

Before the Environment Court
At Auckland

ENV-2024-AKL-

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to section 174 of the RMA

Between **Auckland University of Technology**
Appellant

And **Auckland Transport**
Respondent

**Notice of appeal to Environment Court against decision concerning
requirement for designation**

Dated 2 April 2024

Auckland University of Technology
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To: The Registrar
Environment Court
Auckland

1. Auckland University of Technology (**AUT**) appeals a decision by Auckland Transport (**AT**) on a notice of requirement for a designation for the Airport to Botany project from Rongomai Park to Puhinui Station (in the vicinity of Plunket Avenue) (**NoR2**).
2. AUT made a submission on NoR2.
3. AUT received notice of the decision on 8 March 2024.
4. The decision was made by AT.
5. AUT is not a trade competitor for the purposes of s 308D of the RMA.
6. The decision AUT is appealing is the decision by AT to confirm NoR2 subject to conditions.
7. The site of the place to which NoR2 applies includes AUT's South Campus, located at 640 Great South Road, Manukau, legally described as Pt Lot 1, DP78609, and comprising approximately 7.8 ha (**South Campus**). The South Campus is subject to an earlier designation by the Minister for Tertiary Education, Skills and Employment (**Minister**), recorded as Designation 6102 in the Auckland Unitary Plan.
8. The reasons for the appeal are:
 - (a) While AUT generally supports the Airport to Botany Project as a whole, it does not consider AT has given appropriate consideration specifically to the South Campus, and the statutory tests for confirmation of NoR2 have therefore not been appropriately addressed.
 - (b) There is insufficient information as to the effects of the designation or works on the South Campus, meaning the required level of assessment under s 171(1)(a) has not been, and cannot be, undertaken;
 - (c) In the absence of an appropriate assessment of effects on the South Campus, AUT considers that the work and/or designation will have:

- (i) Adverse effects on access to the South Campus, including amenity and urban design effects associated with impacts on the main pedestrian access to the South Campus; and
 - (ii) Adverse visual effects, particularly associated with the retaining wall along the southern boundary of the South Campus, and with vegetation removal;
 - (iii) Adverse effects on infrastructure associated with the South Campus which are not appropriately addressed through conditions;
- (d) AT has failed to give adequate consideration to alternative methods of undertaking the work insofar as it applies to the South Campus, specifically the method of entering an agreement with AUT and the Minister;
- (e) The designation is not reasonably necessary for achieving the objectives of AT, including because:
- (i) Insofar as AT's objectives are to secure route protection for NoR2, the destination does not achieve that outcome for the South Campus due to the earlier designation; and
 - (ii) The availability of other methods, as discussed above, means that the designation is not reasonably necessary.
- (f) The 15-year lapse period is inappropriate. AUT would be satisfied with the 10 year lapse period recommended by the Hearings Panel.

9. AUT seeks the following relief:

- (a) Subject to the provision of additional information by AT to establish that effects on the South Campus can be appropriately mitigated through conditions:
 - (i) That appropriate conditions be imposed to fully mitigate such effects. Potential conditions are set out in **Attachment A** but are not intended to limit conditions AUT may seek once further and better information as to the extent of adverse effects is available; and

- (ii) The lapse date be reduced to 10 years.
 - (b) In the event that AUT is not satisfied that effects on the South Campus are appropriately addressed through conditions, that the boundaries of NoR2 be altered so that they do not overlie the South Campus or Designation 6102;
 - (c) Such other relief as appropriate to address AUT's concerns;
 - (d) Costs.
10. The following documents are **attached** to this notice:
- (a) **Attachment A** – Conditions which may be appropriate on the basis set out in paragraph 9(a)(i);
 - (b) **Attachment B** - a copy of AUT's submission on NoR2;
 - (c) **Attachment C** - a copy of the relevant decision;
 - (g) **Attachment D** - a list of names and addresses of persons to be served with the appeal.

Dated this 2nd day of April 2024.



Asher Davidson
Counsel for Auckland University of Technology

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Contact person: Asher Davidson

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if—

- (a) you made a submission on the matter of this appeal; and
- (b) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the

- Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (c) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see form 38*).

Advice

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

Attachment A – Potential Conditions to address AUT’s relief sought

Abbreviations and Definitions

1. Add a definition of “Key Stakeholder” and include AUT and the Minister of Tertiary Education, Skills and Employment.

Condition 5 – Lapse

2. Amend as follows:

In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within ~~10~~ 15 years from the date on which it is included in the AUP.

Condition 12 – Stakeholder Communication and Engagement Plan (SCEMP)

3. Amend Condition 12(c)(i)A as follows:

To achieve the objective of the SCEMP:

- (i) At least six (6) months prior to detailed design for a stage of Work, the Requiring Authority shall identify:
 - A. a list of properties within the designation which the Requiring Authority does not own or have occupation rights to **and all directly affected and adjacent owners and occupiers of land.**

4. Amend Condition 12(c)(iii)(D) as follows:

The SCEMP shall include:

...

- D. methods and timing to engage with landowners whose **pedestrian, cycle and/or vehicle** access is directly affected.

Condition 14 – Urban and Landscape Design Management Plan (ULDMP)

5. Amend Condition 14(f) as follows:

- (f) To achieve the objective, the ULSDMP shall provide details of how the project:

...

- (viii) Has responded to consultation undertaken in accordance with (d) [Key stakeholder participation] and how comments from Key stakeholders have been incorporated into the ULDMP. Where requests for changes by Key Stakeholders have not been agreed to, the Requiring Authority shall provide the request and the reason for rejection.**

6. Amend Condition 14(h) to provide as follows:

The ULDMP shall include:

...

Details of property access – including how pedestrian and vehicle access to the site and adjacent sites is affected, what changes are proposed and what provision has been made to retain existing levels of amenity and functionality;

Condition 16 - Existing property access

7. Amend Condition 16(a) to read as follows:

- (a) Where existing property **pedestrian, cycle and/or** vehicle access which exists at the time the Outline Plan is submitted is proposed to be altered by the project, the Requiring Authority shall consult with the directly affected landowner regarding the required changes. The Outline Plan shall demonstrate how safe access will be provided, unless otherwise agreed with the affected landowner.

Condition 20

8. Amend Condition 20(b)(iii) and (vi) to read as follows:

- (b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include:

...

- (iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours (for example on roads serving educational facilities during pick up and drop off times) to manage vehicular and pedestrian traffic near educational facilities **and tertiary facilities** or to manage traffic congestion.

...

- (vi) methods to maintain **pedestrian, cycle and vehicle** access to and within property and/or private roads where practicable, or to provide alternative access arrangements when it will not be. Engagement with landowners whose access is directly affected shall be undertaken in accordance with Condition ~~12(b)(iii)~~ **12(c)(i)D**;

New Condition – AUT South Campus Buildings and Infrastructure

9. Add a new condition as follows:

Within 24 months of the designation being confirmed, the requiring authority shall consult with the Minister of Tertiary Education, Skills and Employment and Auckland University of Technology (AUT) on the design, program and construction methodology for any work that is intended to occur within the South Campus designation, to develop a design and construction methodology that minimises effects on the South Campus buildings, above and below ground infrastructure and services. A record of this

engagement process, the proposed design and construction methodology, and any comment by AUT and the Minister is to be included in any outline plan for NoR2 lodged with Auckland Council.

Advice Note:

Under section 177(1)(a) of the RMA, the requiring authority is required to obtain approval from the Minister of Education before works commence in the land subject to the South Campus

Attachment B - Submission

Attachment to Submission by Auckland University of Technology

Introduction and Context to Submission

1. This is a submission on the Notice of Requirement by Auckland Transport (**AT**) for a new designation from Rongomai Park to Puhinui Station (in the vicinity of Plunket Avenue) (**NoR**).
2. This submission is made by Auckland University of Technology (**AUT**).
3. AUT owns and operates the South Campus, located at 640 Great South Road, Manukau, legally described as Pt Lot 1 DP78609, and comprising approximately 7.8 ha (**South Campus**). The South Campus is the subject of Designation 6102 – Auckland University of Technology South Campus in the Auckland Unitary Plan (**AUT Designation**). The Minister of Education (**the Minister**) is the requiring authority for the AUT designation and has made a separate submission on the NoR.
4. The purpose of the AUT Designation is *“the construction, undertaking, establishment, management, operation and maintenance of a tertiary educational facility and every use of the land for educational and ancillary purposes”*.
5. AUT established its South Campus to improve access to and success in university education for South Aucklanders, many of whom experience considerable socio-economic and educational disadvantage. The Campus plays a critical role in the Government’s National Education and Learning Priorities and Tertiary Education Strategy, by reducing barriers to education for all, including Māori and Pacific learners, through providing a university campus in the heart of South Auckland.
6. As the AUT Designation is already in place, AT will require the consent of the Minister to undertake works affecting that Designation (s 177(1)(a) RMA). In August 2022, AUT met in good faith with representatives of Supporting Growth prior to lodgement of the NoR and provided significant information about AUT’s development proposals. AUT also suggested the outline of an agreement to manage the interaction between the two designations and sought Supporting Growth’s response on that, as well as further information relating to the NoR.¹ Unfortunately, Supporting Growth did not respond to that invitation or request.
7. While the earlier designation could be relied on under s 177 RMA to avoid works that would prevent or hinder development or operation of the South Campus, it is the preference of both AUT and the Minister to ensure the effects associated with the NoR are appropriately addressed at this stage, with a view to avoiding or mitigating any adverse effects on the South Campus.

Effects on the South Campus

Insufficient information to assess effects

8. The NoR lacks appropriate information to allow AUT to fully understand the effects on the South Campus. It is requested that AT provide these as soon as possible.
9. The NoR proposes to designate 2,374m² of land occupied by the South Campus. It is understood that this area is required for construction and that the final designation boundary may eventually be pulled back, however this is unclear from the NoR and requests to Supporting Growth for information in this regard have not been responded to. AUT has also requested information about construction methodology and access in order to inform its submission, but no response has been provided.
10. A concept plan provided to AUT prior to lodgement of the NoR shows batters outside the proposed designation footprint which intrude further into the Campus and over existing infrastructure (see plan

¹ Supporting Growth is the alliance responsible for delivering the A2B Project, with AT being the requiring authority member.

attached). This calls into question the accuracy of the information provided, what is actually proposed and whether the works can realistically be contained to the footprint sought. Clarification, or correction of the plans to show all works as being within the footprint, is requested.

11. AUT has substantial plant and underground infrastructure in the area subject to the NoR, and it is unclear whether or how the works may impact on that infrastructure.
12. The topography in the vicinity of the South Campus means the road proposed by the NoR will require a substantial retaining wall along the Great South Road frontage. AUT's understanding is that this wall could be up to 10 metres in height. The NoR lacks appropriate information on the intended dimensions and design of the wall, as well as lacking an assessment of its effects.
13. It is not clear how the main pedestrian access, located at the southern corner of the campus at the intersection of Great South Road and Te Irirangi Drive, will be impacted by the retaining wall and proposed designation boundary.

Adverse effects associated with construction

14. Construction of the proposed works has the potential to have significant adverse noise, vibration, and visual effects, including on students and other community users of the Campus.
15. There is also at least one building (MF Building) which is identified in the Vibration Report accompanying the NoR as being within the 2mm/s contour and therefore exposed to adverse vibration effects.
16. AUT are unclear what portion of the campus might be required for construction works and how this might impact on its day-to-day operations.
17. AUT is concerned that construction should not present a barrier to access to the Campus. Construction is proposed along two frontages of the Campus and there is the potential for access to be significantly adversely affected, including pedestrian, cycle and vehicular.

Adverse effects associated with the works

18. The works have the potential to have adverse noise effects on users of the South Campus, including those using the outdoor areas of the Campus. Identification of the South Campus as a Protected Premise or Facility may be insufficient to appropriately address noise effects on the South Campus given the educational and community focus of the site.
19. The works also have the potential for adverse visual effects on the South Campus, noting that the NoR encompasses a stand of mature trees along the Te Irirangi Drive frontage, which will be required to be removed.
20. The works affect the Te Irirangi Drive/Great South Road intersection, which forms the principal pedestrian access to the Campus and has been deliberately designed to be open to the community. The closing off of this access will have adverse urban design outcomes and reduced visibility to the site has CPTED outcomes which need to be appropriately assessed and addressed.
21. As noted above, it is understood that a large retaining wall is proposed along the Great South Road frontage of the South Campus. This is expected to have significant adverse visual and amenity effects for users of the Campus and the community generally and to adversely affect the amenity associated with the South Campus.

22. The wall is also likely to present a significant barrier to access for cyclists and pedestrians especially those with existing mobility challenges.
23. The extent of the NoR will impact on future development plans for the South Campus by permanently restricting a planned key road circulation route.
24. Significant underground and above ground infrastructure located within the vicinity of the MH building, will be impacted by the works associated with the NoR.

Extended lapse period opposed

25. A 15-year lapse period is proposed for the NoR. While AUT understands the rationale for the extended period, it is considered the effects outlined above will be exacerbated by the uncertainty as to whether the works will proceed at all, and if so, the form they will take. This will have significant impacts on the ability to undertake forward planning for this site.
26. In the absence of a definite timeframe for implementation of the works, AUT cannot properly factor the works, particularly the retaining wall, into its Campus design.

Relief sought

27. AUT seeks the following relief:
 - (a) Supporting Growth / AT provide further information on:
 - The maximum final extent of land to be acquired by AT from the South Campus;
 - Maximum dimensions of the retaining wall on Great South Road;
 - Visual depictions of how the retaining wall will appear when viewed from the Campus, including a shading assessment;
 - Construction methodology & layout areas including whether access is proposed over the South Campus, and how this is proposed to be managed;
 - Construction effects including effects on all campus facilities including MF Building;
 - Clarification as to whether stormwater modelling takes account of the retaining wall, and if not, updated modelling accounting for this.
 - (b) Appropriate conditions be imposed to fully mitigate effects on the South Campus as outlined above, and any further effects that may be identified through the provision of further information;
 - (c) That the designation is clearly identified as secondary to the South Campus Designation;
 - (d) The lapse date be reduced to the standard 5-year period.
28. In the event that the relief sought is not granted, that the NoR be withdrawn insofar as it overlies or affects the South Campus.
29. AUT wishes to be heard in support of its submission.

30. It is likely that AUT and the Minister of Education will present a joint case.



Signed on behalf of Auckland University of Technology

Date: 6 April 2023

Address for Service:

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21 February 2024

David Wong
Senior Policy Planner
Central/South Planning Unit - Plans and Places
Auckland Council
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Dear David

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

Thank you for your letter dated 18 December 2023 advising of the recommendations of the Auckland Council Independent Hearing Commissioners in relation to the four Auckland Transport Notices of Requirement that comprise part of the Airport to Botany Bus Rapid Transit Project:

- NoR 1 – Airport to Botany Bus Rapid Transit from Botany to Rongomai Park;
- NoR 2 – Airport to Botany Bus Rapid Transit from Rongomai Park to Puhinui Station (in the vicinity of Plunket Avenue);
- NoR 3 – Airport to Botany Bus Rapid Transit from Puhinui Station (in the vicinity of Plunket Avenue) to State Highway 20/20B Interchange; and
- NoR 4a – Airport to Botany Bus Rapid Transit from the State Highway 20/20B Interchange to Orrs Road.

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

Pursuant to Section 172 of the Resource Management Act 1991, Auckland Transport accepts in part the Commissioners' recommendations in relation to the Notices of Requirement other than the conditions specifically addressed in the table below.

The table sets out the modifications made by Auckland Transport to the Notices of Requirement conditions recommended by the Commissioners on 18 December 2023 and the reasons for the modifications. Only those conditions that Auckland Transport has modified in response to the recommendation made by the Commissioners are outlined in the table below. Complete sets of designation conditions, including all modifications made and a clean set as a result of the Auckland Transport decision, are **attached** to this letter as **Appendices B – E**.



Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners for NoRs 1 – 4a

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
All	Abbreviations and definitions	<p>Certification of material changes to management plans and CNVMP Schedules</p> <p>Confirmation from the Manager that a material change to a plan or CNVMP Schedule has been prepared in accordance with the condition to which it relates.</p> <p>A material change to a management plan or CNVMP Schedule shall be deemed certified:</p> <p>(a) where the Requiring Authority has received written confirmation from Council that the material change to the management plan is certified; or</p> <p>(b) <u>ten working days from the submission of the material change to the management plan where no written confirmation of certification has been received.</u></p> <p>(c) <u>five working days from the submission of the material change to a CNVMP Schedule where no written confirmation of certification has been received.</u></p>	<p>Reject deletion of clauses (b) and (c) – Auckland Transport does not consider the proposed deletion of clauses (b) and (c) are appropriate. The Commissioners did not provide an evidential basis for the deletion of clauses (b) and (c). Auckland Transport considers that these clauses are necessary to ensure that construction works are not unreasonably delayed. Auckland Transport is experienced in implementing large scale infrastructure projects and in reality, it will be communicating regularly with the Council Monitoring Officer. Any likely material changes to management plans will be flagged as they occur.</p>
All	3 ¹	<p>Land use Integration Process</p> <p>(a) The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation and the Start of Construction. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the designation. To achieve this purpose:</p> <p>(i) Within twelve (12) months of the date on which this designation is included in the AUP, the Requiring Authority shall include the contact details of a nominated contact on the project website (or equivalent information source) required to be established by Condition (2)(a)(iii).</p> <p>(ii) The nominated contact shall be the main point of contact for a Developer or Development Agency wanting to work with the Requiring Authority to integrate their development plans or master planning with the designation.</p> <p>...</p> <p>(e) Where a Developer and Development Agency wishes to advance development plans, the Requiring Authority shall:</p> <p>(i) engage with the Developer or Development Agency in good faith to consider how the designation can integrate with the development plans;</p> <p>(ii) use all reasonable endeavours to advance the design of the relevant part of the designation to understand how it can integrate with the development plans; and</p> <p>(iii) use all reasonable endeavours to minimise the impact of the designation on development plans (including, but not limited to, considering design and construction methods to minimise the loss of land available for the development plans).</p> <p>...</p> <p>(f) The nominated contact shall maintain a record of the engagement between the Requiring Authority and Developers and Development Agencies for the period following the date in which this designation is included in the AUP through to the Start of Construction for a Stage of Work. The record shall include:</p> <p>....</p> <p>(iv) details of any agreed changes to achieve integration with development plans</p>	<p>Reject addition of clause (e) and (f)(iv) – Auckland Transport does not consider the proposed addition of clauses (e) and (f)(iv) are necessary. The Commissioners did not provide any justification for the amendments made to the Land use Integration Process (LIP) condition, nor did they state any concerns regarding the condition as proposed. Auckland Transport also notes that the changes sought by the Commissioners, in particular the requirement for the Requiring Authority to ‘use all reasonable endeavours’ to advance a development and minimise the impact that the Project will have on development plans goes well beyond the prevent or hinder test that is set out in section 176 of the RMA. Auckland Transport considers that the LIP condition that it proposes will complement the section 176 process and does not override this requirement.</p> <p>Auckland Transport has been clear in evidence and legal submissions² that no further design work will be undertaken and no design decisions will be made prematurely. With funding for the next stages of the Project yet to be allocated, progressing the design at this stage would be inappropriate. The LIP condition is an innovative mechanism proposed by Auckland Transport to assist with the integration of future development located adjacent to the Project. The LIP, together with the section 176 approval process, will effectively bridge the gap between the concept and detailed stages of designs for those who genuinely require further information prior to project implementation to enable their development (or master plans) to proceed.</p> <p>Auckland Transport notes that examples have been presented throughout the hearing process which effectively demonstrate how the LIP will work in practice. These examples include:</p> <ul style="list-style-type: none"> - Murdoch Newell Development Limited at 33 Lambie Drive; and - Altrend Properties Limited at 352-358 Puhinui Road. <p>In both scenarios, the Developers had development plans that were well progressed and collaboratively worked with the Requiring Authorities to achieve an integrated land use and transport outcome.</p> <p>Therefore, Auckland Transport considers that all the matters raised in clauses (e)(i) – (e)(iii) and (f)(iv) are addressed through the existing conditions.</p>

¹ Condition 3 – All NoRs

² Closing Submissions on behalf of Auckland Transport and NZ Transport Agency Waka Kotahi dated 10 October 2023 at [2.5].

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
All	4 ³	<p>Designation Review</p> <p>(a) The Requiring Authority shall, within 12 months of lodgement of the outline plan of works</p> <p style="padding-left: 40px;">(i) in conjunction with the landowner(s) review the extent of designation required for construction purposes and identify any areas that are no longer required for construction or operation of the Project; and</p> <p style="padding-left: 40px;">(ii) identify an indicative final operational area boundary so that adjacent landowners and occupants will be able to understand how much land is permanently required for the BRT.</p> <p>(b) The Requiring Authority shall within 6 months of Completion of Construction or as soon as otherwise practicable:</p> <p style="padding-left: 40px;">(i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and</p> <p style="padding-left: 40px;">(ii) give notice to Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.</p>	<p>Reject addition of clause (a)</p> <p>Auckland Transport does not consider that the Commissioners' recommended additions are necessary.</p> <p>Both clauses (a)(i) and (a)(ii) are addressed through PWA processes. Mr van der Ham confirmed in his evidence⁴ and explained during the hearing that once detailed design has been confirmed (which will occur prior to lodgement of the outline plan), land requirement plans will be prepared which show the areas of land to be permanently acquired and any additional land to be temporarily occupied.</p> <p>Auckland Transport staff will engage with the affected landowner to advise them of their rights and entitlements under the Public Works Act and are experienced in doing so.</p> <p>Where Auckland Transport needs to occupy a portion of a property on a temporary basis to construct the Project, it will typically acquire a lease or licence to occupy the relevant portion of the property for a temporary period and the landowner will be paid rent for the duration of this period. At this point, it will be apparent that this portion of the property will not be permanently required for the Project.</p>
All	5 ⁵	<p>Lapse</p> <p>In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 4015 years from the date on which it is included in the AUP.</p>	<p>Reject amendment to lapse date</p> <p>Auckland Transport rejects the recommendation made by the Commissioners to reduce the lapse period from 15 years to 10 years. The Commissioners have provided no evidential basis to support this reduction or to explain how a reduction of 5 years would address uncertainty for affected landowners or bring forward funding for the Project.</p> <p>As explained in evidence,⁶ the 15 year lapse period has been carefully determined using a range of considerations including:</p> <ul style="list-style-type: none"> - The time required to secure funding which is allocated at a national and regional level (i.e. through the Auckland Regional Land Transport Plan); - The time required to undertake detailed design; - The process for and time required to acquire the property interests required for the Project, including the negotiation of leases and licences required for temporary occupation; and - The implementation timeframes set out in the Single Stage Business Case. <p>As acknowledged by the Commissioners, the proposed designation conditions, together with other mechanisms available to the Requiring Authority, are able to manage the effects of a longer lapse period. These include:</p> <ul style="list-style-type: none"> - Condition 2 – Project information; - Condition 3 – Land use Integration; - Condition 12 – Stakeholder Communication and Engagement Management Plan; - Section 176 approval process to enable future development within the designation; and - Early acquisition policy. <p>Auckland Transport maintains that a 15 year lapse period is appropriate.</p>
All	9 ⁷	<p>Outline Plan</p>	<p>Reject addition of clause (e) – Auckland Transport does not consider the proposed additional clause (e) is necessary. Auckland Transport considers that</p>

³ Condition 4 – All NoRs

⁴ Primary Evidence of Mark van der Ham dated 22 June 2023 at [3.9].

⁵ Condition 5 – All NoRs

⁶ Primary Evidence of Adam Jellie dated 22 June 2023 at [11.27]; Rebuttal Evidence of Adam Jellie dated 1 August 2023 at [4.6]- [4.16].

⁷ Condition 9 – NoRs 1-3, Condition 8 – NoR 4a

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA.</p> <p>(b) Mana Whenua shall be invited as partners to participate in the preparation of an Outline Plan (or Plans).</p> <p>(c) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the Project.</p> <p>(d) Outline Plans shall include all management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include:</p> <ul style="list-style-type: none"> (i) Network Utilities Management Plan; (ii) Construction Environmental Management Plan; (iii) Construction Traffic Management Plan; (iv) Construction Noise and Vibration Management Plan; (v) Urban and Landscape Design Management Plan; (vi) Historic Heritage Management Plan; (vii) Ecological Management Plan; (viii) Tree Management Plan; (ix) Network Utilities Management Plan; and (x) Development Response Management Plan. <p>(e) Outline Plans (or Plan) shall include details of where retaining walls will replace proposed cut/fill batters, at the Project edges. Earthworks and batters should be designed in consultation with property owners to minimise the land required for the works and the utilisation of retaining walls in preference to batters should be investigated to minimise impacts on the adjacent land. Retaining walls should be considered rather than a batter slope in areas where space is limited. This needs to be undertaken on a site-by-site basis and ensure property access and flood risk are not adversely affected.</p>	<p>boundary treatment is a matter more appropriately addressed through the Urban Landscape Design Management Plan (ULDMP). Detailed design for the Project will be undertaken before any Outline Plan is lodged. Auckland Transport provided comprehensive evidence by Mr Mason that this is the most appropriate time to consider boundary treatment⁸ for a number of reasons.</p> <p>In this regard, Auckland Transport notes that to achieve the objective of the ULDMP, details need to be provided on how the project is designed to ...<i>integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (i.e. centres and density of built form)</i>...⁹ In addition, key stakeholders will be invited to participate in the preparation of the ULDMP six months prior to the start of detailed design.</p> <p>Amendment to ULDMP – While the ULDMP requires landscape and urban design details regarding the road design and associated earthworks, Auckland Transport recognises that the appropriateness of the use of retaining walls will be determined at this time and has clarified this through amendments made to the ULDMP condition as shown below:</p> <p>...</p> <p>(h) The ULDMP(s) shall include:</p> <p>...</p> <p>(iii) landscape and urban design details that cover the following:</p> <p>...</p> <p>A. road design – elements such as:</p> <ul style="list-style-type: none"> a.intersection form; b.carriageway gradient and associated earthworks; c.contouring including cut and fill batters, retaining walls and their interface with adjacent land uses;
All	10 ¹⁰	<p>Management Plans</p> <p>...</p> <p>(a) Any management plan developed in accordance with Condition 10 may:</p> <ul style="list-style-type: none"> (↔) be submitted in parts or in stages to address particular activities (e.g. design or construction aspects) a Stage of Work of the Project, or to address specific activities authorised by the designation noting that condition 10(a)(vi) applies in all cases (i.e. a new or amended OPW will also be required); <p>...</p> <p>(d) Any material changes to the SCEMP(s) are to be submitted to the Council for certification information.</p>	<p>Reject additions proposed to clause (a)(v) – Auckland Transport considers that the additions proposed are not necessary. The Management Plan condition clearly requires any management plan to be submitted with the Outline Plan, with the exception of the Stakeholder Communication Engagement Management Plan (SCEMP) and the Construction Noise and Vibration Management Plan Schedules.</p> <p>Reject change from information to certification of material changes to the SCEMP – Discussed in detail below in relation to the Stakeholder Communication and Engagement Management Plan.</p>
All	12 ¹¹	<p>Stakeholder Communication and Engagement Management Plan</p> <p>(a) A SCEMP shall be prepared in consultation with stakeholders, community groups and organisations prior to the Start of Construction any Outline Plan being submitted.</p>	<p>Reject addition of clauses (b)(i) – (b)(iii) - The Commissioners have not justified their recommendation to broaden the scope of the SCEMP beyond its clearly stated purpose. Auckland Transport considers that the additions proposed by the Commissioners undermine the intent of the condition which is to manage how</p>

⁸ Primary Evidence of Robert Mason dated 22 June 2023 at [9.21].

⁹ ULDMP – Condition 13/14 (f)(i)

¹⁰ Condition 10 – NoRs 1-3, Condition 9 – NoR 4a

¹¹ Condition 12 – NoRs 1-3, Condition 11 – NoR 4a

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(b) The objectives of the SCEMP is are to: identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be engaged with prior to and throughout the Construction Works.</p> <p>(i) Develop, maintain and build relationships with the wider public and diverse stakeholders (including directly affected and adjacent landowners e.g. Businesses, community organisations, householders and their tenants);</p> <p>(ii) provide opportunities for those new to the area to find out about and engage with the project;</p> <p>(iii) identify how the public and diverse stakeholders will be proactively engaged with prior to and throughout the Construction Works and the purpose of each engagement.</p> <p>(c) To achieve the objective of the SCEMP:</p> <p>(i) At least 18 months prior to any Outline Plan 6 months prior to the start of detailed design for a Stage of Work being submitted, the Requiring Authority shall identify:</p> <p>A. a list of the properties within the designation which the Requiring Authority does not own or have occupation rights to whose owners will be engaged with;</p> <p>B. a list of key stakeholders, community groups, organisations and businesses who will be engaged with; and</p> <p>C. methods to engage with key stakeholders, community groups, organisations, businesses and the owners of properties identified in (c)(i)A above.</p> <p>D. methods and timing to engage with landowners and occupiers whose access is directly affected [RECLOSED]</p> <p>E. assistance to be provided to stakeholders, individuals, community groups, organisations and businesses to ensure they are able to engage effectively. This could include the provision of independent advisors, experts and translators;</p> <p>(ii) a record details of (c)(i) shall be submitted with an Outline Plan for the relevant Stage of Work included in the SCEMP</p> <p>(iii) The SCEMP shall include:</p> <p>A. the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s);</p> <p>B. the procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;</p> <p>C. details of opportunities to strengthen the relationship between Mana Whenua, key stakeholders and the wider community;</p> <p>D. methods and timing to engage with landowners whose access is directly affected;</p> <p>E. methods to communicate key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified in (b)(i) above; and</p> <p>F. linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant.</p> <p>(d) Any SCEMP prepared for a Stage of Work shall be submitted to Council for certification information ten working days prior to the Start of Construction for a Stage of Work.</p>	<p>stakeholders will be engaged with during construction works. Notwithstanding this, the issues sought to be addressed by the additions of clauses (b)(i) – (iii) are sufficiently addressed through the Project Information condition.</p> <p>Reject addition of clause (c)(i)(D) – Auckland Transport does not consider the proposed addition to be necessary. When funding for the Project is confirmed, the property acquisition process is likely to commence soon after. As part of this process, Auckland Transport encourages affected landowners to obtain independent advice and reasonable costs will be reimbursed through the PWA.</p> <p>Reject amendment to clause (d) – Auckland Transport agrees with the Commissioners that Auckland Council should have some oversight of the identification of key stakeholders, community groups, organisations, businesses and the owners of properties and how they are proposed to be engaged. As such, Auckland Transport proposes amendments to the SCEMP condition to require a record of this identification process to be submitted with an Outline Plan refer to (c)(i) and (c)(ii).</p>
All	13 ¹²	<p>Development Response Management Plan</p> <p>...</p> <p>(e) To achieve the objective, the DRMP shall include: [...]</p> <p>(vi) recommended measures to mitigate effects on the operation and financial wellbeing of community organisations and sports clubs;</p> <p>(vii) recommended measures to provide support for anxiety and mental health outcomes;</p> <p>(viii) recommended hardship assistance package and hardship fund to be available for compensation of landowners, tenants, adjacent property owners and details of how people will qualify for any assistance.</p> <p>(ix) recommended assistance for tenants, leaseholders or owners who are asked to move during the works.</p>	<p>Reject additions of clause (e)(vi) – (ix) – The Commissioners recognised and acknowledged in their recommendation that the Development Response Management Plan (DRMP) is focussed on business disruption effects from the Project only.¹³ Auckland Transport does not consider that the proposed additions which broaden the scope of the DRMP condition are justified. Notwithstanding this, the matters that the proposed additions attempt to address will be addressed through the PWA process, as set out in the evidence of Mr van der Ham.¹⁴</p>

¹² Condition 13 – NoRs 1-3

¹³ Airport to Botany Bus Rapid Transit Project Recommendation at [329] and [342].

¹⁴ Primary Evidence of Mark van der Ham dated 22 June 2023 at [3.9].

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
All	14 ¹⁵	<p>Urban and Landscape Design Management Plan</p> <p>....</p> <p>(h) The ULDMP(s) shall include:</p> <p>(i) a concept plan which depicts the overall landscape and urban design concept, and explains the rationale for the landscape and urban design proposals;</p> <p>(ii) developed design concepts, including principles for walking and cycling facilities and public transport; and</p> <p>(iii) a connectivity and severance assessment of key destinations and desire lines for people walking and cycling across and along the Project; and</p> <p>(iv) (iii) landscape and urban design details that cover the following:</p> <p>A. road design – elements such as:</p> <p>a. intersection form;</p> <p>b. carriageway gradient and associated earthworks;</p> <p>c. contouring including, cut and fill batters, retaining walls and their interface with adjacent land uses;</p> <p>d. benching;</p> <p>e. spoil disposal sites;</p> <p>f. median width and treatment; and</p> <p>g. roadside width and treatment;</p> <p>B. roadside elements – such as lighting, fencing, wayfinding and signage;</p> <p>C. architectural and landscape treatment of all major structures, including bridges and retaining walls;</p> <p>D. architectural and landscape treatment of noise barriers;</p> <p>E. landscape treatment of permanent stormwater control wetlands and swales;</p> <p>F. integration of passenger transport;</p> <p>G. pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses;</p> <p>H. property access – including how access to the site and adjacent sites is affected, what changes are proposed and what provision has been made to retain existing levels of amenity and functionality;</p> <p>I. historic heritage places with reference to the HHMP in (Condition 26); and</p> <p>J. re-instatement of construction and site compound areas, driveways, accessways and fences.</p>	<p>Reject addition of (h)(iii) – Auckland Transport does not consider the Commissioners' recommendation provides adequate justification as to why the scope of this condition should be broadened. The issues that the proposed amendments seek to cover are already sufficiently addressed through the Urban Landscape and Design Management Plan (ULDMP). Auckland Transport considers the proposed amendments are unnecessary for the following reasons:</p> <ul style="list-style-type: none"> Walking and cycling facilities are a key outcome of the Project along the full extent of the Project corridor to support the bus rapid transit. The provision of cross corridor movement is already provided for by clause h(iii)(G) in the ULDMP which requires that details are provided of pedestrian and cycle facilities including paths, road crossings. The provision of desire lines is covered through clause (h)(ii) which requires the ULDMP to include principles for walking and cycling facilities. Key stakeholders (e.g. Kāinga Ora) will have an opportunity to provide input to the ULDMP at least six months prior to the start of detailed design. <p>Reject addition of clause (h)(iii) H – Auckland Transport considers that the addition of clause (h)(iii)(H) is not justified. The Commissioners acknowledged that the specific Existing Property Access condition (Condition 16¹⁶) is “sufficient to ensure future property access”.¹⁷</p>
All	15 ¹⁸	<p>Flood Hazard</p> <p>(a) The Project shall be designed to achieve the following flood risk outcomes:</p> <p>(i) no increase in flood levels in a 1% AEP event for existing authorised habitable floors that are already subject to flooding or have a freeboard less than 150mm;</p> <p>(ii) no more than a 10% reduction in freeboard in a 1% AEP event for existing authorised habitable floors with to maintain a minimum freeboard of over 150mm;</p> <p>(iii) no increase in flood levels in a 1% AEP event for existing authorised community, commercial and industrial building floors that are already subject to flooding;</p>	<p>Reject and amend in part – In their recommendation, the Commissioners acknowledged that a “large degree of agreement” had been reached on the wording of the Flood Hazard condition and the only outstanding matter related to the maximum acceptable flood hazard for a main access to a habitable dwelling.¹⁹ Since the hearing, discussions have been ongoing with the Auckland Council Healthy Waters Team at a programme wide level (across all Te Tupu Ngātahi projects) and Auckland Transport has proposed amendments to the flood hazard condition to reflect these discussions.</p>

¹⁵ Condition 14 – NoRs 1-3, Condition 12 – NoR 4a

¹⁶ Condition 16 – NoRs 1-3, Condition 14 – NoR 4a

¹⁷ Airport to Botany Bus Rapid Transit Project Recommendation at [357].

¹⁸ Condition 15 – NoRs 1-3, Condition 13 – NoR 4a

¹⁹ At [325].

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(iv) no more than a 10% reduction in freeboard in a 1% AEP event for existing authorised community, commercial and industrial building floors;</p> <p>(i) no increase maximum of more than 50mm increase in flood level in a 1% AEP event on land zoned for urban or future urban development where there is no existing dwelling outside and adjacent to the designation boundaries between the pre and post Project scenarios;</p> <p>(ii) no increase in 10% AEP flood levels for existing authorised habitable floors that are at risk of flooding;</p> <p>(iii) no new flood prone areas; and</p> <p>(iv) no more than a 10% average increase of flood hazard for main access to existing authorised habitable dwellings existing at the time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP event, where depth is greater than 0.5m or velocity is greater than 2.0 m/s or the product of velocity and depth is greater than 0.5m²/s. For areas with lower flood hazard, no more than a 10% average increase in flood hazard for main access to authorised habitable dwellings existing at time the Outline Plan is submitted. Where Flood Hazard is:</p> <p>A. velocity x depth is greater than or equal to 0.6; or</p> <p>B. depth is greater than 0.5m; or</p> <p>C. velocity is greater than 2m/s.</p> <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 10 year and 100 year ARI 1% AEP flood levels (for Maximum Probable Development land use and including climate change).</p> <p>(c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.</p>	
All	16 ²⁰	<p>Existing Property Access</p> <p>(a) Where existing property vehicle access which exists at the time the Outline Plan is submitted is proposed to be altered by the project, the Requiring Authority shall consult with the directly affected landowner regarding the required changes. The Outline Plan shall demonstrate how safe access will be provided, unless otherwise agreed with the affected landowner.</p> <p>(b) The Project shall not result in the removal of access to loading bays for commercial buildings or the restriction of internal access to loading bays.</p>	<p>Reject addition of clause (b) – The Commissioners concluded that the PWA is able to mitigate effects related to the loss of parking, internal access and loading.²¹ Auckland Transport therefore considers that clause (b) is not justified and notes that access to loading bays is a specified matter in the Construction Traffic Management Plan condition.</p>
All	20 ²²	<p>Construction Traffic Management Plan</p> <p>(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include:</p> <p>...</p> <p>(iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours (for example on roads serving educational facilities during pick up and drop off times) to manage vehicular and pedestrian traffic near educational facilities or to manage traffic congestion. The CTMP must ensure that there is no Project heavy construction traffic using the roads serving educational facilities during pick up and drop off times applicable to each school.</p> <p>...</p> <p>(xii) methods to maintain key vehicle access routes within sites within the designation extent to ensure business operations on affected sites can continue in a viable manner during construction works.</p>	<p>Reject addition of clause (b)(iii) and (xii) – Auckland Transport does not consider the proposed amendments to clauses (b)(iii) and (xii) are necessary. Auckland Transport notes that the issues that are covered by the amendments proposed by the Commissioners are already addressed through the Construction Traffic Management Plan.</p>
NoR 4a	48B	<p>Prices Road</p> <p>(a) Full road access must be maintained between Puhinui Road / SH20B and Prices Road until alternative road network connection is created between Prices Road and the Campana Road intersection with Puhinui Road / SH20.</p>	<p>Reject new condition. Auckland Transport does not consider the proposed condition is necessary. Auckland Transport and NZ Transport Agency Waka Kotahi (NZTA) are legally obliged through various statutory requirements to ensure access to properties is enabled.</p> <p>Auckland Transport and NZTA also have the authority to make changes to the road reserve independently of this Project. As an example, there is not currently</p>

²⁰ Condition 16 – NoRs 1-3, Condition 14 – NoR 4a

²¹ At [374].

²² Condition 20 – NoRs 1-3, Condition 18 – NoR 4a

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
			'full road access' between Prices Road and SH20B as the right turn from Prices Road to SH20B is banned. In addition, Auckland Transport considers that the Existing Property Access condition addresses potential impacts on existing access and this was acknowledged by the Commissioners. ²³
All	31 ²⁴	Low Noise Road Surface (a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project. (b) Any future resurfacing works of the Project shall be undertaken in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 or any updated version and asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented where: (i) the volume of traffic exceeds 10,000 vehicles per day; or (ii) the road is subject to high wear and tear (such as cul-de-sac heads, roundabouts and main road intersections); or (iii) it is in an industrial or commercial area where there is a high concentration of truck traffic; or (iv) it is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools. (c) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 31(b)(i) – (iv) are not met by the road or a section of it and therefore where the application of asphaltic concrete surfacing (or equivalent low noise road surface) is no longer required on the road or a section of it. Such advice shall also indicate when any resealing is to occur.	Reject deletion of clauses (b) and (c), reinstated as a new condition – The Commissioners have not provided a rationale for the deletion of clauses (b) and (c), Auckland Transport notes that Auckland Council accepted the original drafting of this condition. Notwithstanding the above, Auckland Transport agrees in principle that resurfacing should be separated from the implementation of a low noise road surface and has proposed a new condition to decouple these matters (refer to Appendices B – E for new condition on all NoRs (Condition 32 ²⁵)).
All	-	Notwithstanding the above applying to PPFs in Schedule 2 existing as at 2022, conditions 32 to 43 shall be read as also including a requirement for the future BPO assessment to determine the BPO for the environment that is present prior to construction starting provided that the Requiring Authority is not responsible for acoustically treating dwellings that are constructed following the lodgement of the NoR.	Reject amendments to traffic noise conditions Auckland Transport rejects the amendments to these traffic noise conditions and notes that the proposed conditions on the designations appropriately provide for assessing road traffic noise during detailed design. This has been discussed extensively through the evidence ²⁶ provided by Auckland Transport and the legal submissions. ²⁷
All	34 ²⁹	As part of the detailed design of the Project, a Suitably Qualified and Experienced Person shall determine the Selected Mitigation Options for the PPFs identified on Schedule 2: Identified PPFs Noise Criteria Categories. For the avoidance of doubt, the low noise road surface implemented in accordance with Condition 31 may be (or be part of) the Selected Mitigation Option(s). Barriers may also be (or be part of) the Selected Mitigation Options(s).	Auckland Transport notes that the NoRs traverse an environment that is highly urbanised and receives high noise levels from existing roads as well as aircraft. In this regard, and as set out in the evidence of Ms Wilkening, appropriate noise attenuation for new dwellings being established close to existing roads (with current high noise levels) should be included at the time these dwellings are constructed. ²⁸ When the Project will be implemented, Auckland Transport has proposed designation conditions which require the implementation of a low noise road surface which will benefit both existing and future receivers. The proposed conditions also provide for the Best Practicable Option (beyond road surface material if required and appropriate) to be assessed closer to construction of the Project, for those PPFs set out in the relevant schedule of the proposed designation conditions.
All	38 ³⁰	Prior to the Start of Construction, a Suitably Qualified Person shall identify those PPFs which, following implementation of all the Detailed Mitigation Options, will not be Noise Criteria Categories A or B and where Building-Modification Mitigation might be required to achieve 40 dBLAeq(24h) inside Habitable Spaces ('Category C Buildings'). This does not include those dwellings constructed after the lodgement of the NoR.	
NoR 1, NoR 2 and NoR 3	44	Affected person assistance	Reject new condition – Auckland Transport does not consider the proposed new condition to be justified. As set out in Mr van der Ham's evidence ³¹ and the closing legal submissions, ³² there are mechanisms provided through the PWA to ensure that the power to acquire land is exercised responsibly, fairly and in a just manner. ³³

²³ At [357].

²⁴ Condition 31 – NoRs 1 and 3, Condition 29 – NoR 2, Condition 27 – NoR 4a

²⁵ Condition 32 – NoR 1 and 2, Condition 30 – NoR 3, Condition 28 – NoR 4a

²⁶ Primary Evidence of Siiri Wilkening dated 22 June 2023 at [9.8].

²⁷ Opening Legal Submissions on behalf of Auckland Transport and NZ Transport Agency Waka Kotahi dated 17 August 2023 at [9.93].

²⁸ Primary Evidence of Siiri Wilkening dated 22 June 2023 at [10.29].

²⁹ Condition 34 – NoR 1 and 2, Condition 32 – NoR 3, Condition 30 – NoR 4a

³⁰ Condition 38 – NoRs 1 and 2, Condition 36 NoR 3, Condition 34 NoR 4a

³¹ Primary Evidence on behalf of Mark van der Ham dated 22 June 2023 at [3.4], [3.9] and [3.11].

³² Closing Legal Submissions on behalf of Auckland Transport and NZ Transport Agency Waka Kotahi dated 10 October 2023 at [3.21] and [3.46].

³³ Primary Evidence of Mark van der Ham dated 22 June 2023 at [3.11].

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		The Requiring Authority shall at its cost provide fully funded independent expert and / or legal professional services to any directly affected residential landowner who wishes to avail themselves of an early purchase of property either through the Requiring Authorities' hardship mechanism or through s185 of the RMA. Details of how people can access these services must be contained on the website required by Condition 2.	
NoR 1	45	Loading Bays The Project shall not result in the removal of access to loading bays for commercial buildings or the restriction of internal access to loading bays.	Reject new condition – Auckland Transport does not consider the proposed new condition to be necessary. Where temporary impacts on access to loading bays and internal circulation within the site are caused by the Project, these issues will be addressed through the Construction Traffic Management Plan condition. Any permanent loss of a private loading bay will be managed through subsequent PWA processes.
NoR 2	45	Z Energy Service Station – Te Irirangi Drive To ensure the operational and functional needs of the Service Station on PT Lot 3 DP 149321 are maintained, the final alignment of the Te Irirangi Drive permanent works corridor shall not extend any further beyond the legal boundary of PT Lot 3 DP 149321 between the points A-B identified in Image A (exclusion area) unless otherwise agreed by the landowner and occupier of PT Lot 3 DP 149321. For clarity, the exclusion area is between the northern boundary with Lot 4 DP 149321 and the southern vehicle crossing on Te Irirangi Drive as it existed at September 2023.	Reject new condition – Auckland Transport does not consider the proposed new condition to be necessary. Given the amendment to the designation boundary at the Z Energy site made during the hearing, the designation boundary no longer extends over the operational area under the forecourt canopy and Hazard Zone 'F' (which applies around the fuel pumps closest to Te Irirangi Drive). Any permanent impacts, for example on-site car parking, landscaping etc. will be managed through subsequent PWA processes.
NoR 3	43	Ranfurly Shops The existing carparks located on the northern side of Puhunui Road outside the Ranfurly shops (151 – 169 Puhunui Road) shall be retained.	Reject new condition – Auckland Transport does not consider the new condition to be necessary. Auckland Transport considers that on street parking is a matter to be considered at the future detailed design stage as a solution may be identified at this time which is different and potentially technically better to what is proposed by the Commissioners' condition. However, as demonstrated in the evidence of Mr Mason, there is sufficient area within the designation boundary to provide for parking in the future if this is considered appropriate at that time.
NoR 4a	40	Designation boundary The Requiring Authority must review the designation boundary on the south side of SH20B between SH 20 and Prices Road and reduce the width of the designation if practicable within 6 months of the designation being confirmed.	Reject new condition – Auckland Transport does not consider the proposed new condition to be necessary. Following the adjournment of the hearing, Auckland Transport has continued discussions with Altrend Properties Limited regarding their development plans. Through these discussions, an agreement has been reached with Altrend Properties Limited with regard to the designation boundaries for NoR 4a (Auckland Transport) and NoR 4b (NZTA). Appendix A shows the updated designation boundary for NoR 4a as it relates to the Altrend Properties Limited site. Auckland Transport are committed to working with Developers to integrate their development plans with the Project and note that the LIP condition appropriately provides for this.

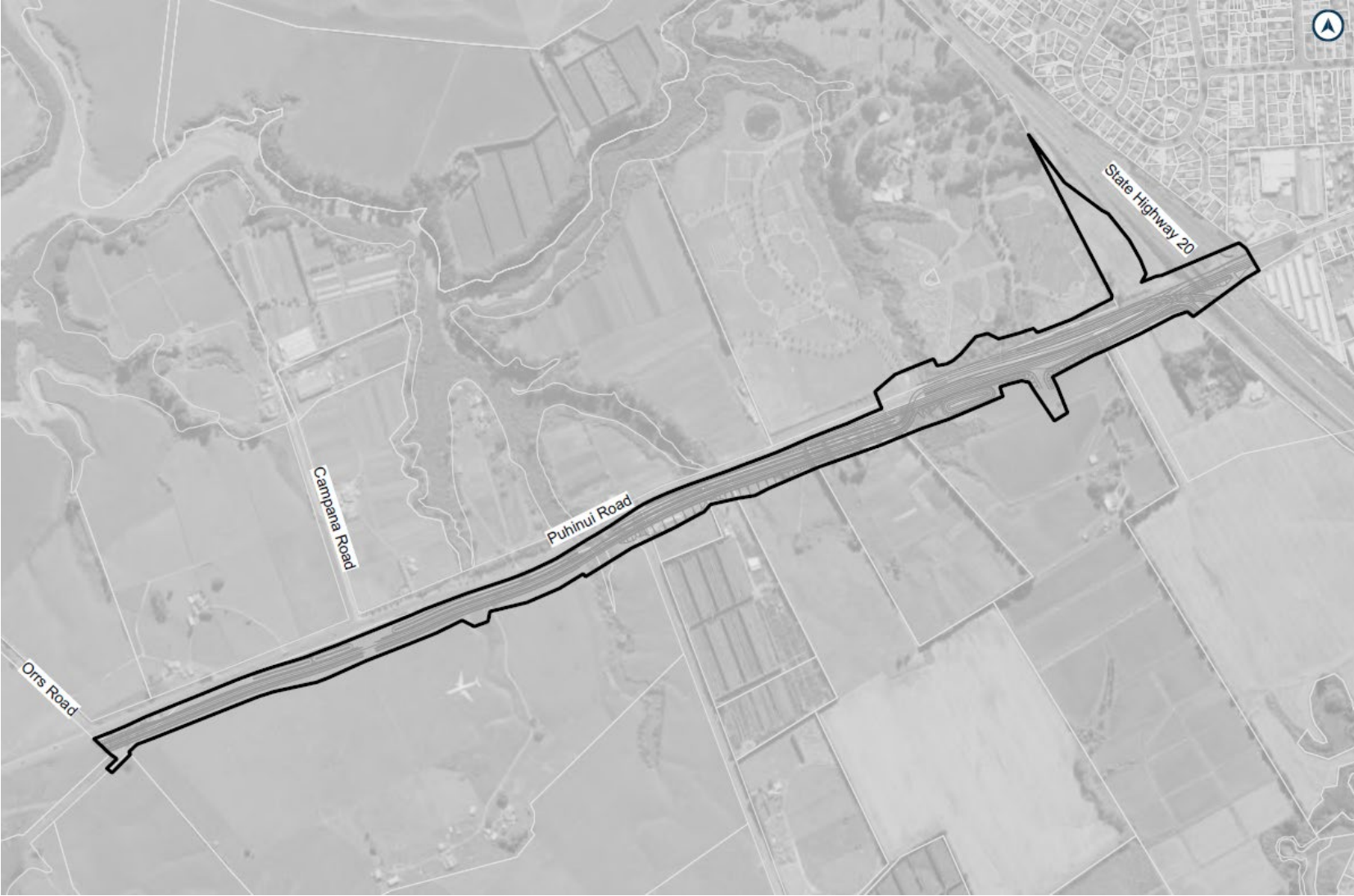
Yours sincerely



Jane Small

Group Manager, Property and Planning

Appendix A – Updated designation boundary NoR 4a



Appendix C – Auckland Transport’s Modifications to NoR 2 conditions (tracked)



Designation XXXX – Airport to Botany Bus Rapid Transit Rongomai Park to Puhinui Station

Designation Number	XXXX
Requiring Authority	Auckland Transport
Location	Rongomai Park to Puhinui Station (in the vicinity of Plunket Avenue)
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.

Purpose

Construction, operation and maintenance of an upgrade to Te Irirangi Drive, Great South Road, Ronwood Avenue, Davies Avenue, Manukau Station Road and Lambie Drive between Rongomai Park and Plunket Avenue for a BRT corridor, walking and cycling facilities and associated infrastructure.

Conditions

Abbreviations and Definitions

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

Council	Auckland Council
CTMP	Construction Traffic Management Plan
Developer	Any legal entity that intends to master plan or develop land adjacent to the designation
Development Agency	Public entities involved in development projects
DRMP	Development Response Management Plan
Educational facility	Facility used for education to secondary level. Includes: (a) schools and outdoor education facilities; and (b) accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above. Excludes: (a) care centres; and (b) tertiary education facilities.
EMP	Ecological Management Plan
EIANZ Guidelines	Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018
Enabling works	Includes, but is not limited to, the following and similar activities: (a) geotechnical investigations (including trial embankments); (b) archaeological site investigations; (c) formation of access for geotechnical investigations; (d) establishment of site yards, site entrances and fencing; (e) constructing and sealing site access roads; (f) demolition or removal of buildings and structures; (g) relocation of services; (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting)
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Identified Biodiversity Area	Means an area or areas of features of ecological value where the Project ecologist has identified that the project will potentially have a moderate or greater level of ecological effect, prior to implementation of impact management measures, as determined in accordance with the EIANZ guidelines
LIP	Land use Integration Process
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate
Mana Whenua	Mana Whenua as referred to in the conditions are considered to be the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the Airport to Botany Bus Rapid Transit Project: (a) Te Ākitai Waiohū (b) Ngāi Tai ki Tamaki (c) Ngāti Te Ata Waiohū (d) Ngāti Whanaunga (e) Ngāti Tamaoho (f) Ngāti Paoa Trust Board (g) Te Ahiwaru (h) Ngāti Tamaterā (i) Ngāti Maru Note: other iwi not identified above may have an interest in the Project and should be consulted
Network Utility Operator	Has the same meaning as set out in section 166 of the RMA
NOR	Notice of Requirement

NUMP	Network Utilities Management Plan
NZAA	New Zealand Archaeological Association
OSMP	Open Space Management Plan
Outline Plan	An outline plan prepared in accordance with section 176A of the RMA
Project Liaison Person	The person or persons appointed for the duration of the Project's Construction Works to be the main point of contact for persons wanting information about the Project or affected by the Construction Works
Protected Premises and Facilities (PPF)	Protected Premises and Facilities as defined in New Zealand Standard NZS 6806:2010: <i>Acoustics – Road-traffic noise – New and altered roads</i>
Requiring Authority	Has the same meaning as section 166 of the RMA and, for this Designation is Auckland Transport
RMA	Resource Management Act (1991)
SCEMP	Stakeholder Communication and Engagement Management Plan
Stage of Work	Any physical works that require the development of an Outline Plan
Start of Construction	The time when Construction Works (excluding Enabling Works) start
Suitably Qualified Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability, experience and competence in the relevant field of expertise.
ULDMP	Urban and Landscape Design Management Plan

No.	Condition
General conditions	
1.	<p>Activity in General Accordance with Plans and Information</p> <p>(a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the Project description and concept plan in Schedule 1</p> <p>(b) Where there is inconsistency between:</p> <p>(i) the Project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail;</p> <p>(ii) the Project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.</p>
2.	<p>Project Information</p> <p>(a) A project website, or equivalent virtual information source, shall be established within 12 months of the date on which <u>as soon as reasonably practicable, and within six (6) months of the inclusion of</u> this designation is included in the AUP.</p> <p>(b) All directly affected owners and occupiers shall be notified in writing <u>as soon as reasonably practicable</u> once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall the status of the Project;</p> <p>(i) anticipated construction timeframes;</p> <p>(ii) contact details for enquiries;</p> <p>(iii) the implications of the designation for landowners, occupiers and business owners and operators within the designation and where they can receive additional advice;</p> <p>(iv) a subscription service to enable receipt of project updates by email; and</p> <p>(v) how to apply for consent for works in the designation under s176(1)(b) of the RMA.</p> <p>(c) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any staging of works.</p>
3.	<p>Land use Integration Process</p> <p>(a) The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation and the Start of Construction. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the designation. To achieve this purpose:</p> <p>(i) within twelve (12) months of the date on which this designation is included in the AUP, the Requiring Authority shall include the contact details of a nominated contact on the project website (or equivalent information source) required to be established by Condition 2(b)(iii); and</p> <p>(ii) the nominated contact shall be the main point of contact for a Developer or Development Agency wanting to work with the Requiring Authority to integrate their development plans or master planning with the designation.</p> <p>(b) At any time prior to the Start of Construction, the nominated contact will be available to engage with a Developer or Development Agency for the purpose of:</p> <p>(i) responding to requests made to the Requiring Authority for information regarding design details that could assist with land use integration; and</p> <p>(ii) receiving information from a Developer or Development Agency regarding master planning or land development details that could assist with land use integration.</p>

	<p>(c) Information requested or provided under Condition 3(b) above may include but not be limited to the following matters:</p> <ul style="list-style-type: none"> (i) design details including but not limited to: <ul style="list-style-type: none"> A. boundary treatment (e.g. the use of retaining walls or batter slopes); B. the horizontal and vertical alignment of the road (levels); C. potential locations for mid-block crossings; D. integration of stormwater infrastructure; E. outputs from any flood modelling; and F. how to access traffic noise modelling contours to inform adjacent development. (ii) potential modifications to the extent of the designation in response to information received through Condition 3(b)(ii) (iii) a process for the Requiring Authority to undertake a technical review of or provide comments on any master planning or development proposal advanced by the Developer or Development Agency as it relates to integration with the Project; and (iv) details of how to apply for written consent from the Requiring Authority for any development proposal that relates to land is within the designation under section 176(1)(b) of the RMA. <p>(d) Where information is requested from the Requiring Authority and is available, the nominated contact shall provide the information unless there are reasonable grounds for not providing it.</p> <p>(e) Where a Developer and Development Agency wishes to advance development plans, the Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) Engage with the Developer or Development Agency in good faith to consider how the designation can integrate with the development plans; (ii) Use all reasonable endeavours to advance the design of the relevant part of the designation to understand how it can integrate with the development plans; and (iii) Use all reasonable endeavours to minimise the impact of the designation on development plans (including, but not limited to, considering design and construction methods to minimise the loss of land available for the development plans). <p>(f) The nominated contact shall maintain a record of the engagement between the Requiring Authority and Developers and Development Agencies for the period following the date in which this designation is included in the AUP through to the Start of Construction for a Stage of Work. The record shall include:</p> <ul style="list-style-type: none"> (i) a list of all Developers and Development Agencies who have indicated through the Notice of Requirement process that they intend to master plan or develop sites along the Project alignment that may require specific integration with the designation; (ii) details of any requests made to the Requiring Authority that could influence detailed design, the results of any engagement and, where such requests that could influence detailed design are declined, the reasons why the Requiring Authority has declined the requests; and (iii) details of any requests to co-ordinate the forward work programme, where appropriate, with Development Agencies and Network Utility Operators. (iv) Details of any agreed changes to achieve integration with development plans. <p>(g) The record shall be submitted to Council for information ten working days prior to the Start of Construction for a Stage of Work</p>
4.	<p>Designation Review</p> <p>(a) The Requiring Authority shall, within 12 months of lodgement of the outline plan of works;</p> <p>(i) in conjunction with the landowner(s) review the extent of designation required for construction purposes and identify any</p>

	<p>areas that are no longer required for construction or operation of the Project; and</p> <p>(ii) identify an indicative final operational area boundary so that adjacent landowners and occupants will be able to understand how much land is permanently required for the BRT.</p> <p>(b) The Requiring Authority shall within six (6) months of Completion of Construction or as soon as otherwise practicable:</p> <p>(i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and</p> <p>(ii) give notice to Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.</p>
5.	<p>Lapse</p> <p>(a) In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 40 15 years from the date on which it is included in the AUP.</p>
6.	<p>Te Ākitai Waiohua – Southwest Gateway Programme</p> <p>(a) The Requiring Authority acknowledges Te Ākitai Waiohua as Mana Whenua and a principal partner to the Southwest Gateway Programme, to which this project forms a part. The operation of this designation must in all respects reflect these matters, including through meeting the conditions and meaningful engagement at both a governance and kaitiaki level.</p>
7.	<p>Network Utility Operators and Auckland Council Parks (Section 176 Approval)</p> <p>(a) Prior to the start of Construction Works, Network Utility Operators (including Auckland International Airport Limited) with existing infrastructure and Auckland Council in relation to parks located within the designation will not require written consent under section 176 of the RMA for the following activities:</p> <p>(i) operation, maintenance and repair works;</p> <p>(ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility or parks operations;</p> <p>(iii) minor works such as new service connections; and</p> <p>(iv) the upgrade and replacement of existing network utilities or parks in the same location with the same or similar effects as the existing utility or parks.</p> <p>(b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>
8.	<p>Property Management</p> <p>(a) The Requiring Authority shall undertake its best endeavours to ensure that properties acquired for the Project are appropriately managed in a manner that does not adversely affect the surrounding area.</p>
Pre-construction conditions	
9.	<p>Outline Plan</p> <p>(a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA.</p> <p>(b) Mana Whenua shall be invited as partners to participate in the preparation of an Outline Plan (or Plans)</p> <p>(c) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the Project.</p> <p>(d) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include:</p> <p>(i) Construction Environmental Management Plan;</p> <p>(ii) Construction Traffic Management Plan;</p> <p>(iii) Construction Noise and Vibration Management Plan;</p>

	<ul style="list-style-type: none"> (iv) Urban and Landscape Design Management Plan; (v) Historic Heritage Management Plan; (vi) Ecological Management Plan; (vii) Tree Management Plan; (viii) Network Utilities Management Plan; and (ix) Development Response Management Plan. <p>(e) Outline Plans (or Plan) shall include details of where retaining walls will replace proposed cut/fill batters, at the Project edges. Earthworks and batters should be designed in consultation with property owners to minimise the land required for the works and the utilisation of retaining walls in preference to batters should be investigated to minimise impacts on the adjacent land. Retaining walls should be considered rather than a batter slope in areas where space is limited. This needs to be undertaken on a site-by-site basis and ensure property access and flood risk are not adversely affected.</p>
<p>10.</p>	<p>Management Plans</p> <ul style="list-style-type: none"> (a) Any management plan shall: <ul style="list-style-type: none"> (i) be prepared and implemented in accordance with the relevant management plan condition; (ii) be prepared by a Suitably Qualified Person(s); (iii) be developed in partnership with Mana Whenua. The Requiring Authority shall provide reasonable resourcing, technical and administrative support for Mana Whenua; (iv) include sufficient detail relating to the management of effects associated with the relevant activities and/or Stage of Work to which it relates; (v) summarise comments received from Mana Whenua and other stakeholders as required by the relevant management plan condition, along with a summary of where comments have: <ul style="list-style-type: none"> A. been incorporated; and B. where not incorporated, the reasons why. (vi) be submitted as part of an Outline Plan pursuant to s176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; (vii) Once finalised, uploaded to the Project website or equivalent virtual information source. (b) Any management plan developed in accordance with Condition 10 may: <ul style="list-style-type: none"> (i) be submitted in parts or in stages to address particular activities (e.g. design or construction aspects) a Stage of Work of the Project, or to address specific activities authorised by the designation noting that condition 10(a)(vi) applies in all cases (i.e. a new or amended OPW will also be required); (ii) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process; (c) if there is a material change required to a management plan which has been submitted with an Outline Plan, the revised part of the plan shall be submitted to the Council as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision; (d) Any material changes to the SCEMP(s) are to be submitted to the Council for certification information.
<p>11.</p>	<p>Mana Whenua Kaitiaki Forum</p> <ul style="list-style-type: none"> (a) At least twelve (12) months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall invite Mana Whenua to establish a Mana Whenua Kaitiaki Forum. The objective of the Mana Whenua Kaitiaki Forum is to provide a forum for Mana Whenua to participate as partners in all phases of the Project. To achieve the objective, the Mana Whenua Kaitiaki Forum shall address (as a minimum) the following matters: <ul style="list-style-type: none"> (i) how Mana Whenua will provide input into the design of the Project. For example:

	<p>A. how Mana Whenua values and narrative are incorporated through the form of the Project and associated structures;</p> <p>B. how the historic and cultural significance of the Puhinui Historic Gateway will be recognised; and</p> <p>C. how pou, art, sculptures, mahi toi or other any other features located on land within or adjoining the Project will be provided in a manner that represents the Māori history of the area and promotes a distinctiveness or sense of place.</p> <p>(ii) how Mana Whenua will be engaged in the preparation of management plans and future consenting processes;</p> <p>(iii) how mātauranga Māori and tikanga Māori will be recognised in all phases of the Project;</p> <p>(iv) where opportunities for Mana Whenua to participate in engagement with local communities, business associations, social institutions and community groups will be provided;</p> <p>(v) where opportunities for Mana Whenua to support the physical, mental, social and economic wellbeing for iwi and the local community will be provided through the Project. This could include:</p> <p>A. planting supplied through Mana Whenua and community based nurseries;</p> <p>B. local schools being involved in planting; and</p> <p>C. scholarships, cadetships and job creation.</p> <p>(vi) the Requiring Authority shall provide reasonable resourcing, technical and administrative support for Mana Whenua including organising meetings at a local venue and the taking and dissemination of meeting minutes;</p> <p>(vii) the frequency of meetings shall be agreed between the Requiring Authority and Mana Whenua; and</p> <p>(viii) prior to the Start of Construction, the Requiring Authority shall produce a record of the Mana Whenua Kaitiaki Forum. The record of the Mana Whenua Kaitiaki Forum shall be provided to Mana Whenua and shall include (but not be limited to);</p> <p>A. details of how Mana Whenua have participated as partners in the Project;</p> <p>B. details of how the matters set out in (a) will be incorporated into the Project;</p> <p>C. how the objective of the Mana Whenua Kaitiaki Forum has been and will continue to be met; and</p> <p>D. details of how comments from Mana Whenua have been incorporated into the Project and where not incorporated, the reasons why.</p> <p>(b) Mana Whenua shall be invited to identify and (if possible) nominate traditional names along the Project corridor such as Bus Rapid Transit Stations and bridge structures. Noting there may be formal statutory processes outside the project required in any decision-making.</p> <p>(c) The Mana Whenua Kaitiaki Forum shall continue to meet for at least six months following the Completion of Construction or as agreed with Mana Whenua.</p> <p><u>Advice note</u> <u>For the avoidance of doubt, Mana Whenua may wish to use another forum as the Mana Whenua Kaitiaki Forum.</u></p>
12.	<p>Stakeholder Communication and Engagement Management Plan (SCEMP)</p> <p>(a) A SCEMP shall be prepared in consultation with stakeholders, community groups and organisations prior to any Outline Plan being submitted <u>the Start of Construction.</u></p> <p>(b) The objective of the SCEMP is <u>are to: identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be engaged with prior to and throughout Construction Works.</u></p>

	<p>(i) develop, maintain and build relationships with the wider public and diverse stakeholders (including directly affected and adjacent landowners e.g. Business, community organisations, householders and their tenants);</p> <p>(ii) provide opportunities for those new to the area to find out about and engage with the project;</p> <p>(iii) identify how the public and diverse stakeholders will be proactively engaged with prior to and throughout the Construction Works and the purpose of each engagement.</p> <p>(c) To achieve the objective of the SCEMP:</p> <p>(i) At least 18 six (6) months prior to any Outline Plan being submitted <u>detailed design for a Stage of Work</u>, the Requiring Authority shall identify:</p> <p>A. a list of the properties <u>within the designation which the Requiring Authority does not own or have occupation rights to whose owners will be engaged with;</u></p> <p>B. a list of key stakeholders, community groups, organisations and businesses who will be engaged with;</p> <p>C. methods and timing to engage with landowners and occupiers whose access is directly affected; and [relocated]</p> <p>D. <u>methods and timing to engage with key stakeholders, community groups, organisations and businesses and owners of properties identified in (c)(i)A-B.</u></p> <p>E. assistance to be provided to stakeholders, individuals, community groups, organisations and businesses to ensure they are able to engage effectively. This could include the provision of independent advisors, experts and translators; and</p> <p>(ii) <u>a record details of (c)(i) shall be submitted with an Outline Plan for the relevant Stage of Work included in the SCEMP.</u></p> <p>(iii) The SCEMP shall include:</p> <p>A. the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s);</p> <p>B. the procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;</p> <p>C. details of opportunities to strengthen the relationship between Mana Whenua, key stakeholders and the wider community;</p> <p>D. <u>methods and timing to engage with landowners whose access is directly affected;</u></p> <p>E. methods to communicate key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified in (b)(c)(i) above; and</p> <p>F. linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant.</p> <p>(d) Any SCEMP prepared for a Stage of Work shall be submitted to Council for <u>certification information</u> ten working days prior to the Start of Construction for a Stage of Work.</p>
13.	<p>Development Response Management Plan</p> <p>(a) A DRMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the DRMP is to provide a framework to assist businesses affected by the Project to manage the impacts of construction and to maximise the opportunities the Project presents.</p>

	<p>(c) Business Associations representing businesses within the relevant Stage of Work shall be invited no later than 18 months prior to the Start of Construction for a Stage of Work, to participate in the development of the DRMP.</p> <p>(d) To achieve the objective, the DRMP shall include:</p> <ul style="list-style-type: none"> (i) a list of businesses likely to be impacted by the Project; (ii) recommended measures to mitigate impacts on identified businesses associated with construction effects such as the potential loss of visibility of businesses from public spaces, reduction of accessibility and severance. Such mitigation measures may include business support, temporary placemaking and place activation measures and temporary wayfinding and signage; (iii) a summary of any proactive assistance to be provided to impacted businesses; (iv) identification of opportunities to co-ordinate the forward work programme, where appropriate with infrastructure providers and development agencies; and (v) linkages and cross-references to communication and engagement methods set out in other conditions and management plans (e.g. the SCEMP) where relevant. (vi) recommended measures to mitigate effects on the operation and financial wellbeing of community organisations and sports clubs; (vii) recommended measures to provide support for anxiety and mental health outcomes; (viii) recommended hardship assistance package and hardship fund to be available for compensation of landowners, tenants, adjacent property owners and details of how people will qualify for any assistance. (ix) recommended assistance for tenants, leaseholders or owners who are asked to move during the works.
14.	<p>Urban and Landscape Design Management Plan (ULDMP)</p> <p>(a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the ULDMP(s) is to:</p> <ul style="list-style-type: none"> (i) enable integration of the Project's permanent works into the surrounding landscape and urban context; (ii) ensure that the Project manages potential adverse landscape and visual effects as far as practicable and contributes to a quality urban environment; and (iii) acknowledge and recognise the whakapapa Mana Whenua have to the Project area. <p>(c) Mana Whenua shall be invited to participate in the development of the ULDMP at least six (6) months prior to the start of detailed design for a Stage of Work to provide input on cultural landscape and design matters. This shall include (but not be limited to) how desired outcomes for the management of potential effects on cultural sites, landscapes and values identified and discussed in accordance with the Historic Heritage Management Plan (Condition 26) and the Ecological Management Plan (Condition 28) may be reflected in the ULDMP.</p> <p>(d) Key stakeholders identified through Condition 12(c)(i)B shall be invited to participate in the development of the ULDMP at least six (6) months prior to the start of detailed design for a Stage of Work.</p> <p>(e) The ULDMP shall be prepared in general accordance with:</p> <ul style="list-style-type: none"> (i) Auckland Transport's Urban Roads and Streets Design Guide; (ii) Waka Kotahi Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) Waka Kotahi Landscape Guidelines (2013) or any subsequent updated version; (iv) Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and

	<p>(v) Auckland's Urban Ngahere (Forest) Strategy or any subsequent updated version.</p> <p>(f) To achieve the objective, the ULDMP shall provide details of how the project:</p> <p>(i) is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (i.e. centres and density of built form), natural environment, landscape character and open space zones;</p> <p>(ii) provides appropriate walking and cycling connectivity to, and interfaces with, existing or proposed adjacent land uses, public transport infrastructure and walking and cycling connections;</p> <p>(iii) promotes inclusive access (where appropriate); and</p> <p>(iv) promotes a sense of personal safety by aligning with best practice guidelines, such as:</p> <p>A. Crime Prevention Through Environmental Design (CPTED) principles;</p> <p>B. Safety in Design (SID) requirements; and</p> <p>C. Maintenance in Design (MID) requirements and anti-vandalism/anti-graffiti measures.</p> <p>(v) has responded to requests that could influence detailed design through the Land Use Integration Process (Condition 3)</p> <p>(vi) provides opportunities to incorporate Mana Whenua values and cultural narrative through the design. This shall include but not be limited to:</p> <p>A. how to protect and enhance connections to the Māori cultural landscape;</p> <p>B. how and where accurate historical signage can be provided along the corridor;</p> <p>C. how historical portage routes will be recognised;</p> <p>D. how opportunities for cultural expression through, for example mahi toi, art, sculptures or other public amenity features will be provided;</p> <p>E. how opportunities to utilise flora and fauna with a specific connection to the area are realised where possible by:</p> <p>a. preserving them in the design and maintenance of the Project; and</p> <p>b. restoring them in a manner that recognises their historical and cultural significance. For example, by clustering planting to represent a lost ngahere.</p> <p>F. how the historic and cultural significance of the Puhinui Historic Gateway is recognised; and</p> <p>G. how public access to coastal areas, waterways and open space is enhanced, where appropriate.</p> <p>(vii) provides for an integrated stormwater management approach which prioritises in the following order:</p> <p>A. opportunities for ki uta ki tai (a catchment scale approach);</p> <p>B. opportunities for net catchment benefit;</p> <p>C. green infrastructure and nature-based solutions; and</p> <p>D. opportunities for low maintenance design.</p> <p>(g) At the discretion of Mana Whenua, the matters listed in (f)(v) – (vi) shall either be incorporated into the ULDMP or prepared as a separate plan.</p> <p>(h) The ULDMP shall include:</p> <p>(i) a concept plan(s) – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals;</p> <p>(ii) developed design concepts, including principles for walking and cycling facilities and public transport; and</p> <p>(iii) a connectivity and severance assessment of key destinations and desire lines for people walking and cycling across and along the Project; and</p> <p>(iv) landscape and urban design details – that cover the following:</p>
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- A. road design – elements such as:
 - a. intersection form;
 - b. carriageway gradient and associated earthworks
 - c. contouring, **including** cut and fill batters **and/or retaining walls** and their interface with adjacent land uses and existing roads (including slip lanes);
 - d. benching;
 - e. spoil disposal sites;
 - f. median width and treatment; and
 - g. roadside width and treatment;
 - B. roadside elements – such as lighting, fencing, wayfinding and signage;
 - C. architectural and landscape treatment of all major structures, including bridges and retaining walls;
 - D. architectural and landscape treatment of noise barriers;
 - E. landscape treatment of permanent stormwater control wetlands and swales;
 - F. integration of passenger transport;
 - G. pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses;
 - ~~H. **property access – including how access to the site and adjacent sites is affected, what changes are proposed and what provision has been made to retain existing levels of amenity and functionality;**~~
 - I. historic heritage places with reference to the HHMP (Condition 26); and
 - J. re-instatement of construction and site compound areas, driveways, accessways and fences.
- (i) ~~The ULDMP shall also include the following~~ planting details and maintenance requirements:
- (i) planting design details including:
 - A. identification of existing trees and vegetation that will be retained with reference to the Tree Management Plan (Condition 29). Where practicable, mature trees and native vegetation should be retained;
 - B. street trees, shrubs and ground cover suitable for berms;
 - C. treatment of fill slopes to integrate with adjacent land use, streams, Riparian margins and open space zones;
 - D. planting of stormwater wetlands;
 - E. identification of vegetation to be retained and any planting requirements under the Ecological Management Plan (Conditions 28) and Tree Management Plan (Condition 29);
 - F. integration of any planting requirements required by conditions of any resource consents for the project; and
 - G. re-instatement planting of construction and site compound areas as appropriate.
 - (ii) a planting programme including the staging of planting in relation to the construction programme which shall, as far as practicable, include provision for planting within each planting season following completion of works in each Stage of Work; and
 - (iii) detailed specifications relating to the following:
 - A. weed control and clearance;
 - B. pest animal management (to support plant establishment);
 - C. ground preparation (top soiling and decompaction);
 - D. mulching; and
 - E. plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species.

Advice note:

This designation is for the purpose of construction, operation and maintenance of an arterial transport corridor and it is not for the specific purpose of “road

	<p>widening". Therefore, it is not intended that the front yard definition in the Auckland Unitary Plan which applies a set back from a designation for road widening purposes applies to this designation. A set back is not required to manage effects between the designation boundary and any proposed adjacent sites or lots.</p>
<p>Specific Outline Plan requirements</p>	
	<p>Flood Hazard For the purpose of Condition 15:</p> <ul style="list-style-type: none"> (a) ARI – means Average Recurrence Interval; (b) Existing authorised community, commercial and industrial floor – means the floor level of any community, commercial and industrial building which is authorised and exists at the time the Outline Plan is submitted. (c) Existing authorised habitable floor – means the floor level of any room (floor) in a residential building which is authorised and exists at the time the Outline Plan is submitted, excluding a laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage. (d) Flood prone area – means a potential ponding areas that <u>may flood and commonly comprise of topographical depression areas relies on a single culvert for drainage and does not have an overland flow path. The areas can occur naturally or as a result of constructed features.</u> (e) Maximum Probable Development – is the design case for consideration of future flows allowing for development within a catchment that takes into account the maximum impervious surface limits of the current zone or if the land is zoned Future Urban in the AUP, the probable level of development arising from zone changes; (f) Pre-Project development – means existing site condition prior to the Project (including existing buildings and roadways); and (g) Post-Project development – means site condition after the Project has been completed (including existing and new buildings and roadways).
<p>15.</p>	<p>Flood Hazard</p> <ul style="list-style-type: none"> (a) The Project shall be designed to achieve the following flood risk outcomes: <ul style="list-style-type: none"> (i) no increase in flood levels in a 1% AEP event for existing authorised habitable floors that are already subject to flooding or have a freeboard less than 150mm; (ii) no more than a 10% reduction in freeboard in a 1% AEP event for existing authorised habitable floors <u>with to maintain a minimum freeboard of over</u> 150mm; (iii) no increase in flood levels in a 1% AEP event for existing authorised community, commercial and industrial building floors that are already subject to flooding; (iv) no more than a 10% reduction in freeboard in a 1% AEP event for existing authorised community, commercial and industrial building floors; (v) <u>no increase maximum</u> of 50mm <u>increase</u> in flood level in a 1% AEP event <u>on land zoned for urban or future urban development where there is no existing dwelling outside and adjacent to the designation boundaries between the pre and post Project scenarios;</u> (vi) no increase in 10% AEP flood levels for existing authorised habitable floors that are at risk of flooding; (vii) no new flood prone areas; and (viii) no more than a 10% average increase of flood hazard for main access to authorised habitable dwellings <u>existing at the time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP event, where depth is greater than 0.5m or velocity is greater than 2.0 m/s or the product of velocity and depth is greater than 0.5m²/s. For areas with lower flood hazard, no more than a 10% average increase in flood hazard for main access to authorised habitable dwellings existing at time the Outline Plan is submitted.</u>

	<p><u>Where Flood Hazard is:</u></p> <p>A. <u>velocity x depth is greater than or equal to (\geq) 0.6; or</u> B. <u>depth is greater than 0.5m ($>$); or</u> C. <u>velocity is greater than ($>$) 2m/s</u></p> <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 40 year and 100 year ARI 1% AEP flood levels (for Maximum Probable Development land use and including climate change).</p> <p>(c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.</p>
16.	<p>Existing property access</p> <p>(a) Where existing property vehicle access which exists at the time the Outline Plan is submitted is proposed to be altered by the project, the Requiring Authority shall consult with the directly affected landowner regarding the required changes. The Outline Plan shall demonstrate how safe access will be provided, unless otherwise agreed with the affected landowner.</p> <p>(b) The Project shall not result in the removal of access to loading bays for commercial buildings or the restriction of internal access to loading bays.</p>
Construction conditions	
17.	<p>Construction Environmental Management Plan (CEMP)</p> <p>(a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the CEMP is to set out the management procedures and construction methods to be undertaken to, avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable. To achieve the objective, the CEMP shall include:</p> <ul style="list-style-type: none"> (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the Project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential areas (v) details of the proposed locations of refuelling activities and construction lighting; (vi) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vii) methods for providing for the health and safety of the general public; (viii) measures to mitigate flood hazard effects such as siting stockpiles out of floodplains, minimising obstruction to flood flows, actions to respond to warnings of heavy rain; (ix) procedures for incident management; (x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses; (xi) measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up; (xii) procedures for responding to complaints about Construction Works; and (xiii) methods for amending and updating the CEMP as required.
18.	<p>Complaints Register</p> <p>(a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include:</p> <ul style="list-style-type: none"> (i) the date, time and nature of the complaint;

	<ul style="list-style-type: none"> (ii) the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous); (iii) measures taken to respond to the complaint (including a record of the response provided to the complainant) or confirmation of no action if deemed appropriate; (iv) the outcome of the investigation into the complaint; and (v) any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally. <p>(b) A copy of the Complaints Register required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.</p>
<p>19.</p>	<p>Cultural Monitoring Plan</p> <ul style="list-style-type: none"> (a) A Cultural Monitoring Plan shall be prepared prior to the Start of Construction. (b) At least six (6) months prior to the start of detailed design, a Suitably Qualified Person(s) identified in partnership with Mana Whenua shall commence the preparation of the Cultural Monitoring Plan. (c) The objective of the Cultural Monitoring Plan is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction works. <u>To achieve the objective</u>, the Cultural Monitoring Plan shall include: <ul style="list-style-type: none"> (i) Requirements for formal dedication or cultural interpretation to be undertaken prior to start of Construction Works in areas identified as having significance to Mana Whenua; (ii) Requirements and protocols for cultural inductions for contractors and subcontractors; (iii) Identification of activities, sites and areas where cultural monitoring is required during particular Construction Works; (iv) Identification of personnel to undertake cultural monitoring, including any geographic definition of their responsibilities; and (v) Details of personnel to assist with management of any cultural effects identified during cultural monitoring, including implementation of the Accidental Discovery Protocol (d) If Enabling Works involving soil disturbance are undertaken prior to the start of Construction Works, an Enabling Works Cultural Monitoring Plan shall be prepared by a Suitably Qualified Person identified in collaboration with Mana Whenua. This plan may be prepared as a standalone Enabling Works Cultural Monitoring Plan or be included in the main Construction Works Cultural Monitoring Plan. <p>Advice note: Where appropriate, the Cultural Monitoring Plan shall align with the requirements of other conditions of the designation and resource consents for the Project which require monitoring during Construction Works.</p>
<p>20.</p>	<p>Construction Traffic Management Plan (CTMP)</p> <ul style="list-style-type: none"> (a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include: <ul style="list-style-type: none"> (i) methods to manage the effects of temporary traffic management activities on traffic; (ii) measures to ensure the safety of all transport users; (iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours (for example on roads serving educational facilities during pick up and drop off times) to manage vehicular and pedestrian traffic near educational facilities or to manage traffic congestion. The CTMP must ensure that there is no Project heavy construction traffic

	<p>using the roads serving educational facilities during pick up and drop off times applicable to each school;</p> <ul style="list-style-type: none"> (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; (v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, pedestrians and cyclists; (vi) methods to maintain access to and within property and/or private roads where practicable, or to provide alternative access arrangements when it will not be. Engagement with landowners whose access is directly affected shall be undertaken in accordance with Condition 12(c)(i)C-(b)(iii)D; (vii) details of how access for the loading and unloading of goods will be provided for; (viii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; (ix) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / stakeholders / emergency services); (x) details of minimum network performance parameters to be achieved during the construction phase, including any measures to monitor compliance with the performance parameters. These could include maximum increases in journey time and traffic volumes along key routes; and (xi) details of any Travel Demand Management (TDM) measures proposed to be implemented in the event of thresholds identified in (x) being exceeded. (xii) methods to maintain key vehicle access routes within sites within the designation extent to ensure business operations on affected sites can continue in a viable manner during construction works.
21.	<p>Open Space Management Plan (OSMP)</p> <ul style="list-style-type: none"> (a) An OSMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the OSMP is to minimise as far as practicable adverse effects on the recreation amenity of parks and reserves resulting from construction. (b) To achieve the objective, the OSMP shall include details of: <ul style="list-style-type: none"> (i) how the ongoing operation (including but not limited to events) of and access (including walking and cycling) to parks and reserves during construction will be maintained in accordance with the Construction Traffic Management Plan (Condition 20); (ii) opportunities to coordinate the construction of the Project, as far as practicable, with the forward work programme (including any events) for parks and reserves directly affected by the Project; (c) Auckland Council Parks and Community Facilities shall be invited to participate in the development of the OSMP at least six (6) months prior to the start of detailed design for a Stage of Work. (d) Any OSMP prepared for a Stage of Work shall be submitted to Council for information ten working days prior to the Start of Construction for a Stage of Work.
22.	<p>Construction Noise Standards</p> <ul style="list-style-type: none"> (a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable: <p>Table 22-1 Construction Noise Standards</p>

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

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

23.

Construction Vibration Standards

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

Table 23-1 Construction vibration standards

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

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

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

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

24.

Construction Noise and Vibration Management Plan (CNMVP)

- (a) A CNMVP shall be prepared prior to the Start of Construction for Stage of Work.
- (b) A CNMVP shall be implemented during the Stage of Work to which it relates.
- (c) The objective of the CNMVP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 22 and 23 to the extent practicable. To achieve this objective, the CNMVP shall be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6803:1999) and shall as a minimum, address the following:
 - (i) description of the works and anticipated equipment/processes;
 - (ii) hours of operation, including times and days when construction activities would occur;
 - (iii) the construction noise and vibration standards for the project;

	<ul style="list-style-type: none"> (iv) identification of receivers where noise and vibration standards apply; (v) a hierarchy of management and mitigation options, including any requirements to limit night works and works during other sensitive times, including Sundays and public holidays as far practicable; (vi) methods and frequency for monitoring and reporting on construction noise and vibration; (vii) procedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints. (viii) contact details of the Project Liaison Person; (ix) procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers; (x) procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for those areas where compliance with the noise Condition 22 and/or vibration standards Condition 23 Category B will not be practicable; (xi) identification of trigger levels for undertaking building condition surveys, which shall be Category B day time levels; (xii) procedures and trigger levels for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred as a result of construction vibration; (xiii) methodology and programme of desktop and field audits and inspections to be undertaken to ensure that the CNVMP, Schedules and the best practicable option for management of effects are being implemented; and (xiv) requirements for review and update of the CNVMP.
<p>25.</p>	<p>Schedule to a CNVMP</p> <ul style="list-style-type: none"> (a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the Schedule, when: <ul style="list-style-type: none"> (i) construction noise is either predicted or measured to exceed the noise standards in Condition 22, except where the exceedance of the L_{Aeq} criteria is no greater than 5 decibels and does not exceed: <ul style="list-style-type: none"> A. 0630 – 2000: 2 period of up to 2 consecutive weeks in any 2 months; or B. 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days. (ii) construction vibration is either predicted or measured to exceed the Category B standard at the receivers in Condition 23. (b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP. <u>To achieve the objective,</u> the Schedule shall include details such as: <ul style="list-style-type: none"> (i) construction activity location, start and finish dates; (ii) the nearest neighbours to the construction activity; (iii) the predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards and predicted duration of the exceedance; (iv) for works proposed between 2000h and 0630h, the reasons why the proposed works must be undertaken during these hours and why they cannot be practicably undertaken during the daytime; (v) the proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why; (vi) the consultation undertaken with owners and occupiers of sites subject to the Schedule, and how consultation has and has not been taken into account; and (vii) location, times and types of monitoring.

	<p>(c) The Schedule shall be submitted to the Manager for certification at least 5 working days (except in unforeseen circumstances) in advance of Construction Works that are covered by the scope of the Schedule and shall form part of the CNVMP.</p> <p>(d) Where material changes are made to a Schedule required by this condition, the Requiring Authority shall consult the owners and/or occupiers of sites subject to the Schedule prior to submitting the amended Schedule to the Manager for certification in accordance with (c) above. The amended Schedule shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.</p>
<p>26.</p>	<p>Historic Heritage Management Plan</p> <p>(a) A HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable. To achieve the objective, the HHMP shall identify:</p> <ul style="list-style-type: none"> (i) any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures; (ii) methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design; (iii) known historic heritage places and potential archaeological sites within the Designation, including identifying any archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted; (iv) any unrecorded archaeological sites or post-1900 heritage sites within the Designation, which shall also be documented and recorded (such as in the New Zealand Archaeological Association Site Recording Scheme (ArchSite) and/or the Auckland Council Cultural Heritage Inventory); (v) roles, responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with AUP accidental discovery rule, and monitoring of conditions; (vi) specific areas to be investigated, monitored and recorded to the extent these are directly affected by the Project; (vii) the proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings and standing structures) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version; (viii) methods to acknowledge cultural values identified through the Mana Whenua Kaitiaki Forum (Condition 11) and Urban Landscape and Design Management Plan (Condition 14) where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; (ix) methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the Designation during Construction Works as far as practicable. These methods shall include, but are not limited to: <ul style="list-style-type: none"> A. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access;

	<p>(x) measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and</p> <p>(xi) training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, legal obligations relating to unexpected discoveries and the AUP Accidental Discovery Rule (E11.6.1) The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 19).</p> <p>(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation, building and standing structures and monitoring), shall be submitted to the Manager within 12 months of completion.</p> <p>Advice note: Accidental Discoveries The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP and shall apply when an archaeological authority under the HNZPTA is not otherwise in place.</p>
<p>27.</p>	<p>Pre-Construction Ecological Survey</p> <p>(a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken by a Suitably Qualified Person. The purpose of the survey is to inform the detailed design of ecological management by confirming whether the indigenous flora and fauna (including Regionally or Nationally At-Risk or Threatened species) within the Identified Biodiversity Areas recorded in Schedule 3 are still present.</p> <p>(b) Mana Whenua shall be invited as partners to observe how the ecological survey in (a) will be undertaken.</p> <p>(c) If the ecological survey confirms the presence of indigenous flora and fauna (including Regionally or Nationally At-Risk or Threatened species) in accordance with Condition 27(a) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 28 for these areas (Confirmed Biodiversity Areas).</p>
<p>28.</p>	<p>Ecological Management Plan (EMP)</p> <p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 27) prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable. To achieve the objective, the EMP shall set out the methods that will be used to achieve the objective which may include:</p> <p>(i) if an EMP is required in accordance with Condition 27(c) for the presence of long-tailed bats:</p> <ol style="list-style-type: none"> A. measures to minimise disturbance from construction activities within the vicinity of any active roosts that are discovered until such roosts are confirmed to be vacant of bats; B. how the timing of any construction work in the vicinity of any maternity long tail bat roosts will be limited to outside the bat maternity period (between December and March) where reasonably practicable; C. details of areas where vegetation is to be retained where practicable for the purposes of the connectivity of long tailed bats; D. details of how bat connectivity will be provided and maintained (e.g. through the presence of suitable indigenous, or exotic trees or artificial alternatives) will be provided and maintained; and E. where mitigation isn't practicable, details of any offsetting proposed.

	<p>(ii) If an EMP is required in accordance with Condition 27(c) for the presence of Threatened or At-Risk birds (excluding Wetland Birds):</p> <ul style="list-style-type: none"> A. how the timing of any Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable; B. where Pipit are identified as being present, how the timing of any Construction Works shall be undertaken outside of the Pipit bird breeding season (August to February) where practicable; C. where works are required within the Confirmed Biodiversity Area during the bird breeding season (including Pipits), methods to minimise adverse effects on Threatened or At-Risk birds; and D. details of grass maintenance if Pipit are present. <p>(iii) If an EMP is required in accordance with Condition 27(c) for the presence of Threatened or At-Risk wetland birds:</p> <ul style="list-style-type: none"> A. how the timing of any Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable; B. where works are required within the Confirmed Biodiversity Area during the bird breeding season, methods to minimise adverse effects on Threatened or At-Risk wetland birds C. undertaking a nesting bird survey of Threatened or At-Risk wetland birds prior to any Construction Works taking place within a 50m radius of any identified Wetlands (including establishment of construction areas adjacent to Wetlands). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction inactivity; D. what protection and buffer measures will be provided where nesting Threatened or At-Risk wetland birds are identified within 50m of any construction area (including laydown areas). Measures could include: <ul style="list-style-type: none"> a. a 20m buffer area around the nest location and retaining vegetation. The buffer areas should be demarcated where necessary to protect birds from encroachment. This might include the use of marker poles, tape and signage; b. monitoring of the nesting Threatened or At-Risk wetland birds by a Suitably Qualified Person. Construction Works within the 20m nesting buffer areas should not occur until the Threatened or At-Risk wetland birds have fledged from the nest location (approximately 30 days from egg laying to fledging) as confirmed by a Suitably Qualified Person; and c. minimising the disturbance from the works if Construction Works are required within 50m of a nest, as advised by a Suitably Qualified Person. E. adopting a 10m setback where practicable, between the edge of wetlands and construction areas (along the edge of the stockpile/laydown area); and F. minimising light spill from construction areas into wetlands. <p>(c) The EMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any regional resource consents granted for the Project.</p> <p>(d) Where appropriate, and in partnership with Mana Whenua, flora and fauna values identified in the ULDM are reflected and included within this EMP.</p> <p>Advice note: Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans:</p> <ul style="list-style-type: none"> (i) Stream and/or wetland restoration plans;
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	<ul style="list-style-type: none"> (ii) Vegetation restoration plans; and (iii) Fauna management plans (e.g. avifauna, herpetofauna).
29.	<p>Tree Management Plan</p> <ul style="list-style-type: none"> (a) Prior to the Start of Construction for a Stage of Work, a Tree Management Plan shall be prepared. (b) The objective of the Tree Management Plan is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 4. To achieve the objective, the Tree Management Plan shall: <ul style="list-style-type: none"> (i) confirm that the trees listed in Schedule 4 still exist; and (ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree listed in Schedule 4. This may include: <ul style="list-style-type: none"> A. any opportunities identified through Condition 14(i)(i)A to relocate mature trees and native trees where practicable; B. planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 14); C. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and D. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards. (iii) demonstrate how the tree management measures (outlined in A – D above) are consistent with conditions of any resource consents granted for the project in relation to managing construction effects on trees.
30.	<p>Network Utility Management Plan (NUMP)</p> <ul style="list-style-type: none"> (a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. <u>To achieve the objective, the NUMP shall include methods to:</u> <ul style="list-style-type: none"> (i) provide access for maintenance at all reasonable times, or emergency works at all times during construction activities; (ii) manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage, beyond normal wear and tear to overhead transmission lines in the Project area; (iii) demonstrate compliance with relevant standards and Codes of Practice including, where relevant, the NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances 2001; AS/NZS 4853:2012 Electrical hazards on Metallic Pipelines; <u>and AS/NZS 2885 Pipelines – Gas and Liquid Petroleum.</u> (c) The NUMP shall be prepared in consultation with the relevant Network Utility Operator(s) (including Auckland International Airport Limited) who have existing assets that are directly affected by the Project. (d) The development of the NUMP shall consider opportunities to coordinate future work programmes with other Network Utility Operator(s) (including Auckland International Airport Limited) during detailed design where practicable. (e) The NUMP shall describe how any comments from the Network Utility Operator (including Auckland International Airport Limited) in relation to its assets have been addressed. (f) Any comments received from the Network Utility Operator (including Auckland International Airport Limited) shall be considered when finalising the NUMP. (g) Any amendments to the NUMP related to the assets of a Network Utility Operator (including Auckland International Airport Limited) shall be prepared in consultation with that asset owner.
Operational conditions	
31.	Low Noise Road Surface

	<p>(a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project.</p> <p>(b) Any future resurfacing works of the Project shall be undertaken in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 and asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented where:</p> <p>(i) the volume of traffic exceeds 10,000 vehicles per day; or</p> <p>(ii) the road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); or</p> <p>(iii) it is in an industrial or commercial area where there is a high concentration of truck traffic; or</p> <p>(iv) it is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools.</p> <p>(c) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 31(b)(i) – (iv) are not met by the road or a section of it and therefore where the application of asphaltic concrete surfacing (or equivalent low noise road surface) is no longer required on the road or a section of it. Such advice shall also indicate when any resealing is to occur.</p>
32.	<p><u>Future Resurfacing Work</u></p> <p>(a) <u>Any future resurfacing works of the Project shall be undertaken in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 and asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented where:</u></p> <p><u>(i) the volume of traffic exceeds 10,000 vehicles per day; or</u></p> <p><u>(ii) the road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); or</u></p> <p><u>(iii) it is in an industrial or commercial area where there is a high concentration of truck traffic; or</u></p> <p><u>(iv) it is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools.</u></p> <p>(b) <u>Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 31(a)(i) – (iv) are not met by the road or a section of it and therefore where the application of asphaltic concrete surfacing (or equivalent low noise road surface) is no longer required on the road or a section of it. Such advice shall also indicate when any resealing is to occur.</u></p>
	<p>Traffic Noise</p> <p>For the purposes of Conditions 33 to 44:</p> <p>(a) Building-Modification Mitigation – has the same meaning as in NZS 6806;</p> <p>(b) Design year has the same meaning as in NZS 6806;</p> <p>(c) Detailed Mitigation Options – means the fully detailed design of the Selected Mitigation Options, with all practical issues addressed;</p> <p>(d) Habitable Space – has the same meaning as in NZS 6806;</p> <p>(e) Identified Noise Criteria Category – means the Noise Criteria Category for a PPF identified in Schedule 2 Identified PPFs Noise Criteria Categories;</p> <p>(f) Mitigation – has the same meaning as in NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads;</p> <p>(g) Noise Criteria Categories – means the groups of preference for sound levels established in accordance with NZS 6806 when determining the Best Practicable Option for noise mitigation (i.e. Categories A, B and C);</p> <p>(h) NZS 6806 – means New Zealand Standard NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads;</p> <p>(i) Protected Premises and Facilities (PPFs) – means only the premises and facilities identified in Schedule 2: Identified PPFs Noise Criteria Categories;</p> <p>(j) Selected Mitigation Options – means the preferred mitigation option resulting from a Best Practicable Option assessment undertaken in accordance with NZS 6806 taking into account any low noise road surface to be implemented in accordance with Condition 31; and</p> <p>(k) Structural Mitigation – has the same meaning as in NZS 6806.</p>

	<u>Notwithstanding the above applying to PPFs in Schedule 2 existing as at 2022, conditions 32 to 43 shall be read as also including a requirement for the future BPO assessment to determine the BPO for the environment that is present prior to construction starting provided that the Requiring Authority is not responsible for acoustically treating dwellings that are constructed following the lodgement of the NoR.</u>
33.	<p>The Noise Criteria Categories identified in Schedule 2: Identified PPFs Noise Criteria Categories at each of the PPFs shall be achieved where practicable and subject to Conditions 33 to 44 (all traffic noise conditions).</p> <p>The Noise Criteria Categories do not need to be complied with at a PPF where:</p> <ul style="list-style-type: none"> (a) The PPF no longer exists; or (b) Agreement of the landowner has been obtained confirming that the Noise Criteria Category does not need to be met. <p>Achievement of the Noise Criteria Categories for PPFs shall be by reference to a traffic forecast for a high growth scenario in a design year at least 10 years after the programmed opening of the Project.</p>
34.	<p>As part of the detailed design of the Project, a Suitably Qualified Person shall determine the Selected Mitigation Options for the PPFs identified on Schedule 2: Identified PPFs Noise Criteria Categories.</p> <p>For the avoidance of doubt, the low noise road surface implemented in accordance with Condition 31 may be (or be part of) the Selected Mitigation Option(s). Barriers may also be (or be part of) the Selected Mitigation Options(s).</p>
35.	<p>Prior to construction of the Project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in Schedule 2: Identified PPFs Noise Criteria Categories, taking into account the Selected Mitigation Options.</p>
36.	<p>If the Detailed Mitigation Options would result in the Identified Noise Criteria Category changing to a less stringent Category, e.g. from Category A to B or Category B to C, at any relevant PPF, a Suitably Qualified Person shall provide confirmation to the Manager that the Detailed Mitigation Option would be consistent with adopting the Best Practicable Option in accordance with NZS 6806 prior to implementation.</p>
37.	<p>The Detailed Mitigation Options shall be implemented prior to Completion of Construction of the Project, with the exception of any low-noise road surfaces, which shall be implemented within twelve months of Completion of Construction.</p>
38.	<p>Prior to the Start of Construction, a Suitably Qualified Person shall identify those PPFs which, following implementation of all the Detailed Mitigation Options, will not be Noise Criteria Categories A or B and where Building-Modification Mitigation might be required to achieve 40 dB_{L_{Aeq}(24h)} inside Habitable Spaces ('Category C Buildings'). This does not include those dwellings constructed after the lodgement of the NoR.</p>
39.	<p>Prior to the Start of Construction in the vicinity of each Category C Building, the Requiring Authority shall write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within three months of the date of the Requiring Authority's letter, the Requiring Authority shall instruct a Suitably Qualified Person to visit the building and assess the noise reduction performance of the existing building envelope.</p>
40.	<p>For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 39 above if:</p> <ul style="list-style-type: none"> (a) The Requiring Authority's Suitably Qualified Person has visited the building and assessed the noise reduction performance of the building envelope; or (b) The building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or (c) The building owner did not agree to entry within three months of the date of the Requiring Authority's letter sent in accordance with Condition 39 above (including where the owner did not respond within that period); or (d) The building owner cannot, after reasonable enquiry, be found prior to Completion of Construction of the Project.

	If any of (b) to (d) above apply to a Category C Building, the Requiring Authority is not required to implement Building-Modification Mitigation to that building.
41.	Subject to Condition 40 above, within six months of the assessment undertaken in accordance with Condition 40, the Requiring Authority shall write to the owner of each Category C Building advising: (a) If Building-Modification Mitigation is required to achieve 40 dB _{LAeq(24h)} inside habitable spaces; and (b) The options available for Building-Modification Mitigation to the building, if required; and (c) That the owner has three months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than one option is available.
42.	Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of a Category C Building, the mitigation shall be implemented, including any third party authorisations required, in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.
43.	Subject to Condition 41, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with Condition 42 if: (a) The Requiring Authority has completed Building Modification Mitigation to the building; or (b) An alternative agreement for mitigation is reached between the Requiring Authority and the building owner; or (c) The building owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within three months of the date of the Requiring Authority's letter sent in accordance with Condition 41 (including where the owner did not respond within that period); or (d) The building owner cannot, after reasonable enquiry, be found prior to Completion of Construction of the Project.
44.	The Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable
45	Affected person assistance The Requiring Authority shall at its cost provide fully funded independent expert and / or legal professional services to any directly affected residential landowner who wishes to avail themselves of an early purchase of property either through the Requiring Authorities' hardship mechanism or through s185 of the RMA. Details of how people can access these services must be contained on the website required by Condition 2.
46	Z Energy Service Station – Te Irirangi Drive To ensure the operational and functional needs of the Service Station on PT Lot 3 DP 149321 are maintained, the final alignment of the Te Irirangi Drive permanent works corridor shall not extend any further beyond the legal boundary of PT Lot 3 DP 149321 between the points A-B identified in Image A (exclusion area) unless otherwise agreed by the landowner and occupier of PT Lot 3 DP 149321. For clarity, the exclusion area is between the northern boundary with Lot 4 DP 149321 and the southern vehicle crossing on Te Irirangi Drive as it existed at September 2023.

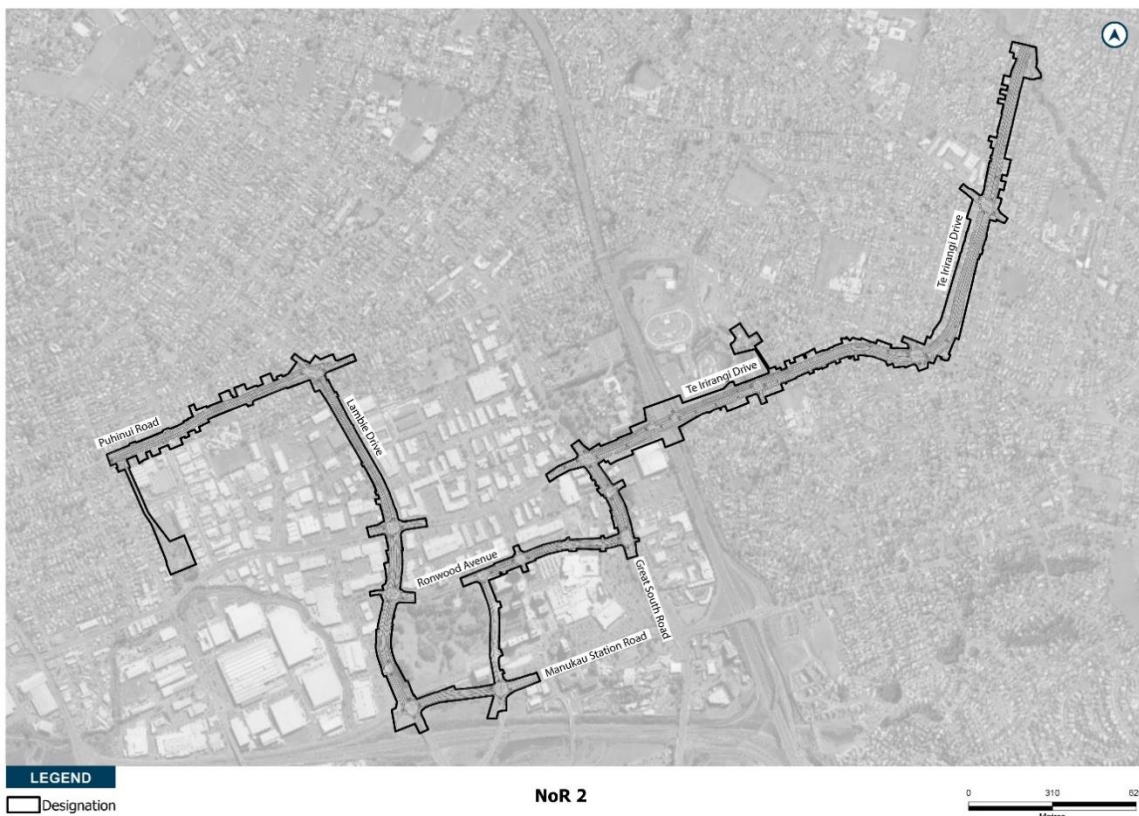
Attachments

Schedule 1: General accordence plan and information

The proposed work is for the construction, operation and maintenance of an upgrade to Te Irirangi Drive, Great South Road, Ronwood Avenue, Davies Avenue, Manukau Station Road and Lambie Drive between Rongomai Park and Plunket Avenue for a BRT corridor, walking and cycling facilities and associated infrastructure. The proposed work is shown in the following Concept Plan and includes:

- (a) An upgrade of Te Irirangi Drive, Great South Road, Ronwood Avenue, Manukau Station Road and Lambie Drive to accommodate centre-running BRT lanes, general traffic lanes and walking and cycling facilities;
- (b) An upgrade of Davies Avenue to accommodate BRT lanes, general traffic lane and walking and cycling facilities;
- (c) Associated works including but not limited to intersections, bridges, embankments, retaining walls, culverts and stormwater management systems;
- (d) Changes to local roads, where the proposed work intersects with local roads; and
- (e) Construction activities, including vegetation removal, construction areas and the re-grading of driveways.

Concept plan:



Attachment D - Persons to be Served

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1	Josh Tiro	joshtiro15@gmail.com
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8	Monish Anish Prasad	monishprasad@live.com
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18	The Legends Property Limited c/- Focus Law ATTN: Kelvin Chiu	kelvin@focuslaw.co.nz
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43	McAlvin Sembrano Scentre (New Zealand) Limited C/- Jacob Burton	1/192 Te Irirangi Drive Flat Bush Flat Bush Auckland 2019
44	Russell McVeagh	jacob.burton@russellmcveagh.com
45	Z Energy Limited c/- 4Sight Consulting Limited	philipb@4sight.co.nz
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	Harvey Norman Properties NZ Limited and Harvey Norman Stores Pty NZ	
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55	Gordon Ikin as a trustee of Kotare Trust	gordon@ikin.nz
56	David Gell, Mitre 10 Holdings Ltd	pa@planningfocus.co.nz
57	Phisan Charoenmongkhonwilai	aungood@gmail.com
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