring those exceedances to be justified (i.e. limited to instances where weekday works could not practically, due to safety reasons or reasonable traffic delays, occur).

20. The Commissioners agreed and recommended an amendment to the construction noise conditions to "avoid" works at sensitive times by constraining that opportunity to justified instances only.

21. In rejecting the recommendation in part, the Decision deleted the directive avoidance language and deleted the proposed constraint for justified instances only.

22. The Decision not to constrain Sunday and Public Holiday construction noise:

a. Fails to limit exceedances of excessive construction noise to properly justified circumstances;

b. Fails to properly recognise that construction is likely to take place within a developed urban environment;

[4] Condition 22.

c. Is likely to result in significant adverse effects on sensitive land users;

d. Fails to provide residents sufficient respite from excessive construction noise; and

e. Fails to appropriately protect against the potential misuse of the exceedances as a response to internal or external pressures (i.e. making up for lost time or to avoid late delivery penalties).

23. Oyster's preferred relief achieves an appropriate balance between providing for some justified (and sometimes unavoidable) "out of hours" construction works while appropriately protecting the health and amenity of future residents.

Operational Noise

24. The mitigation of road traffic noise within the road corridor requires an assessment of those effects on the environment. The new residential zoning framework and residential development proposed by Oyster will result in a significant change in character to the land along the northern edge of Waihoehoe Road.

25. To ensure a real-world assessment of noise effects, Oyster proposed a condition requiring a low noise road surface on all roads where they are within 100m of any land zoned for residential activity and where the volume of traffic is expected to exceed 2000 vehicles per day within 10 years of the completion of construction of the project.

26. The Decision not to impose Oyster's preferred condition:

a. Fails to appropriately avoid, remedy, or mitigate adverse operational noise effects by:

i. Setting the threshold for providing a low noise road surface inappropriately high.

ii. Limiting the location of low noise road surfaces to roads that are subject to high wear and tear, is in an industrial or commercial zone, or is subject to high levels of pedestrians.

b. Does not reflect a "real world" receiving environment which will be an urban environment; and

c. Fails to recognise the intent of the condition and the effects it seeks to control (noise and amenity) on all residential land which is inherently sensitive to noise.

Relief Sought

27. Oyster seeks the following relief:

a. That NOR D2 be refused unless conditions are imposed which:

i. Ensure the timely review of the designation boundaries subsequent to construction of the project;

ii. Place appropriate constraints on construction works occurring on Sundays and Public Holidays;

iii. Requires the resurfacing of roads to an asphaltic mix (or equivalent low noise road surface) within 12 months of completion of the project where:

a. The volume of traffic is expected to exceed 2,000 vehicles per day within 10 years of completion of the construction of the project; and

b. The road is within 100m of land zoned for residential activity.

b. Any such other orders, relief, or consequential amendments as are considered appropriate or necessary to address Oyster's concerns.

28. The following documents are attached to this notice in support of the appeal:

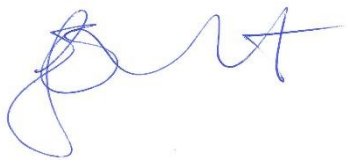
    a. A copy of Oyster's submission on NOR D2 (**Attachment A**);

    b. A copy of the relevant parts of the Commissioners recommendations (**Attachment B**);

    c. A copy of the relevant parts of the Decision (**Attachment C**); and

    d. A list of names and addresses of persons to be served with a copy of this notice (**Attachment D**).

Signature: **Oyster Capital** by its authorised agent:



Jeremy Brabant

Date: 15 July 2022

Address for service: Jeremy Brabant
PO Box 1502, Shortland St
Auckland

Mobile: 021 494 506

Email: jeremy@brabant.co.nz

Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if—

(a) you made a submission on the matter of this appeal; and

(b) within 15 working days after the period for lodging a notice of appeal ends, you 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

(c) within 20 working days after the period for lodging a notice of appeal ends, you 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 Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource

Advice

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

Attachment A

Copy of Oyster Capital's Submission

Submission on a requirement for a designation or an alteration to a designation subject to full or limited notification

Sections 168A,169, 181, 189A, 190, and 195A of the Resource Management Act 1991
FORM 21

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Nick Roberts - Barker and Associates

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter Oyster Capital
c/- Barker and Associates (Attn: Nick Roberts)
PO Box 1986, Shortland Street, Auckland 1140

Telephone: 029 666 8330 Fax/Email: nickr@barker.co.nz

Contact Person: (Name and designation if applicable)

This is a submission on a notice of requirement:

By::	Name of Requiring Authority	Auckland Transport
For:	A new designation or alteration to an existing designation (describe)	NoR D2: Jesmond to Waihoehoe West FTN Upgrade

The specific parts of the above notice of requirement that my submission relates to are: *(give details)*:

Refer to attached submission.

My submission is:

In support of the notice of requirement ☐ In opposition to the notice of Requirement ☑

Neutral ☐

The reasons for my views are:

As set out in the attached submission.

(continue on a separate sheet if necessary)

I seek the following recommendation or decision from the Council *(give precise details including the general nature of any conditions sought)*.

As set out in the attached submission.

I wish to be heard in support of my submission ☑

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☑

Signature of Submitter
(or person authorised to sign on behalf of submitter)

19.05.2021
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

You must serve a copy of your submission on the person who gave the notice of requirement as soon as reasonably practicable after you have served your submission on the Council (unless the Council itself, as requiring authority, gave the notice of requirement)

If your submission relates to a notice of requirement for a designation or alteration to a designation and you are a trade competitor of the requiring authority, you may make a submission only if you are directly affected by an effect of the activity to which the requirement relates that:

(a) Adversely affects the environment, and

(b) Does not relate to trade competition or the effects of trade competition.

Submission on a Requirement for a Designation or an Alteration to a Designation

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Name of Submitter: Oyster Capital Limited ("Oyster")

1. Oyster makes this submission on a new designation to upgrade Jesmond Road and Waihoehoe Road West to a four lane Frequent Transit Network arterial with active transport facilities ("NOR D2") lodged by Auckland Transport in accordance with Sections 168A,169, 181, 189A, 190, and 195A of the Resource Management Act (RMA) 1991 as follows.

2. Oyster could not gain advantage in trade competition through this submission.

3. Oyster is directly affected by effects of the subject matters of the submission that –
    a. Adversely affects the environment; and
    b. Do not relate to trade competition or the effects of trade competition.

4. Oyster wish to be heard in support of their submission.

5. If any other submitters make a similar submission, Oyster will consider presenting a joint case with them at the hearing.

Overview of Oyster

6. Oyster is a proudly New Zealand owned company specialising in the predevelopment and development of land for both residential and commercial property projects across New Zealand. Oyster was formed in 2003, has since continuously and successfully delivered a number of master-planned greenfield residential subdivisions, including residential developments in Whenuapai, Beachlands and Bishop Hill.

7. Oyster has an interest in the Drury Arterials Network that is greater than the interest of the general public. Oyster has unconditional and conditional sale and purchase agreements in place for a significant landholding of approximately 34.65 hectares of land at 76, 76A, 116, 136 and 140 Waihoehoe Road, Drury East. In addition, by way of background, Oyster has also submitted a private plan change 50("PC50") to rezone 48.9 hectares of Future Urban Zone land (inclusive of the 34.65 hectares noted above) to Residential – Terrace Housing and Apartment Building.

8. For the reasons given above, Oyster has an interest in NOR D2 that is greater than the interest of the general public, given the proximity of Oyster's landholding on Waihoehoe Road

adjacent to NOR D2 and the PC50 area. It is considered that NOR D2 has the potential to give rise to adverse effects on the environment that would directly affect Oyster.

Scope of Submission

9. Oyster generally supports the purpose and intent of the Drury Arterials Network as they would support the future urbanisation and development of Drury. However, Oyster opposes NOR D2 for reasons which include but are not limited to those given in **Attachment 1** of this submission.

Address for Service:
Barker & Associates Ltd
Attn: Nick Roberts
PO Box 1986
Shortland Street
Auckland 1140

Contact Number: 029 666 8330
Email: nickr@barker.co.nz

Copied to:
Oyster Capital Limited
c/- Andrew McCarthy, Planning and Development Manager
Email: andrew@oystercapital.co.nz

Attachment 1: Oyster submission on NOR D2: New designation to upgrade Jesmond Road and Waihoehoe Road West to a four lane Frequent Transit Network arterial with active transport facilities (Auckland Transport)

NOR D2 Aspect	Submission / Reasons	Support/Oppose	Relief Sought
NOR D2	Oyster generally supports NOR D2 as it supports future urban development of Drury. However, Oyster considers that amendments are required to the proposed design of the Waihoehoe Road and Fitzgerald Road intersection and extent of the designation boundaries.	Support with amendments	Approve NOR D2 subject to the amendments / relief sought below.
Proposed roundabout at Waihoehoe Road, Fitzgerald Road and proposed Opaheke North-South FTN Arterial intersection	Oyster fundamentally opposes the proposed roundabout at the intersection of Waihoehoe Road and Fitzgerald Road as this would result in suboptimal traffic outcomes in terms of safety, levels of service and performance of the transport network. It is considered that the proposed roundabout design would be inappropriate for the reasons below which include but are not limited to: a. The proposed multi-lane roundabout will struggle to achieve safe system speeds for users due to the large carriageway arrangement and required large central island radii; b. A multi-lane roundabout loses the simplicity of a single circulatory lane to give way to, thereby undermining a number of the key safety benefits of roundabouts; c. There is little to no ability to provide for bus priority at a multi-lane roundabout without requiring a full approach and departure lane on Waihoehoe Road and proposed Opaheke North-South FTN Arterial; d. Roundabouts are unable to adjust to unequal / single approach dominant flows, which is likely to occur due to the growing nature of Drury, resulting in traffic patterns shifting multiple times over the coming decades. This will result in some approaches experiencing much longer wait times. Alternatively, a signalised intersection in this same location is considered to be a far superior outcome in terms of road safety, public transport priority and adjusting to uneven traffic flows. Other reasons include but are not limited to: a. Placing the intersection on a raised table to control excess speeds, combined with signal controls which are able to separate conflicting movements, will result in improved road safety when compared to a multilane roundabout; b. A signalised intersection can provide for public transport priority by adjusting signal phasing and the provision of bus priority approach lanes; and c. A signalised intersection can easily adjust to uneven flows without any physical works through adjusting the traffic signal phasing. In this regard, a more appropriate intersection design is included as **Attachment 2** which includes the following main features: • Lanes as follows: ○ Opaheke NS FTN Arterial – three approach lanes (two right turn lanes, one left-and-through lane, plus an added bus departure lane); ○ Waihoehoe Road West – four approach lanes (one left, one left-and-through, one through and one right turn lane, plus an added bus departure lane); ○ Waihoehoe Road East – three approach lanes (one left-and-through, one through and one right turn lane, plus an added general traffic departure lane);	Oppose	Amend the proposed design of the Waihoeoe Road, Fitzgerald Road and Opaheke North-South FTN Arterial from a multi-lane roundabout to a signalised intersection.

	○ Fitzgerald Road – three approach lanes (one left slip, one through and one right turn lane). If a slip lane is not favoured, signalising this left turn would still be within the designation area. • Provision of a wide solid median on the northern approach (Opaheke NS FTN Arterial); • Signalised, separated pedestrian and cycle crossings over all arms; • Intersection placed on a raised table, including pedestrian and cycle crossings located on the raised table; • Sidra intersection modelling shows the intersection to operate at a LOS D Based on the above, a signalised intersection is considered superior to a multi-lane roundabout in terms of road safety, public transport priority and adjusting to uneven traffic flows.		
NOR D2 extent at the Waihoehoe Road and Fitzgerald Road and proposed Opaheke intersection	Oyster opposes the overall extent of the proposed designation boundaries, particularly in relation to the intersection between Waihoehoe Road and Fitzgerald Road as a consequence of the proposed roundabout design. The proposed multi-lane roundabout requires a significant amount of third-party land to accommodate the large carriageways and central island (approx. 80m diameter). As a consequence of a such a large roundabout, there is the unnecessary exercise and cost of acquiring additional land take. This will also unduly restrict the future development potential of a significant portion of land in this part of Drury as Section 176 of the RMA would apply, which prevents any person from subdividing or changing the character, intensity, scale or use of the designated land without the written consent of the requiring authority. A signalised intersection as sought above results in a more compact design (approx. 60m diameter) and requires the acquisition of significantly less land.	Oppose	Amend the extent of the proposed designation boundary at the Waihoehoe Road, Fitzgerald Road and Opaheke North-South FTN Arterial to a signalised intersection as per the design included as **Attachment 2** of this submission.
Road alignment and associated extent of designation boundary on Waihoehoe Road West	Oyster opposes the road alignment as the proposed widening of Waihoehoe Road involves two new eastbound lanes located to the north of the existing Waihoehoe Road corridor. This results in the majority of works, and therefore the majority of NOR D2 on Waihoehoe Road West, to impact land to the north of Waihoehoe Road. This is considered to be inappropriate as the proposed alignment and widening of Waihoehoe Road (predominantly to the north) results in the majority of land take being on the northern side of Waihoehoe Road. It is considered that the alignment of Waihoehoe Road should be shifted south to allow a more equitable land take. Further, the proposed road alignment, and associated extent of NOR D4 boundary, will remove a large amount of land which is identified in the Drury-Opaheke Structure Plan 2019 (“Structure Plan”) as accommodating high density residential development (i.e. THAB zone). As such, the current road alignment significantly impinges on the development potential of this land and ability to deliver high density residential development as anticipated by the Structure Plan and PC50.	Oppose	Amend the extent of NOR D2 to reflect a more central alignment and an equitable land take on both sides of Waihoehoe Road West.
Extent of designation boundary	Oyster opposes the extent of the proposed designation boundaries. The proposed designation boundaries extend significantly further than the anticipated extent of works. For example, the NOR D2 boundary immediately to the west of the Waihoehoe Road, Fitzgerald Road and proposed Opaheke North-South FTN Arterial roundabout is in excess of 7m from the extent of works / fill batters without any rational or reasoning given to justify the extent of additional land take. This is considered to be unnecessary and has the consequential effect of significantly limiting the future development potential and opportunities for the affected land which in Oyster’s view does not	Oppose	Reduce the extent of the Waihoehoe Road (West) FTN Upgrade portion of NOR D2 to only include land necessary for the works.

<table>
<tr><td></td><td>represent the sustainable use and development of a natural and physical resource and would not meet the purpose of the Resource Management Act 1991.</td><td></td><td></td></tr>
<tr><td>Schedule 1 of the proposed conditions</td><td>Oyster opposes the extent of the proposed designation boundaries as shown on the concept plan within Schedule 1 of the proposed conditions for the reasons set out above.</td><td>Oppose</td><td>Amend the extent of the proposed designation boundary as follows:
To reflect a signalised intersection at the Waihoehoe Road, Fitzgerald Road and Opaheke North-South FTN Arterial intersection as per the design included as Attachment 2 of this submission;
To include a reduced designation boundary extent to include only the land necessary for the works; and
To reflect the amended alignment of Waihoehoe Road West further to the south.</td></tr>
<tr><td>Proposed condition 19</td><td>Oyster opposes proposed condition 9 of NOR D2, which allows construction 24 hours a day, 7 days a week. Given the estimated construction period of 2-2.5 years, it is considered reasonable that residents in the area are provided some respite from construction activities.</td><td>Oppose</td><td>Amend proposed condition 19 as follows (deletions as ~~strikethrough~~ and additions as <u>bold underlined</u>:

19. Construction Noise Standards

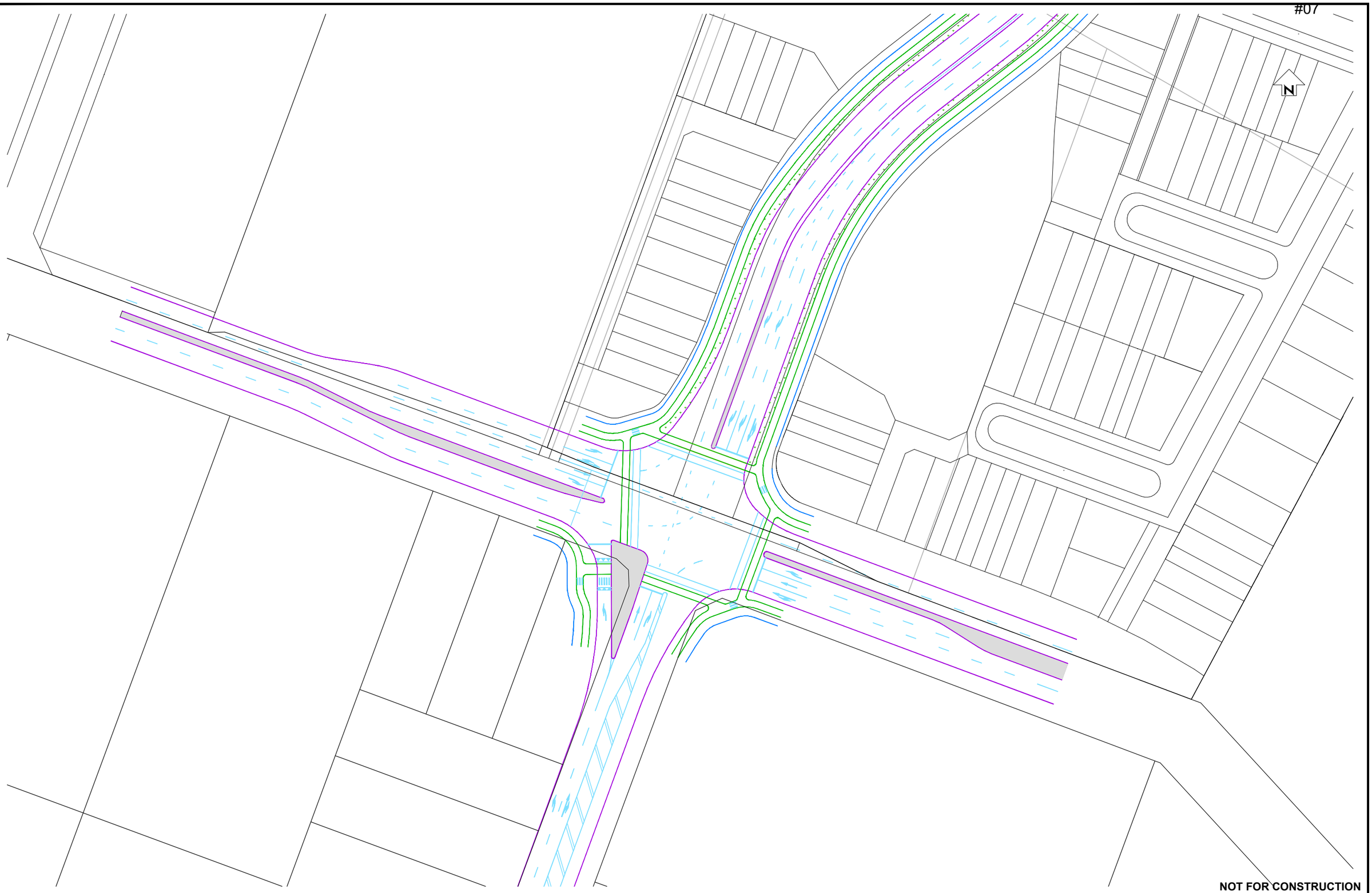
(a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable:

<table>
<tr><th>Day of week</th><th>Time period</th><th>LAeq(15min)</th><th>LAFmax</th></tr>
<tr><td colspan="4">Occupied activity sensitive to noise</td></tr>
<tr><td>Weekday</td><td>0630h - 0730h
0730h - 1800h
1800h - 2000h
2000h - 0630h</td><td>55 dB
70 dB
65 dB
45 dB</td><td>75 dB
85 dB
80 dB
75 dB</td></tr>
<tr><td>Saturday</td><td>0630h - 0730h
0730h - 1800h
1800h - 2000h
2000h - 0630h</td><td>55 dB
70 dB
45 dB
45 dB</td><td>75 dB
85 dB
75 dB
75 dB</td></tr>
<tr><td>Sunday and Public Holidays</td><td><s>0630h - 0730h</s>
<s>0730h - 1800h</s>
<s>1800h - 2000h</s>
<s>2000h - 0630h</s>
<u>N/A – no works</u></td><td><s>45 dB</s>
<s>55 dB</s>
<s>45 dB</s>
<s>45 dB</s></td><td><s>75 dB</s>
<s>85 dB</s>
<s>75 dB</s>
<s>75 dB</s></td></tr>
<tr><td colspan="4">Other occupied buildings</td></tr>
<tr><td>All</td><td>0730h - 1800h
1800h – 0730h</td><td>70 dB
75 dB</td><td></td></tr>
</table></td></tr>
<tr><td>Proposed condition 28</td><td>Oyster opposes proposed condition 28 as it is unclear if this condition (and the following traffic noise conditions 29 - 42) apply to existing buildings only. Drury is undergoing significant change and there will be a large number of dwellings constructed along Waihoehoe Road before the works proposed under NOR D2 are carried out, and consideration of the traffic noise effects on these dwellings need to be taken into account. For these reasons, it is considered that condition 28 should be</td><td>Oppose</td><td>Review and amend proposed condition 28 to include future dwellings on Waihoehoe Road which are constructed prior to works under NOR D2 are carried out.</td></tr>
</table>

	amended to include future dwellings on Waihoehoe Road which are constructed prior to the works under NOR D2 being carried out.		
Attachment B - Schedule of Directly Affected Property	Oyster opposes Attachment B - Schedule of Directly Affected Property as the property at 136 Waihoehoe Road has incorrectly been referred to as 140 Waihoehoe Road (refer to property ID 606975).	Oppose	Review and amend Attachment B - Schedule of Directly Affected Property so that Property ID 606975 refers to 136 Waihoehoe Road.

Attachment 2: Proposed Waihoehoe Road, Fitzgerald Road and Opaheke NS FTN Road Intersection Design

#07



DO NOT SCALE - IF IN DOUBT, ASK

200 mm 150 100 90 80 70 60 50 40 30 20 10 0

ORIGINAL SIZE A1

NOT FOR CONSTRUCTION

REV	REVISIONS	DRN	CHK	APP	DATE

SURVEYED		
DESIGNED		
DRAWN	S.PULETIUATOA	19.02.21
CAD REVIEW	M.ROBITZSCH	19.02.21
DESIGN CHECK		
DESIGN REVIEW		
APPROVED	NOT APPROVED	
PROF REGISTRATION:		

Stantec

Client:

OYSTER CAPITAL LIMITED
FITZGERALD ROAD AND WAIHOEHOE ROAD INTERSECTION

OPTION 1 - FULL BUILDOUT

Status Stamp: FOR REVIEW

Date Stamp: 19.02.21

Scales: 1 :500 @ A1

Drawing No.: X_MODEL-C

Rev.: A

Attachment B

Copy of the Independent Commissioners Recommendation

Recommendation following the hearing of Notices of Requirement under the Resource Management Act 1991

Proposal

Notices of Requirement sought by the Supporting Growth Alliance (**SGA or the applicant**) on behalf of Waka Kotahi NZ Transport Agency and Auckland Transport[1] for the route protection of the Drury Arterial Network required to support planned urban growth in Drury and Ōpaheke as follows:

D1 - Alteration to Designation 6707 State Highway 22 Update (Waka Kotahi)

D2 - Jesmond to Waihoehoe West FTN Upgrade (Auckland Transport)

D3 - Waihoehoe Road East Upgrade (Auckland Transport)

D4 - Ōpāheke North-South FTN Arterial (Auckland Transport)

D5 - Ponga Road and Ōpāheke Road Upgrade (Auckland Transport)

The proposal is more particularly described in Table 1 of the Hearing Report Drury Arterials Network Notice of Requirements (D1 – SH 22 Upgrade) Volume One Waka Kotahi (**Hearing Report D1**) with further detail in Hearing Report Drury Arterials Network Notice of Requirements (D2 – D5) Volume Two Auckland Transport (**Hearing Report D2-D5**).

The Notice of Requirement is **CONFIRMED SUBJECT TO CONDITIONS**. The reasons are set out below.

Site addresses	As described above
Requiring Authorities	Waka Kotahi and Auckland Transport
Hearing duration	Hearing commenced on Monday 13 December, 2021
Independent Hearing Commissioners	Dave Serjeant (Chairperson) Nigel Mark-Brown Basil Morrison
Appearances	**For the Supporting Growth Alliance (Requiring Authorities)** Vanessa Evitt - Legal Counsel Leigh Ziegler - Legal Counsel Alastair Lovell - Corporate (AT) Deepak Rama - Corporate (Waka Kotahi) Rob Mason - Engineering, Design and Construction Andrew Murray - Strategic Transport Werner Pretorius - Transportation effects, construction and operation

[1] In this recommendation, SGA or "the applicant" are referred to unless the matter is specific to one or other of the Requiring Authorities in which case Waka Kotahi or Auckland Transport or the Requiring Authority is referred to.

	Roger Seyb - Flooding and Stormwater Fiona Davies - Ecology Craig Webb - Arboriculture Chris Bentley - Landscape and Visual Stuart Bowden - Urban Design Claire Drewery - Noise and vibration - construction and operation Siiri Wilkening - Acoustics Danielle Trilford - Historic Heritage Julian Harrison-Tubb - Public Works Act processes Diana Bell - Planning - Statutory Assessment Helen Hicks - Planning - Effects, alternatives and conditions **For the Submitters** Papakura Local Board represented by Brent Catchpole (chair) and Jan Robinson (deputy chair) Katherine de Courcy, Greg Smith and Robert Smith represented by Greg Smith Godfrey and Ana White represented by Godfrey White Karaka and Drury Limited represented by Helen Andrews and Mark Tollemache Oyster Capital Limited and Fletcher Residential Limited represented by Jeremy Brabant (legal counsel), Andrew McCarthy (corporate), Jon Styles (Acoustic), Vaughan Crang (engineering), Daryl Hughes (traffic), Nick Roberts (planning) Fulton Hogan Land Development Limited represented by Kate Storer & Sue Simmons (legal counsel), Greg Dewe (corporate), Daryl Hughes (traffic), Nick Roberts (planning), Jon Styles (Acoustic) Kiwi Property Holdings No.2 represented by Alex Devine (legal counsel) and David Schwartfeger (corporate) Kiwon and Kihae Park Lyndsay Sutton & Howard Sutton (av) Hayes Family Trust represented by Maurice Hayes and Julian Dawson (barrister) (av) Pinemore Investments Limited represented by Aaron Davidson and Alan Webb (legal counsel) Soco Homes represented by Yongcheng Duan, Tingran Duan Shudong Fang Gleeson Contractors Limited represented by Mike Doesburg (legal), Mark Arbuthnot (planner) and Theresa (Ria) Gleeson (landowner) Jessie Barriball (av)

	The P and C Family Trust and Elly S Pan represented by Julie Goodyer (legal counsel) and Nigel Hosken (architect/project manager), John Parlane (traffic and transportation) (av) Kāinga Ora Homes and Communities represented by Bal Matheson (legal), Brendon Liggett (corporate) and Michael Campbell (planning) (av) **For the Council (not all present at Hearing)** Mr Nicholas Lau – Senior Planner Mr Sanjay Bangs – Planner Mat Collins, Associate, Flow Transportation Consultants Limited (av) Rebecca Skidmore, R A Skidmore Urban Design Ltd Carl Tutt, Ecologist, Auckland Council Gavin Donaldson, Senior Arborist, Auckland Council (av) Robert Brassey, Principal Specialist, Cultural Heritage, Auckland Council Cara Francesco, Principal Specialist, Built Heritage, Auckland Council Rhys Hegley, Partner, Hegley Acoustic Consultants James Hendra, Consultant Parks Planner, Hendra Planning Trent Sunich, Consultant Stormwater Technical Specialist, 4Sight Consulting Danny Curtis, Principal – Catchment Planning, Healthy Waters, Auckland Council Paul Crimmins, Senior Specialist, Auckland Council
Hearing adjourned	Friday 17 December, 2021
Commissioners' site visit	28 January 2022
Hearing Closed	11 February 2022

A. Introduction

1. This recommendation on the Notices of Requirement (**NoR**) is made on behalf of the Auckland Council (**Council**) by Independent Hearing Commissioners Mr Dave Serjeant, Mr Nigel Mark-Brown and Mr Basil Morrison appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**RMA**).

2. The recommendation contains the findings from our deliberations on the NoR and has been prepared in accordance with section 171 and 181 of the RMA.

3. The NoRs were publicly notified on 22 April 2021. The number of submissions on each NoR were individually registered as set out in Table 1.

Table 1: Submissions of each NoR

NoR	Number of Submissions
D1 - Alteration to Designation 6707 - State Highway 22 Upgrade	13
D2 - Jesmond to Waihoehoe West FTN Upgrade	27
D3 - Waihoehoe Road East Upgrade	12
D4 - Opāheke North-South FTN Arterial	12
D5 - Ponga Road and Opāheke Road Upgrade	13

4. Several submitters submitted on more than one NoR (D2 to D5 in particular) and due to repetition and cross-over of matters referred to in the submissions the Hearing Report considered the submissions in a combined manner. We adopted the same approach for the hearing and for this recommendation.

B. Procedural Matters

5. We note that the hearing was held subject to Covid 19 restrictions. The main effect of this was to limit the numbers of persons in the room and consequently several submitters presented by way of online audio-visual conferencing. Interested parties were also able to view and listen to proceedings online.

6. Overall, we consider that the online audio-visual conferencing functioned effectively and did not prevent parties from understanding proceedings or participating effectively. We are grateful to our hearing advisor, Mr Donovan, for his expertise and perseverance in ensuring the systems ran effectively.

C. Summary of proposal

7. This summary refers for convenience and brevity to sections of the Hearing Reports. The Hearing Reports in turn refer to the application material which was both extensive and detailed. The summary also has the benefit of the evidence from the applicant which efficiently 'packaged' the application for us at the hearing, and covered the key matters without unnecessary repetition.

8. Hearing Report 2 succinctly set out the context for the NoRs in the Drury-Ōpaheke area as follows:

The Auckland Plan 2050 signals that Auckland could grow by 720,000 people over the next 30 years, generating demand for more than 400,000 additional homes and requiring land for 270,000 more jobs. Around a third of this growth is expected to occur in Future Urban zoned areas identified within the AUP the Future Urban Land Supply Strategy ('FULSS') was prepared in 2017 to determine how future urban growth could be sequenced to align with the investment and delivery of infrastructure. The FULSS identifies Drury West as being development-ready by 2023 – 2027, and Opāheke/Drury (east of SH1) development ready by 2028 – 2032.

The Supporting Growth Programme has been prepared to investigate, plan and deliver the key components of the future transport network necessary to support greenfield growth in Auckland's future urban areas. SGA is a collaboration between Auckland Transport and Waka Kotahi NZ Transport Agency[2] created to undertake necessary planning for this work. SGA advise that the early protection of critical transport routes is necessary to provide certainty for all stakeholders as to the alignment, nature and timing of the future transport network.

In 2019, Auckland Council prepared the Drury-Opāheke Structure Plan, which outlines how future growth within the Drury and Opāheke areas will be achieved, including the pattern of land uses, infrastructure networks, constraints and values to be protected. The Drury-Opāheke Structure Plan area is estimated to provide approximately 22,000 houses, 12,000 jobs and increase from a current population of just over 3,300 to a population of about 60,000.

9. Table 1 from Hearing Report D1 provides the following details:

Table 2: Description of Drury Arterial Network package of NoRs

Notice	Project Name	Description	Requiring Authority
D1	Alteration to Designation 56707- SH 22 Upgrade	Widening of existing state highway from the Drury Interchange at State Highway 1 (SH1) to Oira Creek to a four-lane urban arterial with separated active transport facilities.	Waka Kotahi NZ Transport Agency
D2	Jesmond to Waihoehoe West FTN Upgrade	Widening of the existing Jesmond Road from SH22 to near 256 Jesmond Road to a four-lane FTN urban arterial with separated active transport facilities. A four-lane FTN urban arterial with separated active transport facilities from Jesmond Road to Norrie Road. It includes upgrading existing and constructing new transport corridors. Widening of Waihoehoe Road from the Norrie Road/Great South Road intersection to Fitzgerald Road to a four-lane FTN urban arterial with separated active transport facilities.	Auckland Transport
D3	Waihoehoe Road East Upgrade	Widening of Waihoehoe Road east of Fitzgerald Road to Drury Hills Road to a two-lane urban arterial with separated active transport facilities.	Auckland Transport

[2] In partnership with Auckland Council, Mana Whenua and Kiwirail Holdings Limited

D4		Widening of Waihoehoe Road from the Norrie Road/Great South Road intersection to Fitzgerald Road toA new four-lane FTN urban arterial with separated active transport facilities from Hunua Road in the north to Waihoehoe Road in the south.	Auckland Transport
D5		Widening of Ponga Road from Ōpaheke Road to Jack Paterson Road to a two-lane urban arterial with separated active transport facilities. Widening of Ōpaheke Road from the extent of the FUZ in the north to Ponga Road in the south a two-lane urban arterial with separated active transport facilities. Upgrade of Opaheke Road/Settlement Road intersection to a roundabout with active transport facilities, including crossing facilities and re-grading of nine driveways.	Auckland Transport

10. As Ms Evitt advised in her submissions for SGA, the assessment of effects on the environment for the NoRs has been limited to matters that trigger district plan consent requirements as these are the only activities to be authorised by the proposed designations. Accordingly, where National Environmental Standard (**NES**) or regional plan consenting requirements are triggered, these will not be authorised by the proposed designations. Resource consents will be required in the future to authorise activities controlled under the NESs and regional plan matters of the AUP.

D. Relevant policy and plan provisions

11. Sections 4.6 to 4.8 of Hearing Report D1 identify the policy and planning provisions from the National Policy Statement on Urban Development (**NPSUD**), National Policy Statement on Freshwater Management (**NPSFM**), and the Regional Policy Statement (**RPS**) and district plan sections of the Auckland Unitary Plan – Operative in Part (**AUP-OP**). In relation to the AUP-OP we note the relevant provisions in E25 – Noise and Vibration, H7 – Open Space zones and H22 – Strategic Transport Corridor zone. We adopt that information for the purpose of this recommendation.

12. During the hearing, SGA and the Council also advised us of the status of the various plan changes that have been proposed for the local environment affected by the NoRs. Where relevant the submitters also provided up to date information on the specific private plan changes that affected their property interests that the NoRs either crossed or interfaced with. We were advised of the following plan changes and their status:

Table 3: Private Plan Changes in Drury

Private Plan Change	Status
PC 48 Drury Centre Precinct	Hearing completed, awaiting decision from Commissioners
PC 49 Drury East Precinct	Hearing completed, awaiting decision from Commissioners
PC 50 Waihoehoe Precinct	Hearing completed, awaiting decision from Commissioners
PC 51 Drury 2 Precinct	Hearing completed, awaiting decision from Commissioners
PC61 Waipupuke	Declined

13. The relationship between the plan changes and the NoRs was aptly described in the SGA legal submissions as follows:[3]

The Drury Arterial Network will provide the strategic transport infrastructure necessary to support and integrate with the planned urban growth in Drury-Ōpāheke. Development in the area is accelerating, with developers seeking to develop their FUZ land holdings. Various areas are already live-zoned for development, and multiple private plan change proposals are currently being considered by Auckland Council (the Council). The Projects will therefore support an increase in development capacity in the southern growth area, and in this way, the Projects will help in the delivery of additional housing and commercial premises for the local community.

14. Section 171 (1)(a)(iv) requires us to "have particular regard" to a plan or proposed plan. However a proposed plan includes private plan changes that have been "adopted" by the Council (section 43 RMA), but not those that have been "accepted" by the Council). We are advised that in the case of all of the private plan changes in Table 2, the changes were accepted but not adopted.

15. Consequently, we would only be required to have regard to the contents of these plan changes if they became operative, and therefore became a 'plan' in terms of section 171. That is not to say that there are no other statutory planning documents that assist in determining how the receiving environment should be characterised, and we consider this matter as a principal issue in contention below.

16. We note that there did not appear to be any disagreement between the applicant, the Council and the various experts for the submitters as to the identification of the relevant policy and plan provisions.

[3] SGA legal submissions para. 1.8

E. Site and locality

17. Section 7 of the AEE provided us with a detailed description of the designated routes (individually or collectively '**the project or projects'**) and the plans in the respective Attachment Bs. Further, the schedules in the respective Attachment Cs to NoR D1-D5 Form 18s described the land that will be directly affected by the project and associated works. The Hearing Reports adopted these descriptions and we do also for the purpose of this hearing and recommendation.

18. The descriptions were also reinforced by our site visit. We traversed all sections of the 'on-road' sections of the designations and viewed the 'off-road' sections of the designations from available vantage points such as:

- The end of Walker Road, on the northern section of NoR D4;
- Along Sutton Road, west of the low lying sections of NoR D4;
- Within the developing Auranga suburb, for various viewpoints on NoR D2; and
- The end of Burberry Lane, south of the western section of NoR D2.

19. Our passage through Auranga, where development is proceeding on multiple fronts, provided further insight into the need for the appropriate integration of the future arterial roads and the future and, in many places, existing development.

F. Summary of issues identified in evidence and submissions

20. The application material, Council's planning report, the applicant's expert evidence and the expert and non-expert evidence of submitters was circulated prior to the hearing. We had therefore read or referred to all of this material prior to the hearing. As noted above, the applicant's evidence was concise, and it was usefully presented by way of a summary and a focus on a response to matters which had not been agreed with Council, the submissions, and the proposed conditions of consent. Various parties and the Council officers produced other evidence in response to matters raised as the hearing progressed and summaries of evidence as noted below. We note that the Council produced an Addendum to the Hearing Reports during the hearing which updated Council specialist advice on various matters.

21. We do not provide a separate summary of all the evidence here, but rather refer to specific evidence or matters raised in submissions as necessary in the context of the principal issues in contention.

The applicant's case

22. SGA provided a comprehensive legal and technical case. Ms Evitt described the statutory role of the two requiring authorities, relating those roles and the related powers to the NoRs being considered by us. With reference to the urban growth in the Drury area she established the need for the Drury Arterial Network. Ms Evitt submitted that an essential part of establishing the network was route protection for the widening of existing roads and the future taking of land for new routes. She also detailed the benefits of the route protection approach. Acknowledging that a route

protection requirement *"may look a little different to an application for a traditional "implementation-ready" project"* Ms Evitt nevertheless considered that the approach was *"appropriate in light of the designations proposed, and the objectives they are seeking to achieve."* The second part of the designation process is the Outline Plan process under section 176A and Ms Evitt described how the conditions have been framed to provide for this future process to finalise the details of the design and location of associated works.

23. Ms Evitt brought our attention to the importance of the receiving environment in evaluating the environmental effects of the project and devising conditions to mitigate these effects as necessary. She referred us to the relevant case law, as did a number of the other legal counsel. Accordingly, we have examined this matter as a principal issue in contention.

24. Ms Evitt summarised the key statutory requirements and legal principles in section 171 relevant to our recommendation, while Ms Zeigler provided more detail on the content of these requirements, including the key provisions of the statutory documents, the assessment of environmental effects and the "reasonably necessary" test. Ms Zeigler relied on the planning evidence from Ms Hicks and Ms Bell for these submissions.

25. Ms Evitt outlined the extensive work of SGA in examining alternatives for the project. We had been provided with reports on the alternatives assessment process as part of the application documentation. Alternative transport interventions had been considered as part of the successive business case assessments and then again, in more detail using a Multi-Criteria Assessment tool, as part of the NoR process. We note that this assessment was a collaborative process, involving the SGA partners, including mana whenua and Auckland Council. Further feedback was also sought from the community, including landowners and key stakeholders at various stages on option and alignment development. We did not receive any expert evidence from submitters questioning the alternatives process, however, at a 'micro-level', to adopt the term used by Mr Webb, in his submissions for Pinemor Investments Limited, there were submissions on how the NoRs affected individual properties. These submissions are addressed below.

26. Ms Zeigler advised also that consideration of NoRs is still subject to the overall broad judgement of Part 2, following the 'Basin Bridge' decision[4] in which the High Court considered the implications of the King Salmon decision of the Supreme Court for NoRs. Again relying on Ms Bell's analysis, Ms Zeigler submitted that the projects are consistent with the outcomes of section 5 and satisfy the requirements of sections 6, 7 and 8.

27. Ms Evitt made submissions on both project-wide issues raised by submitters and site-specific submitter issues. As the hearing unfolded and we deliberated on what we had heard, these submissions, and the SGA closing, closely matched what we

[4] New Zealand Transport Agency v Architectural Centre [2015] NZHC 1991

identified as being the principal issues in contention. The issues identified by Ms Evitt and key submissions on the various issues are identified in the following paragraphs.

Alignment and extent of designations

28. Mr Mason for SGA provided the detailed engineering rationale for the extent of designation boundaries for each alignment and sufficient land for *"tie-ins with existing roads, intersections, batter slopes and retaining and for other construction related activities including construction compounds and laydown areas, construction traffic manoeuvring and re-grading of driveways."* As noted above, there was no expert evidence questioning the adequacy of the alternatives assessment process, which also applies to the designation boundaries at the macro-level. The Council advice in the Hearing Reports was that the Council officers agreed with the conclusions reached in the assessment of alternatives. However, questions were raised by a number of submitters in relation to how the boundary affected their property. At the hearing this included Oyster Capital Limited and Fletcher Residential Limited (Oyster and Fletcher), Gleeson Contractors Limited (Gleeson), Jessie Barribal, Pinemor Investments Ltd, G & A White, Soco Homes, Fulton Hogan, Kiwi Property, K&K Park, Kāinga Ora and Hayes Family Trust. Of these submitters, only Oyster and Fletcher provided expert engineering evidence as to how the designation boundary should be amended (from Mr Crang). The matter of whether the designation properly differentiated between land for the route and land for temporary construction purposes was also raised in submissions, for example at the hearing by Gleeson. We address the alignment and extent of the designations below.

Roundabouts vs signalised intersections

29. SGA based the designation alignment on a mixture of roundabouts and signalised intersections. A number of submitters, for example Oyster and Fletcher and Karaka and Drury Limited, supported the use of signalised intersections. This choice was mainly due to the perception that less land was needed for signalised intersections. Other assessments compared the relative merits for pedestrians in traversing roads with roundabouts vs signalised intersections (such as the Council urban design assessment by Ms Skidmore). At the hearing SGA reinforced its position on the appropriate intersection design, through Mr Mason and Mr Bowden, and we had expert evidence and reports from submitter parties accepting that the time for determining intersection design was through the Outline Plan of Works. This included:

    (i) Ms Skidmore, whose request for intersection form to be added to the matters to be part of the Urban Development and Landscape Management Plan was agreed to by SGA;[5]

    (ii) Mr Hughes for Oyster and Fletcher, who advised that the "NoR does not predetermine the final form or design of (intersection) treatment"[6]; and

[5] Hicks EIC para 15.8
[6] Hughes EIC Fulton Hogan para 6.6

(iii) Mr Collins, the Council's transport specialist, being satisfied that there is sufficient flexibility in the designated area to determine appropriate intersection design as part of the future detailed design stage.

30. As a result of these conclusions in evidence, we do not re-examine this matter and the recommended conditions reflect the evidence outcome.

31. This settled position is also to be applied to the specific submission by Fulton Hogan Land Developments Limited (Fulton Hogan) on the designation boundaries for the single lane roundabouts on Waihoehoe East Road intersections with both Cossey Road and Appleby Road. SGA have reduced the amount of land required at these intersections resulting in a shrinking of the designation boundaries to a position acceptable to Mr Hughes for Fulton Hogan.[7]

Property access

32. Property access, both during construction and operationally after the new roads have been constructed, was a concern for several submitters. Mr Murray and Ms Hicks provided evidence that recognised these concerns and provided a solution as to how the conditions on the recommendation could address them. We understood that this was a matter for final design and that every property would potentially need a bespoke solution. At the end of the hearing there was a large measure of agreement between SGA and Council on property access, however as it is an issue that has been identified in submissions throughout the NoRs, we address it further below, including the matter of the Tui Street access in Drury.

Operational traffic noise

33. Operational traffic noise is clearly a principal issue in contention and the issue on which we received the most evidence from the parties. It is an issue that relates to the 'real world' receiving environment and the most appropriate measures to avoid or minimise traffic noise effects. All parties appeared to accept that these measures can be implemented by either or both the roading authorities or the land developer, however the scale and variability of the overall interface between road and land use in this case along approximately 16.5km of new and upgraded road makes the outcome critical for the affected parties. As we have already observed, this criticality is also heightened by the imminent arrival of medium and higher density residential development, a land use that is sensitive to noise.

Integration of NoRs with planned collector roads and surrounding landform

34. As with traffic noise, the integration of the NoRs with planned collector roads and more generally the surrounding landform is of critical importance to adjacent land owners and in particular the land developers. The landform interface is important in terms of both the location of the designation boundary and the relative levels of the final alignment. Overlain on this three dimensional interface is the streetscape of the arterials which are to interface with the urban form around them, as Mr Bentley's

[7]

evidence described. Several submitters, amongst them Kāinga Ora, Karaka and Drury, and the P&C Family Trust and E S Pan, sought amendments to the conditions in order to achieve what they considered to be an acceptable interface. At a broader level, the Council sought amendments to the Urban and Landscape Design Management Plan (ULDMP), based on Ms Skidmore's evidence relating to the surrounding landform and urban design matters. Both the integration of the NoRs and these related landform and urban design matters are addressed below.

The lapse period

35. As Ms Evitt noted, a "small number" of submitters sought shorter lapse periods for various of the NoRs. That number is subsumed within a larger number who express concern about the uncertainty of various parameters, such as the designation boundaries as noted above, for an extended period of time. SGA lapse dates for NoRs D2 and D3 are proposed to be 15 years and for NoRs D4 and D5, 20 years. These lapse periods were related by SGA to the development timeframes within the Future Urban Land Supply Strategy (**FULSS**). Acknowledging the potential for 'planning blight', the term used to describe the adverse effect on land use arising from the uncertainty of future planning provisions, be they public or private, Ms Evitt referred to the mitigating effects of community engagement and early purchase using the Public Works Act. The latter process was usefully described in more detail for us by Mr Harrison-Tubb for SGA.

36. The recommendation in Hearing Report D2 – D5 was to accept a 15 year lapse period for NoRs D2 and D3 but to shorten the lapse period for NoRs D4 and D5 to 15 years. The Council planners considered that the shorter period would *"better align with the current FULSS sequencing, which anticipates the adjacent Opaheke/Drury area being development-ready by between 2028-2032"*.

37. In relation to the lapse period for Waka Kotahi's NoR D1, Mr Rama advised that *"A lapse period is not required for NoR D1 because the designation being altered has already been given effect to."* [8]

38. We specifically address below the matter of a lapse period for all NoRs as a principal issue in contention.

Composition of Outline Plans and certification of management plans

39. The composition of Outline Plans and the certification of management plans by the Council was a point of difference between SGA and the Council advice, as addressed in SGA submissions and evidence of Ms Hicks and others and in the Hearing Reports. The content and processing of management plans are important to the efficiency of the implementation process and also the transparency of implementation, where the effects of construction on the urban and natural environment, albeit temporary, can be significant for these environments along the route. We address these matters as principal issues in contention below.

[8] Rama EIC para 5.9

Ecological effects

40. Submissions on ecology related mainly to the potential for adverse effects of the NoR alignments on wetlands associated with the Ngakaroa Stream (NoR D2) and wetlands along the low-lying section of NoR D4.[9] The assessment by Council officers was also mainly focussed on wetlands, although there also remained a difference between the SGA and Council on the current need for a Lizard Management Plan. We examine these matters as principal issues in contention below.

Construction noise

41. The control of construction noise is generally well prescribed by noise standards and the production of a noise (and vibration) management plan. This overall structure was agreed however there were differences between SGA, submitter and Council noise advisors as to how noise exceedances during sensitive time periods. We address this matter below as a principal issue in contention.

Historic heritage matters

42. Effects on historic heritage from all the NoRs have been assessed by SGA and described in reports and evidence by Ms Trilford. It is evident that the NoRs collectively traverse areas which contain important items of historic heritage and have the potential for undiscovered sites and artifacts. Historic heritage attracted a comprehensive submission from Heritage New Zealand Pouhere Taonga (**HNZPT**) and property specific submissions from Ms de Courcy and Messrs G and R Smith in relation to Aroha Cottage on Jesmond Road, and from Ms Barribal in relation to her property on State Highway 22. The aspect on which we received the most considered evidence was on the Historic Heritage Management Plan (**HHMP**) where there remained disagreement between SGA and the Council.

43. We address the HHMP and Aroha Cottage matters below. Ms Barribal's submission, which is more appropriately to be considered as a matter of cultural heritage, is addressed below in relation to the effects of the designation alignment on individual properties.

Stormwater and flooding

44. The horizontal and vertical alignment of the designations and the interface of the future road with catchments, overland flowpaths and waterways was a matter relating to individual properties along the routes. Several submissions[10] raised detailed matters in relation to their property, to which the SGA responded. We address these matters below as a principal issue in contention.

[9] Submission points by Oyster and Fletcher and Messrs K and A Davidson re wetlands on NoR D4
[10] Submissions points by Messrs K and A Davidson on NoR D4, PC Family Trust and ES Pan, and Soco Homes.

Tabled evidence

45. Evidence was tabled from Graeme Roberts of Beca Limited on behalf of Firstgas Limited and from the Ministry of Education.

46. Mr Roberts was neutral to the Drury NoR projects and largely support the proposed conditions except for two amendments he proposed to the Network Utility Management Plan condition. Mr Roberts was concerned that even site investigations, which could take place prior to the Start of Construction, as defined, might result in risk of damage to Firstgas pipelines. The definitional point here being that Start of Construction excludes enabling works such as site investigations.

47. Ms Hicks addressed the two amendments in her rebuttal evidence. She considered that the concerns raised by the submitter are sufficiently provided for under the proposed NUMP condition and other processes such as BeforeUdig, s176 RMA approval from Firstgas (as the majority of the Firstgas assets are designated) and the National Code. However, she agreed with the addition of the reference to Standard AS/NZS 2885 Pipelines – Gas and Liquid in the NUMP condition. We agree with Ms Hicks that Firstgas' concerns have been appropriately addressed.

48. The Ministry of Education was also supportive in principle of the NoRs, along the D2 route of which are located Ngakaroa School and a proposed new secondary school. The Ministry sought amendments to several conditions which all focussed on requirements to consult with it on detailed design matters prior to construction. Of particular interest to the Ministry were walking and cycling linkages in the future urban environment.

49. In response, Ms Hicks stated that it had always been the intention of Auckland Transport to 'engage' with adjacent landowners, not to just 'communicate' information and consequently the reference in the Stakeholder Communication and Engagement Plan (**SCEMP**) condition had been amended to this effect. Ms Hicks noted that the CTMP specifically requires 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 schools or to manage traffic congestion. Consequently, she considered that it was not necessary to include further consultation requirements in the CTMP or ULDMP conditions. We accept her evidence on this point and note the amendments to conditions.

G. Principal issues in contention/matters of concern

50. We considered the principal issues in contention to be as follows:

- The environment against which the effects of the project must be assessed;
- Alignment and extent of designations
- Existing property access;
- Tui Street;

- Integration of NoR arterials with planned collector roads and surrounding landform
- Landscape and visual impact /ULDMP matters and conditions
- Ecological impacts;
- Stormwater and flooding
- Construction noise and vibration;
- Traffic noise;
- Composition of Outline Plans and certification of management plans
- Historic heritage matters and management plan
- The lapse period and timing of the project and measures to mitigate an extended period

The environment against which the effects of the project must be assessed

51. Urban growth within the Drury area and the planning provisions and infrastructure required to direct and service that growth are proceeding in a contemporaneous fashion as evidenced by the progressing of the private plan changes noted above and the infrastructure and land development we saw on our site visit. As noted by Ms Evitt,[11] *"[m]ost sections of the project will take place in the Future Urban Zone (**FUZ**) areas, with the objectives and policies for this zone clearly indicating an intention for the areas to be urbanised in the future."*

52. Ms Evitt referred us to the legal position clearly established in 2006 in the Hawthorn Estates case[12] which addressed the meaning of the word 'environment' in the context of a future environment against which to assess the effects of a specific proposal. This decision on a resource consent case was later extended to notices of requirement. Further to this, there is a second Queenstown case that confirmed a "real world" approach to the future environment required a consideration of that environment as signalled by the operative objectives and policies of the district plan.[13]

53. The submitters were in general agreement with that approach. Mr Brabant, in his submissions for Oyster and Fletcher told us that the "real world" assessment was a "touchstone" for our consideration. At a factual level, for Karaka and Drury Limited, Mr Tollemache's planning evidence confirmed that over 250 people were already living in Auranga, through which NoR D2 passes, with homes for many more people soon to be completed. It was also Mr Tollemache's evidence that the FUZ objectives and policies applicable to the local environment for NoR D1 and D2 would shortly be replaced by more specific urban zone objectives and policies. His evidence could be readily extrapolated to the local environments for the other NoRs.

[11] SGA Legal submissions para 8.10
[12] Queenstown Lakes District Council v Hawthorn Estate Ltd (2006) 12 ELRNZ 299 (CA)
[13] Queenstown Central Ltd v Queenstown Lakes District Council [2013] NZHC 815

54. Ms Storer, in her submissions for Fulton Hogan, emphasised that for its land, residential development was likely to precede the arterial road upgrade.

55. So while there was no real dispute amongst the parties on what the appropriate environment for assessment is, the matter of the relative timing of the arterial road upgrade and adjacent land development was very much 'on point'. This issue was manifest in two other principal issues in contention addressed below being:

    (i) The control of future traffic noise; and

    (ii) The physical integration of the built form of the future arterial roads with collector roads and adjacent land along each route.

Alignment and extent of designation

56. The proposed designations seek to protect routes by way of designation, including land sufficient for the construction, operation and maintenance of the future arterial transport network. The design of the Drury Arterial Network has focused on developing alignments to a level sufficient to inform the proposed designation footprint and to assess an envelope of effects that includes potential construction areas, operational and maintenance requirements and areas required to mitigate effects.[14]

57. The proposed designations include areas required during construction such as general work areas, construction compounds and laydown areas, construction traffic access and manoeuvring and the regrading of driveways, sediment controls, earthworks (including cut and fill batters), works to relocate or realign network utilities, culvert and bridge works, drainage and stormwater works including new wetlands.

58. The extent of the proposed designation boundaries was raised by many submitters across the five NoRs, as identified in Appendix Three Summary of Submissions in each of the Hearing Reports. These submitters generally consider that the proposed designation boundaries extend further than required, and seek that they are reduced.

59. The applicant has addressed these submissions by way of explanation of the necessity of the location of the designation in evidence provide by its experts and in some cases by modifying the extent of the designations.

60. SGA advises that sufficient width has been provided at the edge of embankments and design elements to provide for appropriate construction areas and access along the corridors. Following completion of the works, the extent of the designation will be reviewed to identify any areas of designated land that are no longer required for the on-going operation, maintenance of the corridor or mitigation of effects (as set out in the conditions). The designation boundary will be drawn back to the edge of the final formed corridor (operational boundary) after construction is complete. This is provided as a condition of the designation.[15]

[14] Mason EIC para 6.3
[15] Hicks EIC para 14.57

61. Some submitters consider that the extent of the designation boundaries have not taken into consideration the potential development of adjacent land. SGA advises that with respect to the design of the road the concept designs have been developed with some flexibility to integrate with adjacent land. The designation is considered by the applicant to be sufficient to provide flexibility in road levels and berm areas to accommodate an appropriate tie-in with adjacent land. As the final earthworks levels of any adjoining development are unknown, SGA has made assumptions regarding road levels and embankments. The conditions propose that an Urban and Landscape Design Management Plan is required to be prepared prior to the start of construction as a condition on the designations to ensure integration with adjoining land use at the time of detailed design and implementation.

62. A further concern of some submitters was that the extent of designation boundaries will result in the unnecessary cost of acquiring land. However, SGA advises that the land required for construction purposes will be for temporary occupation and use only.[16] Land required for the permanent work will be purchased under the Public Works Act (**PWA**). As a condition on the proposed alteration to designation, Waka Kotahi will review the designation boundary as soon as practicable following construction. Any land not required for the permanent work or for the ongoing operation, maintenance or mitigation of effects of the project will be reinstated in coordination with directly affected landowners or occupiers and the designation pulled back or removed.

63. Individual submissions, most of whom attended the hearing, on the alignment and extent of the designations are discussed as follows.

Soco Homes 224 Jesmond Road

64. Mr Duan for Soco Homes specifically sought the extent of the proposed designation on his property at 224 Jesmond Road is reduced due to its implications for a development proposed for the site. There is a stormwater wetland proposed at this location and a site laydown area adjacent for material handling and stockpiling, environmental controls such as sediment retentions ponds and silt fence, and construction plant parking. The Duan submission opposed the pond location and extended area at 224 Jesmond Road and sought information about the minimum pond size required and whether the land take can be reduced following construction. It also stated that the extended pond size will have a significant impact on the future urban capacity of the site.

65. In response to the Duan submission the applicant reduced the extent of the requested designation to reduce the area required for temporary construction activities.[17]

66. At the hearing Mr Fang who appeared for Mr Duan asked why the pond could not be located on the opposite side of Jesmond Road where there is an existing pond and

[16] Mason EIC para 9.27
[17] Hicks Rebuttal evidence para 1.34

wanted to know the logic of choosing the site on Mr Duan's land. He also wanted the extent of the propose designation to be reduced.

67. The SGA evidence[18] advises the wetland proposed at 224 Jesmond Rd is located near the transport corridor low point and is sized to serve part of the FTN corridor only. The location has been selected to avoid a stream and a flooding area on the east side of the corridor. The wetland has been sized to allow for stormwater treatment and flow attenuation and its size will be optimised during detailed design. The proposed designation on the property also allows for a construction yard. It is expected that part of the land identified would not be required following the construction phase for the project and the proposed designation will be rolled back as appropriate.

68. SGA further advises that swales were considered for the treatment and attenuation along the Jesmond Road FTN upgrade section. However, they would need to be deeper than normal treatment swales to allow for attenuation and would lead to additional land take on both sides of the corridor that would be frequently interrupted by driveway crossings. A raingarden could be used as an alternative to the wetland in the same location as the wetland but is likely to require a similar footprint to that currently proposed. Stormwater management devices such as wetlands are often used in urban settings within residential areas and near transport corridors, and are considered by SGA to be consistent with the surrounding land use.

69. With respect to the Soco Homes Ltd submission, Mr Sunich has advised that Healthy Waters support retaining the size of the pond identified until detailed design of the route occurs and stormwater management requirements are better known through regional consenting processes.

70. We have viewed the site and, noting the low lying nature of the land and Mr Seyb's evidence on the reasons for siting the proposed wetland on Soco Homes land, find that the extent of the proposed wetland on Soco Homes land is appropriate.

168 Waihoehoe Road

71. Mr Simcox specifically sought that the designation is changed so that the building structure on their property at 168 Waihoehoe Road is not impacted (i.e. is not with the designation). The SGA has, in response, updated the proposed designation boundary for the Waihoehoe East FTN Upgrade (NoR D3) so that it does not impact the house.[19]

272 Waihoehoe Road

72. Ms Spencer's submission relates to her property at 272 Waihoehoe Road, and she sought that the roundabout is moved to another location and/or the extent of the designation boundary is reduced. The SGA advises that the designation on the property is required as the embankments resulting from formation of the proposed

[18] Seyb EIC para 19.2
[19] Hicks EIC para 27.17

roundabout extend onto property including the building footprint of the house.[20] The SGA has reviewed their design for the intersection of Waihoehoe Road and Appleby Road and has reduced the size of the designation footprint to accommodate a smaller roundabout. The house is now located outside of the proposed designation.

A and J Joyce 15 Burberry Road

73. A submission from Anthony and Jennifer Joyce raised concerns about the loss of developable land and planning blight imposed by the proposed designation on their property at 15 Burberry Road. These concerns were:

(i) uncertainty as to the actual yield from their land that can be realised, until detailed design of the corridor is complete;

(ii) lack of integration with the Auranga B2 area including the potential co-location (and use of) of stormwater infrastructure which may have the potential to reduce land requirements on the submitter's land; and

(iii) lack of consideration of appropriate alternatives for location of pond/wetland treatment devices or the option to utilise less land intensive options.

74. Representatives of the SGA have met with Mr and Mrs Joyce to discuss impacts on their property.[21] In selecting stormwater wetlands for treatment of the SH22 Upgrade runoff, rain gardens, swales and the option of a communal device (through the use of the existing pond at 6 Burberry Road) have been considered in addition to the wetland. Waka Kotahi is open to considering other communal stormwater management facilities with adjacent developments subject to it having suitable performance and long-term operation and maintenance arrangements. An integrated device would mean that the device would need to be sized accordingly. For example, if Auranga was also to utilise the proposed stormwater wetland on the Joyce's property at 15 Burberry Road, this would need to be larger than that currently identified, and a greater amount of land would be required.

75. A number of other locations considered for the stormwater wetland at different locations adjacent to SH22 were unsuitable.

76. Mr Sunich states that Healthy Waters does not have a view on the location of the wetland and notes that there may be a functional requirement for it to be there - such as it being outside of the floodplain.[22]

77. Consideration of options will depend on the timing of the SH22 Upgrade and can only be discussed between the landowner and Waka Kotahi at the time of more detailed master planning and resource consents for the Auranga development. As noted above, the proposed conditions require Waka Kotahi to work with landowners and review the designation boundary after construction.

[20] Mason EIC para 9.3
[21] Hicks EIC para 15.19
[22] Hearing Report 1 page 34

Ms Barriball 160 Karaka Road

78. Ms Barriball's submission relates to plans for the widening of SH22 (NoR D1) as well as matters relating to the proposed Drury West Station (by KiwiRail as part of the NZUP Drury West Station Project). Ms Barriball suggests moving the Jesmond Road alignment east of 64 Jesmond Road to avoid impacts to her property. She raised concerns about the impact on her property, papakāinga and the home of tangata whenua, including the disturbance of placenta buried at the property.

79. The SGA evidence confirmed[23] that a member of the Project Team met with Ms Barriball on site to discuss the Project and submission points. This meeting was also attended by KiwiRail in relation to the proposed rail station. Ms Barriball is also in discussion with KiwiRail on the proposed rail station and her submissions may also relate to that project.

80. With regard to impacts on the property, SGA considers that an appropriate assessment of alternatives was undertaken to determine the proposed SH22 Upgrade alignment. This process was explained to Ms Barriball on site as well as the process for temporary lease and property acquisition through the PWA.

81. At the very southern extent of the Jesmond Road FTN Arterial Upgrade (NoR D2) Jesmond Road is proposed to be widened generally to the east. The concept alignment shows the back of berm at the existing property boundary of 64 Jesmond Road and so is generally in line with what Ms Barriball was suggesting. However, her property is still impacted by the widening of SH22.

82. Ms Barriball has confirmed the location of placenta buried at the property is outside the proposed designation boundary for the SH22.

G and A White 432 Waihoehoe Road

83. Evidence was tabled at the hearing from Godfrey and Ana White who own the property at 432 Waihoehoe Road, Drury in support of their submission opposing NoR D3. This evidence advised that the designation sought by SGA will enable the potential take of approximately 1012m^2 of their road frontage. The designation affected access to the property, the vehicle parking area, and the rooms on the driveway side of the house which will potentially be between 4 and 7 metres from the boundary if the designation takes place.

84. The submission further advised that the ability to move the house is impractical as the house is of a brick and tile construction and built on a concrete base. Land further from the house will be required to park vehicles because land in close proximity to the house is used as the sewerage infiltration and dispersal field; the water supply pipe from the bore to the house tank is also laid in this area. A shelter-belt grows along the road boundary near the house.

[23] Hicks EIC paras 15.47 to 15.52

85. The decision sought by Mr and Mrs White is to:

(i) designate the undeveloped land on the opposite side of Waihoehoe Road for the upgrade instead of the land on their side of the road and to reduce the land take to 2m from the existing boundary especially by the house.

(ii) to establish a driveway and an in and out access, if the above is not possible as the previous driveway and parking area will no longer be wide enough to access and park vehicles; and

(iii) to incorporate a retaining wall in the design of the upgrade at the new boundary, which will enable more efficient land use and the proposed 1 in 3 batter would be unusable and difficult to mow.

86. If the above are not able to be provided, then they request compensation for land loss to include area required for parking plus the cost of a parking shed as the new parking area will be situated some 30 metres away from the house. Further, the remedial reinstatement works are to provide an alternative to the existing shelter-belt to a height that reasonably protects the house from wind.

87. The evidence from the SGA is that the concept design has been developed to allow for safe access to all existing properties to be maintained, or an appropriate alternative provided in consultation with landowners, which is provided for in the conditions.[24] The SGA also considers that parking will not be impacted and that the submitters concerns, including those concerning the loss of the hedge can be addressed through the Public Works Act process which provides for compensation for business loss, replacement of removed elements such as trees, driveways, parking and driveway fences.[25]

Oyster Capital Limited and Fletcher Residential Limited

88. The evidence from Mr Roberts for Oyster and Fletcher detailed how the extent of the designation boundary of all NoRs on the basis that the areas of land proposed to be designated are much greater than what is required for the proposed road design. Oyster and Fletcher sought that the proposed designation boundaries are amended and reduced to minimise the required land take and reflect the actual and reasonable area of land that is needed to accommodate the appropriate future design for the roads.

89. Mr Robert's evidence was that the inability to develop land within the proposed designation that is in excess of the final road formation land without undertaking a lengthy and uncertain approval process will lead to development that is unnecessarily set back from the road. This will create a disconnect between the adjacent site development and the street and prevent this interface from being efficiently developed in a manner which gives effect to proposed residential zoning framework at Drury.

[24] Mason EIC paras 9.3 and 9.4
[25] Harrison-Tubb EIC para 4.4

90. Mr Roberts added that it is important that development is not delayed and as much uncertainty as possible is avoided in order to encourage development outcomes which positively engage with the future arterial roading interface. He also advised that it is also not reasonably necessary to retain land within the designation that is required only for construction purposes once the arterial roads have been built, given the ongoing difficulties this presents to achieving appropriate urban design outcomes at this important interface.

91. He noted that the policies that guide future development along the Ōpaheke North-South Road and Waihoehoe Road West will seek to orientate development to the road to provide passive surveillance, optimise front yard landscaping and minimise visual dominance of garage doors. Consequently, the Requiring Authority needs to play their part in achieving this policy direction by minimising developer uncertainty and large building setbacks by reducing the extent of the designation footprint as soon as possible.

92. Mr Roberts supports the inclusion of an additional condition that will ensure any applications to the Requiring Authority for written consent under s176 of the RMA are processed within 40 working days[26] to provide further certainty to developers and landowners.

93. The SGA counsel reply submission advised that Auckland Transport and Waka Kotahi do not consider that imposing a timeframe for s176 approval processes is necessary or appropriate. SGA emphasised that it is seeking these designations to support urban growth and not to delay or prevent urban growth through lengthy s176 processes. The respective Requiring Authorities are already working with landowners affected by the NoRs in obtaining section 178 approval for works they seek to undertake within the proposed designation boundaries and a number have already been approved.

94. SGA counsel further advised that for substantive development proposals, section 176 process is not the same as a resource consent or engineering approval applications, which involve a rubber-stamping exercise. Where large developments are proposed, early engagement between the developer and Requiring Authorities is necessary to ensure positive outcomes. Consequently, we understood that SGA's view was that to constrain the section 176 process with a time-frame would not be helpful.

95. Mr Roberts also agreed in principle with Council's proposed condition 3(a), as revised, requiring review of the designation within 6 months of completion of construction or as soon as otherwise practical as this will provide greater certainty to landowners regarding the removal of the designation.

96. Mr Brabant's legal submission for Oyster and Fletcher identified the specific concerns with respect to the spatial extent of the proposed designation boundaries relating to the Waihoehoe Road/Fitzgerald Road/Ōpaheke North-South Road intersection in Nor D2 and the width of the designation adjoining Oyster land adjacent to NoR D4.

[26] Roberts presentation at hearing

97. Oyster and Fletcher proposed an amendment to the designation in the north-eastern quadrant of the Waihoehoe Road/Fitzgerald Road/Opaheke North-South Road intersection. This proposed amendment reduces the extent of the designation within the area of the proposed works for development which is proposed by Oyster and Fletcher. The proposed amendment would enable the efficient development of the proposed works at 116 Waihoehoe Road associated with Plan Change 50 proposed by Oyster and Fletcher.[27] Oyster and Fletcher note that given the level differential between their land and the road, retaining walls, batter slopes or a combination thereof will be required to manage the interface. Oyster and Fletcher propose a retaining wall up to 1.8 m high to eliminate the need for extensive batter slopes.

98. SGA advised that the feasibility of constructing the retaining wall suggested by Oyster and Fletcher is not disputed, as confirmed in the evidence of Mr Mason, although it does lie outside of the designation boundary that Oyster and Fletcher have proposed.[28] Furthermore, based on Oyster and Fletcher's evidence, it is unclear whether the retaining wall will be constructed as part of their development. At the hearing, Mr Roberts suggested Auckland Transport could have confidence that the retaining wall will be built, as it is included in their application lodged under the COVID-19 Recovery (Fast-track) Consenting Act 2020. SGA note however, that these approvals have not been granted and as consents are permissive in nature, deviations from plans could be made to the consents which Auckland Transport would not necessarily have any input on. Additionally, if the development does not go ahead or the retaining wall is not approved as part of their development, the reduction in designation boundary will not provide sufficient space for Auckland Transport to construct the future transport corridor.

99. SGA's view is that it is necessary and appropriate to leave the designation as is and draw it back once the Oyster and Fletcher development is constructed[29]. If Oyster and Fletcher obtains its anticipated fast-track consents it can work with Auckland Transport to deliver this alternative solution within the proposed designation footprint. The SGA conclusion was that the NoR designation cannot be withdrawn or drawn back until the roundabout solution is implemented on the ground to ensure certainty for all parties.

100. Further north from this intersection, Oyster and Fletcher seek a reduction in the NoR D4 designation boundary adjoining their land, stating that based on their detailed design work, there is certainty that a 27 m corridor width is sufficient, and a 30 m corridor width is therefore not required.

101. There have been on-going discussions with Auckland Transport regarding these changes. Oyster and Fletcher propose to fully fund and construct the road to an interim cross section design, which will enable upgrade to the final four-lane, 27m wide, corridor configuration without unnecessary rework. The road will be vested to Council upon completion of construction of the interim road. This is being submitted to

[27] Summary of evidence of Vaughan Crang tabled at the hearing.
[28] SGA closing Legal submission para 6.3
[29] Ibid para 6.5

Council as part of a separate COVID-19 Recovery (Fast Track Resource Consent) Act 2020 process.[30]

102. Evidence for Oyster and Fletcher was that the 27m corridor configuration maximises the development potential of the site, and does not compromise the originally intended requirements (i.e. with a 30 m corridor width) and objectives for capacity, active mode segregation and public transport facilities on the FTN corridor[31].

103. In their closing submission counsel for the SGA advised that until any detailed s178 approvals have been obtained from Auckland Transport with respect to that reduced corridor width and form, the 30m designation boundary must be maintained. Any agreement on a reduced cross-section width can be advanced in discussion with Auckland Transport and the NoR designation drawn back once the appropriate corridor form and width is implemented (i.e. constructed).

Fulton Hogan Land Development Limited

104. Fulton Hogan opposes the designation boundary of NoR D3, claiming the area of land proposed to be designated is much greater than what is required for the proposed road design which is 24 metres wide. This has the consequential effect of limiting or preventing future development opportunities for land subject to the designation.

105. Fulton Hogan requests that the Requiring Authority amend and reduce the proposed designation boundary to minimise the required land take, and reflect the actual and reasonable area of land that is needed to accommodate the appropriate future design for Waihoehoe Road.

106. The SGA response[32], similar to above, is that the designations have been developed to accommodate road widening and upgrading and/or new roads with active transport facilities and associated works, such as cut/fill batters, proposed wetlands and site compound and construction areas.

107. Fulton Hogan also consider there should be clear delineation of the area of land required to be designated for the road and beyond that the area of land required for temporary occupation for construction. Each of these separate areas need to be clearly defined.

108. The SGA response[33] is that the identification of a temporary and permanent designation boundary (as suggested by the submitter) is not appropriate or feasible in the context of a long-term route protection designation as there is not sufficient design detail to determine the exact extent of permanent works. Notwithstanding this, there are opportunities to do works within the designation boundary through s176 approvals to ensure appropriate integration between land use and the transport corridors as the future land use progresses.

[30] Hughes EIC para 4.25
[31] Ibid para 4.23
[32] Mason EIC para 9.24
[33] Hicks EIC para 27.21

Kiwi Property Holdings No.2 (KiwI)

109. The legal submissions by Ms Devine for Kiwi, in summary, noted that it was important that:

(i) the designation does not require more land than is necessary and is for the minimum duration possible;

(ii) landowners have certainty around the likely form of the road and the land required for temporary and permanent purposes as soon as practicable;

(iii) landowners have an efficient and certain process for obtaining approvals for works within the designation corridor; and

(iv) the conditions upon which the designation is approved are sufficiently certain to ensure that potential adverse effects are appropriately addressed, given the more limited ability for the Council to address effects through the outline plan process (and the lack of public participation in that process).

110. The Kiwi submission advised that Kiwi's concerns can be resolved through the imposition of conditions which:

(i) ensure that the Requiring Authority undertake regular reviews to:

a) determine whether or not the designated land is still required; and

b) identify the extent required for permanent operation of the road and that required for temporary construction works, at least indicatively.

(ii) require the Requiring Authority to respond within a specified timeframe to a request under s176(1)(b) RMA to undertake works in the designated area, as outlined in Mr Roberts' evidence for Oyster and Fletcher[34]; and

(iii) set a time limit for removal of the designation.

111. The submission sought changes to the NoR D2 conditions as follows:

(i) Change the initial paragraph wording in Condition 3(a) to *"as soon as reasonably practical and no later than 6 months from the completion of construction"*

(ii) Add new Condition 3(b):

(iii) *Notwithstanding the above, on an on-going basis, and at least every six months until Completion of Construction, the Requiring Authority shall:*

[34] Nick Roberts EIC para 4.9

a) *assess whether any areas of the designation that have been identified for construction purposes in accordance with Condition 18 are still required for that purpose;*

b) *identify any areas of the designation that are no longer necessary for construction purposes or the on-going operation or maintenance of the project or for on-going mitigation measures; and*

c) *give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified in [a) and b)] above.*

(iv) Add a new condition 5A requiring an application under s176(1)(b) for works within designated land must be processed by the Requiring Authority within 20 working days;

(v) Require that the CEMP should set out the actual extent of land required for construction.

112. With respect to the above requested condition 3(b), it was SGA's view that providing specified project information and timelines via a Project website and other mechanisms will be a more effective way to provide useful information and therefore certainty to landowners regarding the progress/development of the designations, rather than an administrative process of confirmation to the Council as Kiwi seek.[35]

113. With respect to Kiwi's request above regarding additional requirements in the CEMP, the SGA approach to this is addressed below in the discussion of the Kāīnga Ora submission.

Kāinga Ora

114. Kāinga Ora also provided evidence and submissions on the spatial extent of the designations exceeding the land required for the proposed works. While Mr Campbell's planning evidence for Kāinga Ora acknowledges that the timing of urbanisation of the areas relative to implementation of the NoRs is yet to be confirmed, he is of the view that the actual extent of land required for construction should either be confirmed now or be set out in the CEMP. Mr Campbell's suggests the following addition to the CEMP:[36]

The CEMP should set out the actual extent of land required for construction and shall be limited to only the actual land required for construction purposes

115. The SGA response was that in determining the designation boundary extents for the projects, consideration has been given to providing a level of design flexibility to facilitate detailed design and construction of the projects in the future[37]. The concept design for the projects has also been developed with some flexibility to integrate with

[35] SGA Closing Legal submissions para 5.18
[36] Campbell EIC para 7.2
[37] Hicks Rebuttal Evidence para 8.3

adjacent land. Amongst other considerations, this is through appropriate assumptions being made on road levels and embankments in the absence of final earthwork levels associated with future development. Although the designation boundary has been set based on an anticipated construction footprint, the exact extent of land required for construction works cannot be confirmed now.

116. SGA further advised that closer to the time of construction, the Requiring Authorities through the PWA will identify the specific land to be acquired for the permanent works along with land that will be temporarily leased or licensed from landowners for construction within the designation boundary. Therefore, the construction areas will be agreed with those individual landowners and will be subject to property agreements. It accordingly considers that defining this process or compelling the Requiring Authority to limit the use of land through the CEMP is unnecessary. This is because by the time the CEMP is prepared (prior to the start of construction), the PWA process, which generally starts around two years before construction, is likely to be well underway. Should a landowner want to develop the land subject to the designation before the projects are implemented approval can be sought for works within the designation under s176 of the RMA.[38]

Kiwon and Kihae Park (26A Fielding Road)

117. The submission from Kiwon and Kihae Park (26A Fielding Road) seeks that the proposed roundabout at Fielding Road be moved to the north so that their house and land at 26A Fielding Road is not impacted.

118. The SGA assessment of alternatives confirmed the Waihoehoe Road East alignment is to be widened to the north, and this reduces impacts to the submitter's property[39]. However, in utilising the existing road corridor (as well as widening to the north) the proposed roundabout nevertheless impacts the submitter's property.

119. SGA advised that the location of the roundabout has been selected so that it is centred on the existing cross roads, which is the most suitable location in a low-speed urban area so that the approach roads connect at the most direct angle. The Council transport specialist, Mr Collins, agreed that the realignment of the Waihoehoe Road East/Appleby/Fielding intersection would create a less efficient long-term layout.[40]

120. However, in response to the submitter's concerns, the roundabout size was refined, and the designation boundary has reduced on the submitter's property so that the dwelling is no longer impacted.

K and A Davidson, Pinemor Investments Ltd 70 Hunua Road

121. The submission from Aaron Davidson regarding 70 Hunua Road expressed concern that the proposed designation boundary eliminates the majority of their consented parking and encroaches within 4m of the main entrance to their offices and staff working areas. Further, that the proposed designation boundary, with potentially

[38] Hicks Rebuttal Evidence para 8.4
[39] Hicks EIC para 27.18
[40] Mason EIC 9.69

extensive road works and then a main road, just several metres from the office entrance will significantly reduce the amenity of the offices themselves.

122. Mr Davidson requested that:

(i) the location of the proposed designation be moved west by 6 metres towards 33 -35 Hunua Road; and

(ii) the boundary with the road be a retaining wall, as opposed to battering at the boundary, to provide the maximum utilisable space possible and enable the reinstatement of a reasonable number of carparks.

123. The SGA evidence[41] noted a number of design considerations and constraints (including tying into the existing road at this location and the number of approach lanes required) have confirmed the concept alignment in this location. The Requiring Authority accordingly does not favour moving the proposed alignment, and therefore designation, off the submitter's property to the west to increase the impact to Asahi Beverages property at 33-35 Boundary Road.

124. SGA further advise there will be an opportunity at the detailed design stage and through the PWA process to refine the design, including the potential implementation of a retaining wall to minimise impacts on the site.

125. We were provided with details of how SGA have assisted the submitter in obtaining approval (gained on 7 September 2021) from the Requiring Authority under section 178 of the RMA, to allow the construction and continued use of the proposed carparking area until construction of the FTN corridor (which could be up to 20 years away).

K and A Davidson, Pinemor Investments Ltd, 168 Walker road

126. The submission from Aaron Davidson regarding 168 Walker Road expressed concerns that the designation rests entirely on 168 Walker Road's side of the road and no designation has currently been placed over the properties on the opposite side of the road, at 111 and 115 Walker Road East. The submission requests that the location of the proposed designation be shifted to ensure equitable land take from 168 Walker Road and the properties opposite at 111 and 115 Walker Road East.

127. Evidence from SGA addressing Mr Davidson's concerns[42] advised that for the property at 168 Walker Road, a short section of Walker Road East has been included in the works for the Ōpāheke North-South FTN Arterial to accommodate a tie in of the existing road with the future roundabout intersection. The north eastern side of this roundabout extends into the property at 168 Walker Road. The design at this point is slightly north of the existing Walker Road due to a gas facility being located to the south west of 168 Walker Road which the proposed alignment has sought to minimise impacts on. The designation includes a construction area and following construction,

[41] Hicks EIC para 33.19
[42] Mason EIC para 9.78

the land area from the back of the proposed road berm can generally be made available to the landowner for development.

128. SGA has also addressed Mr Davidson's concern about the potential future loss of land that may result from an extension of Walker Road East to the Mill Road corridor in future[43]. The future Mill Road and any connections from Walker Road do not form part of the FTN corridor and are not provided for in this proposed designation. The construction works in the short section of Walker Road East will be limited to the tie in with the roundabout and is not intended to be widened as part of this project.

Gleeson Contractors Limited (Gleeson) 69 Creek Street

129. A submission from Theresa Gleeson, owner of 69 Creek Street, expressed the following concerns about the extent of designation which covers part of her property.

(i) Lack of delineation between permanent and temporary works;

(ii) If the NoR is confirmed, Gleeson and its tenants will be subject to significant uncertainty regarding development aspirations for the site until Auckland Transport completes design and decides what parts of the site it needs; and

(iii) The impact on the site of the proposed turning area on the part of Creek Street near the site (where Creek Street will no longer connect to Bremner Road).

130. Ms Gleeson's preferred solution is that Auckland Transport provide Gleeson with certainty by acquiring the land it needs for the NoR as soon as possible. If the NoR is to be confirmed, she seeks that its impact on the site is reduced by making the amendments outlined in the planning evidence for Gleeson by Mr Arbuthnot.

131. Mr Arbuthnot's evidence included the following:

(i) The basis for the extent of the land take associated with NoR D2 at 69 Creek Street has not been sufficiently established as being reasonably necessary to achieve the objective of the designation.

(ii) There is no assessment to explain why such a large extent of 69 Creek Street is required for the bridge works site compound.

(iii) No information has been provided in respect of the land requirements of the turning head for the closed section of Creek Street. This has the potential to be significant and will further reduce the capacity of the land for future development.

(iv) It is inappropriate for the NoR to be confirmed in its current form and that its extent should be reduced such that it relates only to land required for the permanent road widening works.

[43] Ibid para 9.79

132. The SGA rebuttal evidence[44] set out in detail why the proposed extent of designation on the Gleeson site is required including for construction purposes and also described the alternatives considered. It also noted that the extent of the designation on the Gleeson site has been reduced to address the concerns of Ms Gleeson.

133. SGA advised[45] there is no requirement to differentiate between land designated for construction of a project and land designated for its operation, and this is not considered feasible for the projects (including NoR D2).

134. The SGA advised that closure of Creek Street is a feature of the project and space for a turning head was included as part of the proposed NoR D2 boundary.[46] The proposed turning head in Creek Street is described in the SGA evidence[47] which advises that the proposed designation boundary has been amended at 69 Creek Street as requested by the submitter and that space within the reduced designation boundary still includes space for the turning head. During the subsequent detailed design, consultation with landowners will be carried out under the PWA process to inform the final design solution.

Gail Spencer 272 Waihoehoe Road

135. Ms Spencer queried whether the works and designation are reasonably necessary, particularly the extent of designation boundary.

136. While SGA planning evidence was that the proposed designation was informed by a number of factors and are reasonably necessary for achieving Auckland Transports objectives,[48] in response to the submitter's concerns, the roundabout size was revised, and the designation boundary was reduced on the submitter's property resulting in the dwelling being no longer impacted[49].

Lynette Erceg 164 Walker Road

137. Ms Erceg submitted in opposition to the NoR on the basis that it will cause adverse effects on her property. She requested that the application be declined or it be in a modified form to avoid adverse effects on her property.

138. SGA acknowledged that the Project will result in direct impacts to Ms Erceg's landholdings to provide for the public work. However, in identifying Ms Erceg's landholdings for the works they advised that a robust assessment of alternatives was undertaken to consider alternative sites, routes and methods for undertaking the work. They consider the proposed alignment to be the most appropriate alignment, taking into account mana whenua, stakeholder and landowner feedback and

[44] Hicks Rebuttal evidence paras 13 3 and 13.4 and Mason Rebuttal evidence paras 5.1 to 5.7
[45] SGA counsel closing para 6.16 (c)
[46] SGA counsel closing submission para 6.16(a)
[47] Mason Rebuttal evidence paras 5.8 to 5.10
[48] Ibid para 27.15
[49] Hicks EIC para 27.13

specialist assessment inputs and that the impacts to Ms Erceg's landholdings will be addressed through the PWA processes.[50]

Ms Paterson 215 Ponga Road

139. Ms Paterson's submission identified that the proposed designation would result in her relinquishing a cottage providing income for her mother who is in a retirement home and take a parcel of land ring fenced for proposed new family residence. They have a limited area of land for building due to a number of constraints on the site. They requested that consideration be given to not acquiring the full amount of land proposed.

140. The SGA responded to this submission by altering the designation boundary so that it does not impact the area planned for a new residence.[51]

Hayes Family Trust

141. While not specifically about the alignment of the designation and more broadly expressed in terms of planning blight, Mr Hayes and legal counsel, Mr Dawson, expressed their concerns to us about owner's ability to enjoy their property now and to subdivide. Mr Dawson also addressed the extended lapse period, which is addressed below. Several of the SGA witnesses addressed the matters raised in the submission and in the following paragraphs we discuss the means by which the adverse effects Mr Hayes perceives can be mitigated, in addition to those offered by SGA.

Summary and recommendation on alignment and extent of designation

142. We note that no matters of difference remain between Auckland Council officers and the SGA with respect to alignment and extent of the designation

143. We consider that the SGA has addressed the concerns of the submitters regarding the extent of the designations as best it can by amending the location of designations where feasible. We are satisfied that the proposed designations have been derived from competently assessed engineering, environmental and other considerations and are appropriate to achieve the Project aims.

144. With reference to the conditions, some submitters sought specific changes to conditions which were aimed at mitigating the effect of the designation on their land. Firstly, there was the designation review condition required upon completion of construction, in which SGA accepted the reference to the 6 months timeframe, albeit adopting the Council's wording which incorporated a 'practicability' test. We find that commitment by SGA to be acceptable.

145. Secondly, there was the proposal by Ms Devine for periodic review of the need for the land to be designated over the intervening years until implementation. Ms Devine drew our attention to various review conditions in existing designations for both

[50] Ibid para 33.9
[51] Ibid para 39.3

Auckland Transport and Waka Kotahi, which included the designation conditions for the recent Mill Road designation. She recommended a condition that appeared to be based on the Designation 1836 (Mill Road-Redoubt Road Corridor Project) and designation with a lapse period of variously 10 and 15 years. Ms Devine's condition required periodic review of land required for construction purposes.

146. We understand from the SGA evidence that land required for construction areas will be refined as part of ongoing design of the roads and that a 'conservative' approach to these land requirements had been taken in identifying the NoR boundaries. That approach ensures the benefit of flexibility in design and land requirements. However, the reverse side of that benefit is the additional cost of uncertainty for the landowners. We find that a periodic review of land requirements would mitigate that cost for land owners and have incorporated a condition based on Ms Devine's recommended wording. The period for review we have set at 12 months, and the Council is to be advised of the outcome irrespective of the review findings.

147. Thirdly, there was the proposal for a time limit on a section 176(1)(b) application for works within designated land. Mr Roberts proposed that this time limit be 40 days. We have considered the implications for this proposal and find the SGA response persuasive. We consider that the section 176 process can work effectively and in a timely manner by the Requiring Authorities and landowners working together. In a response to a question from the Panel, Mr Tollemache advised us that in his recent experience the section 176 process had worked effectively. Consequently, we are not of a view to include a time limit on the process.

148. Fourthly, there was the proposal from Mr Campbell that the CEMP include a requirement to identify the land required for construction purposes (and no more). On this matter we find that, with the incorporation of the periodic review condition above, plus the PWA process as construction becomes more imminent, adjacent landowners will have sufficient clarity as to NoR land requirements.

Existing property access

149. A number of submitters have raised concerns regarding maintenance and reinstatement of existing access to private properties, parks, community and other facilities, both during construction and once the Projects are operational.

150. SGA have addressed these concerns by way of meeting with a number of submitters and developing a number of NoR conditions which address the concerns raised. The proposed ULDMP condition addresses landscape and urban design details including road design and the interface with adjacent land uses and re-instatement of construction and site compound areas, driveways, accessways and fences.

151. There is also a general condition for NoRs D2 to D5 on existing property access which requires the Outline Plan to demonstrate how safe alternate access will be provided where existing property vehicle access is altered by the project.

152. We recognise that NoR D1, being on a State Highway relates to a Limited Access Road under the Government Roading Powers Act 1989, which provides Waka Kotahi with existing statutory controls when it comes to the location and number of accesses to and from State Highways. There is however a requirement within the SCEMP for NoR D1 to include methods and timing to engage with landowners whose access is directly affected.

153. In terms of construction effects on access to public and private property there is a requirement within the Construction Management Traffic Plan (**CTMP**) conditions requiring the CTMP to include methods to maintain vehicle access public and private property and/or roads where practicable, or to provide alternative access arrangement when it will not be.

154. The proposed management of operational effects of the projects on property access are set out as follows:[52]

(i) The projects require long-term designations; the timing of their implementation will depend on the rate, scale and type of growth that occurs in the area;

(ii) Once the timing for implementation is confirmed, a detailed design process will need to be undertaken to confirm the precise nature of future access to the affected sites;

(iii) As the context of the area changes from a predominantly rural environment to a fully urbanised one, practice and expectations about vehicle access and management of the transport system will significantly change from the current, typically low-volume, full access conditions (i.e. large corridors and intersections will be required) with an increased need to manage conflicting movements for safety and efficiency reasons;[53]

(iv) In addition, the corridors covered by the NoRs are either now, or are planned to be, urban arterial corridors, rather than local or collector-type roads. Arterial corridors have an increased priority for efficient and safe through-movements, rather than being predominantly about local access;

(v) This function means that it is generally desirable to directly control vehicle property access to help reduce conflicts that could impact safety or efficiency objectives. For future urban development, it is intended that vehicle access to properties would typically be via the local collector and local street networks rather than directly to/from the arterials;[54]

(vi) Operation of the projects is expected to have potential adverse effects on some existing accesses. Some existing properties will face a minor diversion as direct property access may be limited to left-in and left-out only movements along the corridor, in order to reduce conflicts. However, these effects are expected to be

[52] SGA opening legal submissions para 10.19
[53] Murray EIC para 1.13
[54] Murray EIC para 10.13 (c)

balanced by the positive effects associated with the improved reliability of the corridor and significant improvements to safety;[55]

(vii) The proposed condition for NoRs D2 to D5 on existing property access ensures that a replacement access outcome is secured but also provides for a level of flexibility which is necessary given the current level of design. For example, design matters such as the use of raised median or flush medians, or how driveways will be regraded to tie into the updated transport corridor can more appropriately be assessed at the time of detailed design based on the situation at the time of construction.[56]

155. The only remaining difference between the Council reviewers and the SGA on the proposed NoRs and conditions with respect to access is the Council reviewers' suggested change to the general condition for NoR D2 to D5 on existing property access.[57] This change was to include the term "accessibility" in the description of vehicle access. This was requested to allow consideration of any effects that may result from turning restrictions that are placed on existing accesses.

156. Our finding is that the matter of access to private and other property associated with the proposed NoRs has been well canvassed and the concerns of the submitters have been adequately addressed by way of a number of conditions.

157. We agree with the relevant conditions proposed by the SGA with the exception of the general condition for NoR D2 to D5 on Existing Property Access where we prefer the Council reviewers inclusion of the term "accessibility" in the description of property access ways and have recommended this condition accordingly.

Tui Street

158. NoR D2 includes the formation of a bridge on Waihoehoe Road West over the NIMT. As a result of the increased road elevation on Waihoehoe Road associated with the lead-ins to this bridge, the existing access to Tui Street from Waihoehoe Road will not be possible to maintain. As a result, NoR D2 proposes to realign Tui Street to form a new intersection with Great South Road. Due to its proximity to the Great South Road/Waihoehoe Road West intersection, SGA propose to limit this intersection to left-in and left-out movements only.

159. The submission from Lyndsay Sutton on the proposed realignment stated: *" It would be a lot safer and less congestion to have Tui Street meet up with Sutton Road and run parallel with the railway land. It would service the community hall and library and be a safe alternative being a dead end. Housing NZ is developing a housing complex in this part as well and this will open up most of the way for their development."*

160. A number of alternative options were considered by SGA to provide safe access to Drury Domain and community facilities.[58] The option selected realigns Tui Street to Great South Road approximately 55m from the Great South Road/Waihoehoe/Norrie

[55] Ibid para 20.19
[56] Ibid para 20.2
[57] Closing Comments of Council Reporting Planners, para 12(b) and 13
[58] Hicks EIC para 19.19

Road intersection. This option was selected as it is an acceptable distance from the intersection and does not impact the playing fields within the Drury Domain.[59]

161. Potential safety concerns with the proposed realignment of Tui Street /Great South Road, including those raised by the Council s42A review process, together with provision for safe access to the Drury and Districts Rugby Football Club and Recreation Club and community facilities using Tui Street and the use of the Drury domain are addressed by way of condition 15 in NoR D2.

162. SGA evidence[60] notes that Kāinga Ora have not raised Tui Street as a concern in their submission. Whilst Kāinga Ora may be investigating plans for a development around East Street (to the north of the Drury Domain), these plans have not been confirmed and are not part of this Auckland Transport project. There may be opportunities for increased access via any plans that Kāinga Ora may have. These future opportunities are not precluded and can be investigated closer to the time of construction under condition 15.

163. The Council reviewer is in agreement with the wording of condition 15 in NoR D2 to address safety and access issues for Tui Street.

164. Our finding is that the proposed realignment of Tui Street is appropriate and NoR D2 condition 15 will ensure the detailed design of the realignment addresses safety and access concerns.

Integration of NoR arterials with planned collector roads and surrounding landform

165. Several submitters, amongst them Kāinga Ora, Karaka and Drury, and the P&C Family Trust and E S Pan, all of whom addressed this issue at the hearing, were critical of the interface between the proposed NoR boundary and their land. This criticism was directed at both the extent of land for the NoR and the uncertainty surrounding when the boundary would be finalised. The extent of the designation has been addressed above.

166. The planning evidence of Kāinga Ora from Mr Campbell addressed a number of interface issues. Mr Campell prefaced his analysis with reference to the overarching planning documents including the NPS-UD 2020, Auckland Plan 2050, AUP Auckland Regional Policy Statement and the Drury Ōpaheke Structure Plan (**DOSP**). Mr Campbell emphasised those parts of these documents that referred to the required interconnectedness of the future urban environment and concluded that the NoRs demonstrated general alignment with these provisions.

167. Nevertheless, Mr Campbell was critical of the potential for excessive land to end up within front yard areas and the uncertainty around the release of land not required permanently for the operation, maintenance or mitigation of effects of the future arterial.

[59] Ibid para 19.20
[60] Ibid para 21.23

168. In both these cases SGA offered amendments to the conditions in response. These amendments included an advice note that the front yard setback rule (which references the designation boundary as a start point) would not apply to NoRs D2, D3 or D5; and a commitment to reviewing the designation boundary within 6 months of the completion of construction, and so release excess land. Mr Campbell supported these amendments.

169. Mr Tollemache's evidence for Karaka and Drury Limited focussed more on the strategic integration of the developing Karaka West land with NoRs D1 and D2. Mr Tollemache detailed the interface between a future town centre located just north of State Highway 22 and the NoR D1 alignment, emphasising the mainstreet connection and the link to the future Drury West Rail Station, south of the state highway. Mr Tollemache referred to the DOSP provisions for the town centre, and advised the zoning provisions for this in proposed Plan Change 51, for which a decision is pending. As noted above, we are unable to give any weight to the latter planning document.

170. Mr Tollemache then turned to how the proposed conditions had recognised the interface he sought for the above land use and referred to the ULDMP. While noting the focus that the ULDMP had on landscape and visual effects of the project, Mr Tollemache considered that it was not broad enough to address the wider integration issues, such as relating to transport and stormwater. He sought that more explicit recognition was given in the detailed design to elements of the surrounding land use, that specific reference to the DOSP was made, and that consultation with adjacent landowners was required in preparing both the Outline Plan and the ULDMP.

171. Ms Hicks rebuttal evidence was that Mr Tollemache's concerns were largely addressed already in the proposed conditions. She also expressed concern at his proposal that final design be "in accordance with" the DOSP, which she indicated had already become dated compared with actual development. Ms Hicks further considered that Karaka and Drury, as an affected landowner, would be engaged with directly by way of a number of processes provided for in the conditions, including via section 176 applications for works within the designation.

172. On the matter of the DOSP, we consider that structure plans, albeit non-statutory documents, are important strategic documents for a new developing area and are a matter envisaged by section 171(1)(d). Where land is in multiple ownership and public infrastructure is required, a structure plan is an outcome of a consultative process and a key mechanism by which integration is achieved. In a fast moving development environment it is inevitable that actual growth does not follow a structure plan in every detail. However, to have no mention of the DOSP in the conditions appears to us to be inexplicable and a significant departure from the outcomes sought by the DOSP would need to be justified. Consequently, whilst not going to the extent of requiring the final design to be "in accordance with" the DOSP, we consider that the 'outcomes' of the DOSP need to be had regard to. A specific such outcome is the connectivity of the proposed Drury West town centre with State Highway 22 which Mr Tollemache referred to and which we understand SGA have every intention of having regard to.

173. In relation to the urban design and integration matters, Mr Tollemache provided additional conditions. In the hearing we noted that these appeared to double up on the existing ULDMP conditions and in response Ms Andrews helpfully provided a memorandum that demonstrated how the Karaka and Drury relief could be integrated with the existing conditions which we have considered in the recommended conditions for NoRs D1 and D2.

174. We accept Ms Hicks rebuttal evidence on the matters of stormwater treatment and conveyance being matters left for the regional consents.

175. The evidence of Mr Parlane and Mr Hoskens for P&C Family Trust and E S Pan also focussed on arterial road integration, and on the relative elevation of NoR D2 and their client's land, which also has collector roads through and alongside it. Mr Hosken detailed the importance of this elevation in terms of the built development. Mr Parlane sought that NoR D2 be modified to show the two collector roads intersecting with the NoR and that these be at specified levels.

176. The rebuttal evidence from Ms Hicks, in reliance on Mr Mason's assessment, was that the integration of NoR D2 with the subject land can be addressed either through the ULDMP or by way of section 176 process, depending on whether arterial or land development is to happen first.

177. The Council advice, from Mr Collins, was that NoR D2 does not preclude the local roads indicated by Mr Parlane and that given the location of these local roads is still to be confirmed, it would be premature to include them within the NoR.

178. We have reviewed the submitter's evidence, however we accept the position of SGA and the Council that there are mechanisms for ensuring the integration of the arterial with the subject land in terms of both connectivity and elevation and that resolving such matters is a standard part of the final design process. The SGA has inserted an additional reference in the ULDMP road design to consider the interface with adjacent land uses and in response to the Council suggestion, there is a cross-reference to Auckland Transport's Urban Roads and Streets Design Guide.

Landscape and visual impact/ULDMP matters and conditions

179. Related to the integration matters addressed above are specific landscape and visual impact matters addressed comprehensively by Ms Skidmore for the Council. We note that in terms of the recommended conditions, the Council's Hearing Report Addendum identified several residual matters that remained in contention for Ms Skidmore to advise on. These matters were not carried through to Council's closing remarks, and although we agree that they are minor, we nevertheless address them as follows:

    (i) "Manage" versus "avoid, remedy and mitigate" in condition 9(b)(ii) in relation to the ULDMP objective. Our finding is that the combination of "manage" and "as far as practicable" in this condition overly dilutes the outcome sought. We prefer the Council's wording in this condition.

(ii) The reference to Auckland's Urban Ngahere (Forest) Strategy in the preparation of the ULDMP. The SGA response was that the Project will result in an increase in vegetation and aligns with the principles of the Council's Urban Ngahere Strategy. That being the case, the inclusion of this reference should not be onerous.

(iii) Similarly, with the Council seeking that the words "integration of open space linkages" in condition 10(a)(iii)G. Mr Bentley addressed the importance of these linkages and we see no reason as to why they would not be a design consideration in the ULDMP. One of the significant benefits of pedestrian and cycle facilities is the open space linkages they provide.

(iv) We did not consider the reference to "residual land" was necessary in condition 11(a)(i)C.

(v) We did not see the need for the Parks Manager to be specifically mentioned for early input into the ULDMP. The ULDMP is to be part of the Outline Plan. Section 176A provides 20 working days for Council to request changes to the Outline Plan, such time may be extended pursuant to section 37. In order to have an efficient processing of the information by Council we anticipate that it would be in the Requiring Authority's interest to consult as early as possible with the Council on a number of items in the Outline Plan. To not do so would generate a greater risk of misunderstanding, uncertainty and potentially appeal to the Environment Court by the Council.

(vi) Ms Skidmore made an important observation when she noted in the Addendum that Mr Bentley's recommendation mitigation measures effectively went nowhere. These mitigation measures are part of the proposal and relied on by Ms Hicks and Ms Bell for their conclusions. Without ensuring that the mitigation is carried through, detailed as it is for each of the NoRs, we consider that the conditions are incomplete and the proposal potentially defective. There may be a more efficient way to ensure that Mr Bentley's mitigation is reflected in the ULDMP for each NoR, however for the present we have referred to the relevant paragraphs of his evidence in the conditions.

(vii) We support the inclusion of the advice note proposed by SGA in relation to the AUP front yard setback not applying to the designation boundary. We understand that this advice note means that during the interim period prior to Project implementation the setback would not apply. Once the Project was completed and the land taken, then it would apply.

Ecological impacts

180. The alternatives assessment process carried out by the SGA has generally resulted in the proposed alignment avoiding areas of ecological significance.

181. The Ngakaroa Stream corridor and associated wetlands within and adjacent to the project have been highlighted for their potential importance to support a range of Threatened and At Risk coastal and wetland bird species. The replacement of the

existing Ngakaroa Bridge on SH22 and widening the bridge over the Ngakaroa Stream as part of NoR D2 could potentially cause noise, vibration and light disturbance during construction and operation to breeding birds such as banded rail, fernbird and spotless crake.[61]

182. A Bird Management Plan is proposed as a condition to NoRs D1 and D2 to reduce the potential adverse effects of construction from Moderate to Low.[62] Impact management requirements would include programming noisy works near the Ngakoroa Stream to avoid the bird breeding season (September – February) where practicable, pre-construction nesting bird surveys and mitigating construction lighting and noise/vibration disturbance.

183. The only submissions on ecology were how the proposed alignment affected existing wetlands on Oyster and Fletcher land on the NoR D4 alignment. The Council s42A report agreed with the SGA approach to ecological matters except for the need for a Lizard Management Plan as a condition on the NoRs and management of effects on natural wetlands at some locations in NoR D2 and NoR D4.

Natural Wetlands

184. Council reporting officers have raised concerns in relation to potential natural wetlands under the NPSFM and National Environmental Standard for Freshwater (**NES Freshwater**) for the new section of transport corridor of NoR D2 and for NoR D4. They note that the presence of natural wetlands that *may* qualify for protection under the NPSFM is a relevant consideration in the decision-making on the NoRs. Council officers consider that adverse effects on the identified wetlands should be avoided through the recommended conditions on NoR D2 and NoR D4, that Auckland Transport demonstrate a functional need for the NoR D2 and NoR D4 alignments and that adequate consideration of alternatives has not been carried out in these locations.[63]

185. Council reporting officers consider that their recommended conditions are necessary to ensure the NoR D2 and D4 projects demonstrate consistency with the NPSFM, particularly Objective 1, Policy 6 and Clause 3.22(1) of the NPSFM, in addition to relevant RPS Policies referenced in paragraph 11.11 of the Council D2-D5 addendum report. Of particular relevance is RPS Policy B7.3.2(4) that reflects Clause 3.22(1) of the NPSFM.

186. Auckland Council reporting officers[64] were of the view that the NoR D2 and D4 projects are inconsistent with the above provisions of the NPSFM and RPS as there are practicable alternative methods to construct the proposed road carriageways for NoR D2 and D4 which would avoid the permanent loss and significant modification of wetlands.

[61] Davies EIC para 1.7 & 15.6
[62] Davies EIC para 1.8 &1.12
[63] Hicks EIC 41.14
[64] s42A Addendum to Hearing Agenda para 11.11

187. The SGA consider that the conditions proposed by Council planners and ecologists to be inappropriate as they relate to regional plan matters or effects that are not authorised by the designation. The SGA position is that proposed alignment choice involves a number of competing considerations and should not be dictated by a single policy directive where potential effects have yet to be established and confirmed.

188. The Council planners and ecologist advised that their concerns for a section of NoR D2 could be alleviated by widening the span of a bridge to avoid a potential natural wetland. The SGA response was that this is a matter of design refinement which can be undertaken at the appropriate time in the future; rather than this being an "alternative" as the Council's ecologist suggest.[65]

189. For NoR D4, SGA note here is also space within the proposed NoR D4 alignment to minimise impacts on wetlands through detailed design[66], and at resource consents stage by adjustments in the alignment, crossing/bridging and reducing the cross-section width.

190. The evidence for SGA agrees that while the wetlands identified by the Council for NoR D4 may technically meet the definition of a natural wetland under the NPSFM, their status under this definition may change under the current regulatory review and will need confirmation in the future. Land use change in Drury over the next 10 - 20 years will also have an impact on the existing environment and ecological features. All of these factors will need to be reconsidered and confirmed during the future resource consenting phase for Auckland Transport when they construct this section of the Project.[67]

191. SGA further advised[68] that the Ministry for the Environment (**MfE**) released a publication *Managing our wetlands: A discussion document on proposed changes to the wetland regulations.* The MfE discussion document identifies that the Government has received feedback that the current definition of 'natural wetland' in the NPS:FM is problematic to apply and captures some heavily modified, exotic pasture dominated wetlands even though part (c) of the definition seeks to exclude these areas. This is having unexpected consequences such as restricting changes in land use and development in these areas. In response to this, the discussion documents propose to amend the definition of 'natural wetland' to make it clearer, and only capture areas intended by the regulations. The discussion document therefore raises significant questions as to whether the wetlands in question will in fact be captured by the definition of 'natural wetlands' in the future.

192. The SGA planning evidence[69] is that it is premature to have a strict ‘avoid’ requirement at this stage given that the definition of a ‘natural wetland’ may be subject to change and the assessment of wetlands should be addressed at the resource consenting phase and that designation conditions should be limited to mitigating adverse effects authorised by the designation. The designation does not

[65] Hicks EIC para 41.20
[66] SGA opening legal submission para 12,21 (d)
[67] ibid 12.21 (e(e)
[68] Hicks EIC para 41.17
[69] Ibid para 41.19

authorise any regional plan activities such as vegetation clearance and earthworks within, or reclamation of, wetlands and it is inappropriate to impose conditions on a designation that relate to mitigating effects of works that would be authorised through seeking regional plan resource consents.

193. The SGA evidence notes that should these areas qualify as 'natural wetlands' at the time of detailed design, there is a consenting pathway for specified infrastructure in the NES Freshwater. Under this NES, the requirement for no net loss of wetlands could be met by off-setting proposals either on site or at an off-site location, subject to the effects management hierarchy.[70]

194. We consider the main issues on which this matter turns are:

(i) has the route selection process adequately taken into account possible effects on natural wetlands;

(ii) can the extent of the proposed designation and the future regional consenting process be expected to avoid adverse effects where possible or mitigate such effects using appropriate mechanisms; and

(iii) the uncertainty regarding the future definition of natural wetlands.

195. We find that the route selection process for NoR D2 and D4 has taken into account a number of factors including the desire to avoid natural wetlands. We also accept the planning and ecological evidence of the SGA, that effects on natural wetlands can be suitably avoided or mitigated at the detailed design stage through the regional consenting process. We also find that the uncertainty regarding the future definition of natural wetlands supports the case of not having a condition requiring protection of natural wetlands which in the future may not fit the definition of natural wetlands.

Lizard management plan

196. The ecological evidence for the SGA was that the overall magnitude of effect on lizards relating to district plan matters, including taking into account the recently updated status of the copper skink from ‘Not Threatened’ to ‘At-Risk/Declining’. was “low”. This evidence also recommended that a Lizard Management plan is prepared for each designation at the resource consenting stage.[71]

197. SGA ecological evidence advises that the Assessment of Ecological Effects for each of NoRs identifies the potential for effects on lizards for future resource consenting and to inform the design process along with the need to comply with the Wildlife Act.[72] SGA planning evidence is that potential effects on the copper skink lizard are important and this will be re assessed at regional consenting stage for vegetation removal and bulk earthworks.[73]

[70] Bell EIC para 9.30
[71] Davies Hearing Summary para s 1.37 to 1.40
[72] Ibid para 1.41
[73] Hicks evidence summary para 1.41

198. Mr Tutt, Auckland Council's ecologist set out how under the relevant methodologies, he considers that copper skinks are assigned a 'high' level of impact being anticipated on the species[74]. Mr Tutt considers that copper skink habitats fall outside of areas subject to regional consents and he has therefore recommended an NoR condition for a Lizard Management Plan (LMP) to provide a framework for assessing species present and relocating species if necessary to maintain the species. The Auckland Council reporting officers' recommendation is for a condition on each NoR requiring a LMP.

199. The SGA response was that Unitary Councils can elect to manage biodiversity via district or regional functions[75] and that the Council's functions under sections 30 and 31 are delivered through the AUP provisions that address these matters. They further advise that way in which the Auckland Council has chosen to meet its obligations in respect of management of lizards (as a type of indigenous biodiversity relevant to the obligations in sections 30 and 31) is through the regional plan provisions of the AUP, not the district plan provisions.

200. SGA therefore consider that section 31 of the RMA does not provide an appropriate justification for imposing the conditions sought by the Council regarding an LMP and pre-construction surveys and remain of the view that these matters are more appropriately addressed as part of the resource consent process (in addition to the requirements under the Wildlife Act).

201. We find that the matter of Lizard Management Plans is more appropriately addressed at the time of regional consenting when final design and vegetation clearance details are available.

Stormwater and flooding

202. There were a number of matters raised in submissions regarding stormwater and flooding which are discussed as follows.

<u>Increase in flood hazard arising from the project</u>

203. Increase in flood hazard is proposed to be limited by a "flood hazard" condition within all the NoRs. This condition includes a number of flood risk outcomes including:

(i) there is no increase in flood levels for existing authorised habitable floors that are already subject to flooding; and

(ii) there is no increase of more than 50 mm in flood level on land zoned for urban or future urban development where there is no existing dwelling.

204. The proposed flood hazard conditions have been agreed by the Council stormwater reviewer as appropriate to ensure any exacerbation of flood hazard as a result of constructing the NoR routes will be minor.

[74] Addendum to Hearing Agenda para 6.16
[75] SGA closing para 7.8

205. The submission from Messrs Ken and Aaron Davidson (Pinemor) expressed concern about the proposed stormwater wetland located on the property at 168 Walker Road. The submitters consider the north-south orientation of the wetland will have adverse effects arising from a reduction of road frontage, and adverse effects on access, which the submitters consider will decrease its commercial visibility from the proposed FTN arterial. The submitters requests the location of the proposed stormwater wetland be re-orientated in its current proposed position, or alternatively relocated to another property.

206. The expert evidence for SGA is that the alternative locations identified by the submitters are either not appropriate or optimal locations for the wetlands compared to the current proposed wetland location on the submitter's property[76]. Re-orientation of the wetland is a matter that could be considered further during future design processes.[77]

207. As the proposed stormwater wetland requires land acquisition from 168 Walker Road, this can be discussed with Auckland Transport and the landowner at the time of property discussions before construction commences.[78]

208. Mr Hosken's evidence for PC Family Trust and ES Pan detailed the submitter's concerns[79] about the increase in flooding on the submitters' land that would be caused by the proposed new road between Jesmond Road and Bremner Road crossing the "no name" stream as part of NoR D2 adjoining the submitters land. Mr Hosken advises these concerns can be alleviated by amendments to the NoR to:

    (i) ensure the bridge over the no name stream is to be extended to accommodate the 100 year flow without any constraint; and

    (ii) provide for emergency overflow no higher than RL12.6m.

209. In his power point presentation shown at the hearing Mr Hosken made the following points:

    (i) that upstream catchment land uses are proposed in the Drury Ōpaheke Structure Plan and that Private Plan Change 61 (which we have noted has been declined by Independent Commissioners) has densities exceeding those proposed;

    (ii) there is no guarantee approval will be given to modify the stream and so address flooding issues and that modification of existing streams is discouraged; and

    (iii) the 50mm increase in flood level increases the width of the stream from approximately 71 metres to 118 metres as measured at the submitters' northern boundary.

[76] Seyb EIC paras 31.2 to 31.5
[77] Ibid para 31.6
[78] Hicks EIC para 33.17
[79] Hosken Evidence 30 September 2021 para 61

210. SGA stormwater and flooding expert evidence presented at the hearing,[80] in commenting on the length of bridge, recommends that a bridge is utilised at chainage 600m on the new section of road between Jesmond Road and Bremner Road. Further, to manage potential upstream flood effects, a condition is included on the proposed designation which sets appropriate flooding outcomes. Part of the condition requires that there is no more than a 50mm increase in flooding on adjacent land zoned for FUZ – which may require a wider bridge and / or shaping of the abutments and stream approach. This means that Auckland Transport is committing to no more than a 50mm vertical increase in flood level at the NoR boundaries to the land upstream. As part of the future detailed design, flood modelling will be undertaken to confirm the design required to meet the flood hazard conditions on the designation.[81]

211. SGA also do not agree with Mr Hosken (his paragraph 61c) that the bridge over the no name stream needs to be extended to accommodate the 100 year flow without any constraint and do not think a condition to that effect is required.[82] The bridge design and construction would be much more costly and less efficient if it was required to span the entire floodplain and it is not considered to be a better overall option. SGA consider that the proposed flood hazard conditions are an appropriate way to manage the potential flooding effect on the Pan property and that this will limit the effect to less than a 50mm increase - which is considered to be a negligible effect.

212. In response to Mr Hosken's concern that the submitters have no opportunity to input into the design of the bridge and any possible flooding impacts after the NoR is confirmed, SGA consider that the 50mm criteria means that the submitter can have confidence that the effects on their land will be negligible.[83] They consequently consider specific input into the design of the bridge by the submitter is unnecessary. However, the landowner will have ongoing engagement with Auckland Transport during detailed design as the Public Works Act process takes place and during the construction phase under the conditions on the designation.

213. In response to Mr Hosken's request to provide for emergency overflow the SGA expert evidence advises that bridge capacity for events in excess of the 100 year rainfall event are provided for by freeboard in accordance with the Bridge Manual - with at least 600 mm of freeboard to be provided between the 100 year flood level and the underside of the bridge beams. [84] This allows extra flow capacity for very infrequent rainfall and an overland flow path across the corridor is consequently not required.

214. The submission on behalf of Soco homes, (Mr Duan) expressing concern about the size and location of the proposed wetland at 224 Jesmond Road is addressed under the Alignment and Extent of Designation section of this recommendation.

[80] Seyb Evidence Hearing Summary para 1.20
[81] Seyb Rebuttal evidence para 2.16
[82] Seyb Rebuttal evidence para 2.18
[83] Ibid para 2.20
[84] Ibid para 2.23

215. There are no matters of difference remaining between the Council reviewers and the SGA with respect to stormwater and flooding matters.

216. Our finding, based on the expert evidence provided to us, is that stormwater and flooding aspects of the proposed NoRs have been adequately addressed and can be suitably managed through the proposed flood hazard conditions.

Construction noise and vibration

217. Construction noise generated by the project is proposed to be controlled in the usual manner against the standards of NZS6803:1999 Acoustics – Construction Noise, as detailed in the proposed conditions of consent for each NoR. Where compliance with the noise standards is not practicable, and the noise is not otherwise provided for by the Construction Noise and Vibration Management Plan, then a predicted exceedence for a specific noise generating activity may be provided for by way of a schedule.

218. There were no submissions about this overall structure for construction noise control, however Mr Styles, for Fulton Hogan, considered that the reasons for needing to exceed the noise standard should be properly justified. He supported the Best Practicable Option approach that was integral to the scheduling approach, but his view was that such scheduling "*is not a panacea to the noise issues*".[85]

219. Mr Hegley, for the Council, agreed with Mr Styles and suggested that the condition that addresses the preparation of the CNVMP requires the following addition:

"a hierarchy of management and mitigation options, including prioritising the management of construction activities to avoid night works and other sensitive times, including Sundays and public holidays"

220. Ms Drewery and Ms Hicks responded for SGA and while they appeared to have some agreement that night time noise should comply with the standards, or the necessity for the proposed noise event to be subject to specific scrutiny, their response was only to require the CNVMP to specifically consider the necessity for night works.

221. It is a matter of general agreement that the roadworks for the Drury arterial network are likely to take place within a developed urban environment. We consider that the populace of the new suburbs deserve protection from excessive night time noise levels and the combined construction noise conditions need sufficient rigour to achieve this, while not ruling out night work, which we acknowledge cannot be avoided completely. Consequently, we support Mr Hegley's addition with some elements of Mr Styles preferred wording. We note also that the overarching objective of the CNVMP is to implement the Best Practicable Option (**BPO**).

222. Further, we found the combined construction noise and vibration conditions to be confusing in their wording around compliance and the utilisation of the BPO, both generally and for scheduled activities. We consider that the conditions should express a clear hierarchy of strict compliance, general exceptions through the

[85] Styles EIC para 5.12

adoption of BPO, and then scheduled exceptions accompanied by an activity-specific BPO.

Operational traffic noise

223. The issue of future traffic noise was one that we received the most evidence on from the parties. As noted above, it is an issue that relates to the 'real world' receiving environment and the most appropriate measures to avoid or minimise traffic noise effects. These measures can be implemented by either or both the roading authorities or the land developer, however the scale and variability of the overall interface between road and land use in this case along the 16.5km of new and upgraded road makes the outcome critical for the affected parties. As we have already observed, this criticality is also heightened by the imminent arrival of medium and higher density residential development, a land use that is sensitive to noise.

224. Ms Drewery provided the primary noise expert evidence for the SGA, with Ms Wilkening providing peer review evidence on traffic noise mitigation. Ms Drewery's primary evidence explained her traffic noise assessment methodology. She adopted the methodology set out in NZS 6806 in accordance with Rule E25.6.33 of the AUP-OP. This rule states *"All new roads and all altered roads that are within the scope of New Zealand Standard NZS 6806: 2010 Acoustics – Road traffic noise – New and altered roads must comply with the requirements of New Zealand Standard NZS 6806: 2010 Acoustics – Road traffic noise – New and altered roads".*

225. The statutory assessment undertaken by SGA and both Hearing Reports referred to the provisions of Chapter E25 Noise and Vibration. Rule E25.6.3 is a permitted activity standard for traffic noise. The standard responds to the objectives and policies of Chapter E25 in relation to protecting residential zones from unreasonable noise, although we note that there is no specific objectives or policies about traffic noise, other than Policy E25.3(5) which recognises that roads generate noise and by necessity must be located in or adjacent to residential zones. Thus there is an expectation that adverse effects will not be avoided, so therefore they must be mitigated.

226. Ms Evitt submitted that

"*In terms of the strict legal requirements, the operational traffic noise assessment undertaken by Ms Drewery is consistent with the AUP rule framework which codifies NZS 6806:2010 Acoustics – Road-traffic Noise – New and Altered Roads (NZS 6806) as the appropriate assessment tool. That assessment only requires consideration of existing noise sensitive receivers. The merits of that assessment have not been questioned by any party."*[our emphasis][86]

227. On the matter of relying on the District Plan requirements, Ms Storer pointed out that in terms of section 171:

[86] Evitt Opening Submissions para. 10.22

"compliance with the district plan is not a "strict legal requirement." Rather, the decision maker is required to "have particular regard" to the requirements of the district plan, subject to Part 2."[87]

228. Mr Matheson stated that he was not clear as to the genesis of NZ6806:2010 but offered the view that, on the likely basis that the standards had not been written with the current level of knowledge about the potential health effects from road noise, *"there are good planning reasons to separately evaluate the appropriateness of consent conditions, without purporting to "hide behind" NZS 6806."*[88]

229. While it was not provided to us during the hearing, we have referred to the Board of Inquiry decision for the Waterview Connection, which examined NZS 6806 in detail.[89] We note at the outset that the interface between the Waterview connection and residential activity was not to the same extent or intensity as with the Drury NoRs that we have quantified above. The findings of the BoI for Waterview are summarised at paragraph 925 of the decision:

[925] We find it relevant that NZS 6806:2010, which NZTA proposes be followed closely, is not concerned singularly with managing the adverse effects of road noise on recipients. Rather, it has been developed with the stated intention of providing:

"..... reasonable criteria for the road-traffic noise from new or altered roads taking into account adverse health effects associated with noise, the effects of relative changes in noise levels on people and communities; and the potential benefits of new and altered roads to people and communities".

As such, the criteria appear to:

- *Place disproportionate weight on that part of s.5 (2) concerned with enabling the community's economic, and possibly social, wellbeing relative to the social wellbeing and health of affected people.*
- *Potentially discount the adverse cumulative effects of elevated noise on recipients.*
- *Inadequately address those parts of s.5 (2)(c) RMA concerned with avoiding, remedying and mitigating adverse effects.*
- *Not engage those parts of s.7 RMA concerned with amenities and the quality of the environment likely to be of concern to impacted persons.*

[87] Storer Submissions para. 5.3
[88] Matheson Submissions para. 5.6
[89] Final Report and Decision of the Board of Inquiry into the New Zealand Transport Agency Waterview Connection Proposal produced under Section 149R of the Resource Management Act 1991

- *Assume that those who experience the effects of noise also derive road benefits, which for the Waterview Connection Project is disputed by many, and which "benefits" we have held are limited at best.*

- *Inadequately address s16 RMA ("duty to adopt...the best practicable option ["BPO"] to ensure that the emission of noise...does not exceed a reasonable level"). We are concerned that Ms Wilkening and Mr Hunt held the view that NZ6806 approaches the development of a BPO in a somewhat rigid manner (e.g. Mr Hunt's assertion that the standard's BPO approach is a "cornerstone of the RMA"). That is not how we read s16 and the definition of BPO in s2. Further, we note that the Foreword of NZS6806 makes it clear that the Standard offers guidance and recommendations, and that it can constitute a "relevant matter" to take into account when exercising functions and powers under the RMA. In our view it is clear that the document is not a "standard" in the sense of providing a test or a set methodology. There is no statutory link between the RMA and 6806 of such a kind. A consent authority must have its full suite of powers and discretions concerning the identification of a BPO, subject to express provisions of the Act. In any given case it will have a wide range of facts, issues and topics it must consider in relation to noise and a multitude of other matters, as here.*

230. We are guided by the Waterview decision in the relevance and adequacy of NZ6806 as a sole methodology for managing the adverse effects of traffic noise on its recipients. Reference to the standard may be a necessary part of the solution, but it is certainly not sufficient if it is to used for a real world solution that includes not just existing noise sensitive receivers but also the future residential environment.

231. The SGA proposed conditions at the commencement of the hearing which included the following:

(i) The implementation of an asphaltic mix surface (a low-noise road surface) within 12 months of completion of construction of the project for NoR D1. Waka Kotahi was satisfied that this would obviate the need for any future noise assessment and mitigation actions; and

(ii) For D2 – D5, the determination of Selected Mitigation Options for the PPFs by a Suitably Qualified and Experienced Person and the consequent development and implementation of Detailed Mitigation Options consistent with the adoption of the Best Practicable Option. A low-noise road surface could comprise or be part of those Detailed Mitigation Options.

232. In terms of the noise assessment we agreed with the evidence of Mr Hegley and Mr Styles, supported as they were in the Hearing Reports and the evidence of the planners for several submitters respectively, that this assessment must take account of the future residential environment (which in many cases is already existing or imminent) as part of a 'real world' assessment.

233. The rebuttal planning and noise evidence of SGA proposed to augment the conditions offered for NoRs D2 to D5 with the specific commitment to the construction of a low-noise road surface within 12 months of completion of construction, subject to specific triggers. This condition was as follows:

Low Noise Road Surface

In accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 or any updated version, asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of completion of construction where:

(a) The volume of traffic exceeds 10,000 vehicles per day; or

(b) The road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); or

(c) It is in an industrial or commercial area where there is a high concentration of truck traffic; or

(d) It is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools

234. Consequently, the condition package proposed by SGA is a future assessment of traffic noise effects on existing PPFs plus the above low-noise road surface commitment.

235. Ms Drewery's rebuttal evidence was that the future noise assessment would be likely to confirm that a low-noise road surface was the BPO in most cases and that this outcome would ensure that all future receivers were protected from the adverse effects of traffic noise. Ms Drewery noted that for NoR D4 the BPO would include 1.8m high barriers for some PPFs.

236. Ms Wilkening peer review evidence supported the SGA proposed conditions. She considered that traffic noise mitigation was a shared responsibility between the road controlling authority and land developer. Ms Wilkening outlined the three mitigation options that can be applied to manage road traffic noise as:

(i) The choice of road surface material (for a low road noise surface);

(ii) The installation of noise barriers; and

(iii) The inclusion (for new builds) or retrofitting (for existing buildings) of Building Modification Mitigation (e.g. alternative ventilation to enable windows and doors to remain closed, improved joinery and/or glazing, or, in rare cases, the installationof additional wall and ceiling lining).

237. Of the three mitigation options, Ms Wilkening considered only the low road noise road surface option was possible to undertake without *"detailed knowledge of the location of sensitive facades, heights of proposed buildings, use of these buildings and access arrangements to any of the sites."*

238. In relation to that detailed knowledge, the existing and near future environment is comprised largely of residential development, much of which will be of a medium density and two to three storey typology, with limited setbacks and access arrangements that rely on internal subdivision roading or jointly owned access lots in preference to the arterial road to which it abuts. Consequently, reasonable knowledge of the road/land use interface is already available. However, we accept that most of that environment will be subject to rules about heights and setbacks and potentially standards for noise sensitive buildings that will only be operative as part of an approved plan change. These rules are important components of the second and third mitigation options Ms Wilkening referred to, so we accept her opinion about the need for detailed knowledge.

239. On the matter of noise barriers, Ms Wilkening considered that such barriers were ineffective beyond the ground level. The other noise experts did not appear to disagree with her view on this. Nevertheless both Messrs Styles and Hegley pointed out that noise barriers can be effective for the ground level and outdoor areas of even multi-storey residential development. Overall however, the evidence was that noise barriers are unlikely to be a broad scale mitigation measure for the projects and their land interface. None of the noise experts could provide examples of noise barriers being used within a developing suburban environment (as opposed to their use along a major highway).

240. Ms Wilkening concluded by supporting the SGA condition for a low road noise seal subject to the reseal criteria. She stated that under this condition, *"the projects are likely to be constructed with a low noise road surface, even where there is no change to the traffic lanes and NZS6806 determines no mitigation is required, or where no existing PPFs remain."*

241. We have examined the additional condition. The Auckland Transport Reseal Guidelines (**Guidelines**) were attached in full to Mr Lovell's evidence. The Guidelines were prepared in 2013-2014 by Auckland Council to rationalise region-wide road upgrades following the 2010 Auckland local government amalgamations. It appears from the introductory information in the guidelines that the focus was on achieving fair, equitable and economic road surfacing upgrades across the region. The information does not indicate that the purpose for which the Guidelines were produced had anything to do with traffic noise mitigation, although there is potential connection between traffic noise and amenity within triggers (a) to (d).

242. The Guidelines have been prepared for the whole urban environment and are focussed on existing environments (hence the term 'reseal guidelines'). It is possible that criterion (d) would apply to some parts of the projects (D2 to D5) however it appeared that criterion (a) would be the main trigger for a low noise road seal. The question arose as to whether the projects would have the traffic volume to qualifiy under criterion (a)? Mr Hegley, in the Council response noted that several sections of the projects would have less than 7000vpd in the 2048 design year, so clearly 10,000vpd provides no certainty as to when, or whether, a low noise road seal would be implemented. We come back to consider this matter further below. However, we

find here that the Reseal Guidelines are have not been drafted with noise mitigation in mind and are largely not fit for purpose.

243. Both Mr Styles and Mr Hegley provided commentary on the revised approach from SGA.

244. Mr Styles' view was that while Ms Drewery, Wilkening and Hicks appeared to support a BPO approach to the mitigation of traffic noise to a future environment, the condition package offered simply confused the issue and would result in an uncertain outcome that may or may not adequately mitigate the noise effects on the future receiving environment. He could not see how it was possible that a future assessment of the environment, pursuant to NZS 6806, limited as it is to the currently existing PPFs, could possibly result in a BPO noise mitigation road design for that future environment. Mr Hegley agreed with Mr Styles analysis on this point.

245. Mr Styles presented us with two options by way of conclusion in his summary statement to the Hearing. The first option was to undertake a future assessment as originally proposed by SGA for all NoRs but to adopt an urban residential environment as the receiving environment. Mr Styles considered this to be best practice as it provided for the full range of noise mitigation options inside the road corridor for all parts of the NoRs.

246. The second option was to require a low noise road surface on all roads where:

(i) They are within 100m of any land zoned for residential activity; and

(ii) The volume of traffic is expected to exceed 2000 vpd within 10 years of the road being sealed.

247. We note that Mr Styles second option removed triggers (b) to (d) in the SGA proposed condition (above).

248. Mr Hegley considered that the second option appeared to rule out the use of noise barriers, which he supported, consequently he preferred the first of these options. Mr Hegley nevertheless included both options in his recommended conditions, with some amendments to Mr Styles second option.

249. In the SGA reply, Ms Evitt "strongly opposed" either of the Styles/Hegley alternatives. Ms Evitt considered that Mr Hegley's 'belts and braces' approach allowed no incentive for developers to share responsibility for traffic noise mitigation would lead to an unfair burden on the Requiring Authorities, with potentially a requirement for them to retrofit existing buildings in the future.

250. Ms Evitt also considered that the proposed trigger point of 2000vpd was a very low threshold which had no effects based justification. Further, she pointed to the evidence that supported a pedestrianised town centre as a relevant trigger for a low noise road surface.

251. We have given close consideration to all the evidence and the options on the matter of traffic noise and our finding is in favour of the low noise road surfacing, but with triggers we consider more meaningfully address the potential for adverse effects on noise sensitive activities. The low noise road surface option provides the most certainty for all parties, subject to appropriate specification. We considered that Mr Hegley's recommendation of both the low noise road surface and future assessment condition's would not provide for efficient outcomes. Consequently, we agree with Ms Evitt on this point. We also agree with her that 2000vpd is but the starting point for the consideration of traffic noise and not an indicator of an adverse effect. However, it is nevertheless a starting point. The 10,000vpd suggested in the SGA condition on the other hand appeared to have no origins in noise assessment.

252. We have considered the matter of the traffic volume threshold. Unfortunately, the whole matter of traffic noise, the options available to us, and the implications of them, was not fully assessed by the parties. Alternative conditions were profferred and commented on during the hearing. In the lead up to the hearing we suggested that the parties consider expert conferencing on key issues, of which traffic noise would have been at or near the top of the list. That did not happen, or did not happen sufficiently. The disparity of specialist comment during the hearing was a strong indication that this issue could have benefitted from conferencing. In our deliberations we gave consideration to seeking further input from the parties on the matter of the traffic volume threshold in particular, however acknowledging that our task is to make a recommendation, and not a decision, we decided that it would be more efficient to proceed to a recommendation, with our supporting rationale. The position of the parties at the hearing suggests that our recommendation is unlikely to be the end of the matter.

253. While we acknowledge that a future assessment would be the most comprehensive approach we consider that the resulting mitigation options, in addition to a low noise road surface, could still be employed if needed. We are aware that the Auckland Unitary Plan already contains construction standards relating to internal noise levels for noise sensitive spaces. Those measures could readily be employed for noise sensitive spaces at the interface of the project roads. Equally, for specific locations, land developers may want to employ noise barriers as mitigation where the interface was appropriate for the topographical and land use context and urban design outcomes were not compromised.

254. In relation to Mr Style's and Mr Hegley's options we find:

    (i) The reference to "residential activity" is sufficient as it is unlikely that even in a town centre there will be no residential activity, thus addressing Ms Evitt's point about the inclusion of trigger (d) being necessary;

    (ii) The time reference to "10 years" is more appropriate than "the design year" as the future time for traffic prediction, given the long lead time to the design year and the uncertainties of such prediction.

255. Our proposed condition is therefore in relation to NoRs D2 to D5:

Low Noise Road Surface

An asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction where:

(a) The road is within 100m of any land zoned for residential activity; and

(b) The volume of traffic is predicted to exceed 2,000 vehicles per day within 10 years of Completion of Construction.

256. The proposed SGA condition for a low noise road surface for NoR D1 is unconditional except for the time period for implementation (12 months) and this is accepted as proposed.

Composition of Outline Plans and certification of management plans

257. The composition of Outline Plans and certification of management plans are matters of detail that are important to the efficiency of implementation and the transparency of that implementation. The proposed conditions for the NoRs provide for the following management plans:

(i) Network Utilities Management Plan,

(ii) Construction Noise and Vibration Management Plan

(iii) Urban and Landscape Design Management Plan

(iv) Historic Heritage Management Plan

(v) Bird Management Plan

(vi) Tree Management Plan

(vii) Stakeholder Communication and Engagement Management Plan

(viii) Construction Environmental Management Plan

(ix) Construction Traffic Management Plan

(x) Lizard Management Plan

258. The majority of the management plans are proposed to be submitted with the Outline Plan. Section 176A contains specific requirements for Outline Plans. They must be submitted to the Council for review and provide an opportunity to request changes. If the requiring authority decides not to make these changes then the Council has the opportunity to appeal that decision to the Environment Court. This process of plan/review/decision/appeal for the Outline Plan mirrors the process for the NoR itself.

259. We accept that if a management plan is included in the Outline Plan, then no other provision of the plan to the Council for information or certification is required. We note this particularly in relation to the Historic Heritage Management Plan

260. Of the above plans, SGA and Council agree that plans (i) to (vi) above are to be included in the Outline Plan, noting that the CNVMP Schedules are to be excluded. The SGA and Council also agree that the SCEMP is also not a matter for the Outline Plan and can be prepared separately and provided to Council for information. In dispute are the inclusion of the CEMP and CTMP in the Outline Plan and whether or not they are subject to review or certification. We have previously addressed the matter of the Lizard Management Plan.

261. SGA submissions and the evidence from Ms Hicks, Mr Lovell and Mr Rama was that both of the constituent requiring authorities, Waka Kotahi and Auckland Transport, in their broader role as road controlling authorities (RCA) perform the function of reviewing CTMPs and also Corridor Access Requests. Auckland Transport provide that function to the Council in the implementation of resource consents. SGA's position was that there would be limited benefit in having Auckland Council, or a consultant peer reviewer, undertake such a review because both Waka Kotahi and Auckland Transport, as RCAs, would have the authority to make the final decision. The submissions also referred to the need for consistency and noted that for Stage 1B1 of the Papakura to Drury South Project by Waka Kotahi the Expert Consenting Panel approved designation conditions that provided for the CTMP, CNVMP (and Schedules) to be submitted to the Council for information only. The evidence also outlined the role of Auckland System Management, operated by Waka Kotahi, in reviewing all CTMPs as part of the coordinated operation of the Auckland motorway system.

262. However, Mr Collins' evidence for the Council was that the CTMP should be submitted to the Council with the Outline Plan, noting the importance of the Council having a regulatory role in considering construction effects on the future urban environment, which is likely to be sensitive to the adverse effects of construction. Mr Collins referred us to advice from Council's legal counsel which stated:

The designations are intended to have very long lapse periods so they will be authorising works where the environment (and affected communities) could change significantly from what exists (or could be reasonably predicted) now. Accordingly, the management plans will need to ensure that effects are managed appropriately in the context of the receiving environment that exists at that time.

While the CTMP must be acceptable to Waka Kotahi and AT as the road controlling authorities - that is only to the extent the CTMP affects the safe/efficient operation of the road networks. The Council, as territorial authority still has a regulatory role to ensure that the CTMP adequately addresses effects, including transport-related effects, on the "environment" in a way that takes into account all of the construction effects (eg noise, business disruption).

263. This was not so much legal advice as observation of three important factors in these NoRs. Firstly, it may be a very long time before the management plans are formulated and implemented, with the consequent dilution of any corporate knowledge what was intended by the plans or current practices and a strict reliance on their wording would need to be followed. Secondly, considerable weight is to be

placed on the implementation of the plans in achieving the respective objectives of the plans and appropriate environmental outcomes. Thirdly, whilst the expertise of Waka Kotahi and Auckland Transport is recognised and respected in relation to the safe and efficient operation of road networks, they are not organisations that are responsible for broader environmental management in a regulatory role.

264. To these factors we would add the importance of transparency in formulation and implementation of any regulatory function. We noted above that the management plan process mirrors the NoR decision process, with the requiring authorities having the decision-making role, not the Council (albeit that the decision is subject to appeal). Accordingly, we consider that the involvement of Council in the review process is very important in achieving transparency. This is not achieved by the provision of a management plan for information purposes only. As a consequence of our finding on this we consider that both the CTMP and the CEMP should be included in the Outline Plan.

265. By including these plans in the Outline Plan we consider that we have also 'headed off' the need for parts of the Council, such as the Parks Department, being specifically named as a consultee party in the formulation of plans. In order for Outline Plans to processed in a timely fashion and with rigour, we anticipate that the contents of these plans are as a matter of course shared with the Council long before they are formally submitted for comment.

266. In relation to other management plan and related implementation conditions, our findings and the reasons for them are as follows.

267. On the matter of procedures for undertaking building condition surveys, this matter was addressed in both SGA's lodged construction noise and vibration assessment report (specifically CNVMP recommendations in section 5.6.1 of assessment report) and para 3.9 and 3.10 of NoR D2-D5 s42A addendum report. Whilst there may have been some earlier misunderstanding between SGA and Council on the need for detail in the conditions on building condition surveys we find that these should be included as part of the CNVMP schedule conditions.

268. In relation to a Schedule to a CNVMP, we acknowledge that SGA and the Council have agreed that such a schedule can sit outside the Outline Plan process, thus providing more flexibility. The parties also agree on the certification of the Schedule by Council. However, a disagreement remains on whether material changes to the Schedule also require certification, or are to be provided to the Council for information only. Consistent with our findings on the content of the Outline Plan issue above, we find in favour of the material changes also being certificated.

269. We consider that the inclusion of the words *"which may include:"* at the end of the Outline Plan condition (variously Condition 6(c)) creates uncertainty. We understand that the condition proposes that where an activity or Stage of Work generates a specific type of environmental effect, then the management plan relevant to that effect shall be included in the Outline Plan. We agree with that approach, but consider that *"which may include:"* should be *"as follows:"*.

270. We note that there remains a disagreement between SGA and Council officers on whether the preparation of the SCEMP is to involve Council input. SGA note that the SCEMP, as with all management plans, must be prepared by a Suitably Qualified and Experienced Person. That said, our views above on the CEMP and CTMP also apply here and we consider that the SCEMP preparation will benefit from Council's broader regulatory view. As noted above, we consider early consultation with the Council is beneficial to the process. We also consider that:

(i) there is clarity required in relation to what the requiring authority must advise Council of in relation to changes to the SCEMP, and consequently support the inclusion of an advise note on what constitutes a material change; and

(ii) SCEMP conditions would be improved by a review condition.

271. There remained minor differences between SGA and Council officers on the wording of the ULDMP conditions, for example the reference to 'carriageway gradient' as part of road design and the references to 'restoration planting' as part of planting details. We find that the carriageway gradient reference should be included as it is an expected part of road design. Restoration planting is more appropriately part of revegetation following vegetation removal, and to be addressed in the required regional consents.

272. In relation to the complaints register, we find that, for air quality or noise matters, details of weather conditions is useful, and accordingly agree that reference to these being included in the complaint record requirements. We acknowledge that the CEMP is required to include procedures for incident management, however this will necessarily be informed by the complaints register condition.

273. The Historic Heritage Management Plan is addressed below.

Historic Heritage Matters and Management Plan

274. There remained significant differences between SGA and the Council at the end of the hearing on the content of the HHMP. The SGA evidence from Ms Trilford and Ms Hicks was that the SGA conditions had responded to the Heritage New Zealand Pouhere Taonga submission, would be captured by a HNZPT authority to destroy or modify, and would otherwise achieve the same outcomes as the conditions proposed by Council.

275. Mr Brassey's response to the hearing evidence, supported as it was by Ms Francesco, advised that the Council's HHMP conditions should be preferred as they:

- *Give effect to the relief sought by Heritage NZ*
- *Include changes to better provide for the avoidance, remedying or mitigation of effects on archaeological sites and to address gaps that [had been] identified or matters of contention in the heritage assessment*

- *Incorporate specific recommendations included in the historic heritage assessment*

- *Use terminology aligned with that in the Auckland Unitary Plan Operative in Part (AUPOIP)*

- *Are in accordance with current best practice as exemplified by NZTA designation 6769 (Ara Tūhono - Pūhoi to Wellsford Road) and the draft NZTA template for historic heritage conditions.*

276. We have examined the two sets of conditions, and agree with Ms Hicks that they are likely to achieve the same overall outcomes. However, in light of the long lapse period and likely timeframes for the revisiting of these matters for the formulation of the HHMP, we consider that the additional detail contained in the Council conditions is warranted. The Council conditions were more comprehensive, such as the clear statement of objective and in the formulation of the Accidential Discovery Protocol (such protocol being distinguished from the rule in AUP E11), and also had a better structure, whereas the SGA conditions suffered from the repeated insertions of material to address issues raised. Much of the detail in the Council conditions would need to identified and collated as part of the future HHMP exercise and we consider that the Council conditions therefore provided a better and more detailed template.

277. Consequently, we largely adopt the Council conditions, with amendments to acknowledge that its requirement to be prepared by a nominated heritage specialist repeats that general requirement in the Management Plan condition and that as the HHMP is part of the Outline Plan, it is therefore not to be separately certificated.

The lapse period and timing of the project

<u>NoRs D2 to D5</u>

278. As recorded above, NoR D2 and D3 have proposed lapse periods of 15 years and NoR D4 and D5 have lapse periods of 20 years. We were provided with much relevant caselaw on lapse periods.

279. The SGA submissions and other legal submissions placed a variable emphasis on the reference to a 5 year lapse period in section 184(1)(c). Mr Matheson referred to it as the "default position" thus reflecting the importance of planning certainty and Mr Webb submitted that it was a "strong indication" of Parliament's intention about designations being given effect to promptly. Ms Evitt placed more emphasis on the balance of the wording in the section, which refers to the opportunity of specifying a longer period when the designation is incorporated into a plan. In support of shorter or longer periods, Council and the parties referred to the recent history of lapse periods. Hearing Report 2 at page 102 provided a short list of recent designations, each of which the Court decision had reduced the lapse period for. We note that of

these examples two were for airport projects, one was for a gas company and the fourth was the *Beda* case.[90]

280. SGA opening submissions referred to five transport projects for which a 20 year lapse period had been confirmed.[91] SGA provided a further, more extensive list largely confined to transport infrastructure projects in Attachment D to its closing submissions. Two observations on these projects and this list we make are:

(i) The modal value for the lapse period is clearly 15 years, and more broadly in the cases that were brought to our attention we note that the trend is for shorter lapse periods than sought by the requiring authority; and

(ii) None of the examples in the list, nor the five projects referred to in the opening submissions, are comparable with the NoR projects in terms of the extent of direct interface with residential development, in particular residential development that is happening contemporaneously and at scale.

281. Mr Matheson and Mr Webb referred us to the '*Beda* factors' that have come to be applied in later cases such as *Hernon* and the *Southern Links* decision as follows:[92]

(i) The timeframe within which the project is likely to be constructed;

(ii) Safeguarding the alignment from inappropriate uses and development;

(iii) Certainty for affected landowners and the local community; and

(iv) The ability to implement the designation in due course. [93]

282. Mr Matheson and Mr Dawson also quoted from the Court's decision in the Meridian case where the Court commented on planning blight as follows:[94]

[31] Balancing the positions as best we are able, we have the view that to expect a landowner to endure such a planning blight on a not insubstantial portion of otherwise valuable land, and for such a long period, is unreasonable and unfair. That is not because we see the proposed, or perhaps more accurately envisaged, runway extension and HIAL installation as unimportant. That is not the case at all. But it should not be that a private landowner has the use of its land significantly limited for such a long period (ie a total of three times the statutory default period) because of a possible third-party requirement that, literally, may never happen.

283. Mr Matheson submitted in favour of a 15 year lapse period for all of the NoRs.

284. The key point in Mr Webb's submissions for a shorter lapse period was that while the need to protect a route is recognised, the "quid pro quo" as he referred to it was, the

[90] Beda Family Trust v Transit New Zealand (A139/2004)
[91] Southern Links Project, the Marsden Point Rail Line Project, the Tauranga Eastern Arterial Project, the Hamilton Ring Road Project and the Penlink Project
[92] Hernon v Vector Gas Limited [2010] NZEnvC 203
[93] Matheson submissions para. 4.4(c)
[94] Meridian 37 Ltd v Waikato Regional Airport Ltd [2015] NZENVC 119; BC20156373

requiring authority should demonstrate that it is proceeding with the work needed to refine its plans and the extent of land needed to execute the project.

285. Mr Dawson quoted extensively from the *Beda* decision, which provided a useful insight into the Court's weighing up of the factors involved. In the *Beda* case we note that the lapse period was reduced from 20 years to 10 years. The Court considered that the 'blighting' effect was severe and also that the shorter term *"will assist in giving Transit a focus and commitment … to complete the project"* and a focus to deal with the owners of affected properties *"in an appropriate and fair manner*".

286. Ms Evitt provided a response to these submissions in her written closing, augmenting her opening submissions. We have taken these submissions into account in our findings below.

287. Our findings on the matter of the lapse period for NoRs D2 – D5 are as follows:

(i) SGA has comprehensively established the need for these roads and the benefits which will derive from them for the Drury-Ōpaheke area;

(ii) The lapse dates have been aligned with the release of land for development according to FULSS. In her closing submissions Ms Evitt also reiterated the importance of alignment with Auckland Transport transport modelling and its Detailed Business Case. In respect of those internal drivers we consider that the Auckland Transport objectives must be seen within the broader strategic planning of Auckland Council and the costs and benefits of individual landowners;

(iii) All of the projects are to take place within a rapidly developing suburban environment where the interface between roads and the developing land is of critical importance. This is distinguising feature of these NoRs and one for which we found no precedent in the cases we were referred to;

(iv) The 15 year lapse period (until 2036) proposed for NoRs D2 and D3 extends through and beyond the FULSS first decade of development for Ōpaheke West from 2018 to 2028. The 20 year lapse (until 2041) proposed for NoRs D4 and D5 extends into the third decade of development anticipated by FULSS, whereas the Council section 42A advice was that the FULSS sequencing would have the land in this area (Ōpaheke/Drury East) development ready by 2032 (early in the second decade) at the latest. In our view therefore, this is a mismatch between the roading provision and land development in the proposed NoR lapse periods;

(v) Ms Evitt made the point in her closing that a shorter lapse period is unlikely to drive implementation decisions. We agree that might well be the reality and practicality of the situation into the future. Nevertheless, we find that having a designation lapse will be a factor to account for in Auckland Transport seeking and allocating funds in the future. We note the section 42A report comment (Hearing Report 2, para. 4.11) that section 184(2) provides the requiring authority with the opportunity to apply for an extension to the lapse period,

which is likely to be granted provided substantial progress or effort has been made. We also note that the reality of Ms Evitt's submission did not stop the Environment Court in the *Beda* case from shortening the lapse period, one result of which it considered was to encourage a focus and commitment by the requiring authority to complete the project.

(vi) We did not discern a vigorous and broadly held pursuit of much shorter lapse periods amongst the submitters. Rather, the approach was that if the lapse periods are to be longer than 5 years then the Requiring Authorities must also be required to undertaken mitigating actions to lessen the uncertainty for the affected landowners. SGA has proposed amendments to conditions in relation to engagement. However, some additional more directive mitigating actions are needed of the nature discussed in relation to the Kiwi submission above on regular and frequent review of design in relation to land requirements for roading and construction purposes.

288. In conclusion, we agree with the Council section 42A report that the lapse periods for NoR D2 and D3 should be confirmed at 15 years, but that the lapse periods for NoR D4 and D5 should be reduced to 15 years also. Based on evidence we heard and our consideration of the above, we gave specific consideration to further reductions of both lapse periods, however the imposition of the mitigating actions support our findings as stated.

<u>NoR D1</u>

289. The lapse date for NoR D1 has the same issues as already discussed for NoRs D2 – D5. However, as it is proposed as an alteration to an existing designation, the matter of a lapse date for an existing designation that does not have one must be considered. The Hearing Report Addendum for D1 suggested that we may want to consider applying a lapse date in order to address submitter concerns.

290. Waka Kotahi submissions were that the RMA framework does not provide scope to impose a lapse date on an altered designation.

291. In support of its position, Waka Kotahi submitted:

(i) That the definition of "designation" does not include an "alteration of designation" which is the title of section 181 and section 184 refers to the "lapsing of designations which have not been given effect to".

(ii) That where an application to alter a designation is made under section 181, section 181(2) specifies that sections 168 to 179 shall apply as if it were the requirement of a new designation. Those provisions do not refer to the lapse period, addressed as it is in section 184.

(iii) An alteration, once confirmed, becomes part of the existing designation, and has no separate identity.

292. The legacy reference in the Auckland Unitary Plan Chapter K for Designation shows that State Highway 22 in this location was provided for by Designation 140, Auckland Council District Plan (Franklin Section) District Plan 2000, with no lapse date. Section 6.3 of the Assessment of Effects on the Environment states:

A lapse period is not required for NoR D1 as the existing designation proposed to be altered has already been given effect to.

293. However, the designation for road works and the ongoing maintenance of State Highway 22 in this location relates to the existing highway land, not the additional land needed for the upgrade. Thus, the additional land taking, works and related environmental effects should be the subject of a lapse period, even though the 'former' designation was not, for whatever reason that may have been. The extent of the widening of SH22 could arguably make it a new designation, not an alteration.

294. None of the parties provided us with case law on either the matter of the lapse date on an alteration to a designation. Neither did any party provide us with case law or legal analysis of the difference in extent between the existing designation and NoR D1.

295. Irrespective of whether the designation is an alteration or a new designation, the extent of the designation and works comprising the project have been comprehensively described such that no party could claim that the incorrect labelling of NoR D1 was misleading as to its environmental or property effects. However, we will leave that for the consideration of the Requiring Authority.

296. In relation to the lapse period however, we consider that, as a general position, the specification of a lapse date is a matter of public interest, and demonstration of public commitment by Waka Kotahi.

297. In relation to the legal argument by Waka Kotahi, we find that the definitional argument of differentiating a "designation" from an "alteration of designation" to be rather artificial. When the sections of Part 8 as they relate to designations are considered together and noting that both designations and alterations of designations have environmental effects and effects on private land that are similar, why would a lapse period not be considered as part of an alteration of designation?

298. We agree that the reference in section 181(2) to the application of sections 168 to 179 does not include the lapse period. Sections 168 to 179 are for administrative purposes to ensure that an alteration is processed in the same way as a designation. However, that does not mean that other parts of Part 8 would not apply to an alteration of designation.

299. We do not have any evidence on how this matter has been addressed by Waka Kotahi as a matter of general practice. However, we note that in the alteration to Designation 6777 (for Penlink), Waka Kotahi sought an amendment to the lapse period for the designation to 20 years. Clearly, in that case an extension of the unimplemented designation was a matter important enough to reconsider the matter of the lapse period. We think that the same approach should apply here.

300. In conclusion, our recommendation is to is impose a lapse period of 15 years on NoR D1. That recommendation applies whether the NoR is to be treated as an alteration to an existing designation or a new designation. We note that the title for the conditions for NoR D1 still reflect that this is a 'rollover' designationdespite our comments above, however the same conditions apply irrespective, and we leave that detail for Waka Kotahi to attend to.

H. Relevant statutory provisions considered

301. Our recommendation is subject to the provisions of section 171 of the RMA. An alteration to a designation is subject to the provisions of section 181. However as we have discussed in the preceding section, our view, uninformed as it was by any specific submissions or evidence, is that NoR D1 is actually a new designation and not an alteration to a designation and so should be considered pursuant to section 171. In case we are incorrect on that matter, section 181(2) refers to section 171 for substantive consideration in any event.

302. Section 171(1)(a) requires that we consider the environmental effects of allowing the activity, having particular regard to the various statutory planning documents within the national, regional and local hierarchy. In other words, the environmental effects were to be assessed against the environment envisaged by those planning documents and the environmental outcomes sought by the relevant objectives and policies for the land through which the routes are to pass. Both SGA evidence from Ms Bell and the Hearing Reports contained a comprehensive review of the framework established by these documents including the statutory provisions as they relate to various parts of the routes.[95]

303. We were referred to:

(i) The New Zealand Coastal Policy Statement;

(ii) The National Policy Statement for Freshwater Management (**NPS-FW**);

(iii) The National Policy Statement for Urban Development Capacity;

(iv) The National Policy Statement for Electricity Transmission; and

(v) Auckland Unitary Plan – Operative in Part.

304. Ms Hicks provided an overall summary of the environmental effects of the project, including positive effects, as directed by section 171(1B). In reliance on this summary, Ms Bell concluded that appropriate regard had been had to the relevant provisions of the statutory planning documents in the alignment choices, concept design and recommended mitigation. Ms Bell further concluded that the Projects align with the relevant provisions of the national policy statements, policy documents and plans, especially at the strategic level in terms of facilitating urban growth and promoting land use transport integration. She considered that the mitigation identified

[95] Bell EIC Section 6

within designation conditions proposed by Waka Kotahi and Auckland Transport also aligned with the relevant policy direction.

305. On the one matter where the Council disagreed with the Projects demonstrating consistent with the statutory documents, being the consideration of natural wetlands in terms of the provisions of the NPS-FM and aspects of AUP-OP RPS Chapter B7, Ms Bell's evidence was that adverse effects on natural wetlands can be determined and appropriately avoided as necessary at the time of detailed design when the need for regional and NES resource consents are determined. Based on our assessment of the wetlands matter above, we agree with Ms Bell's advice.

306. Expert planning evidence from the submitters was less comprehensive in its coverage but nevertheless brought our attention to specific elements of the planning documents upon which their evidence focussed. Of particular importance here were urban integration and noise environment considerations. We find that the conditions attached to the recommendation address the concerns raised in the submitter evidence about the consistency of the Projects with the relevant provisions.

307. Pursuant to s171(1)(b), subject to Part 2 of the Act, we must have particular regard to whether adequate consideration has been given to alternative sites, routes and methods of undertaking the public work, if the requiring authority does not have an interest in the land sufficient for undertaking the work, or it is likely that the work will have a significant adverse effect on the environment. We have addressed this matter above in paragraph 25 and also in relation to several of the submitters. The evidence from SGA on alternatives assessment was extensive and largely uncontested. We find that adequate consideration was given to alternative routes and methods.

308. Section 171(1)(c) requires that we must have particular regard to whether the work and designation are 'reasonably necessary' for achieving the objectives of the requiring authority for which the designation is sought. The project objectives were fully described in the NoR documentation, submissions and evidence, as was the need for the specific works being reasonably necessary to achieve them. On the matter of utilising the designation technique to achieve the objectives, we find that a designation in this case is preferable to other processes potentially available under the RMA, such as plan changes or resource consents.

309. In terms of 'other matters' under section 171(1)(d), the SGA AEE and evidence referred to an extensive list of technical and strategic planning documents that had some relevance to the Projects, mainly in the transport area. Ms Bell concluded that the Projects were well supported by these documents. This is not surprising as the Drury Arterial Network is a key component of the Supporting Growth Programme which is referred to in the strategic plans as listed (the National Land Transport Programme 2021-24, Auckland Regional Land Transport Plan 2021-2031 (RLTP) and the Auckland Transport Alignment Project 2021-2031 Investment Programme (ATAP)). The Hearing Reports concurred with the SGA analysis of these documents and referred us also to the Heritage New Zealand Pouhere Taonga Act 2014. We have accepted the Council's advice on the

importance of this Act, as demonstrated by the adoption of the Council's recommended heritage conditions.

I. Part 2 of the RMA

310. Consideration of section 171 is subject to Part 2 and, as advised by Ms Zeigler, is subject to the overall broad judgement approach, should that be necessary in the weighing of competing outcomes. The environmental effects assessment above, as addressed in the principal matters in contention, deals with a multitude of matters, with a focus on avoiding, remedying and mitigating adverse effects as sought by section 5 of the RMA. With reference to the matters in sections 6, 7 and 8, not all matters are relevant to the Projects (for example the routes do not pass through any outstanding natural landscapes). Our summary of how the Project fares against the relevant clauses of sections 6, 7 and 8 is as follows:

(i) SGA engaged with mana whenua throughout the development committing to partnership principles and developing and implementing conditions addressing resources and issues of concern and recognising the kaitiakitanga of manawhenua (sections 6(e), 7(a), 7(aa) and 8);

(ii) Adverse effects on natural character values and high value habitats have been largely avoided or can be appropriately mitigated (sections 6(a), 6(c) and 7(d);

(iii) Adverse effects on historic heritage have similarly been avoided and minimised, with detailed conditions applying to the implementation of works in the future (section 6(f);

(iv) The matters in (ii) and (iii) above, as well as the proposed integrated transport solution which has resulted from a rigorous alternatives assessment will contribute to future amenity and the quality of the environment (sections 7(b), 7(c) and 7 (f));

(v) Flood hazard will be appropriately managed during construction and during future urban occupation (section 6(h));

(vi) The effects of climate change have been responded to by the Projects providing resilience to flooding (taking into account climate change); the provision for street tree planting that, when delivered, will contribute to reducing urban heat island effects; and contributing positively towards reducing greenhouse gas emissions by providing modal choice, improved reliability for public transport and active transport facilities (section 7(i)).

311. In summary, we agree with SGA and the Council Hearing Reports that the Projects are consistent with Part 2.

J. Decision

312. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters and the requirements of section 171 and 181 of the RMA we recommend to the requiring authority that the Notice of Requirement be **CONFIRMED SUBJECT TO CONDITIONS** attached to this decision.

Chairperson	Dave Serjeant
Date:	20 April 2022

Conditions

18xx Jesmond to Waihoehoe West FTN Upgrade

Designation Number	18XX
Requiring Authority	Auckland Transport
Location	Land between Jesmond Road and Waihoehoe Road West
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.

Purpose

Construction, operation and maintenance of an arterial transport corridor

Conditions

Abbreviations and Definitions

Acronym/Term	Definition
Activity sensitive to noise	An activity sensitive to noise is 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
ARI	Annual Recurrence Interval
Average increase in flood hazard	Flow depth times velocity.
BMP	Bird Management 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 plan has been prepared in accordance with the condition to which it relates. A material change to a management plan shall be deemed certified:

Acronym/Term	Definition
	(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.
CHI	Auckland Council Cultural Heritage Inventory
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.
Construction Works	Activities undertaken to construct the project excluding Enabling Works.
Council	Auckland Council
CPTED	Crime prevention through environmental design
CTMP	Construction Traffic Management Plan
EIANZ Guidelines	Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018.
Enabling works	Includes, but is not limited to, the following and similar activities: • geotechnical investigations (including trial embankments); • archaeological site investigations; • formation of access for geotechnical investigations; • establishment of site yards, site entrances and fencing; • constructing and sealing site access roads; • demolition or removal of buildings and structures; • relocation of services; and • establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting).
Existing authorised habitable floor	The floor level of any room in a residential building which is authorised by building consent 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.

Acronym/Term	Definition
Flood prone area	A potential ponding area that relies on a single culvert for drainage and does not have an overland flow path.
Habitable floor level that has existing flooding	Where the flood level using the pre project model scenario is above the existing authorised the habitable floor level.
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate.
Maximum Probable Development	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 Auckland Unitary Plan, the probable level of development arising from zone changes.
MID	Maintenance in Design
Ngakoroa Stream Wetlands	For the purpose of Condition 28, the Ngakoroa Stream Wetlands is the area shown in Schedule 2.
NOR	Notice of Requirement
NUMP	Network Utilities Management Plan
NZAA	New Zealand Archaeological Association
NZTM	New Zealand Transverse Mercator [coordinates system]
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.
Pre-project development	Existing site condition prior to the project (including existing buildings and roadways).
Post-project development	Site condition after the project has been completed (including existing and new buildings and roadways).
Requiring Authority	Has the same meaning as section 166 of the RMA and for this Designation is Auckland Transport (AT).
RMA	Resource Management Act (1991)
SCEMP	Stakeholder Communication and Engagement Management Plan

Acronym/Term	Definition
SID	Safety in Design
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 and Experienced Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability and competence.
UID	Unique Identifier
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; and (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 within 12 months of the date on which this designation is included in the AUP. All directly affected owners and occupiers shall be notified in writing 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) a subscription service to enable receipt of project updates by email; and (v) how to apply for consent for works in the designation under s176(1)(b) of the RMA. (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.
3.	**Designation Review** (a) The Requiring Authority shall within 6 months of Completion of Construction, or as soon as otherwise practicable: (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.

	(b) Notwithstanding the above, on an on-going basis, and at least every six months until Completion of Construction, the Requiring Authority shall: (i) assess whether any areas of the designation that have been identified for construction purposes are still required for that purpose; (ii) identify any areas of the designation that are no longer necessary for construction purposes or the on-going operation or maintenance of the project or for on-going mitigation measures; and give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
4.	**Lapse** In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.
5.	**Network Utility Operators (Section 176 Approval)** (a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure located within the designation will not require written consent under section 176 of the RMA for the following activities: (i) operation, maintenance and urgent repair works; (ii) minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility 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 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.
<u>Pre-construction Conditions</u>	
6.	**Outline Plan(s)** (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, as follows: (i) Network Utilities Management Plan; (ii) Construction Environmental Management Plan; (iii) Construction Traffic Management Plan; (iv) Construction Noise and Vibration Management Plan; (v) Urban and Landscape Design Management Plan; (vi) Historic Heritage Management Plan; (vii) Bird Management Plan; and

	(viii) Tree Management Plan.
7.	**Management Plans** (a) Any management plan shall: (i) be prepared and implemented in accordance with the relevant management plan condition (refer to Conditions 8 to 31); (ii) be prepared by a Suitably Qualified and Experienced 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 other 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 s176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; and (vi) once finalised, uploaded to the project website or equivalent virtual information source. (b) Any management plan developed in accordance with Condition 7(a) 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; and (iii) if there is a material change required to a management plan which has been submitted with an Outline Plan in accordance with Condition 6, 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. (c) Any material changes to the SCEMPs are to be submitted to the Council for information. ***Advice Note:*** *Material change will include amendment to any base information informing the management plan or any process, procedure or method of the management plan which has the potential to increase adverse effects on a particular value. For clarity changes to personnel and contact schedules do not constitute a material change.*
8.	**Cultural Advisory Report** (a) At least six (6) 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.

	(b) 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. To achieve the objective, 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 Urban and Landscape Design Management Plan and Historic Heritage Management Plan, and the Cultural Monitoring Plan referred to in Condition 20; and (vi) identifies and (if possible) nominates traditional names along the Project alignment. Noting there may be formal statutory processes outside the Project required in any decision-making. (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 8(b) and 8(c) above will cease to apply if: (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least 6 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.
9.	**Urban and Landscape Design Management Plan (ULDMP)** (a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) 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's potential adverse landscape and visual effects are avoided, remedied and mitigated as far as practicable and it contributes to a quality urban environment. (c) The ULDMP shall be prepared in general accordance with: (i) Auckland Transport's Urban Roads and Streets Design Guide;

	(ii) Waka Kotahi Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) Waka Kotahi Landscape Guidelines (2013) or any subsequent updated version; (iv) Waka Kotahi 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; and shall have regard to the outcomes of the Drury Ōpāheke Structure Plan and the mitigation measures detailed in the evidence of Mr Chris Bentley paragraph 14.19. (d) To achieve the objective, 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.
10.	(a) The ULDMP(s) shall include: (i) a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; (ii) developed design concepts, including principles for walking and cycling facilities and public transport; and (iii) landscape and urban design details – that cover the following: A. 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, benching, spoil disposal sites, median width and treatment, roadside width and treatment; B. roadside elements – such as lighting, fencing, wayfinding and signage; C. architectural and landscape treatment of all major structures, including bridges and retaining walls;

		D. architectural and landscape treatment of noise barriers; E. landscape treatment of permanent stormwater control wetlands and swales; F. integration of passenger transport; G. pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses, and integration of open space linkages; H. historic heritage places with reference to the HHMP in Condition 26; and I. re-instatement of construction and site compound areas, driveways, accessways and fences.
11.	(a)	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 Tree Management Plan in Condition 29. Where practicable, mature trees and native vegetation should be retained; B. street trees, shrubs and ground cover suitable for berms; C. treatment of fill slopes to integrate with adjacent land use, streams, riparian margins and open space zones, including ecological linkages identified in the Drury-Ōpāheke Structure Plan; D. planting of stormwater wetlands; E. identification of vegetation to be retained and any planting requirements under Conditions 27 and 28; 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; and (iv) a maintenance plan in accordance with the Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version.

	(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 8 may be reflected in the ULDMP. ***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.*
12.	**Specific Outline Plan Requirements** **Flood Hazard** (a) Where relevant to the Stage of Work, the project shall be designed to demonstrate that: (i) the unnamed tributary of the Ngakoroa Stream generally located at NZTM 1772069, 5891654 and shown in Schedule 1 is crossed by a bridge; and (ii) the existing Norrie Road Bridge crossing the Hingaia Stream generally located at NZTM 1773201, 5891836 and shown in Schedule 1 is removed within 6 months of a new bridge crossing the Hingaia Stream becoming operational. (b) The project shall be designed to achieve the following flood risk outcomes: (i) no increase in flood levels for existing authorised habitable floors that are already subject to flooding; (ii) no more than a 10% reduction in freeboard for existing authorised habitable floors; (iii) no increase of more than 50mm in flood level on land zoned for urban or future urban development where there is no existing dwelling; (iv) no new flood prone areas; and (v) no more than a 10% average increase of flood hazard (defined as flow depth times velocity) for main access to authorised habitable dwellings existing at time the Outline Plan is submitted. (c) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-project and post-project 100 year ARI flood levels (for Maximum Probable Development land use and including climate change). (d) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising the

	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.
13.	**Closure of Flanagan Road Intersection with Waihoehoe Road** If the Flanagan Road intersection with Waihoehoe Road requires closure, and no alternative connection has been provided for Flanagan Road, the project shall be designed to provide an alternative connection for Flanagan Road. Where this outcome cannot be achieved within the designation, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work.
14.	**Existing Property Access** Where the accessibility of a property vehicle accessway, which exists at the time the Outline Plan is submitted, is altered by the project, the requiring authority shall consult with the directly affected landowner regarding the required changes, and the Outline Plan shall demonstrate how safe alternate access will be provided, unless otherwise agreed with the affected landowner.
15.	**Realignment of Tui Street** The Outline Plan shall demonstrate how the realignment of Tui Street provides for safe and legible access for the Drury and Districts Rugby Football and Recreation Club and community facilities using Tui Street and the use of the Drury Domain. This shall include provision of a left turn in at Waihoehoe Road if practicable, unless an alternative access can be provided. The Outline Plan shall also include confirmation that a safety audit of the final design solution has been completed.
16.	**Closure of Creek Street (south) Intersection with Bremner Road** The Outline Plan shall demonstrate how the closure of Creek Street intersection with Bremner Road provides for adequate turning movements for heavy vehicles.
<u>Construction Conditions</u>	
17.	**Construction Environmental Management Plan (CEMP)** (a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. (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: (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential areas, locations of refuelling activities and construction lighting; (v) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vi) methods for providing for the health and safety of the general public; (vii) 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; (viii) procedures for incident management; (ix) procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to Watercourses; (x) 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; (xi) procedures for responding to complaints about Construction Works; and methods for amending and updating the CEMP as required.
18.	**Stakeholder Communication and Engagement Management Plan (SCEMP)** (a) A SCEMP shall be prepared in consultation with the Council at least 6 months prior to the Start of Construction for a Stage of Work. (b) The objective of the SCEMP is to identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be engaged with throughout the Construction Works. To achieve the objective, the SCEMP shall include: (i) 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); (ii) 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; (iii) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (iv) a list of stakeholders, organisations (such as community facilities), and businesses who will be engaged with; (v) identification of the properties whose owners will be engaged with; (vi) methods and timing to engage with landowners 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 (iv) and (v) 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 ten working days prior to the Start of Construction for a Stage of Work. (d) The SCEMP shall be reviewed six monthly for the duration of construction and updated if required. Any updated SCEMP shall be provided to the persons referred to in (b) and Auckland Council for review and agreement on any further action to be undertaken. Any further action recommended as a result of this review shall be undertaken by the Project Liaison Person and confirmation of completion provided to Auckland Council. If, in the course of amendments undertaken as part of the review process, a material change to the SCEMP is made, those parties affected by the change shall be notified within 1 month of the material change occurring.
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; (v) the weather conditions at the time of the complaint (as far as reasonably practicable), including wind direction and approximate wind speed if the complaint relates to air quality or noise and where weather conditions are relevant to the nature of the complaint; and (vi) 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** (a) Prior to the start of Construction Works, a Cultural Monitoring Plan shall be prepared by a Suitably Qualified and Experienced Person(s) identified in collaboration with Mana Whenua. (b) The objective of the Cultural Monitoring Plan is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction Works. (c) The Cultural Monitoring Plan 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 any accidental discovery protocols under condition 27. (d) If Enabling Works involving soil disturbance are undertaken prior to the start of Construction Works, an Enabling Works Cultural Monitoring Plan shall be prepared by a Suitably Qualified and Experienced Person identified in collaboration with Mana Whenua. This plan may be prepared as a standalone Enabling Works Cultural Monitoring Plan or be included in the main Construction Works Cultural Monitoring Plan. ***Advice Note*** *Where appropriate, the Cultural Monitoring Plan 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. (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: (i) methods to manage the effects of temporary traffic management activities on all road users;

(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 schools or to manage traffic congestion;
(iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;
(v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including pedestrians and cyclists, on existing roads;
(vi) methods to maintain vehicle access to public and private property and/or private roads where practicable, or to provide alternative access arrangements when it will not be;
(vii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; and
(viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents/public/stakeholders/emergency services).

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:

Table 22.1: Construction noise standards

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

(b) Where compliance with the noise standards set out in the Table 22.1 above is not practicable, and unless otherwise provided for in the CNVMP, then 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 criteria

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

(b) Where compliance with the vibration standards set out in Table 23.1 above is not practicable, and unless otherwise provided for in the CNVMP as required by Condition 24(c)(x), then 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 a Stage of Work.

(b) A CNVMP shall be implemented during the Stage of Work to which it relates.

(c) The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for preventing or minimising construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 22 and 23 to the extent practicable. To achieve this 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 prioritising the management of construction activities to avoid night works and other sensitive times, including Sundays and public holidays unless it can be demonstrated that the work cannot practicably be undertaken during the daytime due to safety reasons, unreasonable traffic congestion or traffic delays or similar reasons; (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) identification of areas where compliance with the noise (Condition 22) and/or vibration standards (Condition 23 Category A or Category B) will not be practicable and the specific management controls to be implemented and consultation requirements with owners and occupiers of affected sites; (xi) 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 and where sufficient information is not available at the time of the CNVMP to determine the area specific management controls (Condition 24(c)(x)); (xii) procedures for: A. communicating with affected receivers, where measured or predicted vibration from construction activities exceeds the vibration criteria of Condition 23; and B. assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category A vibration criteria of Condition 23; and (xiii) requirements for review and update of the CNVMP.
25.	**Schedule to a CNVMP** (a) Unless otherwise provided for in a CNVMP, a Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction activity to which it relates by a Suitably Qualified and Experienced 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 for preventing or minimising noise and/or vibration effects for the duration of the construction activity to which it relates beyond those measures set out in the CNVMP. The Schedule shall as a minimum set out:

(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 in Condition 25 (a) and predicted duration of the exceedance;
(iv) the proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why;
(v) 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
(vi) location, times and types of monitoring.

(c) When construction vibration from a construction activity is either predicted or measured to exceed the Category B standard at the receivers in Condition 19, the construction activity shall not commence until a Suitably Qualified and Experienced Person has undertaken a building condition survey (provided the affected owners and/or occupiers have agreed to such survey). The building condition survey shall as a minimum include, but not be limited to, the following:

(i) determination of building classification: commercial, industrial, residential or a historic or sensitive structure;
(ii) determination of building specific vibration damage risk thresholds; and
(iii) recording (including photographs) the major features of the buildings including location, type, construction (including foundation type), age and present condition, including existing levels of any aesthetic damage or structural damage.

(d) The building condition survey and specific Best Practicable Option measures to prevent and minimise vibration effects for the duration of the construction activity to which it relates beyond those measures set out in the CNVMP

	shall be added as a Schedule. The Schedule shall be prepared in consultation with the owners and occupiers of buildings subject to the Schedule, and as a minimum, contain the information set out in (b) above and the findings of the building pre-condition survey. (e) Vibration monitoring shall be undertaken and continue throughout the construction activity covered by the Schedule. Following completion of the activity, a building condition survey shall be undertaken to determine if any damage has occurred as a result of construction vibration, and any such damage shall be repaired by the Requiring Authority. (f) The Schedule shall be submitted to the Manager for certification at least 5 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. (g) 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 (f) 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) The Requiring Authority shall design and implement the construction, operation and maintenance of the Project to achieve the following historic heritage outcomes: (i) To deliver positive historic heritage opportunities and outcomes. (ii) To avoid as far as practicable, adverse effects on historic heritage places. (iii) Where avoidance of adverse effects cannot be achieved; remedy or mitigate all adverse effects on historic heritage places as far as practicable. (b) A HHMP shall be prepared by the nominated heritage specialist(s) in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. (c) The HHMP shall be prepared with up-to-date information. This information shall be provided to Council prior to the lodgement of the HHMP to streamline the review process. This includes, but is not limited to: (i) Any archaeological assessments, heritage impact or cultural assessments, granted authorities, final archaeological reports and updated site record forms (CHI and New Zealand Archaeological

Association ArchSite) prepared/submitted since time of the granting of any designation;

(ii) Additional areas of survey and investigation undertaken as part of the project; and

(iii) Further assessment and field survey of historic heritage by the nominated heritage specialist(s) which include (but are not limited to) the following:

A. locations proximate to waterways adjacent to Oira Creek and the Ngākōroa Stream. Definition of the extent of the site of the Runciman homestead and farm buildings (NZAA R12/1131, CHI 22177) using non-invasive techniques or exploratory investigation

B. Historic tauranga waka site (NZAA R12/1131, 22177)

C. Ngākōroa Stream bridge site (NZAA R12/1171, CHI 23172)

D. Commissariat redoubt and wharf site, including related features including beyond the defensive perimeter (NZAA R12/756, CHI 319, 14072, AUPOIP UID 2173)

E. Norrie Road Hingaia Stream bridge site (NZAA R12/1152, CHI 23078)

F. Drury Post Office store, bakehouse and residence sites (NZAA R12/1143, CHI 23071; NZAA R12/1149, CHI 23075)

G. Commercial buildings site/s, 236 Great South Road (no site number/s)

H. St John's Church and graveyard (NZAA R12/1129, CHI 2458, HNZPT list 2596, AUPOIP UID 707)

I. Aroha Cottage/paymaster's house (CHI 2455, HNZPT list 692, AUPOIP UID 704)

J. Former Drury creamery and casein factory (CHI 15102)

K. Former railway worker's residence (CHI 22288)

(iv) If removal of the former Drury creamery and casein factory building cannot be avoided as part of the detailed design of the Project, then:

A. In the first instance, options for relocation of parts or all of the building within the local area shall be investigated

B. If relocation options can be shown to have been exhausted, the building shall be demolished, subject to archaeological deconstruction by a suitably qualified and experienced buildings archaeologist (including salvaging historic materials in reusable condition where possible) and recorded in accordance with Level I of *HNZPT Archaeological Guidelines Series No. 1 (AGS 1): Investigation and recording of buildings and standing structures* (November 2018), or any subsequent version

C. The Manager and the Manager: Heritage Unit shall be advised in writing at least 10 working days prior to the relocation or demolition of the building with accompanying records

demonstrating compliance with A. and B. above and Condition 26(e)(vii).

(d) The HHMP shall be consistent with all relevant statutory requirements, including the conditions of any Archaeological Authority granted by HNZPT for the Project.

(e) To achieve the outcomes in (a), the HHMP shall as a minimum identify and include:

(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 NZHPT 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 places (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:

A. *HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018),* or any subsequent version; and

B. *International Council on Monuments and Sites New Zealand Charter 2010* or any subsequent version.

(viii) methods to acknowledge cultural values identified through Condition 8 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 identified as part of the detailed design of the Project and 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; and

B. using geotextile fabric and aggregate in construction compound areas not being earthworked, and removal and reinstatement upon completing Construction Works;

C. using construction methods that minimise vibration or other potentially adverse effects; and

D. methods to recover or record any submerged artefacts or structural remains on the bed of the Ngākōroa Stream in the vicinity of the historic tauranga waka site; Ngākōroa Stream bridge site, or the sites of theCommissariat/Drury/Runciman wharves; and the bed of the Hingaia Stream at the Hingaia Stream bridge site.

(x) in addition to complying with Condition 25 and (ix)C. above, methods to protect avoid or minimise damage adverse physical effects (including, but not limited to structural or other damage, cracking, slumping, subsidence, collapse or breakage) to the Aroha Cottage/paymaster's house (CHI 2455, HNZPT list 692, AUPOIP UID 704) and St Johns Anglican Church and Cemetery graveyard (NZAA R12/1129, CHI 2458, HNZPT list 2596, AUP Scheduled Site UID 707) during Construction Works as far as practicable based on pre-construction advice from a specialist heritage conservator.

(xi) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, methods and procedures in the HHMP, legal obligations relating to accidental discoveries, the AUP Accidental Discovery Rule (E11.6.1) and accidental discovery protocols in Condition 27 below. The training shall be undertaken prior to the Start of Construction, under the guidance of the nominated heritage specialist(s) and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8).

(xii) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes. Measures may include, but not be limited to: increased public awareness and amenity of historic heritage sites, interpretation, repatriation, donation of historic heritage material to suitable repositories, publication of heritage stories, and active conservation/restoration of heritage features;

(xiii) definitions of terms used to identify and assess historic heritage places and alignment with relevant statutory definitions as far as practicable;

(xiv) reporting requirements for historic heritage places during and after the completion of Construction Works and at the completion of projects works, including a plan for dissemination of reports resulting from these requirements; and

(xv) measures for the interim stabilisation/conservation (where necessary), storage and curation of objects and artefacts (including taonga tūturu) and any other physical or documentary material that forms part of the wider historic heritage places archive.

(f) The Council and descendants of the individuals interred (where applicable) shall be advised in writing at least 10 working days prior to removal or relocation of grave markers or building fabric from the St John's Anglican

	Church and graveyard site if this is required to achieve compliance with Condition 26(e)(x). (g) Any material changes made to the HHMP either prior to or during Construction Works shall be prepared by the nominated heritage specialist(s) and submitted to the Manager (in consultation with the Manager: Heritage Unit) for certification. ***Advice Notes:*** 1. The Council acknowledges that the HHMP is intended to provide flexibility both for the Requiring Authority and the Council for the management of historic heritage places. Accordingly, the HHMP may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the HHMP and limited to the scope of this Designation. 2. The historic heritage places archive consists of the records and finds made during Construction Works, including written or drawn documentation, digital files, and artefacts and materials such as taonga tūturu.
27.	**Accidental discovery during construction works and historic heritage documenting requirements (including post-construction)** (a) Prior to the start of Construction for a Stage of Works, the Requiring Authority shall prepare an Accidental Discovery Protocol for any accidental historic heritage discoveries which occur during Construction Works. The protocol: (i) Shall be consistent with the Auckland Unitary Plan Accidental Discovery Rule (E11 Land disturbance regional – E11.6.1) or any amended version of this rule; (ii) Shall be prepared in engagement with Mana Whenua and in consultation with Auckland Council and HNZPT and modified as necessary to reflect the site-specific project detail. The Requiring Authority shall undertake engagement and consultation for a period of not less than 30 days; and (iii) Shall be implemented for the duration of Construction Works. (b) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring etc.), including interim reports, shall be submitted to the Manager (in consultation with the Manager: Heritage Unit) within 12 months of being produced. (c) The nominated heritage specialist(s) shall record and log any heritage discovery and on-going compliance with the conditions of this Designation. This log shall be provided to the Manager: Compliance Monitoring (in consultation with the Manager: Heritage Unit) quarterly.

	(d) In the event that any unrecorded historic heritage places are exposed as a result of the work, these shall be recorded and documented by a suitably qualified and experienced person for inclusion in the CHI or any subsequent heritage database. The information and documentation shall be forwarded to the Manager: Heritage Unit (heritageconsents@aucklandcouncil.govt.nz) or other address nominated by the Manager: Heritage within twelve months of the works being completed on site. (e) Within 12 months of Construction Works being completed, the nominated heritage specialist(s) shall prepare and submit a report to the Manager (in consultation with the Manager: Heritage Unit) which includes the log required by Condition 27(c) and certify that all Construction Works have been completed in accordance with the Conditions of this Designation.
28.	**Pre-Construction Wetland Bird Survey** (a) Prior to the Start of Construction for a Stage of Work within 500m of the Ngakoroa Stream Wetlands, a survey and assessment of Threatened or At-Risk wetland birds and their habitat in the area shown in Schedule 2 shall be undertaken by a Suitably Qualified and Experienced Person. (b) The purpose of the survey and assessment is to: (i) confirm the ecological value of the Ngakoroa Stream Wetlands for Threatened or At-Risk wetland birds; and (ii) confirm whether the project will or may have a moderate or greater level of ecological effect on Threatened or At-Risk wetland birds and their habitat prior to implementation of impact management measures, as determined in accordance with the EIANZ Guidelines for Use in New Zealand: Terrestrial and Freshwater Ecosystems (May 2018) or subsequent revision. (c) If the wetland bird survey in (a) above confirms that the project will or may have a moderate or greater level of ecological effect on Threatened or At-Risk wetland birds without impact management, then Condition 29 applies.
29.	**Bird Management Plan (BMP)** (a) If required under Condition 28, prior to the start of construction for a Stage of Work within 500m of the Ngakoroa Stream Wetlands, a BMP shall be prepared and implemented. (b) The objective of the BMP is to avoid and/or minimise impacts of construction activities on Threatened or At-Risk wetland birds in the Ngakoroa Stream Wetlands. The BMP shall set out the methods that will be used to achieve this objective. These methods may include: (i) commencing Construction Works outside of the wetland bird breeding season (September to February) where practicable, in order to discourage bird nesting in the construction areas within the designation;

(ii) a nesting bird survey of Threatened or At-Risk wetland birds undertaken by a Suitably Qualified and Experienced Person. This should occur prior to any Construction Works taking place within a 50m radius of the Ngakoroa Stream Wetlands (including establishment of construction areas adjacent to the Ngakoroa Stream Wetlands). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction inactivity;

(iii) protection and buffer measures if nesting Threatened or At-Risk Wetland birds are identified within 50m of any construction area (including laydown areas). This 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; and

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;

(iv) a 10m setback where practicable, between the edge of the Ngakoroa Stream Wetlands and the construction area (along the edge of the stockpile/laydown area). This could be achieved by retaining existing vegetation or by planting unvegetated areas with native coastal forest/riparian/wetland species (as appropriate). Marker poles, tape and signage could also be used to clearly delineate the wetland area to prevent encroachment; and

(v) minimising light spill from construction areas into the Ngakoroa Stream Wetlands.

(c) The BMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any resource consents granted for the project.

Advice Note:

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

(a) Stream and/or wetland restoration plans;
(b) Vegetation restoration plans; and
(c) Fauna management plans (e.g. herpetofauna, bats).

30.	**Tree Management Plan** a) Prior to the Start of Construction for a Stage of Work, a Tree Management Plan shall be prepared. b) The objective of the Tree Management Plan is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 3. c) The Tree Management Plan shall: (i) confirm that the trees listed in Schedule 3 still exist; and (ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree listed in Schedule 3. This may include: A. planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 11); B. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and C. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards. (iii) demonstrate how the tree management measures (outlined in A – C above) are consistent with conditions of any resource consents granted for the project in relation to managing construction effects on trees.
31.	**Network Utility Management Plan (NUMP)** (a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. 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) 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; and (iii) 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 NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed.

	(e) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP. (f) 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	
32.	**Low Noise Road Surface** An asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction where: (a) The road is within 100m of any land zoned for residential activity; and (b) The volume of traffic is predicted to exceed 2,000 vehicles per day within 10 years of Completion of Construction.

Attachments

Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation and maintenance of an arterial transport corridor in Drury from Jesmond Road (from State Highway 22) to Waihoehoe Road east of Fitzgerald Road including active transport facilities and associated infrastructure. The proposed work is shown in the following Concept Plan and includes:

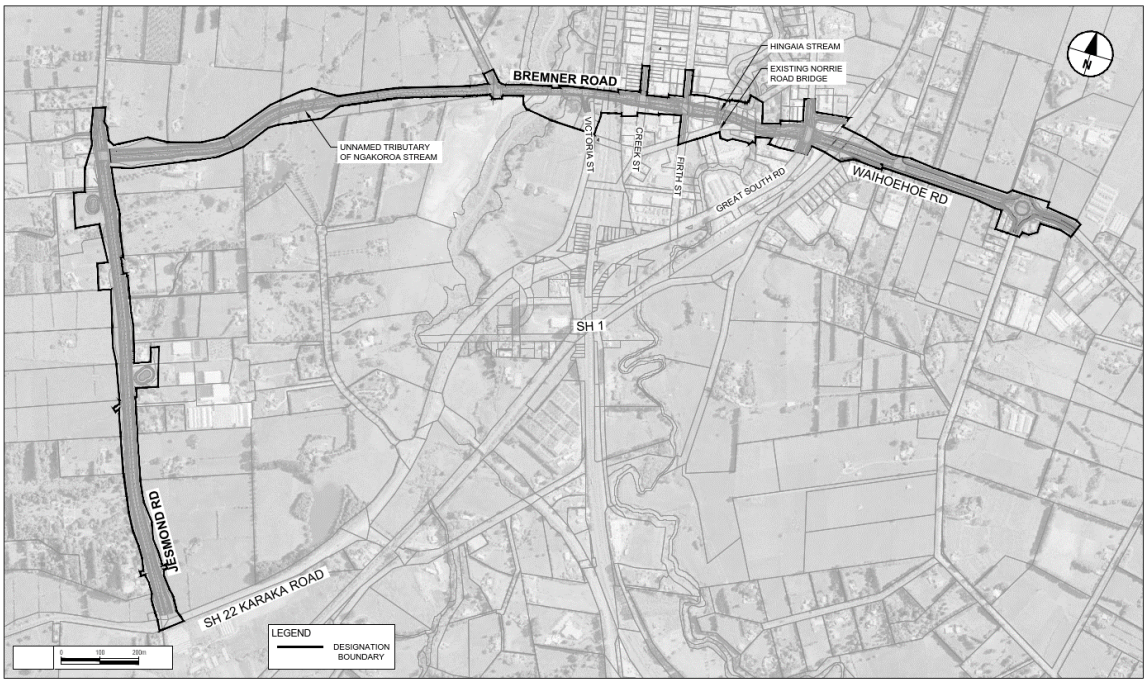
(a) An upgraded and new transport corridor with four lanes, including public transport and active transport facilities;

(b) Associated works including intersections, bridges, embankments, retaining, culverts, stormwater management systems and realignment of Tui Street;

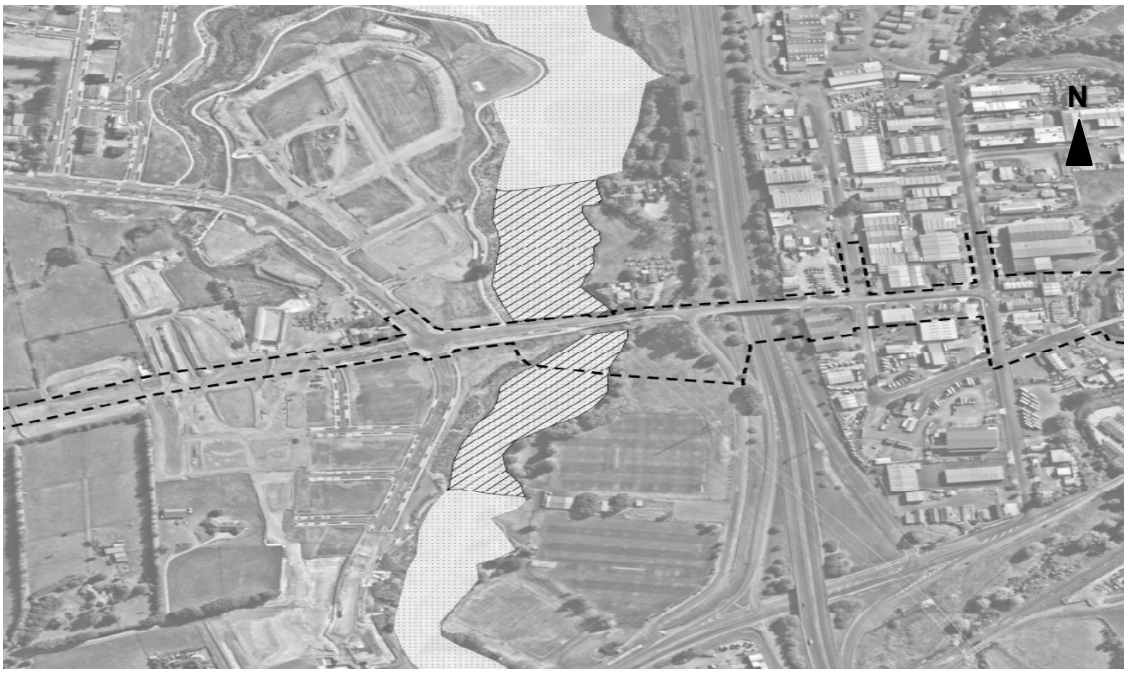
(c) Changes to local roads, where the proposed work intersects with local roads; and

(d) Construction activities, including vegetation removal, construction compounds, lay down areas, bridge works area, construction traffic management and the re-grade of driveways.

Concept Plan



Schedule 2: Pre-construction Wetland Bird Survey



Legend

- Designation Boundary
- Ngakoroa Stream Wetlands
- Pre-construction wetland bird survey area (approx.)

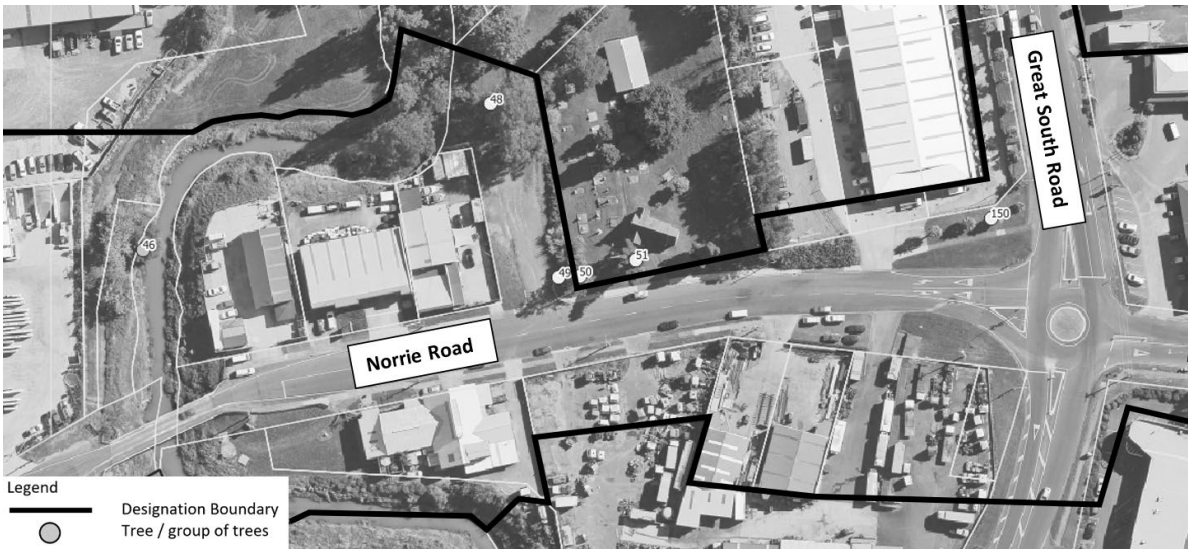
Schedule 3: Trees to be Included in the Tree Management Plan

Tree Number	Tree or Group	Number of trees	Species List	Location (refer to Tree Location Plan)	Reason for protection in the AUP (District Plan rules) as at January 2021 when the Notice of Requirement was lodged
27	Hedge / shelter belt	undefined	Cryptomeria japonica	Within 201 Jesmond Road (Lot 1 DP 365133) adjoining the road corridor	Heritage
39	Tree group	9	Platanus x hispanica 'Acerifolia'	Within the Bremner Road road corridor adjoining 132F Bremner Road (Lot 611 DP 528695), 132E Bremner Road (Lot 610 DP 528695).	Road
40	Tree group	8	Pinus radiata	Within 20 Victoria Street (Part Allot 37 PSH OF Opaheke). Drury Sports Complex, on the corner of Bremner Road and Victoria Road	Open space
41	Tree group	5	Quercus palustris, Liquidambar styraciflua, Ligustrum lucidum, Fraxinus ornus	Within 20 Victoria Street (Part Allot 37 PSH OF Opaheke). Drury Sports Complex, adjacent to Ngakoroa Stream.	Open space, Riparian
42	Tree group	8	Quercus palustris, Liquidambar styraciflua, Populus yunnanensis	Within the Victoria Street Road corridor / Drury Sports Complex	Open space
43	Tree group	4	Quercus robur	Within the State Highway 1 road corridor	Road
44	Tree group	3	Melia azedarach, Podocarpus totara	Within the Creek Street road corridor adjacent to 11 Bremner Road (1/3 SH Lot 1 DP 144254, Factory 1 DP 144254)	Road
45	Tree group	2	Betula pendula	Within the Bremner Road road corridor adjacent to 69 Creek Street (Lot 1 DP 201670)	Road
46	Tree group	3	Salix fragilis, Populus alba	Within the Esplanade Reserve at 19 Norrie Road (Crown Land Survey Office Plan 200).	Open Space
48	Tree group	3	Salix alba, Populus yunnanensis	Within the Cameron Road paper road corridor adjoining 9 Cameron Place (Lot 2 DP 535409).	Road
49	Single Tree	1	Thuja occidentalis	Within the Cameron Road paper road corridor adjoining 9 Cameron Place (Lot 2 DP 535409).	Road
50	Single Tree	1	Picea sitchensis	Within 9 Cameron Place (Lot 2 DP 535409) adjoining the Norrie Road road corridor.	Heritage
51	Single Tree	1	Cryptomeria japonica	Within 9 Cameron Place (Lot 2 DP 535409) adjoining the Norrie Road road corridor.	Heritage
52	Tree group	3	Quercus robur	Within the Waihoehoe Road road corridor adjoining 236 Great South Road (Lot 1 DP 205378)	Road
150	Tree group	5	Washingtonia robusta	Within the road corridor adjoining 239-243 Great South Road (Lot 1 DEEDS Whau 72, Lot 5 DEEDS Whau 72)	Road

Tree Location Plan 1

Tree Location Plan 2

Tree Location Plan 3



Attachment C

Copy of the relevant parts of the Decision

20 Viaduct Harbour Avenue, Auckland 1010
Private Bag 92250, Auckland 1142, New Zealand
Phone 09 355 3553 **Website** www.AT.govt.nz

Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners for NoRs D2 – D5

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 modification
All	Abbreviations and definitions	**Certification of material changes to management plans <u>and CNVMP Schedules</u>** Confirmation from the Manager that a material change to a plan **<u>or CNVMP Schedule</u>** has been prepared in accordance with the condition to which it relates. A material change to a management plan **<u>or CNVMP Schedule</u>** 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. **(c) <u>five working days from the submission of the material change to a CNVMP Schedule where no written confirmation of certification has been received.</u>**	**Accept Commissioners' recommendation with modifications** to also provide for certification of material changes to the CNVMP Schedules and the associated certification timeframe to ensure construction works are not unreasonably delayed.
All	3[1]	**Designation Review** (a) … ~~(b) Notwithstanding the above, on an on-going basis, and at least every six months until Completion of Construction, the Requiring Authority shall:~~ ~~(i) assess whether any areas of the designation that have been identified for construction purposes are still required for that purpose;~~ ~~(ii) identify any areas of the designation that are no longer necessary for construction purposes or the on-going operation or maintenance of the project or for on-going mitigation measures; and give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.~~	**Reject** – Auckland Transport does not consider that a six-month timeframe for review of the necessity of the designated area for construction or operation of the Project is a feasible or efficient method for managing potential uncertainty or perceived planning blight for affected parties prior to implementation of the Project. Until funding is secured for the Project to coincide with future land release, AT does not anticipate undertaking any further design work to enable refinement of the designated boundaries. To keep affected parties informed, the designation conditions (see Condition 2) provides for Project information to be shared through the establishment of a project website or equivalent project information source which will include information and updates on project development, timelines, the s176 approval process, engagement with landowners and Public Works Act processes.
NoR D4 and D5	4[2]	**Lapse** In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within **~~15~~ <u>20</u>** years from the date on which it is included in the AUP.	**Reject 15-year lapse date for NoR D4 and NoR D5** The Commissioners' recommended 15 year lapse date for NoR D4 and NoR D5 appears to be based on a misunderstanding of the planned timing of land release for future urban zoned land in Ōpāheke and related Project implementation timeframe. As acknowledged by the Commissioners, expert transport modelling carried out subsequent to FULSS has demonstrated that the NoR D4 and NoR D5 Projects are anticipated to be sequenced and implemented in FULSS Decade 3 (2038-2048) – outside the proposed 15-year lapse date. The 20-year lapse date accounts for land in the relevant areas being released for development (according to the FULSS to be Decade 2 (2028-2038), the development actually eventuating, and the transport infrastructure being implemented to support that growth. Further, the 20-year lapse date provides adequate time to secure funding, undertake detailed design and purchase property. The 20 year lapse period was therefore carefully determined for NoR D4 and D5 using a range of considerations as noted by the Commissioners. Auckland Transport does not consider a reduced lapse period from 20 years to 15 years necessarily provides a better outcome in terms of delivering the Projects and providing certainty to landowners. Route protecting the corridor for the necessary timeframe delivers certainty to the community and stakeholders and safeguards the alignment from inappropriate use and development. In reality, Auckland Transport is unable to commence detailed design/implementation of these Projects until funding has been secured. This will be determined based on the rate of growth in the area and

[1] NoRs D3 – D5: Condition 3
[2] NoRs D4 and D5: Condition 4

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 modification
			relies on funding to be allocated at a national and regional level (i.e. through the Auckland Regional Land Transport Plan). Auckland Transport recognises that a longer lapse period may result in a perception of planning blight or uncertainty over private property impacts for landowners. However, these potential effects can be appropriately managed through other conditions which have been specifically designed to inform affected parties on project details and timelines (for example, see NoR D2 Condition 2, Condition 18, Condition 19) and other statutory mechanisms such as the s176 approval process and in some circumstances early acquisition.
All	9[3]	**Urban and Landscape Design Management Plan** (a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) 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's potential adverse landscape and visual effects are avoided, remedied or mitigated as far as practicable and it contributes to a quality urban environment. (c) The ULDMP shall be prepared in general accordance with: (i) Auckland Transport's Urban Roads and Streets Design Guide; (ii) Waka Kotahi Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) Waka Kotahi Landscape Guidelines (2013) or any subsequent updated version; **~~and~~** (iv) Waka Kotahi 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 **~~and shall have regard to the outcomes of the Drury Ōpāheke Structure Plan and the mitigation measures detailed in the evidence of Mr Chris Bentley paragraph 14.19.~~** (d) To achieve the objective, 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.	**Reject additions made to Condition 9 (c)** to include reference to the outcomes of the Drury Ōpāheke Structure Plan. While Auckland Transport acknowledges the role of the Drury Ōpāheke Structure Plan in the planning process for future growth areas, it also considers that the Structure Plan is only indicative of the future land use at a point in time. Auckland Transport notes that there are already some differences in the land use patterns from that proposed in the Drury-Ōpāheke Structure Plan and what is being progressed through the current private plan changes, some of which have been approved and may shortly be operative. Notwithstanding this, the outcomes of the Drury Ōpāheke Structure Plan are generally provided for in the ULDMP condition. The condition has been drafted in a manner that ensures the detailed design of the Projects will respond to the land use present or planned at the time the Projects are being implemented, which Auckland Transport considers to be an appropriate response. If, upon implementation of the Project, the planned land use (including open space and riparian networks) reflects the outcomes of the Drury Ōpāheke Structure Plan, then the same outcomes will be achieved. **Reject additions made to Condition 9 (c)** to include reference to the landscape and visual mitigation measures detailed in Mr Bentley's evidence. As Mr Bentley confirmed in evidence these measures were already covered in the ULDMP conditions[4]. Contrary to the Commissioners apparent understanding, Ms Skidmore for the Council also confirmed that the scope of the conditions around the preparation of an ULDMP is suitable and provides a sufficient framework to enable relevant matters and the detailed recommendations set out in both the Urban Design Framework and Landscape Assessment[5]. Auckland Transport does not therefore consider any further conditions are necessary
All	10[6]	(a) The ULDMP(s) shall include: (i) a concept plan which depicts the overall landscape and urban design concept, and explains the rationale for the landscape and urban design proposals; (ii) developed design concepts, including principles for walking and cycling facilities and public transport; and	

[3] NoRs D3 – D5: Condition 9

[4] NoR D3: Mr Bentley primary evidence at paragraph 18.13
NoR D4: Mr Bentley primary evidence at paragraph 21.15
NoR D5: Mr Bentley primary evidence at paragraph 25.17

[5] Auckland Council s42 Addendum (NoR D2 – D5), Appendix 1 Pages. 40-43, Paragraph 7

[6] NoRs D3 – D5: Condition 10

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 modification
		(iii) landscape and urban design details that cover the following: A. 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, benching, spoil disposal sites, median width and treatment, roadside width and treatment; B. roadside elements – such as lighting, sign gantries and signage, fences, and median barriers; C. architectural and landscape treatment of all major structures, including bridges and retaining walls; D. architectural and landscape treatment of noise barriers; E. landscape treatment of permanent stormwater control wetlands and swales; F. integration of passenger transport; G. pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses**; ~~and integration of open space linkages~~**; H. historic heritage places with reference to the HHMP in Condition 26[7]; and I. re-instatement of construction and site compound areas, driveways, accessways and fences.	**Reject addition to clause (a)(iii)(G)** – integration of open spaces is already provided for in Condition 9 (d)(i).
D2	11	(a) The ULDMP(s) 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 Tree Management Plan in Condition 29. Where practicable, mature trees and native vegetation should be retained; B. street trees, shrubs and ground cover suitable for berms; C. treatment of fill slopes to integrate with adjacent land use, streams, riparian margins and open space zones**~~, including ecological linkages identified in the Drury – Ōpāheke Structure Plan~~;** D. planting of stormwater wetlands; E. identification of vegetation to be retained and any planting requirements under Conditions 27 and 28; F. integration of any planting requirements required by conditions of any resource consents for the Project; and G. reinstatement 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**~~.; and~~**	**Reject (a)(i)(C)** – Auckland Transport does not consider it necessary to include "ecological linkages identified in the Drury-Ōpāheke Structure Plan or any subsequent plan" as integration with these linkages are covered by reference to streams, riparian margins and open space zones" which are included in the preceding words in the subclause of this condition.

[7] NoRs D3 – D5: Condition 23

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 modification
		~~(iv) a maintenance plan in accordance with the Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version.~~	**Reject (iv)** as the Waka Kotahi P39 Standard is already included in the condition in 9(c)(iv).
D3 and D4	11	(a) The ULDMP shall also include the following planting details and maintenance requirements: (i) planting design details including: A. street trees, shrubs and ground cover suitable for berms; B. where practicable, mature trees and native vegetation should be retained; C. treatment of fill slopes to integrate with adjacent land use, streams, riparian margins and open space zones**<u>:</u>** ~~**including ecological linkages identified in the Drury – Ōpāheke Structure Plan**~~; D. planting of stormwater wetlands; E. integration of any planting requirements required by conditions of any resource consents for the project; and F. reinstatement 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**<u>.</u>**~~**;**~~ ~~**and**~~ ~~**(iv) a maintenance plan in accordance with the Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version.**~~ (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 8 may be reflected in the ULDMP. ***<u>Advice Note:</u>*** *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.*	**Reject 11(a)(i)(C)** – Auckland Transport does not consider it necessary to include "ecological linkages identified in the Drury-Ōpāheke Structure Plan or any subsequent plan" as integration with these linkages are covered by the reference to "streams, riparian margins and open space zones" which are included in the preceding words in the subclause of this condition. **Reject (iv)** as the Waka Kotahi P39 Standard is already included in the condition in 9(c)(iv).
D5	11	(a) 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 Tree Management Plan in Condition **~~25~~<u>24</u>**. Where practicable, mature trees and native vegetation should be retained; B. street trees, shrubs and ground cover suitable for berms;	

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 modification
		C. treatment of fill slopes to integrate with adjacent land use , streams, riparian margins and open space zones**<u>;</u> ~~including ecological linkages identified in the Drury – Ōpāheke Structure Plan;~~** D. planting of stormwater wetlands; E. integration of any planting requirements required by conditions of any resource consents for the project; and F. reinstatement 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**<u>.</u>; ~~and~~** **~~(iv) a maintenance plan in accordance with the Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version~~** (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 8 may be reflected in the ULDMP. ***<u>Advice Note:</u>*** *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.*	**Reject (a)(i)(C)** – Auckland Transport does not consider it necessary to include "ecological linkages identified in the Drury-Ōpāheke Structure Plan or any subsequent plan" as these linkages are covered by the integration requirements with "streams, riparian margins and open space zones" in the preceding words of that sub-clause of the condition. **Reject (iv)** as the Waka Kotahi P39 Standard is already included in the condition in 9(c)(iv).
All	14[8]	**Existing Property Access** Where **~~the accessibility of a~~** property vehicle access**~~way,~~** which exists at the time the Outline Plan is submitted, is altered by the project, the requiring authority shall consult with the directly affected landowner regarding the required changes, and the Outline Plan shall demonstrate how safe alternate access will be provided, unless otherwise agreed with the affected landowner.	**Reject the addition of 'accessibility'** The Commissioners noted that the term 'accessibility' allows for the consideration of any effects that may result from turning restrictions that are placed on existing property accesses. While consideration of turning restrictions on individual properties has been assessed as part of the Project design, it may not be feasible or safe in every instance to reinstate alternative turning movements upon implementation of the Project. Auckland Transport therefore does not consider the addition of the term 'accessibility' is appropriate as there are various definitions of accessibility that typically involve a much broader meaning than what is intended here, which is to manage direct property access effects and the provision of alternate safe access upon implementation of the Project works. The reference to access rather than accessway has been retained for consistency.

[8] NoRs D3 – D5: Condition 13

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 modification
All	18[9]	**Stakeholder Communication and Engagement Management Plan** (a) A SCEMP shall be prepared **~~in consultation with the Council at least 6 months~~** prior to the Start of Construction for a Stage of Work. (b) The objective of the SCEMP is to identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be engaged with throughout the Construction Works. To achieve the objective, the SCEMP shall include: (i) 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); (ii) 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; (iii) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (iv) a list of stakeholders, organisations (such as community facilities), and businesses who will be engaged with; (v) Identification of the properties whose owners will be engaged with; ~~(vi)~~ **~~Methods and timing to engage with landowners whose access is directly affected;~~** ~~(vii)~~ **<u>(vi)</u>** 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 (iv) and (v) above; and ~~(viii)~~ **<u>(vii)</u>** 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 ten working days prior to the Start of Construction for a Stage of Work. ~~(d) The SCEMP shall be reviewed six monthly for the duration of construction and updated if required. Any updated SCEMP shall be provided to the persons referred to in (b) and Auckland Council for review and agreement on any further action to be undertaken. Any further action recommended as a result of this review shall be undertaken by the Project Liaison Person and confirmation of completion provided to Auckland Council. If, in the course of amendments undertaken as part of the review process, a material change to the SCEMP is made, those parties affected by the change shall be notified within 1 month of the material change occurring.~~	**Reject addition to clause (a) in SCEMP condition** The Commissioners consider that the preparation of the SCEMP will benefit from Council's broader regulatory view. However, Auckland Transport considers this to be unnecessary where the plan will be prepared by a suitably qualified and experienced person and its project teams are sufficiently experienced in engagement for projects of this nature. **Reject (b)(vi).** The addition by the Commissioners relates specifically to Condition 14 (NoR D2) "Existing Property Access". Under Condition 14, directly affected landowners will be consulted with and the Outline Plan must demonstrate how safe alternate access is provided (unless agreed with the affected landowner). The SCEMP is targeted communication and engagement during Construction Works. Therefore, the engagement with landowners whose access is affected under Condition 14 will be undertaken earlier than the preparation of the SCEMP and better addressed via that process. **Reject addition of clause (d) in SCEMP condition.** The SCEMP will be submitted to Council for its information only, which Auckland Transport understands the Council agreed with. The proposed addition of clause (d) sets out a six monthly review and agreement process with Council for material changes. Given the original SCEMP will be provided to Council for its information only, this subsequent variation process is considered to be disproportionate and inefficient.
All	19[10]	**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) the weather conditions at the time of the complaint (as far as reasonably practicable), including wind direction and approximate wind speed if the complaint relates to air quality or noise and where weather conditions are relevant to the nature of the complaint; and**~~	**Reject addition of (a)(v)** – Condition 17(b)(xi) requires the CEMP to include procedures for responding to complaints about Construction Works. Air quality matters will be dealt with under regional consents.

[9] NoRs D3 – D5: Condition 15
[10] NoRs D3 – D5: Condition 16

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 modification
		~~**(vi)**~~ **<u>(v)</u>** 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.	
All	22[11]	**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 **<u>as far as practicable:</u>** …	**Reject removal of "as far as practicable" in (a).** There will be times that construction noise cannot meet the noise standards, which is standard practice and why CNVMPs are typically developed. The purpose of this condition is to require compliance with those standards in the first instance, as far as practicable.
All	24[12]	**Construction Noise and Vibration Management Plan** (a) A CNVMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) A CNVMP shall be implemented during the Stage of Work to which it relates. (c) The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for ~~**preventing or minimising**~~ **<u>the management of</u>** construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 22[13] and 23[14] to the extent practicable. To achieve this 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 ~~**prioritising the management of construction activities to**~~ **<u>any requirements to</u>** ~~**avoid**~~ **<u>limit</u>** night works and **<u>works during</u>** other sensitive times, including Sundays and public holidays **<u>as far as practicable.</u>** ~~**unless it can be demonstrated that the work cannot practicably be undertaken during the daytime due to safety reasons, unreasonable traffic congestion or traffic delays or similar reasons**~~**<u>;</u>** (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) identification of areas where compliance with the noise (Condition 22)[15] and/or vibration standards (Condition 23[16] Category A or Category B) will not be practicable and the specific management controls to be implemented and consultation requirements with owners and occupiers of affected sites; (xi) procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for	**Reject addition in clause 24(c)** and **reinstate the original wording** – NZS6803 refers to the identification of methods to 'manage' construction noise. Auckland Transport considers that the reinstatement of the term 'management of' in the condition is appropriate as this is consistent with the standards and with the intention of the CNVMP as set out in NZS6803. **Reject in part additions made to clause 24(c)(v)** The Commissioners considered that construction for the Drury Arterial Network is likely to take place in a developed urban environment[22]. However, Auckland Transport notes that the technical assessments have considered the construction of the Projects to occur either ahead of or in parallel to, the urbanisation of the area. The extent of noise sensitive receivers is therefore currently unknown and will depend on project implementation timing. In relation to 24 (c)(v) Auckland Transport notes that the construction noise standards (NoR D2 – Condition 22) already preclude noisy or intensive construction activities on Sunday and public holidays to an appropriate extent through reduced noise levels criteria and working hours on these days. In any event, Auckland Transport has accepted the majority of the Commissioners' recommendation with some modification for simplicity.

[11] NoRs D3 – D5: Condition 19
[12] NoRs D3 – D5: Condition 21
[13] NoRs D3 – D5: Condition 19
[14] NoRs D3 – D5: Condition 20
[15] NoRs D3 – D5: Condition 19
[16] NoRs D3 – D5: Condition 20
[22] Independent Hearing Commissioners Recommendation Report, pg.45, paragraph 221

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 modification
		those areas where compliance with the noise (Condition 22[17]) and/or vibration standards (Condition 23[18] Category B) will not be practicable and where sufficient information is not available at the time of the CNVMP to determine the area specific management controls (Condition 24(c)(x))[19]; (xii) procedures for: A. communicating with affected receivers, where measured or predicted vibration from construction activities exceeds the vibration criteria of Condition 23[20]; and B. assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category B vibration criteria of Condition 23[21], **<u>including the requirement to undertake building condition surveys before and after works to determine whether any damage has occurred as a result of construction vibration</u>**; and (xiii) requirements for review and update of the CNVMP.	**Reinstate deleted text in (c)(xii)(B)** – Auckland Transport considers clause (c)(xii)(B) makes it clear how the criteria identified in Condition 23 (NoR D2) should be applied and what measures should be implemented should the construction vibration criteria be exceeded.
All	25[23]	**Schedule to a CNVMP** (a) Unless otherwise provided for in a CNVMP, a Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction activity to which it relates by a Suitably Qualified and Experienced 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[24], 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[25]. (b) The objective of the Schedule is to set out the Best Practicable Option measures **~~for preventing or minimising~~ <u>to manage</u>** noise and/or vibration effects for the duration of the construction activity to which it relates beyond those measures set out in the CNVMP. The Schedule shall as a minimum set out: (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 in Condition 25 (a)[26] and predicted duration of the exceedance; (iv) the proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why; (v) 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	**Reject addition in clause 25(b)** and reinstate the original wording – NZS6803 refers to the identification of methods to 'manage' construction noise. Auckland Transport considers that the reinstatement of the term 'management' in the condition is appropriate as this is consistent with the standards and with the intention of the CNVMP as set out in NZS6803.

[17] NoRs D3 – D5: Condition 19
[18] NoRs D3 – D5: Condition 20
[19] NoRs D3 – D5: Condition 21(c)(x)
[20] NoRs D3 – D5: Condition 20
[21] NoRs D3 – D5: Condition 20
[23] NoRs D3 – D5: Condition 22
[24] NoRs D3 – D5: Condition 19
[25] NoRs D3 – D5: Condition 20
[26] NoRs D3 – D5: Condition 22(a)

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 modification
		(vi) location, times and types of monitoring. ~~(c) When construction vibration from a construction activity is either predicted or measured to exceed the Category B standard at the receivers in Condition 19, the construction activity shall not commence until a Suitably Qualified and Experienced Person has undertaken a building condition survey (provided the affected owners and/or occupiers have agreed to such survey). The building condition survey shall as a minimum include, but not limited to, the following:~~ ~~(i) Determination of building classification: commercial, industrial, residential or a historic or sensitive structure;~~ ~~(ii) determination of building specific vibration damage risk thresholds; and~~ ~~(iii) recording (including photographs) the major features of the buildings including location, type, construction (including foundation type), age and present condition, including existing levels of any aesthetic damage or structural damage.~~ ~~(d) The building condition survey and specific Best Practicable Option measures to prevent and minimise vibration effects for the duration of the construction activity to which it relates beyond those measures set out in the CNVMP shall be added as a Schedule. The Schedule shall be prepared in consultation with the owners and occupiers of buildings subject to the Schedule, and as a minimum, contain the information set out in (b) above and the findings of the building pre-condition survey.~~ ~~(e) Vibration monitoring shall be undertaken and continue throughout the construction activity covered by the Schedule. Following completion of the activity, a building condition survey shall be undertaken to determine if any damage has occurred as a result of construction vibration, and any such damage shall be repaired by the Requiring Authority.~~ ~~(f)~~ **<u>(c)</u>** The Schedule shall be submitted to the Manager for certification at least 5 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. ~~(g)~~ **<u>(d)</u>** 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 **~~(f)~~<u>(c)</u>** 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**<u>.</u>**	**Reject – additions made in clause 25 (c) – (e).** These matters are already covered in the CNVMP condition (NoR D2 – Condition 24(c)(xii)) and do not need to be duplicated in a Schedule. Auckland Transport considers that Condition 24(c)(xii) makes it clear how the construction vibration criteria identified in Condition 23 (NoR D2) should be applied and what mitigation measures should be put in place if the construction vibration criteria are to be exceeded.
D2	26	**Historic Heritage Management Plan** ~~(a) The Requiring Authority shall design and implement the construction, operation and maintenance of the Project to achieve the following historic heritage outcomes:~~ ~~(i) To deliver positive historic heritage opportunities and outcomes.~~ ~~(ii) To avoid as far as practicable, adverse effects on historic heritage places.~~ ~~(iii) Where avoidance of adverse effects cannot be achieved; remedy or mitigate all adverse effects on historic heritage places as far as practicable.~~ **~~(b)~~ <u>(a)** A HHMP shall be prepared ~~**by the nominated heritage specialist(s)**~~ in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. ~~**(c) The HHMP shall be prepared with up-to-date information. This information shall be provided to Council prior to the lodgement of the HHMP to streamline the review process. This includes, but is not limited to:**~~	**Reject in part** The restructure of the HHMP is inconsistent with the general structure of the management plan conditions across the designation conditions. As the HHMP has been merged with the original condition proposed by Auckland Transport, the HHMP is now overly prescriptive for a route protection designation and in many instances is repetitive and long. Importantly, the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua). The Council will be able to input into the HHMP before it is submitted with the Outline Plan. Council will have another opportunity to provide comment on the Outline Plan. Therefore, Auckland Transport considers the prescriptive nature of the Council's recommended condition (which the Commissioners have largely adopted) is not appropriate or necessary. Specific reasons for the modifications are below: It is not necessary to specify a "nominated heritage specialist" in (b). The overall "management plan" condition (NoR D2 – Condition 7) sets out that all management plans are to be prepared by a Suitably

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 modification
		~~(i) Any archaeological assessments, heritage impact or cultural assessments, granted authorities, final archaeological reports and updated site record forms (CHI and New Zealand Archaeological Association ArchSite) prepared/submitted since time of the granting of any designation;~~ ~~(ii) Additional areas of survey and investigation undertaken as part of the project; and~~ ~~(iii) Further assessment and field survey of historic heritage by the nominated heritage specialist(s) which include (but are not limited to) the following:~~ ~~A. locations proximate to waterways adjacent to Oira Creek and the Ngākōroa Stream. Definition of the extent of the site of the Runciman homestead and farm buildings (NZAA R12/1131, CHI 22177) using non-invasive techniques or exploratory investigation~~ ~~B. Historic tauranga waka site (NZAA R12/1131, 22177)~~ ~~C. Ngākōroa Stream bridge site (NZAA R12/1171, CHI 23172)~~ ~~D. Commissariat redoubt and wharf site, including related features including beyond the defensive perimeter (NZAA R12/756, CHI 319, 14072, AUPOIP UID 2173)~~ ~~E. Norrie Road Hingaia Stream bridge site (NZAA R12/1152, CHI 23078)~~ ~~F. Drury Post Office store, bakehouse and residence sites (NZAA R12/1143, CHI 23071; NZAA R12/1149, CHI 23075)~~ ~~G. Commercial buildings site/s, 236 Great South Road (no site number/s)~~ ~~H. St John's Church and graveyard (NZAA R12/1129, CHI 2458, HNZPT list 2596, AUPOIP UID 707)~~ ~~I. Aroha Cottage/paymaster's house (CHI 2455, HNZPT list 692, AUPOIP UID 704)~~ ~~J. Former Drury creamery and casein factory (CHI 15102)~~ ~~K. Former railway worker's residence (CHI 22288)~~ ~~(iv) If removal of the former Drury creamery and casein factory building cannot be avoided as part of the detailed design of the Project, then:~~ ~~A. In the first instance, options for relocation of parts or all of the building within the local area shall be investigated~~ ~~B. If relocation options can be shown to have been exhausted, the building shall be demolished, subject to archaeological deconstruction by a suitably qualified and experienced buildings archaeologist (including salvaging historic materials in reusable condition where possible) and recorded in accordance with Level I of HNZPT Archaeological Guidelines Series No. 1 (AGS 1): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version~~ ~~C. The Manager and the Manager: Heritage Unit shall be advised in writing at least 10 working days prior to the relocation or demolition of the building with accompanying records~~ ~~(d) The HHMP shall be consistent with all relevant statutory requirements, including the conditions of any Archaeological Authority granted by HNZPT for the Project.~~ ~~(e)~~ **(b) ~~To achieve the outcomes in (a), the HHMP shall as a minimum identify and include:~~ 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:** (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;	Qualified and Experienced Person(s). This was also agreed by the Commissioners in their recommendation report but did not translate to their recommended conditions. **Reject (c)** (listing every site potentially affected by the Project). Under (c)(ii) and (iii), the HHMP will set out the methods for identifying all known and potential sites within the designation and the sites will be recorded along with details of any archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. At the time of preparing the HHMP, an up to date assessment must be undertaken to fulfil the conditions. On this basis, Auckland Transport does not consider it necessary to list every site potentially affected by the Project. **Reinstate the original objective of the HHMP**. The reinstated objective of the HHMP achieves the same outcome as the objective recommended by the Commissioners and retains a consistent structure with the other management plan conditions in the designation. The HHMP proposed for the NZTA designation 6769 (Ara Tūhono - Pūhoi to Wellsford Road) responded to the specific context of that project and the structure of that condition set. There is no justification to replicate that condition in the context of the Drury Arterial Network Notices of Requirement where the HHMP condition has been developed to respond to potential heritage effects in the local area as identified by expert evidence and will achieve the same outcomes.

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 modification
		(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 NZHPT 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. **<u>This shall include non invasive techniques or exploratory investigation to clarify the extent of the Runciman's Homestead site (NZAA R12/1131);</u>** (vii) the proposed methodology for investigating and recording post-1900 historic heritage places (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 **<u>HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version. This shall include a built heritage assessment of:</u>** A. **<u>the former Drury Creamery and Casein Factory (12 Norrie Road, CHI site 15102)</u>** ***~~HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version~~***; and B. **<u>the former railway worker's residence (18 Waihoehoe Road, CHI site 22288)</u>** ***~~International Council on Monuments and Sites New Zealand Charter 2010 or any subsequent version.~~*** (viii) methods to acknowledge cultural values identified through Condition 8 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 **<u>and sites within</u>** ~~**identified as part of**~~ the **<u>Designation</u>** ~~**detailed design of the Project**~~ and 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; and B. using geotextile fabric and aggregate in construction compound areas not being earthworked and removal and reinstatement upon completing Construction Works~~**;**~~ ~~**C. using construction methods that minimise vibration or other potentially adverse effects; and**~~ ~~**D. methods to recover or record any submerged artefacts or structural remains on the bed of the Ngākōroa Stream in the vicinity of the historic tauranga waka site; Ngākōroa Stream bridge site, or the sites of the Commissariat/Drury/Runciman wharves; and the bed of the Hingaia Stream at the Hingaia Stream bridge site.**~~ (x) ~~**in addition to complying with Condition 25 and (ix)C. above,**~~ methods to protect~~**, avoid**~~ or minimise damage **<u>to the</u>** ~~**adverse physical effects (including, but not limited to structural or other damage, cracking, slumping, subsidence, collapse or breakage) to the**~~ Aroha Cottage/paymaster's house (CHI 2455, HNZPT list 692, AUPOIP UID 704) and St Johns Anglican Church and Cemetery ~~**graveyard**~~ (NZAA R12/1129, CHI 2458, HNZPT list 2596, AUP Scheduled Site UID 707) during Construction Works as far as practicable based on pre construction advice from a specialist heritage conservator; (xi) **<u>measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and</u>** (xii) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, ~~**methods and procedures in the HHMP**~~, legal obligations	**Accept in part clause (ix) –** While some of the wording recommended by the Commissioners has been accepted by Auckland Transport, (ix)C and D have been rejected. The construction methods to minimise vibration on historic heritage sites are covered by the CNVMP and CNVMP Schedule conditions and do not need to be repeated in the HHMP condition. The recovery of artefacts from streams is directly related to construction activities within the stream bed (for example the construction of bridges). Regional consents will be required for these works and will be sought before construction commences in the future. Any methods for the recovery of artefacts in streams will be addressed at that time.

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 modification
		relating to accidental discoveries**<u>, the AUP Accidental Discovery Rule (E11.6.1)</u> ~~and accidental discovery protocols in Condition 27 below~~**. The training shall be undertaken prior to the Start of Construction, under the guidance of **<u>a Suitably Qualified and Experienced Person</u>** ~~**the nominated heritage specialist(s)**~~ and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8). ~~**(xiii) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes. Measures may include, but not be limited to: increased public awareness and amenity of historic heritage sites, interpretation, repatriation, donation of historic heritage material to suitable repositories, publication of heritage stories, and active conservation/restoration of heritage features;**~~ ~~**(xiv) definitions of terms used to identify and assess historic heritage places and alignment with relevant statutory definitions as far as practicable;**~~ ~~**(xv) reporting requirements for historic heritage places during and after the completion of Construction Works and at the completion of projects works, including a plan for dissemination of reports resulting from these requirements; and**~~ ~~**(xvi) measures for the interim stabilisation/conservation (where necessary), storage and curation of objects and artefacts (including taonga tūturu) and any other physical or documentary material that forms part of the wider historic heritage places archive.**~~ ~~(f) **The Council and descendants of the individuals interred (where applicable) shall be advised in writing at least 10 working days prior to removal or relocation of grave markers or building fabric from the St John's Anglican Church and graveyard site if this is required to achieve compliance with Condition 26(e)(x).**~~ ~~(g) **Any material changes made to the HHMP either prior to or during Construction Works shall be prepared by the nominated heritage specialist(s) and submitted to the Manager (in consultation with the Manager: Heritage Unit) for certification**~~. **<u>(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring)</u>~~**, including interim reports,**~~ **<u>shall be submitted to the Manager</u>** ~~**(in consultation with the Manager: Heritage Unit)**~~ **<u>within 12 months of being produced completion.</u>** ***<u>Advice Note:</u>*** ***<u>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.</u>*** ~~***1. The Council acknowledges that the HHMP is intended to provide flexibility both for the Requiring Authority and the Council for the management of historic heritage places. Accordingly, the HHMP may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the HHMP and limited to the scope of this Designation.***~~ ~~***2. The historic heritage places archive consists of the records and finds made during Construction Works, including written or drawn documentation, digital files, and artefacts and materials such as taonga tūturu.***~~	**Reject clause (xiii)** – Auckland Transport considers clause xiii to be too prescriptive and is already covered adequately in the former wording (and reinstated) clause (x). **Reject addition of clause (f)** – The methods for protecting and minimising effects on the St John's Anglican Church and Cemetery is adequately covered by condition (c)(x). Methods recommended by the specialist heritage conservator and then set out in the HHMP will be discussed with the Council (the plan is to be prepared in consultation with Council and then comments able to be made through the Outline Plan process). **Reject addition of clause (g)** – the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua) and submitted as part of an Outline Plan. The overall "management plan" condition (NoR D2 – Condition 7) sets out that 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 for certification as soon as practicable. **Reject the Commissioners' recommended advice note** and reinstate advice note on the accidental discovery AUP rule. The advice note recommended by the Commissioners is unnecessary.
D3	23	**Historic Heritage Management Plan** ~~**(a) The Requiring Authority shall design and implement the construction, operation and maintenance of the Project to achieve the following historic heritage outcomes:**~~ ~~**(i) To deliver positive historic heritage opportunities and outcomes.**~~ ~~**(ii) To avoid as far as practicable, adverse effects on historic heritage places.**~~ ~~**(iii) Where avoidance of adverse effects cannot be achieved; remedy or mitigate all adverse effects on historic heritage places as far as practicable.**~~	**Reject in part** The restructure of the HHMP is inconsistent with the general structure of the management plan conditions across the designation conditions. As the HHMP has been merged with the original condition proposed by Auckland Transport, the HHMP is now overly prescriptive for a route protection designation and in many instances repetitive and long. Importantly, the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua). The Council will be able to input into the HHMP before it is submitted with the Outline Plan. Council will have another opportunity to provide comment on the Outline Plan. Therefore,

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 modification
		~~(b)~~ **<u>(a)</u>** A HHMP shall be prepared **~~by the nominated heritage specialist(s)~~** in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. **~~(c) The HHMP shall be prepared with up-to-date information. This information shall be provided to Council prior to the lodgement of the HHMP to streamline the review process. This includes, but is not limited to:~~** **~~(i) Any archaeological assessments, heritage impact or cultural assessments, granted authorities, final archaeological reports and updated site record forms (CHI and New Zealand Archaeological Association ArchSite) prepared/submitted since time of the granting of any designation;~~** **~~(ii) Additional areas of survey and investigation undertaken as part of the project which include but are not limited to:~~** **~~A. Areas proximate to the historic bullock track or other historic transport route(s)~~** **~~(d) The HHMP shall be consistent with all relevant statutory requirements, including the conditions of any Archaeological Authority granted by HNZPT for the Project.~~** **~~(e)~~ <u>(b)</u> ~~To achieve the outcomes in (a), the HHMP shall as a minimum identify and include:~~ <u>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:</u>** (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 NZHPT 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 places (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 **<u>HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version.</u>** **~~*A. HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version.*~~** **~~*B. International Council on Monuments and Sites New Zealand Charter 2010 or any subsequent version.*~~** (viii) methods to acknowledge cultural values identified through Condition 8 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 **<u>and sites within</u>** **~~identified as part of~~** the **<u>Designation</u>** **~~detailed design of the Project~~** and during Construction Works as far as practicable. These methods shall include, but are not limited to:	Auckland Transport considers the prescriptive nature of the Council's recommended condition (which the Commissioners have largely adopted) is not appropriate or necessary. Specific reasons for the modifications are below: It is not necessary to specify a "nominated heritage specialist" in (b). The overall "management plan" condition (NoR D3 – Condition 7) sets out that all management plans are to be prepared by a Suitably Qualified and Experienced Person(s). This was also agreed by the Commissioners in their recommendation report but did not translate to their recommended conditions. **Reject (c)** (listing every site potentially affected by the Project). The HHMP will set out the methods for identifying all known and potential sites within the designation and the sites will be recorded along with details of any archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. At the time of preparing the HHMP, an up to date assessment must be undertaken to fulfil the conditions. On this basis, Auckland Transport does not consider it necessary to list every site potentially affected by the Project. **Reinstate the original objective of the HHMP**. The reinstated objective of the HHMP achieves the same outcome as the objective recommended by the Commissioners and retains a consistent structure with the other management plan conditions in the designation. The HHMP proposed for the NZTA designation 6769 (Ara Tūhono - Pūhoi to Wellsford Road) responded to the specific context of that project and the structure of that condition set. There is no justification to replicate that condition in the context of the Drury Arterial Network Notices of Requirement where the HHMP condition has been developed to respond to potential heritage effects in the local area as identified by expert evidence and will achieve the same outcomes.

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 modification
		A. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access~~; and~~ ~~B. using construction methods that minimise vibration or other potentially adverse effects; and~~ (x) **<u>measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and</u>** (xi) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, ~~methods and procedures in the HHMP,~~ legal obligations relating to accidental discoveries**<u>, the AUP Accidental Discovery Rule (E11.6.1)</u>** ~~and accidental discovery protocols in Condition 27 below~~. The training shall be undertaken prior to the Start of Construction, under the guidance of **<u>a Suitably Qualified and Experienced Person</u>** ~~the nominated heritage specialist(s)~~ and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8). ~~(xii) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes. Measures may include, but not be limited to: increased public awareness and amenity of historic heritage sites, interpretation, repatriation, donation of historic heritage material to suitable repositories, publication of heritage stories, and active conservation/restoration of heritage features;~~ ~~(xiii) definitions of terms used to identify and assess historic heritage places and alignment with relevant statutory definitions as far as practicable;~~ ~~(xiv) reporting requirements for historic heritage places during and after the completion of Construction Works and at the completion of projects works, including a plan for dissemination of reports resulting from these requirements; and~~ ~~(xv) measures for the interim stabilisation/conservation (where necessary), storage and curation of objects and artefacts (including taonga tūturu) and any other physical or documentary material that forms part of the wider historic heritage places archive.~~ ~~(f) Any material changes made to the HHMP either prior to or during Construction Works shall be prepared by the nominated heritage specialist(s) and submitted to the Manager (in consultation with the Manager: Heritage Unit) for certification.~~ **<u>(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring~~~~), including interim reports~~<u>, shall be submitted to the Manager ~~(in consultation with the Manager: Heritage Unit)~~ within 12 months of ~~being produced~~ completion.</u>** ***<u>Advice Note:</u>*** ~~1.~~ ***<u>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.</u>*** ~~*The Council acknowledges that the HHMP is intended to provide flexibility both for the Requiring Authority and the Council for the management of historic heritage places. Accordingly, the HHMP may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the HHMP and limited to the scope of this Designation.*~~ ~~2. The historic heritage places archive consists of the records and finds made during Construction Works, including written or drawn documentation, digital files, and artefacts and materials such as taonga tūturu.~~	**Accept in part clause (ix)** – While some of the wording recommended by the Commissioners has been accepted by Auckland Transport, (ix) B has been rejected. The construction methods to minimise vibration on historic heritage sites are covered by the CNVMP and CNVMP Schedule conditions and do not need to be repeated in the HHMP condition. **Reject clause (xii)** – Auckland Transport considers clause xiii to be too prescriptive and is already covered adequately in the former wording (and reinstated) clause (x). **Reject addition of clause (f) –** the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua) and submitted as part of an Outline Plan. The overall "management plan" condition (NoR D3 – Condition 7) sets out that 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 for certification as soon as practicable. **Reject Commissioners' recommended advice note** and reinstate advice note on the accidental discovery AUP rule. The advice note recommended by the Commissioners is unnecessary.
D4	23	**Historic Heritage Management Plan**	**Reject in part**

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 modification
		~~(a) The Requiring Authority shall design and implement the construction, operation and maintenance of the Project to achieve the following historic heritage outcomes:~~ ~~(i) To deliver positive historic heritage opportunities and outcomes.~~ ~~(ii) To avoid as far as practicable, adverse effects on historic heritage places.~~ ~~(iii) Where avoidance of adverse effects cannot be achieved; remedy or mitigate all adverse effects on historic heritage places as far as practicable.~~ **~~(b)~~ <u>(a)** A HHMP shall be prepared ~~by the nominated heritage specialist(s)~~ in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. ~~(c) The HHMP shall be prepared with up-to-date information. This information shall be provided to Council prior to the lodgement of the HHMP to streamline the review process. This includes, but is not limited to:~~ ~~(i) Any archaeological assessments, heritage impact or cultural assessments, granted authorities, final archaeological reports and updated site record forms (CHI and New Zealand Archaeological Association ArchSite) prepared/submitted since time of the granting of any designation;~~ ~~(ii) Additional areas of survey and investigation undertaken as part of the project which include but are not limited to:~~ ~~A. Areas adjoining and proximate to the routes of early roads and pathways.~~ ~~(iii) Further assessment and field survey of historic heritage by the nominated heritage specialist(s) which include (but are not limited to) the following:~~ ~~A. Brick utility building, 31 Ponga Road (CHI 22281).~~ ~~(iv) If the brick utility building at 31 Ponga Road cannot be avoided as part of the detailed design of the Project, then:~~ ~~A. The building shall be demolished, subject to archaeological deconstruction by a suitably qualified and experienced buildings archaeologist (including salvaging historic materials in reusable condition where possible) and recorded in accordance with Level I of HNZPT Archaeological Guidelines.~~ ~~B. The Manager and the Manager: Heritage Unit shall be advised in writing at least 10 working days prior to the demolition of the building with accompanying records demonstrating compliance with A. above and Condition 23(e)(vii)~~ ~~(d) The HHMP shall be consistent with all relevant statutory requirements, including the conditions of any Archaeological Authority granted by HNZPT for the Project.~~ ~~(e) To achieve the outcomes in (a), the HHMP shall as a minimum identify and include:~~ **<u>(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:</u>** (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 NZHPT 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.	The restructure of the HHMP is inconsistent with the general structure of the management plan conditions across the designation conditions. As the HHMP has been merged with the original condition proposed by Auckland Transport, the HHMP is now overly prescriptive for a route protection designation and in many instances repetitive and long. Importantly, the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua). The Council will be able to input into the HHMP before it is submitted with the Outline Plan. Council will have another opportunity to provide comment on the Outline Plan. Therefore, Auckland Transport considers the prescriptive nature of the Council's recommended condition (which the Commissioners have largely adopted) is not appropriate or necessary. Specific reasons for the modifications are below: It is not necessary to specify a "nominated heritage specialist" in (b). The overall "management plan" condition (NoR D4 – Condition 7) sets out that all management plans are to be prepared by a Suitably Qualified and Experienced Person(s). This was also agreed by the Commissioners in their recommendation report but did not translate to their recommended conditions. **Reject (c)** (listing every site potentially affected by the Project). The HHMP will set out the methods for identifying all known and potential sites within the designation and the sites will be recorded along with details of any archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. At the time of preparing the HHMP, an up to date assessment must be undertaken to fulfil the conditions. On this basis, Auckland Transport does not consider it necessary to list every site potentially affected by the Project. **Reinstate the original objective of the HHMP**. The reinstated objective of the HHMP achieves the same outcome as the objective recommended by the Commissioners and retains a consistent structure with the other management plan conditions in the designation. The HHMP proposed for the NZTA designation 6769 (Ara Tūhono - Pūhoi to Wellsford Road) responded to the specific context of that project and the structure of that condition set. There is no justification to replicate that condition in the context of the Drury Arterial Network Notices of Requirement where the HHMP condition has been developed to respond to potential heritage effects in the local area as identified by expert evidence and will achieve the same outcomes.

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 modification
		(vii) the proposed methodology for investigating and recording post-1900 historic heritage places (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 **<u>HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version. This shall include a built heritage assessment of:</u>** **A. ~~*HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version.*~~ <u>The Brick Utility Building (31 Ponga Road, CHI site 22281);</u>** ***B. <u>International Council on Monuments and Sites New Zealand Charter 2010 or any subsequent version.</u>*** (viii) methods to acknowledge cultural values identified through Condition 8 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 **<u>and sites within</u>** ~~**identified as part of**~~ the **<u>Designation</u>** ~~**detailed design of the Project**~~ and 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; ~~**and**~~ ~~**B. using construction methods that minimise vibration or other potentially adverse effects; and**~~ (x) **<u>measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and</u>** (xi) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, ~~**methods and procedures in the HHMP**~~, legal obligations relating to accidental discoveries**<u>, the AUP Accidental Discovery Rule (E11.6.1)</u>** ~~**and accidental discovery protocols in Condition 27 below**~~. The training shall be undertaken prior to the Start of Construction, under the guidance of **<u>a Suitably Qualified and Experienced Person</u>** ~~**the nominated heritage specialist(s)**~~ and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8). ~~**(xii) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes. Measures may include, but not be limited to: increased public awareness and amenity of historic heritage sites, interpretation, repatriation, donation of historic heritage material to suitable repositories, publication of heritage stories, and active conservation/restoration of heritage features;**~~ ~~**(xiii) definitions of terms used to identify and assess historic heritage places and alignment with relevant statutory definitions as far as practicable;**~~ ~~**(xiv) reporting requirements for historic heritage places during and after the completion of Construction Works and at the completion of projects works, including a plan for dissemination of reports resulting from these requirements; and**~~ ~~**(xv) measures for the interim stabilisation/conservation (where necessary), storage and curation of objects and artefacts (including taonga tūturu) and any other physical or documentary material that forms part of the wider historic heritage places archive.**~~ ~~(f) Any material changes made to the HHMP either prior to or during Construction Works shall be prepared by the nominated heritage specialist(s) and submitted to the Manager (in consultation with the Manager: Heritage Unit) for certification.~~	**Accept in part clause (ix)** – While some of the wording recommended by the Commissioners has been accepted by Auckland Transport, (ix) B has been rejected. The construction methods to minimise vibration on historic heritage sites are covered by the CNVMP and CNVMP Schedule conditions and do not need to be repeated in the HHMP condition. **Reject clause (xii) –** Auckland Transport considers clause (xii) to be too prescriptive and is already covered adequately in the former wording (and reinstated) clause (x) **Reject addition of clause (f)** – the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua) and submitted as part of an Outline Plan. The overall "management plan" condition (NoR D4 – Condition 7) sets out that 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 for certification as soon as practicable.

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 modification
		<u>(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), including interim reports, shall be submitted to the Manager (~~in consultation with the Manager: Heritage Unit~~) within 12 months of being produced completion.</u> ***<u>Advice Note:</u>*** ***<u>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.</u>*** ***~~1. The Council acknowledges that the HHMP is intended to provide flexibility both for the Requiring Authority and the Council for the management of historic heritage places. Accordingly, the HHMP may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the HHMP and limited to the scope of this Designation.~~*** ***~~2. The historic heritage places archive consists of the records and finds made during Construction Works, including written or drawn documentation, digital files, and artefacts and materials such as taonga tūturu.~~***	**Reject Commissioner's recommended advice note** and reinstate advice note on the accidental discovery AUP rule. The advice note recommended by the Commissioners is unnecessary.
D5	23	**Historic Heritage Management Plan** **~~(a) The Requiring Authority shall design and implement the construction, operation and maintenance of the Project to achieve the following historic heritage outcomes:~~** **~~(i) To deliver positive historic heritage opportunities and outcomes.~~** **~~(ii) To avoid as far as practicable, adverse effects on historic heritage places.~~** **~~(iii) Where avoidance of adverse effects cannot be achieved; remedy or mitigate all adverse effects on historic heritage places as far as practicable.~~** **~~(b)~~ <u>(a)** A HHMP shall be prepared **~~by the nominated heritage specialist(s)~~** in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. **~~(c) The HHMP shall be prepared with up-to-date information. This information shall be provided to Council prior to the lodgement of the HHMP to streamline the review process. This includes, but is not limited to:~~** **~~(i) Any archaeological assessments, heritage impact or cultural assessments, granted authorities, final archaeological reports and updated site record forms (CHI and New Zealand Archaeological Association ArchSite) prepared/submitted since time of the granting of any designation;~~** **~~(ii) Additional areas of survey and investigation undertaken as part of the project which include (but are not limited to) the following:~~** **~~A. The site of the Opaheke railway station;~~** **~~B. Opaheke East and West WWII camps (CHI 17016 and 17017); and~~** **~~C. Non-invasive techniques to determine if any graves or other features associated with the Presbyterian section of the Papakura Cemetery are present within the extent of the Designation and are affected by Construction Works.~~** **~~(d) The HHMP shall be consistent with all relevant statutory requirements, including the conditions of any Archaeological Authority granted by HNZPT for the Project.~~** **~~(e)~~ <u>(b)</u> ~~To achieve the outcomes in (a), the HHMP shall identify:~~ <u>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:</u>** <u>(i)</u> 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; <u>(ii)</u> methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design;	**Reject in part** The restructure of the HHMP is inconsistent with the general structure of the management plan conditions across the designation conditions. As the HHMP has been merged with the original condition proposed by Auckland Transport, the HHMP is now overly prescriptive for a route protection designation and in many instances repetitive and long. Importantly, the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua). The Council will be able to input into the HHMP before it is submitted with the Outline Plan. Council will have another opportunity to provide comment on the Outline Plan and the detail of the mitigation measures developed at that time. Therefore, Auckland Transport considers the prescriptive nature of the Commissioners' recommended condition is not appropriate or necessary. Specific reasons for the modifications are below: It is not necessary to specify a "nominated heritage specialist" in (b). The overall "management plan" (NoR D5 – Condition 7) sets out that all management plans are to be prepared by a Suitably Qualified and Experienced Person(s). This was also agreed by the Commissioners in their recommendation report but did not translate to their recommended conditions. **Reject (c)** (listing every site potentially affected by the Project). The HHMP will set out the methods for identifying all known and potential sites within the designation and the sites will be recorded along with details of any archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. At the time of preparing the HHMP, an up to date assessment must be undertaken to fulfil the conditions. On this basis, Auckland Transport does not consider it necessary to list every site potentially affected by the Project. **Reinstate the original objective of the HHMP**. The reinstated objective of the HHMP achieves the same outcome as the objective recommended by the Commissioners and retains a consistent structure with the other management plan conditions in the designation. The HHMP proposed for the NZTA designation 6769 (Ara Tūhono - Pūhoi to Wellsford Road) responded to the specific context of that project and the structure of that condition set. There is no justification to replicate that condition in the context of the Drury Arterial Network Notices of Requirement where the HHMP condition has been developed to respond to potential heritage effects in the local area as identified by expert evidence and will achieve the same outcomes.

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 modification
		(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 NZHPT 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) methods for the removal and storage of the stone marking of the World War II Ōpāheke East Camp during project works and identification of a suitable location to place it once project works are complete, in consultation with parties involved in the erection of the stone in its existing location (viii) the proposed methodology for investigating and recording post-1900 historic heritage places (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 **<u>HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version.</u>** ***~~A. HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version.~~*** ***~~B. International Council on Monuments and Sites New Zealand Charter 2010 or any subsequent version.~~*** (ix) methods to acknowledge cultural values identified through Condition 8 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; (x) methods for avoiding, remedying or mitigating adverse effects on historic heritage places **<u>and sites within</u>** **~~identified as part of~~** the **<u>Designation</u>** **~~detailed design of the Project~~** and 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; and **~~B. using construction methods that minimise vibration or other potentially adverse effects; and~~** (xi) **<u>measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and</u>** (xii) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, **~~methods and procedures in the HHMP~~**, legal obligations relating to accidental discoveries**<u>, the AUP Accidental Discovery Rule (E11.6.1)</u>** **~~and accidental discovery protocols in Condition 27 below~~**. The training shall be undertaken prior to the Start of Construction, under the guidance of **<u>a Suitably Qualified and Experienced Person</u>** **~~the nominated heritage specialist(s)~~** and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8). **~~(xiii) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes. Measures may include, but not be limited to: increased public awareness and amenity of historic heritage sites, interpretation, repatriation,~~**	**Accept in part clause (x)** – While some of the wording recommended by the Commissioners has been accepted by Auckland Transport, (x) B has been rejected. The construction methods to minimise vibration on historic heritage sites are covered by the CNVMP and CNVMP Schedule conditions and do not need to be repeated in the HHMP condition. **Reject clause (xiii)** – Auckland Transport considers clause xiii to be too prescriptive and is already covered adequately in the former wording (and reinstated) clause (xi)

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 modification
		~~donation of historic heritage material to suitable repositories, publication of heritage stories, and active conservation/restoration of heritage features;~~ ~~(xiv) definitions of terms used to identify and assess historic heritage places and alignment with relevant statutory definitions as far as practicable;~~ ~~(xv) reporting requirements for historic heritage places during and after the completion of Construction Works and at the completion of projects works, including a plan for dissemination of reports resulting from these requirements; and~~ ~~(xvi) measures for the interim stabilisation/conservation (where necessary), storage and curation of objects and artefacts (including taonga tūturu) and any other physical or documentary material that forms part of the wider historic heritage places archive.~~ ~~(f) Any material changes made to the HHMP either prior to or during Construction Works shall be prepared by the nominated heritage specialist(s) and submitted to the Manager (in consultation with the Manager: Heritage Unit) for certification.~~ **(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), ~~including interim reports,~~ shall be submitted to the Manager ~~(in consultation with the Manager: Heritage Unit)~~ within 12 months of ~~being produced~~ completion.** ***Advice Note:*** ***The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.*** ~~1. The Council acknowledges that the HHMP is intended to provide flexibility both for the Requiring Authority and the Council for the management of historic heritage places. Accordingly, the HHMP may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the HHMP and limited to the scope of this Designation.~~ ~~2. The historic heritage places archive consists of the records and finds made during Construction Works, including written or drawn documentation, digital files, and artefacts and materials such as taonga tūturu.~~	**Reject addition of clause (f)** – the HHMP is required to be prepared in consultation with Council (along with HNZPT and Mana Whenua) and submitted as part of an Outline Plan. The overall "management plan" condition (NoR D5 – Condition 7) sets out that 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 for certification as soon as practicable. **Reject the Commissioners' recommended advice note** and reinstate advice note on the accidental discovery AUP rule. The advice note recommended by the Commissioners is unnecessary.
All	27[27]	~~Accidental discovery during construction works~~ **and documenting requirements ~~(including post-construction)~~** **(a) ~~Prior to the start of Construction for a Stage of Works, the Requiring Authority shall prepare an Accidental Discovery Protocol for any accidental historic heritage discoveries which occur during Construction Works. The protocol:~~** **~~(i) Shall be consistent with the Waka Kotahi NZ Transport Agency Minimum Standard P45 Accidental Archaeological Discovery Specification, or any subsequent version and the Auckland Unitary Plan Accidental Discovery Rule (E11 Land disturbance regional – E11.6.1) or any amended version of this rule;~~** **~~(ii) Shall be prepared in engagement with Mana Whenua and in consultation with Auckland Council and HNZPT and modified as necessary to reflect the site-specific project detail. The Requiring Authority shall undertake engagement and consultation for a period of not less than 30 days; and~~** **~~(iii) Shall be implemented for the duration of Construction Works.~~** **(b) ~~Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring etc.), including interim reports, shall be submitted to the Manager (in consultation with the Manager: Heritage Unit) within 12 months of being produced.~~**	**Reject condition 27** As there is historic heritage within the Auckland Transport designations, an authority will be sought from Heritage NZ Pouhere Taonga and an accidental discovery protocol will not need to be relied upon. However, the AUP sets out an appropriate Accidental Discovery Protocol (ADP) that the project will follow should it need to. It is unnecessary to have a condition stating a separate ADP will be prepared. All protocols relating to accidental discoveries are included in the HHMP already at clause (c)(xii) and the amended advice note. Auckland Transport considers the prescriptive and repetitive list of documenting requirements and log of compliance with designation conditions to be excessive. Part of the wording recommended by the Commissioners (relating to providing Council with electronic copies of all heritage assessments) has been accepted and moved to Condition 26(c). Compliance with this requirement will provide the Council with adequate documentary records with response to any heritage identified through the Projects implementation.

[27] NoRs D3 – D5: Condition 24 in the Independent Hearing Commissioners Recommendation Report

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 modification
		(c) ~~The nominated heritage specialist(s) shall record and log any heritage discovery and on-going compliance with the conditions of this Designation. This log shall be provided to the Manager: Compliance Monitoring (in consultation with the Manager: Heritage Unit) quarterly.~~ **(d) ~~In the event that any unrecorded historic heritage places are exposed as a result of the work, these shall be recorded and documented by a suitably qualified and experienced person for inclusion in the CHI or any subsequent heritage database. The information and documentation shall be forwarded to the Manager: Heritage Unit (heritageconsents@aucklandcouncil.govt.nz) or other address nominated by the Manager: Heritage within twelve months of the works being completed on site.~~** **(e) ~~Within 12 months of Construction Works being completed, the nominated heritage specialist(s) shall prepare and submit a report to the Manager (in consultation with the Manager: Heritage Unit) which includes the log required by Condition 27(c) and certify that all Construction Works have been completed in accordance with the Conditions of this Designation.~~**	
All	31[28]	**Low Noise Road Surface** **(a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within twelve months of completion of construction of the Project.** **(b) 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.** **(c) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 31(b)(i) – (iv)[29] 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.**	**Reject the Commissioners' recommended condition in part and modify with an amended condition** Auckland Transport confirms that an asphaltic concrete surfacing (or equivalent low noise road surface) will be applied withing 12 months of the construction of the Project. Resurfacing of Auckland Transport roads occurs every 10 years or so. Prior to resurfacing, Auckland Transport completes an assessment of the appropriate road surface application in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 (or any updated version) including the various trigger points outlined in clause (b) relating to vehicle numbers, surrounding land use, likely wear and tear due to vehicle type. Public funding of the road surface is directly linked to the type of road surfacing required following that assessment. The new condition proposed by Auckland Transport sets out the process for advising Auckland Council where any future resealing works for the Projects (in accordance with the AT Guidelines), does not meet the triggers for asphaltic concrete surfacing, and is no longer required on the road (or any section of it). The timing of any resealing work will also be provided to Council.
D4	26	**Traffic Noise** **(a) The project shall be designed to achieve an operational traffic noise level of Category B in the Project design year (based on a traffic forecast for a high growth scenario) at the existing Protected Premises and Facilities (PPFs) shown in Schedule 2 and listed below:** **(i) 6 Ponga Road** **(ii) 36 Ponga Road** **(iii) 68 Ponga Road** **(iv) 201 Sutton Road** **(b) Prior to the Start of Construction, a Suitably Qualified and Experienced Person shall prepare a Noise Mitigation Plan written in accordance with Chapter 7 of P40 Waka Kotahi NZTA P40:2014 Specification for Noise Mitigation and be provided to the Manager for certification.** **(c) The purpose of the Noise Mitigation Plan is to confirm that the mitigation of traffic noise achieves Category B levels at the existing PPFs listed in Condition 26(a)(i) – (iv) and shown in Schedule 2.**	**Modify the operational noise conditions for NoR D4** In the traffic noise assessment submitted with the AEE, barriers were recommended at four individual existing PPFs for NoR D4 (Ōpāheke North South FTN Arterial). The four existing PPFs are shown in an updated Schedule 2. Before construction of the Project, should these PPFs still exist, the mitigation for achieving Category B levels will be determined by a Suitably Qualified and Experienced Person. These conditions set out the process for this which also includes: • Preparation of a Noise Mitigation Plan to confirm the mitigation for the four existing PPFs • Consultation with the relevant landowner • Submission of the Noise Mitigation Plan to Council for certification • when the mitigation needs to be implemented • the circumstances where noise categories do not need to be met. For example, where the PPF no longer exists.

[28] NoRs D3 – D4: Condition 25, NoR D5: Condition 26

[29] NoRs D3 – D4: Condition 25(b)(i) – (iv), NoR D5 Condition 26(b)(i) – (iv)

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 modification
		The Noise Mitigation Plan shall include confirmation that consultation has been undertaken with affected property owners for site specific design requirements and the implementation programme. For the avoidance of doubt, the low noise road surfacing implemented in accordance with Condition 25 may be (or be part of) the traffic noise mitigation. **(d) The traffic noise mitigation 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 twelve months of completion of construction.** **(e) The Category B levels at the PPFs listed in Condition 26(a)(i) – (iv) and shown in Schedule 2 do not need to be complied with where:** **(i) the PPF no longer exists; or** **(ii) agreement of the landowner has been obtained confirming that the Category B level does not need to be met.** **(f) The traffic noise mitigation shall be maintained to retain noise reduction performance as far as practicable.**	

Yours sincerely

Jane Small
Group Manager PMO, Strategic Programmes & Property

Appendix A – Auckland Transport's Modifications to NoR D2 conditions (tracked)

18xx Jesmond to Waihoehoe West FTN Upgrade

Designation Number	18XX
Requiring Authority	Auckland Transport
Location	Land between Jesmond Road and Waihoehoe Road West
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.

Purpose

Construction, operation and maintenance of an arterial transport corridor.

Conditions

Abbreviations and Definitions

Acronym/Term	Definition
Activity sensitive to noise	An activity sensitive to noise is 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
ARI	Annual Recurrence Interval
Average increase in flood hazard	Flow depth times velocity.
BMP	Bird Management 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 and CNVMP Schedules	Confirmation from the Manager that a material change to a plan **or CNVMP Schedule** has been prepared in accordance with the condition to which it relates. A material change to a management plan **or CNVMP Schedule** 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. (c) **<u>five working days from the submission of the material change to a CNVMP Schedule where no written confirmation of certification has been received.</u>**
CHI	Auckland Council Cultural Heritage Inventory
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.
Construction Works	Activities undertaken to construct the project excluding Enabling Works.
Council	Auckland Council
CPTED	Crime prevention through environmental design
CTMP	Construction Traffic Management Plan
EIANZ Guidelines	Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018.
Enabling works	Includes, but is not limited to, the following and similar activities: • geotechnical investigations (including trial embankments); • archaeological site investigations; • formation of access for geotechnical investigations; • establishment of site yards, site entrances and fencing; • constructing and sealing site access roads; • demolition or removal of buildings and structures; • relocation of services; and • establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting).
Existing authorised habitable floor	The floor level of any room in a residential building which is authorised by building consent 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.
Flood prone area	A potential ponding area that relies on a single culvert for drainage and does not have an overland flow path.

Habitable floor level that has existing flooding	Where the flood level using the pre project model scenario is above the existing authorised the habitable floor level.
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate.
Maximum Probable Development	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 Auckland Unitary Plan, the probable level of development arising from zone changes.
MID	Maintenance in Design
Network Utility Operator	Has the same meaning as set out in section 166 of the RMA
Ngakoroa Stream Wetlands	For the purpose of Condition 2~~7~~8, the Ngakoroa Stream Wetlands is the area shown in Schedule 2.
NOR	Notice of Requirement
NUMP	Network Utilities Management Plan
NZAA	New Zealand Archaeological Association
NZTM	New Zealand Transverse Mercator [coordinates system]
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.
Pre-project development	Existing site condition prior to the project (including existing buildings and roadways).
Post-project development	Site condition after the project has been completed (including existing and new buildings and roadways).
Requiring Authority	Has the same meaning as section 166 of the RMA and for this Designation is Auckland Transport (AT).
RMA	Resource Management Act (1991)
SCEMP	Stakeholder Communication and Engagement Management Plan
SID	Safety in Design
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 and Experienced Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability and competence.
UID	Unique Identifier
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; and (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 within 12 months of the date on which this designation is included in the AUP. All directly affected owners and occupiers shall be notified in writing 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) a subscription service to enable receipt of project updates by email; and (v) how to apply for consent for works in the designation under s176(1)(b) of the RMA. (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.
3.	**Designation Review** (a) The Requiring Authority shall within 6 months of Completion of Construction, or as soon as otherwise practicable: (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. ~~(b) Notwithstanding the above, on an on-going basis, and at least every six months until Completion of Construction, the Requiring Authority shall:~~

	~~(i) assess whether any areas of the designation that have been identified for construction purposes are still required for that purpose;~~ ~~(ii) identify any areas of the designation that are no longer necessary for construction purposes or the on-going operation or maintenance of the project or for on-going mitigation measures; and give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.~~
4.	**Lapse** In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.
5.	**Network Utility Operators (Section 176 Approval)** (a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure located within the designation will not require written consent under section 176 of the RMA for the following activities: (i) operation, maintenance and urgent repair works; (ii) minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility 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 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.
<u>Pre-construction Conditions</u>	
6.	**Outline Plan(s)** (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, as follows: (i) Network Utilities Management Plan; (ii) Construction Environmental Management Plan; (iii) Construction Traffic Management Plan; (iv) Construction Noise and Vibration Management Plan; (v) Urban and Landscape Design Management Plan; (vi) Historic Heritage Management Plan; (vii) Bird Management Plan; and

	(viii) Tree Management Plan.
7.	**Management Plans** (a) Any management plan shall: (i) be prepared and implemented in accordance with the relevant management plan condition (refer to Conditions 8 to 30); (ii) be prepared by a Suitably Qualified and Experienced 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 other 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 s176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; and (vi) once finalised, uploaded to the project website or equivalent virtual information source. (b) Any management plan developed in accordance with Condition 7(a) 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; and (iii) if there is a material change required to a management plan which has been submitted with an Outline Plan in accordance with Condition 6, 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. (c) Any material changes to the SCEMPs are to be submitted to the Council for information. ***Advice Note:*** *Material change will include amendment to any base information informing the management plan or any process, procedure or method of the management plan which has the potential to increase adverse effects on a particular value. For clarity changes to personnel and contact schedules do not constitute a material change.*
8.	**Cultural Advisory Report** (a) At least six (6) 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.

	(b) 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. To achieve the objective, 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 Urban and Landscape Design Management Plan and Historic Heritage Management Plan, and the Cultural Monitoring Plan referred to in Condition 20; and (vi) identifies and (if possible) nominates traditional names along the Project alignment. Noting there may be formal statutory processes outside the Project required in any decision-making. (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 8(b) and 8(c) above will cease to apply if: (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least 6 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.
9.	**Urban and Landscape Design Management Plan** (a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) 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’s potential adverse landscape and visual effects are avoided, remedied and mitigated as far as practicable and it contributes to a quality urban environment. (c) The ULDMP shall be prepared in general accordance with: (i) Auckland Transport’s Urban Roads and Streets Design Guide;

		(ii) Waka Kotahi Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) Waka Kotahi Landscape Guidelines (2013) or any subsequent updated version; (iv) Waka Kotahi 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~~;~~. ~~and shall have regard to the outcomes of the Drury~~ Ōpāheke ~~Structure Plan and the mitigation measures detailed in the evidence of Mr Chris Bentley paragraph 14.19.~~ (d) To achieve the objective, 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.
10.	(a)	The ULDMP(s) shall include: (i) a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; (ii) developed design concepts, including principles for walking and cycling facilities and public transport; and (iii) landscape and urban design details – that cover the following: A. 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, benching, spoil disposal sites, median width and treatment, roadside width and treatment; B. roadside elements – such as lighting, fencing, wayfinding and signage;

		C. architectural and landscape treatment of all major structures, including bridges and retaining walls; D. architectural and landscape treatment of noise barriers; E. landscape treatment of permanent stormwater control wetlands and swales; F. integration of passenger transport; G. pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses ~~and integration of open space linkages~~; H. historic heritage places with reference to the HHMP in Condition 26; and I. re-instatement of construction and site compound areas, driveways, accessways and fences.
11.	(a)	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 Tree Management Plan in Condition 29. Where practicable, mature trees and native vegetation should be retained; B. street trees, shrubs and ground cover suitable for berms; C. treatment of fill slopes to integrate with adjacent land use, streams, riparian margins and open space zones~~, including ecological linkages identified in the Drury-Ōpāheke Structure Plan~~; D. planting of stormwater wetlands; E. identification of vegetation to be retained and any planting requirements under Conditions 27 and 28; 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; ~~and~~ ~~(iv) a maintenance plan in accordance with the Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version.~~ (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 8 may be reflected in the ULDMP. ***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.*
12.	**Specific Outline Plan Requirements** **Flood Hazard** (a) Where relevant to the Stage of Work, the project shall be designed to demonstrate that: (i) the unnamed tributary of the Ngakoroa Stream generally located at NZTM 1772069, 5891654 and shown in Schedule 1 is crossed by a bridge; and (ii) the existing Norrie Road Bridge crossing the Hingaia Stream generally located at NZTM 1773201, 5891836 and shown in Schedule 1 is removed within 6 months of a new bridge crossing the Hingaia Stream becoming operational. (b) The project shall be designed to achieve the following flood risk outcomes: (i) no increase in flood levels for existing authorised habitable floors that are already subject to flooding; (ii) no more than a 10% reduction in freeboard for existing authorised habitable floors; (iii) no increase of more than 50mm in flood level on land zoned for urban or future urban development where there is no existing dwelling; (iv) no new flood prone areas; and (v) no more than a 10% average increase of flood hazard (defined as flow depth times velocity) for main access to authorised habitable dwellings existing at time the Outline Plan is submitted.

	(c) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-project and post-project 100 year ARI flood levels (for Maximum Probable Development land use and including climate change). (d) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising the 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.
13.	**Closure of Flanagan Road Intersection with Waihoehoe Road** If the Flanagan Road intersection with Waihoehoe Road requires closure, and no alternative connection has been provided for Flanagan Road, the project shall be designed to provide an alternative connection for Flanagan Road. Where this outcome cannot be achieved within the designation, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work.
14.	**Existing Property Access** Where ~~the accessibility of a~~ property vehicle access~~way~~, which exists at the time the Outline Plan is submitted, is altered by the project, the requiring authority shall consult with the directly affected landowner regarding the required changes, and the Outline Plan shall demonstrate how safe alternate access will be provided, unless otherwise agreed with the affected landowner.
15.	**Realignment of Tui Street** The Outline Plan shall demonstrate how the realignment of Tui Street provides for safe and legible access for the Drury and Districts Rugby Football and Recreation Club and community facilities using Tui Street and the use of the Drury Domain. This shall include provision of a left turn in at Waihoehoe Road if practicable, unless an alternative access can be provided. The Outline Plan shall also include confirmation that a safety audit of the final design solution has been completed.
16.	**Closure of Creek Street (south) Intersection with Bremner Road** The Outline Plan shall demonstrate how the closure of Creek Street intersection with Bremner Road provides for adequate turning movements for heavy vehicles.

Construction Conditions	
17.	**Construction Environmental Management Plan** (a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. (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: (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential areas, locations of refuelling activities and construction lighting; (v) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vi) methods for providing for the health and safety of the general public; (vii) 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; (viii) procedures for incident management; (ix) procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to Watercourses; (x) 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; (xi) procedures for responding to complaints about Construction Works; and methods for amending and updating the CEMP as required.
18.	**Stakeholder Communication and Engagement Management Plan** (a) A SCEMP shall be prepared ~~in consultation with the Council at least 6 months~~ prior to the Start of Construction for a Stage of Work. (b) The objective of the SCEMP is to identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be engaged with throughout the Construction Works. To achieve the objective, the SCEMP shall include: (i) 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);

	(ii) 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; (iii) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (iv) a list of stakeholders, organisations (such as community facilities), and businesses who will be engaged with; (v) identification of the properties whose owners will be engaged with; ~~(vi) methods and timing to engage with landowners whose access is directly affected;~~ ~~(vii)~~ (vi) 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 (iv) and (v) above; and ~~(viii)~~ (vii) 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 ten working days prior to the Start of Construction for a Stage of Work. ~~(d) The SCEMP shall be reviewed six monthly for the duration of construction and updated if required. Any updated SCEMP shall be provided to the persons referred to in (b) and Auckland Council for review and agreement on any further action to be undertaken. Any further action recommended as a result of this review shall be undertaken by the Project Liaison Person and confirmation of completion provided to Auckland Council. If, in the course of amendments undertaken as part of the review process, a material change to the SCEMP is made, those parties affected by the change shall be notified within 1 month of the material change occurring.~~
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) the weather conditions at the time of the complaint (as far as reasonably practicable), including wind direction and approximate wind speed if the complaint relates to air quality or noise and where weather conditions are relevant to the nature of the complaint; and~~ ~~(vi)~~ (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** (a) Prior to the start of Construction Works, a Cultural Monitoring Plan shall be prepared by a Suitably Qualified and Experienced Person(s) identified in collaboration with Mana Whenua. (b) The objective of the Cultural Monitoring Plan is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction Works. (c) The Cultural Monitoring Plan 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 any accidental discovery protocols under Condition 26 ~~27~~. (d) If Enabling Works involving soil disturbance are undertaken prior to the start of Construction Works, an Enabling Works Cultural Monitoring Plan shall be prepared by a Suitably Qualified and Experienced Person identified in collaboration with Mana Whenua. This plan may be prepared as a standalone

	Enabling Works Cultural Monitoring Plan or be included in the main Construction Works Cultural Monitoring Plan. ***<u>Advice Note</u>*** *Where appropriate, the Cultural Monitoring Plan 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** (a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. (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: (i) methods to manage the effects of temporary traffic management activities on all road users; (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 schools or to manage traffic congestion; (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; (v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including pedestrians and cyclists, on existing roads; (vi) methods to maintain vehicle access to public and private property and/or private roads where practicable, or to provide alternative access arrangements when it will not be; (vii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; and (viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents/public/stakeholders/emergency services).
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 **<u>as far as practicable:</u>** **Table 22.1: Construction noise standards**

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

(b) Where compliance with the noise standards set out in the Table 22.1 above is not practicable, and unless otherwise provided for in the CNVMP, then 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 criteria

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 are based on DIN 4150-3:1999 building damage criteria for daytime* (b) Where compliance with the vibration standards set out in Table 23.1 above is not practicable, and unless otherwise provided for in the CNVMP as required by Condition 24(c)(x), then the methodology in Condition 25 shall apply.
24.	**Construction Noise and Vibration Management Plan** (a) A CNVMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) A CNVMP shall be implemented during the Stage of Work to which it relates. (c) The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for ~~preventing or minimising~~ **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. To achieve this 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** ~~prioritising the management of construction activities to avoid night works and other sensitive times, including Sundays and public holidays unless it can be demonstrated that the work cannot practicably be undertaken during the daytime due to safety reasons, unreasonable traffic congestion or traffic delays or similar reasons~~; (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) identification of areas where compliance with the noise (Condition 22) and/or vibration standards (Condition 23 Category A or Category B) will not be practicable and the specific management controls to be

	implemented and consultation requirements with owners and occupiers of affected sites; (xi) 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 and where sufficient information is not available at the time of the CNVMP to determine the area specific management controls (Condition 24(c)(x)); (xii) procedures for: A. communicating with affected receivers, where measured or predicted vibration from construction activities exceeds the vibration criteria of Condition 23; and B. assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category A vibration criteria of Condition 23, **including the requirement to undertake building condition surveys before and after works to determine whether any damage has occurred as a result of construction vibration**; and (xiii) requirements for review and update of the CNVMP.
25.	**Schedule to a CNVMP** (a) Unless otherwise provided for in a CNVMP, a Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction activity to which it relates by a Suitably Qualified and Experienced 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 ~~for preventing or minimising~~ **to manage** noise and/or vibration effects for the duration of the construction activity to which it relates beyond those measures set out in the CNVMP. The Schedule shall as a minimum set out: (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 in Condition 25 (a) and predicted duration of the exceedance;

(iv) the proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why;
(v) 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
(vi) location, times and types of monitoring.

~~(c) When construction vibration from a construction activity is either predicted or measured to exceed the Category B standard at the receivers in Condition 19, the construction activity shall not commence until a Suitably Qualified and Experienced Person has undertaken a building condition survey (provided the affected owners and/or occupiers have agreed to such survey). The building condition survey shall as a minimum include, but not be limited to, the following:~~

~~(i) determination of building classification: commercial, industrial, residential or a historic or sensitive structure;~~
~~(ii) determination of building specific vibration damage risk thresholds; and~~
~~(iii) recording (including photographs) the major features of the buildings including location, type, construction (including foundation type), age and present condition, including~~ existing levels of any aesthetic damage or structural damage.

~~(d) The building condition survey and specific Best Practicable Option measures to prevent and minimise vibration effects for the duration of the construction activity to which it relates beyond those measures set out in the CNVMP shall be added as a Schedule. The Schedule shall be prepared in consultation with the owners and occupiers of buildings subject to the Schedule, and as a minimum, contain the information set out in (b) above and the findings of the building pre-condition survey.~~

~~(e) Vibration monitoring shall be undertaken and continue throughout the construction activity covered by the Schedule. Following completion of the activity, a building condition survey shall be undertaken to determine if any damage has occurred as a result of construction vibration, and any such damage shall be repaired by the Requiring Authority.~~

~~(f)~~ (c) The Schedule shall be submitted to the Manager for certification at least 5 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.

~~(g)~~ (d) 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 (~~f~~**c**) 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** ~~(a) The Requiring Authority shall design and implement the construction, operation and maintenance of the Project to achieve the following historic heritage outcomes:~~ ~~(i) To deliver positive historic heritage opportunities and outcomes.~~ ~~(ii) To avoid as far as practicable, adverse effects on historic heritage places.~~ ~~(iii) Where avoidance of adverse effects cannot be achieved; remedy or mitigate all adverse effects on historic heritage places as far as practicable.~~ ~~(b)~~ (a) A HHMP shall be prepared ~~by the nominated heritage specialist(s)~~ in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. ~~(c) The HHMP shall be prepared with up-to-date information. This information shall be provided to Council prior to the lodgement of the HHMP to streamline the review process. This includes, but is not limited to:~~ ~~(i) Any archaeological assessments, heritage impact or cultural assessments, granted authorities, final archaeological reports and updated site record forms (CHI and New Zealand Archaeological Association ArchSite) prepared/submitted since time of the granting of any designation;~~ ~~(ii) Additional areas of survey and investigation undertaken as part of the project; and~~ ~~(iii) Further assessment and field survey of historic heritage by the nominated heritage specialist(s) which include (but are not limited to) the following:~~ ~~a. locations proximate to waterways adjacent to Oira Creek and the Ngākōroa Stream. Definition of the extent of the site of the Runciman homestead and farm buildings (NZAA R12/1131, CHI 22177) using non-invasive techniques or exploratory investigation~~ ~~b. Historic tauranga waka site (NZAA R12/1131, 22177)~~ ~~c. Ngākōroa Stream bridge site (NZAA R12/1171, CHI 23172)~~ ~~d. Commissariat redoubt and wharf site, including related features including beyond the defensive perimeter (NZAA R12/756, CHI 319, 14072, AUPOIP UID 2173)~~ ~~e. Norrie Road Hingaia Stream bridge site (NZAA R12/1152, CHI 23078)~~

~~f. Drury Post Office store, bakehouse and residence sites (NZAA R12/1143, CHI 23071; NZAA R12/1149, CHI 23075)~~

~~g. Commercial buildings site/s, 236 Great South Road (no site number/s)~~

~~h. St John's Church and graveyard (NZAA R12/1129, CHI 2458, HNZPT list 2596, AUPOIP UID 707)~~

~~i. Aroha Cottage/paymaster's house (CHI 2455, HNZPT list 692, AUPOIP UID 704)~~

~~j. Former Drury creamery and casein factory (CHI 15102)~~

~~k. Former railway worker's residence (CHI 22288)~~

~~(iv) If removal of the former Drury creamery and casein factory building cannot be avoided as part of the detailed design of the Project, then:~~

~~A. In the first instance, options for relocation of parts or all of the building within the local area shall be investigated~~

~~B. If relocation options can be shown to have been exhausted, the building shall be demolished, subject to archaeological deconstruction by a suitably qualified and experienced buildings archaeologist (including salvaging historic materials in reusable condition where possible) and recorded in accordance with Level I of *HNZPT Archaeological Guidelines Series No. 1 (AGS 1): Investigation and recording of buildings and standing structures* (November 2018), or any subsequent version~~

~~C. The Manager and the Manager: Heritage Unit shall be advised in writing at least 10 working days prior to the relocation or demolition of the building with accompanying records~~

~~(d) The HHMP shall be consistent with all relevant statutory requirements, including the conditions of any Archaeological Authority granted by HNZPT for the Project.~~

~~(e)~~ **(b)** ~~To achieve the outcomes in (a), the HHMP shall as a minimum identify and include:~~ **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:**

(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 NZHPT 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. **This shall include non-invasive techniques or exploratory investigation to clarify the extent of the Runciman's Homestead site (NZAA R12/1131);**

(vii) the proposed methodology for investigating and recording post-1900 historic heritage places (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 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version. This shall include a built heritage assessment of:**

A. **the former Drury Creamery and Casein Factory (12 Norrie Road, CHI site 15102)** ~~*HNZPT Archaeological Guidelines Series No. 1 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018),* or any subsequent version~~; and

B. **the former railway worker's residence (18 Waihoehoe Road, CHI site 22288)** ~~*International Council on Monuments and Sites New Zealand Charter 2010* or any subsequent version.~~

(viii) methods to acknowledge cultural values identified through Condition 8 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** ~~identified as part of~~ the **Designation** ~~detailed design of the Project~~ and 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; and

B. using geotextile fabric and aggregate in construction compound areas not being earthworked, and removal and reinstatement upon completing Construction Works;

~~C. using construction methods that minimise vibration or other potentially adverse effects; and~~

~~D. methods to recover or record any submerged artefacts or structural remains on the bed of the Ngākōroa Stream in the vicinity of the historic tauranga waka site; Ngākōroa Stream bridge site, or the sites of theCommissariat/Drury/Runciman~~

~~wharves; and the bed of the Hingaia Stream at the Hingaia Stream bridge site.~~

(x) ~~in addition to complying with Condition 25 and (ix)C. above,~~ methods to protect ~~avoid~~ or minimise damage **to the** ~~adverse physical effects (including, but not limited to structural or other damage, cracking, slumping, subsidence, collapse or breakage) to the~~ Aroha Cottage/paymaster's house (CHI 2455, HNZPT list 692, AUPOIP UID 704) and St Johns Anglican Church and Cemetery ~~graveyard~~ (NZAA R12/1129, CHI 2458, HNZPT list 2596, AUP Scheduled Site UID 707) during Construction Works as far as practicable based on pre-construction advice from a specialist heritage conservator.

(xi) **measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and**

(xii) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation~~, methods and procedures in the HHMP~~, legal obligations relating to accidental discoveries, **the AUP Accidental Discovery Rule (E11.6.1)** ~~and accidental discovery protocols in Condition 27 below.~~ The training shall be undertaken prior to the Start of Construction, under the guidance of **a Suitably Qualified and Experienced Person** ~~the nominated heritage specialist(s)~~ and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8).

~~(xiii) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes. Measures may include, but not be limited to: increased public awareness and amenity of historic heritage sites, interpretation, repatriation, donation of historic heritage material to suitable repositories, publication of heritage stories, and active conservation/restoration of heritage features;~~

~~(xiv) definitions of terms used to identify and assess historic heritage places and alignment with relevant statutory definitions as far as practicable;~~

~~(xv) reporting requirements for historic heritage places during and after the completion of Construction Works and at the completion of projects works, including a plan for dissemination of reports resulting from these requirements; and~~

~~(xvi) measures for the interim stabilisation/conservation (where necessary), storage and curation of objects and artefacts (including taonga tūturu) and any other physical or documentary material that forms part of the wider historic heritage places archive.~~

~~(f) The Council and descendants of the individuals interred (where applicable) shall be advised in writing at least 10 working days prior to removal or relocation of grave markers or building fabric from the St John's Anglican Church and graveyard site if this is required to achieve compliance with Condition 26(e)(x).~~

~~(g) Any material changes made to the HHMP either prior to or during Construction Works shall be prepared by the nominated heritage specialist(s) and~~

	~~submitted to the Manager (in consultation with the Manager: Heritage Unit) for certification.~~ **(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), ~~including interim reports,~~ shall be submitted to the Manager ~~(in consultation with the Manager: Heritage Unit)~~ within 12 months of ~~being produced~~ completion.** ***Advice Notes:*** ***The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.*** ~~1. The Council acknowledges that the HHMP is intended to provide flexibility both for the Requiring Authority and the Council for the management of historic heritage places. Accordingly, the HHMP may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the HHMP and limited to the scope of this Designation.~~ ~~2. The historic heritage places archive consists of the records and finds made during Construction Works, including written or drawn documentation, digital files, and artefacts and materials such as taonga tūturu.~~
~~27.~~	~~**Accidental discovery during construction works and historic heritage documenting requirements (including post-construction)**~~ ~~(a) Prior to the start of Construction for a Stage of Works, the Requiring Authority shall prepare an Accidental Discovery Protocol for any accidental historic heritage discoveries which occur during Construction Works. The protocol:~~ ~~(i) Shall be consistent with the Auckland Unitary Plan Accidental Discovery Rule (E11 Land disturbance regional – E11.6.1) or any amended version of this rule;~~ ~~(ii) Shall be prepared in engagement with Mana Whenua and in consultation with Auckland Council and HNZPT and modified as necessary to reflect the site-specific project detail. The Requiring Authority shall undertake engagement and consultation for a period of not less than 30 days; and~~ ~~(iii) Shall be implemented for the duration of Construction Works.~~ ~~(b) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring etc.), including interim reports, shall be submitted to the Manager (in consultation with the Manager: Heritage Unit) within 12 months of being produced.~~ ~~(c) The nominated heritage specialist(s) shall record and log any heritage discovery and on-going compliance with the conditions of this Designation. This log shall be provided to the Manager: Compliance Monitoring (in consultation with the Manager: Heritage Unit) quarterly.~~

	~~(d) In the event that any unrecorded historic heritage places are exposed as a result of the work, these shall be recorded and documented by a suitably qualified and experienced person for inclusion in the CHI or any subsequent heritage database. The information and documentation shall be forwarded to the Manager: Heritage Unit (heritageconsents@aucklandcouncil.govt.nz) or other address nominated by the Manager: Heritage within twelve months of the works being completed on site.~~ (e) ~~Within 12 months of Construction Works being completed, the nominated heritage specialist(s) shall prepare and submit a report to the Manager (in consultation with the Manager: Heritage Unit) which includes the log required by Condition 27(c) and certify that all Construction Works have been completed in accordance with the Conditions of this Designation.~~
~~28~~ 27.	**Pre-Construction Wetland Bird Survey** (a) Prior to the Start of Construction for a Stage of Work within 500m of the Ngakoroa Stream Wetlands, a survey and assessment of Threatened or At-Risk wetland birds and their habitat in the area shown in Schedule 2 shall be undertaken by a Suitably Qualified and Experienced Person. (b) The purpose of the survey and assessment is to: (i) confirm the ecological value of the Ngakoroa Stream Wetlands for Threatened or At-Risk wetland birds; and (ii) confirm whether the project will or may have a moderate or greater level of ecological effect on Threatened or At-Risk wetland birds and their habitat prior to implementation of impact management measures, as determined in accordance with the EIANZ Guidelines for Use in New Zealand: Terrestrial and Freshwater Ecosystems (May 2018) or subsequent revision. (c) If the wetland bird survey in (a) above confirms that the project will or may have a moderate or greater level of ecological effect on Threatened or At-Risk wetland birds without impact management, then Condition 28 ~~29~~ applies.
~~29~~ 28.	**Bird Management Plan** (a) If required under Condition 27 ~~28~~, prior to the start of construction for a Stage of Work within 500m of the Ngakoroa Stream Wetlands, a BMP shall be prepared and implemented. (b) The objective of the BMP is to avoid and/or minimise impacts of construction activities on Threatened or At-Risk wetland birds in the Ngakoroa Stream Wetlands. The BMP shall set out the methods that will be used to achieve this objective. These methods may include: (i) commencing Construction Works outside of the wetland bird breeding season (September to February) where practicable, in order to discourage bird nesting in the construction areas within the designation;

	(ii) a nesting bird survey of Threatened or At-Risk wetland birds undertaken by a Suitably Qualified and Experienced Person. This should occur prior to any Construction Works taking place within a 50m radius of the Ngakoroa Stream Wetlands (including establishment of construction areas adjacent to the Ngakoroa Stream Wetlands). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction inactivity; (iii) protection and buffer measures if nesting Threatened or At-Risk Wetland birds are identified within 50m of any construction area (including laydown areas). This 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; and 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; (iv) a 10m setback where practicable, between the edge of the Ngakoroa Stream Wetlands and the construction area (along the edge of the stockpile/laydown area). This could be achieved by retaining existing vegetation or by planting unvegetated areas with native coastal forest/riparian/wetland species (as appropriate). Marker poles, tape and signage could also be used to clearly delineate the wetland area to prevent encroachment; and (v) minimising light spill from construction areas into the Ngakoroa Stream Wetlands. (c) The BMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any resource consents granted for the project. ***<u>Advice Note:</u>*** *Depending on the potential effects of the project, the resource consents for the project may include the following monitoring and management plans:* *(a) Stream and/or wetland restoration plans;* *(b) Vegetation restoration plans; and* *(c) Fauna management plans (e.g. herpetofauna, bats).*
~~30~~ <u>29</u>.	**Tree Management Plan**

	(a) Prior to the Start of Construction for a Stage of Work, a Tree Management Plan shall be prepared. (b) The objective of the Tree Management Plan is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 3. (c) The Tree Management Plan shall: (i) confirm that the trees listed in Schedule 3 still exist; and (ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree listed in Schedule 3. This may include: A. planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 11); B. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and C. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards. (iii) demonstrate how the tree management measures (outlined in A – C above) are consistent with conditions of any resource consents granted for the project in relation to managing construction effects on trees.
~~31~~ 30.	**Network Utility Management Plan** (a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. 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) 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; and (iii) 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 NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed.

	(e) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP. (f) 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	
~~32~~ 31.	**Low Noise Road Surface** **(a)** **Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within twelve months of Completion of Construction of the project.** **(b)** **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.** **(c)** **Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 31(b)(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.**

Attachments

Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation and maintenance of an arterial transport corridor in Drury from Jesmond Road (from State Highway 22) to Waihoehoe Road east of Fitzgerald Road including active transport facilities and associated infrastructure. The proposed work is shown in the following Concept Plan and includes:

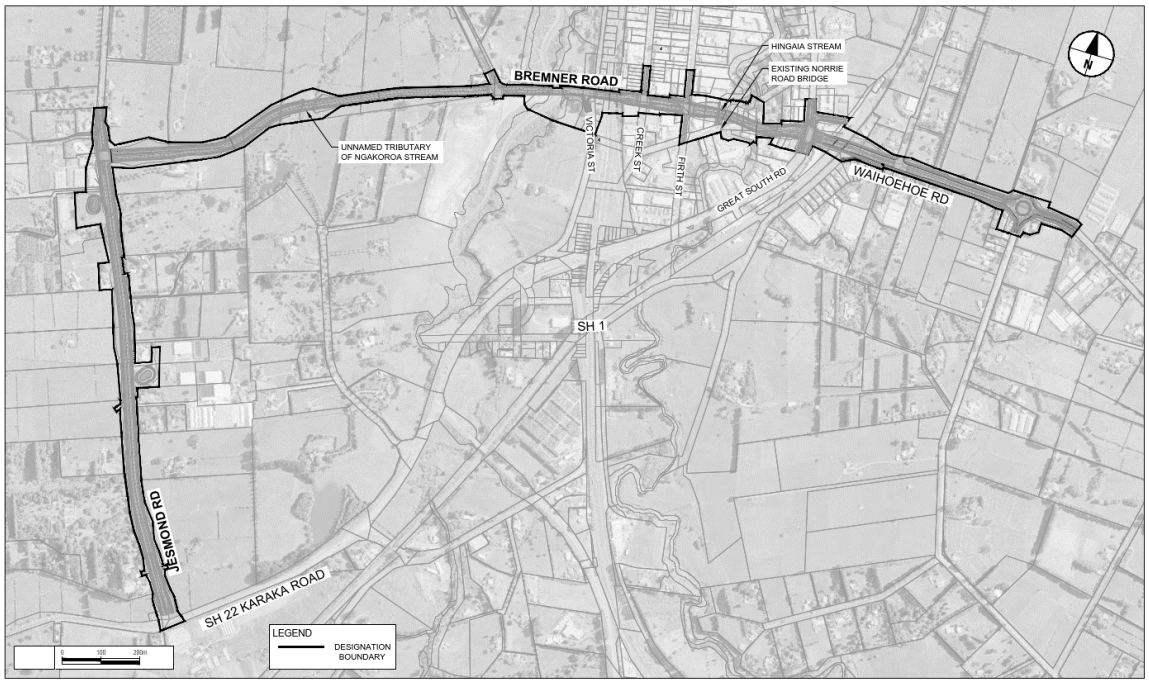
(a) An upgraded and new transport corridor with four lanes, including public transport and active transport facilities;

(b) Associated works including intersections, bridges, embankments, retaining, culverts, stormwater management systems and realignment of Tui Street;

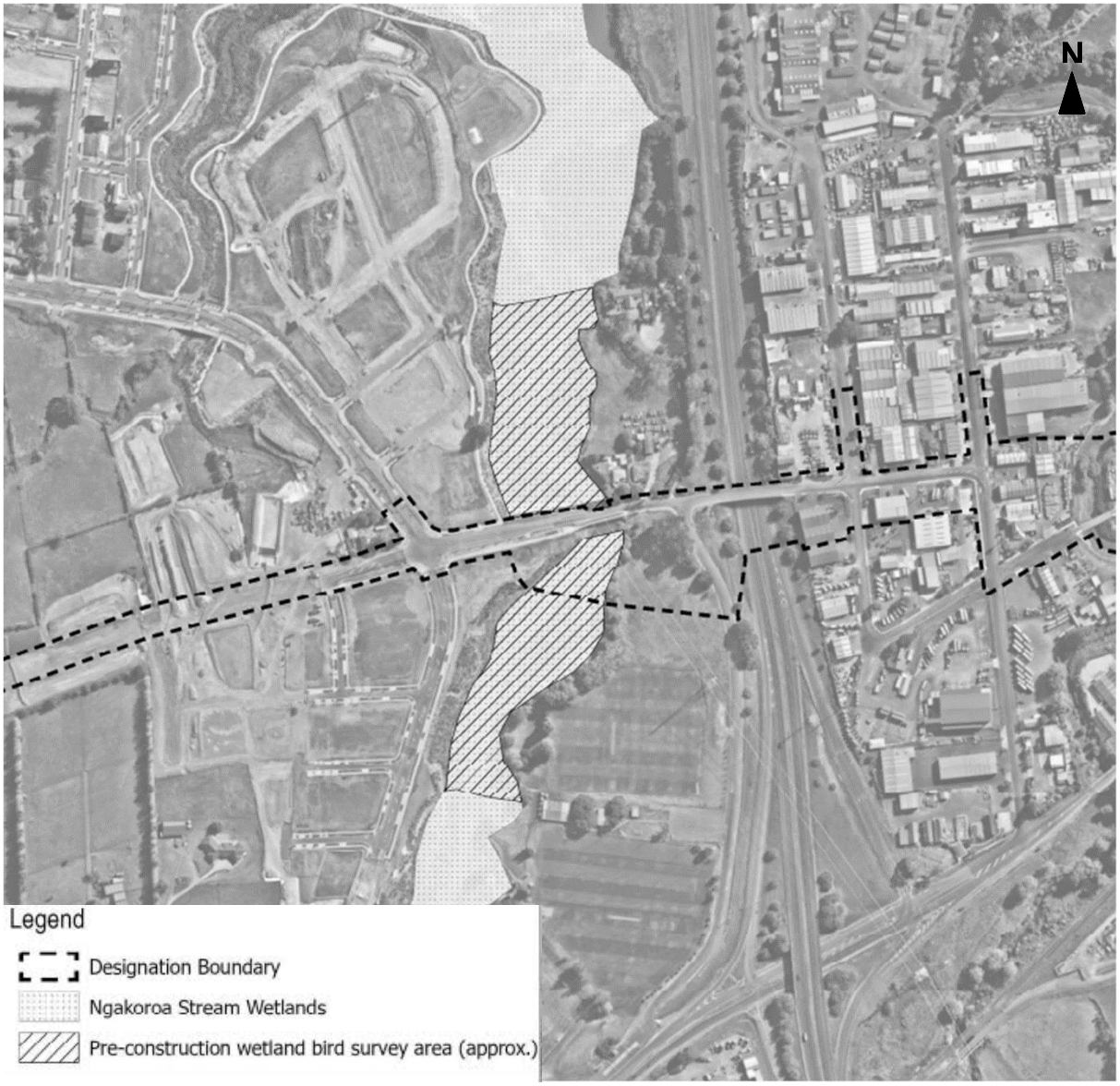
(c) Changes to local roads, where the proposed work intersects with local roads; and

(d) Construction activities, including vegetation removal, construction compounds, lay down areas, bridge works area, construction traffic management and the re-grade of driveways.

Concept Plan



Schedule 2: Pre-construction Wetland Bird Survey



Schedule 3: Trees to be Included in the Tree Management Plan

Tree Number	Tree or Group	Number of trees	Species List	Location (refer to Tree Location Plan)	Reason for protection in the AUP (District Plan rules) as at January 2021 when the Notice of Requirement was lodged
27	Hedge / shelter belt	undefined	Cryptomeria japonica	Within 201 Jesmond Road (Lot 1 DP 365133) adjoining the road corridor	Heritage
39	Tree group	9	Platanus x hispanica 'Acerifolia'	Within the Bremner Road road corridor adjoining 132F Bremner Road (Lot 611 DP 528695), 132E Bremner Road (Lot 610 DP 528695).	Road
40	Tree group	8	Pinus radiata	Within 20 Victoria Street (Part Allot 37 PSH OF Opaheke). Drury Sports Complex, on the corner of Bremner Road and Victoria Road	Open space
41	Tree group	5	Quercus palustris, Liquidambar styraciflua, Ligustrum lucidum, Fraxinus ornus	Within 20 Victoria Street (Part Allot 37 PSH OF Opaheke). Drury Sports Complex, adjacent to Ngakoroa Stream.	Open space, Riparian
42	Tree group	8	Quercus palustris, Liquidambar styraciflua, Populus yunnanensis	Within the Victoria Street Road corridor / Drury Sports Complex	Open space
43	Tree group	4	Quercus robur	Within the State Highway 1 road corridor	Road
44	Tree group	3	Melia azedarach, Podocarpus totara	Within the Creek Street road corridor adjacent to 11 Bremner Road (1/3 SH Lot 1 DP 144254, Factory 1 DP 144254)	Road
45	Tree group	2	Betula pendula	Within the Bremner Road road corridor adjacent to 69 Creek Street (Lot 1 DP 201670)	Road
46	Tree group	3	Salix fragilis, Populus alba	Within the Esplanade Reserve at 19 Norrie Road (Crown Land Survey Office Plan 200).	Open Space
48	Tree group	3	Salix alba, Populus yunnanensis	Within the Cameron Road paper road corridor adjoining 9 Cameron Place (Lot 2 DP 535409).	Road
49	Single Tree	1	Thuja occidentalis	Within the Cameron Road paper road corridor adjoining 9 Cameron Place (Lot 2 DP 535409).	Road
50	Single Tree	1	Picea sitchensis	Within 9 Cameron Place (Lot 2 DP 535409) adjoining the Norrie Road road corridor.	Heritage
51	Single Tree	1	Cryptomeria japonica	Within 9 Cameron Place (Lot 2 DP 535409) adjoining the Norrie Road road corridor.	Heritage
52	Tree group	3	Quercus robur	Within the Waihoehoe Road road corridor adjoining 236 Great South Road (Lot 1 DP 205378)	Road
150	Tree group	5	Washingtonia robusta	Within the road corridor adjoining 239-243 Great South Road (Lot 1 DEEDS Whau 72, Lot 5 DEEDS Whau 72)	Road

Tree Location Plan 1

Tree Location Plan 2

Tree Location Plan 3

Appendix A – Auckland Transport's Modifications to NoR D2 conditions (clean)

18xx Jesmond to Waihoehoe West FTN Upgrade

Designation Number	18XX
Requiring Authority	Auckland Transport
Location	Land between Jesmond Road and Waihoehoe Road West
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.

Purpose

Construction, operation and maintenance of an arterial transport corridor

Conditions

Abbreviations and Definitions

Acronym/Term	Definition
Activity sensitive to noise	An activity sensitive to noise is 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
ARI	Annual Recurrence Interval
Average increase in flood hazard	Flow depth times velocity.
BMP	Bird Management 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 and CNVMP Schedules	Confirmation from the Manager that a material change to a plan or CNVMP Schedule has been prepared in accordance with the condition to which it relates. A material change to a management plan or CNVMP Schedule 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. (c) five working days from the submission of the material change to a CNVMP Schedule where no written confirmation of certification has been received.
CHI	Auckland Council Cultural Heritage Inventory
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.
Construction Works	Activities undertaken to construct the project excluding Enabling Works.
Council	Auckland Council
CPTED	Crime prevention through environmental design
CTMP	Construction Traffic Management Plan
EIANZ Guidelines	Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018.
Enabling works	Includes, but is not limited to, the following and similar activities: • geotechnical investigations (including trial embankments); • archaeological site investigations; • formation of access for geotechnical investigations; • establishment of site yards, site entrances and fencing; • constructing and sealing site access roads; • demolition or removal of buildings and structures; • relocation of services; and • establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting).
Existing authorised habitable floor	The floor level of any room in a residential building which is authorised by building consent 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.
Flood prone area	A potential ponding area that relies on a single culvert for drainage and does not have an overland flow path.

Habitable floor level that has existing flooding	Where the flood level using the pre project model scenario is above the existing authorised the habitable floor level.
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate.
Maximum Probable Development	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 Auckland Unitary Plan, the probable level of development arising from zone changes.
MID	Maintenance in Design
Network Utility Operator	Has the same meaning as set out in section 166 of the RMA
Ngakoroa Stream Wetlands	For the purpose of Condition 27, the Ngakoroa Stream Wetlands is the area shown in Schedule 2.
NOR	Notice of Requirement
NUMP	Network Utilities Management Plan
NZAA	New Zealand Archaeological Association
NZTM	New Zealand Transverse Mercator [coordinates system]
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.
Pre-project development	Existing site condition prior to the project (including existing buildings and roadways).
Post-project development	Site condition after the project has been completed (including existing and new buildings and roadways).
Requiring Authority	Has the same meaning as section 166 of the RMA and for this Designation is Auckland Transport (AT).
RMA	Resource Management Act (1991)
SCEMP	Stakeholder Communication and Engagement Management Plan
SID	Safety in Design
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 and Experienced Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability and competence.
UID	Unique identifier
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; and (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 within 12 months of the date on which this designation is included in the AUP. All directly affected owners and occupiers shall be notified in writing 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) a subscription service to enable receipt of project updates by email; and (v) how to apply for consent for works in the designation under s176(1)(b) of the RMA. (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.
3.	**Designation Review** (a) The Requiring Authority shall within 6 months of Completion of Construction, or as soon as otherwise practicable: (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.

4.	**Lapse** In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.
5.	**Network Utility Operators (Section 176 Approval)** (a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure located within the designation will not require written consent under section 176 of the RMA for the following activities: (i) operation, maintenance and urgent repair works; (ii) minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility 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 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.
<u>Pre-construction Conditions</u>	
6.	**Outline Plan(s)** (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, as follows: (i) Network Utilities Management Plan; (ii) Construction Environmental Management Plan; (iii) Construction Traffic Management Plan; (iv) Construction Noise and Vibration Management Plan; (v) Urban and Landscape Design Management Plan; (vi) Historic Heritage Management Plan; (vii) Bird Management Plan; and (viii) Tree Management Plan.
7.	**Management Plans** (a) Any management plan shall: (i) be prepared and implemented in accordance with the relevant management plan condition (refer to Conditions 8 to 30); (ii) be prepared by a Suitably Qualified and Experienced 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 other 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 s176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; and (vi) once finalised, uploaded to the project website or equivalent virtual information source. (b) Any management plan developed in accordance with Condition 7(a) 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; and (iii) if there is a material change required to a management plan which has been submitted with an Outline Plan in accordance with Condition 6, 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. (c) Any material changes to the SCEMPs are to be submitted to the Council for information. ***Advice Note:*** *Material change will include amendment to any base information informing the management plan or any process, procedure or method of the management plan which has the potential to increase adverse effects on a particular value. For clarity changes to personnel and contact schedules do not constitute a material change.*
8.	**Cultural Advisory Report** (a) At least six (6) 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. (b) 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. To achieve the objective, 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 Urban and Landscape Design Management Plan and Historic Heritage Management Plan, and the Cultural Monitoring Plan referred to in Condition 20; and (vi) identifies and (if possible) nominates traditional names along the Project alignment. Noting there may be formal statutory processes outside the Project required in any decision-making. (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 8(b) and 8(c) above will cease to apply if: (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least 6 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.
9.	**Urban and Landscape Design Management Plan** (a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) 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's potential adverse landscape and visual effects are avoided, remedied and mitigated as far as practicable and it contributes to a quality urban environment. (c) The ULDMP shall be prepared in general accordance with: (i) Auckland Transport's Urban Roads and Streets Design Guide; (ii) Waka Kotahi Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) Waka Kotahi Landscape Guidelines (2013) or any subsequent updated version; (iv) Waka Kotahi 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**.** (d) To achieve the objective, 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.
10.	(a) The ULDMP(s) shall include: (i) a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; (ii) developed design concepts, including principles for walking and cycling facilities and public transport; and (iii) landscape and urban design details – that cover the following: A. 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, benching, spoil disposal sites, median width and treatment, roadside width and treatment; B. roadside elements – such as lighting, fencing, wayfinding and signage; C. architectural and landscape treatment of all major structures, including bridges and retaining walls; D. architectural and landscape treatment of noise barriers; E. landscape treatment of permanent stormwater control wetlands and swales; F. integration of passenger transport; G. pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses;

		H. historic heritage places with reference to the HHMP in Condition 26; and I. re-instatement of construction and site compound areas, driveways, accessways and fences.
11.	(a)	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 Tree Management Plan in Condition 29. Where practicable, mature trees and native vegetation should be retained; B. street trees, shrubs and ground cover suitable for berms; C. treatment of fill slopes to integrate with adjacent land use, streams, riparian margins and open space zones; D. planting of stormwater wetlands; E. identification of vegetation to be retained and any planting requirements under Conditions 27 and 28; 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.
	(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 8 may be reflected in the ULDMP. ***<u>Advice Note:</u>*** *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.
12.	**<u>Specific Outline Plan Requirements</u>** **Flood Hazard** (a) Where relevant to the Stage of Work, the project shall be designed to demonstrate that: (i) the unnamed tributary of the Ngakoroa Stream generally located at NZTM 1772069, 5891654 and shown in Schedule 1 is crossed by a bridge; and (ii) the existing Norrie Road Bridge crossing the Hingaia Stream generally located at NZTM 1773201, 5891836 and shown in Schedule 1 is removed within 6 months of a new bridge crossing the Hingaia Stream becoming operational. (b) The project shall be designed to achieve the following flood risk outcomes: (i) no increase in flood levels for existing authorised habitable floors that are already subject to flooding; (ii) no more than a 10% reduction in freeboard for existing authorised habitable floors; (iii) no increase of more than 50mm in flood level on land zoned for urban or future urban development where there is no existing dwelling; (iv) no new flood prone areas; and (v) no more than a 10% average increase of flood hazard (defined as flow depth times velocity) for main access to authorised habitable dwellings existing at time the Outline Plan is submitted. (c) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-project and post-project 100 year ARI flood levels (for Maximum Probable Development land use and including climate change). (d) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising the 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.

13.	**Closure of Flanagan Road Intersection with Waihoehoe Road** If the Flanagan Road intersection with Waihoehoe Road requires closure, and no alternative connection has been provided for Flanagan Road, the project shall be designed to provide an alternative connection for Flanagan Road. Where this outcome cannot be achieved within the designation, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work.
14.	**Existing Property Access** Where property vehicle access, which exists at the time the Outline Plan is submitted, is altered by the project, the Requiring Authority shall consult with the directly affected landowner regarding the required changes, and the Outline Plan shall demonstrate how safe alternate access will be provided, unless otherwise agreed with the affected landowner.
15.	**Realignment of Tui Street** The Outline Plan shall demonstrate how the realignment of Tui Street provides for safe and legible access for the Drury and Districts Rugby Football and Recreation Club and community facilities using Tui Street and the use of the Drury Domain. This shall include provision of a left turn in at Waihoehoe Road if practicable, unless an alternative access can be provided. The Outline Plan shall also include confirmation that a safety audit of the final design solution has been completed.
16.	**Closure of Creek Street (south) Intersection with Bremner Road** The Outline Plan shall demonstrate how the closure of Creek Street intersection with Bremner Road provides for adequate turning movements for heavy vehicles.
Construction Conditions	
17.	**Construction Environmental Management Plan** (a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. (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: (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential areas, locations of refuelling activities and construction lighting; (v) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vi) methods for providing for the health and safety of the general public; (vii) 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; (viii) procedures for incident management; (ix) procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to Watercourses; (x) 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; (xi) procedures for responding to complaints about Construction Works; and methods for amending and updating the CEMP as required.
18.	**Stakeholder Communication and Engagement Management Plan** (a) A SCEMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the SCEMP is to identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be engaged with throughout the Construction Works. To achieve the objective, the SCEMP shall include: (i) 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); (ii) 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; (iii) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua;

	(iv) a list of stakeholders, organisations (such as community facilities), and businesses who will be engaged with; (v) identification of the properties whose owners will be engaged with; (vi) 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 (iv) and (v) above; and (vii) 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 ten working days prior to the Start of Construction for a Stage of Work.
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** (a) Prior to the start of Construction Works, a Cultural Monitoring Plan shall be prepared by a Suitably Qualified and Experienced Person(s) identified in collaboration with Mana Whenua.

	(b)	The objective of the Cultural Monitoring Plan is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction Works.
	(c)	The Cultural Monitoring Plan 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.
	(d)	If Enabling Works involving soil disturbance are undertaken prior to the start of Construction Works, an Enabling Works Cultural Monitoring Plan shall be prepared by a Suitably Qualified and Experienced Person identified in collaboration with Mana Whenua. This plan may be prepared as a standalone Enabling Works Cultural Monitoring Plan or be included in the main Construction Works Cultural Monitoring Plan, including implementation of any accidental discovery protocols under Condition 26. ***Advice Note*** *Where appropriate, the Cultural Monitoring Plan 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**	
	(a)	A CTMP shall be prepared prior to the Start of Construction for a Stage of Work.
	(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: (i) methods to manage the effects of temporary traffic management activities on all road users; (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 schools or to manage traffic congestion; (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;

(v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including pedestrians and cyclists, on existing roads;

(vi) methods to maintain vehicle access to public and private property and/or private roads where practicable, or to provide alternative access arrangements when it will not be;

(vii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; and

(viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents/public/stakeholders/emergency services).

22. Construction Noise Standards

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

Table 22.1: Construction noise standards

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

(b) Where compliance with the noise standards set out in the Table 22.1 above is not practicable, and unless otherwise provided for in the CNVMP, then 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 criteria

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

(b) Where compliance with the vibration standards set out in Table 23.1 above is not practicable, and unless otherwise provided for in the CNVMP as required by Condition 24(c)(x), then the methodology in Condition 25 shall apply.

24. Construction Noise and Vibration Management Plan

(a) A CNVMP shall be prepared prior to the Start of Construction for a Stage of Work.

(b) A CNVMP shall be implemented during the Stage of Work to which it relates.

(c) 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. To achieve this 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) identification of areas where compliance with the noise (Condition 22) and/or vibration standards (Condition 23 Category A or Category B) will not be practicable and the specific management controls to be implemented and consultation requirements with owners and occupiers of affected sites; (xi) 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 and where sufficient information is not available at the time of the CNVMP to determine the area specific management controls (Condition 24(c)(x)); (xii) procedures for: A. communicating with affected receivers, where measured or predicted vibration from construction activities exceeds the vibration criteria of Condition 23; and B. assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category A vibration criteria of Condition 23, including the requirement to undertake building condition surveys before and after works to determine whether any damage has occurred as a result of construction vibration; and (xiii) requirements for review and update of the CNVMP.
25.	**Schedule to a CNVMP** (a) Unless otherwise provided for in a CNVMP, a Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction activity to which it relates by a Suitably Qualified and Experienced 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 for the duration of the construction activity to which it relates beyond those measures set out in the CNVMP. The Schedule shall as a minimum set out: (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 in Condition 25(a) and predicted duration of the exceedance; (iv) the proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why; (v) 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 (vi) location, times and types of monitoring. (c) The Schedule shall be submitted to the Manager for certification at least 5 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. (d) 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 (c) 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** (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. (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: (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 NZHPT 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. This shall include non invasive techniques or exploratory investigation to clarify the extent of the Runciman's Homestead site (NZAA R12/1131);

(vii) the proposed methodology for investigating and recording post-1900 historic heritage places (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 (AGS 1A): Investigation and recording of buildings and standing structures (November 2018), or any subsequent version. This shall include a built heritage assessment of:

A. the former Drury Creamery and Casein Factory (12 Norrie Road, CHI site 15102); and

B. the former railway worker's residence (18 Waihoehoe Road, CHI site 22288);

(viii) methods to acknowledge cultural values identified through Condition 8 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 and 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; and

B. using geotextile fabric and aggregate in construction compound areas not being earthworked, and removal and reinstatement upon completing Construction Works;

(x) methods to protect or minimise damage to the Aroha Cottage/paymaster's house (CHI 2455, HNZPT list 692, AUPOIP UID 704) and St Johns Anglican Church and Cemetery (NZAA R12/1129, CHI 2458, HNZPT list 2596, AUP Scheduled Site UID 707) during

	Construction Works as far as practicable based on pre-construction advice from a specialist heritage conservator. (xi) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and (xii) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, legal obligations relating to accidental discoveries, 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 and Experienced Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8). (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. ***Advice Notes:*** *The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.*
27.	**Pre-Construction Wetland Bird Survey** (a) Prior to the Start of Construction for a Stage of Work within 500m of the Ngakoroa Stream Wetlands, a survey and assessment of Threatened or At-Risk wetland birds and their habitat in the area shown in Schedule 2 shall be undertaken by a Suitably Qualified and Experienced Person. (b) The purpose of the survey and assessment is to: (i) confirm the ecological value of the Ngakoroa Stream Wetlands for Threatened or At-Risk wetland birds; and (ii) confirm whether the project will or may have a moderate or greater level of ecological effect on Threatened or At-Risk wetland birds and their habitat prior to implementation of impact management measures, as determined in accordance with the EIANZ Guidelines for Use in New Zealand: Terrestrial and Freshwater Ecosystems (May 2018) or subsequent revision. (c) If the wetland bird survey in (a) above confirms that the project will or may have a moderate or greater level of ecological effect on Threatened or At-Risk wetland birds without impact management, then Condition 28 applies.
28.	**Bird Management Plan** (a) If required under Condition 27, prior to the start of construction for a Stage of Work within 500m of the Ngakoroa Stream Wetlands, a BMP shall be prepared and implemented.

(b) The objective of the BMP is to avoid and/or minimise impacts of construction activities on Threatened or At-Risk wetland birds in the Ngakoroa Stream Wetlands. The BMP shall set out the methods that will be used to achieve this objective. These methods may include:

(i) commencing Construction Works outside of the wetland bird breeding season (September to February) where practicable, in order to discourage bird nesting in the construction areas within the designation;

(ii) a nesting bird survey of Threatened or At-Risk wetland birds undertaken by a Suitably Qualified and Experienced Person. This should occur prior to any Construction Works taking place within a 50m radius of the Ngakoroa Stream Wetlands (including establishment of construction areas adjacent to the Ngakoroa Stream Wetlands). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction inactivity;

(iii) protection and buffer measures if nesting Threatened or At-Risk Wetland birds are identified within 50m of any construction area (including laydown areas). This 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; and

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;

(iv) a 10m setback where practicable, between the edge of the Ngakoroa Stream Wetlands and the construction area (along the edge of the stockpile/laydown area). This could be achieved by retaining existing vegetation or by planting unvegetated areas with native coastal forest/riparian/wetland species (as appropriate). Marker poles, tape and signage could also be used to clearly delineate the wetland area to prevent encroachment; and

(v) minimising light spill from construction areas into the Ngakoroa Stream Wetlands.

(c) The BMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any resource consents granted for the project**.**

Advice Note:

	Depending on the potential effects of the project, the resource consents for the project may include the following monitoring and management plans: *(a) Stream and/or wetland restoration plans;* *(b) Vegetation restoration plans; and* *(c) Fauna management plans (e.g. herpetofauna, bats).*
29.	**Tree Management Plan** (a) Prior to the Start of Construction for a Stage of Work, a Tree Management Plan shall be prepared. (b) The objective of the Tree Management Plan is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 3. (c) The Tree Management Plan shall: (i) confirm that the trees listed in Schedule 3 still exist; and (ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree listed in Schedule 3. This may include: A. planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 11); B. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and C. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards. (iii) demonstrate how the tree management measures (outlined in A – C above) are consistent with conditions of any resource consents granted for the project in relation to managing construction effects on trees.
30.	**Network Utility Management Plan** (a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. 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) 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; and (iii) 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 NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed. (e) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP. (f) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.
<u>Operational Conditions</u>	
31.	**Low Noise Road Surface** (a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within twelve months of Completion of Construction of the project. (b) 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. (c) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 31(b)(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.

Attachments

Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation and maintenance of an arterial transport corridor in Drury from Jesmond Road (from State Highway 22) to Waihoehoe Road east of Fitzgerald Road including active transport facilities and associated infrastructure. The proposed work is shown in the following Concept Plan and includes:

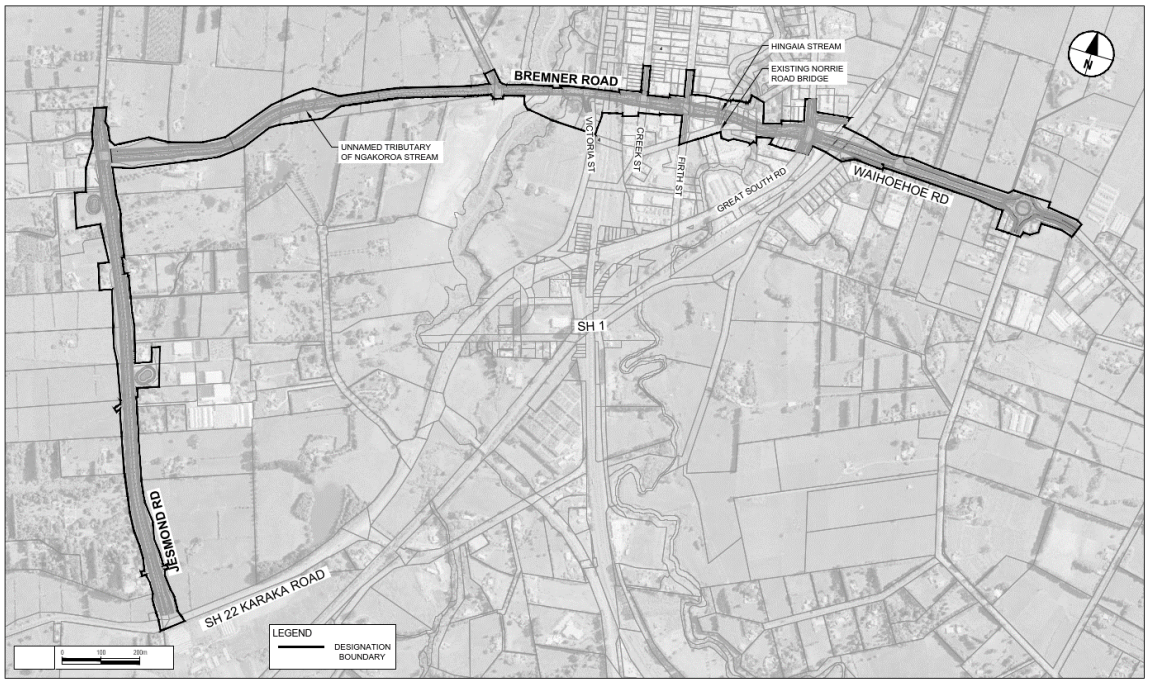
(a) An upgraded and new transport corridor with four lanes, including public transport and active transport facilities;

(b) Associated works including intersections, bridges, embankments, retaining, culverts, stormwater management systems and realignment of Tui Street;

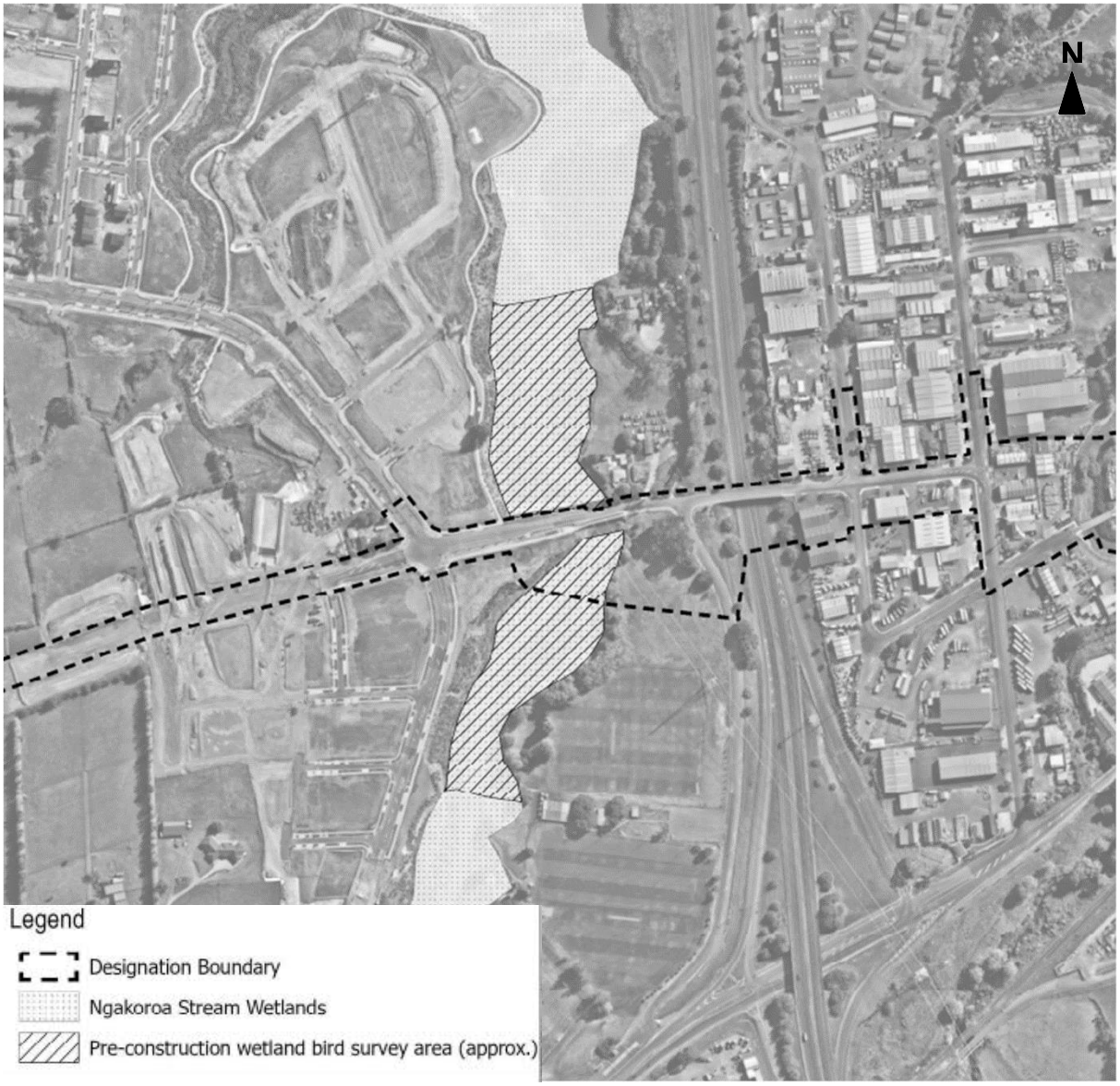
(c) Changes to local roads, where the proposed work intersects with local roads; and

(d) Construction activities, including vegetation removal, construction compounds, lay down areas, bridge works area, construction traffic management and the re-grade of driveways.

Concept Plan



Schedule 2: Pre-construction Wetland Bird Survey



Schedule 3: Trees to be Included in the Tree Management Plan

Tree Number	Tree or Group	Number of trees	Species List	Location (refer to Tree Location Plan)	Reason for protection in the AUP (District Plan rules) as at January 2021 when the Notice of Requirement was lodged
27	Hedge / shelter belt	undefined	Cryptomeria japonica	Within 201 Jesmond Road (Lot 1 DP 365133) adjoining the road corridor	Heritage
39	Tree group	9	Platanus x hispanica 'Acerifolia'	Within the Bremner Road road corridor adjoining 132F Bremner Road (Lot 611 DP 528695), 132E Bremner Road (Lot 610 DP 528695).	Road
40	Tree group	8	Pinus radiata	Within 20 Victoria Street (Part Allot 37 PSH OF Opaheke). Drury Sports Complex, on the corner of Bremner Road and Victoria Road	Open space
41	Tree group	5	Quercus palustris, Liquidambar styraciflua, Ligustrum lucidum, Fraxinus ornus	Within 20 Victoria Street (Part Allot 37 PSH OF Opaheke). Drury Sports Complex, adjacent to Ngakoroa Stream.	Open space, Riparian
42	Tree group	8	Quercus palustris, Liquidambar styraciflua, Populus yunnanensis	Within the Victoria Street Road corridor / Drury Sports Complex	Open space
43	Tree group	4	Quercus robur	Within the State Highway 1 road corridor	Road
44	Tree group	3	Melia azedarach, Podocarpus totara	Within the Creek Street road corridor adjacent to 11 Bremner Road (1/3 SH Lot 1 DP 144254, Factory 1 DP 144254)	Road
45	Tree group	2	Betula pendula	Within the Bremner Road road corridor adjacent to 69 Creek Street (Lot 1 DP 201670)	Road
46	Tree group	3	Salix fragilis, Populus alba	Within the Esplanade Reserve at 19 Norrie Road (Crown Land Survey Office Plan 200).	Open Space
48	Tree group	3	Salix alba, Populus yunnanensis	Within the Cameron Road paper road corridor adjoining 9 Cameron Place (Lot 2 DP 535409).	Road
49	Single Tree	1	Thuja occidentalis	Within the Cameron Road paper road corridor adjoining 9 Cameron Place (Lot 2 DP 535409).	Road
50	Single Tree	1	Picea sitchensis	Within 9 Cameron Place (Lot 2 DP 535409) adjoining the Norrie Road road corridor.	Heritage
51	Single Tree	1	Cryptomeria japonica	Within 9 Cameron Place (Lot 2 DP 535409) adjoining the Norrie Road road corridor.	Heritage
52	Tree group	3	Quercus robur	Within the Waihoehoe Road road corridor adjoining 236 Great South Road (Lot 1 DP 205378)	Road
150	Tree group	5	Washingtonia robusta	Within the road corridor adjoining 239-243 Great South Road (Lot 1 DEEDS Whau 72, Lot 5 DEEDS Whau 72)	Road

Tree Location Plan 1

Tree Location Plan 2

Tree Location Plan 3

Attachment D

List of names and addresses of persons to be served with a copy of this notice

Name	Email
Auckland Transport	Vanessa Evitt, Buddle Findlay, PO Box 1433, Auckland 1140, New Zealand. Vanessa.Evitt@buddlefindlay.com
Auckland Council	Auckland Council, Manager Regulatory Litigation, Legal and Risk, Private Bag 92300, Auckland 1142 unitaryplan@aucklandcouncil.govt.nz; christian.brown@aucklandcouncil.govt.nz
Elly S Pan	dallan@ellisgould.co.nz jgoodyer@ellisgould.co.nz
Lynette Erceg	webb@quaychambers.co.nz
Lomai Properties Ltd	bill.loutit@simpsongrierson.com
Fletcher Residential Limited c/- Nick Roberts, Barkers & Associates Ltd	nickr@barker.co.nz
Fletcher Residential Limited	Jeremy@brabant.co.nz
Firstgas Limited	john.mccall@beca.com
Karaka and Drury Limited	helen@berrysimons.co.nz
Kāinga Ora Homes and Communities c/- Michael Campbell and Tammy Billman	michael@campbellbrown.co.nz
Kāinga Ora Homes and Communities c/- Michael Campbell and Tammy Billman	developmentplanning@hnzc.co.nz
Heritage New Zealand Pouhere Taonga	bparslow@heritage.org.nz
Bruce Stuart-Menteath	b.menteath@xtra.co.nz
Robert Sun	robertsunnz@gmail.com
Stelchip Ltd c/- Clive Mackay	clive@cakegroup.co.nz

Ischtar Toomey	ish.toomey@gmail.com
Melanie Jane Hendricksen Kerry Dean Hendricksen and Warwick Lyndon Bremner	melanie.hend@xtra.co.nz
David Bratton Saggs	davesaggs@gmail.com
Gleeson Contractors Limited	Mike.Doesburg@wynnwilliams.co.nz
Gleeson Contractors Limited	robert@robertmakgill.com
Lyndsay Sutton	rimu.valley@xtra.co.nz
Howard Sutton	rimu.valley@xtra.co.nz
Soco Homes Limited	cozy@topland.co.nz
Soco Homes Limited	ecealex10@gmail.com
The Drury and Districts Rugby Football and Recreation Club	rodcunninghamnz@gmail.com
Jessie Annamay Barriball	jessiebb55@gmail.com
Harnett Orchards ltd c/- Bruce Harnett	bharnett839@gmail.com
Katherine de Courcy, Greg Smith and Robert Smith	kdecourcy@orcon.net.nz
Josephine Kleinsman	nigel@hosken.co.nz
Ministry of Education	karin.lepoutre@beca.com
Ministry of Education	Jess.Rose@beca.com