

Recommendation following the hearing of a Notice of Requirement under the Resource Management Act 1991



Proposal

To (i) extend the existing Panmure to Pakuranga busway with the construction of a new Pakuranga Bus Station; (ii) build the Reeves Road Flyover and modify the SEART off-ramp at Ti Rakau Drive; and (iii) upgrade local walking, cycling and stormwater infrastructure at 5 Reeves Road, Pakuranga Heights.

This Notice of Requirement is **ACCEPTED** in whole or in part. The reasons are set out below:

Application:	Notice of Requirement for Eastern Busway Stage 2 (EB2)
Site Address:	5 Reeves Road, Pakuranga Heights
Requiring Authority:	Auckland Transport in conjunction with Eastern Busway Alliance
Hearing Commenced:	May 15 2023, 9:30am
Hearing Panel:	Sarah Shaw (Chairperson) Ian Munro Nigel Mark-Brown
Appearances:	<p><u>For the Requiring Authority:</u> Bill Loutit, Legal Sarah Mitchell, Legal Karyn Sinclair, Overview of project Jarrod Snowsill, Options Assessment Sonja Lister, Consultation and Engagement Christopher Bentley, Natural Character, Landscape and Visual Amenity Emilie Eddington, Contaminated Land Fiona Davies, Terrestrial and freshwater ecology Andrew Gibbard, Construction Methodology Andrew Prosser, Construction Traffic Shane Doran, Transport planning and Operational Transport Effects Claire Drewery and Shivam Jakhu, Noise and Vibration Paul May, Stormwater Leon Saxon, Arboriculture Anthony Hart, Open Space Tracy Freeman, Air Quality John Daly and Katelyn Symington, Social Impact Tim Hegarty, Planning</p> <p><u>For the Submitters:</u> Simeon Brown, Member of Parliament for Pakuranga</p>

	<p>Kāinga Ora - Homes and Communities represented by:</p> <ul style="list-style-type: none"> - Douglas Allan, Legal - Jennifer Chivers, Corporate - Michael Campbell and Jono Payne, Planning <p>The Warehouse Group represented by:</p> <ul style="list-style-type: none"> - Russell Bartlett, KC, Legal - Rhys Hegley, Acoustics - Leo Hills, Traffic - Grant Armstrong, Architecture - Vaughan Smith, Planning - Haua Cooper, Corporate - Ian Hartshorne, Corporate <p>Pakuranga Plaza Limited represented by:</p> <ul style="list-style-type: none"> - Mike Doesburg, Legal - Elliott Maassen, Legal - Chris Minty, Corporate - Bronwyn Coomer-Smit, Traffic - Alex van Son, Planning <p>General Distributors Limited represented by:</p> <ul style="list-style-type: none"> - Allison Arthur-Young, Legal - Ross Burns, Corporate - Daryl Hughes, Transport <p>Equal Justice Project represented by: Albert Nguyen and Alex Yang</p> <p><u>For the Howick Local Board:</u> Damian Light, Chair</p> <p><u>For Council:</u> David Wren, Reporting Planner David Wong, Project Manager Trevor Mackie, Consultant Urban Designer Robert Quigley, Consultant Social Impact Researcher Rob Pryor, Consultant Landscape Architect Andrew Miller, Consultant Parks Planner Susan Andrews, Principal - Planning, Healthy Waters, Auckland Council Don Mackenzie, Consultant Traffic Engineer Jon Styles, Consultant Acoustic Specialist Myfanwy Eaves, Senior Specialist Archaeology, Auckland Council Gavin Donaldson, Senior Specialist Arboriculture, Auckland Council Paul Crimmins, Senior Specialist Air Quality, Auckland Council</p> <p>Patrice Baillargeon, Senior Hearings Advisor</p>
Hearing adjourned	18 May 2023
Commissioners' site visit	15 May 2023
Hearing Closed:	31 July 2023

Eastern Busway – EB2 and EB3R Recommendation and Decisions of the Hearing Panel

Introduction

1. This report of recommendation and decisions relates to the Notice of Requirement (“**NOR**”) for Eastern Busway Stage 2 (“**EB2**”) and applications for resource consent (“**RC**”) for EB2 and Eastern Busway Stage 3 Residential (“**EB3R**”) by the Requiring Authority and Applicant, Auckland Transport (“**AT**”). Where the NOR and the two applications for resource consent are referred to collectively in this report, they are referred to as “the Applications” or “the Project”.
2. This recommendation and these decisions are made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners Sarah Shaw (Chairperson), Ian Munro and Nigel Mark-Brown, appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (“**the RMA**”). For completeness, the RMA’s requirements and the Panel’s Council delegations allow us to make a decision on the resource consent applications, but only a recommendation on the NOR application. As the Requiring Authority, AT will make its own decision on the NOR once it has considered our recommendation.
3. This report contains the findings from our deliberations on the Applications and has been prepared in accordance with sections 171 (for the NOR) and 113 (for the RCs) of the RMA. We have indicated throughout this report where we are discussing EB2 NOR, EB2 RC, EB3R RC, or the Applications collectively.

Context: Eastern Busway Project

4. The Applications form part of the wider Eastern Busway Project (“**Eastern Busway**”): a package of works focusing on promoting an integrated, multi-modal transport system to support population and economic growth in south-east Auckland. The Eastern Busway involves the provision of a greater number of improved public transport choices and aims to enhance the safety, quality and attractiveness of public transport, and walking and cycling environments, and proposes:
 - 5km of two-lane busway;
 - A flyover over Reeves Road connecting Pakuranga Road with the South-Eastern Highway (“**SEART**”);
 - A new bridge for buses across Pakuranga Creek;
 - Improved active mode infrastructure (walking and cycling) along the length of the busway;
 - Three intermediate bus stations; and
 - Two major interchange bus stations.

5. The following aspects of the Eastern Busway have already been completed:
 - Panmure Bus and Rail Station and construction of Te Horeta Road;
 - Eastern Busway 1 (EB1) – Panmure to Pakuranga;
 - Establishment of a Construction Yard at 169 – 173 Pakuranga Road to service EB2 and EB3R; and
 - Extension of William Roberts Road from the south of Reeves Road, connecting with Cortina Place and Ti Rakau Drive (under construction).

6. The aspects of the Eastern Busway remaining to be consented / constructed are:
 - Pakuranga Town Centre, including Reeves Road Flyover (“**RRF**”) and Pakuranga Bus Station (EB2);
 - SEART to Pakuranga Creek, including Edgewater and Gossamer Bus Stations (EB3R);
 - Pakuranga Creek to Guys Reserve, including two new bridges, an offline bus route through Burswood and a new station at Burswood (EB3C); and
 - Guys Reserve to a new bus station in the Botany Town Centre, including a link road through Guys Reserve (EB4).

7. EB2 and EB3R are the stages of the Eastern Busway which are the subject of the Applications and this hearing and report.

8. Auckland Transport has worked in conjunction with its delivery partner, Eastern Busway Alliance (“**the Alliance**”) in preparation of the applications for the NOR and resource consents.

Lodgement, Notification and Submissions

9. The Applications were all lodged with the Council on 12 August 2022, and all publicly notified at the request of AT. Table 1 below summarises the relevant notification dates, periods for making submissions, and number of submissions received:

Table 1: Notification and submissions

	EB2 NOR	EB2 RC	EB3R RC
<i>Notification date</i>	21 November 2022	21 November 2022	13 December 2022
<i>Submissions closed</i>	19 December 2022	19 December 2022	1 February 2023
<i>Submissions in support</i>	4	2	2

<i>Submissions neutral</i>	2	-	2
<i>Submissions in opposition</i>	8	7	1
Total number of submissions	14	9	5

10. The submitters and which of the Applications those submissions addressed (sourced from the section 42A reports) are listed in Table 2 below:

Table 2: Submitters

Submitter	EB2 NOR	EB2 RC	EB3R RC
The MPKD Group Ltd T/A Porterhouse Grill	√	√	
Brownsons Jewellers	√	√	
The JTY Tech / Novo Tech / Mango Tech	√	√	
Pakuranga Plaza Ltd (“ PPL ”)	√	√	√
Kāinga Ora – Homes and Communities (“ Kāinga Ora ”)	√	√	
The Warehouse Group (“ TWG ”)	√		
Gibb & Milner Holdings Ltd T/A F45Pakuranga	√	√	
Simeon Brown, MP for Pakuranga	√		
Ngā Tamariki Puāwai o Tāmaki Auckland Kindergarten Association	√		
Ministry of Education – Te Tāhuhu o te Mātauranga	√		√
Contemporary Art Foundation / Te Tuhi Contemporary Art Trust	√		
General Distributors Ltd (“ GDL ”)	√	√	
Just Trading Ltd T/A Book Barn	√	√	
Equal Justice Project	√	√	√
Grant Hewison & Associates Ltd			√
Mellifecare Ltd			√

11. Submissions addressed the following issues, with respect to effects during construction and effects following completion:

- Benefits of the Eastern Busway
- Safe ingress and egress to businesses, Pakuranga Town Centre and Pakuranga Plaza
- Loss of car parking
- Roadside presence of businesses
- Noise and vibration

- Dust
- Access for deliveries and loading
- Urban design outcomes
- Crime Prevention through Environmental Design (“**CPTED**”)
- Severance / connectivity for pedestrians
- Flood hazards
- Removal of the designation from land required temporarily
- Economic and trading effects
- Lapse period
- Consultation
- Management plan certification
- Construction / traffic effects timing on education facilities
- Visual and amenity effects
- Vegetation removal
- Alternative sites, routes and methods
- Greenhouse gas emissions
- Location of bus stations
- Signalising of intersections.

Summary of the Applications, proposals and activity status

EB2

12. EB2 covers the section of the Eastern Busway between the intersection of Ti Rakau Drive/ SEART and Pakuranga Road/William Reeves Road, Pakuranga and proposes the following specific works:

- Road widening of Ti Rakau Drive to provide for a new road layout, including dedicated bus lanes, walking, and cycling infrastructure and a new bus station at Pakuranga Town Centre
- The construction and operation of the Reeves Road Flyover / RRF

- Modification of the South-Eastern Highway offramp onto Ti Rakau Drive
- Modifications to the intersections of Ti Rakau Drive with Reeves Road, Palm Avenue and Aylesbury Street
- An extension of Cortina Place
- The creation of a cul-de-sac, with turning head, at the northern end of William Roberts Road
- Stormwater infrastructure
- Ecological mitigation
- Associated roading infrastructure and landscaping.

EB2 NOR

13. Pursuant to section 168 of the RMA, AT as the requiring authority lodged a NOR for a designation in the Auckland Unitary Plan (“**AUP:OP**”) for a public work, being the construction, operation, and maintenance of EB2 on land between the intersection of Ti Rakau Drive/ SEART and Pakuranga Road/William Reeves Road, Pakuranga.
14. The works will involve an extension of the existing Panmure to Pakuranga busway, with the construction of a new Pakuranga Bus Station. EB2 also includes the construction of the RRF, as well as modifications to the on and off ramps of SEART. Lastly, local walking, cycling and stormwater infrastructure will be upgraded.
15. The purpose of the designation is for the construction, operation, and maintenance of an arterial transport corridor. The activities to be enabled by the designation include environmental mitigation, temporary construction areas, ancillary structures and other activities required for the Project.

EB2 RC

16. AT sought consent for resource consents required in accordance with the **AUP:OP**, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“**NES-CS**”) and National Environmental Standards for Freshwater (“**NES-FW**”). Resource consent for district land use activities (under section 9(3) of the RMA) has not been sought on the basis that those activities will be authorised by the NoR. In summary, resource consent was sought for the following activities:
 - Earthworks
 - Disturbance and discharge of contaminated soil
 - Vegetation Clearance

- Works in the CMA
 - Occupation of a wetland
 - Works within a wetland.
17. The aspects of EB2 which trigger the requirement for resource consent and the relevant activity status are summarised in the section 42A report for EB2 at pages 22 to 24.
18. Overall, the activity status of the EB2 RC application is **discretionary**.

EB3R RC

19. EB3R extends from Reeves Road to the Tamaki Estuary along Ti Rakau Drive. There is no NOR for EB3R as a designation is not required.
20. In summary, the key elements associated with EB3R comprise:
- Widening of Ti Rakau Drive and the provision of a dedicated bus facility within the centre of Ti Rakau Drive linking with EB2 to the east and (subject to separate consenting) EB3C to the west
 - Provision of two bus stations (Edgewater Station and Gossamer Station)
 - Construction of the western abutment for a future bridge across Pakuranga Creek adjacent to the existing Ti Rakau Drive Bridge (consenting of the abutment only, not the future bridge)
 - Provision of facilities for buses, general traffic, pedestrians and cyclists along Ti Rakau Drive
 - New landscaping, and stormwater infrastructure
 - Ancillary works include the creation of a new at-grade public carpark at 171 Edgewater Drive (“**Edgewater carpark**”) to provide replacement parking for the uses of Edgewater Shopping Centre
 - Temporary works include the use of the existing dwellings located at 143 Ti Rakau Drive and 178 Gossamer Drive as site offices.
21. Auckland Transport sought consent for resource consents required in accordance with the AUP:OP, NES-CS and NES-FW.
22. In summary, resource consent was sought for the following activities:
- Noise and vibration
 - Earthworks

- Disturbance and discharge of contaminated soil
 - Vegetation clearance, tree works and mangrove removal
 - Works in the CMA
 - Streamworks
 - Construction of roading, parking and access
 - Temporary works.
23. The aspects of EB3R which trigger the requirement for resource consent and the relevant activity status are summarised in the section 42A report for EB3R at pages 19 to 25.
24. Overall, the activity status of the EB3R RC application is **non-complying**.
25. There are three particular aspects of the consents required which were issues in advance of or at the hearing:
- The section 42A report for EB2 records that consent was initially sought (EB2 RC) under the NES-FW for earthworks within 10m of a natural wetland (Regulation 45(2)) and for the temporary diversion and discharge of water within 100m of a natural wetland. As a consequence of amendments to the NES-FW effective 5 January 2023, the applicable definition of “natural wetland” was amended to “natural inland wetland”, excluding wetlands within the CMA. The Applicant and Council agreed that these reasons for consent are no longer required. The Panel agrees.
 - AT proposes to establish a bentonite polymer plant in its EB2 construction yard to service construction activities. The plant was referenced in the EB2 application materials, although AT maintains that the plant is a permitted activity. Council officers consider that consent may be required as an industrial trade activity. The Applicant has confirmed that consent has not been sought for the plant in the EB2 RC, and therefore no consent can be granted for it. The Panel agrees.
 - Additional requirements for restricted discretionary consent associated with infringements of the minimum parking dimensions and maximum vehicle crossing width have been identified for the Edgewater carpark proposed at 105 Ti Rakau Drive (EB3R RC). The Panel confirms that consenting of the Edgewater carpark is included within our decision.

Procedural matters

26. The hearing for the Applications was closed on 10 July 2023, re-opened on 17 July 2023 to receive updated information with respect to acoustic effects on The

Warehouse Pakuranga and conditions to avoid, remedy or mitigate those effects, and closed on 31 July 2023.

27. The combined scale of the NOR and RC applications documentation, submitter material, and expert evidence, is collectively significant. Having carefully considered each of the matters set out in section 37A of the RMA, the Panel resolved under section 37 to double the statutory timeframe within which our decision must be given under section 115 of the RMA. The principal reason for this was that the Panel required additional time to properly evaluate the merits of each aspect of the Applications, and their overall interactions with one another.

Relevant statutory provisions considered

EB2 NOR

28. AT is a Requiring Authority in terms of s166 of the Act. Pursuant to section 168 of the RMA, AT lodged a NOR for a designation in the AUP:OP for a public work, being the construction, operation, and maintenance of EB2 on land between the intersection of Ti Rakau Drive/ SEART and Pakuranga Road/William Reeves Road, Pakuranga.
29. Section 171 of the Act sets out the matters to which a territorial authority must have regard when considering a requirement and any submissions received, and in making its recommendations to the requiring authority.
30. Section 171(1) requires:
- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -*
- (a) *any relevant provisions of -*
- (i) *a national policy statement:*
- (ii) *a New Zealand coastal policy statement:*
- (iii) *a regional policy statement or proposed regional policy statement:*
- (iv) *a plan or proposed plan; and*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
- (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- (ii) *it is likely that the work will have a significant adverse effect on the environment; and*

- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

EB2 & EB3R RCs

31. As required, we have considered the resource consent applications in terms of sections 104, 105 and 107 of the RMA. For EB3R RC, a non-complying activity, we have also considered section 104D.
32. Section 104 sets out the matters to which we must have regard, subject to Part 2 of the Act, when considering the applications and submissions received. These matters include:
 - Any actual and potential effects on the environment of allowing the activity;
 - Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;
 - Any relevant provisions of:
 - a national environmental standard
 - other regulations
 - a national policy statement
 - a New Zealand coastal policy statement
 - a regional policy statement or proposed regional policy statement
 - a plan or proposed plan
 - Any other matter the consent authority considers relevant and reasonably necessary to determine the application.
33. Section 104D (known as the “gateway test”) states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan and/or proposed plan.

34. Sections 105 and 107 address certain matters (in addition to the matters in s104(1)), relating to discharge permits and coastal permits where the proposal would otherwise contravene sections 15, 15A or 15B.
35. Section 105 requires us to have regard to, in addition to section 104:
- The nature of the discharge and the sensitivity of the receiving environment to adverse effects
 - The Applicant's reasons for the proposed choice; and
 - Any possible alternative methods of discharge, including discharge into any other receiving environment.
36. Section 107 precludes the grant of consent (except in certain circumstances) for the discharge of a contaminant or water into water or discharge of a contaminant onto or into land in circumstances which may result in contaminants entering water if, after reasonable mixing, the discharge is likely to give rise to the following effects in the receiving waters:
- The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - Any conspicuous change in the colour or visual clarity;
 - Any emission of objectionable odour;
 - The rendering of fresh water unsuitable for consumption by farm animals; or
 - Any significant adverse effects on aquatic life.

Relevant standards, policy statements and plan provisions considered

37. In accordance with section 104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant policy statements, standards and plan provisions of the following documents.
- National Policy Statement on Urban Development ("NPS-UD")
 - National Policy Statement on Freshwater Management ("NPS-FM")
 - New Zealand Coastal Policy Statement 2010 ("NZCPS")
 - National Policy Statement – Electricity Transmission
 - National Environment Standard for Freshwater
 - National Environment Standard Assessing and Managing Contaminants in Soil to Protect Human Health

- AUP:OP - Regional Policy Statement
- AUP:OP – District Plan provisions

38. We also considered the following “other matters” to be relevant and reasonably necessary to determine the application in accordance with sections 104(1)(c) and 171(1)(d) of the RMA:

- Distinct from the legal concept of the existing environment, growth in south-east Auckland and the associated predicted future traffic environment; and
- The effects of a reduction in the discharge of greenhouse gases (EB2 NOR).

Submitters

39. None of the submissions lodged were subsequently withdrawn, and no written approvals were provided.

40. The following submitters tabled written statements:

- Ministry of Education.

41. The following submitters presented at the hearing:

- Simeon Brown, MP for Pakuranga
- Kāinga Ora
- TWG
- PPL
- GDL
- Equal Justice Project.

Local Board comments

42. Comments were received on the Applications from the Howick Local Board. The Local Board supports the Eastern Busway project as critical transport infrastructure for East Auckland with significant potential benefits to public transport, private vehicles, walking and cycling, with specific issues and concerns summarised as follows:

- Construction effects, including traffic flows, on businesses and stakeholders
- Expectation that comprehensive traffic management plans are developed to allay traffic effects to the network including the existing bus route

- Noise and vibration during construction and operation on local residents and businesses
- Effects of new and existing stormwater outfalls with respect to wetlands, clearance of vegetation, silt and other run off
- Effects of proposed streamworks structures
- Construction and long term effects on sports fields and park users
- Activities for which consent is required minimised or mitigated, including mangrove removal and vegetation clearance within stream riparian margins
- Proximity to the Tamaki Estuary, which is a highly valued waterway, and potential stormwater effects
- Acknowledge and support efforts to “dig once” for underground infrastructure
- Encourage increased communication to local residents, businesses and stakeholders.

43. The Howick Local Board chairperson Damian Light presented at the hearing.

44. The hearing panel have taken the views of the Howick Local Board into consideration.

Summary of legal submissions and evidence heard

45. We have set out a summary of the legal submissions and evidence heard.

46. We note at the outset however that, while there was extensive expert evidence presented to us, there were relatively limited matters in contention between the experts. These narrowed substantially before and during the hearing, and up to closure of the hearing following the Applicant’s reply.

47. The evidence presented at the hearing responded to the issues and concerns identified in the Council officers’ section 42A reports, the Applications, and the submissions made on the Applications.

Section 42A Report Authors

48. The Council’s reporting planners for the Applications were David Wren for EB2 NOR and Celia Wong for EB2 RC and EB3R RC. Mr Wren and Ms Wong prepared a joint section 42A report for EB2 (NOR and RC), and Ms Wong prepared a separate section 42A report for EB3R RC. The section 42A reports assessed the Applications in terms of the relevant statutory requirements, responded to the submissions, and assessed the environmental effects, with input from a number of technical experts. The section 42A reports were pre-circulated.

49. The recommendations of the section 42A reports are summarised below.

EB2 NOR

- Mr Wren considered that he could not recommend that EB2 NOR be confirmed until further information in relation to several matters was addressed at the hearing. Those matters related to:
 - Transportation (peak parking at Pakuranga Plaza, access to the Countdown Pakuranga loading bay during construction, pedestrian and cycling connectivity, and speeds on Ti Rakau Drive and Pakuranga Road).
 - Noise and Vibration (low noise road surface, roadside barriers, spatial extent of acoustic treatment, updated operational noise figures).
 - Social Effects (additional management plans, in particular effects on Pakuranga Plaza businesses).
- If these matters could be satisfactorily addressed, Mr Wren considered that he could recommend that EB2 NOR be confirmed subject to a suite of recommended conditions (which differed from the Applicant's proposed conditions).

EB2 RC

- Subject to clarification at the hearing on the extent of riparian planting, Ms Wong recommended that EB3R RC be granted subject to a suite of recommended conditions (which differed from the Applicant's proposed conditions).

EB3R RC

- Ms Wong considered that she could not recommend that EB3R RC be granted until further information in relation to several matters was addressed at the hearing. Those matters related to:
 - Transportation (Edgewater carpark).
 - Noise and Vibration (low noise road surface, roadside barriers, spatial extent of acoustic treatment, updated operational noise figures).
 - Social Effects (additional management plans, in particular effects on Pakuranga Plaza and Edgewater Shopping Centre businesses).
 - Land disturbance and streamworks (specifics of streamworks and vegetation clearance proposed).
 - Open Space Effects (opportunities for recreational walking and cycling along Edgewater Drive esplanade reserve).

- The applicant was also invited to provide updates on land acquisition and details of mitigation for works proposed within Riverhills Park.
- If these matters could be satisfactorily addressed, Ms Wong considered that she could recommend that EB3 RC be granted subject to a suite of recommended conditions (which differed from the Applicant's proposed conditions).

50. Having heard all of the evidence the revised recommendations of Mr Wren and Ms Wong (sought by the Panel after receiving the Applicant's reply, as revised recommendations had not been provided as part of the Council's closing comments) were as follows:

EB2 NOR

- Mr Wren considered that most of the outstanding issues identified in the EB2 NOR section 42A report could be resolved through conditions (with perhaps the exception being certainty around the extent of carparking to meet demand for car parking at Pakuranga Plaza in the longer term). Mr Wren recommended that EB2 NOR be confirmed subject to a suite of recommended conditions (which still differed from the Applicant's proposed conditions).

EB2 RC

- Ms Wong continued to recommend that EB3R RC be granted subject to a suite of recommended conditions (which still differed from the Applicant's proposed conditions).

EB3R RC

- Ms Wong considered that most of the outstanding issues identified in the EB3R section 42A report had been addressed and that the remainder (regarding streamworks and offset riparian planting) could be resolved through conditions. Ms Wong recommended that EB3 RC be confirmed subject to a suite of recommended conditions (which still differed from the Applicant's proposed conditions).

Applicant

Legal submissions

51. The Applicant provided detailed opening legal submissions, circulated in advance. At the hearing Ms Mitchell addressed us on submissions and submitters' concerns and Mr Loutit addressed us on all other matters.

52. The legal submissions summarised the Applications as follows:¹

¹ Paragraphs 1.2 to 1.4 of the Applicant's opening legal submissions

As demonstrated in the evidence, the Project is a transformative public transport project that will bring significant benefits to the community of East Auckland, both in terms of the improvements to the transport network, but also wider social benefits and stormwater improvements.

The Applications represent the culmination of a number of years of investigations and robust options assessments processes in accordance with the statutory assessment.

Meaningful consultation and engagement processes have been undertaken with the community, stakeholders and directly affected owners and occupiers. This is ongoing and will continue under the proposed conditions provided by Auckland Transport. Submitter feedback has also influenced the design of the Project, and the mitigation measures proposed.

53. The legal submissions addressed (among other matters):

- Scope.
- The project description, including project objectives, stages, and works.
- The role of expert witnesses employed by the entities that form part of the Alliance.
- Progress so far, status updates, and remaining issues.
- Authorisations sought by the NOR and RCs.
- The existing environment, future environment, and permitted baseline.
- Effects on the environment.
- Statutory requirements applying to the NOR and RCs.
- Part 2 of the RMA with respect to sections 171 and 104.
- Response to the section 42A reports.
- Response to submissions and submitters' expert evidence.
- Conditions.

54. The evidence presented by the Applicant is summarised below. While the requiring authority and applicant for resource consents is AT, much of the evidence was about work undertaken under the umbrella of the Alliance.

Corporate

55. The Applicant called corporate evidence from three witnesses – two giving non-expert evidence and one as an expert.

56. Ms Karyn Sinclair, Technical Director Planning and Environmental Approvals for NZ and Australia at Jacobs, is the former Planning and Property Team Lead for the Alliance and now a strategic advisor on EB2 and EB3R. Ms Sinclair gave non-expert corporate evidence providing an overview of the project.
57. Ms Sinclair's evidence addressed the Alliance structure (with respect to employees of the companies within the Alliance structure presenting evidence as expert witnesses), the scope of proposed works for EB2 and EB3R, the Project objectives, the benefits of the Project, previous phases of the Auckland Manukau Eastern Transport Initiative ("AMETI") programme, and the suite of consent packages that make up the wider Project.
58. Ms Sinclair noted that AT cannot own land and instead relies on Auckland Council to hold land title and addressed the outstanding land interests still to be acquired for the Project. Ms Sinclair confirmed that all land within EB3R is either in Council ownership or under agreement to purchase, and that the car parking around Pakuranga Plaza is held by Auckland Council (a legacy matter from the former Manukau City Council). Ms Sinclair set out the key features of EB2 and EB3R, and the challenges of obtaining a suitable baseline for parking demand in the Pakuranga Town Centre given the Covid-19 pandemic and reduced occupancy of Pakuranga Plaza.
59. Mr Jarrod Snowsill, Associate Director – Planning at AECOM, is a Resource Management and Consenting Lead for the Alliance. Mr Snowsill gave expert evidence addressing options assessment.
60. Mr Snowsill's evidence set out the history of AMETI, previous options assessments undertaken for AMETI by AT which were subsequently reviewed by the Alliance, and further options assessment processes carried out by the Alliance.
 - For EB2 Mr Snowsill described the 21 options long-listed and three options short-listed for Reeves Road (resulting in the preferred RRF option), and the 17 options long-listed and six options short-listed and taken through multi criteria analysis for the Pakuranga bus station (resulting in the preferred station location on the north side of Ti Rakau Drive in the vicinity of 26 Ti Rakau Drive).
 - For EB3R Mr Snowsill described the identification of 13 long-list options and two options short-listed and taken through multi criteria analysis (resulting in the preferred 'online' option).
61. Mr Snowsill also provided an overview of the amended design of the Edgewater East intersection in response to the submission from Metlifecare.
62. Ms Sonja Lister, Team Leader Consent Planning and Acquisitions at AT, is the Planning Lead on the Project for AT. Ms Lister gave non-expert corporate evidence addressing consultation and engagement.

63. Ms Lister set out the consultation undertaken by the Alliance (and ongoing) with the community, affected property and business owners and their tenants, regulatory authorities and other stakeholders in the preparation of the Project design and the Applications; and the acquisition of the residential and commercial properties to enable EB2 and EB3R.
64. Ms Lister's rebuttal evidence addressed consultation with PPL and their redevelopment aspirations, work underway on CPTED assessment, designation lapse, and management plan requirements for consultation with submitter TWG.
65. Ms Lister's final supplementary evidence was provided with the Applicant's Reply and provided an update with respect to relocation of Pakuranga Dental Surgery and DW Family Doctors.

Natural Character, Landscape and Visual Amenity

66. Mr Christopher Bentley, a Partner at Boffa Miskell, is the Urban Design and Landscape lead for the Alliance. Mr Bentley's expert evidence addressed natural character, landscape and visual amenity.
67. Mr Bentley considered that the RRF will have the greatest visual effects on residential properties adjacent to the RRF at William Roberts Road North and Dale Crescent. Visual screening planting along the boundary of the project will help to mitigate the effects on these viewing audiences. Design of the RRF has reduced its visual dominance (single pier, reduced width, barrier skirt covering top of beams, maximised under height for clear visibility across / through the structure).
68. Mr Bentley set out that the design of the Project and its integration with the future urban environment includes residual land being future proofed for development as much as possible. Mr Bentley however considered that although work had been done to understand how parts of the identified likely residual land areas might prove developable, ultimately all such development outcomes would be unknown until the time such land had been titled and was the subject of actual applications.
69. Mr Bentley explained that the Project will provide opportunities to make a positive contribution to place making, including introducing mana whenua art narratives and landscaping. Mr Bentley considered that the planting proposed (developed with a mana whenua plant ecologist) will adequately mitigate the adverse effects of the Project. The proposed conditions however provide for much of this to be resolved in later implementation phases, with little definitive detail able to be provided at the hearing.
70. Mr Bentley considered that the multimodal transport facilities and future urban development opportunities enabled by the Project, combined with mitigation planting, will result in beneficial urban design and landscape and visual effects.

71. Mr Bentley's rebuttal evidence addressed severance / separation issues, concluding that the Project will improve connectivity between the surrounding residential area and Pakuranga Plaza, and confirming that a CPTED analysis for EB2 was underway.

Construction Methodology

72. Mr Andrew Gibbard, Construction Manager at Acciona Construction, supervises the Alliance construction team. Mr Gibbard's expert evidence addressed construction methodology.
73. Mr Gibbard considered that early contractor involvement through the Alliance structure has enabled early identification of the key construction-related effects and enabled appropriate mitigation to be identified through detailed construction planning (including design, construction sequencing, management plan development and proposed conditions). Mr Gibbard considered that the proposed construction methodology will meet best practice, minimise adverse construction-related effects so far as practicable, and achieve the shortest construction programme duration. This in turn will reduce the length of construction disruption and enable the Project to alleviate the traffic congestion currently being experienced by the community earlier. Mr Gibbard's evidence addressed early works, earthworks, dust management, works in relation to existing utilities, construction staging, workforce travel, and access.
74. Mr Gibbard's rebuttal evidence addressed construction staging, construction effects on access to Pakuranga Plaza (including The Warehouse Pakuranga and Countdown Pakuranga), construction parking, and piling associated with the RRF.

Transport

75. The Applicant called separate evidence on construction and operational transport effects.
76. Mr Andrew Prosser, Senior Principal / Executive Transport Advisor at Jacobs, is Design Quality Manager for the Alliance. Mr Prosser's expert evidence addressed construction traffic.
77. Mr Prosser's evidence set out the main construction activities for EB2 and EB3R, assessment of local transport network operational performance during construction and mitigation, the proposed Construction Traffic Management Plan ("CTMP") and Site Specific Construction Management Plan ("SSCMP") for Pakuranga Plaza to manage construction effects, and response to the section 42A report and submissions. Mr Prosser considered that through management plans the construction traffic effects of EB2 and EB3R can be appropriately managed and minimised to a level almost commensurate with current traffic conditions.
78. Mr Prosser's rebuttal evidence addressed several construction issues with respect to Pakuranga Plaza: signalisation of the Brampton Road intersection, peak parking demand, the SSCMP, loading access for Countdown Pakuranga and The Warehouse Pakuranga, and construction vehicle parking.

79. Mr Shane Doran, Technical Director – Transportation at AECOM Australia, is the Transportation Manager for the Alliance. Mr Doran’s expert evidence addressed transport planning and operational transport effects.
80. Mr Doran’s evidence set out the traffic effects assessment of EB2 and EB3R, traffic modelling undertaken for design changes at several intersections, and how the Applications will achieve the identified transport objectives. Mr Doran considered that EB2 and EB3R will deliver significant improvements to transport in south east Auckland and particularly at Pakuranga and along Ti Rakau Drive and provide additional transport capacity to cater for expected growth.
81. Mr Doran’s rebuttal evidence addressed several operational issues with respect to Pakuranga Plaza: signalisation of the Brampton Road intersection, parking, access to The Warehouse Pakuranga basement carpark, and loading access for Countdown Pakuranga and The Warehouse Pakuranga.

Noise and Vibration

82. Ms Claire Drewery and Mr Shivam Jakhu gave joint evidence. Ms Drewery, Technical Director – Acoustics at AECOM, and Mr Jakhu, Senior Acoustic Engineer at AECOM, reviewed and authored the noise and vibration assessments for the Applications respectively. Ms Drewery and Mr Jakhu’s expert evidence addressed noise and vibration, including criteria and assessment methodology, effects, and mitigation with respect to both construction and operation noise and vibration.
83. They considered that construction noise and vibration can be mitigated and managed to generally comply with the applicable day time criteria and - while there is potential for exceedances if noisy or high vibration generating works occur in close proximity to the construction boundary - the effects will be mitigated and managed through the Construction Noise and Vibration Management Plan (“**CNVMP**”). Operational traffic noise will be mitigated at source by implementation of a low noise road surface (asphaltic concrete AC-14), and they recommended that noise barriers be used across EB2 and EB3R where they will be effective. Their predictions indicated that the majority of Protected Premises and Facilities (“**PPFs**”) (451 of 553) across EB2 and EB3R will experience either negligible or positive noise effects, the estimated number of people considered to be highly annoyed from traffic noise will reduce by 9 for EB2 and increase by 4 for EB3R, and that noise from buses travelling along the busway is unlikely to be perceptible above traffic noise levels from vehicles on Ti Rakau Drive.
84. Ms Drewery and Mr Jakhu’s rebuttal and supplementary evidence addressed construction noise and construction vibration effects at The Warehouse Pakuranga including from use of a concrete saw and rock breaker, and their view that façade mitigation is not required.

Erosion and Sediment Control

85. Mr Campbell Stewart, Director of Southern Skies Environmental Limited, is an advisor to the Alliance. Mr Stewart's expert evidence addressed erosion and sediment control.
86. The Panel had no questions of Mr Stewart and as such he did not present at the hearing. His written evidence set out that the works will comprise significant areas of reworking existing developed land (paved and buildings) and - while the Project is significant in scale - it is not a significant earthworks project and does not present a significant risk of sediment discharges. Mr Stewart considered that the erosion and sediment control design approach is consistent with Auckland and industry best-practice and will minimise the discharge of sediment during the construction phase to an acceptable extent and ensure that any potential adverse off-site effects are temporary.

Air Quality

87. Ms Tracy Freeman, Principal Air Quality Consultant at Jacobs, is a technical assessor for the Alliance. Ms Freeman's expert evidence addressed air quality.
88. For construction of EB2 and EB3R Ms Freeman considered that the main air quality impact risk is the discharge of dust; with the potential for low, medium and high risk of offensive or objectionable dust nuisance from EB2 construction, and medium risk from EB3R construction. Ms Freeman recommended that the ESCP require mitigation and monitoring in high and medium risk locations, and agreed that the SSCMP is an appropriate approach for dust emissions near Pakuranga Plaza so that there is low risk of offensive or objectionable effects from dust occurring. Ms Freeman concluded that overall any residual impacts, including cumulative effects, arising because of dust emissions from the construction of EB2 and EB3R are likely to be of low significance.
89. For operational effects Ms Freeman considered that potential impacts are limited primarily to the risk of human health impacts from vehicle exhaust emissions and some emission of particles from tyre and brake wear. Vehicle emissions will continue to be present on the local roads with or without the implementation of the Project. Ms Freeman concluded that the implementation and operation of EB2 and EB3R will have a beneficial impact to both local and regional air quality.

Contaminated Land

90. Ms Emilie Eddington, a Lead Verifier for AECOM, is in the contaminated land team lead for the Alliance. Ms Eddington's expert evidence addressed contaminated land.
91. Ms Eddington set out that while a desktop study identified five properties in EB2 and three in EB3R where HAIL activities have been carried out, only two may have contaminated the soil and/or groundwater in areas where the soil will be disturbed as part of the Project. Hazardous building materials were also encountered during

investigations within the Project area. Ms Eddington considered that the contaminated land effects of the Applications are suitably well understood, expected for projects of this type, and risks can be suitably mitigated by procedures specified in the contaminated land management plan for the Project.

Archaeology

92. Mr Arden Cruickshank, an archaeologist at CFG Heritage Ltd, is an advisor to the Alliance. Mr Cruickshank's expert evidence addressed archaeology.
93. The Panel had no questions of Mr Stewart and as such he did not present at the hearing. His written evidence set out that the Project area is under-recorded archaeologically. Pakuranga was heavily developed in the 1960s and in situ subsurface archaeological deposits may be present within the project footprint, particularly near waterways. Mr Cruickshank considers there is potential for features associated with a redeposited midden identified during field survey work, and additional unrecorded archaeological sites, to be encountered and damaged or destroyed during works.
94. Mr Cruickshank recommended that an authority be sought from Heritage New Zealand Pouhere Taonga, and that an Archaeological Management Plan be prepared for the Project. Mr Cruickshank considered that potential effects on archaeological sites in the Project area can be adequately managed by those means.

Stormwater and flooding

95. Mr Paul May, Principal Civil Engineer – Transport Stormwater and Technical Leader – Transportation Stormwater at Jacobs, is Stormwater Technical Leader for the Alliance. Mr May's expert evidence addressed stormwater and flooding.
96. Mr May reviewed the existing stormwater networks within the Project catchment, which have no stormwater treatment (except for the network that services Pakuranga Plaza and surrounding area which has a large gross pollutant trap (GPT)). The discharge of stormwater from the Project is proposed to be authorised by the Auckland Council Network Discharge Consent (NDC) once the final design has been completed. The proposed stormwater treatment approach is to provide raingardens where feasible and GPTs elsewhere, and targeted treatment of high use roads outside the Project works where appropriate by GPTs. The final design and water quality outcomes will be influenced by ongoing joint Alliance and Healthy Waters hui with mana whenua. Mr May considered that the proposed design will achieve an overall reduction of existing contaminants discharged to the environment, and that the Project represents a significant positive effect for EB2 and EB3R with proposed works predicted to significantly improve stormwater quality from roads within catchments of the outfalls (including roads outside of the Project extents).
97. Mr May set out that EB2 and EB3R have three main overland flow paths which crosses roads in the Project footprint in the 10 and 100-year ARI events, in particular

Ti Rakau Drive. There is extensive existing flooding during the 10 and 100-year ARI events due to under-sized networks. Mr May concluded that there are no flood impacts on private property during the 10 and 100-year events as a result of the EB2 and EB3R stormwater design and Project works, and there are large areas of reduced flooding throughout the wider catchment. Mr May therefore considers that no mitigation is required to manage potential flooding effects. Mr May assessed secondary flow (overland flow path) capacity by applying pipe blockages to the pipe network model, resulting in predicted small to modest flood impacts on private property during the 10 and 100-year events. Mr May proposed mitigation involving relatively minor pipe size upgrades at several locations and some minor localised geometric design changes to the ground surface levels, sufficient to avoid the potential impacts in the flood model.

98. Mr May concluded that the Project represents a significant positive effect for EB2 and EB3R with proposed works predicted to significantly reduce flooding frequency, extents, and depths over large parts of EB2 and EB3R, thereby improving the capacity of the downstream drainage networks and resilience against flooding.

Marine Ecology

99. Dr Sharon De Luca, Partner and Senior Ecologist with Boffa Miskell Ltd, is an advisor to the Alliance. Dr De Luca's expert evidence addressed marine ecology.
100. The Panel had no questions of Dr De Luca and as such she did not present at the hearing. Her written evidence set out that the construction and operation of the Project involves permanent and temporary occupation of the CMA for the construction/upgrade of stormwater outfalls, and the operational discharge of treated stormwater. Dr De Luca considered that the marine receiving environment has Low ecological values and the overall construction and operation effects of the stormwater outfalls in the CMA will have a Low magnitude of effect. Dr De Luca considered that Very Low level of effect does not require mitigation.

Coastal Avifauna

101. Ms Karin Sievwright, an Ecologist at Boffa Miskell Limited, is an advisor to the Alliance. Ms Sievwright's expert evidence addressed coastal avifauna.
102. The Panel had no questions of Ms Sievwright and as such she did not present at the hearing. Her written evidence set out that the potential effects of the Project on the Low to High value coastal bird species present are Negligible. Ms Sievwright considered that the resultant Very Low levels of adverse effects do not require mitigation or offsetting.

Terrestrial and Freshwater Ecology

103. Ms Fiona Davies, Associate Director – Environment and Team Leader for the Natural Resources team at AECOM, is an ecologist for the Alliance. Ms Davies' expert evidence addressed terrestrial and freshwater ecology.

104. Ms Davies set out the assessment Project ecological effects and EB3R stream effects and her conclusion that the following High to Moderate effects require mitigation:
- The loss of lizard habitat from vegetation clearance;
 - The disturbance of the stream bed during construction; and
 - The potential mortality of native species (birds, lizards and fish) during construction.
105. Ms Davies recommended mitigation / impact management conditions including a Lizard Management Plan, bird nesting considerations for vegetation clearance, Habitat Restoration Plan, Stream Restoration Plan, and Native Fish Capture and Relocation Plan. Ms Davies considered that with this mitigation, along with best-practice construction measures, the level of effects to ecological features associated with EB2 and EB3R are Very Low to Low. Ms Davies considered that the recommended mitigation and management measures are appropriate, and any potential effects of the Project on freshwater and terrestrial features can be adequately mitigated and managed through conditions.
106. Ms Davies prepared supplementary evidence responding to the Panel's request for clarification about potential effects on freshwater ecology values (banded kokopu and short-finned eel) in relation to an increase in contaminant load (zinc, copper and TPH) predicted in Stream 3b at stormwater outfall MC108707. Ms Davies noted that short-finned eel are considered to be a more robust/resilient species with more pollution tolerance than banded kokopu. While operational effects from the project stormwater discharges are considered to be compliant under the existing NDC, Ms Davies assessed potential effects of an increase in stormwater contaminants on banded kokopu as part of stream mitigation calculations. Ms Davies confirmed that effects on banded kokopu were very unlikely due to the contaminant levels.

Arboriculture

107. Mr Leon Saxon, an arborist at Arborlab Consultancy Services Ltd, provided arboricultural assessment of vegetation for the Project. Mr Saxon's expert evidence addressed arboriculture.
108. For EB2 Mr Saxon assessed that of the 249 trees that would ordinarily require resource consent to remove under the AUP:OP, 61 trees are proposed to be removed and 188 trees are proposed to be retained. For EB3R of the 269 trees approximately 165 are proposed to be removed and 104 are proposed to be retained. Mr Saxon prepared a Tree Protection Management Plan for construction activities around retained trees, and considered that a sufficient number, diversity and size of replacement trees are proposed to mitigate the adverse effects of the anticipated tree removal. Mr Saxon considered that with the proposed mitigation the arboricultural effects of the Project will be minimal and may result in an improvement from the existing situation.

Open Space

109. Mr Anthony Hart is the Stakeholder Manager and Parks Specialist for AT and the Alliance. Mr Hart's expert evidence addressed open space.
110. Mr Hart assessed the effects of the Project (construction and operation) on open space values including impacts on Paul Place Reserve, Bus Stop Reserve, esplanade reserves along the corridor, and Riverhills Park. Mr Hart considered that any adverse effects on open space will be appropriately managed. For Riverhills Park (which will experience the most substantive impacts) mitigation measures have been agreed with key stakeholders, including football field upgrades and creation of a perimeter path. Resource consent is required (and had been lodged) for the Riverhills Park mitigation works.
111. Mr Hart concluded that the mitigation measures proposed for parks and open space will enhance the existing assets and provide additional passive and active recreation opportunities for the community, leaving the community better off by improving the existing open space values.

Social Impact

112. Ms Katelyn Symington and Mr John Daly gave joint evidence. Ms Symington, Principal Environmental and Urban Planner at AECOM, and Mr Daly, Associate Director (Planning) and Team Leader for the Planning Team at AECOM, authored and reviewed the social impact assessment for the Applications respectively. Ms Symington and Mr Daly's expert evidence addressed social impacts.
113. Ms Symington and Mr Daly's evidence identified potential positive social impacts including better connectivity, increased access to opportunities, improvements in active transport and health and wellbeing, a safer environment, and opportunities to address climate change. Potential adverse social impacts during construction were identified ranging from low to moderate adverse (with mitigation), including from disruption and severance, effects on health facilities, property acquisition and displacement, access to commercial properties, and noise, vibration, dust and visual effects. Some residual adverse impacts during operation were identified as low adverse (with mitigation), including fears about safety associated with the RRF, noise and vibration, and severance. Mitigations and their incorporation into management plans were set out.
114. Ms Symington and Mr Daly responded to the section 42A report and how development response was incorporated into proposed management plans. They set out why they do not consider that the Applications will result in the same scale of effects as City Rail Link and why they have not recommended a hardship fund.

Planning

115. Mr Timothy Hegarty, Principal Planner at Jacobs, is a planner in the Planning and Property Team for the Alliance. Mr Hegarty's expert evidence addressed planning matters.
116. Mr Hegarty addressed assessment of effects, statutory considerations for the NOR and RCs, Part 2 assessment, conditions, and response to the section 42A report and submissions. Mr Hegarty considered that the Applications support the outcomes sought by a range of national, regional and local planning documents (given the benefits, design, proposed conditions and suite of management plans), and support urban intensification in a way that contributes to a well-functioning urban environment.
117. Mr Hegarty's supplementary and rebuttal evidence addressed the request to waive the need for an Outline Plan of Works ("**OPW**") for EB2, management plan certification, designation uplift from surplus land, the future environment, the appropriate application of traffic modelling based on census data, permitted activities in the Town Centre Zone, car parking at Pakuranga Plaza, the status of the resource consent for the Riverhills Park mitigation works, and clarification of wording for a range of conditions.

Submitters

Simeon Brown, MP for Pakuranga (EB2 NOR)

118. Mr Brown spoke to his submission, noting his support for the project and its public transport benefits, but in particular for the RRF component to ease congestion around Pakuranga Plaza. Mr Brown considered that without the RRF the busway won't work, and that the RRF should have been built before the busway. Now that the busway and RRF are being progressed together Mr Brown considered it is critical that traffic continues to flow during construction, as until the busway is completed East Aucklanders don't have viable public transport options so traffic flow is critical to enable people to get to work.

Kāinga Ora (EB2 NOR)

Legal submissions

119. Mr Allan gave brief oral legal submissions confirming that Kāinga Ora supports this busway (and busways in general) due to the relationship between intensification and public transport. Mr Allan set out the specific potential adverse effects of concern to Kāinga Ora, scope for changes in response to submissions (noting the powers of a Road Controlling Authority within the road reserve), and the Applicant's proposed exclusion of the public from approval of management plans and OPWs.

Planning

120. Michael Campbell and Jonathan Payne, Director and Principal Planner at Campbell Brown Planning Ltd respectively, provided joint expert evidence addressing planning matters including severance, CPTED, road surface selection to mitigate noise at source, stormwater and flooding, and the timeframe for lifting of the designation after construction. Mr Campbell and Mr Payne supported the EB2 NOR subject to the matters raised being addressed in conditions.

TWG (EB2 NOR)

Legal submissions

121. Mr Bartlett KC presented legal submissions for TWG, owner of The Warehouse Pakuranga (within Pakuranga Plaza). The Warehouse Pakuranga fronts, and accesses its loading dock and basement parking from, Reeves Road. Mr Bartlett confirmed that TWG does not oppose the EB2 NOR, but seeks appropriate conditions with respect to both construction and operational effects. The legal submissions addressed noise and vibration effects, traffic effects, fire egress, and the purpose and certification of management plans.

Corporate

122. TWG called corporate evidence from three witnesses.
123. Haula Cooper, Regional Chapter Lead (multi-site regional manager) for The Warehouse Ltd ("TWL"), gave corporate evidence for TWG. Mr Cooper's evidence addressed store operations at The Warehouse Pakuranga (which has dual functions as both an instore retail store and an online orders fulfilment centre) including trading patterns, trading and non-trading staffed hours, truck and courier delivery and collection volumes and times, stockroom operation, waste and recycling, and parking. Mr Cooper assisted the Panel at the hearing with additional detailed information about peak and non-peak trading patterns, store layout, access points and parking.
124. Fiona Shilton, Property Lead for TWL, prepared written corporate evidence for TWG. Ms Shilton was overseas and did not present at the hearing. Her written evidence addressed an overview of The Warehouse operations and stores, history of the proposal, and potential effects on The Warehouse Pakuranga operations.
125. Ian Hartshorne, Property Construction Lead for TWL, gave corporate evidence for TWG. At the hearing Mr Hartshorne addressed the effects raised in Ms Shilton's written evidence including deliveries, stock management, construction effects, and the possibility of constructing an alternative stockroom accessed by a disused secondary loading bay.

Fire safety

126. Carol Caldwell, senior fire engineer at TM Consultants, gave expert evidence addressing transport effects. The Panel had no questions of Ms Caldwell and as such she did not present at the hearing. Her written evidence addressed the New Zealand Building Code fire-related requirements for The Warehouse Pakuranga including building description, building egress, FENZ access, the Building Act and Building Code, fire design, and conditions.

Wayfinding and signage

127. Grant Armstrong, Principal and Director at Ignite Architecture Ltd, gave expert evidence addressing wayfinding and signage. Mr Armstrong's evidence addressed legibility of external retail store signage, wayfinding and customer experience during construction and following completion of the project, approaches, proposed mitigation through increasing the size and height of the main building signage presentation to all customer approaches, and the possible alternative stockroom.

Transport

128. Leo Hills, Director at Commute Transportation Consultants Ltd, gave expert evidence addressing transport effects. Mr Hills' evidence set out that while he supports EB2, he had identified several outstanding issues requiring clarification or confirmation in conditions. These included operation of the existing Reeves Road, access to The Warehouse Pakuranga loading dock during construction (once a day for larger trucks and 10-12 daily for smaller delivery vehicles, the potential alternative loading dock, legibility of The Warehouse Pakuranga both during construction and following completion of the project, the potential for restrictions of movements at the Cortina Place extension driveway entrance into The Warehouse Pakuranga basement carpark, and use of Reeves Road.

Noise and vibration

129. Rhys Hegley, a Partner with Hegley Acoustic Consultants, gave expert evidence addressing noise and vibration. Mr Hegley's evidence addressed construction noise in-store, the need for a detailed breakdown of the proposed noise exposure or to provide a construction noise limit within The Warehouse Pakuranga, construction noise in the existing loading bay, construction vibration and the need for limits to avoid predicted "intolerable" effects, operational noise, and the importance of the solid barrier on the RRF. Mr Hegley confirmed that he did not expect vibration from the operation of the new or upgraded roading projects to create issues.
130. Mr Hegley's supplementary evidence commented on narrowing of issues since the Applicant's rebuttal evidence and progress with refining proposed conditions.

Planning

131. Vaughan Smith, a sole practitioner resource management consultant, gave expert evidence addressing planning matters. Mr Smith's evidence set out that while he supports EB2, the impact of the project on the operation and viability of The Warehouse Pakuranga will be significant, but adverse effects can be mitigated to some extent by conditions. Mr Smith's evidence addressed management plan certification, lapse period, construction programme and sequencing, the unrestricted use of loading docks during construction, the potential alternative stock room, parking, limiting noise and vibration effects, economic effects, the provision of new signage, fire services requirements, and dust effects mitigation.

Ministry of Education (EB2 NOR and EB3R RC)

132. Two letters (EB2 and EB3R) from the Ministry of Education were tabled at the hearing. In its submissions the Ministry sought that potential construction traffic effects on student safety at schools in Pakuranga be appropriately addressed and managed through amendments to the proposed CTMP conditions. The letters recorded that the Ministry agreed with the proposed condition changes addressed in Mr Hegarty's planning evidence for the Applicant, which resolve the Ministry's concerns.

Howick Local Board (EB2 NOR, EB2 RC and EB3R RC)

133. Damian Light, Chairperson of the Howick Local Board, spoke to a Powerpoint presentation at the hearing and summarised the issues of concern to the Local Board as set out at paragraph 41 above.

PPL (EB2 NOR, EB2 RC and EB3R RC)

134. While PPL lodged submissions on all three Applications, the legal submissions and evidence for the hearing focused on EB2 NOR.

Legal submissions

135. Mr Doesburg and Mr Maassen presented legal submissions for PPL, which owns Pakuranga Plaza, occupying much of the land zoned for the Pakuranga Town Centre. Mr Doesburg confirmed that PPL supports the Project but says that the detail and proposed conditions will result in unacceptable adverse effects which can and should be avoided, remedied and mitigated. The legal submissions addressed waiver of OPW, Part 2 of the RMA, witnesses who are part of the Alliance, the existing environment, intensification under the AUP:OP, and outstanding issues and proposed conditions - including the Brampton Court intersection, car parking at Pakuranga Plaza (realignment, peak parking survey, and realignment), and the SSCMP. Mr Doesburg also addressed the Panel on frustrations with respect to aspects of consultation with the Applicant, the somewhat unusual situation where the car parking for Pakuranga Plaza is owned and controlled by Auckland Council, and PPL's aspirations to redevelop and revitalise Pakuranga Plaza.

Corporate

136. Christopher Minty, Director of Property NZ for GYP Properties Ltd (“GYPP”), the holding company of PPL, gave corporate evidence for PPL. Mr Minty’s evidence addressed the site history and overview of the property arrangements for Pakuranga Plaza, effects on Pakuranga Plaza, remaining issues (key among them the Brampton Court intersection and limiting the loss of car parking), engagement with AT and the Alliance about the wider Eastern Busway Project over many years, the historic and current level of activity at Pakuranga Plaza, and GYPP’s development aspirations for the site.

Transport

137. Bronwyn Coomer-Smit, Director of Flow Transportation Specialists, gave expert evidence addressing transport effects. Ms Coomer-Smit’s evidence set out that while she is supportive of the project as a whole, she has identified three key remaining issues: safe and efficient access to and from the Plaza at the Pakuranga Road / Brampton Court intersection; provision of adequate parking at Pakuranga Plaza during and post-construction; and provision of adequate access to, from, and within Pakuranga Plaza during and post-construction. With respect to parking Ms Coomer-Smit considered that removal of parking can be partially mitigated by redesigning the remaining area to maximise the amount of parking provided; and if peak parking surveys show insufficient onsite parking to accommodate demand then mitigation could include off-site parking for Plaza staff and changes to construction phasing and extent of construction zones.
138. With respect to the design of Brampton Court intersection, Ms Coomer-Smit identified that the modelled saturation means that there is not sufficient capacity at the intersection to accommodate the traffic demands - excessive delays and queues will form resulting in safety issues (including conflicts with cyclists) as drivers attempt to turn right in and out of the intersection. Considering the modelling, crash history, visual observations, and how traffic will be rerouted as a result of the project, Ms Coomer-Smit considers that the proposed priority-controlled intersection is an unsafe outcome that does not manage the adverse traffic effects of the Project and that the intersection must be signalised as part of the Project.

Planning

139. Alex van Son, Partner and Senior Planner at Planning Focus Ltd, gave expert evidence addressing planning matters. Mr van Son’s evidence set out a summary of the proposed redevelopment of Pakuranga Plaza, a planning assessment of the transport effects, the planning context for the Applications, and recommendations for appropriate conditions. At the hearing Mr van Son discussed the transport effects in relation to the objectives of the NOR, and the redevelopment of Pakuranga Plaza in the context of the existing and future environment.

GDL (EB2 NOR and EB3R RC)

While GDL lodged submissions on EB2 NOR and EB3R RC, the legal submissions and evidence for the hearing focused on EB2 NOR.

Legal submissions

140. Ms Arthur-Young presented legal submissions for GDL which operates Countdown Pakuranga in the Pakuranga Plaza. Ms Arthur-Young referred to significant adverse transport effects on the store that threaten its ability to continue to operate, and framed the key issues as: a lack of information regarding adverse effects and how they will be managed (particularly during the construction period); failure to avoid, remedy or mitigate the significant adverse effects on the store (including permanent loss of parking and permanent constraints on loading dock access); and an inadequate assessment of alternatives, particularly in relation to options that minimise impacts on the store. The legal submissions also addressed the role of management plans to implement, not substitute for, clear and enforceable conditions. At the hearing Ms Arthur-Young acknowledged that the Applicant was now demonstrating willingness to listen and reflect, but that it would have been preferable to engage more meaningfully earlier in the planning process. Ms Arthur-Young indicated that while GDL's submissions sought to decline the Applications, GDL is in broad support provided that the significant adverse effects can be avoided, remedied or mitigated in the conditions.

Corporate

141. Ross Burns, Portfolio Manager at Woolworths NZ Ltd, gave corporate evidence for GDL (a subsidiary of Woolworths). Mr Burns is responsible for the establishment and occupational real estate matters associated with Countdown stores from Pokeno northwards, including Countdown Pakuranga. Mr Burns' evidence addressed the key features of Countdown Pakuranga; and impacts of the Applications on store operations (including with respect to carparking within Pakuranga Plaza, access to the loading dock, and business disruption during construction and operation). Mr Burns assisted the Panel at the hearing with additional information about the number of transactions the store handles each week during peak and non-peak periods, customer parking expectations, and confirming that the store currently does not operate online or click and collect transactions.

Transport

142. Daryl Hughes, Associate Transportation Engineer at CKL, gave expert evidence addressing transport effects. Mr Hughes considered that EB2 will have significant adverse environmental effects on Countdown Pakuranga, both in terms of construction effects (access to the Countdown Pakuranga loading dock and removal of adjacent car parking, and construction workers' parking) and operational effects (permanent loss of parking will result in insufficient parking for the store and the wider

Pakuranga Plaza, and the effects of the Aylesbury Street South West / Ti Rakau Drive intersection on the safety of loading dock servicing manoeuvres).

143. In response to questions from the Panel, Mr Hughes identified the primary issue as the location of the proposed Pakuranga bus station and extent of land take. Mr Hughes considered that locating the station in the northern corner of the site would have resulted in a reduction in the loss of parking. Mr Hughes considered that the Applicant should re-look at the proposal and the site, and he did not consider that any further mitigation would resolve his parking and loading concerns if the EB2 Pakuranga station location were to be approved.

Equal Justice Project (EB2 NOR, EB2 RC and EB3R RC)

144. Albert Nguyen and Alex Yang spoke to the submission from the Equal Justice Project, a charity that utilises law students' legal training and knowledge to advocate for change, including the promotion of effective climate action in Auckland. The presentation addressed Auckland Council's declaration of a climate emergency, Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, transport's contribution to Auckland's greenhouse gas emissions, and the evolving law on climate change (including case references). Equal Justice Project supports approval of the Applications.

Applicant's Reply

145. The reply legal submissions for the Applicant addressed matters raised by the Panel including: confirmation that resource consent to enable proposed mitigation works at Riverhills Park has been granted, the receiving environment, future use of residential land / tree planting, OPW waiver, management plans, timeframe for uplift of parts of the designation, Auckland Council's Network Discharge Consent, climate change amendments to the Act, and scope for intersection design changes. The reply submissions also responded to issues raised by submitters during the hearing, and in the Council's comments at the end of the hearing.
146. In response to specific queries raised by the Panel of some of the proposed conditions, the Applicant also offered a suite of revised conditions and supporting rationale for those.

Principal issues in contention

147. After analysis of the Applications and evidence (including proposed mitigation measures), undertaking site visits, reviewing the section 42A reports, reviewing the submissions, and concluding the hearing process, the proposed activity raises a number of issues for the Panel's consideration.
148. The issues narrowed through the pre-circulation of evidence and legal submissions, during the hearing, following the adjournment of the hearing, in the Applicant's reply, and up until the close of the hearing. This is to the credit of all parties and their experts, who focused on resolving issues and effective condition wording.

149. The Panel considers that the principal issues in contention are:

- Statutory framework and procedural issues:
 - Alternatives (EB2 NOR)
 - Objectives and reasonable necessity (EB2 NOR)
 - Waiver of OPW (EB2 NOR)
 - Climate change amendments
 - Existing environment and future environment
 - Permitted baseline
 - Scope matters
 - Expert witnesses
 - Applicability of Part 2

- Effects and appropriate conditions:
 - Noise and vibration
 - Transportation
 - Management plan certification
 - Pakuranga Plaza SSCMP (EB2 NOR)
 - Social and economic effects
 - Future use of residual land / tree planting (EB3R)
 - Stormwater and flooding (EB2 NOR)
 - Streamworks mitigation (EB3R RC)
 - Bentonite polymer plant (EB2 RC)
 - Uplift of designation (EB2 NOR)
 - Lapse

Main findings on the principal issues in contention

150. The Panel's main findings on the principal issues in contention follow.

Alternatives

151. For EB2 NOR, section 171(1)(b) requires us to have particular regard to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work (triggered because AT does not have an interest in the land sufficient for undertaking the work).
152. This matter was particularly raised by GDL with respect to consideration of alternatives with lesser effects (in particular parking and loading) on Countdown Pakuranga. Mr Hughes' transportation evidence for GDL attributed the parking and loading effects on Countdown Pakuranga to the location selected for the proposed Pakuranga bus station.
153. The Applicant's legal submissions addressed this and pointed us to case law setting out the approach to this statutory assessment: the focus is on the process not the

outcome; the question is not whether the best, most appropriate or most suitable alternative has been chosen; responsibility for selecting the site remains with the requiring authority; and the assessment does not require every alternative to have been fully developed to the level of a detailed alternative proposal.

154. GDL's legal submissions also addressed this issue and referenced case law setting out that a requiring authority must make sufficient (not arbitrary or cursory) investigations of alternatives, and that a more careful consideration of alternatives is required where adverse effects are significant (as GDL say they are here). The legal submissions also pointed to the Applicant's alternatives assessment not specifically assessing effects on Countdown Pakuranga.
155. Mr Snowsill's detailed evidence for the Applicant set out alternatives assessments undertaken for EB2 by AMETI, AT and the Alliance for Reeves Road and the location of the proposed Pakuranga bus station.
156. Mr Wren for the Council considered that EB2 NOR satisfies the statutory requirement to assess alternatives.
157. Having considered the legal submissions, Mr Snowsill's evidence and the section 42A report the Panel is satisfied that adequate consideration has been given to alternative sites, routes, or methods of undertaking EB2. We find that alternatives were assessed over a long period of time in several iterations, this consideration was not arbitrary or cursory, and the various station locations options considered included different land take requirements (and therefore different impacts on land available for parking). We find that a specific assessment of alternative effects on Countdown Pakuranga was not required by section 171(1)(b).

Objectives and reasonable necessity

158. For EB2 NOR, section 171(1)(c) requires us to have particular regard to whether: whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
159. The Applicant's legal submissions addressed this statutory test, stated to be an assessment of whether EB2 is reasonably necessary to achieve the stated objectives, as opposed to an assessment of the necessity of those objectives.
160. Ms Sinclair's evidence addressed Eastern Busway objectives, Mr Snowsill's evidence addressed the assessment of various alternatives against those objectives, and Mr Doran's evidence addressed the strategic problems with the transport network in this part of Auckland and how EB2 proposes to address those problems.
161. Mr Wren for the Council considered that EB2 NOR satisfies the statutory requirement of reasonable necessity to achieve the objectives.

162. Having considered the legal submissions, evidence and the section 42A report the Panel is satisfied that the work and designation are reasonably necessary for achieving the Eastern Busway objectives.

Waiver of OPW

163. Section 176A(2)(c) provides that an OPW need not be submitted to the territorial authority if the territorial authority waives the requirement for an OPW. The Applicant has sought a waiver of the OPW requirement for EB2 NOR.

164. The Applicant's legal submissions and Mr Hegarty's planning evidence addressed the reasons for this request, summarised in the legal submissions as:

- *Detailed information has been provided in the AEE, including significant inputs from the construction team who will be implementing the designation, the technical reports, draft management plans and proposed conditions;*
- *The early involvement of the contractor as part of the EBA significantly reduces the level of uncertainty that might be more typical when NoRs precede construction inputs; and*
- *An OPW would be a duplication of the information already provided in the Applications. There would be no further information that would be provided via the OPW that is not already in the Applications.*

165. As stated in the legal submissions for TWG and in the oral submissions for GDL, the Panel considers that the appropriate role of management plans is to implement conditions which specify clear outcomes. The proposed conditions and management plan requirements for EB2 NOR have been extensively revised throughout the hearing, including transferring some matters from management plans "up" to conditions to increase certainty, in response to the concerns of submitters and questions from the Panel. As such the Panel is not satisfied that the (draft) management plans, prepared prior to lodgement of the NOR, fully address implementation of the final conditions the Panel recommends. Having carefully considered whether it is appropriate to waive the requirement for an OPW, the Panel finds that it is not.

166. The Panel notes that section 176A(2)(b) states that an OPW also need not be submitted if the details of the proposed public work, project, or work are incorporated into the designation, and that it is therefore open to AT to seek to rely on this provision in the absence of a waiver.

Climate change amendments

167. The Applicant's legal submissions addressed the 2022 climate change amendments to the RMA. The legal submissions set out that since 2004 section 104E has provided that when considering an application for a discharge permit or coastal permit a consent authority could not have regard to the effects of a discharge of

greenhouse gases on climate change; and that section 104E was repealed as of 30 November 2022 introduced by changes in the Resource Management Amendment Act 2020 taking effect.

168. The Panel asked for clarification with respect to the statutory transitional provisions for the climate change amendments. This was addressed in the Applicant's reply, setting out that the relevant transitional provisions state that applications for resource consents lodged with a local authority immediately before 30 November 2022 (the date that the climate change amendments came into force) must be determined as if the climate change amendments had not been enacted. The Applications were lodged with the Council on 12 August 2022. The net effect of the transitional provisions is that the Act must be applied to EB2 RC and EB3R RC as if section 104E still precludes the consideration of the effects of a discharge of greenhouse gases on climate change.
169. The Applicant's reply sought that the Panel take a purposive approach to interpretation, to give adequate consideration to the objectives of the climate change amendments within the policy context and to the circumstances of the Eastern Busway.
170. The Panel is not satisfied that a purposive approach is available to us in light of the clear statutory language of the transitional provisions setting out which applications for resource consent are to be decided under the climate change amendments and which are not. EB2 RC and EB3R RC were lodged prior to the relevant threshold. The Panel finds that we do not have discretion to ignore the transitional provisions (and if we do have such discretion, we decline to exercise it). EB2 RC and EB3R RC must be determined as if section 104E still applies.
171. The Applicant's reply confirms however that neither section 104E nor the transitional provisions refer to designations - as such there is nothing in the Act to prevent the Panel from considering reductions in greenhouse gas as an "other matter" under section 171(1)(d) of the RMA.
172. With reference to the Applicant's evidence, the Panel accepts that there are potentially considerable (but unquantified) benefits of EB2 NOR with respect to the effects of a reduction in the discharge of greenhouse gases, and that we can and will take these into consideration.

Scope issues (EB3R RC)

173. An issue of scope arose in advance of the hearing (raised by the Council) as to whether design changes to the Mattson Road / Ti Rakau Drive intersection and Edgewater Drive (east) / Ti Rakau Drive intersection (and any associated altered traffic and noise and vibration effects) since lodgement of the Applications were within the scope of EB3R RC as notified, or conversely warranted the re-notification of EB3R RC.

174. The Applicant's legal submissions and the evidence of Mr Doran and Mr Hegarty addressed this matter. The legal submissions set out that the amendment to the Edgewater Drive (east) / Ti Rakau Drive intersection directly responded to relief sought in the Metlifecare submission, is within the envelope of effects of the proposal as publicly notified, there are no additional parties who will experience minor or more than minor adverse effects as a result of the change, and as such re-notification is not necessary.
175. The Applicant's legal submissions further considered section 104(3)(d) which provides that a consent authority cannot grant an application if it should have been notified and was not. The application for EB3R RC however was publicly notified.
176. The Panel agrees with the Applicant, particularly in light of the wide range of permitted road network activities under the AUP:OP applying to the existing road reserve areas. The Panel notes that the acoustic experts for the Applicant and the Council have subsequently agreed condition wording which resolves any concern about altered noise and vibration effects associated with the amended intersection designs.

Expert witnesses

177. A procedural issue arose at the hearing with respect to the structure and role of the Alliance (comprising AT, AECOM, Jacobs, Fletcher Construction and Acciona Construction), and witnesses employed by the entities that form part of the Alliance giving evidence as expert witnesses. This matter was initially raised by the Panel but was also addressed in the legal submissions for PPL.
178. The Applicant's legal submissions and the oral evidence of Ms Sinclair addressed this issue. Ms Sinclair addressed the Alliance structure and confirmed that none of the Alliance partners are an employee-owned company which would derive dividends for shareholders who may be witnesses, with any financial benefit associated with the Project going to the employer companies. The legal submissions set out that all of the Applicant's expert witnesses have disclosed their employment and confirmed that they have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses (which includes a requirement to declare any relationship with the party calling them or any interest they may have in the outcome of the proceeding including under any conditional fee agreement which depends on the outcome of the proceeding).
179. While the Panel considered it important to clarify these matters, we are satisfied that all of the Applicant's expert witnesses were made aware of their obligations and were giving evidence in an expert capacity.

Existing and future environment

180. The Applicant's legal submissions and Mr Hegarty's evidence addressed the existing and future environment, as did the section 42A reports, and the legal submissions

and evidence for several submitters. The Panel engaged with counsel and witnesses on the point.

181. The Applicant's reply sets out a two step process:
- First, identify the *Hawthorn* existing environment. This is the existing environment plus aspects of the future: the effects of permitted activities, and resource consents that are likely to be implemented.
 - Second, assess the effects of the Applications (including the positive effects of the Project, some of which may occur in the future) on the existing environment. Traffic modelling based on census data and growth assumptions helps to identify the longer-term adverse and positive effects of a proposal.
182. The Panel agrees that we must identify the *Hawthorn* existing environment before assessing effects. (With respect to the permitted activities aspect of *Hawthorn*, we received detailed evidence on the extent of permitted activities for Pakuranga Plaza and the Town Centre Zone, but comparatively little evidence on those for the residential zones adjoining the Project).
183. A complicating factor with these Applications is the degree to which modelled or predicted future growth and redevelopment is relevant to the purpose and benefits of the Project, and to the future environment that the Project would operate in upon completion. Many parties have asserted that others are seeking to downplay one side of the equation while placing too much emphasis on the other.
184. The Panel is not assessing the effects of predicted growth. The Applicant is not seeking consent for residential (or commercial) growth, which has been enabled by the operative zoning in the AUP:OP. The Applications respond to current constraints and predicted growth, and the Panel's role is to assess the effects of the Applications.
185. Applications for strategic infrastructure such as the Project (and in particular its benefits) are however generally premised on a 'future' environment and, specific to the Project, future traffic conditions predicted to result from future development.
186. On the one hand the Applicant sought to place substantial weight on the benefits of the Eastern Busway as part of its assessment of effects on the environment, including positive effects as well as in considering the Project's overall merits. In this respect the Applications relied on future traffic anticipated to arise from future (and in many cases not permitted activity) development. On the other, the Applicant opposed consideration of future land use development on sites adjoining the Project area where that would require land use consent (such as any new buildings within the Town Centre zone at Pakuranga Plaza or any new dwellings within the Terraced Housing and Apartment Building zone that adjoins much of EB3R) because that fell outside the concept of the existing environment.

187. This presented a quandary to the Panel. To accept the Applicant's first premise (upon which most of the Project's identified potential benefits would rely) the Panel must agree that it is appropriate to speculate via modelling of future traffic volumes resulting from speculated future development, some of which might result from permitted activities but some of which would not. The Panel was also given no information on how this modelled traffic might arise or where the development that would give rise to that traffic would occur.
188. The Panel has been guided by the principle of taking a real-world approach. The Panel accepts that Auckland is a growing city and that the current suite of zones across the Project area directly contemplate and aim to provide for substantial growth and urban change. Much of that growth will arise from activities that do not have permitted activity status under the AUP:OP (or existing resource consents), and hence cannot be considered as part of the existing environment. It would however be artificial to conclude that no or only very little growth might occur; the AUP:OP provisions at play are generally premised on managing the *way and form* that future growth should occur, not *whether* it should occur at all.
189. The Panel has determined to:
- Identify the existing environment and consider the proposal in light of that. This does not include the future traffic conditions modelled by the Applicant and which many identified Project benefits are premised on. This also does not include potential future development on land adjacent to the Project where that is not a permitted activity under the AUP:OP (or subject to existing resource consents that are likely to be implemented).
 - Accept, separate to the existing environment and expressly as a section 104(1)(c) and 171(1)(d) consideration, that there is a real context of growth in this part of Auckland. Both the Council and the Applicant have undertaken many years of comprehensive analysis as to what traffic outcomes are most likely to eventuate (where, and over what timeframe) using models based on Census population data. This includes the modelled traffic simulations that have ultimately led to the Project being proposed. Although speculative, it is in the Panel's view both informed and probatively useful.
 - Find that this "predicted future traffic environment" is a relevant consideration because what is being relied on is not a specific solution on a specific site that needs consent, but a significant linear infrastructure project responding to the likelihood that growth will occur over time on land identified as suitable for and zoned to enable that growth.
190. The Panel has addressed this issue by giving greater weight to effects on the existing environment. The Panel agrees that the predicted future traffic environment is relevant as a matter of context and some likelihood, but with lesser weighting attached to it than the existing environment and as a matter considered under sections 104(1)(c) and 171(1)(d) of the RMA. The Panel has not considered specific

potential development outcomes on specific sites where (as will apply on most land adjoining the Project) land use consent would be required.

191. The effect of the Panel's approach is that:

- The Applications need to stand or fall in the first instance on their effects on the existing environment.
- Future potential benefits in the context of a predicted future traffic environment may provide supplemental grounds for supporting the Applications.
- It is most unlikely that the Applications would be successful if they were generally not appropriate in terms of the existing environment, and instead relied wholly or mostly on speculative potential future benefits in the predicted future traffic environment to be acceptable.
- The Panel has elected not to consider potential future benefits arising from a predicted future traffic environment as directly mitigating or offsetting any adverse effects identified within the existing environment, on the basis that they are too uncertain and too speculative to be relied on for that purpose.
- The Applicant's predicted future traffic environment largely serves to explain and justify the Project, the genesis of several Project objectives, and many of the specific design parameters that have been selected (such as design capacities etc). In those respects, the Panel accepts the Applicant's predictions and takes those no further.

192. Against that backdrop, the Panel finds that the section 42A reports included some recommendations that extend beyond the Applicant's obligation to avoid, remedy or mitigate the effects of the Applications on the existing environment, and stray into aspirations for additional measures to support potential future intensification rather than growth enabled by permitted activities in the operative zones in the AUP:OP. The Panel has not adopted those recommendations.

Permitted baseline

193. Section 104(2) states that when considering an application for a resource consent and any actual and potential effects on the environment of allowing the activity, the consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect (the permitted baseline). The Applicant's legal submissions set out that, while not expressly referenced in section 171, case law indicates that the permitted baseline also applies to the assessment of designations. Mr Hegarty's planning evidence addressed the permitted baseline. The Applications include many proposed works which are permitted activities because they will take place within the existing road corridor. The Applicant seeks that the Panel apply the permitted baseline to all three Applications.

194. With respect to EB2 NOR, Mr Wren for the Council considered that while there are aspects of EB2 NOR that are permitted activities, the permitted baseline is not particularly useful when looking at the proposal in an integrated way because the permitted and non-permitted aspects are interconnected. For EB2 RC Ms Wong for the Council did not reach a view on the application of the permitted baseline. For EB3R RC Ms Wong considered that the permitted baseline should be restricted to land owned by Auckland Council.
195. The Panel has found permitted activities helpful in assessing specific effects of the Applications, albeit acknowledging that EB2 and EB3R cannot be constructed without the suite of resource consents sought in the Applications. The Panel's acceptance of a permitted baseline has however been limited to the range of works that the Road Controlling Authority could undertake within the existing road reserves as a matter of course (including modifying roads and their cross sections, undertaking extensive renewal or repair road works, and repositioning utility poles or other services) and the resultant effects of that. Beyond that, the Panel generally agrees with Mr Wren that it quickly becomes impracticably speculative to apply the permitted baseline to all of the land subject to the Project (and in particular, to the residential allotments acquired for the Project).

Applicability of Part 2

196. Both sections 104 and 171 are expressed as "subject to Part 2".
197. With respect to section 104, the Applicant's legal submissions addressed the *Davidson* test and stated that reference back to Part 2 would not add anything to the evaluative exercise as the AUP:OP has been competently prepared. The legal submissions accepted that reference to Part 2 is required for section 171 (and noted that Mr Hegarty's evidence had assessed the Applications under Part 2).
198. The legal submissions for PPL stated that - given the size and scale of the project and that it relies on an NOR for the majority of its works - it would be appropriate for the Panel to consider Part 2 in its evaluation of both the NOR and the RCs.
199. The Panel finds that a consideration of the Applications against Part 2 of the RMA is in this instance is appropriate for the following reasons:
- In light of the Project including elements of a NOR and elements of RCs, which have different statutory tests;
 - There has been substantial disagreement between the parties regarding the applicability of and way that future potential issues, and effects that sit outside of the established 'norm' of the existing environment, should or should not be considered;
 - The Project and its purpose relate at least as much (if not more) to a predicted future transport problem than one existing now; and

- The scale and location of the Project including a major town centre and several major transport junctions.
200. The Panel finds that the promotion of sustainable management would be better served by considering Part 2 as part of its overall evaluation of the proposal and its merits.

Noise and vibration

201. While noise and vibration effects for both EB2 and EB3R were initially a significant issue in contention in the section 42A reports, by the close of the hearing the general issues had narrowed and resolved considerably for both EB2 (setting to one side issues relating to The Warehouse Pakuranga) and EB3R. This was the result of considerable conferencing between the acoustic experts (and the Alliance construction team) during and immediately after the hearing, and reframing conditions at issue to focus on outcomes rather than methods. For issues other than those relating to The Warehouse Pakuranga, noise and vibration conditions were largely agreed by the close of hearing.
202. There was a significant focus at the hearing on noise and vibration effects on The Warehouse Pakuranga (EB2 NOR). There is no disagreement that those effects had the potential to be considerable, in particular (but not exclusively) associated with piling works for the RRF in close proximity to the building.
203. The Panel encouraged conferencing between the acoustic experts (and the Alliance construction team), which took place during and after the hearing. A significant step was an early morning site meeting during the hearing to take façade performance measurements at The Warehouse Pakuranga with construction equipment operating.
204. The hearing was briefly re-opened in order to receive updated information with respect to the ongoing discussions between the acousticians. The Panel wishes to specifically recognise and thank the parties for their efforts to find agreement on this matter.
205. When the hearing closed substantial agreement had been reached and there are now only two matters remaining at issue. This is a considerable achievement. It reflects both a pragmatic (and public-spirited) acceptance by TWG of a degree of unavoidable noise and vibration effects on the store to enable the works, and that the most significant effects from the RRF piling are expected to be concentrated over a few weeks.
206. The two outstanding matters relate to whether conditions should:
- Specify a maximum duration for piling works in proximity to The Warehouse Pakuranga; and
 - Require AT to upgrade The Warehouse Pakuranga façade to provide acoustic attenuation in the event of non-compliance with piling noise standards.

207. The updating information provided by TWG to the Panel included a series of emails and correspondence between the acousticians for TWG (Mr Hegley) and the Applicant (Ms Drewery and Mr Jakhu); and marked up conditions (which include the two matters identified above).
208. The Council's technical specialist Mr Styles advised the Panel that he agreed with the position of TWG. Mr Styles however also referenced his continued support for the Council's recommended conditions as at 8 June 2023, which do not appear to include either of the outstanding matters sought by TWG. Mr Styles further noted that he supported the conditions setting out the limits to be achieved, with the methods to achieve those limits (such as noise barriers or quieter equipment) left to the requiring authority.
209. The updating information provided by the Applicant to the Panel included legal submissions and a supplementary joint statement of evidence from Ms Drewery and Mr Jakhu together with marked up conditions.

Duration of piling works

210. Mr Jakhu's final response to Mr Hegley (in the TWG information) set out that piles will be completed consecutively, the piling contractor will be looking to reduce the durations between piles to be as short as possible, each pile will require approximately 8 working days to be constructed (four days for drilling and four days for placement of the piling cage); and that detail around the piling will be confirmed and discussed with TWG through the preparation of the site-specific Schedule and Construction Noise and Vibration Management Plan ("CNVMP") as required by the consent conditions.
211. In their supplementary statement Ms Drewery and Mr Jakhu set out that:
- A total duration of 12 days to complete piling operations at the three closest piles to The Warehouse Pakuranga (as sought by TWG) does not sufficiently account for practical constraints that could delay piling;
 - A maximum timeframe for piling is not necessary to address noise effects on The Warehouse Pakuranga, because those effects will be mitigated and managed through the site-specific Schedule and CNVMP; and
 - The agreed noise limit for construction of the three closest piles is appropriate to fully address the potential construction-related noise effects on The Warehouse Pakuranga during piling.
212. The Panel notes that the agreed CNVMP condition states that the objectives of the CNVMP are to:
- *Identify and implement the BPO for the management of all construction noise and vibration effects;*

- *Define the procedures to be followed where the noise and vibration standards are not met (following the implementation of the BPO);*
- *Set out the methods for scheduling works to minimise disruption; and*
- *Ensure engagement with affected receivers and timely management of complaints.*

213. The Panel finds that restricting the piling window to a maximum cumulative total of 12 days during the piling operation (as sought by TWG) is likely to be impractical as it does not allow for any unforeseen extensions to the piling programme (even by a day); and is unnecessary given the agreed noise limit, the condition being limited to the three closest piles, the linear nature of the piling work, and the requirements of the agreed conditions governing the CNVMP and site-specific Schedule.

Acoustic attenuation of The Warehouse Pakuranga

214. The correspondence between the acousticians in the TWG information included discussion about the potential use of 3.6m high noise barriers to assist in meeting the agreed piling noise limit.

215. In their supplementary statement Ms Drewery and Mr Jakhu stated that they consider that construction noise during piling can meet the agreed piling noise limit, and that upgrading the building is unnecessary as (if an exceedance is identified) any related effects would be sufficiently managed through provision of a noise barrier and implementation of the CNVMP and Schedule. Ms Drewery and Mr Jakhu propose an alternative amendment to the TWG proposed condition, instead requiring a 3.6m high noise barrier in the event of non-compliance with the agreed piling noise limit.

216. The Panel finds that both proposed amendments to the condition are overly prescriptive.

217. Based on the acoustic evidence the Panel considers that attenuation of the store façade is very unlikely to be required, as a number of alternative methods could achieve compliance with the noise limit for works that are only anticipated to occur over a few weeks. The Panel therefore finds that the condition imposed by TWG is unreasonable.

218. The amendment proposed by Ms Drewery and Mr Jakhu, however, does not contain a requirement to evaluate whether deployment of the noise barrier actually achieves compliance, or to take further steps if it doesn't. This is also unreasonable.

219. The Panel agrees with the view expressed by Mr Styles: that the conditions should set out the limits to be achieved, with flexibility maintained as to the methods deployed to achieve those limits (such as noise barriers, or quieter equipment). The Panel has recommended an amendment to the condition wording proposed by Ms Drewery and Mr Jakhu (moving some content to an advice note) to reinforce that the

noise limit must be achieved, and that any alternative methods to do so must achieve that outcome.

Transportation

220. Transportation effects for both EB2 and EB3R were a significant focus of the section 42A reports, legal submissions and evidence. By the close of the hearing the issues had narrowed somewhat for EB2 NOR (in particular with respect to many conditions agreed between the Applicant and TWG) and resolved almost entirely for EB3R.

Pakuranga Plaza parking (EB2 NOR)

221. A central issue in the legal submissions and evidence and at the hearing was the impact of EB2 on car parking at Pakuranga Plaza – both during construction, and the permanent removal of 264 car parks (approximately 20% of all car parks at the Pakuranga Plaza) once EB2 is operational.
222. This issue was extensively addressed in the section 42A report, and in the legal submissions and evidence for the Applicant and for submitters GDL and PPL.
223. The corporate and expert evidence for the submitters addressed the importance of adequate (available) and convenient (close to the store of choice) car parking to the attractiveness of anchor tenants such as The Warehouse Pakuranga and Countdown Pakuranga, and Pakuranga Plaza as a whole.
224. An unusual feature of the car parking at Pakuranga Plaza is that it is not owned or leased by PPL, but - due to legacy Council arrangements - is vested in Auckland Council as predominantly utility reserve (with some road reserve).
225. A core aspect of concern to submitters relates to the assessment of effects on parking, in light of the present reduced occupancy of Pakuranga Plaza (due to the age of the centre and PPL's aspirations to manage occupancy in advance of a proposed significant redevelopment). The submitters and their experts maintain that the parking survey undertaken by Mr Doran for the Applicant in July 2018 did not reflect a realistic occupancy rate. Mr Doran's evidence sets out that his survey indicated maximum weekday and weekend occupancy utilisation rates of 68% and 72% respectively (conservatively assuming 100% occupancy for areas not surveyed). Mr Doran referred to a standard of 95% occupancy rate for off street parking for large format retail and shopping centre malls. Mr Hughes for GDL undertook his own assessment of shopping centre parking requirements at Pakuranga Plaza by GFA and calculated a minimum parking demand of 1,204 spaces compared to the 1,081 spaces proposed to remain once EB2 is operational.
226. A further common concern expressed in the corporate and expert evidence for submitters related to a failure by the Applicant to assess or survey parking requirements in peak trading periods.

227. Evidence for submitters also addressed the need for the construction footprint to be minimised so that parking during construction could be maximised; and the need for permanent reconfiguration of parking to be maximised once EB2 is operational.
228. Mr McKenzie, technical specialist for the Council, agreed with the concerns about centre occupancy and the failure to assess peak parking demand. Mr McKenzie considered that peak parking surveys should be undertaken.
229. The Applicant's legal submissions stated that neither PPL nor its tenants have any legal right to carparking given that PPL doesn't own the land. The Applicant's reply proposed a number of new and revised conditions and management plan provisions to address the availability of parking during construction and operation. The Applicant however maintains that Council ownership of the utility reserve places a structural constraint on conditions, as the permanent provision and spatial arrangement of parking is outside the Applicant's control (third party approval).
230. The Panel agrees that Pakuranga Plaza presents an atypical case, and that there are some complexities in addressing parking conditions where neither the Applicant nor the submitters own the land. The Panel considers however that the Applicant goes too far in asserting that PPL and its tenants can have no expectation of parking provision. The parking for Pakuranga Plaza is publicly owned by the Council, and has been since the Plaza was established. The land is held as a utility reserve. Pakuranga Plaza is zoned as a Town Centre in the AUP:OP. There is no evidence that the Council intends the utility reserve to serve any purpose other than its original and longstanding function as parking to support Pakuranga Plaza. The Panel accepts that the Council-owned car parking arrangement is a product of the history and era when the Plaza, as one of Auckland's earliest dedicated shopping-centres, was established. It is clear that the Council-owned land is intended to provide for at least some of the car parking required for the Plaza to operate.
231. Mr Doran's evidence addressed parking calculations for new retail centres, but Pakuranga Plaza is an existing centre (and Mr Hughes made quite different calculations). While the corporate evidence provided by PPL and GDL (and TWL) addressed the importance of parking to the Plaza and its anchor tenants, neither the Applicant nor the submitters called specialist retail economic evidence establishing that the Plaza and its tenants will or will not be adversely affected by the proposed reduction in car parking.
232. Following the Applicant's reply, the Panel asked the Applicant to consider any potential workable condition wording to address effects on peak period parking. The Applicant's response pointed to the SSCMP conditions requiring measures to minimise disruption during the peak trading period (including the use of 26 Ti Rakau Drive for overflow customer parking, and the management of staff parking demand), and making provision for use of parking within the designation footprint when not required for the Project. The Applicant further proposed a monitoring and reporting requirement for the SSCMP, and a new condition requiring review of the SSCMP twice annually or to address unforeseen or materially greater adverse effects.

233. The Panel finds as follows:

- The Panel declines to consider whether the resultant car parking provision at Pakuranga Plaza would or would not be sufficient in the context of additional floor space or buildings beyond what currently exists, or what might reasonably be added by way of permitted activity additions and alterations. Not only would such development require resource consent, but there is nothing in the AUP:OP that would prevent such development and buildings providing additional car parking spaces.
- In terms of the existing Plaza and additional floor space or buildings that might reasonably be added by way of permitted activity additions and alterations, the Panel finds that for almost all of the year, the removal of car parks required by the Project would very likely not compromise the ability of the Plaza to provide for the community's wellbeing, or frustrate shoppers looking for a reasonably convenient car parking space.
- At some peak-times it may be that the post-Project car parking facilities are fully occupied, and in such circumstances adverse traffic and other effects may arise for operators and shoppers within the Plaza (e.g. additional traffic movements if shoppers circulate in and out of the Plaza looking for a car park). It is possible that at least some of these instances would not occur if the car park remained at its pre-existing scale, but it is also possible that in some peak times even that might come to be fully occupied.
- The Panel is aware, including from the Commissioners' individual experiences, that there are instances where existing centres across Auckland become fully-parked in some peak times. In such times some potential customers may travel elsewhere, but the Panel received no evidence that such shortages of peak parking have resulted in closure or material deterioration of overall scale or vitality of centres. It also appears to be generally known by the public when peak shopping periods are, and that their trips may well be extremely busy or at times frustrating. In short, while the Panel is persuaded by the submitters that there may be peak period parking shortfalls, the evidence did not address how frequent that might be and what the likely adverse effects might be compared to the existing environment. The Panel is not satisfied that the risks facing Pakuranga are so severe or so unique that these potential adverse effects warrant refusal of the Project.
- The Applicant argues that the Project, while reducing car parking spaces available in the Plaza, would improve public transport access to it and that this could result in a form of 'substituted' shopper access. The Panel accepts that for some visitor trips, such a substitution will be a valid option. But for others, such as a weekly shop at a supermarket or a one-time trip to complete a family's entire Christmas shopping, it would not. Travel patterns and behaviours do however change over time. The Panel accepts the broad thrust of the

Applicant's argument that it cannot predict what travel modes shoppers will prefer in the future.

- Although additional traffic surveys would have provided additional certainty 'at the margins' of parking demand and supply at peak periods, the Panel has reached the view that the same ultimate issue would in all likelihood need to be addressed – whether potential peak period parking shortfalls (which might occur in any event) will be acceptable. In the Panel's view they will. If in the future the Plaza's owners or the Council determine to make changes to the Plaza to increase trading potential or activity mix beyond its access capacity, additional parking supply or parking management may need to be addressed.

234. Having concluded that the parking effects do not warrant refusal of the Project, the Panel finds that during both construction and operation, loss of parking at Pakuranga Plaza should be minimised and the availability of parking should be maximised. In circumstances where neither the Applicant nor the submitters own the car parking, the Panel considers that the Applicant's revised proposed conditions have appropriately provided for the minimisation of loss and maximisation of available parking spaces, during construction and operation.
235. The Panel recommends two further minor amendments to the EB2 NOR conditions. The Applicant's Pakuranga Plaza SSCMP condition explicitly references minimising disruption to parking during the annual holiday trading period (1 November to 31 January), and includes requirements for monitoring and review of the SSCMP. The Panel recommends amendments to make it explicit that parking availability during the peak period is a matter that should be both monitored and reviewed.

Loading docks (EB2 NOR)

236. Two loading existing docks within Pakuranga Plaza are affected by EB2 – The Warehouse Pakuranga and Countdown Pakuranga.
237. Evidence for TWG, and construction evidence for the Applicant, established that The Warehouse Pakuranga loading dock will be accessed through live construction works: for one daily early morning large truck and trailer delivery (controlled by The Warehouse); and numerous smaller truck and van (including couriers) deliveries and pickups throughout the day (not controlled by The Warehouse). Corporate evidence established the vital importance of the loading dock to The Warehouse Pakuranga operations, both for in-store retail and online order fulfilment. TWG initially proposed that the Applicant re-establish a disused secondary loading dock (the preferred solution for the transportation witnesses Mr Hills for TWG and Mr McKenzie for the Council, for certainty reasons). A condition to secure appropriate access to the primary loading dock was however agreed between TWG and the Applicant prior to close of the hearing. The condition secures guaranteed access (without any delay) for the morning heavy truck and trailer delivery, and at all times a maximum five minute delay for other deliveries and pickups. This wording was clarified in response to interpretation questions from the Panel.

238. As this condition was largely negotiated outside the hearing the evidence did not establish how the construction works could be managed to achieve compliance through a live construction site. The Applicant is however confident it can be achieved, TWG has accepted the condition, and the Panel considers that the condition (in its final form) is clear and enforceable.
239. With respect to the Countdown Pakuranga loading dock, Mr Hughes' evidence for PPL described deliveries (largely within the control of Countdown). Mr Hughes considered that the land required for construction activities will prevent access to the loading dock, and the proposed permanent alignment of Aylesbury Street South West (including its signalised intersection with Ti Rakau Drive) will create a new layout that will cause the Countdown Pakuranga loading dock servicing manoeuvres to be less safe than in the existing environment. At the hearing Mr Hughes maintained his view, and did not consider that any amendments or conditions (short of relocating the Pakuranga station and revisiting the entire EB2 proposal) would resolve his concerns.
240. Mr McKenzie for the Council noted that the EB2 NOR was initially silent on the Countdown Pakuranga loading dock and that specific minimum operational and accessibility levels should be made through the EB2 NOR conditions.
241. Mr Gibbard (construction methodology) and Mr Prosser (construction traffic) for the Applicant set out that traffic management controls (implemented through the CTMP and SSCMP) would ensure appropriate access is maintained to the Countdown Pakuranga loading dock during construction, and Mr Prosser considered that the proposal would be safer than the current situation where a truck and trailer occupy parking aisles and/or parking spaces for turning/reversing. Mr Doran (operational traffic) for the Applicant provided diagrams demonstrating that large vehicles will be able to access the Countdown Pakuranga loading dock in a manner that is consistent with current operations, and to access from the realigned Aylesbury Street and Cortina Place extension consistent with current access arrangements.
242. The Applicant's reply sets out Countdown-specific conditions responding to GDL's concerns. A new condition requires AT to ensure safe and efficient access into and out of the Countdown Pakuranga loading dock for all vehicles during construction (to provide for deliveries by courier and light, medium and heavy vehicles). The Applicant understood that GDL supports the condition in principle but seeks further amendments to the condition (with respect to the utility reserve) which are outside the Applicant's ability to control. Operational access is managed by conditions requiring road geometry and street furniture not to obstruct access, and a new condition requiring road markings and signage identifying the Aylesbury Road/Cortina Place Extension intersection as a "keep clear" zone to address GDL's concerns about vehicles queued across the intersection blocking access to the loading dock. The SSCMP also addresses freight access to the Countdown Pakuranga, consultation with GDL, and where practicable adopting recommendations from GDL.

243. Having viewed the Countdown Pakuranga loading dock on our site visit and considered the legal submissions and all of the evidence, the Panel finds that access to the loading dock during both construction and operation of EB2 is appropriately addressed in the Applicant's proposed conditions. Those conditions now include specific and enforceable requirements to maintain access.

Brampton Court intersection (EB2 NOR)

244. The appropriate form of the Brampton Court intersection (priority or signalised) was the subject of extensive evidence from transportation witnesses Mr Doran for the Applicant, Ms Coomer-Smit for PPL, and Mr McKenzie the technical specialist for the Council.
245. Ms Coomer-Smit's evidence identified a number of concerns with the proposed priority-controlled Brampton Court intersection including modelled saturation / insufficient capacity, use of low occupancy traffic counts, excessive delays and queues, and safety issues (including conflicts with cyclists) for right turns. Ms Coomer-Smit considers that the intersection must be signalised in order to operate safely.
246. Mr Doran's evidence and rebuttal evidence set out that modelling had shown that the proposed intersection performs significantly better than the "without project" intersection and noted that the Alliance has undertaken three external Road Safety Audits (not part of the evidence) which did not identify any concerns with the proposed intersection.
247. Mr McKenzie generally agreed with Ms Coomer-Smit's concerns; and considered that the modelled delays in both AM and PM peak indicates an effect warranting mitigation, and that a signalised intersection is a standard approach to mitigating these sorts of delays.
248. All of the witnesses agreed that a signalised intersection could be accommodated at Brampton Court.
249. In response to questions from the Panel it was clear that in summary Mr Doran considered that the proposed intersection was "safer", Ms Coomer-Smit that it was "safer but unsafe", and Mr McKenzie that safety issues had not been adequately addressed.
250. The Applicant also made the point that, as Road Controlling Authority, AT could effect changes to the intersection as and when it was considered necessary, independent of the Project. In other words, the upgrade question should be based on whether the Project itself would be a sufficient trigger to require an upgrade, not whether an upgrade might be an appropriate thing for AT to generally undertake.
251. The Panel spent time observing the Brampton Court intersection during our site visit to Pakuranga Plaza.

252. In considering the appropriate intersection form for the Brampton Court intersection the Panel has referred back to the Eastern Busway objectives, which include objective 5: “Provide transport infrastructure that is safe for everyone.” In light of the evidence from the expert witnesses, and the changes to the status quo that the Project will give rise to, the Panel agrees with Ms Coomer-Smit and Mr McKenzie that the proposed priority-controlled intersection is not sufficiently safe. The Panel recommends that the EB2 NOR conditions require that the intersection be signalised as part of the Project.

The Warehouse Pakuranga basement carpark (EB2 NOR)

253. TWG has concerns about maintaining use of its basement carparking at The Warehouse Pakuranga. The Applicant’s reply sets out that a portion of the parking within the basement immediately adjoining Reeves Road is partially open-air to the road reserve above. Through the hearing the Panel understood the issue to be that the Applicant is concerned about safety aspects of construction above the open air portion of the basement carpark (such as falling debris), while TWG is concerned about maintaining use of the parking spaces below.
254. The Applicant has proposed a condition clarifying that construction must not restrict the use of those parking spaces except for safety reasons. Witnesses responded to questions from the Panel at the hearing about the purpose of the condition and the types of safety interventions envisaged.
255. The Panel has recommended the addition of an advice note to the condition, clarifying that the concern is the safety of the open-air parking spaces.

Edgewater carpark (EB3R)

256. A replacement carpark for the Edgewater shopping centre is proposed at 105 Ti Rakau Drive. The EB3R section 42A report raised issues with the design and layout of the proposed Edgewater carpark and compliance with technical standards and AUP:OP rules.
257. The Applicant’s reply sets out that this matter is resolved between the technical experts, but resulted in Ms Wong identifying an additional requirement for restricted discretionary consent associated with infringements of the minimum parking dimensions and maximum vehicle crossing width. Ms Wong confirmed in the Council’s closing that all aspects of the Edgewater carpark design are within scope of EB3R, but were not initially identified as rule contraventions.
258. For the avoidance of doubt the Applicant seeks confirmation that the EB3R RC also includes the rule infringements identified for the Edgewater carpark at 105 Ti Rakau Drive. The Panel agrees with the Applicant that this step is not technically required, but confirms that consenting of the Edgewater carpark is included within the Panel’s decision on EB3R RC.

Management plan certification

259. The Applicant's approach to management plan certification was the subject of considerable legal submissions, evidence, and discussion at the hearing.
260. The Panel asked the Applicant for clarification of exactly what was proposed, which is contained in the Applicant's reply and Mr Hegarty's summary statement for the hearing. A table summarising the approach was helpfully included as Attachment G to the Applicant's reply. Although Mr Hegarty refers to certification falling into two categories, the summary table provided is a matrix containing five variables for Management Plans:
- Lodged with, and proposed to be "deemed" approved as part of, the Applications;
 - Not lodged with the Applications, and requiring certification by the Council;
 - Subject to re-certification by the Council if materially altered;
 - Provided to the Council for "information or comments only"; and
 - Requiring consultation with specific third parties.
261. The Panel records at the outset, leaving aside any other issues, that this approach has been made unnecessarily complex.
262. We deal first with "deemed" approval of management plans lodged with the Applications. As discussed earlier by the Panel with respect to waiver of OPW, the Panel considers that the appropriate role of management plans is to implement conditions which specify clear outcomes. The proposed conditions and management plan requirements for the Applications have been extensively revised throughout the hearing, including transferring some matters from management plans "up" to conditions to increase certainty, in response to the concerns of submitters and questions from the Panel. As such the Panel does not consider that the (draft) management plans, prepared prior to lodgement of the Applications, could be said to reasonably fully address implementation of the final conditions the Panel will recommend.
263. The Applicant's reply contends that the management plans lodged with the Applications were not drafts. Mr Hegarty's summary statement for the hearing however refers to them as drafts.
264. The Applicant will need to review and consider whether any of the (draft) management plans lodged with the Applications require amendment in order to implement the conditions and management plan requirements recommended or imposed by the Panel, and submit them for certification. The Panel declines to "deem" any (draft) management plans lodged with the Applications as approved. In reaching this finding the Panel briefly considered, but was not ultimately required to

reach a decision on, whether in fact its delegations extended to post-consent administration or satisfaction of consent conditions; that is a duty that falls onto a specific team within the Council and in the first instance the Panel has only been retained to make a decision on the RCs and a recommendation on the NOR.

265. The second issue addressed in the section 42A reports and in the legal submissions and evidence for several submitters is the Applicant's proposal that AT certify its own management plans. The justification for this in the Applicant's legal submissions and Mr Hegarty's evidence is that Auckland Council delegates certification of some management plans to AT, and that the certification would be undertaken by a different team within AT than the project team delivering the Project.
266. Related to this issue is variable (d) above in the Applicant's summary table of the approach to management plans – that some management plans are proposed to be provided to Auckland Council for information or comment only.
267. The proposed approach to self-certification of management plans by AT appears to the Panel (and as noted in the legal submissions for TWG) to elevate AT to the role of a consent authority, and on a project where AT is the Applicant (consent holder).
268. The benefits of the Alliance structure have been demonstrated in the evidence and in the ability to revise conditions to satisfy the concerns of submitters. The Alliance structure does however risk blurring the line between the Applicant (consent holder) and the consent authority. Eastern Busway is a large and complex project, with significant reliance on management of effects by management plans. Submitters and the public need confidence that the management plans are being appropriately scrutinised. The Panel finds that this scrutiny is provided by certification by Auckland Council, with the assistance of independent reviewers if the Council considers that appropriate. Even if the Council in its certification role sought comment from a specific team within AT to inform it (and it would be for the Council to determine how it executes that statutory responsibility), the ultimate power and responsibility for executing the condition would remain with the Council. That is the Panel's key focus.
269. The third issue relates to the Applicant's proposal that certain management plans will be "deemed" certified if Auckland Council has not provided certification within 10 working days. The Applicant did not present any evidence that Auckland Council does not certify management plans in a timely manner. Again the Panel considers that the proposed approach blurs the line between the Applicant (consent holder) and the consent authority, and would place an unreasonable (and potentially significant) constraint on the ability of the Council to properly administer the applicable conditions.
270. The Panel finds that all management plans should be subject to certification by Auckland Council. The Panel has recommended amendments to the EB2 NOR conditions, and has made amendments to the EB2 RC and EB3R RC conditions.

Pakuranga Plaza SSCMP (EB2 NOR)

271. As originally proposed, the SSCMP for Pakuranga Plaza was subservient to the general management plans. In response to submitter concerns and questions from the Panel the conditions submitted with the Applicant's reply were amended so that in the event of inconsistency the SSCMP will prevail.
272. The Panel agrees that it is appropriate that the specific SSCMP override the general management plans.

Social and economic effects

273. An issue as between the Council and the Applicant related to the Social Impact Assessment ("**SIA**") undertaken for the Applications. Mr Quigley, technical specialist for the Council, considered that the social impacts had the potential to be more significant than assessed in the SIA, and that the conditions should include a separate Development Response Plan addressing matters including a hardship fund. Ms Symington and Mr Daly in their joint evidence for the Applicant considered that the SIA had appropriately assessed social impacts, that a separate Development Response Plan would duplicate other existing plans already proposed by the Applicant, and that a hardship fund was not warranted in the circumstances of the Applications.
274. A particular feature of the Applications is that by the time the hearing was held Auckland Council had already purchased the majority of the properties required for the project, tenants had relocated, and (as a permitted activity) the majority of the dwellings along the southern side of Ti Rakau Drive (EB3R) had already been removed when the Panel undertook our site visit. Although not part of the Applications, the evidence and proposed conditions addressed facilitation of housing re-establishing on the residual land once EB3R is complete.
275. Mr Quigley drew comparisons between the SIA for EB2 and EB3R and that for the Airport to Botany project. The Applicant's legal submissions and the evidence of Ms Symington and Mr Daly and of Mr Hegarty pointed to a significant difference between the projects, where Eastern Busway has been discussed in Council documents for many years and is now (if consented) ready to construct, but Airport to Botany will proceed over a longer timeframe by route protection. The Panel agree that this is a relevant difference, and in any event our recommendation and decision can only focus on the Applications before us.
276. The Panel carefully considered social impacts, and one matter we asked the Applicant to provide us with further information about was the potential impact of local medical facilities within the works footprint closing or relocating out of the area. Ms Lister provided updating evidence with the Applicant's reply advising that the medical and dental facilities at issue had both found alternative premises nearby.

277. The Panel is satisfied that:
- In the context of the Applications, many of the social impacts identified in the SIA were permitted activities and had already completed by the time the hearing closed;
 - Submitters did not directly request much of the relief proposed by Mr Quigley;
 - The social impacts are adequately addressed by the Applicant's proposed conditions (including additional development response content in the Communication and Consultation Plan), and that a separate Development Response Plan is not necessary and would duplicate proposed conditions and management plans; and
 - In the context of the suite of conditions negotiated between the Applicant and submitters, and further conditions we have determined will address effects at source, there is not a resource management reason to require the establishment of a specific hardship fund.
278. TWG raised a specific economic effect associated with wayfinding and legibility or obstruction of signage for The Warehouse Pakuranga following construction of the RRF. TWG sought that EB2 NOR conditions require the Applicant to fund replacement signage for The Warehouse Pakuranga. This matter relates to permanent signage for long term effects, rather than temporary signage for wayfinding during the construction period.
279. Mr Armstrong for TWG, Mr Mackie for the Council and Mr Bentley for the Applicant addressed wayfinding and signage for The Warehouse Pakuranga. Mr Armstrong provided visual simulations and Mr Bentley provided photographs.
280. Mr Armstrong considered that three new or higher parapet signs and two new low signs are required (to be funded by the Applicant) in order to mitigate the effects of the works. Mr Mackie agreed that two signs should be funded. Mr Bentley's evidence referred to transient views by passing traffic as opposed to customers approaching the store, existing trees blocking views to the store, and the potential for further development around The Warehouse Pakuranga limiting views to the store and its signage. Mr Bentley considered that the store has a well-established presence due to its long-established location, size and distinctive branding, and that while the signage proposed would increase the presence of the store it is not required to mitigate the effects of EB2. Mr Armstrong also acknowledged the distinctive "red shed" branding of the store.
281. Mr Wren for the Council confirmed that new parapet signage for The Warehouse Pakuranga would require bylaw approval from Auckland Council.
282. The Panel carefully considered the visibility of The Warehouse Pakuranga and its signage on our site visit. We have taken into consideration that the new or higher

parapet signage proposed by TWG would be subject to separate approval processes and may generate effects not assessed through this process. The Panel agrees with Mr Bentley that new or replacement signage funded by the Applicant is not required to mitigate the effects of EB2.

Future use of residual land / tree planting (EB3R RC)

283. In the evidence and during the hearing an issue arose as to the balance to be struck between ensuring maximum flexibility for future use of residual residential land (including future location of vehicle crossings) along the southern side of Ti Rakau Drive, and ensuring sufficient certainty in the conditions of consent about securing replacement street tree planting along both sides of the road.
284. The Council's closing comments recorded that, following the retirement of arborist Gavin Donaldson who had previously advised on the Applications, new technical input had been provided from arborist Regine Leung identifying additional information now sought. The Panel considers it generally inappropriate to have regard to new matters raised late in the hearing which go beyond the section 42A report and hearing evidence.
285. The Applicant's reply responded to questions from the Panel with revised conditions redrafted to an outcome focus – on the northern side a 1:1 replacement of trees, and on the southern side one tree per 12m of frontage.
286. The Panel finds that the Applicant's revised conditions effectively and appropriately balance flexibility and certainty.

Open space (EB3R RC)

287. Two issues arose with respect to open space, both relating to EB3R RC.
288. The first issue was raised by the Panel as to whether mitigation proposed for Riverhills Park could be relied upon in assessing effects on open space when the mitigation itself required a separate resource consent (not part of EB3R RC).
289. The Applicant's legal submissions and the evidence of Mr Hart and Mr Hegarty addressed this matter, which was ultimately resolved with the grant of resource consent for the mitigation works at Riverhills Park prior to the close of the hearing.
290. The Panel agrees that the Riverhills Park mitigation (reconfiguration of football pitches and addition of a perimeter path) adequately mitigate the effects of EB3R on Riverhills Park and will result in positive effects for park users.
291. The second issue arose in the EB3R section 42A report regarding the potential for a proposed retaining wall (behind the bus stop adjacent to Edgewater Shopping Centre) to compromise the delivery of a recreational walking and cycling connection along Edgewater esplanade reserve. Mr Hart's evidence set out that the reserve is not identified in the Howick Walking and Cycling Network Plan as an aspirational or

priority walking and cycling route, does not connect to any priority routes, and would be a low priority for any future cycling connections. In the Council's closing comments technical reviewer Mr Miller acknowledged his error with respect to priority mapping but maintained his concern that a 2.6 metre high retaining wall would compromise future access, maintenance and use of the esplanade reserve.

292. At the hearing the Panel requested design drawings for the proposed retaining wall and undertook a site visit to the proposed location of the retaining wall. The Panel found the esplanade reserve behind the bus stop to be narrow, overgrown with weed species, evidently used as a fly tipping area, and dropping away steeply down a bank. The Panel finds that while the proposed retaining wall (required for road widening to accommodate the busway) will result in grade separation within the esplanade reserve, the reserve has not been identified as an aspirational or priority walking or cycling route, and any future walking or cycling path could be designed to accommodate the height difference created by the retaining wall.

Stormwater and flooding (EB2 NOR)

293. Kāinga Ora sought a condition on EB2 RC stipulating that the project must not result in or increase flooding of adjacent properties. The joint evidence of Mr Campbell and Mr Payne addressed this. Mr Wren for the Council initially supported this condition in the EB2 section 42A report. Mr May and Mr Hegarty for the Applicant maintained that such a condition was not necessary as mitigation had been built into the modelling and the issue was managed through Auckland Council's NDC.
294. At the hearing the representative from Auckland Council Healthy Waters confirmed that the condition sought by Kāinga Ora was unnecessary because the requirements of the NDC will ensure any flood effects of the Project are appropriately and fully addressed. The Council reporting planner has accepted the Healthy Waters representative's view and confirmed that additional conditions related to managing flood effects are not required under the RMA.

Streamworks mitigation (EB3R RC)

295. In the Council's closing, conditions and advice notes were proposed addressing "proposed stream daylighting" associated with the upgrade of stormwater outfall MCC_108707 and consequential riparian planting. The Applicant's reply confirmed that it is not proposing to daylight the stream associated with outfall MCC_108707 (Stream 3b). The Applicant therefore does not accept that conditions or advice notes with respect to stream daylighting are necessary or appropriate. The Panel agrees.
296. A further issue raised in the Council's closing conditions was a requirement to provide covenants for the protection in perpetuity of stream mitigation and offset works. The Applicant's reply set out that the matter of covenants was not raised in the section 42A report or at the hearing, and the Applicant opposes the requirement for covenants as disproportionate and unreasonable.

297. The Panel considers that ongoing maintenance, and covenants for the protection in perpetuity, of stream mitigation and offset was raised in the section 42A report for EB3R in the technical memo and the accompanying recommended conditions from Ms Langdon, Specialist (Earth and Stream Works) at Auckland Council. At the conclusion of the hearing Ms Langdon also addressed us orally and raised the issue of a number of her recommended conditions not having been incorporated in the Applicant's proposed conditions.
298. The Applicant's substantive reasons for resisting covenanting of stream mitigation and offset works is that the Stream Restoration and Offset Plan ("SRP") addresses the effects of streamworks. The Applicant's proposed condition for the SRP requires "maintenance and monitoring measures". The Panel agrees that the conditions and management plan requirements appropriately address maintenance and monitoring, and finds that covenants are not necessary or appropriate in the circumstances.

Bentonite polymer plant

299. AT proposes to establish a bentonite polymer plant in its EB2 construction yard to service construction activities. AT maintains that the proposed bentonite polymer plant is a permitted activity. Council officers consider that consent may be required as an industrial trade activity and, after initially recommending a condition, now propose that two advice notes should be included in EB2 RC:
- One noting that the bentonite polymer plant is explicitly excluded from the consent.
 - One setting out the information required to demonstrate that the proposed plant complies with the permitted standards applying to an industrial trade activity in the AUP:OP.
300. The Applicant's legal submissions and Mr Hegarty's evidence confirm that the Applicant has not sought consent for an industrial trade activity, and that it is poor planning practice and unnecessary to set out the permitted activity standards from the AUP:OP in consent conditions for an activity that does not form part of the Applications to which the conditions relate.
301. The Panel finds that the first advice note should be included for the avoidance of doubt to confirm that the bentonite polymer plant was not consented as an industrial trade activity as part of EB2 RC, but that the second advice note should not be included for the reasons given by the Applicant. The Panel has recommended the first advice note.

Uplift of designation (EB2 NOR)

302. Condition 3 of EB2 NOR requires the uplift of the temporary parts of the designation not required permanently. Two matters are at issue between the Applicant and the Council: what should trigger uplift; and the appropriate timeframe.

303. The section 42A report proposed that uplift occur as soon as possible and no later than 3 months after EB2 is operational. The Applicant proposes that uplift occur as soon as possible and no later than 18 months after EB2 is vested.
304. The Applicant initially proposed the condition referencing operation, amending it to vesting in Mr Hegarty's evidence. Mr Hegarty's supplementary evidence sets out that it is likely that different components of EB2 will become operational at different times and that this staged approach makes it difficult to confirm when EB2 will be "operational". In comparison, the vesting of EB2 as road reserve is likely to occur as a single step. Mr Hegarty therefore considered that vesting is clearer for the Requiring Authority, Council officers and stakeholders.
305. In the Council's closing Mr Wren set out his concern that there be certainty in when uplift will be achieved and that the timeframe should start at an easily defined point in time. Mr Wren considered the use of vesting as problematic, as it is not clear when vesting will occur. Mr Wren prefers that the timeframe be measured from operational (or fully operational if parts become operational before other parts) even if a slightly longer timeframe is required.
306. With respect to timeframe, Mr Hegarty set out that 18 months has been sought to better reflect AT's internal processes for contractual sign off and acceptance of new build infrastructure, and that this timeframe would not cause significant uncertainty to the community given that Auckland Council already owns most of the land and early works for EB2 have already commenced.
307. Mr Wren considered that the land should be made available for use as soon as practicable, and acknowledged that while 18 months as sought by the Applicant seems long, 3 months as initially proposed by the Council may be too short.
308. Uplift of the designation is linked to release of surplus land for optimisation of parking within Pakuranga Plaza.
309. The Panel finds that the appropriate trigger for uplift of the designation is operation, as there is a risk that AT could defer vesting. With respect to timeframe the Panel agrees with Mr Wren that the land should be made available as soon as practicable. The Panel accepts that 3 months is likely too short, but the Applicant's evidence did not provide specific details as to why 18 months is required. The Panel finds that 12 months strikes the appropriate balance.
310. The Panel finds that the designation should be uplifted within 12 months of EB2 becoming operational and has recommended an amendment to the EB2 NOR conditions.

Lapse

311. Mr Hegarty's evidence sets out that while a 10 year lapse date was initially sought for the Applications, Mr Wren and Ms Wong both recommended five year lapse dates given the scale of works already completed and submitter concerns. Mr Hegarty

states that he now agrees that five year lapse dates are appropriate for the Applications, taking into account the progress on early works and the timing of the construction programme.

312. The Panel agrees that five year lapse dates for the Applications are appropriate.

Part 2

313. The Panel agrees with the Part 2 assessment undertaken by the Applicant in the AEE for the Applications, and by Mr Wren and Ms Wong in the section 42A report for EB2. (Ms Wong did not consider a Part 2 assessment necessary in the section 42A report for EB3R RC).

314. The Panel finds that:

- Section 5: The Applications enable the people and communities of Pakuranga and wider south-east Auckland to provide for their social, economic, and cultural well-being and for their health and safety, and sustain the potential of the transportation network to meet the reasonably foreseeable needs of future generations, through the promotion of an integrated, multi-modal transport system to support population and economic growth. A comprehensive suite of conditions safeguard life-supporting capacity and avoid, remedy, mitigate (and offset) the adverse effects of the Project on the environment.
- Section 6: The Project minimises footprint within the coastal environment and improves treatment of stormwater prior to discharge into the Tāmaki River. Public access to and along the CMA and rivers is maintained. Early and ongoing engagement (secured by conditions) with mana whenua has recognised and provided for the relationship with the Pakuranga area, the Tāmaki River and wider Tāmaki Makaurau. Conditions protect unidentified historic heritage and archaeology. Risks from natural hazards have been addressed in the stormwater design, with capacity improvements to currently constrained stormwater infrastructure.
- Section 7: The exercise of kaitiakitanga by mana whenua has been facilitated through early and ongoing engagement (secured by conditions). The Project represents an efficient use of resources, upgrading key infrastructure to respond to and support urban growth in south-east Auckland through improved public transport links and active transport networks, and reduced traffic congestion. Infrastructure design (including the RRF and stations), landscaping and tree planting maintain and enhance the amenity values of Pakuranga town centre. The effects of climate change are addressed through stormwater infrastructure capacity improvements.
- Section 8: Early and ongoing engagement with mana whenua takes into account the principles of Te Tiriti o Waitangi.

Conclusion

315. EB2 and EB3R seek to extend significant transportation infrastructure to support population and economic growth in south-east Auckland.
316. The evidence has established that the Project will have extensive positive effects on the existing environment and is likely to have potential future benefits on the predicted future traffic environment.
317. The Panel's focus in this report of our findings on adverse effects and fine details of proposed conditions should not be taken as disregarding the benefits of the Project. The Panel has followed the submissions and evidence (which generally supported the Applications subject to appropriate conditions) to determine whether appropriate conditions will effectively avoid, remedy, mitigate, and offset the adverse effects of the Project on the existing environment.
318. We have concluded that they will, and that the NOR should be confirmed and the RCs granted, enabling the Project benefits to be realised.
319. We record that our recommended and approved conditions are drawn from the Applicant's reply conditions, with amendments as indicated throughout this report and in order to achieve (as far as is appropriate) consistency between the three sets of conditions.

Recommendation and Decisions

EB2 NOR

320. In exercising our delegation under section 34A of the RMA and in accordance with section 171(2) of the Resource Management Act 1991, the Panel **recommends** to Auckland Transport that the Notice of Requirement for the construction, operation, and maintenance of EB2 on land between the intersection of Ti Rakau Drive/ SEART and Pakuranga Road/William Reeves Road, Pakuranga as shown in Attachment A: Eastern Busway 2 – Proposed Designation Boundary be **confirmed** and be subject to the conditions set out in Attachment B for the reasons below.

EB2 RC

321. In exercising our delegation under section 34A of the RMA and having regard to the foregoing matters, sections 104, 104B, 105 and 107 and Part 2 of the RMA, the Panel **determines** that resource consent to construct, operate and maintain the Eastern Busway Stage 2 (EB2) on land between the intersection of Ti Rakau Drive / South-Eastern Highway (SEART) and Pakuranga Road / William Roberts Road / Reeves Road, Pakuranga is **granted** for the reasons below and subject to the conditions set out in Attachment C.

EB3R RC

322. In exercising our delegation under section 34A of the RMA and having regard to the foregoing matters, sections 104, 104B, 104D, 105 and 107 and Part 2 of the RMA, the Panel **determines** that resource consent to construct, operate and maintain the Eastern Busway Stage 3 Residential (EB3R) generally located on Ti Rakau Drive between the intersection of Ti Rakau Drive/South-Eastern Highway (SEART) and Riverhills Park, Pakuranga is **granted** for the reasons below and subject to the conditions set out in Attachment D.

Reasons for the Recommendation and Decisions

EB2 NOR

323. Under section 171(3) of the Act the reasons for the recommendation are set out in the body of our report and are summarised as follows:

- The NoR satisfies section 171 of the Act as:
 - i. Adequate consideration has been given to alternative sites, routes, or methods of undertaking the work - s171(1)(b);
 - ii. The work and designation are reasonably necessary for achieving the objectives of the Requiring Authority - s171(1)(c);
 - iii. The work and designation respond to and support growth in south-east Auckland and the predicted future traffic environment - s171(1)(d);
 - iv. The work and designation support a reduction in the discharge of greenhouse gases through promotion of public transport - s171(1)(d).
- The work proposed by the designation is consistent with Part 2 of the Act in that it represents the sustainable management of natural and physical resources consistent with sections 5, 6, 7 and 8 through the promotion of an integrated, multi-modal transport system to support population and economic growth in south-east Auckland.
- The designation is in general accordance with relevant objectives and policies of the New Zealand Coastal Policy Statement, National Policy Statement on Urban Development, National Policy Statement on Freshwater Management, National Policy Statement – Electricity Transmission, National Environment Standard for Freshwater, National Environment Standard Assessing and Managing Contaminants in Soil to Protect Human Health, and AUP:OP.
- Subject to the recommended conditions, set out in Attachment B, the designation will avoid, remedy or mitigate adverse environmental effects.

EB2 and EB3R RCs

324. Under section 104(1) of the Act the reasons for the recommendation are set out in the body of our report and are summarised as follows:

- EB3R RC satisfies section 104D of the Act as:
 - i. Subject to the recommended conditions, the adverse effects of the activities will be minor; and
 - ii. The activity will not be contrary to the objectives and policies of the AUP:OP.
- The Project will have positive effects on the existing environment, and the conditions of consent avoid, remedy, mitigate or offset adverse effects on the existing environment;
- The Project responds to and supports growth in south-east Auckland and the predicted future traffic environment - s171(1)(d);
- The Project is consistent with Part 2 of the Act in that it represents the sustainable management of natural and physical resources consistent with sections 5, 6, 7 and 8 through the promotion of an integrated, multi-modal transport system to support population and economic growth in south-east Auckland.
- The Project is in general accordance with relevant objectives and policies of the New Zealand Coastal Policy Statement, National Policy Statement on Urban Development, National Policy Statement on Freshwater Management, National Policy Statement – Electricity Transmission, National Environment Standard for Freshwater, National Environment Standard Assessing and Managing Contaminants in Soil to Protect Human Health, and AUP:OP.

Amendments to the Auckland Unitary Plan (EB2 NOR)

325. That the Auckland Unitary Plan be amended as set out in:

- Attachment A: Eastern Busway 2 – Proposed Designation Boundary (Drawing Number: EB234-1-RD-SK-Z2-00355), Eastern Busway Alliance, Revision A1, dated 10.08.2022.
- Attachment B: Eastern Busway 2 – Notice of Requirement conditions.

Conditions

Attachment B: Eastern Busway 2 – Notice of Requirement conditions

Attachment C: Eastern Busway 2 – Resource Consent conditions

Attachment D: Eastern Busway 3R – Resource Consent conditions

A handwritten signature in black ink, appearing to read 'J. Shaw', with a long horizontal flourish extending to the right.

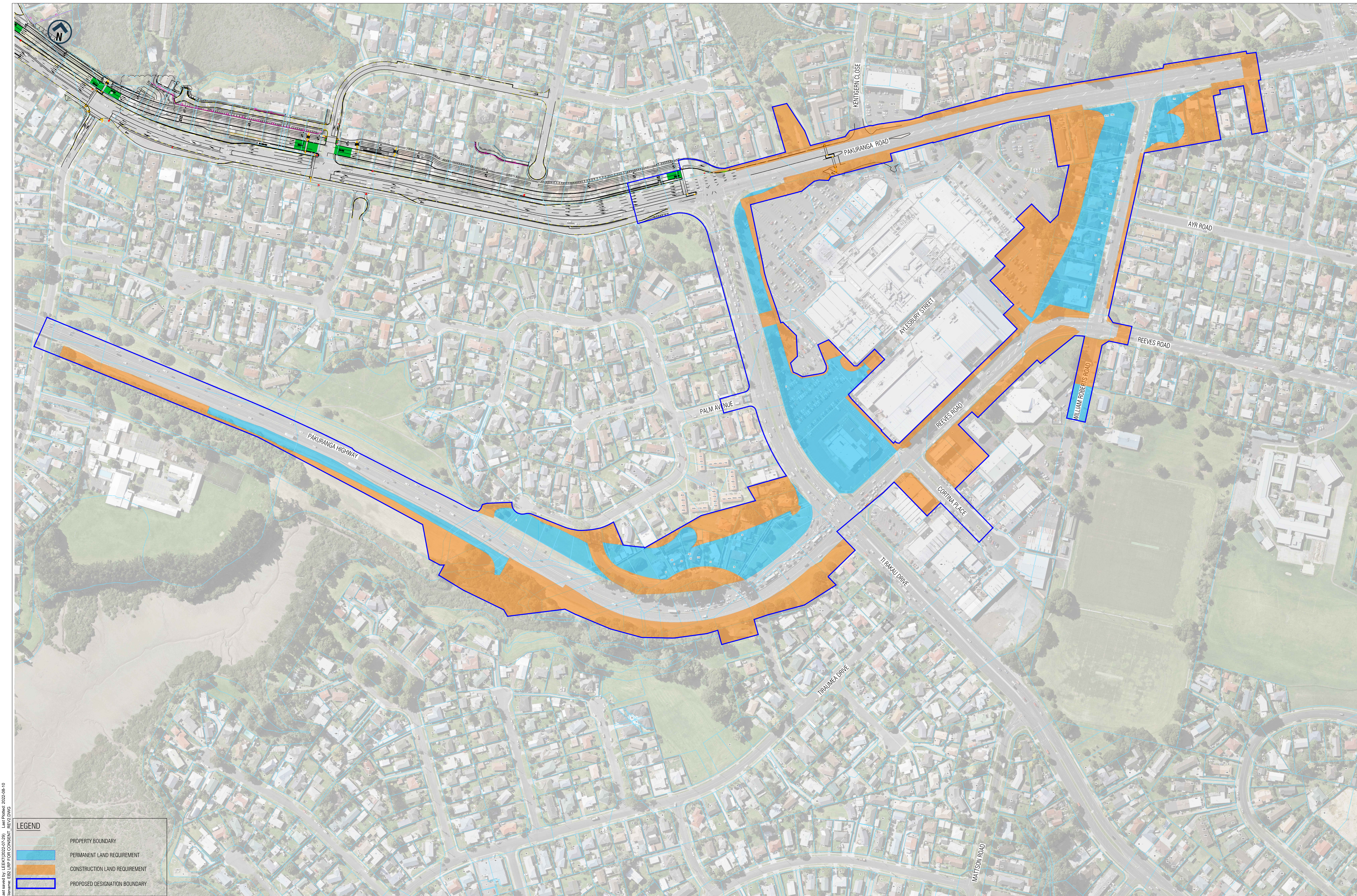
Sarah Shaw

Chairperson

11 September 2023

Attachment A

Eastern Busway 2 – Proposed Designation Boundary (Drawing Number: EB234-1-RD-SK-Z2-00355), Eastern Busway Alliance, Revision A1, dated 10.08.2022



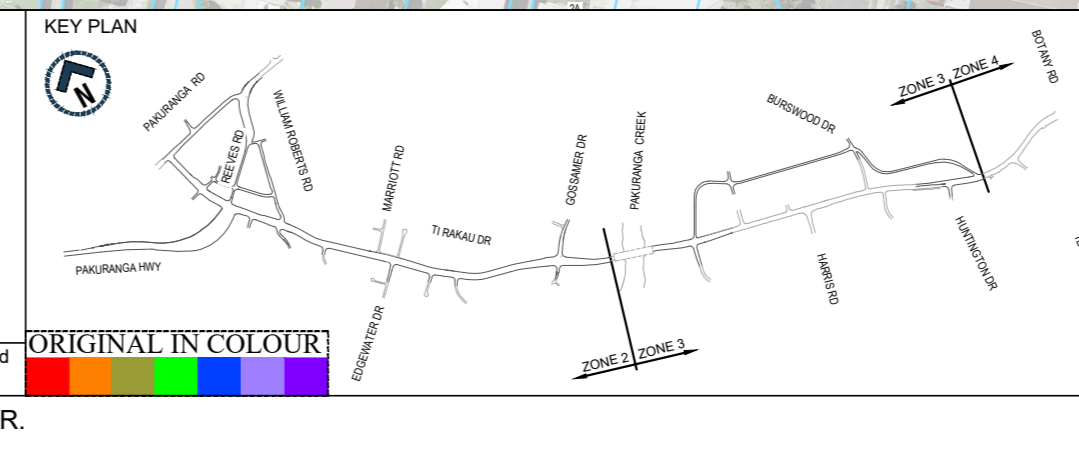
Last saved by: LEEF7020207291, Last Printed: 2022-08-10
 Filename: EB2 - PROPOSED DESIGNATION BOUNDARY

LEGEND	
	PROPERTY BOUNDARY
	PERMANENT LAND REQUIREMENT
	CONSTRUCTION LAND REQUIREMENT
	PROPOSED DESIGNATION BOUNDARY

REV	DATE	DRAWN	REVISION DESCRIPTION

DRAWN	DRAWING CHECK
DESIGNED	DESIGN REVIEW
APPROVED	APPROVED DATE

This drawing is confidential and shall only be used for the purpose of this project. The signing of this title block confirms the design and drafting of this project have been prepared and checked in accordance with the Alliance quality assurance system to ISO 9001. Printed copies of this document are UNCONTROLLED. Do not scale from this drawing.



AUCKLAND MANUKAU EASTERN TRANSPORT INITIATIVE EASTERN BUSWAY STAGES 2, 3 AND 4 (PAKURANGA TO BOTANY)		DRAWING STATUS FOR LODGEMENT	NOT FOR CONSTRUCTION
DRAWING TITLE EB2 - PROPOSED DESIGNATION BOUNDARY		FILENAME .\d0290828\J007301 EB_Logo_NoPartners_Colour.jpg	
SCALE	SHEET SIZE	DRAWING NO.	REV
AS SHOWN	A0	EB234-1-RD-SK-ZZ-00355	A1

Attachment B

Eastern Busway 2 – Notice of Requirement conditions

DESIGNATION CONDITIONS – EB2

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
CCP	Communication and Consultation Plan
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
ESCP	Erosion and Sediment Control Plan
SSCMP	Site Specific Construction Management Plan (at Pakuranga Plaza)
SSESCP	Site Specific Erosion and Sediment Control Plan
TPMP	Tree Protection and Management Plan
UDLP	Urban Design and Landscape Plan

General Conditions

1. Except as modified by the conditions below, or by any outline plan, the scope and extent of the works within the designation are to be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement and supporting documents as follows:

Table 1: Application Documents

Document Title	Author	Revision	Date
Assessment of Effects on the Environment (AEE) (Document Number: EB234-1-PL-RP-Z2-000017)	Eastern Busway Alliance	C	28.06.2022
Stormwater Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000030)	Eastern Busway Alliance	A	30.05.2022
Noise and Vibration Operational Effects Assessment (Document Number: EBA-2-R-2-PL-RP-000034)	Eastern Busway Alliance	C	23.03.2022
Construction Methodology Overview (Document Number: EB234-1-PL-RP-Z2-000033)	Eastern Busway Alliance	B	13.07.2022

Contaminated Land Effects Assessment (Document Number: EB234-1-PL-RP-Z0-000015)	Eastern Busway Alliance	2	27.05.2022
Arboricultural Effects Assessment Document Number: EB234-1-PL-RP-Z2-000022)	Arborlab	A	06.07.2022
Groundwater Permitted Activity Assessment (Document Number: EB234-1-PL-RP-Z2-000044)	Eastern Busway Alliance	A	07.06.2022
Natural Character, Landscape and Visual Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000026)	Eastern Busway Alliance	A	12.07.2022
Terrestrial and Freshwater Ecological Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000031)	Eastern Busway Alliance	A	12.07.2022
Air Quality Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000021)	Eastern Busway Alliance	A	04.07.2022
Construction Noise and Vibration Effects Assessment (Document Number: EBA-2-R-2-PL-RP-000035)	Eastern Busway Alliance	A	22.01.2022
Archaeological Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000023)	CFG Heritage	A	20.06.2022
Marine Ecology and Coastal Avifauna Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000027)	Eastern Busway Alliance	A	11.07.2022
Erosion and Sediment Control Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000024)	Southern Skies Environmental Limited	A	10.07.2022
Social Impact Assessment (Document Number: EB234-1-PL-RP-Z2-000029)	Eastern Busway Alliance	A	14.07.2022
Open Space Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000028)	Eastern Busway Alliance	1	07.06.2022

Table 2: Drawings

Drawing Title	Designer	Revision	Date
Land Requirement Plan:			
EB2 – Proposed Designation Boundary (Drawing Number: EB234-1-RD-SK-Z2-00355)	Eastern Busway Alliance	A1	10.08.2022
Combined Plans:			
Pakuranga Station GA Elevations – East and West Architectural (Drawing Number: EB-2-D-2-BS-DG-000105)	Warren and Mahoney	A	29.04.2022
Roadwork Geometric Design Ti Rakau Drive Busway Plan and Longitudinal Section MC10 – Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000301)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Ti Rakau Drive Busway Plan and Longitudinal Section MCEB – Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000305)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Ti Rakau Drive Westbound Plan and Longitudinal Section MCWB – Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000310)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Ti Rakau Drive Ramp Plan and Longitudinal Section MCK0 (Drawing Number: EB-2-D-2-RD-DG-000315)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Hwy / Reeves Road Flyover Plan and Longitudinal Section MCPH Sheet 1 of 3 (Drawing Number: EB-2-D-2-RD-DG-000320)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Hwy / Reeves Road Flyover Plan and Longitudinal Section MCPH Sheet 2 of 3 (Drawing Number: EB-2-D-2-RD-DG-000321)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Hwy / Reeves Road Flyover Plan and Longitudinal Section MCPH Sheet 3 of 3 (Drawing Number: EB-2-D-2-RD-DG-000322)	Eastern Busway Alliance	A	29.03.2022

Roadwork Geometric Design Ti Rakau Drive Off-ramp Plan and Longitudinal Section MCOF (Drawing Number: EB-2-D-2-RD-DG-000325)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design SEART Off-ramp Plan and Longitudinal Section MCON (Drawing Number: EB-2-D-2-RD-DG-000326)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Road Plan and Longitudinal Section MCA0 (Drawing Number: EB-2-D-2-RD-DG-000330)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Reeves Road Plan and Longitudinal Section MCF0 (Drawing Number: EB-2-D-2-RD-DG-000335)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Eastbound Busway Link Plan and Longitudinal Section MCB0 (Drawing Number: EB-2-D-2-RD-DG-000340)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Westbound Busway Link Plan and Longitudinal Section MCC0 (Drawing Number: EB-2-D-2-RD-DG-000341)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Aylesbury Street, WRR (North) Plan and Longitudinal Section MCE0, MCL0 (Drawing Number: EB-2-D-2-RD-DG-000345)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Palm Ave, Tiraumea Dr, Mattson Road Plan and Longitudinal Section MCD0, MCG0, MCH0 (Drawing Number: EB-2-D-2-RD-DG-000350)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Cortina Place Plan and Longitudinal Section MCJ0 (Drawing Number: EB-2-D-2-RD-DG-000355)	Eastern Busway Alliance	A	29.03.2022
Reeves Road Flyover General Arrangement Overall Plan and Elevation (Drawing Number: EB-2-D-2-ST-DG-003105)	Eastern Busway Alliance	A	15.04.2022
Roadwork Geometric Design Ti Rakau Drive Typical Cross Sections Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000401)	Eastern Busway Alliance	A	29.03.2022

Roadwork Geometric Design Ti Rakau Drive Typical Cross Sections Sheet 2 of 2 (Drawing Number: EB-2-D-2-RD-DG-000402)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Road Typical Cross Sections (Drawing Number: EB-2-D-2-RD-DG-000411)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Highway Typical Cross Sections Sheet 1 of 3 (Drawing Number: EB-2-D-2-RD-DG-000421)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Highway Typical Cross Sections Sheet 2 of 3 (Drawing Number: EB-2-D-2-RD-DG-000422)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Highway Typical Cross Sections Sheet 3 of 3 (Drawing Number: EB-2-D-2-RD-DG-000422)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Aylesbury Street Typical Cross Section (Drawing Number: EB-2-D-2-RD-DG-000431)	Eastern Busway Alliance	A	29.03.2022
Project Wide Standard Structures Noise Walls Structural Details Sheet 1 of 2 (Drawing Number: EB-2-D-0-ST-DG-203110)	Eastern Busway Alliance	A	20.06.2022
Landscape, Ecological and Arboricultural Plans:			
Consenting Package Planting Schedule (Drawing Number: EB-2-D-3-UD-PL-000002)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000101)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000102)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000103)	Eastern Busway Alliance	B	18.04.2023

Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000111)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000112)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000121)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000122)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000123)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000124)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000125)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000131)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000132)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000101)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000102)	Eastern Busway Alliance	B	18.04.2023

Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000103)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000104)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000105)	Eastern Busway Alliance	B	18.04.2023
Erosion and Sediment Control Drawings			
Civil and Geometrics General Legend (Drawing Number: EB-2-D-2-RD-SK-000010)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 1 of 10 (Drawing Number: EB-2-D-2-RD-SK-000011)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 2 of 10 (Drawing Number: EB-2-D-2-RD-SK-000012)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 3 of 10 (Drawing Number: EB-2-D-2-RD-SK-000013)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 4 of 10 (Drawing Number: EB-2-D-2-RD-SK-000014)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 5 of 10 (Drawing Number: EB-2-D-2-RD-SK-000015)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 6 of 10 (Drawing Number: EB-2-D-2-RD-SK-000016)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 7 of 10 (Drawing Number: EB-2-D-2-RD-SK-000017)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 8 of 10 (Drawing Number: EB-2-D-2-RD-SK-000018)	Southern Skies Environmental Limited	A	18.07.2022

Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 9 of 10 (Drawing Number: EB-2-D-2-RD-SK-000019)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 10 of 10 (Drawing Number: EB-2-D-2-RD-SK-000020)	Southern Skies Environmental Limited	A	18.07.2022

Table 3: Draft Management Plans

Management Plans	Author	Revision	Date
Construction Environmental Management Plan (CEMP) (Document Number: EB234-1-PL-RP-Z2-000036)	Eastern Busway Alliance	C	18.07.2022
Construction Traffic Management Plan (CTMP) (Document Number: EB234-1-PL-RP-Z2-000040)	Eastern Busway Alliance	B	06.06.2022
Communication and Consultation Plan – Design and Construction (CCP) (Document Number: EBA-2-U-2-CO-PL-000001)	Eastern Busway Alliance	C	July 2022
Erosion and Sediment Control Plan (ESCP) (Document Number: EB234-1-PL-RP-Z2-000037)	Southern Skies Environmental Limited	C	19.07.2022
Contaminated Land Management Plan (CLMP) (Document Number: EB234-1-PL-RP-Z0-000014)	Eastern Busway Alliance	C	22.07.2022
Tree Protection Management Plan (TPMP) (Document Number: EB234-1-PL-PL-Z0-000002)	Arborlab	B	22.06.2022
Lizard Management Plan (LMP) (Document Number: EB234-1-PL-RP-Z2-000042)	Eastern Busway Alliance	B	19.05.2022
Construction Noise and Vibration Management Plan (CNVMP) (Document Number: EB234-1-PL-RP-Z2-000043)	Eastern Busway Alliance	B	05.07.2022

Table 4: Further Information

Document Title	Author	Revision	Date
Section 92 Response Volume 1	Eastern Busway Alliance	-	03.11.2022
Stormwater Drawing of Outfall MCC_108699 (Mattson Road)	Eastern Busway Alliance		
Updated Drawing Set: Outfalls 06-05 and 89-18	Eastern Busway Alliance		
Landscape Plan for William Roberts Road Extension (Drawing Number: EB-2-D-2-UD-SK-000001)	Eastern Busway Alliance	A	11.02.2022
Updated Noise Result Tables	Eastern Busway Alliance	-	
Updated Noise Maps: Eb2/3R Noise Contour Map Road Traffic Noise Mitigation 4 Scenario (Sheets 1-10 of 19)	Eastern Busway Alliance	-	19.10.2022
Stormwater Outfall Table: Summary of Structural Elements for Eastern Busway 2 Stormwater Outfalls	Eastern Busway Alliance		
Section 92 Response Volume 2	Eastern Busway Alliance	-	03.03.2023
Updated Integrated Transport Assessment and associated Appendices Part 1 (Document Number: EB234-1-PL-RP-Z2-0032-A3)	Eastern Busway Alliance	A3	17.02.2023
Section 92 Response Volume 3	Eastern Busway Alliance	-	03.03.2023
Updated Integrated Transport Assessment and associated with Appendices Part 2 (Document Number: EB234-1-PL-RP-Z2-0032-A3)	Eastern Busway Alliance	A3	17.02.2023
Section 92 Response Volume 4: Noise and Vibration Response – EB2	Eastern Busway Alliance	-	20.02.2023
Section 92 Response Volume 5	Eastern Busway Alliance	-	07.02.2023
Social Impact Assessment Addendum (Document Number: EB234-1-PL-RP-Z2-000029)	Eastern Busway Alliance	A	31.01.2023

Updated Integrated Transport Assessment (Document Number: EB234-1-PL-RP-Z2-0032-A5)	Eastern Busway Alliance	A5	06.04.2023
EB2/EB3R Final Scenario – Phasing Diagrams	Eastern Busway Alliance	-	06.04.2023
EB2/EB3R Final Scenario – Lane Performance Summaries	Eastern Busway Alliance	-	06.04.2023
Updated Drawing Set (EB2_CONSENT_PLANS_20230508)			
Consenting Cover Sheet and Locality Plan (Drawing Number: EB-2-R-2-PL-DG-100001)	Eastern Busway Alliance	C	08.05.2023
Consenting Key Plan (Drawing Number: EB-2-R-2-PL-DG-100002)	Eastern Busway Alliance	C	08.05.2023
Consenting Drawing Index (Drawing Number: EB-2-R-2-PL-DG-100003)	Eastern Busway Alliance	C	08.05.2023
Consenting General Legend (Drawing Number: EB-2-R-2-PL-DG-100004)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Ti Rakau Drive Consent Plan Sheet 1 of 9 (Drawing Number: EB-2-R-2-PL-DG-100101)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Ti Rakau Drive Consent Plan Sheet 2 of 9 (Drawing Number: EB-2-R-2-PL-DG-100102)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Road Consent Plan Sheet 3 of 9 (Drawing Number: EB-2-R-2-PL-DG-100111)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Road Consent Plan Sheet 4 of 9 (Drawing Number: EB-2-R-2-PL-DG-100112)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 5 of 9 (Drawing Number: EB-2-R-2-PL-DG-100121)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 6 of 9 (Drawing Number: EB-2-R-2-PL-DG-100122)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 7 of 9 (Drawing Number: EB-2-R-2-PL-DG-100123)	Eastern Busway Alliance	C	08.05.2023

General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 8 of 9 (Drawing Number: EB-2-R-2-PL-DG-100124)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 9 of 9 (Drawing Number: EB-2-R-2-PL-DG-100125)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Reeves Road Flyover Consent Plan Sheet 1 of 2 (Drawing Number: EB-2-R-2-PL-DG-100131)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Reeves Road Flyover Consent Plan Sheet 2 of 2 (Drawing Number: EB-2-R-2-PL-DG-100132)	Eastern Busway Alliance	C	08.05.2023

2. In accordance with section 184(1)(c) of the Resource Management Act 1991 (the “RMA”), this designation will lapse if not given effect to within 5 (five) years from the date on which it is included in the Auckland Unitary Plan (Operative in Part).
3. As soon as practicable, and no later than 12 (twelve) months from the date the Eastern Busway Package EB2 becomes operational, the Requiring Authority must:
 - a) Identify any areas of the designation that are no longer necessary for the long-term development, operation, maintenance and mitigation effects of the Eastern Busway Project; and
 - b) Give notice to the Auckland Council in accordance with section 182 of the RMA for removal of those parts of the designation identified above.

Advice Note: *The uplifting of the designation may occur in stages, depending on construction staging and commissioning of new infrastructure assets.*

Site Access

4. Subject to compliance with the Requiring Authority’s health and safety requirements and provision of reasonable notice, servants or agents of Council are permitted to have access to relevant parts of the construction site(s) at reasonable times for the purpose of carrying out inspections, surveys, investigations and/or to take samples.

PRE-CONSTRUCTION CONDITIONS

Mana Whenua Engagement

5. At least 10 working days prior to the commencement of construction, the Requiring Authority must confirm and submit to Council a Mana Whenua Engagement framework to ensure appropriate engagement with mana whenua during the construction of the Eastern Busway Project (Package EB2).
6. The framework must include:
 - a) The methods for identifying and engaging with mana whenua.

- b) The process for involvement of mana whenua in reviewing the implementation of the management and environmental management plans as they relate to:
 - i. Recognising and providing for the cultural values and interests of mana whenua;
 - ii. Implementing and applying tikanga;
 - iii. Managing and monitoring sediment quality; and
 - iv. Promoting ecology and biodiversity, including the use of native vegetation.
- c) As a minimum the matters identified in (b) above shall be addressed in the preparation of the following management plans:
 - i. Construction Environmental Management Plan;
 - ii. Urban Design and Landscape Plan; and
 - iii. Habitat Restoration Plan.

7. The Requiring Authority must carry out the construction of the Project (Package EB2) in accordance with the Mana Whenua Engagement framework submitted under Condition 5.

MANAGEMENT PLANS – CERTIFICATION AND REVIEW

Advice Note: *Condition 8 below, applies to all Management Plans.*

- 8. The following general provisions relate to all management plans:
 - a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:
 - i. At least forty (40) working days prior to the start of works, the Consent Holder must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage.
 - ii. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing) unless otherwise specified in the conditions. The consent holder must ensure that any changes from the draft Management Plans are clearly identified.
 - b) Any certified Management Plan may be amended, if necessary, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of designation. Any amendments are to be agreed by the Council in writing prior to implementation of any changes. Re-certification is not required in accordance with Condition 8 if the Council

confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified.

- c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify these amendments are consistent with the relevant designation condition(s) prior to implementation of any changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of the designation. Where a Management Plan was prepared in consultation with interested or affected parties, any changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties.
- d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities.
- e) All works must be carried out in accordance with the approved Management Plans. Works must not commence until written approval or certification of all the relevant Management Plans for that stage have been received unless otherwise approved in writing by the Council.

STAKEHOLDER COMMUNICATION AND ENGAGEMENT

- 9. The Requiring Authority must submit a final Communication and Consultation Plan (CCP) for certification in accordance with Condition 8. The objective of the CCP is to set out a framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders, affected parties and interest groups during construction of the Eastern Busway Project (Package EB2).
- 10. The CCP must be prepared in accordance with the Draft CCP. The CCP must set out how the Requiring Authority will for the Eastern Busway Project (Package EB2):
 - a) Inform the community and businesses of construction progress and future construction activities;
 - b) Provide information on key project milestones;
 - c) Provide a process for responding to queries and complaints including, but not limited to:
 - i. Who is responsible for responding;
 - ii. How responses will be provided;
 - iii. The timeframes for responses to be provided; and

- iv. How complaints will be reviewed and monitored to ensure mitigation is effective.

11. The CCP must include:

- a) A communications framework that details the Requiring Authority's communication strategies, the accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including any modern and relevant communication methods, community noticeboard, local paper, newsletters or similar, advertising etc.) and any other relevant communication matters;
- b) Contact details of the person responsible for communication and consultation for the Eastern Busway Project, including phone, email, project website and postal address;
- c) Details of where this contact information will be available;
- d) Details of how a point of contact will be maintained throughout construction works for the project;
- e) Methods for identifying, communicating and engaging with people affected by the construction works for the project, including but not limited to:
 - i. All residential owners and occupiers affected by construction works for the Project;
 - ii. All business property owners and occupiers affected by construction works for the Project;
 - iii. Any community, medical and education facilities directly affected by the construction works for the project, including methods to assist these facilities to consult with their customers/stakeholders;
 - iv. Key stakeholders (including the Council's Parks Department); and
 - v. Network utility operators.
- f) Methods for communicating with and notifying directly affected parties in advance of:
 - i. Proposed construction activities outside normal working hours (including night works);
 - ii. Temporary traffic management measures for vehicles and pedestrians during construction;
 - iii. Permanent changes to road networks and layouts; and
 - iv. A record of the consultation undertaken with the community including specific access requirements for businesses and residents.
- g) Details of specific communications proposed for updating stakeholders including affected parties on construction timeframes;
- h) A list of the stakeholders affected to be communicated with;
- i) Linkages and cross references to other management plans where relevant;

- j) Identification of opportunities for those stakeholders identified under Condition 11(h) to collaborate on specific issues if required;
- k) A Development Response Addendum including:
 - i. The measures to maximise opportunities for pedestrian and service access to businesses, residents and social services/facilities that will be maintained during construction, within the practical requirements of the CTMP;
 - ii. The measures to mitigate potential severance and loss of business visibility issues by wayfinding and supporting signage for pedestrian detours required during construction;
 - iii. The measures to promote a safe environment during construction;
 - iv. How loss of amenity for residents, community services and businesses as a result of construction activities will be or has been mitigated through other management plans;
 - v. Identification of any other development response measures designed to support those businesses, residents and community services/facilities during construction.
- l) Details of engagement with the community to identify opportunities to minimise construction impacts;
- m) Details of monitoring the implementation of the CCP including, but not limited to:
 - i. Community feedback on the management of construction related impacts and the Requiring Authority's response to that feedback;
 - ii. And feedback and complaints received on matters other than addressed by (m)(i);
 - iii. Any outcomes or actions undertaken in response to feedback and complaints; and
 - iv. Any development response outcomes.
- n) The CCP must be reviewed at least annually and updated with reference to the outcomes of the monitoring listed in (m).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

- 12. The Requiring Authority must submit a Construction Environmental Management Plan (CEMP) for certification in accordance with Condition 8. The objective of the CEMP is to set out an overarching framework and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with the construction of the Eastern Busway Project (Package EB2).
- 13. The CEMP must include details of:
 - a) An outline of the construction programme of the work, including construction hours, indicating linkages to the other subsidiary plans which address management of adverse effects during construction;

- b) The document management system for administering the CEMP and compliance, including review and Requiring Authority / constructor / Council requirements;
- c) Training requirements for employees, sub-contractors and visitors for cultural induction, construction procedures, environmental management and monitoring;
- d) Roles and responsibilities for the implementation of the CEMP;
- e) Environmental incident and emergency management procedures (including spills);
- f) Environmental complaint management procedures;
- g) Specific details of demolition and site clearance works to be undertaken;
- h) The location of construction compounds and measures adopted to keep them secure;
- i) Methods to provide for the safety of the general public;
- j) Measures to be adopted to keep the construction areas in a tidy condition in terms of disposal / storage of rubbish and storage, unloading construction materials (including equipment). All storage of materials and equipment associated with the construction works must take place inside the designation boundaries;
- k) Site reinstatement measures upon completion of the activities including the removal of any temporary structures used during the construction period; and
- l) A construction methodology that minimises mangrove removal/pruning.

Advice note: *The CEMP may be prepared as a combined document that also addresses the matters required under the associated resource consents for the Eastern Busway Project (e.g. Package EB3R).*

THE WAREHOUSE GROUP

The Warehouse Pakuranga Basement Carparking

14. The Requiring Authority shall not impose any restrictions on light vehicle movements entering or exiting The Warehouse Pakuranga basement carpark during construction of EB2 from the future Cortina Place extension.

Advice Note: *The vehicle movements provided for by this condition includes both left and right hand turns into and out of The Warehouse Pakuranga basement carpark.*

15. The Requiring Authority must ensure that Eastern Busway staff and contractors do not park their vehicles within The Warehouse Pakuranga's basement carpark.

16. The Requiring Authority must ensure that on completion of construction of EB2, the road geometry and street furniture associated with the Cortina Place extension, Aylesbury Street and Reeves Road do not obstruct light vehicle access from the Cortina Place extension into The Warehouse Pakuranga basement carpark as it existed at the time of the EB2 designation's confirmation.
17. During the construction of EB2 the Requiring Authority must not restrict use of those carparks within the basement carpark that immediately adjoin Reeves Road unless it is necessary for safety reasons. Any restrictions must not be in place for no more than 3 days at any one time except for the purposes of installing construction safety equipment to protect these car park spaces.

Advice Note: *This condition relates to the carparking spaces located within the basement immediately adjoining Reeves Road but partially open-air to the road reserve above, and potential effects of construction activities occurring above those parking spaces. Safety equipment to protect the parking spaces may include e.g. installing temporary netting across the open-air portion.*

Freight access to The Warehouse Pakuranga

18. The Requiring Authority shall ensure that The Warehouse Pakuranga loading dock on Reeves Road shall be operational at all times between the business hours of 7am to 6pm. This includes:
 - a) Enabling a large truck and trailer to enter the dock without any delay related to construction activities associated with the Eastern Busway Project (Package EB2) between the hours of 7am to 8am and leave within 60 minutes of arriving;
 - b) Ensuring that any changes to the surrounding road network can accommodate a large truck and trailer to safely enter the dock. These changes must be completed before any works on the Reeves Road Flyover commences or any changes are made to The Warehouse Pakuranga Reeves Road loading dock/basement access occurs;
 - c) Enabling other loading vehicles (smaller trucks and vans) to enter and exit the dock at all times via a controlled entrance through the construction site;
 - d) At all times, providing for access to and egress from the Reeves Road loading dock without delays exceeding 5 minutes, except as provided by Condition 18(a) where there is to be no delay; and
 - e) Providing for the existing arrangements for waste and recycling materials collection.

Advice Note: *This condition does not apply to the use of temporary loading facilities, including the use of on-street loading spaces.*

19. The Requiring Authority must comply with Condition 18(a) Monday to Friday, and on Saturdays during the peak trading periods for The Warehouse Pakuranga.

Advice Note: *Peak trading periods refers to 1 November to 31 January.*

20. The Requiring Authority must ensure that on completion of the construction of EB2, the road geometry and street furniture associated with the Cortina Place extension, Aylesbury Street and Reeves Road do not obstruct heavy vehicle access to The Warehouse Pakuranga loading dock as it existed at the time of the EB2 designation's confirmation.
21. The Requiring Authority shall manage and monitor any construction dust in the vicinity of The Warehouse Group's loading dock in accordance with the requirements of the SSCMP.

Fire safety

22. The following requirements relating to fire safety for The Warehouse Pakuranga shall be complied with while vehicle and customer access is restricted on Reeves Road during the construction of EB2:
 - a) All existing fire exits shall be maintained from the retail building and the basement carpark;
 - b) A permanent egress route shall be maintained along the south side of the building to enable occupants to move to the east or west away from the building in the event that evacuation of the building is required. The width of the access shall be 3.3m measured from the base of the exterior stairs;
 - c) 24-hour Fire and Emergency New Zealand (FENZ) access shall be provided to the sprinkler valve room for sprinkler systems 3 and 4 and the fire brigade inlet for the carpark sprinkler system which is currently located adjacent to the Reeves Road loading dock.
 - d) FENZ access to the Reeves Road southwest double egress door and the southeast double set of egress doors on the south side of the building, including truck access, shall be provided when required due to an alarm activation.
 - e) Access to street hydrants along Reeves Road shall be maintained at all times.
 - f) FENZ shall be notified of any changes to access with at least 24-hours' notice, and regular walk-throughs shall be arranged for FENZ to ensure they are fully informed about the 24-hour access arrangements during construction.

COUNTDOWN PAKURANGA (GENERAL DISTRIBUTORS LIMITED)

23. During the construction of the Project (Package EB2), the Requiring Authority shall ensure safe and efficient vehicle access into and out of the Countdown Pakuranga loading dock.

Advice Note: *Condition 23 relates to ensuring safe and efficient vehicle access on land contained within the EB2 designation boundaries. It does not include any vehicle access requirements (e.g., manoeuvring space) associated with the utility reserves held by Auckland Council or land held by GYPP Limited (or associated companies).*

24. The Requiring Authority must ensure that on completion of the construction of EB2, the road geometry and street furniture associated with the Cortina Place extension, Aylesbury Street and Reeves Road do not obstruct heavy vehicle access to the Countdown Pakuranga loading dock, as it existed at the time of the EB2 designation's confirmation.

GYP PROPERTIES LIMITED (PAKURANGA PLAZA LIMITED)

25. During the construction of EB2 the Requiring Authority must:
- a) Ensure safe and efficient vehicular and pedestrian access into and out of the Pakuranga Plaza site during construction daytime work hours (5am to 10pm);
 - b) Implement reasonably practicable measures for wayfinding (signage) into and out of the Pakuranga Plaza during construction of EB2; and
 - c) Ensure that Eastern Busway staff and contractors do not park their vehicles within the Auckland Council utility reserves, other than within the designation footprint when necessary for construction purposes.

SITE SPECIFIC CONSTRUCTION MANAGEMENT PLAN – PAKURANGA PLAZA

26. The Requiring Authority must submit a Site-Specific Construction Management Plan (SSCMP) for certification in accordance with Condition 8. The objective of the SSCMP is to avoid, remedy or mitigate the potential adverse effects of construction activities, including those associated with vibration, dust, pedestrian access, vehicle access, manoeuvring and on-site parking provision, at Pakuranga Plaza.
27. The SSCMP must include practicable measures, including staging of work, that the Requiring Authority is required to adopt to:
- a) Ensure safe and efficient vehicular and pedestrian access into and out of the Pakuranga Plaza site, including access to and from The Warehouse Pakuranga basement parking, as well as ongoing freight vehicle access to both Countdown Pakuranga and The Warehouse Pakuranga;
 - b) Ensure that owners and tenants at Pakuranga Plaza, including General Distributors Limited and The Warehouse Group Limited, are provided with a minimum of 10 (ten) days' notice of significant changes to traffic management;
 - c) Identify the methods for wayfinding (signage) into and out of the Pakuranga Plaza during construction, including for specific tenancies where requested, and signage on main approaches to the town centre to advertise that the "Plaza remains open" during construction of the road works;
 - d) Manage and monitor construction dust created in the vicinity of Pakuranga Plaza affecting tenants or users of the Pakuranga Plaza, including The Warehouse Pakuranga;
 - e) Manage and monitor construction to avoid the adverse environmental effects of the discharge of sediment laden material onto the Pakuranga Plaza as identified in the Requiring Authority's Erosion and Sediment Control Plan(s);

- f) Ensure that suitable access to and egress from Pakuranga Plaza is provided at all times during construction daytime work hours (5am to 10pm).

Advice Note: *Significant changes to traffic management as identified in Condition 27 refers to changes that require the Construction Traffic Management Plan(s) (CTMP(s)) to be re-certified under Condition 8.*

- 28. During the preparation of the SSCMP, the Requiring Authority:
 - a) Must undertake consultation with GYP Properties, General Distributors Limited (Countdown Pakuranga) and The Warehouse Group Limited on the content and controls detailed in the SSCMP; and
 - b) Where practicable must adopt recommendations received from GYP Properties General Distributors Limited (Countdown Pakuranga) and The Warehouse Group Limited.
- 29. The Requiring Authority must lodge the SSCMP for certification with Auckland Council at least 10 (ten) working days prior to construction commencing for EB2. The following information must be provided with the SSCMP at its lodgement:
 - a) The submitted SSCMP records of the consultation undertaken with GYP Properties, General Distributors Limited (Countdown Pakuranga) and The Warehouse Group Limited; and
 - b) A summary of changes to the SSCMP sought by GYP Properties, General Distributors Limited (Countdown Pakuranga) and The Warehouse Group Limited. This summary must also include commentary from the Requiring Authority in regard to the changes sought by these parties, whether the Requiring Authority has or has not adopted these changes and the reason(s) for adoption/non-adoption of the changes.
- 30. The SSCMP shall include, but not be limited to, the following:
 - a) How the Requiring Authority will manage the staging of all work within 500m of Pakuranga Plaza;
 - b) The means by which construction debris and waste will be managed within the EB2 construction footprint so it does not enter Pakuranga Plaza;
 - c) The means by which construction related dust in the vicinity of Pakuranga Plaza will be controlled to mitigate any adverse effects on owners, tenants (including Countdown Pakuranga and The Warehouse Pakuranga) or users of the Pakuranga Plaza;
 - d) The means by which any overland flow of stormwater in excess of that currently entering Pakuranga Plaza will be managed by the CEMP during construction to prevent increased overland flows or flooding in particular before known storm events;

- e) The means by which construction related noise and vibration in the vicinity of Pakuranga Plaza will be controlled to mitigate any adverse effects on owners, tenants (including The Warehouse Pakuranga) or users of Pakuranga Plaza;
- f) The means by which appropriate vehicle access to the existing loading zones of Countdown Pakuranga and The Warehouse Pakuranga will be maintained to provide for their business activities;
- g) The means by which Project related visitor parking will be managed and controlled, such as by wayfinding, signage and/or information provided on the Project's website;
- h) Provision for additional measures, such as construction staging, enabling the use 26 Ti Rakau Drive as Pakuranga Plaza customer parking and/or the management of EB2 construction staff parking demand, to minimise disruption to Pakuranga Plaza during the annual holiday trading period between 01 November to 31 January;
- i) Provision for the use of parking areas that are located within the designation's boundaries as customer parking for Pakuranga Plaza, where those areas are not occupied for construction purposes or the operation of the Project;
- j) Details of the sequencing of work on Pakuranga Road, Reeves Road, Palm Avenue and South-Eastern Highway intersections near Pakuranga Plaza that ensure that safe and efficient access to Pakuranga Plaza is maintained at all times in order to enable the business activities;
- k) How construction of temporary or new access points will ensure the maintenance of access to Pakuranga Plaza when existing access points are temporarily closed or restricted due to construction activities;
- l) The Construction Traffic Management Plan(s) that ensure the continuation of safe and efficient access when EB2-related work is being carried out within 500m of Pakuranga Plaza;
- m) Appointment of a liaison person and the procedure for regular meetings, to be held at least monthly or at an alternative frequency as agreed between the Requiring Authority, GYP Properties, General Distributors Limited (Countdown Pakuranga) and The Warehouse Group during the construction period for EB2; and
- n) A procedure for monitoring, reporting and review of the performance of the SSCMP, including monitoring of parking availability during the annual holiday trading period between 01 November to 31 January. The results of the monitoring and reporting must be shared with GYP Properties, General Distributors Limited (Countdown Pakuranga) and The Warehouse Group twice annually.

31. A review of the SSCMP must be undertaken twice annually or due to the following:

- a) As a result of a material change to the project;

- b) To address unforeseen or materially greater adverse effects arising from construction of the Eastern Busway Project (Package EB2)
- 31A. A review of the SSCMP must take into consideration:
- a) Any material changes to the SSCMP;
 - b) Any changes to construction methods; and
 - c) Results of monitoring and reporting procedures associated with the management of car parking at during the Eastern Busway Project (Package EB2) construction period (including monitoring of parking availability during the annual holiday trading period between 01 November to 31 January), and mitigation measures to address unforeseen or materially greater adverse parking effects during construction of the Eastern Busway Project (Package EB2).
32. The SSCMP shall take precedence where there is conflict between the SSCMP and any other management plans required for the Project. This includes the Project's CTMP(s), ESCP and CNVMP.

Advice Note: *Conflicts may include the SSCMP requiring more restrictions or information requirements than those that apply to the Project's other management plans.*

CAR PARKING AND ACCESS AT PAKURANGA TOWN CENTRE

33. The Requiring Authority must ensure that, prior to closing Reeves Road to private vehicles for the purposes of constructing the Reeves Road Flyover or introducing any restrictions on the operation of The Warehouse Pakuranga loading dock or basement carpark access other than managed by Conditions 14 to 17, that the following works are completed and operational:
- a) The extension of Cortina Place between William Roberts Road and Aylesbury Street;
 - b) Traffic-light controlled movements in all directions at the intersection of Palm Ave, Ti Rakau Drive and including the access into the Pakuranga Plaza car park; and
 - c) The Mattson Road/Ti Rakau Drive intersection upgrades, as undertaken as part of EB3R.

Advice Note: *During the construction of the Palm Avenue, Ti Rakau Drive and Pakuranga Plaza intersection, the Requiring Authority must maintain safe and efficient access to and from the Pakuranga Plaza via the current Aylesbury Street accesses (Access 6 and 7) and in accordance with the SSCMP and CTMPs.*

34. During construction of the Project (Package EB2) the Requiring Authority must provide continued access and allow for the use of the utility reserves at Pakuranga Town Centre that are located within the designation boundaries. This access must be

provided at times that the designated land is not required by the Requiring Authority for construction activities or permanent occupation by the Project.

Advice Note: *This condition covers the utility reserves adjacent to Pakuranga Town Centre, which are used as parking for Pakuranga Plaza. Construction activities may include the use of this land for material storage, laydown areas, construction vehicle parking and traffic management.*

35. The Requiring Authority must maintain a minimum number of 40 car parking spaces for use by the public in the car park to the northeast of the Pakuranga Library accessed from Pennell Place, at all times, during construction of EB2 as identified in Figure One below. For clarity, this condition relates only to the construction phase of EB2.

Figure One – Pennell Place Parking



CONSTRUCTION TRAFFIC MANAGEMENT PLAN

36. The Requiring Authority must submit a Construction Traffic Management Plan (CTMP) for certification in accordance with Condition 8. The objective of the CTMP is to identify the means to be used to avoid, remedy or mitigate the adverse effects of construction of the Eastern Busway Project (Package EB2) on transport, parking and property access.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

Construction Noise – General Standards

37. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 'Acoustics - Construction Noise' (NZS6803:1999). With the exception of The Warehouse Pakuranga site, construction noise must comply with the noise standards set out in Tables 5 and 6 as far as practicable.

Table 5: Construction Noise Criteria – Residential Receivers (Irrespective of Zoning)

Time of week	Time Period	Maximum noise level (dBA) > 20 weeks	
		L _{eq}	L _{max}
Weekdays	0630 – 0730	55	75
	0730 – 1800	70	85
	1800 – 2000	65	80
	2000 - 0630	45	75
Saturdays	0630 – 0730	45	75
	0730 – 1800	70	85
	1800 – 2000	45	75
	2000 - 0630	45	75
Sundays and public holidays	0630 – 0730	45	75
	0730 – 1800	55	85
	1800 – 2000	45	75
	2000 - 0630	45	75

Table 6: Construction Noise Criteria - Commercial and Industrial Receivers

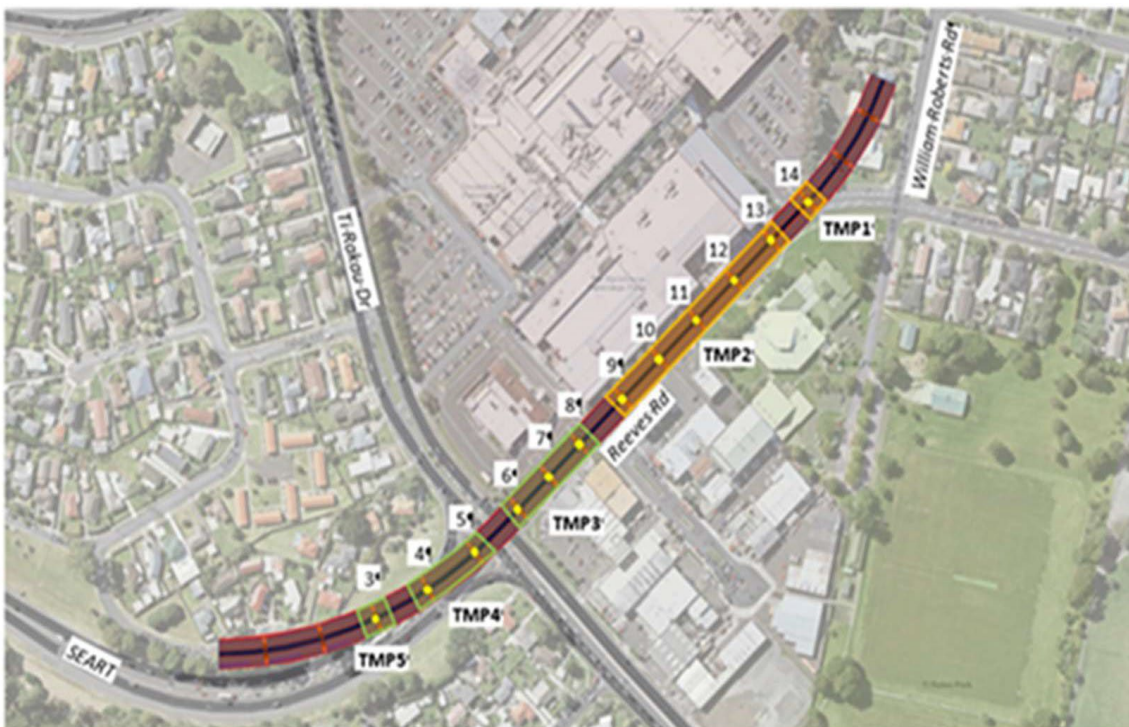
Time period	Maximum noise level L _{Aeq} dB > 20
07:30 – 18:00	70
18:00 – 07:30	75

38. Where compliance with the noise standards set out in Condition 37 above is not practicable, then the methodology in Condition 51 (Schedule) must apply.

Construction Noise – The Warehouse Pakuranga Specific Standards

39. The noise from construction activity shall not exceed the following noise limits when measured and assessed at any point at least 6m from the interior wall of The Warehouse Pakuranga indoor retail area closest to the Reeves Road Flyover:
- 65dB LAeq between 6.30am and 8.00am;
 - 63dB LAeq between 8.00am and 9.00pm except that a noise level of 65dB LAeq shall be allowed for up to 30 minutes each day;
 - 65dB LAeq between 9.00pm and 12.30am the following
 - No noise limit between 12.30am and 6.30am.
40. Construction noise levels measured within The Warehouse Pakuranga during piling activities within Reeves Road shall not exceed the equivalent of the following internal noise levels within the retail area at least 6m from the interior wall closest to the Reeves Road Flyover:
- 65dB LAeq between 6.30am and 8.00am;
 - 63dB LAeq between 8.00am and 9.00pm for the duration of the piling activities associated with construction of Pile 9, Pile 10 and Pile 11 (as shown in the indicative piling plan below);
 - 65dB LAeq between 9.00pm and 12.30am the following day; and
 - No noise limit between 12.30am and 6.30am.

Indicative piling plan



41. The Warehouse Pakuranga noise limits in Conditions 39 and 40 shall not be subject to change via the CNVMP or a Schedule unless the Requiring Authority provides written approval from The Warehouse Limited to Auckland Council.
42. If the noise levels specified in Conditions 39 and 40 cannot be achieved and remedied in accordance with Condition 55, all construction activities in the vicinity of The Warehouse Pakuranga must cease and measures must be implemented to meet the required noise levels. This work shall be fully funded by the Requiring Authority and completed before construction work recommences.

Advice Note: *Measures to achieve compliance with the noise levels may include (but are not limited to) a 3.6 metre high noise wall with surface mass of 10 kg/m² or greater or equivalent acoustic response (such as shipping containers) erected on and/or within the boundary of the designation to meet the required noise levels.*

Construction Vibration - General Standards

43. Construction vibration shall be measured in accordance with German Standard DIN 4150-3:1999 “Structural Vibration Part 3: Effects of vibration on structures”, and shall comply with the vibration standards set out in Table 7 as far as practicable:

Table 7: Construction Vibration Criteria

Vibration Level	Time	Category A	Category B
Occupied activities sensitive to noise	Night-time 2000h – 0700h	0.3mm/s ppv	2mm/s ppv
	Daytime 0700h – 2000h	2mm/s ppv	5mm/s ppv
Other occupied buildings	All other times	2mm/s ppv	5mm/s ppv
All other buildings	Daytime 0630h – 2000h	Tables 1 and 3 of DIN4150-3:1999	

Activities sensitive to noise are defined in Chapter J of the AUP(OP)

44. The Category A criteria may be exceeded, if the works generating vibration take place for three days or less between the hours of 7am to 6pm, provided that the Category B criteria are complied with, and:
- a) All occupied buildings within 50m of the extent of the works generating vibration are advised in writing no less than three days prior to the vibration-generating works commencing; and
 - b) The written advice must include details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.
45. Except for The Warehouse Pakuranga, where compliance with the vibration standards set out in Table 7 above is not practicable then the methodology in Condition 51 (Schedule) must apply.

Construction Vibration – The Warehouse Pakuranga Specific Standards

46. The Requiring Authority must ensure that vibration levels at The Warehouse Pakuranga do not exceed the levels listed in Conditions 43 and 44.
47. Vibratory or impact/hammer piling must not be utilised for the foundations for the Reeves Road Flyover. This prohibition does not apply to the use of vibration for sinking or extracting casings.
48. Piling works shall not be undertaken within the existing Reeves Road legal road reserve between 1 November and 5 January the following year unless otherwise allowed for in the SSCMP for The Warehouse Group.

Advice Note: *By way of clarification, it is anticipated that if piling works starts on 8 January 2024 piling works should be completed by November 2024. However, the allowance for other time periods in the SSCMP is desired in case the piling works programme is delayed for such matters as mechanical failure, prolonged adverse weather and pandemics.*

Construction Noise and Vibration Management Plan (CNVMP)

49. The Requiring Authority must submit a Construction Noise and Vibration Management Plan (CNVMP) for certification in accordance with Condition 8. The objectives of the CNVMP are to:
 - a) Identify and implement the Best Practicable Option (BPO) for the management of all construction noise and vibration effects;
 - b) Define the procedures to be followed where the noise and vibration standards (Conditions 37 and 43) are not met (following the implementation of the BPO);
 - c) Set out the methods for scheduling works to minimise disruption; and
 - d) Ensure engagement with affected receivers and timely management of complaints.
50. The CNVMP must be prepared in accordance with Annex E2 of (NZS6803:1999) and shall as a minimum, address the following:
 - a) Description of the works, machinery and equipment to be used;
 - b) Hours of works, including a specific section on works at night (2230h - 0700h), incorporating clear definitions of the works undertaken at night (if any);
 - c) The construction noise and vibration standards;
 - d) Identification of receivers where noise and vibration standards apply;
 - e) Management and mitigation options, and identification of the Best Practicable Option;

- f) Methods and frequency for regular construction noise and vibration monitoring and reporting of all monitoring results and outcomes;
 - g) Procedures for communication as set out in the CCP with nearby residents and stakeholders, including:
 - i. Notification of proposed construction activities;
 - ii. The period of construction activities; and
 - iii. Effective management of noise and vibration complaints.
 - h) Contact details for the Communication and Consultation Manager;
 - i) 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;
 - j) Identification of areas where compliance with the noise (Condition 37) and/or vibration standards (Condition 43 - Category A or Category B) will not be practicable.
 - k) Procedures for:
 - i. Communicating with affected receivers in accordance with the CCP, where measured or predicted noise or vibration from construction activities exceeds the noise criteria of Condition 37 or the vibration criteria of Condition 43; and
 - ii. Assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category B vibration criteria of Condition 43, including the requirement to undertake building consent surveys before and after works to determine whether any damage has occurred as a result of construction vibration; and
 - iii. Review and update of the CNVMP.
51. A Schedule to the CNVMP (Schedule) must be prepared in consultation with the owners and occupiers of sites subject to the Schedule, when:
- a) Construction noise is either predicted or measured to exceed the noise standards in Condition 37, except where the exceedance of the LAeq criteria is no greater than 5 decibels and does not exceed:
 - i. 0630 – 2000: 2 periods of up to 2 consecutive weeks in any 2 months; or
 - ii. 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days.
 - b) Construction vibration is either predicted or measured to exceed the Category B standard set out in Condition 43 at the receivers.
52. The objective of the Schedule is to set out the BPO for the minimisation of noise and/or vibration effects of the construction activity that are specific to the receiving environment and the activities that the Schedule would authorise, beyond those general measures set out in the CNVMP. The Schedule must include but not be limited to details such as:

- a) Construction activity and location plan, start and finish dates;
 - b) The owners and occupiers of the receivers that would be captured by (c) below;
 - c) The predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards in Conditions 37 and/or 43;
 - d) The proposed site-specific noise and / or vibration mitigation measures that are proposed to be adopted;
 - e) The mitigation options that have been selected and the options that have been discounted as being impracticable;
 - f) The consultation undertaken with owners and/or occupiers of properties identified in the Schedule, outcomes of the consultation, and how consultation outcomes have and have not been taken into account; and
 - g) Location, times, and types of monitoring and procedures for ensuring that all monitoring results and outcomes are reported on and are made available to the Council and to receivers subject to the Schedules on their reasonable request.
53. The Schedule must be submitted to the Council for certification at least 5 (five) working days, except in unforeseen circumstances, in advance of construction works that are covered by the Schedule and shall form part of the CNVMP.

The Warehouse Pakuranga – Site Specific Construction Noise and Vibration Monitoring

54. The Requiring Authority must undertake continuous monitoring during EB2's construction of the noise and vibration levels that The Warehouse Pakuranga is exposed to. Noise monitoring could be undertaken either within The Warehouse Pakuranga itself, for direct comparison against the requirements of Condition 39, or externally within proximity of The Warehouse Pakuranga, by a suitably qualified and experienced person. Should external measurements be employed, then the Requiring Authority must document the façade reduction that has been employed and provide this information in its construction noise reporting.
- Advice Note:** *Given the size of The Warehouse Pakuranga several monitoring locations may be required for compliance with Condition 54.*
55. If monitoring reports an exceedance of The Warehouse Pakuranga site-specific noise levels detailed in Condition 39 that was caused by construction activities, then noise generating construction activity shall stop when it is safe to do so. The reason for the exceedance shall be investigated and construction methodologies reviewed and adjusted to ensure compliance before the related construction activity is recommenced. In accordance with Condition 50(f) reporting of the incident must include Council and store manager for The Warehouse Pakuranga.
56. Prior to the commencement of the Reeves Road Flyover's construction, the Requiring Authority shall provide a Schedule to address potential noise and vibration effects on The Warehouse Pakuranga (10 Aylesbury Street). The Schedule shall be

prepared in accordance with Condition 51 and be subject to the certification process described in Condition 53.

Building condition surveys [in the event environmental specialists identify building condition surveys are necessary]

57. Prior to construction, a building condition survey must be undertaken of any building or structure that has been identified and assessed as potentially affected by vibration damage arising from construction vibration, and in every case where vibration exceeds the Category B criteria in Condition 43. The identification and assessment requirement must be determined by an independent and suitability qualified person appointed by the Requiring Authority, and based on the criteria below, unless the relevant industry criteria applied at the time or heightened building sensitivity or other inherent building vulnerability requires it. Factors which may be considered in determining whether a building condition survey must be undertaken include:
- a) Age of the building;
 - b) Construction types;
 - c) Foundation types;
 - d) General building condition;
 - e) Proximity to any excavation;
 - f) Whether the building is earthquake prone or where there is pre-existing damage; and
 - g) Whether any basements are present in the building.
58. Where a building condition survey is required:
- a) The Requiring Authority must employ an appropriately qualified person to undertake the building condition surveys and that person is required to be identified in the CEMP;
 - b) The Requiring Authority must contact owners of those buildings and structures where a building condition survey is to be undertaken to confirm the timing and methodology for undertaking a pre-construction condition assessment;
 - c) Should written agreement from owners and occupiers to enter property and undertake a condition assessment not be obtained within 3 (three) months from first contact, then the Requiring Authority is not required to undertake these assessments;
 - d) Prior to the building condition survey, the Requiring Authority must determine whether the building is classified as a vibration sensitive structure;
 - e) The Requiring Authority must provide the building condition survey report to the relevant property owner within 15 (fifteen) working days of the survey being

undertaken, and additionally it must notify and provide Council with a copy of the completed survey report within 15 (fifteen) working days;

- f) The Requiring Authority must record all contact, correspondence and communication with owners and occupiers and this record is to be available on request for the Council; and
- g) The Requiring Authority must undertake a visual inspection when undertaking construction activities likely to generate high levels of vibration if requested by the building owner where a pre-construction condition assessment has been undertaken.

59. During construction:

- a) The Requiring Authority must implement procedures that will appropriately respond to the information received from any vibration monitors deployed by the acoustic specialist in accordance with the CNVMP. Where necessary this may include temporary cessation of works in close proximity to the relevant building until measures have been implemented to avoid further damage and/or compromising the structural integrity of the building; and
- b) Any damage to buildings and structures resulting from the works must be recorded and repaired by the Requiring Authority and costs associated with the repair will be met by the Requiring Authority. Such repairs, and/or works to repair damage, are limited to what is reasonably required to restore the general condition of the building as described in the building condition survey. Such repairs must be undertaken as soon as reasonably practicable and in consultation with the owner and occupiers of the building.

60. Following construction:

- a) Within 3 (three) months of the commencement of operation of the Eastern Busway Project (Package EB2), the Requiring Authority must contact owners of those buildings and structures where a building condition survey was undertaken to confirm the need to undertake a post-construction condition assessment; and
- b) Where a post-construction building condition survey confirms that the building has deteriorated as a direct result of construction works relating to the project, the Requiring Authority must rectify the damage at its own cost. Such repairs, and/or works to repair damage, are limited to what is reasonably required to restore the general condition of the building as described in the building pre-condition survey.

URBAN DESIGN AND LANDSCAPING MITIGATION

61. Within 3 (three) months of commencing construction activity the Requiring Authority shall submit an Urban Design and Landscape Plan (UDLP) to Council for certification in accordance with Condition 8. The objective of the UDLP is to mitigate any landscape and visual effects of the Eastern Busway Project (Package EB2).

62. The UDLP must include:
- a) Urban design details for works:
 - i. The Reeves Road Flyover;
 - ii. Pakuranga Bus Station; and
 - iii. Ti Rakau Drive widening between Pakuranga Road and Reeves Road.
 - b) Landscape design details for works at:
 - i. Paul Place Reserve;
 - ii. Bus Stop Reserve;
 - iii. Within Ti Rakau Drive; and
 - iv. South-Eastern Highway.
 - c) A maintenance plan and establishment requirements over a 3 (three) year period for landscaping and five years for specimen trees following planting.
 - d) Lighting, signage and street furniture details for Eastern Busway Project (Package EB2);
 - e) Measures to achieve a safe level of transition for cycling and walking modes, including providing advanced warning and signage to cyclists and pedestrians, and safe and convenient cycling transitions at the ends of the project;
 - f) Design features and methods for cultural expression;
 - g) A Crime Prevention Through Environmental Design Assessment of the Pakuranga Bus Station, land beneath the Reeves Road Flyover, and the new walking and cycling networks;
 - h) Design features associated with the management of stormwater, including both hard and soft landscaping; and
 - i) Detailed streetscape landscaping plan(s) for all swales, street trees and street gardens for approval or approved by the Parks Planning Team Leader. In particular, the plans must have the following information to obtain the Parks Planning Team Leader's approval:
 - i. Be prepared by a suitably qualified landscape architect;
 - ii. Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, tree pit specifications, the overall material palette, location of street lights and other service access points;
 - iii. Ensure that selected species can maintain appropriate separation distances from paths, roads, street lights and vehicle crossings in accordance with the Auckland Transport Code of Practice; and
 - iv. Include planting methodology.
63. At least 1 (one) month prior to the final handover to the Council for future care and maintenance of landscaping on Council land and reserves, the Requiring Authority's representative must arrange a site walkover with the Council to inspect the new

planting areas, and to document any areas of plant health and maintenance that need to be rectified prior to handover.

64. The UDLP planting requirements must be implemented during the first planting season following the Eastern Busway Project being operational. If the weather in that planting season is unsuitable for planting, as determined by the Council, the landscaping must instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity must be agreed to by the Council.

TREE WORKS

65. The Requiring Authority must submit a Tree Protection and Management Plan (TPMP) for certification in accordance with Condition 8. The objective of the TPMP is to avoid, remedy or mitigate any adverse construction effects of the Eastern Busway Project (Package EB2) on those trees to be retained.
66. To achieve its objective, the TPMP must include:
 - a) A process whereby the Requiring Authority's arborist and the construction team confirm via a site walkover(s) those trees that can be retained rather than removed;
 - b) Tree protection measures for trees to be retained;
 - c) Tree pruning measures;
 - d) Demarcation of temporary construction access and storage areas, outside the permeable dripline and / or rootzone areas of retained trees;
 - e) Use of protective barrier fencing;
 - f) Procedures for working within the dripline/rootzone of any retained tree, including appointment of a qualified Council approved arborist ("appointed arborist") to oversee directly all works within the dripline and rootzone of the trees located in the designated areas of work for the duration of the site works, until the route is considered completed, and including any reinstatement works that fall outside the area of the designation;
 - g) Specific bio-security removal restrictions that will apply to all elms (*Ulmus* sp.) and kauri (*Agathis australis*), to avoid the risk of spread of Dutch Elm Disease or kauri dieback, including vetting and approving the methodology and treatment of the Elm and kauri material by the Council's arboricultural specialist responsible for handling and treatment of all Elm/kauri material controlled under the Biosecurity Act, prior to any works taking place; and
 - h) Measures to provide for clear marking of all tree removals prior to implementation of each stage of the works, with verification of the removals by the Requiring Authority's arborist in consultation with the Council's arboricultural specialist.

67. If the design of the project is modified so that it becomes apparent that trees protected by the provisions of the AUP(OP) identified as being retained in the approved Tree Plans appended to the Arboricultural Effects Assessment in Condition 1 are required to be removed, then the removal of the trees is appropriate if:
- a) The design modification results in retention of a tree that was identified to be removed (i.e., no net loss of protected trees); or
 - b) If the design modification will result in a net loss of protected trees, a suitable replacement specimen tree is provided in the project corridor (in addition to the proposed planting shown on the approved Tree Plans appended to the Arboricultural Effects Assessment in Condition 1).

Advice Note: *Protected trees refers to trees within the road reserve and Council reserves that more than 4m in height and/or more than 400mm in girth. It also includes any trees listed in Schedule 10 "Notable Trees" in the AUP(OP).*

HERITAGE

68. In the event that any unrecorded historic heritage sites are identified as a result of the Eastern Busway Project, then these sites must be recorded by the Requiring Authority for inclusion in the Council's Cultural Heritage Inventory. The Requiring Authority's historic heritage expert must prepare documentation suitable for inclusion in the Inventory and forward that information to the Manager: Heritage Unit, (heritageconsents@aucklandcouncil.govt.nz) within one calendar month of completion of work on the route.
69. Electronic copies of all historic heritage reports relating to historic heritage investigations of whatever form (i.e., evaluation, monitoring and excavation) in regard to the designation, are to be submitted by the Requiring Authority's project historic heritage expert to the Monitoring officer(s) within 12 (twelve) months of completion of the Eastern Busway Project (Package EB2).

OPERATIONAL TRAFFIC NOISE

70. The Requiring Authority must ensure that the solid barriers proposed along both sides of the Reeves Road Flyover are maintained at the height and extent as shown on Plan EB-2-D-2-RD-DG-000422 Rev A and are maintained as acoustically effective barriers. The noise barriers required by these conditions must be maintained so that they retain their designed noise reduction performance.
71. The Requiring Authority must ensure that all roads are paved with Dense-Graded 14 mm asphalt (or other low-noise road surface(s) with equal or better noise reduction performance) on all sections of the Project except where a higher friction (for safety) or stronger surface is required. The road surfaces must be maintained so that the pavement surface retain their noise reduction performance as far as practicable.
72. In the event that the Requiring Authority proposes a different road pavement to that specified in Condition 71 above at any time, the Requiring Authority must provide documentation from a suitably qualified and experienced acoustics specialist to the Council demonstrating that condition will continue to be complied with.

Building Modification Protocol

73. The Requiring Authority must design and construct the Eastern Busway Project (Package EB2) to ensure that the predicted noise levels for the as-built alignment (using the same traffic flow forecasts as used for the Proposed Design) do not exceed the predicted noise levels for the Proposed Design [as set out in the Noise and Vibration Operational Effects Assessment (NVOEA) dated 18 July 2022, document number EBA-2-R-2-PL-RP-000034] by more than 2dB at any Protected Premises & Facilities (PPF) existing at the time of EB2's construction. This does not apply to any PPF where the predicted noise level for the as-built design is no greater than 55dB LAeq(24hr).

Advice Note: *The predicted noise levels for the Proposed Design are contained in the Section 92 response package dated 15 February 2023. The basis for inclusion of this condition is the high level of certainty afforded by the design of the project.*

74. Prior to construction of EB2, a suitably qualified acoustics specialist approved by the Council must identify those PPFs which, following implementation of all Structural Mitigation, will not be Noise Criteria Categories A or B and where building modification mitigation might be required to achieve 40 dB LAeq(24hr) inside Habitable Spaces (Category C buildings).
75. For PPFs identified in Condition 74, the Requiring Authority must set out options as to what Building Modification Mitigation are available to achieve 40 dB LAeq(24hr) for habitable spaces using the process set out in Conditions 76 to 82.
76. Prior to construction commencing in EB2, the Requiring Authority must write to the owner of that PPF requesting entry to assess the noise reduction performance of the existing building envelope. If the owner agrees to entry within 3 (three) months of the date of the Requiring Authority's letter, the Requiring Authority must instruct a suitably qualified acoustics specialist to visit the building and assess the noise reduction performance of the existing building envelope and determine what Building-Modification measures are required to achieve an operational noise level of 40 dB LAeq(24hr) for habitable spaces.
77. For each PPF identified under Condition 74, the Requiring Authority is deemed to have complied with Condition 76 if:
- a) The Requiring Authority's acoustics specialist has visited and assessed the PPF; or
 - b) The owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or
 - c) The owner did not agree to entry within 3 (three) months of the date of a Requiring Authority letter seeking entry for assessment purposes (including where the owner did not respond within that period); or

- d) The owner cannot, after reasonable enquiry, be found prior to completion of construction of the Project or after reasonable time has not responded.

If any of (b) to (d) above applies to a PPF identified under Condition 74, the Requiring Authority is not required to implement Building-Modification Mitigation to that PPF.

- 78. Subject to Condition 77, within three months of the assessment required by Condition 74, the Requiring Authority must write to the owner of each PPF identified under Condition 76 advising:
 - a) If Building-Modification Mitigation is required to achieve 40 dB LAeq(24hr) inside habitable spaces;
 - b) The options for Building-Modification Mitigation to the building, if required; and
 - c) That the owner has 12 (twelve) months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than 1 (one) option is available.
- 79. Once an owner has confirmed which Building-Modification Mitigation option is preferred, the mitigation must be implemented by the Requiring Authority, including obtaining any Council consents, within a mutually agreeable and reasonable timeframe, and where practicable, prior to a Major Construction Activity commencing in the relevant Work Area.
- 80. Where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with Condition 79 if:
 - a) The Requiring Authority has completed Building-Modification Mitigation to the PPF; or
 - b) An alternative agreement for mitigation is reached between the Requiring Authority and the owner, and that mitigation option has been completed; or
 - c) The owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within 3 (three) months of the date of the Requiring Authority's letter sent in accordance with Condition 78 (including where the owner did not respond within that period).
- 81. Within 12 (twelve) months of completion of construction of EB2 becoming operational, the Requiring Authority must prepare and submit a report to the Council which demonstrates compliance with Condition 80. The report must be prepared by a suitably qualified and experienced acoustics specialist and must contain a description of, and the results from, a computer noise model of the Project as constructed.
- 82. The report required by Condition 81 must include the results of field measurements at a minimum of 2 (two) representative PPFs within EB2. The results of the noise level monitoring must be used to verify the computer noise model. Field measurements must be in accordance with NZS 6806.

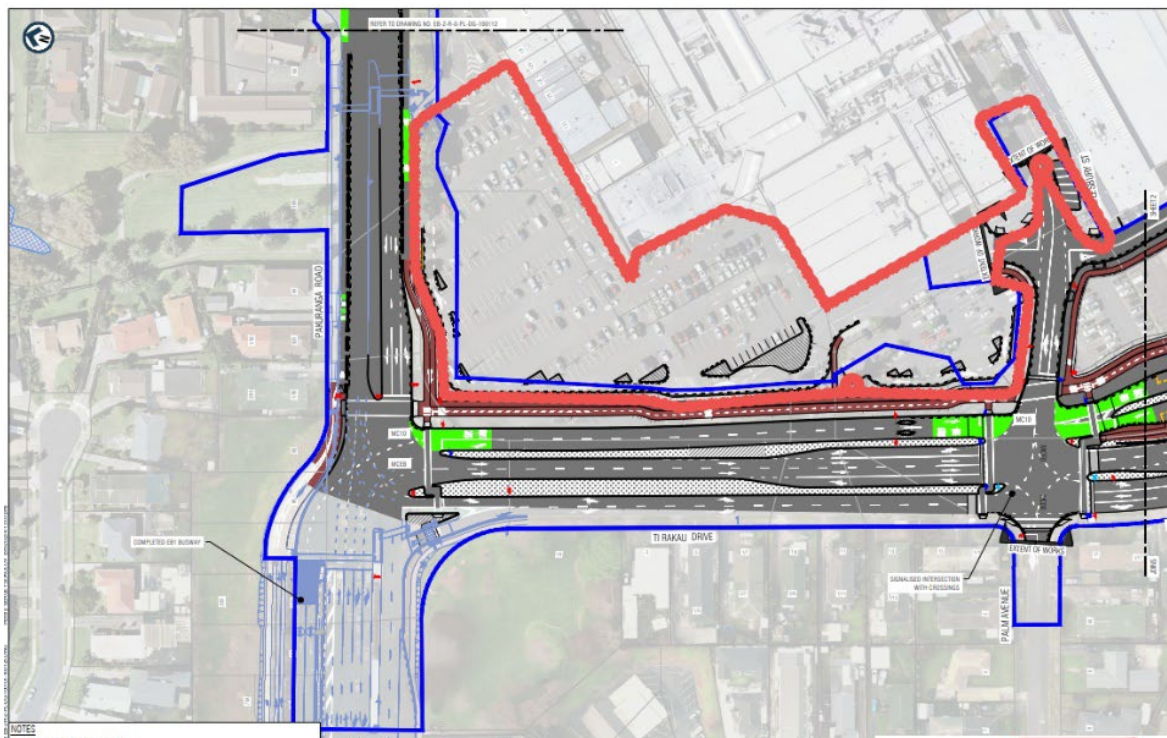
Advice Note: Definitions applying to Conditions 70 to 82 above.

- *BPO – means the Best Practicable Option in accordance with s16 of the RMA;*
- *NZS 6806 – means New Zealand Standard NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads (“NZS 6806”);*
- *Building-Modification Mitigation – has the same meaning as in NZS 6806;*
- *Habitable Space – has the same meaning as in NZS 6806;*
- *Major Construction Activity - means any construction activity that would result in an exceedance of the Construction Noise Standards;*
- *PPFs – means Protected Premises and Facilities as in NZS 6806;*
- *Structural Mitigation – has the same meaning as in NZS 6806. For the purpose of these conditions the structural mitigation measures are low noise road surface materials and noise barriers;*
- *Work Area - means any area where construction works associated with the Project are undertaken (e.g., all active works areas and construction support areas.*

OPERATIONAL CAR PARKING AND ACCESS AT PAKURANGA PLAZA

83. The Requiring Authority must use best endeavours to implement an efficient layout of the Auckland Council Utility Reserve car park (as identified by a red boundary in Figure Two below) for car parking and vehicle manoeuvring.

Figure Two – Auckland Council Utility Reserve Car Park Location



84. The Requiring Authority must consult with GYP Properties and General Distributors Limited when preparing the revised layout; and must provide both GYP Properties and General Distributors Limited a draft revised layout within 6 (six) months of the designation being confirmed and at least 10 working days prior to submitting it to

Auckland Council Community Facilities. The Requiring Authority must adopt the recommendations received from GYP Properties and General Distributors Limited on the revised layout, where practicable. The revised layout, and any comments received, will be provided to Auckland Council Community Facilities for approval to undertake the work. The Requiring Authority will implement the revised layout within 6 (six) months of receiving approval from Auckland Council Community Facilities. In the event Auckland Council Community Facilities do not provide their approval to implement within 6 (six) months of the submission of the revised layout to them, this condition is deemed to be met.

85. The objective of the revised layout is to minimise the loss of car parks at Pakuranga Plaza, while also enabling appropriate vehicle manoeuvring. At a minimum, the revised layout must:
- a) Maximise the number of car parks that can reasonably and practicably be provided;
 - b) Provide for a car park design that enables reasonable access into, out of, and within Pakuranga Plaza;
 - c) Provide for appropriate vehicle access to Countdown Pakuranga's loading zone; and
 - d) Comply with Standards E27.6.3 of the AUP(OP) with respect to minimum parking space dimensions and vehicle manoeuvring for any new parking spaces.

Advice Note: *It may be possible to provide for up to 405 spaces within the Auckland Council utility reserves shown in Figure 2 (the land within the red boundary lines). The final number of parking spaces will be subject to further design and approval by the asset owner (Auckland Council).*

86. The Requiring Authority must construct a signalised intersection at the Pakuranga Road / Brampton Court intersection as part of the Eastern Busway Project (Package EB2).
87. Prior to the construction of the westbound cycle lane on Pakuranga Road, the Requiring Authority shall provide to Auckland Council further detail of treatments for the cycle lane running across the Pakuranga Road/Brampton Road intersection for comment by Auckland Council.
88. The Aylesbury Road / Cortina Place Extension intersection must have road markings and associated signage that clearly identifies the intersection as a "keep clear" zone.

Attachment C

Eastern Busway 2 – Resource Consent conditions

RESOURCE CONSENT CONDITIONS EB2

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
ChTMP	Chemical Treatment Management Plan
CEMP	Construction Environmental Management Plan
CLMP	Contaminated Land Management Plan
ESCP	Erosion and Sediment Control Plan
HRP	Habitat Restoration Plan
LMP	Lizard Management Plan
SCR	Site Completion Report
SSESCP	Site Specific Erosion and Sediment Control Plan
GD05	Auckland Council's Guideline Document 2016/005 <i>Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05)</i> , incorporating any amendments

GENERAL ACCORDANCE

1. Except as modified by the conditions below, the activity must be carried out in general accordance with the plans and information submitted with the application, as detailed in Tables 1, 2, 3 and 4:

Table 1: Application Documents

Document Title	Author	Revision	Date
Assessment of Effects on the Environment (AEE) (Document Number: EB234-1-PL-RP-Z2-000017)	Eastern Busway Alliance	C	28.06.2022
Stormwater Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000030)	Eastern Busway Alliance	A	30.05.2022
Noise and Vibration Operational Effects Assessment (Document Number: EBA-2-R-2-PL-RP-000034)	Eastern Busway Alliance	C	23.03.2022

Construction Methodology Overview (Document Number: EB234-1-PL-RP-Z2-000033)	Eastern Busway Alliance	B	13.07.2022
Contaminated Land Effects Assessment (Document Number: EB234-1-PL-RP-Z0-000015)	Eastern Busway Alliance	2	27.05.2022
Arboricultural Effects Assessment Document Number: EB234-1-PL-RP-Z2-000022)	Arborlab	A	06.07.2022
Groundwater Permitted Activity Assessment (Document Number: EB234-1-PL-RP-Z2-000044)	Eastern Busway Alliance	A	07.06.2022
Natural Character, Landscape and Visual Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000026)	Eastern Busway Alliance	A	12.07.2022
Terrestrial and Freshwater Ecological Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000031)	Eastern Busway Alliance	A	12.07.2022
Air Quality Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000021)	Eastern Busway Alliance	A	04.07.2022
Construction Noise and Vibration Effects Assessment (Document Number: EBA-2-R-2-PL-RP-000035)	Eastern Busway Alliance	A	22.01.2022
Archaeological Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000023)	CFG Heritage	A	20.06.2022
Marine Ecology and Coastal Avifauna Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000027)	Eastern Busway Alliance	A	11.07.2022
Erosion and Sediment Control Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000024)	Southern Skies Environmental Limited	A	10.07.2022
Social Impact Assessment (Document Number: EB234-1-PL-RP-Z2-000029)	Eastern Busway Alliance	A	14.07.2022
Open Space Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000028)	Eastern Busway Alliance	1	07.06.2022

Table 2: Drawings

Drawing Title	Designer	Revision	Date
Land Requirement Plan:			
EB2 – Proposed Designation Boundary (Drawing Number: EB234-1-RD-SK-Z2-00355)	Eastern Busway Alliance	A1	10.08.2022-
Combined Plans:			
Pakuranga Station GA Elevations – East and West Architectural (Drawing Number: EB-2-D-2-BS-DG-000105)	Warren and Mahoney	A	29.04.2022
Roadwork Geometric Design Ti Rakau Drive Busway Plan and Longitudinal Section MC10 – Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000301)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Ti Rakau Drive Busway Plan and Longitudinal Section MCEB – Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000305)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Ti Rakau Drive Westbound Plan and Longitudinal Section MCWB – Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000310)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Ti Rakau Drive Ramp Plan and Longitudinal Section MCK0 (Drawing Number: EB-2-D-2-RD-DG-000315)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Hwy / Reeves Road Flyover Plan and Longitudinal Section MCPH Sheet 1 of 3 (Drawing Number: EB-2-D-2-RD-DG-000320)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Hwy / Reeves Road Flyover Plan and Longitudinal Section MCPH Sheet 2 of 3 (Drawing Number: EB-2-D-2-RD-DG-000321)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Hwy / Reeves Road Flyover Plan and Longitudinal Section MCPH Sheet 3 of 3 (Drawing Number: EB-2-D-2-RD-DG-000322)	Eastern Busway Alliance	A	29.03.2022

Roadwork Geometric Design Ti Rakau Drive Off-ramp Plan and Longitudinal Section MCOF (Drawing Number: EB-2-D-2-RD-DG-000325)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design SEART Off-ramp Plan and Longitudinal Section MCON (Drawing Number: EB-2-D-2-RD-DG-000326)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Road Plan and Longitudinal Section MCA0 (Drawing Number: EB-2-D-2-RD-DG-000330)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Reeves Road Plan and Longitudinal Section MCF0 (Drawing Number: EB-2-D-2-RD-DG-000335)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Eastbound Busway Link Plan and Longitudinal Section MCB0 (Drawing Number: EB-2-D-2-RD-DG-000340)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Westbound Busway Link Plan and Longitudinal Section MCC0 (Drawing Number: EB-2-D-2-RD-DG-000341)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Aylesbury Street, WRR (North) Plan and Longitudinal Section MCE0, MCL0 (Drawing Number: EB-2-D-2-RD-DG-000345)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Palm Ave, Tiraumea Dr, Mattson Road Plan and Longitudinal Section MCD0, MCG0, MCH0 (Drawing Number: EB-2-D-2-RD-DG-000350)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Cortina Place Plan and Longitudinal Section MCJ0 (Drawing Number: EB-2-D-2-RD-DG-000355)	Eastern Busway Alliance	A	29.03.2022
Reeves Road Flyover General Arrangement Overall Plan and Elevation (Drawing Number: EB-2-D-2-ST-DG-003105)	Eastern Busway Alliance	A	15.04.2022
Roadwork Geometric Design Ti Rakau Drive Typical Cross Sections Sheet 1 of 2 (Drawing Number: EB-2-D-2-RD-DG-000401)	Eastern Busway Alliance	A	29.03.2022

Roadwork Geometric Design Ti Rakau Drive Typical Cross Sections Sheet 2 of 2 (Drawing Number: EB-2-D-2-RD-DG-000402)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Road Typical Cross Sections (Drawing Number: EB-2-D-2-RD-DG-000411)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Highway Typical Cross Sections Sheet 1 of 3 (Drawing Number: EB-2-D-2-RD-DG-000421)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Highway Typical Cross Sections Sheet 2 of 3 (Drawing Number: EB-2-D-2-RD-DG-000422)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Pakuranga Highway Typical Cross Sections Sheet 3 of 3 (Drawing Number: EB-2-D-2-RD-DG-000422)	Eastern Busway Alliance	A	29.03.2022
Roadwork Geometric Design Aylesbury Street Typical Cross Section (Drawing Number: EB-2-D-2-RD-DG-000431)	Eastern Busway Alliance	A	29.03.2022
Project Wide Standard Structures Noise Walls Structural Details Sheet 1 of 2 (Drawing Number: EB-2-D-0-ST-DG-203110)	Eastern Busway Alliance	A	20.06.2022
Landscape, Ecological and Arboricultural Plans:			
Consenting Package Planting Schedule (Drawing Number: EB-2-D-3-UD-PL-000002)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000101)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000102)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000103)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000111)	Eastern Busway Alliance	B	18.04.2023

Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000112)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000121)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000122)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000123)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000124)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000125)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000131)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD-PL-000132)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000101)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000102)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000103)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000104)	Eastern Busway Alliance	B	18.04.2023

Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD-PL-000105)	Eastern Busway Alliance	B	18.04.2023
Erosion and Sediment Control Drawings			
Civil and Geometrics General Legend (Drawing Number: EB-2-D-2-RD-SK-000010)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 1 of 10 (Drawing Number: EB-2-D-2-RD-SK-000011)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 2 of 10 (Drawing Number: EB-2-D-2-RD-SK-000012)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 3 of 10 (Drawing Number: EB-2-D-2-RD-SK-000013)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 4 of 10 (Drawing Number: EB-2-D-2-RD-SK-000014)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 5 of 10 (Drawing Number: EB-2-D-2-RD-SK-000015)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 6 of 10 (Drawing Number: EB-2-D-2-RD-SK-000016)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 7 of 10 (Drawing Number: EB-2-D-2-RD-SK-000017)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 8 of 10 (Drawing Number: EB-2-D-2-RD-SK-000018)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 9 of 10 (Drawing Number: EB-2-D-2-RD-SK-000019)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 10 of 10 (Drawing Number: EB-2-D-2-RD-SK-000020)	Southern Skies Environmental Limited	A	18.07.2022

Table 3: Draft Management Plans

Management Plans	Author	Revision	Date
Construction Environmental Management Plan (CEMP) (Document Number: EB234-1-PL-RP-Z2-000036)	Eastern Busway Alliance	C	18.07.2022
Construction Traffic Management Plan (CTMP) (Document Number: EB234-1-PL-RP-Z2-000040)	Eastern Busway Alliance	B	06.06.2022
Communication and Consultation Plan – Design and Construction (CCP) (Document Number: EBA-2-U-2-CO-PL-000001)	Eastern Busway Alliance	C	July 2022
Erosion and Sediment Control Plan (ESCP) (Document Number: EB234-1-PL-RP-Z2-000037)	Southern Skies Environmental Limited	C	19.07.2022
Erosion and Sediment Control Plan Appendix A: Chemical Treatment Management Plan (ChTMP)	Southern Skies Environmental Limited	B	21.04.2022
Erosion and Sediment Control Plan Appendix B: Dewatering Procedures	Southern Skies Environmental Limited	-	-
Contaminated Land Management Plan (CLMP) (Document Number: EB234-1-PL-RP-Z0-000014)	Eastern Busway Alliance	C	22.07.2022
Tree Protection Management Plan (TPMP) (Document Number: EB234-1-PL-PL-Z0-000002)	Arborlab	B	22.06.2022
Lizard Management Plan (LMP) (Document Number: EB234-1-PL-RP-Z2-000042)	Eastern Busway Alliance	B	19.05.2022
Construction Noise and Vibration Management Plan (CNVMP) (Document Number: EB234-1-PL-RP-Z2-000043)	Eastern Busway Alliance	B	05.07.2022

Table 4: Further Information

Document Title	Author	Revision	Date
Section 92 Response Volume 1	Eastern Busway Alliance	-	03.11.2022
Stormwater Drawing of Outfall MCC_108699 (Mattson Road)	Eastern Busway Alliance		
Updated Drawing Set: Outfalls 06-05 and 89-18	Eastern Busway Alliance		
Landscape Plan for William Roberts Road Extension (Drawing Number: EB-2-D-2-UD-SK-000001)	Eastern Busway Alliance	A	11.02.2022
Updated Noise Result Tables	Eastern Busway Alliance	-	
Updated Noise Maps: Eb2/3R Noise Contour Map Road Traffic Noise Mitigation 4 Scenario (Sheets 1-10 of 19)	Eastern Busway Alliance	-	19.10.2022
Stormwater Outfall Table: Summary of Structural Elements for Eastern Busway 2 Stormwater Outfalls	Eastern Busway Alliance		
Section 92 Response Volume 2	Eastern Busway Alliance	-	03.03.2023
Updated Integrated Transport Assessment and associated Appendices Part 1 (Document Number: EB234-1-PL-RP-Z2-0032-A3)	Eastern Busway Alliance	A3	17.02.2023
Section 92 Response Volume 3	Eastern Busway Alliance	-	03.03.2023
Updated Integrated Transport Assessment and associated with Appendices Part 2 (Document Number: EB234-1-PL-RP-Z2-0032-A3)	Eastern Busway Alliance	A3	17.02.2023
Section 92 Response Volume 4: Noise and Vibration Response – EB2	Eastern Busway Alliance	-	20.02.2023
Section 92 Response Volume 5	Eastern Busway Alliance	-	07.02.2023

Social Impact Assessment Addendum (Document Number: EB234-1-PL-RP-Z2-000029)	Eastern Busway Alliance	A	31.01.2023
Updated Integrated Transport Assessment (Document Number: EB234-1-PL-RP-Z2-0032-A5)	Eastern Busway Alliance	A5	06.04.2023
EB2/EB3R Final Scenario – Phasing Diagrams	Eastern Busway Alliance	-	06.04.2023
EB2/EB3R Final Scenario – Lane Performance Summaries	Eastern Busway Alliance	-	06.04.2023
Updated Drawing Set (EB2_CONSENT_PLANS_20230508)			
Consenting Cover Sheet and Locality Plan (Drawing Number: EB-2-R-2-PL-DG-100001)	Eastern Busway Alliance	C	08.05.2023
Consenting Key Plan (Drawing Number: EB-2-R-2-PL-DG-100002)	Eastern Busway Alliance	C	08.05.2023
Consenting Drawing Index (Drawing Number: EB-2-R-2-PL-DG-100003)	Eastern Busway Alliance	C	08.05.2023
Consenting General Legend (Drawing Number: EB-2-R-2-PL-DG-100004)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Ti Rakau Drive Consent Plan Sheet 1 of 9 (Drawing Number: EB-2-R-2-PL-DG-100101)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Ti Rakau Drive Consent Plan Sheet 2 of 9 (Drawing Number: EB-2-R-2-PL-DG-100102)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Road Consent Plan Sheet 3 of 9 (Drawing Number: EB-2-R-2-PL-DG-100111)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Road Consent Plan Sheet 4 of 9 (Drawing Number: EB-2-R-2-PL-DG-100112)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 5 of 9 (Drawing Number: EB-2-R-2-PL-DG-100121)	Eastern Busway Alliance	C	08.05.2023

General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 6 of 9 (Drawing Number: EB-2-R-2-PL-DG-100122)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 7 of 9 (Drawing Number: EB-2-R-2-PL-DG-100123)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 8 of 9 (Drawing Number: EB-2-R-2-PL-DG-100124)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Pakuranga Highway/ Reeves Road Consent Plan Sheet 9 of 9 (Drawing Number: EB-2-R-2-PL-DG-100125)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Reeves Road Flyover Consent Plan Sheet 1 of 2 (Drawing Number: EB-2-R-2-PL-DG-100131)	Eastern Busway Alliance	C	08.05.2023
General Arrangement Reeves Road Flyover Consent Plan Sheet 2 of 2 (Drawing Number: EB-2-R-2-PL-DG-100132)	Eastern Busway Alliance	C	08.05.2023

Where there may be an inconsistency between the documents listed in Condition 1 above and the requirements of the following conditions, the following conditions prevail.

Advice Notes: *The reports, draft Management Plans and drawings listed above may be updated in accordance with the processes listed in Condition 11, subject to the effects of the consented activities remaining within the nature and scale of effects considered by the listed document. Where effects change in nature or increase in scale, the Consent Holder must consult with Council to determine whether a change of conditions is required under s 127 of the RMA.*

This consent expressly excludes the proposed Bentonite/Polymer Plant at 2 Cortina Place as consent has not been sought for it as part of this application.

MONITORING CHARGE

2. The Consent Holder must pay the Council an initial consent compliance monitoring charge of \$10,000 (GST inclusive) plus any further monitoring charge(s) to recover the actual and reasonable costs incurred to ensure compliance with the conditions of these consents.

Advice Note: *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work that ensures compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, will be charged at*

the relevant hourly rate applicable at the time. The Consent Holder will be advised of the further monitoring charge(s). Only after all conditions of the resource consent have been met, will the Council issue a letter confirming compliance at request by the Consent Holder.

LAPSE DATE

3. Under section 125 of the RMA, these consents will lapse 5 (five) years after the date they commence unless:
 - a) These consents are given effect to; or
 - b) On application, the Council determines to extend the period after which the consent will lapse.

EXPIRY DATE – LAND USE

4. Resource consent LUC60407134 (earthworks) expires 5 (five) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

EXPIRY DATE – COASTAL (OCCUPATION)

5. The duration to occupy the Coastal Marine Area with the stormwater infrastructure structures and use of the outfalls (CST60408360), expires on 11/09/2058 (35 years) unless it has lapsed, surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

EXPIRY DATE – DISCHARGE OF CONTAMINANTS

6. The discharge permit (DIS60407492) associated with the construction of the Eastern Busway Project (Package EB2) expires 5 (five) years after consent has been given effect to.

SITE ACCESS

7. Subject to compliance with the Consent Holder's health and safety requirements and provision of reasonable notice, servants or agents of Council are permitted to have access to relevant parts of the construction site(s) at reasonable times for the purpose of carrying out inspections, surveys, investigations and/or to take samples.

PRE-CONSTRUCTION CONDITIONS

Mana Whenua Engagement

8. At least 10 working days prior to the commencement of construction, the Consent Holder must confirm and submit to Council a Mana Whenua Engagement framework to ensure

appropriate engagement with mana whenua during the construction of the Eastern Busway Project (Package EB2).

9. The Mana Whenua Engagement framework must include:
 - a) The methods for identifying and engaging with mana whenua;
 - b) The process for involvement of mana whenua in reviewing the implementation of the management and environmental management plans as they relate to:
 - i. Recognising and providing for the cultural values and interests of mana whenua;
 - ii. Implementing and applying tikanga;
 - iii. Managing and monitoring sediment quality; and
 - iv. Promoting ecology and biodiversity, including the use of native vegetation.
 - c) As a minimum the matters identified in (b) above must be addressed in the preparation of the following management plans:
 - i. Construction Environmental Management Plan;
 - ii. Urban Design and Landscape Plan; and
 - iii. Habitat Restoration Plan.
10. The Requiring Authority must carry out the construction of the Project (Package EB2) in accordance with the Mana Whenua Engagement framework submitted under Condition 8.

MANAGEMENT PLANS – CERTIFICATION AND REVIEW

Advice Note: *Condition 11 below, applies to all Management Plans.*

11. The following general provisions relate to all Management Plans:
 - a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:
 - i. At least forty (40) working days prior to the start of works, the Consent Holder must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage.
 - ii. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing) unless otherwise specified in the conditions. The consent holder must ensure that any changes from the draft Management Plans are clearly identified.

- b) Any certified Management Plan may be amended, if necessary, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of designation. Any amendments are to be agreed by the Council in writing prior to implementation of any changes. Re-certification is not required in accordance with Condition 11 if the Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified.
- c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify these amendments are consistent with the relevant designation condition(s) prior to implementation of any changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of the designation. Where a Management Plan was prepared in consultation with interested or affected parties, any changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties.
- d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities.
- e) All works must be carried out in accordance with the approved Management Plans. Works must not commence until written approval or certification (as determined by the relevant conditions) of all the relevant Management Plans for that stage has been received unless otherwise approved in writing by the Council.

LAND DISTURBANCE (LUC60407134)

Erosion and Sediment Control Plan (ESCP)

- 12. The Consent Holder must submit an Erosion and Sediment Control Plan (ESCP) for certification in accordance with Condition 11. The purpose of the ESCP is to provide overarching principles and procedures to manage the environmental impacts associated with erosion and sediment control (ESC) during construction of the Eastern Busway Project (Package EB2).

Site-Specific Erosion and Sediment Control Plan (SSESCP)

- 13. Prior to the commencement of earthworks within a given area or stage, a Site-Specific Erosion and Sediment Control Plan (SSESCP) must be prepared in accordance with Auckland Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Guideline Document 2016/005 ("GD05") and submitted to Council for certification in accordance with Conditions 7 to 11. Earthworks activity within the specific area or stage must not commence until the Council has certified that the

SSESCP satisfactorily meets the requirements of GD05. The SSESCPs must contain sufficient detail to address the following matters:

- a) Contour information (existing and post-earthworks);
- b) Identify the location of any permanent and intermittent streams or inland wetlands within 10m of the proposed earthworks;
- c) Erosion and sediment control measures for the works being undertaken within a particular construction area, including confirmation of (where applicable) decanting earth bund design to meet outcomes of GD05, or a relevant higher standard as referred to through the conditions below;
- d) Chemical treatment design and details, including bench testing results and confirmation of rainfall activated methodology where possible;
- e) Confirmation of / updates to Dewatering Procedures to be used (where applicable) to meet Condition 21;
- f) Catchment boundaries of works and devices installed;
- g) Location of the work;
- h) Details of construction methods;
- i) Design criteria, typical and site-specific details of erosion and sediment control;
- j) Design details for managing the treatment, disposal and/or discharge of contaminants (e.g., concrete wash water); and
- k) Details of stabilisation measures.

Advice Note: *No earthworks or Erosion and Sediment Control measures located within 10m from the edge of any natural inland wetland have been authorised by this consent. The SSESCP must demonstrate this (where applicable).*

14. The erosion and sediment control measures must be constructed and maintained in general accordance with the Council's GD05 and any amendments to that document, except where a higher standard is detailed in the documents listed in these consent conditions, in which case the higher standard is to apply.
15. Within 10 (ten) working days following implementation and completion of the specific erosion and sediment control works referred to in a SSESCP required by Condition 13, and prior to the commencement of earthworks activity within the subject area or stage referred to in the SSESCP, a suitably qualified and experienced person must provide written certification that the erosion and sediment controls have been constructed and completed in accordance with the SSESCP for that particular area of stage, the ESCP, (GD05) and any higher standard referred to through the conditions below.

Certified controls must include the decanting earth bunds, any other impoundment device, dewatering devices, clean and dirty water diversions, silt fences, and stabilised construction entranceways. Information supplied, if applicable, must include:

- a) Details on the contributing catchment area;
- b) Size of structure;
- c) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);
- d) Dimensions and shape of structure;
- e) Position of inlets/outlets; and
- f) Stabilisation of the structure.

Advice Note: *Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05): Erosion and Sediment Control construction quality checklists.*

Pre-Start Earthworks Meeting(s) – Earthworks

16. Prior to the commencement of consented earthworks for EB2, the Consent Holder must hold a pre-start meeting that:
 - a) Is located on the subject site;
 - b) Is scheduled not less than five days before the anticipated commencement of earthworks;
 - c) Includes representation from Auckland Council compliance monitoring officer[s]; and
 - d) Includes representation from the contractors who will undertake the works.
17. The Consent Holder must ensure that the erosion and sediment control measures, management plans, the earthworks methodology and monitoring regime are discussed at the pre-start meeting. The Consent Holder must also ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

Earthworks Management

18. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required in Condition 12 to 14 must be maintained throughout the

duration / each stage of earthworks activity, or until the site is permanently stabilised against erosion.

19. All perimeter controls must be operational before earthworks commence. All 'clean water' runoff from stabilised surfaces including catchment areas above the site itself must be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion.
20. Unless otherwise agreed through a SSESCP, all Decanting Earth Bunds utilised during earthworks must be designed and constructed in accordance with GD05, including having a 3:1 length to width ratio (and no greater than 5:1).
21. The decanting earth bunds and any other authorised impoundment device utilised as part of the earthworks must be chemically treated in accordance with the Chemical Treatment Management Plan (ChTMP) and the chemical treatment details certified by the SSESCPs.

Advice Note: *In the event that minor amendments to the ChTMP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ChTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*

22. All dewatering from the construction of the Eastern Busway Project (Package EB2) must be undertaken in accordance with the Dewatering Procedures listed in Condition 1 , and any updates to this plan certified by the SSESCPs. All related discharges must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.
23. Prior to the removal of any erosion and sediment control device required as a condition of resource consent, written certification must be provided to the Council by a suitably qualified and experienced person to confirm that all areas of bare earth have been stabilised against erosion in accordance with GD05 and can be directed to a Clean Water Diversion.
24. The Consent Holder must take all practical measures to prevent deposition of soil on roads and footpaths outside the works area of Eastern Busway Project (Package EB2). In the event that deposition of earth, mud, dirt or other debris on any road or footpath outside the works area resulting from earthworks activity on the project area occurs, it must be removed immediately. Roads and/or footpaths must not be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses and/or receiving waters.

Advice Note: *The following methods may be adopted to prevent or address discharges should they occur:*

- a) *Provision of a stabilised entry and exit(s) point for vehicles*

- b) *Provision of wheel wash facilities*
- c) *Ceasing vehicle movements until materials are removed*
- d) *Cleaning road surfaces using street-sweepers*
- e) *Silt and sediment traps; and*
- f) *Catchpits.*

In no circumstances should washing deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Council for more details. Alternatively, please refer to GD05.

- 25. The site must be progressively stabilised against erosion at all stages of the earthworks activities, and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the approved Erosion and Sediment Control Plan.
- 26. Immediately upon completion or abandonment of earthworks, all areas of bare earth must be permanently stabilised against erosion as defined by GD05.

Advice Note: *Stabilisation measures may include:*

- a) *Use of mulch*
 - b) *Top-soiling and grassing otherwise bare areas of earth*
 - c) *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*
- 27. The sediment and erosion controls at the site of the works must be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record must be maintained of the date, time and any maintenance undertaken in association with this condition which is to be forwarded to the Council on request.

Winter Works

- 28. EB2 related earthworks must not be undertaken between 01 May and 30 September in any year without the submission of a 'Request for winter works' for approval to Council. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the Consent Holder.

Advice Note: Any request for winter works outside these periods will require information addressing the level of risk, contingency methods to manage the risk, including demonstrating that the selected contractor has established experience and record of compliance with the resource consent conditions. Any request for 'winter works' (excluding any period to protect fish spawning habitat), should include:

- a) Measures to prevent sediment discharge from the specific works, especially during periods of heavy rainfall;
- b) Details of the area(s) that are already stabilised;
- c) Amended stream management plan and methodology/ or erosion sediment control plan detailing stabilisation to date and time / staging boundaries with proposed progression of stabilisation / re-vegetation (and integration between any stream management plan and erosion sediment control measures);
- d) Contact details of the contractor who will undertake stabilisation of the site (including dates expected on site);
- e) Contingencies proposed if contractor above becomes unavailable;
- f) Details of site responsibilities, specifically for erosion and sediment controls; and
- g) Stabilisation processes over period.

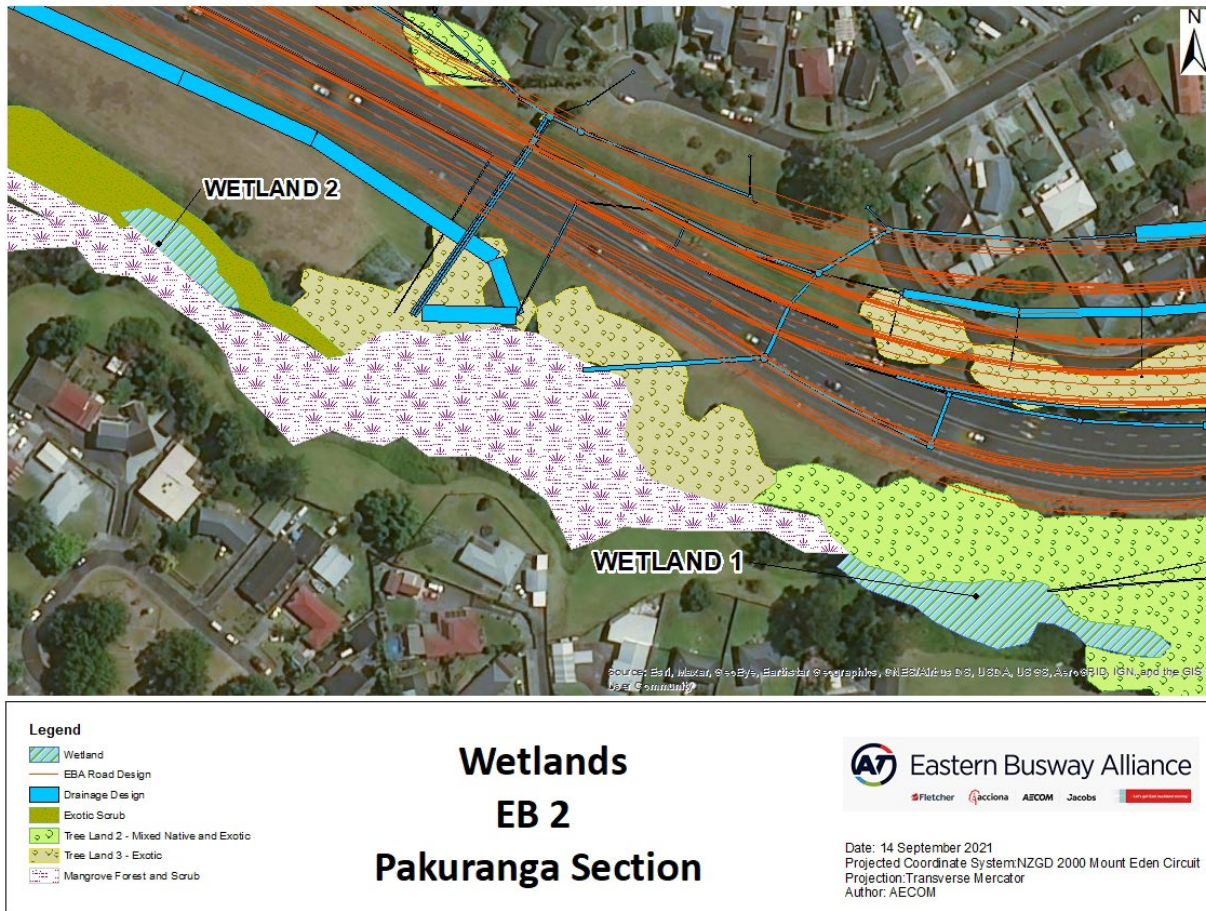
Wetland Setbacks

29. All earthworks, including all erosion and sediment controls, must be setback a minimum of 10m from the edge of natural inland wetlands as identified in the report titled "Eastern Busway EB2 and EB3 Residential, Terrestrial and Freshwater Ecological Effects Assessment", dated 18 July 2022 and Figure 1 below.

Prior to the commencement of earthworks, including construction of reticulation and outfalls authorised by this consent, a suitably qualified and experienced ecologist must identify the 10m setback from all natural inland wetlands and a sturdy, framed, protection fence must be erected along the 10m setback. The fence must remain in place until the completion of all works on the site and work must not be carried out, or materials stored, within the protected wetland area.

Advice Note: A 'day-glow' barrier mesh or 'pigtail' fence/wire or rope would be sufficient for this purpose.

Figure 1 – Location of Natural Wetlands



Dust Management

30. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the Site in the opinion of an enforcement officer when assessed in accordance with the Good Practice Guide for Assessing and Managing Dust (Ministry for the Environment, 2016). The Consent Holder must ensure that dust management during the works generally complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This includes having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures detailed by the ESCP, available as necessary.

Advice Notes: *In assessing whether the effects are offensive or objectionable, the following factors will form important considerations:*

- *The frequency of dust nuisance events*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*
- *The offensiveness of the discharge, having regard to the nature of the dust*

- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

It is recommended that potential measures as discussed with the council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring South at monitoring@aucklandcouncil.govt.nz for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions."

CONTAMINATED LAND (DIS60407492)

31. The Consent Holder must submit a Contaminated Land Management Plan (CLMP) for certification in accordance with Condition 11.
32. All sampling and testing of contamination on the site must be overseen by the appropriately qualified and experienced contaminated land practitioner. All sampling is to be undertaken in accordance with the Contaminated *Land Management Guidelines, No-5 - Site Investigation and Analysis of Soils*, Ministry for the Environment, revised 2021.

Advice Note: *All testing and analysis should be undertaken in a laboratory with appropriate experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5*

33. The Council must be informed in writing about the commencement of the Eastern Busway Project (Package EB2) works at least 2 (two) working days prior to commencement.

Advice Note: *Discharge from the site includes the disposal of water (e.g. perched groundwater or collected surface water) from the remediation area.*

34. An appropriately qualified and experienced contaminated land specialist must be engaged to oversee the earthworks in areas of potential contamination.
35. Any soils and/or fill material identified as contaminated and requiring off-site disposal are to be loaded directly into trucks and covered during transportation off site in accordance with the CLMP. All soil removed from the land disturbance area must be deposited at a suitably certified facility.
36. All imported fill must comply with the definition of 'cleanfill', in accordance with "Technical Guidelines for Disposal to Land Revision 3" Waste Management Institute New Zealand (2022).

Advice Note: *Background levels for the Auckland region can be found in the Council's technical publication TP153 "Background concentrations of inorganic elements in soils from the Auckland Region" (2001).*

37. Within 3 (three) months of the completion of the soil disturbance activities within the project area, a *Site Completion Report (SCR)* must be provided to the Council.
38. The SCR must contain sufficient detail to address the following matters:
- a) A summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the CLMP.
 - b) A summary of inspections and oversight completed by the SQEP.
 - c) The location and dimensions of the excavations carried out, including a site plan.
 - d) A summary of testing undertaken (if applicable) including tabulated analytical results.
 - e) Records of any unexpected contamination encountered during the works and contingency measures undertaken (if applicable).
 - f) Details of any validation soil sampling completed in areas of unexpected soil contamination and vicinity of fill material previously identified as exceeding the adopted soil acceptance criteria (if applicable).
 - g) Copies of the disposal dockets for the contaminated fill and 'cleanfill' material removed from the site.
 - h) Copies of the SQEP site inspection documentation.
 - i) Details regarding any complaints and/or breaches of the procedures set out in the certified CLMP, and how any incidents or complaints were addressed.
 - j) Results of testing, if required, of any spoil disposed offsite.
 - k) Results of testing of any imported fill material.
 - l) Identification of any areas which need on-going monitoring and management.
39. Where contaminants are identified that have not been anticipated by the application, the unexpected discovery procedures in the CLMP must be employed, including notifying the Council. Any unexpected contamination and contingency measures must be documented in the SCR.

Advice Notes: *Unexpected contamination may include contaminated soil, perched water or groundwater. The Consent Holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated by the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Council as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent.*

If you are demolishing any building/structures that may have asbestos containing materials (ACM) in it:

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
- *Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.*
- *If ACM is found on site following the demolition or removal of the existing buildings/structure, you may be required to further remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance, a further consent application may be required.*

ECOLOGY (LUC60407134)

Lizard Management Plan (LMP)

40. The Consent Holder must submit a Lizard Management Plan (LMP) for certification in accordance with Condition 11. The purpose of the LMP is to avoid, remedy or mitigate adverse effects on native lizards associated with vegetation and site clearance.

Advice Note: *A permit under the Wildlife Act 1953 will be required from the Department of Conservation to enable lizard salvage to occur.*

41. The LMP must address the following (as appropriate):
- a) Credentials and contact details of the ecologist/herpetologist who will implement the plan;
 - b) Timing of the implementation of the LMP.
 - c) A description of methodology for survey, salvaging and relocation of lizards rescued including but not limited to:
 - i. Salvage protocols;
 - ii. Relocation protocols (including method used to identify suitable relocation site(s));
 - iii. Diurnal capture protocols;
 - iv. Supervised habitat clearance/transfer protocols;
 - v. Artificial cover object protocols; and
 - vi. Opportunistic relocation protocols.

- d) A description of the relocation site(s) (refer also Condition 42) including discussion of:
 - i. Provision for additional refugia, if required (e.g., depositing salvaged logs, wood or debris for newly released skinks that have been rescued);
 - ii. Any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc; and
 - iii. Any weed and pest management to ensure the relocation site is maintained as appropriate habitat.

- e) Monitoring methods and reporting, including but not limited to the following:
 - i. Ongoing surveys to evaluate translocation success pre- and post-translocation surveys for 3 (three) years;
 - ii. Monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control; and
 - iii. Annual reporting for 3 (three) years including recommendations on adaptive management measures that may be required for the establishment / maintenance of relocated population.

- f) A post vegetation clearance for remaining lizards;

- g) A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the LMP must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works; and

- h) Upon completion of works, all findings resulting from the implementation of the LMP must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the Council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council.

Habitat Restoration Plan (HRP)

- 42. The Consent Holder must submit a Habitat Restoration Plan (HRP) for certification in accordance with Condition 11.

Advice Note: *Riparian and coastal margins are defined by Chapter E26 (Infrastructure) and Chapter J (Definitions) of the AUP(OP).*

- 43. The purpose of the HRP is to detail the site-specific lizard habitat restoration measures which addresses the impacts of the Eastern Busway Project (Package EB2) on lizard habitat as identified within the '*Eastern Busway: Ecological Impact Assessment report*'.
 - a) The HRP must be developed in accordance with the conditions of the LMP (Conditions 40 to 41), in order to ensure the habitat(s) that lizards are relocated to

will support viable native lizard populations for all species present pre-development.

- b) The HRP must include:
 - i. Identification of areas to be restored as lizard habitat to the quantum of 1.15 ha as identified in '*Eastern Busway: Ecological Impact Assessment report*';
 - ii. Detail of the restoration required at each site to replace and enhance lizard habitat including the planting design (including vegetation to be retained), and supplementary refuges;
 - iii. Demarcation and protection of all plantings by fencing (where appropriate);
 - iv. A programme of establishment and post establishment protection and maintenance of plants (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, maintenance programme). All plantings must be maintained for a minimum of 3 (three) years; and
 - v. Details of the proposed plant species, plant sourcing (locally EcoSourced native pioneer species that are adapted to the Auckland environment are preferred in the first instance), plant sizes at time of planting, plan of the planted area within the planting area required, density of planting, and timing of planting.
44. The HRP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB2) being operational. If the weather in that planting season is unsuitable for planting, as determined by the Council, the landscaping must instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity must be agreed to by the Council.

Native Bird Protection

45. Vegetation must not be removed between 1 September and 28 February (bird nesting season) unless the matters below have been undertaken:
- a) A suitably qualified ecologist (the "project ecologist") has completed a survey at least one week before any vegetation is to be cleared to ensure that there is no active native bird nesting occurring at that time; and
 - b) If any active nests of native birds are recorded within the vegetation scheduled for removal, vegetation clearance must not be undertaken until the birds have finished fledging. The project ecologist must monitor the birds until they have finished fledging and provide written confirmation to the clearance contractor when clearance may commence.

COASTAL PERMIT (CST60408360 (OCCUPATION) and CST60408369 (DISTURBANCE))

General Conditions

46. Prior to any works in the Coastal Marine Area (CMA) commencing, a final construction methodology must be included within the relevant SSES CP required in accordance with Condition 13. Details to be provided must include, but are not limited to timing, staging and sequencing of coastal works, and the erosion sediment control measures to be employed to mitigate the effects on the receiving environment.
47. For the duration of the construction activities, including the reinstatement/rehabilitation of the site post construction activities, the Consent Holder must maintain the site in good order.
48. The Consent Holder must notify the Council in writing of the date of the proposed commencement of works, at least 10 (ten) working days prior to the proposed start date.

Occupation

49. The general public or any person(s) must not be excluded from the area(s) or any part of the area(s) to which this consent applies, unless necessary for the primary purpose of the structure(s), and only to the extent necessary to enable the primary purpose of the structure(s).

Advice Note: *The occupation of the common marine and coastal area by the authorised pathway is not an exclusive right of occupancy.*

Post construction

50. All mangroves removed under this permit must be disposed of outside the coastal marine area (CMA) at the completion of each week of work, or as agreed by the Council.
51. Within one month of the completion of the consented construction activities a complete set of "as built" plans must be supplied to the Council.
52. A copy of the "as built" plans must be provided to the Hydrographic Office (Chief Hydrographer, New Zealand Hydrographic Authority, Land Information New Zealand, Private Box 5501, Wellington) within one month of the completion of the construction activities within the CMA.

Maintenance Requirements

53. The stormwater infrastructure structures must be maintained in a good and sound condition, and any repairs that are necessary must be made, subject to obtaining any necessary resource consents.

Review Condition

54. Under section 128 of the RMA the conditions of these coastal permit consents may be reviewed by the Manager Resource Consents at the Consent Holder's cost on a 5 (five) yearly basis to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on the coastal environment or surrounding structures.

HERITAGE

55. In the event that any unrecorded historic heritage sites are identified as a result of the Eastern Busway Project (Package EB2), then these sites must be recorded by the Consent Holder for inclusion in the Council's Cultural Heritage Inventory. The Consent Holder's historic heritage expert must prepare documentation suitable for inclusion in the Inventory and forward that information to the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz within one calendar month of completion of work on the route.
56. Electronic copies of all historic heritage reports relating to historic heritage investigations of whatever form (i.e. evaluation, monitoring and excavation) in regard to the works, are to be submitted by the Consent Holder's project historic heritage expert to the Monitoring officer(s) within 12 months of completion of the Eastern Busway Project (Package EB2).

Advice Notes

1. *Any reference to a number of days in this decision refers to working days as defined in section 2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the Council" refers to the Team Leader Compliance Monitoring – Southern or their delegated representative unless otherwise specified.*
3. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those required under the Building Act 2004 and the Heritage New Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable statutes (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant bylaws, and rules of law. This consent does not constitute a building consent approval. Please check whether a building consent is required under the Building Act.*
4. *An Accidental Discovery Protocol for areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014 shall be developed in consultation with mana whenua.*

5. *The Accidental Discovery Protocol for areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014 shall be consistent with the Accidental Discovery rules (Chapter E11) of the Auckland Unitary Plan Operative in Part or any subsequent version.*
6. *Should the proposed works result in the identification of any previously unknown sensitive materials (i.e., archaeological sites), the requirements of land disturbance - District Accidental Discovery rule [E12.6.1] set out in the Auckland Unitary Plan (Operative in Part) (updated 20 May 2021)) shall be complied with.*

Heritage New Zealand Pouhere Taonga Act 2014

7. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.*

According to the Act (section 6) archaeological site means, subject to section 42(3) – any place in New Zealand, including any building or structure (or part of a building or structure), that –

1) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

2) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

3) includes a site for which a declaration is made under section 43(1).

It is the responsibility of the Consent Holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals. For information please contact the Heritage New Zealand Pouhere Taonga Archaeologist – 09 307 0413 / archaeologistMN@historic.org.nz.

Protected Objects Act 1975

8. *Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).*

According to the Act (section 2) taonga tūturu means an object that –

- a) relates to Māori culture, history, or society; and*
- b) was, or appears to have been –*
 - (i) manufactured or modified in New Zealand by Māori; or*
 - (ii) brought into New Zealand by Māori; or*
 - (iii) used by Māori; and*
- c) is more than 50 years old.*

The Act is administered by the Ministry of Culture and Heritage. Taonga may be discovered in isolated contexts but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should be considered by the Consent Holder if taonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

It is the responsibility of the Consent Holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court. For information please contact the Ministry of Culture and Heritage - 04 499 4229 / protected-objects@mch.govt.nz.

Attachment D

Eastern Busway 3R – Resource Consent conditions

RESOURCE CONSENT CONDITIONS EB3R

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
ChTMP	Chemical Treatment Management Plan
CCP	Communication and Consultation Plan
CEMP	Construction Environmental Management Plan
CLMP	Contaminated Land Management Plan
CNVMP	Construction Noise and Vibration Plan
CTMP	Construction Traffic Management Plan
ESCP	Erosion and Sediment Control Plan
HRP	Habitat Restoration Plan
LMP	Lizard Management Plan
NFCRP	Native Fish Capture and Relocation Plan
SCR	Site Completion Report
SSESCP	Site Specific Erosion and Sediment Control Plan
SRP	Stream Restoration and Offset Plan
TPMP	Tree Protection and Management Plan
UDLP	Urban Design and Landscape Plan
GD05	Auckland Council's Guideline Document 2016/005 <i>Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05)</i> , incorporating any amendments

GENERAL ACCORDANCE

1. Except as modified by the conditions below, the activity must be carried out in general accordance with the plans and information submitted with the application, as follows:

Table 1: Application Documents

Document Title	Author	Revision	Date
Assessment of Effects on the Environment (AEE) (Document Number: EB234-1-PL-RP-Z3-000018)	Eastern Busway Alliance	C	27.06.2022
Stormwater Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000030)	Eastern Busway Alliance	A	30.05.2022
Noise and Vibration Operational Effects Assessment (Document Number: EBA-2-R-2-PL-RP-000034)	Eastern Busway Alliance	C	23.03.2022
Construction Methodology Overview (Document Number: EB234-1-PL-RP-Z2-000033)	Eastern Busway Alliance	B	13.07.2022
Contaminated Land Effects Assessment (Document Number: EB234-1-PL-RP-Z0-000015)	Eastern Busway Alliance	2	27.05.2022
Arboricultural Effects Assessment Document Number: EB234-1-PL-RP-Z2-000022)	Arborlab	A	06.07.2022
Groundwater Permitted Activity Assessment (Document Number: EB234-1-PL-RP-Z2-000044)	Eastern Busway Alliance	A	07.06.2022
Natural Character, Landscape and Visual Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000026)	Eastern Busway Alliance	A	12.07.2022
Terrestrial and Freshwater Ecological Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000031)	Eastern Busway Alliance	A	12.07.2022
Air Quality Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000021)	Eastern Busway Alliance	A	04.07.2022
Construction Noise and Vibration Effects Assessment (Document Number: EBA-2-R-2-PL-RP-000035)	Eastern Busway Alliance	A	22.01.2022
Archaeological Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000023)	CFG Heritage	A	20.06.2022

Marine Ecology and Coastal Avifauna Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000027)	Eastern Busway Alliance	A	11.07.2022
Erosion and Sediment Control Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000024)	Southern Skies Environmental Limited	A	10.07.2022
Social Impact Assessment (Document Number: EB234-1-PL-RP-Z2-000029)	Eastern Busway Alliance	A	14.07.2022
Open Space Effects Assessment (Document Number: EB234-1-PL-RP-Z2-000028)	Eastern Busway Alliance	1	07.06.2022

Table 2: Drawings

Drawing Title	Designer	Revision	Date
Land Requirement Plan:			
EB3R – Resource Consent Footprint and Construction Land Requirement (Drawing Number: EB234-1-RD-SK-Z2-00024)	Eastern Busway Alliance	A1	-
Combined Plans:			
Consenting Cover Sheet and Locality Plan (Drawing Number: EB-2-R-3-PL-DG-100001)	Eastern Busway Alliance	B	25.08.2022
Consenting Key Plan (Drawing Number: EB-2-R-3-PL-DG-100002)	Eastern Busway Alliance	B	25.08.2022
Consenting Drawing Index (Drawing Number: EB-2-R-3-PL-DG-100003)	Eastern Busway Alliance	B	25.08.2022
Consenting General Legend (Drawing Number: EB-2-R-3-PL-DG-100004)	Eastern Busway Alliance	B	31.05.2022
Landscape, Ecological, and Arboricultural Plans			
Consenting Package Planting Schedule (Drawing Number: EB-2-D-3-UD-PL-000002)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL-000101)	Eastern Busway Alliance	B	18.04.2023

Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000102)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000103)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000111)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000112)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000121)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000122)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000123)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000124)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000125)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000131)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-2-UD- PL -000132)	Eastern Busway Alliance	B	18.04.2023

Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD- PL-000101)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD- PL-000102)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD- PL-000103)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD- PL-000104)	Eastern Busway Alliance	B	18.04.2023
Consenting Package Landscape, Ecological, and Arboricultural Mitigation Plan (Drawing Number: EB-2-D-3-UD- PL-000105)	Eastern Busway Alliance	B	18.04.2023
Erosion and Sediment Control Drawings			
Civil and Geometrics General Legend (Drawing Number: EB-2-D-3-RD-SK-000009)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 1 of 6 (Drawing Number: EB-2-D-3-RD-SK-000010)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 2 of 6 (Drawing Number: EB-2-D-3-RD-SK-000011)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 3 of 6 (Drawing Number: EB-2-D-3-RD-SK-000012)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 4 of 6 (Drawing Number: EB-2-D-3-RD-SK-000013)	Southern Skies Environmental Limited	A	18.07.2022

Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 5 of 6 (Drawing Number: EB-2-D-3-RD-SK-000014)	Southern Skies Environmental Limited	A	18.07.2022
Civil and Geometrics Ti Rakau Drive Erosion Control Plan Sheet 06 of 6 (Drawing Number: EB-2-D-3-RD-SK-000015)	Southern Skies Environmental Limited	A	18.07.2022

Table 3: Draft Management Plans

Management Plans	Author	Revision	Date
Construction Environmental Management Plan (CEMP) (Document Number: EB234-1-PL-RP-Z2-000036)	Eastern Busway Alliance	C	18.07.2022
Construction Traffic Management Plan (CTMP) (Document Number: EB234-1-PL-RP-Z2-000040)	Eastern Busway Alliance	B	06.06.2022
Communication and Consultation Plan – Design and Construction (CCP) (Document Number: EBA-2-U-2-CO-PL-000001)	Eastern Busway Alliance	C	July 2022
Erosion and Sediment Control Plan (ESCP) (Document Number: EB234-1-PL-RP-Z2-000037)	Southern Skies Environmental Limited	C	19.07.2022
Erosion and Sediment Control Plan Appendix A: Chemical Treatment Management Plan (ChTMP)	Southern Skies Environmental Limited	B	21.04.2022
Erosion and Sediment Control Plan Appendix B: Dewatering Procedures	Southern Skies Environmental Limited	-	-
Contaminated Land Management Plan (CLMP) (Document Number: EB234-1-PL-RP-Z0-000014)	Eastern Busway Alliance	C	22.07.2022
Tree Protection Management Plan (TPMP) (Document Number: EB234-1-PL-PL-Z0-000002)	Arborlab	B	22.06.2022
Lizard Management Plan (LMP) (Document Number: EB234-1-PL-RP-Z2-000042)	Eastern Busway Alliance	B	19.05.2022

Construction Noise and Vibration Management Plan (CNVMP) (Document Number: EB234-1-PL-RP-Z2-000043)	Eastern Busway Alliance	B	05.07.2022
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Table 4: Further Information

Document Title	Author	Revision	Date
EB3R Section 92 Response	Eastern Busway Alliance	-	10.11.2022
Updated Drawing Set: Stormwater Outfalls			
Outfall Sketches (Drawing Number: EB-2-D-0-SW-SK-300311)	Eastern Busway Alliance	-	12.05.2023
Outfall Sketches (Drawing Number: EB-2-D-0-SW-SK-300312)	Eastern Busway Alliance	-	12.05.2023
Outfall Sketches (Drawing Number: EB-2-D-0-SW-SK-300313)	Eastern Busway Alliance	-	12.05.2023
Outfall Sketches (Drawing Number: EB-2-D-0-SW-SK-300314)	Eastern Busway Alliance	-	12.05.2023
Outfall Sketches (Drawing Number: EB-2-D-0-SW-SK-300315)	Eastern Busway Alliance	-	12.05.2023
Outfall Sketches (Drawing Number: EB-2-D-0-SW-SK-300316)	Eastern Busway Alliance	-	12.05.2023
Plan of Edgewater Shops Carpark (Drawing Number: EB-2-D-3-AW-DG-000010)	Eastern Busway Alliance	A	-
Updated Noise Tables	Eastern Busway Alliance	-	-
Updated Noise Maps: EB2/3R Noise Contour Map Road Traffic Noise Mitigation 4 Scenario (Sheets 12-19 of 19)	Eastern Busway Alliance	-	19.10.2022
Stormwater Outfall Table: Summary of Structural Elements for Eastern Busway 3R Stormwater Outfalls	Eastern Busway Alliance		
Streamworks Ecological Assessment/ Memorandum (Document Number: EB-ME-3-PL-000001[A])	Eastern Busway Alliance	A	17.10.2022
EB3R Further Section 92 Response	Eastern Busway Alliance	-	17.02.2023

Freshwater Ecological Impact Assessment: EB3R Stormwater Outfalls	Eastern Busway Alliance	1	26.01.2023
Email titled "EB3R – Outfall Sketches and Riprap/Outfall Construction Methodology"	Eastern Busway Alliance	-	Received 12.05.2023
Updated Integrated Transport Assessment and associated Appendices Part 1 (Document Number: EB234-1-PL-RP-Z2-0032-A3)	Eastern Busway Alliance	A3	17.02.2023
EB3R Noise and Vibration Response	Eastern Busway Alliance	-	21.02.2023
EB3R Further Section 92 Response	Eastern Busway Alliance	-	03.03.2023
EB2/EB3R Tracking Curves (Pages 1-94)	Eastern Busway Alliance		03.03.2023
Updated Integrated Transport Assessment and associated with Appendices Part 2 (Document Number: EB234-1-PL-RP-Z2-0032-A3)	Eastern Busway Alliance	A3	17.02.2023
Updated Integrated Transport Assessment (Document Number: EB234-1-PL-RP-Z2-0032-A5)	Eastern Busway Alliance	A5	06.04.2023
EB2/EB3R Final Scenario – Phasing Diagrams	Eastern Busway Alliance	-	06.04.2023
EB2/EB3R Final Scenario – Lane Performance Summaries	Eastern Busway Alliance	-	06.04.2023
Transport Memorandum – 105 Ti Rakau Drive Car Park	Eastern Busway Alliance	-	30.05.2023
Engineering Plans: Edgewater Drive Changes: Consenting Ti Rakau Drive Consent Plan Sheet 3 of 6 (Drawing Number: EB-2-R-3-PL-DG-100133)	Eastern Busway Alliance	C	27.02.2023
Engineering Plans: Edgewater Drive Changes: Consenting Ti Rakau Drive Consent Plan Sheet 4 of 6 (Drawing Number: EB-2-R-3-PL-DG-100134)	Eastern Busway Alliance	C	27.02.2023
Engineering Plans: Edgewater Drive Changes: Roadwork Detailing Ti Rakau Drive Signs and Line Markings Plan Sheet 2 of 5 (Drawing Number: EB-2-D-3-RD-DG-100202)	Eastern Busway Alliance	B	13.02.2023

Engineering Plans: Edgewater Drive Changes: Roadwork Detailing Ti Rakau Drive Signs and Line Markings Plan Sheet 3 of 5 (Drawing Number: EB-2-D-3-RD-DG-100203)	Eastern Busway Alliance	B	13.02.2023
EV48 – APP – Retaining Wall (Plans) Ti Rakau Drive Drainage Layout Plan Sheet 2 of 5 (Drawing Number: EB-2-D-3-SW-DG-000102)	Eastern Busway Alliance	A	08.04.2022
EV48 – APP – Retaining Wall (Plans) Ti Rakau Drive Drainage Layout Plan Sheet 3 of 5 (Drawing Number: EB-2-D-3-SW-DG-000103)	Eastern Busway Alliance	A	08.04.2022
Engineering Plans: Edgewater Carpark: Roadwork Detailing (Drawing Number: EB-2-D-3-RD-DG-Edgewater Car Park)	Eastern Busway Alliance	0	18.05.2023
Engineering Plans: Lighting: Ti Rakau Drive Lighting Layout Plan Sheet 2 of 5 (Drawing Number: EB-2-D-3-LT-DG-000102)	Eastern Busway Alliance	B	04.04.2023
Updated Drawing Set (EB2_CONSENT_PLANS_20230508)			
Consenting Cover Sheet and Locality Plan (Drawing Number: EB-2-R-3-PL-DG-100001)	Eastern Busway Alliance	C	08.05.2023
Consenting Key Plan (Drawing Number: EB-2-R-3-PL-DG-100002)	Eastern Busway Alliance	C	08.05.2023
Consenting Drawing Index (Drawing Number: EB-2-R-3-PL-DG-100003)	Eastern Busway Alliance	C	08.05.2023
Consenting General Legend (Drawing Number: EB-2-R-3-PL-DG-100004)	Eastern Busway Alliance	C	08.05.2023
Consenting Ti Rakau Drive Consent Plan Sheet 1 of 6 (Drawing Number: EB-2-R-3-PL-DG-100131)	Eastern Busway Alliance	C	08.05.2023
Consenting Ti Rakau Drive Consent Plan Sheet 2 of 6 (Drawing Number: EB-2-R-3-PL-DG-100132)	Eastern Busway Alliance	C	08.05.2023
Consenting Ti Rakau Drive Consent Plan Sheet 3 of 6 (Drawing Number: EB-2-R-3-PL-DG-100133)	Eastern Busway Alliance	C	08.05.2023

Consenting Ti Rakau Drive Consent Plan Sheet 4 of 6 (Drawing Number: EB-2-R-3-PL-DG-100134)	Eastern Busway Alliance	C	08.05.2023
Consenting Ti Rakau Drive Consent Plan Sheet 5 of 6 (Drawing Number: EB-2-R-3-PL-DG-100135)	Eastern Busway Alliance	C	08.05.2023
Consenting Ti Rakau Drive Consent Plan Sheet 6 of 6 (Drawing Number: EB-2-R-3-PL-DG-100136)	Eastern Busway Alliance	C	08.05.2023

Where there may be an inconsistency between the documents listed in Condition 1 above and the requirements of the following conditions, the following conditions prevail.

Advice Note: *The reports, draft Management Plans and drawings listed above may be updated in accordance with the processes listed in Condition 13, subject to the effects of the consented activities remaining within the nature and scale of effects considered by the listed document. Where effects change in nature or increase in scale, the Consent Holder must consult with Council to determine whether a change of conditions is required under s 127 of the RMA.*

MONITORING CHARGE

2. The Consent Holder must pay the Council an initial consent compliance monitoring charge of \$10,000(GST inclusive) plus any further monitoring charge(s) to recover the actual and reasonable costs incurred to ensure compliance with the conditions of these consents.

Advice Note: *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work that ensures compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, will be charged at the relevant hourly rate applicable at the time. The Consent Holder will be advised of the further monitoring charge(s). Only after all conditions of the resource consent have been met, will the Council issue a letter confirming compliance at request by the Consent Holder.*

LAPSE DATE

3. Under section 125 of the RMA, these consents will lapse 5 (five) years after the date they commence unless:
 - a) The consent is given effect to; or
 - b) On application, the Council determines to extend the period after which the consent will lapse.

EXPIRY DATE – LAND USE

4. Resource consent LUC60407123 (earthworks) expires 5 (five) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

EXPIRY DATE – COASTAL (OCCUPATION)

5. The duration to occupy the coastal marine area with the stormwater infrastructure structures and use of the outfalls (CST60408360), expires on 11/09/2058 (35 years) unless it has lapsed, surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

EXPIRY DATE – COASTAL (DISTURBANCE)

6. The coastal permit (CST6048461) associated with the disturbance of the coastal marine area by stormwater outfalls expires 5 (five) years after consent has been given effect to.

EXPIRY DATE – DISCHARGE OF CONTAMINANTS

7. The discharge permit (DIS60407493) associated with the construction of the Eastern Busway Project (EB3R) expires 5 (five) years after consent has been given effect to.

EXPIRY DATE – STREAMWORKS (STRUCTURE)

8. Resource consent LUS60412895 (structures within the bed of a stream) expires 35 years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

SITE ACCESS

9. Subject to compliance with the Consent Holder's health and safety requirements and provision of reasonable notice, servants or agents of Council are permitted to have access to relevant parts of the construction site(s) at reasonable times for the purpose of carrying out inspections, surveys, investigations and/or to take samples.

PRE-CONSTRUCTION CONDITIONS

Mana Whenua Engagement

10. At least 10 (ten) working days prior to the commencement of construction, the Consent Holder must confirm and submit to Council a Mana Whenua Engagement framework to ensure appropriate engagement with mana whenua during the construction of the Eastern Busway Project (Package EB3R).
11. The framework must include:
 - a) The methods for identifying and engaging with mana whenua;
 - b) The process for involvement of mana whenua in reviewing the implementation of the management and environmental management plans as they relate to:

- i. Recognising and providing for the cultural values and interests of mana whenua;
 - ii. Implementing and applying tikanga
 - iii. Managing and monitoring sediment quality; and
 - iv. Promoting ecology and biodiversity, including the use of native vegetation.
 - c) As a minimum the matters identified in (b) above must be addressed in the preparation of the following management plans:
 - i. Construction Environmental Management Plan;
 - ii. Urban Design and Landscape Plan; and
 - iii. Habitat Restoration Plan.
12. The Consent Holder must carry out the construction of the Project (EB3R) in accordance with the Mana Whenua Engagement framework submitted under Condition 10.

MANAGEMENT PLANS – CERTIFICATION AND REVIEW

Advice Note: Condition 13 below, applies to all Management Plans.

13. The following general provisions relate to all Management Plans:
- a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:
 - i. At least forty (40) working days prior to the start of works, the Consent Holder must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage.
 - ii. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing) unless otherwise specified in the conditions. The consent holder must ensure that any changes from the draft Management Plans are clearly identified.
 - b) Any certified Management Plan may be amended, if necessary, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of designation. Any amendments are to be agreed by the Council in writing prior to implementation of any changes. Re-certification is not required in accordance with Condition 13 if the Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified.
 - c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify

these amendments are consistent with the relevant designation condition(s) prior to implementation of any changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of the designation. Where a Management Plan was prepared in consultation with interested or affected parties, any changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties.

- d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities.
- e) All works must be carried out in accordance with the approved Management Plans. Works must not commence until written approval or certification of all the relevant Management Plans for that stage have been received unless otherwise approved in writing by the Council.

STAKEHOLDER COMMUNICATION AND ENGAGEMENT

- 14. The Consent Holder must submit a final Communication and Consultation Plan (CCP) for certification in accordance with Condition 13. The objective of the CCP is to set out a framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders, affected parties and interest groups during construction of the Eastern Busway Project (Package EB3R).
- 15. The CCP must be prepared in accordance with the Draft CCP. The CCP must set out how the Consent Holder will for the Eastern Busway Project (Package EB3R):
 - a) Inform the community and businesses of construction progress and future construction activities;
 - b) Provide information on key project milestones;
 - c) Provide a process for responding to queries and complaints including, but not limited to:
 - i. Who is responsible for responding;
 - ii. How responses will be provided;
 - iii. The timeframes for responses to be provided; and
 - iv. How complaints will be reviewed and monitored to ensure mitigation is effective.
- 16. The CCP must include:
 - a) A communications framework that details the Consent Holder's communication strategies, the accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including any

modern and relevant communication methods, community noticeboard, local paper, newsletters or similar, advertising etc.) and any other relevant communication matters;

- b) Contact details of the person responsible for communication and consultation for the Eastern Busway Project, including phone, email, project website and postal address;
- c) Details of where this contact information will be available;
- d) Details of how a point of contact will be maintained throughout construction works for the project;
- e) Methods for identifying, communicating and engaging with people affected by the construction works for the project, including but not limited to:
 - i. All residential owners and occupiers affected by construction works for the Project;
 - ii. All business property owners and occupiers affected by construction works for the Project;
 - iii. Any community, medical and education facilities directly affected to construction works for the project, including methods to assist these facilities to consult with their customers/stakeholders;
 - iv. Key stakeholders (including the Council's Parks Department); and
 - v. Network utility operators.
- f) Methods for communicating with and notifying directly affected parties in advance of:
 - i. Proposed construction activities outside normal working hours (including night works);
 - ii. Temporary traffic management measures for vehicles and pedestrians during construction;
 - iii. Permanent changes to road networks and layouts; and
 - iv. A record of the consultation undertaken with the community, including specific access requirements for businesses and residents.
- g) Details of specific communications proposed for updating stakeholders including affected parties on construction timeframes;
- h) A list of the stakeholders affected to be communicated with;
- g) Linkages and cross reference to other management plans where relevant;
- h) Identification of opportunities for those stakeholders identified under Condition 16(h) to collaborate on specific issues if required;
- i) A Development Response Addendum including:

- i. The measures to maximise opportunities for pedestrian and service access to businesses, residents and social services/facilities that will be maintained during construction, within the practical requirements of the CTMP;
 - ii. The measures to mitigate potential severance and loss of business visibility issues by wayfinding and supporting signage for pedestrian detours required during construction;
 - iii. The measures to promote a safe environment during construction;
 - iv. How loss of amenity for residents, community services and businesses as a result of construction activities will be or has been mitigated through other management plans;
 - v. Identification of any other development response measures designed to support those businesses, residents and community services/facilities during construction.
- i) Details of engagement with the community to identify opportunities to minimise construction impacts;
 - j) Details of monitoring the implementation of the CCP including, but not limited to:
 - i. Community feedback on the management of construction related impacts and the Consent Holder's response to that feedback;
 - ii. Any feedback and complaints received on matters other than addressed by (j)(i);
 - iii. Any outcomes or actions undertaken in response to feedback and complaints; and
 - iv. Any development response outcomes.
 - k) The CCP must be reviewed at least annually and updated with reference to the outcomes of the monitoring listed in(j).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

- 17. The Consent Holder must submit a Construction Environmental Management Plan (CEMP) for certification in accordance with Condition 13. The objective of the CEMP is to set out an overarching framework and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with the construction of the Eastern Busway Project (Package EB3R).
- 18. The CEMP must include details of:
 - a) An outline of the construction programme of the work, including construction hours, indicating linkages to the other subsidiary plans which address management of adverse effects during construction;
 - b) The document management system for administering the CEMP and compliance, including review and Consent Holder / constructor / Council requirements;

- c) Training requirements for employees, sub-contractors and visitors for cultural induction, construction procedures, environmental management and monitoring;
- d) Roles and responsibilities for the implementation of the CEMP;
- e) Environmental incident and emergency management procedures (including spills);
- f) Environmental complaint management procedures;
- g) Specific details of demolition and site clearance works to be undertaken;
- h) The location of construction compounds and measures adopted to keep them secure;
- i) Methods to provide for the safety of the general public;
- j) Measures to be adopted to keep the construction areas in a tidy condition in terms of disposal / storage of rubbish and storage, unloading construction materials (including equipment). All storage of materials and equipment associated with the construction works must take place inside the Eastern Busway Project (Package EB3R) boundaries;
- k) Site reinstatement measures upon completion of the activities including the removal of any temporary structures used during the construction period; and
- l) A construction methodology that minimises mangrove removal/pruning.

Advice Note: *The CEMP may be prepared as a combined document that also addresses the matters required under the associated designation and resource consents for the Eastern Busway Project (Package EB2).*

TRANSPORT, ACCESS AND PARKING

- 19. The Consent Holder must submit a Construction Traffic Management Plan (CTMP) for certification in accordance with Condition 13. The objective of the CTMP is to identify the means to be used to avoid, remedy or mitigate the adverse effects of construction of the Eastern Busway Project (Package EB3R) on transport, parking and property access.
- 20. Prior to construction, AT must undertake engagement with Edgewater College to confirm a temporary bus route for Bus Service S013 and S073. The outcome of this engagement and any changes must be recorded in the final CTMP, which must be submitted to Auckland Council for review before construction commences.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- 21. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 'Acoustics - Construction Noise' (NZS6803:1999) and comply with the noise standards set out in Tables 5 and 6 as far as practicable.

Table 5: Construction Noise Criteria – Residential Receivers (Irrespective of Zoning)

Time of week	Time Period	Maximum noise level (dBA) > 20 weeks	
		L _{eq}	L _{max}
Weekdays	06:30 – 07:30	55	75
	07:30 – 18:00	70	85
	18:00 – 20:00	65	80
	20:00 – 06:30	45	75
Saturdays	06:30 – 07:30	45	75
	07:30 – 18:00	70	85
	18:00 – 20:00	45	75
	20:00 – 06:30	45	75
Sundays and public holidays	06:30 – 07:30	45	75
	07:30 – 18:00	55	85
	18:00 – 20:00	45	75
	20:00 – 06:30	45	75

Table 6: Construction Noise Criteria - Commercial and Industrial Receivers

Time period	Maximum noise level L _{Aeq} dB > 20
07:30 – 18:00	70
18:00 – 07:30	75

22. Where compliance with the noise standards set out in Condition 21 above is not practicable, then the methodology in Condition 28 (Schedule) must apply.
23. Construction vibration must be measured in accordance with German Standard DIN 4150-3:1999 “Structural Vibration Part 3: Effects of vibration on structures”, and must comply with the vibration standards set out in Table 5 as far as practicable:

Table 7: Construction Vibration Criteria

Vibration Level	Time	Category A	Category B
Occupied activities sensitive to noise	Night-time 20:00 – 07:00	0.3mm/s ppv	2mm/s ppv
	Daytime 07:00 – 20:00	2mm/s ppv	5mm/s ppv
Other occupied buildings	All other times	2mm/s ppv	5mm/s ppv
All other buildings	Daytime 06:30 – 20:00	Tables 1 and 3 of DIN4150-3:1999	

Activities sensitive to noise are defined in Chapter J of the AUP

24. The Category A criteria may be exceeded if the works generating vibration take place for 3 (three) days or less between the hours of 7am to 6pm, provided that the Category B criteria are complied with, and:
- a) All occupied buildings within 50m of the extent of the works generating vibration are advised in writing no less than three days prior to the vibration-generating works commencing; and
 - b) The written advice must include details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.
25. Where compliance with the vibration standards set out in Table 5 above is not practicable, and unless otherwise provided for in the CNVMP as required by Condition 26, then the Schedule methodology in Condition 28 (Schedule) must apply.

Construction Noise and Vibration Management Plan (CNVMP)

26. The Consent Holder must submit a Construction Noise and Vibration Management Plan (CNVMP) for certification in accordance with Condition 13. The objectives of the CNVMP are to:
- a) Identify and implement the Best Practicable Option (BPO) for the management of all construction noise and vibration effects;
 - b) Define the procedures to be followed where the noise and vibration standards (Conditions 21 and 23) are not met (following the implementation of the BPO);
 - c) Set out the methods for scheduling works to minimise disruption; and
 - d) Ensure engagement with affected receivers and timely management of complaints.

27. The CNVMP must be prepared in accordance with Annex E2 of (NZS6803:1999) and must as a minimum, address the following:
- a) Description of the works, machinery and equipment to be used;
 - b) Hours of works, including a specific section on works at night (2230h - 0700h), incorporating clear definitions of the works undertaken at night (if any);
 - c) The construction noise and vibration standards;
 - d) Identification of receivers where noise and vibration standards apply;
 - e) Management and mitigation options, and identification of the Best Practicable Option;
 - f) Methods and frequency for regular construction noise and vibration monitoring and reporting of all monitoring results and outcomes;
 - g) Procedures for communication as set out in the CCP with nearby residents and stakeholders, including:
 - i. Notification of proposed construction activities,
 - ii. The period of construction activities; and
 - iii. Effective management of noise and vibration complaints.
 - h) Contact details for the Communication and Consultation Manager;
 - i) 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;
 - j) Identification of areas where compliance with the noise (Condition 21) and/or vibration standards (Condition 23 Category A or Category B) will not be practicable.
 - k) Procedures for:
 - i. Communicating with affected receivers in accordance with the CCP, where measured or predicted noise or vibration from construction activities exceeds the noise criteria of Condition 21 or the vibration criteria of Condition 23; and
 - ii. Assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category B vibration criteria of Condition 23, including the requirement to undertake building consent surveys before and after works to determine whether any damage has occurred as a result of construction vibration; and
 - iii. Review and update of the CNVMP.
28. A Schedule to the CNVMP (Schedule) must be prepared in consultation with the owners and occupiers of sites subject to the Schedule, when:

- a) Construction noise is either predicted or measured to exceed the noise standards in Condition 21, except where the exceedance of the LAeq criteria is no greater than 5 decibels and does not exceed:
 - i. 0630 – 2000: 2 periods of up to 2 consecutive weeks in any 2 months; or
 - ii. 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days.
- b) Construction vibration is either predicted or measured to exceed the Category B standard set out in Condition 23 at the receivers.

Advice Note: *Condition 28 does not apply to the management of construction noise for the receivers listed in Condition 31 (Dolphin Street).*

29. The objective of the Schedule is to set out the BPO for the minimisation of noise and/or vibration effects of the construction activity that are specific to the receiving environment and the activities that the Schedule would authorise, beyond those measures set out in the CNVMP. The Schedule must include but not be limited to details such as:
- a) Construction activity and location plan, start and finish dates;
 - b) The owners and occupiers of the receivers to the construction activity that would be captured by (c) below;
 - c) The predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards in Conditions 21 and/or 23;
 - d) The proposed site-specific noise and/or vibration mitigation measures that are proposed to be adopted;
 - e) The mitigation options that have been selected and the options that have been discounted as being impracticable;
 - f) The consultation undertaken with owners and/or occupiers of properties identified in the Schedule, outcomes of the consultation, and how consultation outcomes have and have not been taken into account; and
 - g) Location, times, and types of monitoring and procedures for ensuring that all monitoring results and outcomes are reported on and are made available to the Council and to receivers subject to the Schedules on their reasonable request.
30. The Schedule must be submitted to the Council for certification at least 5 (five) working days, except in unforeseen circumstances, in advance of construction works that are covered by the Schedule and shall form part of the CNVMP.
31. Noise generated by construction works in the vicinity of 10, 1/10, 14, 14A and 14B Dolphin Street must not exceed the Project Construction Noise Standards that apply between the hours of 0700 and 2000 as set out in Condition 21 at those same properties. A CNVMP or Schedule may not authorise any infringement of the Project Construction Noise Standards that apply during these hours at these properties.

Advice Note: *The construction noise criteria referenced in this condition may not be exceeded by way of a CNVMP or Schedule at these properties.*

Building condition surveys [in the event environmental specialists identify building condition surveys are necessary]

32. Prior to construction, a building condition survey must be undertaken of any building or structure that has been identified and assessed as potentially affected by vibration damage arising from construction vibration, and in every case where vibration exceeds the Category B criteria in Condition 23. The identification and assessment requirement must be determined by an independent and suitability qualified person appointed by the Consent Holder, and based on the criteria below, unless the relevant industry criteria applied at the time or heightened building sensitivity or other inherent building vulnerability requires it. Factors which may be considered in determining whether a building condition survey must be undertaken include:
- a) Age of the building;
 - b) Construction types;
 - c) Foundation types;
 - d) General building condition;
 - e) Proximity to any excavation;
 - f) Whether the building is earthquake prone or where there is pre-existing damage; and
 - g) Whether any basements are present in the building.
33. Where a building condition survey is required:
- a) The Consent Holder must employ an appropriately qualified person to undertake the building condition surveys and that person is required to be identified in the CEMP;
 - b) The Consent Holder must contact owners of those buildings and structures where a building condition survey is to be undertaken to confirm the timing and methodology for undertaking a pre-construction condition assessment;
 - c) Should written agreement from owners and occupiers to enter property and undertake a condition assessment not be obtained within 3 (three) months from first contact, then the Consent Holder is not required to undertake these assessments;
 - d) During the building condition survey, the Consent Holder must determine whether the building is classified as a vibration sensitive structure;
 - e) The Consent Holder must provide the building condition survey report to the relevant property owner within 15 (fifteen) working days of the survey being

undertaken, and additionally it must notify and provide Council with a copy of the completed survey report within 15 (fifteen) working days;

- f) The Consent Holder must record all contact, correspondence and communication with owners and occupiers and this record is to be available on request for the Council; and
- g) The Consent Holder must undertake a visual inspection when undertaking construction activities likely to generate high levels of vibration if requested by the building owner where a pre-construction condition assessment has been undertaken.

34. During construction:

- a) The Consent Holder must implement procedures that will appropriately respond to the information received from any vibration monitors deployed by the acoustic specialist in accordance with the CNVMP. Where necessary this may include temporary cessation of works in close proximity to the relevant building until measures have been implemented to avoid further damage and/or compromising the structural integrity of the building; and
- b) Any damage to buildings and structures resulting from the works must be recorded and repaired by the Consent Holder and costs associated with the repair will be met by the Consent Holder. Such repairs, and/or works to repair damage, are limited to what is reasonably required to restore the general condition of the building as described in the building condition survey. Such repairs must be undertaken as soon as reasonably practicable and in consultation with the owner and occupiers of the building.

35. Following construction:

- a) Within 3 (three) months of the commencement of operation of the Eastern Busway Project (Package EB3R), the Consent Holder must contact owners of those buildings and structures where a building condition survey was undertaken to confirm the need to undertake a post-construction condition assessment; and
- b) Where a post-construction building condition survey confirms that the building has deteriorated as a direct result of construction works relating to the Project, the Consent Holder must rectify the damage at its own cost. Such repairs, and/or works to repair damage, are limited to what is reasonably required to restore the general condition of the building as described in the building pre-condition survey.

Advice Note: *There are no Conditions 36 through 46.*

URBAN DESIGN AND LANDSCAPING MITIGATION

47. Within 3 (three) months of commencing any construction activity the Consent Holder must submit an Urban Design and Landscape Plan (UDLP) to Council for certification in accordance with Condition 13. The objective of the UDLP is to mitigate any landscape and visual effects of the Eastern Busway Project (Package EB3R).

48. The UDLP must include:
- a) Urban design details for works:
 - i. Edgewater Station;
 - ii. Gossamer Station;
 - iii. Ti Rakau Drive widening between Reeves Road and Pakuranga Road.
 - b) Landscape design details for works:
 - i. Riverhills Park;
 - ii. Within Ti Rakau Drive.
 - c) A maintenance plan and establishment requirements over a three-year period for landscaping and five years for specimen trees following planting.
 - d) Lighting, signage and street furniture details for Eastern Busway Project (Package EB3R);
 - e) Measures to achieve a safe level of transition for cycling and walking modes, including providing advanced warning and signage to cyclists and pedestrians, and safe and convenient cycling transitions at the ends of the project;
 - f) Design features and methods for cultural expression;
 - g) A Crime Prevention Through Environmental Design Audit of the new walking and cycling network;
 - h) Design features associated with the management of stormwater, including both hard and soft landscaping; and
 - i) Detailed streetscape landscaping plan(s) for all swales, street trees and street gardens for approval or approved by the Parks Planning Team Leader. In particular, the plans must have the following information to obtain the Parks Planning Team Leader's approval:
 - i. Be prepared by a suitably qualified landscape architect.
 - ii. Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, tree pit specifications, the overall material palette, location of streetlights and other service access points;
 - iii. Ensure that selected species can maintain appropriate separation distances from paths, roads, streetlights and vehicle crossings in accordance with the Auckland Transport Code of Practice;
 - iv. Include planting methodology;
 - v. Provide for one medium sized (80L) tree specimen for an average every 12m of frontage along the southern side of Ti Rakau Drive between 37 and 229 Ti Rakau Drive; and
 - vi. Provide for replacement street trees along the northern side of Ti Rakau Drive between Ti Rakau Park and Gossamer Drive that achieves a 1:1

replacement planting ratio and does not interfere with the Transpower New Zealand utilities authorised by the Transpower New Zealand Designation 8507.

Advice Note: *Designation 8507 is described in the AUP(OP) as being for the construction, operation and maintenance of underground transmission lines comprising of a 220kV cable circuit to convey electricity between Pakuranga and Penrose substations). Works within this designation may require section 176A approval from Transpower New Zealand, which may affect the location and size of street trees that can be planted.*

49. At least 1 (one) month prior to the final handover to the Council for future care and maintenance of landscaping on Council land and reserves, the Consent Holder's representative must arrange a site walkover with the Council to inspect the new planting areas, and to document any areas of plant health and maintenance that need to be rectified prior to handover.
50. The UDLP planting requirements must be implemented during the first planting season following the project being operational. If the weather in that planting season is unsuitable for planting, as determined by the Council, the landscaping must instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity must be agreed to by the Council.

TREE WORKS

51. The Consent Holder must submit a Tree Protection and Management Plan (TPMP) for certification in accordance with Condition 13. The objective of the TPMP is to avoid, remedy or mitigate any adverse construction effects of the Eastern Busway Project (Package EB3R) on those trees to be retained.
52. To achieve its objective, the TPMP must include:
 - a) A process whereby the Consent Holder's arborist and the construction team confirm via a site walkover(s) those trees that can be retained rather than removed;
 - b) Tree protection measures for trees to be retained;
 - c) Tree pruning measures;
 - d) Demarcation of temporary construction access and storage areas, outside the permeable dripline and / or rootzone areas of retained trees;
 - e) Use of protective barrier fencing;
 - f) Procedures for working within the dripline/rootzone of any retained tree, including appointment of a qualified Council approved arborist ("appointed arborist") to oversee directly all works within the dripline and rootzone of the trees located in the designated areas of work for the duration of the site works, until the route is considered completed, and including any reinstatement works;

- g) Specific bio-security removal restrictions that will apply to all elms (*Ulmus* sp.) and kauri (*Agathis australis*), to avoid the risk of spread of Dutch Elm Disease or kauri dieback, including vetting and approving the methodology and treatment of the Elm and kauri material by the Council's arboricultural specialist responsible for handling and treatment of all Elm/kauri material controlled under the Biosecurity Act, prior to any works taking place; and
 - h) Measures to provide for clear marking of all tree removals prior to implementation of each stage of the works, with verification of the removals by the Consent Holder's arborist in consultation with the Council's arboricultural specialist.
53. If the design of the project is modified so that it becomes apparent that trees protected by the provisions of the AUP(OP) identified as being retained in the approved Tree Plans appended to the Arboricultural Effects Assessment in Condition 1 are required to be removed, then the removal of the trees is appropriate if:
- a) The design modification results in retention of a tree that was identified to be removed (i.e., no net loss of protected trees); or
 - b) If the design modification will result in a net loss of protected trees, a suitable replacement specimen tree is provided in the project corridor (in addition to the proposed planting shown on the approved Tree Plans appended to the Arboricultural Effects Assessment in Condition 1).

Advice Note: *Protected trees refers to trees within the road reserve and Council reserves that more than 4m in height and/or more than 400mm in girth. It also includes any trees listed in Schedule 10 "Notable Trees" in the AUP(OP).*

HERITAGE

54. In the event that any unrecorded historic heritage sites are identified as a result of the Eastern Busway Project (Package EB3R), then these sites must be recorded by the Consent Holder for inclusion in the Council's Cultural Heritage Inventory. The Consent Holder's historic heritage expert must prepare documentation suitable for inclusion in the Inventory and forward that information to the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz within one calendar month of completion of work on the route.
55. Electronic copies of all historic heritage reports relating to historic heritage investigations of whatever form (i.e. evaluation, monitoring and excavation) in regard to the works, are to be submitted by the Consent Holder's project historic heritage expert to the Monitoring officer(s) within 12 months of completion of the Eastern Busway Project (Package EB3R).

LAND DISTURBANCE [LUC60407123]

Erosion and Sediment Control Plan (ESCP)

56. The Consent Holder must submit an Erosion and Sediment Control Plan (ESCP) for certification in accordance with Condition 13. The purpose of the ESCP is to provide overarching principles and procedures to manage the environmental impacts

associated with erosion and sediment control (ESC) during construction of the Eastern Busway Project (Package EB3R).

Site-Specific Erosion and Sediment Control Plan (SSECP)

57. Prior to the commencement of earthworks within a given area or stage, a Site-Specific Erosion and Sediment Control Plan (SSESCP) must be prepared in accordance with Auckland Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Guideline Document 2016/005 ("GD05") and submitted to Council for certification. Earthworks activity within the specific area or stage must not commence until the Council has certified that the SSESCP satisfactorily meets the requirements of GD05.

The SSESCPs must contain sufficient detail to address the following matters where applicable:

- a) Contour information (existing and post-earthworks);
- b) Identify the location of any permanent and intermittent streams or inland wetlands within 10m of the proposed earthworks;
- c) Erosion and sediment control measures for the works being undertaken within a particular construction area, including confirmation of (where applicable) decanting earth bund design to meet outcomes of GD05, or a relevant higher standard as referred to through the conditions below;
- d) Chemical treatment design and details, including bench testing results and confirmation of rainfall activated methodology where possible;
- e) Confirmation of / updates to Dewatering Procedures to be used (where applicable) to meet Condition 66;
- f) Catchment boundaries of works and devices installed;
- g) Location of the work;
- h) Details of construction methods;
- i) Design criteria, typical and site-specific details of erosion and sediment control;
- j) Design details for managing the treatment, disposal and/or discharge of contaminants (e.g. concrete wash water);
- k) Monitoring and maintenance requirements;
- l) Details of stabilisation measures; and
- m) Management practices specific to works within riparian margins:
 - i. Plan showing the length of stream works required and to demonstrate stream works will be minimised to the length required to install the structure;

- ii. Management of contaminants to water (e.g., hydrocarbons, construction materials);
 - iii. Methodology for diverting upstream flows during the streamworks, including how sufficient flow will be maintained at all times below the site of the works to maintain in-stream biota;
 - iv. A detailed methodology for the installation of the structures and
 - v. Details of final streambed remediation or stabilisation upon completion of stream works.
58. The erosion and sediment control measures must be constructed and maintained in general accordance with the Council's GD05 and any amendments to that document, except where a higher standard is detailed in the documents listed in these consent conditions, in which case the higher standard is to apply.
59. Within 10 (ten) working days following implementation and completion of the specific erosion and sediment control works referred to in a SSES CP required by Condition 57, and prior to the commencement of earthworks or streamworks activity within the subject area or stage referred to in the SSES CP, a suitably qualified and experienced person must provide written certification that the erosion and sediment controls have been constructed and completed in accordance with the SSES CP for that particular area of stage, the ESCP, GD05 and any higher standard referred to through the conditions below.

Certified controls must include the decanting earth bunds, any other impoundment device, dewatering devices, clean and dirty water diversions, silt fences, and stabilised construction entranceways. Information supplied, if applicable, must include:

- a) Details on the contributing catchment area;
- b) Size of structure;
- c) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);
- d) Dimensions and shape of structure;
- e) Position of inlets/outlets; and
- f) Stabilisation of the structure.

Advice Note: *Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05): Erosion and Sediment Control construction quality checklists.*

Pre-Start Earthworks Meeting(s) – Earthworks and Streamworks

60. Prior to the commencement of consented earthworks and streamworks for EB3R, the Consent Holder must hold a pre-start meeting that:

- a) Is located on the subject site;
 - b) Is scheduled not less than 5 (five) days before the anticipated commencement of earthworks;
 - c) Includes representation from Auckland Council compliance monitoring officer[s]; and
 - d) Includes representation from the contractors who will undertake the works.
61. The Consent Holder must ensure that the erosion and sediment control measures, management plans, the earthworks methodology, streamworks methodology and monitoring regime are discussed at the pre-start meeting. The Consent Holder must also ensure all relevant parties are aware and familiar with the necessary conditions of this consent.

Earthworks Management

62. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required in Condition 56 to 58 must be maintained throughout the duration / each stage of earthworks or streamworks activity, or until the site is permanently stabilised against erosion.
63. All perimeter controls must be operational before earthworks commence. All 'clean water' runoff from stabilised surfaces including catchment areas above the site itself must be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion.
64. Unless otherwise agreed through a SSES CP, all Decanting Earth Bunds utilised during earthworks must be designed and constructed in accordance with GD05, including having a 3:1 length to width ratio (and no greater than 5:1).
65. The decanting earth bunds and any other authorised impoundment device utilised as part of the earthworks must be chemically treated in accordance with the Chemical Treatment Management Plan (ChTMP), and the chemical treatment details certified by the SSES CPs.

Advice Note: *In the event that minor amendments to the ChTMP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ChTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*

66. All dewatering from the construction of the Eastern Busway Project (Package EB3R) must be undertaken in accordance with the Dewatering Procedures listed in Condition 1 and any updates to this plan certified by the SSES CPs. All related discharges must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.

67. Prior to the removal of any erosion and sediment control device required as a condition of resource consent, written certification must be provided to the Council by a suitably qualified and experienced person to confirm that all areas of bare earth have been permanently stabilised against erosion in accordance with GD05 and can be directed to a Clean Water Diversion
68. The Consent Holder must take all practical measures to prevent deposition of soil on roads and footpaths outside the works area of Eastern Busway Project (Package EB3R). In the event that deposition of earth, mud, dirt or other debris on any road or footpath outside the works area resulting from earthworks activity on the project area occurs, must be removed immediately. Roads and/or footpaths must not be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses and/or receiving waters.

Advice Note: *The following methods may be adopted to prevent or address discharges should they occur:*

- a) *Provision of a stabilised entry and exit(s) point for vehicles*
- b) *Provision of wheel wash facilities*
- c) *Ceasing vehicle movements until materials are removed*
- d) *Cleaning road surfaces using street-sweepers*
- e) *Silt and sediment traps and*
- f) *Catchpits.*

In no circumstances should washing deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Council for more details. Alternatively, please refer to GD05.

69. The site must be progressively stabilised against erosion at all stages of the earthworks and streamworks activities, and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the approved ESCP.
70. Immediately upon completion or abandonment of earthworks or streamworks, all areas of bare earth must be permanently stabilised against erosion as defined by GD05.

Advice Note: *Stabilisation measures may include:*

- a) *Use of mulch*
- b) *Top-soiling and grassing otherwise bare areas of earth*
- c) *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

71. The sediment and erosion controls at the site of the works must be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record must be maintained of the date, time and any maintenance undertaken in association with this condition which is to be forwarded to the Council on request.

Winter Works

72. EB3R related earthworks and streamworks must not be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval to Council. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the Consent Holder.

Advice Note: *Any request for winter works outside these periods will require information addressing the level of risk, contingency methods to manage the risk, including demonstrating that the selected contractor has established experience and record of compliance with the resource consent conditions. Any request for 'winter works' (excluding any period to protect fish spawning habitat), should include:*

- a) *Measures to prevent sediment discharge from the specific works, especially during periods of heavy rainfall;*
- b) *Details of the area(s) that are already stabilised;*
- c) *Amended stream management plan and methodology/ or erosion sediment control plan detailing stabilisation to date and time / staging boundaries with proposed progression of stabilisation / re-vegetation (and integration between any stream management plan and erosion sediment control measures);*
- d) *Contact details of the contractor who will undertake stabilisation of the site (including dates expected on site);*
- e) *Contingencies proposed if contractor above becomes unavailable;*
- f) *Details of site responsibilities, specifically for erosion and sediment controls; and*
- g) *Stabilisation processes over period.*

Dust Management

73. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the Site in the opinion of an enforcement officer when assessed in accordance with the Good Practice Guide for Assessing and Managing Dust (Ministry for the Environment, 2016). The Consent Holder must ensure that dust management during the works generally complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This

includes having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures detailed by the ESCP, available as necessary.

Advice Notes: *In assessing whether the effects are offensive or objectionable, the following factors will form important considerations:*

- *The frequency of dust nuisance events*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*
- *The offensiveness of the discharge, having regard to the nature of the dust*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

It is recommended that potential measures as discussed with the council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring South at monitoring@aucklandcouncil.govt.nz for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions."

CONTAMINATED LAND (DIS60407493)

74. The Consent Holder must submit a Contaminated Land Management Plan (CLMP) for certification in accordance with Condition 13.
75. All sampling and testing of contamination on the site must be overseen by the appropriately qualified and experienced contaminated land practitioner. All sampling is to be undertaken in accordance with the Contaminated *Land Management Guidelines, No-5 - Site Investigation and Analysis of Soils*, Ministry for the Environment, revised 2021.

Advice Note: *All testing and analysis should be undertaken in a laboratory with appropriate experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5*

76. The Council must be informed in writing about the commencement of the Eastern Busway Project (Package EB3R) works at least 2 (two) working days prior to commencement.

Advice Note: *Discharge from the site includes the disposal of water (e.g. perched groundwater or collected surface water) from the remediation area.*

77. Any soils and/or fill material identified as contaminated and requiring off-site disposal are to be loaded directly into trucks and covered during transportation off site in accordance with the CLMP. All soil removed from the land disturbance area must be deposited at a suitably certified facility.

78. All imported fill must comply with the definition of 'cleanfill', in accordance with Technical Guidelines for Disposal to Land Revision 3" Waste Management Institute New Zealand (2022).

Advice Note: *Background levels for the Auckland region can be found in the Council's technical publication TP153 "Background concentrations of inorganic elements in soils from the Auckland Region" (2001).*

79. An appropriately qualified and experienced contaminated land specialist must be engaged to oversee the earthworks in areas of potential contamination.
80. Within 3 (three) months of the completion of the soil disturbance activities within the project area, a Site Completion Report (SCR) must be provided to the Council.
81. The SCR must contain sufficient detail to address the following matters:
- a) A summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the CLMP
 - b) A summary of inspections and oversight completed by the SQEP.
 - c) The location and dimensions of the excavations carried out, including a site plan.
 - d) A summary of testing undertaken (if applicable) including tabulated analytical results.
 - e) Records of any unexpected contamination encountered during the works and contingency measures undertaken (if applicable).
 - f) Details of any validation soil sampling completed in areas of unexpected soil contamination and vicinity of fill material previously identified as exceeding the adopted soil acceptance criteria (if applicable).
 - g) Copies of the disposal dockets for the contaminated fill and 'cleanfill' material removed from the site.
 - h) Copies of the SQEP site inspection documentation.
 - i) Details regarding any complaints and/or breaches of the procedures set out in the certified CLMP, and how any incidents or complaints were addressed.
 - j) Results of testing, if required, of any spoil disposed offsite.
 - k) Results of testing of any imported fill material.
 - l) Identification of any areas which need on-going monitoring and management.
82. Where contaminants are identified that have not been anticipated by the application, the unexpected discovery procedures in the CLMP must be employed, including notifying the Council. Any unexpected contamination and contingency measures must be documented in the SCR.

Advice Notes:

Unexpected contamination may include contaminated soil, perched water or groundwater. The Consent Holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated by the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Council as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent.

If you are demolishing any building/structures that may have asbestos containing materials (ACM) in it:

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
- *Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.*
- *If ACM is found on site following the demolition or removal of the existing buildings/structure, you may be required to further remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance, a further consent application may be required.*

RIPARIAN AND COASTAL VEGETATION REMOVAL (LUC60407123 and CST60408461)

Lizard Management Plan (LMP)

84. The Consent Holder must submit a Lizard Management Plan (LMP) for certification in accordance with Condition 13. The purpose of the LMP is to avoid, remedy or mitigate adverse effects on native lizards associated with vegetation and site clearance.

Advice Note: *A permit under the Wildlife Act 1953 will be required from the Department of Conservation to enable lizard salvage to occur.*

85. The LMP must address the following (as appropriate):
- a) Credentials and contact details of the ecologist/herpetologist who will implement the plan;
 - b) Timing of the implementation of the LMP.
 - c) A description of methodology for survey, salvaging and relocation of lizards rescued including but not limited to:
 - i. Salvage protocols;

- ii. Relocation protocols (including method used to identify suitable relocation site(s);
 - iii. Diurnal capture protocols;
 - iv. Supervised habitat clearance/transfer protocols;
 - v. Artificial cover object protocols; and
 - vi. Opportunistic relocation protocols.
- d) A description of the relocation site(s) (refer also Condition 89) including discussion of:
- i. Provision for additional refugia, if required (e.g. depositing salvaged logs, wood or debris for newly released skinks that have been rescued);
 - ii. Any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc; and
 - iii. Any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
- e) Monitoring methods and reporting, including but not limited to the following:
- i. Ongoing surveys to evaluate translocation success pre- and post-translocation surveys for 3 (three) years;
 - ii. Monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control; and
 - iii. Annual reporting for 3 (three) years including recommendations on adaptive management measures that may be required for the establishment / maintenance of relocated population.
- f) A post vegetation clearance for remaining lizards;
- g) A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the LMP must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works; and
- h) Upon completion of works, all findings resulting from the implementation of the LMP must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the Council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council.

Advice Note: *There is no Condition 86 or Condition 87.*

Habitat Restoration Plan (HRP)

88. At least 10 (ten) working days prior to the commencement of any construction activity, The Consent Holder must submit a Habitat Restoration Plan (HRP) for certification in accordance with Condition 13.

Advice Note: *Riparian and coastal margins are defined by Chapter E26 (Infrastructure) and Chapter J (Definitions) of the AUP(OP).*

89. The purpose of the HRP is to detail the site-specific lizard habitat restoration measures which addresses the impacts of the Eastern Busway Project (Package EB3R) on lizard habitat as identified within the '*Eastern Busway: Ecological Impact Assessment report*':
- a) The HRP must be developed in accordance with the conditions of the LMP (Conditions 84 to 85), in order to ensure the habitat(s) that lizards are relocated to will support viable native lizard populations for all species present pre-development.
 - b) The HRP must include:
 - i. Identification of areas to be restored as lizard habitat to the quantum of 0.3ha as identified in '*Eastern Busway: Ecological Impact Assessment report*';
 - ii. Detail of the restoration required at each site to replace and enhance lizard habitat including the planting design (including vegetation to be retained), and supplementary refuges;
 - iii. All plantings must demarcated and protected by fencing (where appropriate);
 - iv. A programme of establishment and post establishment protection and maintenance of plants (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, maintenance programme). All plantings must be maintained for a minimum of 3 (three) years; and
 - v. Details of the proposed plant species, plant sourcing (locally EcoSourced native pioneer species that are adapted to the Auckland environment are preferred in the first instance), plant sizes at time of planting, plan of the planted area within the planting area required, density of planting, and timing of planting.
90. The HRP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB3R) being operational. If the weather in that planting season is unsuitable for planting, as determined by the Council, the landscaping must instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity must be agreed to by the Council.

Native Bird Protection

91. Vegetation must not be removed between 1 September and 28 February (bird nesting season) unless the matters below have been undertaken:
- a) A suitably qualified ecologist (the "project ecologist") has completed a survey at least one week before any vegetation is to be cleared to ensure that there is no active native bird nesting occurring at that time; and
 - b) If any active nests of native birds are recorded within the vegetation scheduled for removal, vegetation clearance must not be undertaken until the birds have finished fledging. The project ecologist must monitor the birds until they have finished fledging and provide written confirmation to the clearance contractor when clearance may commence.

STREAM WORKS (LUS60412895)

Stream Restoration and Offset Plan (SRP)

92. At least 10 (ten) working days prior to the commence of works on outfalls MCC108699, MCC108703 and MCC108707, the Consent Holder must submit a Stream Restoration and Offset Plan (SRP) for certification in accordance with Condition 13.
93. The purpose of the SRP is to detail the measures to address the effects associated with stream disturbance, stream structures and riparian vegetation clearance associated with the works on outfalls MCC108699, MCC108703 and MCC108707. The SRP must include:
- a) The final Stream Ecological Valuation (SEV) and Environmental Compensation Ratio (ECR) calculations to support the mitigation and offset required;
 - b) Description of stream management mitigation and offset works, and riparian reinstatement works, to be implemented at each location, including scope, methodology and timing that provides for at least:
 - i. a minimum width of 10m either side for a total length of 83m (249m²) of the streams identified as streams 2, 3a and 3b in the application documents, and
 - ii. Reinstatement of riparian vegetation at a ratio of 1:1 at the three outfalls.
 - c) Removal of exotic plant species within the affected riparian zone;
 - d) Replanting of a minimum of 10 m of native plantings on each stream bank to ensure riparian canopy closure of >80% within 5 (five) years. All native species shall be Eco-sourced (where practicable)
 - e) Landscape plan of plant species proposed including a list of species, numbers to be planted, their common and botanical names, planting location, densities and spacing;
 - f) Site preparation details including timing, and method of planting;
 - g) Removal of rubbish and debris in stream channel; and
 - h) Maintenance and monitoring methods, including pest plant methodologies and measurable outcomes for success over a period of 5 (five) years.

Advice Notes:

Any changes to the length of stream works and/or area of vegetation removal will require a review of the mitigation and offset values and will likely require a s127 application.

For avoidance of doubt, the riparian planting to a minimum width of 10m either side, along 63m/189m²) is for the offset of the in-stream structures. This is required to be additional to the replanting requirements of the outfalls, erosion and scour protection

and associated construction areas that are required to address the terrestrial ecology matters.

Native Fish Capture and Relocation Plan (NFCRP)

94. At least 10 (ten) working days prior to the commencement of works on outfalls MCC108699, MCC108703 and MCC108707, the Consent Holder must submit a Native Fish Capture and Relocation Plan (NFCRP) for certification in accordance with Condition 13.
95. The purpose of the NFCRP is to safely capture and relocate native fish prior to the commencement of works on outfalls MCC108699, MCC108703 and MCC108707. The NFCRP must be prepared by a suitably qualified and experienced Freshwater Ecologist and must include:
 - a) Details on timing of plan implementation, taking into account potential inanga spawning (March to June inclusive);
 - b) Methodologies to capture native fish;
 - c) Details of the qualified ecologist to undertake the capture and relocation and to be present on-site during dewatering to rescue and relocate any remaining fish present;
 - d) Details of the relocation site(s) and confirmation on the habitat availability of the relocation site to support fish at the time of streamworks;
 - e) Storage and transport measures including, prevention of predation and death during capture; and
 - f) Euthanasia methods for diseased or pest species.
96. Native fish capture and relocation must be undertaken in accordance with the certified NFCRP and must only be undertaken by a suitably qualified and experienced freshwater ecologist. The freshwater ecologist must also be onsite during the dewatering process to ensure that any remaining native fish that are not caught during de-fishing are salvaged.
97. The Consent Holder must provide a Fish Salvage Report detailing the relocation site, the species and number of freshwater fauna relocated prior to and during dewatering, to the Council within 5 days of completion of the native fish capture and relocation. These results must be uploaded into NIWA's New Zealand native freshwater Fish database.

General Streamworks Controls

98. All streamworks must be undertaken in accordance with a SSES CP as required by Condition 57. All required control measures and methodologies must be in place prior to the streamworks commencing and be maintained for the duration of the streamworks activity.

99. Any changes to an approved SSES CP must be submitted to the Council demonstrating that the changes to the management plan incorporates best practice methodologies for managing effects from the streamworks and that the adverse effects from the streamworks remain the same or less. Any changes to the approved plan must only be implemented once certified in writing by the Council.
100. Within ten (10) working days prior to commencement of works at each stream works site, a suitably qualified and experienced freshwater ecologist must undertake a survey to identify Fish Spawning Habitat within the area of stream works, including all areas within the extent of any dam and diversion required for stream work construction. The Fish Spawning Habitat must be identified on a drawing of suitable scale and submitted to Auckland Council prior to commencement of works at each stream works site.
101. To protect downstream fish (inanga) spawning habitat, streamworks must not be undertaken within or downstream of any Fish Spawning Habitat areas, as identified in Condition 100, during the spawning season (March to June inclusive).
102. Unless otherwise agreed in writing by the Council, the Consent Holder must complete the construction of the erosion and scour protection and associated streamworks activity to the stage of finalised re-vegetation and / or stabilisation of stream beds within a 5 (five) day period from the commencement of the activity.
103. The Consent Holder must ensure that all exposed work areas associated with the streamworks, including the bed and banks of the stream and any adjacent overland surface flow paths (for normal flows at the time of year the works are undertaken) are stabilised at the end of each construction day.

Advice Note: *If there are any sediment and erosion control plans or measures within the floodplain or beyond, the Consent Holder is advised to integrate any stream works stabilisation measures with the design of sediment and control measures to avoid any sediment discharge to the stream.*

104. All water discharged from the streamworks site and associated sediment control devices during the streamworks operation must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.
105. All pumps used to dewater the stream must have a 3mm mesh screen to prevent fish from entering the pump and be elevated to avoid pumping of sediments from the stream bed.
106. Machinery must not enter the wetted cross section of the bed of the stream at any time and machinery associated with the streamworks activity must be operated (including maintenance, lubrication and refuelling) in a way, which ensures no hazardous substances such as fuel, oil or similar contaminants are discharged.

In the event that any discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified.

Advice Note: *Refuelling, lubrication and maintenance activities associated with any machinery should be carried out away from any water body with appropriate methods*

in place so if any spillage does occur that it will be contained and does not enter the water body. If a construction management plan is required under any land use consent, you are advised to include any maintenance / servicing areas as part of that construction management plan.

107. The use of construction materials, such as concrete products or grout, must only occur outside the wetted cross section of the bed of the stream. Any mixing of construction materials must occur outside the 100-year floodplain and using methods so that if a spillage does occur it will be contained to avoid it entering the waterbody.

Advice Note: *If a construction management plan is required under any land use consent, you are advised to include any maintenance / servicing areas as part of that construction management plan.*

108. Any sediment or material excavated from the bed of the stream must be stockpiled outside the 100-year flood plain area, with appropriate erosion and sediment control measures in accordance with GD05.

Advice Note: *If there are any sediment and erosion control plans or measures within the floodplain or beyond, you are advised to integrate any requirement for stockpiling areas for stream bed spoil with the design of sediment and control measures to avoid any sediment discharge to the stream.*

109. Prior to any re-diversion of stream flows on the new erosion and scour protection, the stream bed and banks must be stabilised against erosion using best practice methods.

Post Construction

110. Within 20 (twenty) working days following completion of the SRP certified by condition 92, the Consent Holder must provide information, including a location plan, to certify that planting has been undertaken in accordance with the certified SRP.

COASTAL PERMIT (CST60408460 (OCCUPATION) and CST60408461 (DISTURBANCE))

111. Prior to any works in the Coastal Marine Area (CMA) commencing, a final construction methodology must be included within the relevant SSES CP required in accordance with Condition 57. Details to be provided must include, but are not limited to timing, staging and sequencing of coastal works, and the erosion sediment control measures to be employed to mitigate the effects on the receiving environment.
112. For the duration of the construction activities, including the reinstatement/rehabilitation of the site post construction activities, the Consent Holder must maintain the site in good order.
113. The Consent Holder must notify the Council in writing of the date of the proposed commencement of works, at least 10 (ten) working days prior to the proposed start date.

Occupation

114. The occupation of the common marine and coastal area by the authorised pathway is not an exclusive right of occupancy. The general public or any person(s) must not be excluded from the area(s) or any part of the area(s) to which this consent applies, unless necessary for the primary purpose of the structure(s), and only to the extent necessary to enable the primary purpose of the structure(s).

Post construction

115. All mangroves removed under this permit must be disposed of outside the coastal marine area (CMA) at the completion of each week of work, or as agreed by the Council.
116. Within one month of the completion of the consented construction activities a complete set of “as built” plans must be supplied to the Council.
117. A copy of the “as built” plans must be provided to the Hydrographic Office (Chief Hydrographer, New Zealand Hydrographic Authority, Land Information New Zealand, Private Box 5501, Wellington) within one month of the completion of the construction activities within the CMA.

Maintenance Requirements

118. The stormwater infrastructure structures must be maintained in a good and sound condition, and any repairs that are necessary must be made, subject to obtaining any necessary resource consents.

Review Condition

119. Under section 128 of the RMA the conditions of these coastal permit consents may be reviewed by the Manager Resource Consents at the Consent Holder’s cost on a 5 (five) yearly basis to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on coastal environment or surrounding structures.

OPERATIONAL TRAFFIC NOISE

Building Modification Protocol

120. The Consent Holder must design and construct the Eastern Busway Project to ensure that the predicted noise levels for the as-built alignment (using the same traffic flow forecasts as used for the Proposed Design) do not exceed the predicted noise levels for the Proposed Design [as set out in the Noise and Vibration Operational Effects Assessment (NVOEA) dated 18 July 2022, document number EBA-2-R-2-PL-RP-000034] by more than 2dB at any Protected Premises & Facilities (PPF) existing at the time of EB3R’s construction. This does not apply to any PPF where the predicted noise level for the as-built design is no greater than 55dB LAeq(24hr).

Advice Note: *The predicted noise levels for the Proposed Design are contained in the Section 92 response package and are shown as “Mitigation 4”. The basis for inclusion of this condition is the high level of certainty afforded by the design of the project.*

121. Prior to construction of EB3R, a suitably qualified acoustics specialist approved by the Council must identify those PPFs which, following implementation of all Structural Mitigation, will not be Noise Criteria Categories A or B and where building modification mitigation might be required to achieve 40 dB LAeq(24h) inside Habitable Spaces (Category C buildings).
122. For PPFs identified in condition 121, the Consent Holder must set out what Building Modification Mitigation options are available to achieve 40 dB LAeq(24hr) for habitable spaces using the process set out in Conditions 123 to 127.
123. Prior to construction commencing in EB3R in the relevant Work Area, the Consent Holder must write to the owner of that PPF requesting entry to assess the noise reduction performance of the existing building envelope. If the owner agrees to entry within 3 (three) months of the date of the Consent Holder’s letter, the Consent Holder must instruct a suitably qualified acoustics specialist to visit the building and assess the noise reduction performance of the existing building envelope and determine what Building- Modification measures are required to achieve an operational noise level of 40 dB LAeq(24h) for habitable spaces.
124. For each PPF identified under Condition 121, the Consent Holder is deemed to have complied with Condition 123 if:
 - a) The Consent Holder’s acoustics specialist has visited and assessed the PPF; or
 - b) The owner agreed to entry, but the Consent Holder could not gain entry for some reason (such as entry denied by a tenant); or
 - c) The owner did not agree to entry within 3 (three) months of the date of a Consent Holder letter seeking entry for assessment purposes (including where the owner did not respond within that period); or
 - d) The owner cannot, after reasonable enquiry, be found prior to completion of construction of the Project or after reasonable time has not responded.

If any of (b) to (d) above applies to a PPF identified under Condition 122, the Consent Holder is not required to implement Building-Modification Mitigation to that PPF.

125. Subject to Condition 124, within 3 (three) months of the assessment required by Condition 121, the Consent Holder must write to the owner of each PPF identified under Condition 123 advising:
 - a) If Building-Modification Mitigation is required to achieve 40 dB LAeq(24h) inside habitable spaces;
 - b) The options for Building-Modification Mitigation to the building, if required; and

- c) That the owner has 3 (three) months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Consent Holder has advised that more than 1 (one) option is available.
126. Once an owner has confirmed which Building-Modification Mitigation option is preferred, the mitigation must be implemented by the Consent Holder, including obtaining any Council consents, within a mutually agreeable and reasonable timeframe, and where practicable, prior to a Major Construction Activity commencing in the relevant Work Area.
127. Where Building-Modification Mitigation is required, the Consent Holder is deemed to have complied with Condition 126 if:
- a) The Consent Holder has completed Building-Modification Mitigation to the PPF; or
 - b) An alternative agreement for mitigation is reached between the Consent Holder and the owner, and that mitigation option has been completed; or
 - c) The owner did not accept the Consent Holder's offer to implement Building-Modification Mitigation within 3 (three) months of the date of the Consent Holder's letter sent in accordance with Condition 125 (including where the owner did not respond within that period).
128. Within 12 (twelve months) of completion of construction of EB3R becoming operational, the Consent Holder must prepare and submit a report to the Council which demonstrates compliance with Condition 127. The report must be prepared by a suitably qualified and experienced acoustics specialist and must contain a description of, and the results from, a computer noise model of the Project as constructed.
129. The report required by Condition 128 must include the results of field measurements at a minimum of 2 (two) representative PPFs within EB3R. The results of the noise level monitoring must be used to verify the computer noise model. Field measurements must be in accordance with NZS 6806.

Noise – Road Surface Treatment

130. The Consent Holder must ensure that all roads are paved with Dense-Graded 14 mm asphalt (or other low-noise road surface(s) with equal or better noise reduction performance) on all sections of the Project except where a higher friction (for safety) or stronger surface is required. The road surfaces must be maintained so that the pavement surface retain the noise reduction performance as far as practicable.
131. In the event that the Consent Holder proposes a different road pavement to that specified in Condition 130 above at any time, the Consent Holder must provide documentation from a suitably qualified and experienced acoustics specialist to the Council demonstrating that condition will continue to be complied with.

OPERATIONAL TRAFFIC MANAGEMENT

Edgewater Drive (east) Intersection

132. Prior to the opening of the signalised Edgewater Drive (east) / Ti Rakau Drive intersection, the Consent Holder must install “left-turn” only sign(s) in front of 170 and 172 Ti Rakau Drive.

Car Park at 105 Ti Rakau Drive

133. The public car park at 105 Ti Rakau Drive must be finished as the layout shown in Drawing “EB-2-D-3-RD-DG-Edgewater Car Park” prepared by EBA and dated 18 May 2023.
134. The public car park at 105 Ti Rakau Drive must be lit in accordance with the lighting shown in Drawing “Ti Rakau Drive Lighting Layout Plan Sheet 2 of 5 (Drawing Number: EB-2-D-3-LT-DG-000102)” prepared by EBA and dated 04/04/2023.

Advice Note: *The car park is required to be lit in compliance with Chapters E24 (Lighting) and E27 (Transport) of the AUP(OP).*

Advice Notes

1. *Any reference to a number of days in this decision refers to working days as defined in section 2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the Council” refers to the Team Leader Compliance Monitoring – Southern or their delegated representative unless otherwise specified.*
3. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those required under the Building Act 2004 and the Heritage New Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable statutes (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant bylaws, and rules of law. This consent does not constitute a building consent approval. Please check whether a building consent is required under the Building Act.*
4. *An Accidental Discovery Protocol for areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014 shall be developed in consultation with mana whenua.*
5. *The Accidental Discovery Protocol for areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014 shall be consistent with the Accidental Discovery rules (Chapter E11) of the Auckland Unitary Plan Operative in Part or any subsequent version.*
6. *Should the proposed works result in the identification of any previously unknown sensitive materials (i.e., archaeological sites), the requirements of land disturbance -*

District Accidental Discovery rule [E12.6.1] set out in the Auckland Unitary Plan (Operative in Part) (updated 20 May 2021)) shall be complied with.

Heritage New Zealand Pouhere Taonga Act 2014

7. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.*

According to the Act (section 6) archaeological site means, subject to section 42(3) – any place in New Zealand, including any building or structure (or part of a building or structure), that –

- 1) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
- 2) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- 3) includes a site for which a declaration is made under section 43(1).*

It is the responsibility of the Consent Holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals. For information please contact the Heritage New Zealand Pouhere Taonga Archaeologist - 09 307 0413 / archaeologistMN@historic.org.nz.

Protected Objects Act 1975

8. *Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).*

According to the Act (section 2) taonga tūturu means an object that –

- a) relates to Māori culture, history, or society; and*
- b) was, or appears to have been –*
 - (i) manufactured or modified in New Zealand by Māori; or*
 - (ii) brought into New Zealand by Māori; or*
 - (iii) used by Māori; and*
- c) is more than 50 years old.*

The Act is administered by the Ministry of Culture and Heritage. Taonga may be discovered in isolated contexts but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should be considered by the Consent Holder if taonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

It is the responsibility of the Consent Holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court. For information please contact the Ministry of Culture and Heritage - 04 499 4229 / protected-objects@mch.govt.nz.

