

Recommendations following the hearing of Notice of Requirement(s) under the Resource Management Act 1991



Proposal

Designations for NoR 1 - Pine Valley Road north realignment; and NoR 2 for Pine Valley Rd South and Dairy Flat Highway.

These Notice of Requirements are **CONFIRMED** in whole subject to conditions. The reasons are set out below.

Site addresses:	NoR 1- Pine Valley Road North Realignment NoR 2 - Pine Valley Road South and Dairy Flat Highway
Requiring Authority:	Auckland Transport
Hearing commenced:	Monday 19 April 2021, 9.30am
Hearing panel:	Kim Hardy (Chairperson) Nigel Mark-Brown Janine Bell
Appearances:	<u>For the Applicant:</u> Natasha Garvan and Tayla Crawford (Legal Counsel) Alistair Lovell (Auckland Transport) Greg Booth (Design) Mischa Mrost (Noise and Vibration) James Cassidy (Stormwater) Aimee Simons (Consultation) Devon Rollo (Planning) <u>For the Submitters:</u> Young Jin Seo Elaine Butler-Stoney represented by Paige Farley (Civil Manager) Shirley Richards <u>For Council:</u> Alison Pye, Planner Leo Hills, Traffic Consultant Jon Styles, Noise Consultant Laura Ager, Senior Hearings Advisor On Call Vijay Kunaseelan, Development Engineer Andrew Henderson, Urban Designer Mariji Jukic, Contamination Specialist Jason Smith, Ecologist
Hearing adjourned	Tuesday 20 th April 2021
Commissioners' site visit	Monday 19 th April 2021

INTRODUCTION

1. Pursuant to section 168 of the Resource Management Act 1991 (the Act), Auckland Transport, as the Requiring Authority, gave notices to the Council to designate the sites at Pine Valley Road and Dairy Flat Highway in the Auckland Unitary Plan known as NoR 1- Pine Valley Road North Realignment; and NoR 2 - Pine Valley Road South and Dairy Flat Highway
2. At the request of the Requiring Authority, the notices of requirement (NoR) were publicly notified on 11 December 2020. Submissions closed on 29 January 2021. Two submissions were received in respect of NoR 1 – Pine Valley Road North Alignment. One submission was received in respect of NoR 2 Pine Valley Road South and Dairy Flat Highway.
3. The NoR was referred to Commissioners for a hearing and recommendation. The hearing took place on Monday 19 and Tuesday 20th April 2021. 3 submissions were received from impacted landowners. Submitters in attendance at the hearing included:
 - Young Jin Seo
 - Elaine Butler-Stoney represented by Paige Farley (Civil Manager)
 - Shirley Richards
4. This recommendation report assesses both NoR 1 and NoR 2 under section 171 of the Act. This report addresses the issues raised in the submissions and contains our recommendation to the Requiring Authority under section 171(2) of the Act.
5. A number of resource consents related to earthworks, streamworks, diversion and reclamation and diversion and discharge of stormwater runoff were concurrently lodged with the NoRs. At the request of Auckland Transport these NoRs are being considered separately.

THE EXISTING ENVIRONMENT

6. The existing environment is accurately referenced in the Planner, Ms Pye's report at paragraph 2.4 on page 9 of the agenda. Ms Pye references the description of the existing environment in the AEE. This description is at pages 12-16 of the AEE. We adopt this as an accurate description of the local environment.

SUBMISSIONS AND EVIDENCE

7. The NoR was publicly notified by the Auckland Council ("**Council**") at Auckland Transport's request on 11 December 2020. Submissions closed on 29 January 2021. A total of 3 submissions were received, with all 3 being in opposition.
8. A report and recommendation on the NoRs was prepared by Council officers and is referred to hereafter as the "Planner's report". This report, along with the Council's

various specialist assessments, was circulated prior to the hearing and taken as read. The evidence presented at the hearing responded to the issues and concerns identified in the Planner's report, the NoR 1 and NoR 2 and the submissions made on the NoR. Expert evidence on behalf of all parties who appeared was also circulated prior to the hearing and again was taken as read.

9. The hearing for the NoR was conducted at the Auckland Council Chambers, Orewa Service Centre by 3 Independent Hearing Commissioners, Kim Hardy (Chair), Janine Bell and Nigel Mark Brown who were appointed and act under delegated authority from the Council under sections 34 and 34A of the RMA.
10. The evidence presented by the Requiring Authority at the hearing is summarised below.

Legal Submissions and Applicant's Evidence

Opening Legal Submissions

11. Opening legal submissions were presented by Ms Natasha Garvan and Ms Tayla Crawford from Bell Gully. Ms Garvan told us that the project would tie into the works currently being undertaken by Fulton Hogan Land Development (FHLD) on the extension of Argent Lane from Wainui Road through to a new roundabout at Old Pine Valley Road. The intention being that when all works are complete a safe arterial connection will be provided between Wainui Road in the north and east and, Dairy Flat Highway to the south and west and State Highway 1 to the east. The project will enable the full and optimal build out of the Milldale development and unlock the development potential of the wider Wainui area.
12. Ms Garvan then took us through what she considered to be the key issues:
 - a. Demonstrating the need for 4 lanes in order to establish the Project is reasonably necessary, traffic effects are acceptable, and an extended lapse period is justified;
 - b. Whether an adequate assessment of alternatives has been undertaken, including whether the option of utilising the existing roads was considered; and
 - c. Demonstrating that adequate, safe and proper access can be provided to the properties affected by the Project.
13. In her description of the project Ms Garvan told us that it would be constructed in two stages. *'Stage one will involve the realignment and upgrade of Pine Valley Road to operate as a two lane collector road, the provision of a new signalised intersection between Pine Valley Road and the Silverdale interchange. Stage two will later involve upgrading Argent Lane to a four lane arterial road'*.
14. We understood from the legal submissions that whilst Auckland Transport was the requiring authority and was responsible for the NoRs, Fulton Hogan Limited (FHLD) would be responsible for undertaking the proposed construction works.

This is because construction of the roads is required to support the FHLD Milldale development.

15. In terms of the issues raised by submitters Ms Garvan told us that *'...Auckland Transport proposes to acquire all of the land required for Stage 1 and Stage 2 now. Auckland Transport has the funding and is committed to the Project. Therefore there are no issues relating to potentially blighting land for a project which may or may not occur in the future (which can arise where land acquisition is delayed).'*
16. The submission from the owner of 36 Old Pine Valley Road sought an alternative alignment which did not split their property in two. In response to this the Reporting Planner recommended that Auckland Transport provide further information demonstrating that the option of utilising the existing roads has been investigated. This was to ensure that Auckland Transport has satisfied the requirements of s171(1)(b) of the Resource Management Act 1991 (RMA). Ms Garvan took us through the Alternatives process undertaken by Auckland Transport which was further addressed in the evidence of Mr Hills and Mr Rollo. We address this further below.
17. The matter of safe access to both 36 Old Pine Valley Road and 1700 Dairy Flat Highway was also addressed in response to submitters concerns.

Evidence of Mr Lovell on behalf of Auckland Transport

18. Mr Lovell a Planner with Auckland Transport and previously Project Manager of the Wainui Transport Programme, gave evidence in relation to his involvement in the Programme since the beginning of 2018. Mr Lovell now holds the role of Sponsor and Funding Relationship Manager for the Programme. He provided evidence on Auckland Transport's role and statutory responsibilities, the strategic need for the project, relationship to the new funding and financing models, the need for four lane traffic on Argent Lane, and response to the Planners Report.
19. Key conclusions from Mr Lovell's evidence are that:
 - a. *'The need for the project has been signalled and explained in a number of strategic planning documents, business cases and funding documents prepared by Auckland Council, Auckland Transport and Waka Kotahi.*
 - b. *The Infrastructure Funding Agreement – Bulk Infrastructure Wainui is the key financing mechanism associated with the delivery of key bulk infrastructure projects to support the development potential of*

Milldale, the wider Wainui area and the Silverdale West Structure Plan Area.

- c. The success of the Milldale development is of critical importance not only for Auckland but also for New Zealand*
- d. The timely development of the infrastructure is heavily dependent on the effectiveness and efficiency of the regulatory and other processes governing the infrastructure development process.*

- e. *The strategic importance of the success of the Milldale development should be emphasised as a priority throughout.'*

Evidence of Mischa Mrost – Acoustic Engineer

20. Mr Mrost an acoustic engineer authored the AEE for noise and vibration originally issued on 16 September 2020. He revised and reissued this report on 10 March 2021.
21. Mr Mrost assessed the noise and vibration effects from the proposed construction and operation of the upgrades to Pine Valley Road and Dairy Flat Highway. He advised us that traffic from Pine Valley Road and Dairy Flat Highway dominates the ambient noise environment. The two roads support relatively high traffic volumes and the ambient noise levels at the nearest receivers are more pronounced than would commonly occur in a rural environment.
22. He predicted that construction noise may exceed the AUP limits for limited durations at two of the nearest dwellings to the construction works. Mr Mrost considered that these exceedances can be managed with a CNVMP and pro-active communication with affected parties. Based on his predictions, construction vibration will comply with the cosmetic building damage limits at all buildings. Vibration amenity should be monitored and addressed on a case by case basis.

Evidence of James Cassidy – Civil Engineer

23. Mr Cassidy is a Civil Engineer with 16 years' experience in stormwater network design, stormwater hydraulic modelling and flood risk assessments. Whilst Mr Cassidy's colleagues authored the Stormwater Management Report appended to the AEE he told us that he would be leading the detailed design for the stormwater works.
24. Mr Cassidy told us that the project would result in the creation of new and redevelopment of existing impervious area in the form of road carriageways, and impervious cycle and pedestrian path surfaces. *'As the project involves the creation of greater than 5000m² of new impervious area in accordance with standard E8.6.4.1 of the AUP:OP hydrological mitigation is required to minimise the impact of discharge of stormwater runoff from impervious areas into the receiving stream environment.'*
25. Mr Cassidy reviewed and commented on all the matters raised in the submissions and in the planner's report. His overall concluding comments were that:
- a. *'Water Quality and Quantity – It is considered that the level of water quality treatment and hydrological mitigation that is proposed will ensure that the project appropriately manages stormwater from the existing and proposed impervious surfaces.'*
- b. *Water hydrological mitigation – I have reviewed the information and concur that the SMAF detention is appropriate for the Project and the*

selected device is suitable to provided [SIC] SMAF detention in line with technical guidance GD01: Stormwater Management Devices in the Auckland Region.

- c. *Flooding in relation to project earthworks – based on the reviewed information, I concur that given the negligible level of change in the overall flood levels and given no particular buildings or persons are subject to increased risk, no mitigation is necessary for the proposed works.*
- d. *Overland flow paths – based on the reviewed information I can concur that managing the overland flow within the proposed road reserve allows for the controlled management and discharge of overland flow. By applying this philosophy to the proposed works and avoid impacting on dwelling or putting at risk people or property.'*

Evidence of Aimee Symonds – Planner (Engagement and Consultation)

- 26. Ms Symonds a Planner at Auckland Transport with 17 years' experience gave evidence on the engagement and consultation undertaken with Mana Whenua and Stakeholders. Ms Symonds commenced work on the project in June 2020 and co-authored Appendix Q 'Mana Whenua Engagement Summary' and Appendix R 'Stakeholder and Consultation Summary' of the Assessment of Environmental Effects (AEE) for the NoRs. As the documents had been previously authored by her colleagues, Ms Symonds provided updates from June 2020 onwards.
- 27. Ms Symonds told us that engagement with iwi and the impacted landowners has been ongoing since Feb and April/May 2019 respectively and took us through the issues that the landowners had raised with Auckland Transport.
- 28. Mana Whenua actively participated in the project MCA process and provided feedback on the options and impact on mana whenua values. Of particular interest to them was the issue of offsetting and the offsetting location sites. We were told that the korero with mana whenua is ongoing whilst the offsetting matter is to be addressed through the regional consents being processed independently by the Council.
- 29. The landowner engagement started in April /May 2019 and the first meetings including presentation of draft alignment plans held in September 2020. Following that meeting draft copies of the NoR and resource consent applications were sent to the impacted landowners. Meetings were then offered to those landowners who were notified of the NoRs and applications in December 2020. Subsequent meetings were then held with landowners who made submissions.
- 30. Ms Symonds then took us through in detail Auckland Transport's responses to the matters raised in each submission and her response to the officer's report. She concluded that *'AT has carried out meaningful consultation with Mana Whenua to meet the relevant sections 5, 6 (e), 6(g), 7(a) and 8 of the RMA and the Local Government (Auckland Council) Act 2009. This consultation is ongoing for the*

regional consents still being assessed for this project as part of the separate consenting process. AT has entered into and provided ongoing, good faith consultation with the affected landowners since April/May 2019. In my opinion AT has sought to address the relevant issues raised in the submissions received from the landowners at 10 and 36 Old Pine Valley Road and 1700 Dairy Flat Highway.'

Mr Devon Rollo - Planner

31. Mr Rollo a Principal Planner at Mott MacDonald with 19 years' experience presented detailed planning evidence on the project, the existing environment, the assessment of effects, statutory assessment, submissions, the officer's report and his condition recommendations.
32. Mr Rollo's overarching conclusions were that:
 - a. Having regard to the matters in s171(1B), he concluded that the effects of the project are reasonable and acceptable;
 - b. A robust alternatives assessment was prepared for the project resulting in the project alignment being chosen as the preferred option.
 - c. The works are reasonably necessary for achieving the objectives of the project and the proposed designations are also considered reasonably necessary for achieving the objectives.
33. In his statement of evidence Mr Rollo further expanded on the scope of the project and clarified that a two-stage approach was proposed requiring the two NoRs. He also described in detail the existing environment including the Future Urban Zoning (FUZ). He explained that the FUZ is a transitional zone under the Unitary Plan and that land within that zone may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes. He also told us that under standard H18.6.8 the number of dwellings on any site is restricted to one and that subdivision to form a new site would be a non-complying activity.
34. He provided us with detailed evidence on the Assessment of Effects for both NoR1 and NoR2. This included landscape and visual amenity, land disturbance, traffic and transportation, noise and vibration, safety, social and economic wellbeing and cultural wellbeing and values. Mr Rollo then took us through his alternatives assessment and the MCA process used to assist in determining the preferred realignment route. *'Based on an MCA process, and through consultation with Stakeholders and landowners, the alignment in Option 2 was chosen to be progressed for the project as the preferred option'.*
35. Mr Rollo set out the matters raised by submitters and identified where he considered the issues and concerns raised could be avoided, remedied or mitigated. In some instances, this was with reference to Auckland Transport's position and policy on specific matters. He then identified the changes he

recommended to conditions taking into account the matters raised by submitters and his evaluations.

Submitters Evidence

36. The evidence presented by the submitters is summarised as follows.

Mr Young Jin Seo and Jinny Noh – 36 Old Pine Valley Road

37. Mr Seo presented evidence on behalf of himself and his wife Jinny Noh. Mr Seo and Ms Noh have lived at their property since 2003. He said that following receipt of the proposed alignment from Auckland Transport, he provided an alternative plan but received no response to his proposal from Auckland Transport.
38. The proposed alternative was designed to minimise the impact on his land tenure. Mr Seo's principal concern was that the proposal splits his property into two separate parcels. He was wanting to ensure adequate access to the property is retained to service the activities currently carried out on the site.
39. In addition to the impact on his land tenure and access, Mr Seo's other concerns related to stormwater management; the impact on his farming activities, the need for additional cattle access gates; and impact of changes to the stormwater regime on the water volume in his garden pond. He also raised concerns with stability of the poplar trees on his property and risk of them falling down. The cut and fill plan shows a 2m height difference in some areas and Mr Seo has requested that the height difference is reduced. In their submission Mr Seo and Ms Noh specifically requested:
- a. Proper and safe access way (gates) for their two sites.
 - b. One stormwater discharge rather than two. The preference is for a long culvert connection down to the table drain on Old Pine Valley Road so that the cattle ramp can be relocated in a dryer place as well as allowing more water flow into their garden pond.
 - c. Relocation of the cattle ramp to dryer land and access for horse, trailer, cattle trucks.
 - d. Removal of fence and poplar trees for safety reasons.
 - e. Management of construction noise, vibration and dust.

Ms Elaine Butler – Stoney 1700 Dairy Flat Highway

40. Ms Bulter-Stoney's submission is concerned with the absence of provision for adequate safe access from Dairy Flat Highway to the property at 1700 Dairy Flat Highway. The drawings do not currently show the extent of the proposed vehicle crossing. A safe entrance/exit needs to be incorporated into the proposed design given the close proximity to the new intersection. She has requested provision of a detailed design drawing for her review which indicates the proposed vehicle crossing to 1700 Dairy Flat Highway to allow safe ingress and egress to the

property. Ms Butler-Stoney also expressed she was unhappy that two mature totara trees are proposed to be felled to make space to realign the Dairy Flat Road. She advised they were planted by her father over 80 years ago.

41. At the hearing Paige Farley, a consulting engineering manager, spoke to her written evidence presented on behalf of Ms Butler-Stoney. This evidence considered that the proposed access is less safe than what currently exists given that vehicles can presently exit the traffic lane before turning into Ms Butler-Stoney's property. The evidence requested that the road shoulders are retained in the form of a NZTA Diagram D vehicle crossing as it is considered to be far safer than what is currently proposed by AT.

Shirley Richards 10 Pine Valley Road

42. Ms Richard's written submission opposed visual amenity change and disturbance and noise/dust/fumes effects from the construction and expansion of the traffic on the operating road. It also opposed key elements of batter cut /land design which reduce possible optimum land development, disrupt efficiency of land use for stock and increase the maintenance of the land by the land owner and occupier.
43. Her submission requested that conditions are applied requiring road design construction and mitigation to be undertaken to ensure her property is only exposed to minimum construction noise and dust levels. Her view was that these levels should be regularly monitored in consultation with the owner and slippages addressed with urgency; and that landscaping of appropriate density and height is provided to the property as well as full size fencing on the eastern and southern construction perimeters. She also requested that more detailed design is enabled to include specific batter design adjustments to incorporate 1:8 slopes and partial retaining walls in consultation with the property owner.
44. At the hearing Ms Richards described the significant disruption she suffered from previous construction of the road near her house and the impacts of that work on her personally and her property. She advised that she absolutely wants gentle earthworks batters even if it results in the taking of more land and she would expect that these batters are grassed.

Right of Reply

45. The Requiring Authority's written right of reply was provided by Ms Garvan and addressed the following matters:
 - a. The parties to the Infrastructure Funding Agreement (IFA) and whether Crown Infrastructure Partners (CIA) could be a Requiring Authority.
 - b. Mana Whenua consultation undertaken for the Project.
 - c. The factors considered by Auckland Transport when converting chip seal to asphalt on roads

The Parties to the Infrastructure Funding Agreement (IFA) and whether Crown Infrastructure Partners (CIP) could be a Requiring Authority

46. Ms Garvan clarified that the parties to the IFA are Auckland Council, Auckland Transport, Fulton Hogan Land Development Limited (FHLD), and Fulton Hogan Limited. The IFA forms part of a wider set of arrangements for the bulk housing infrastructure at Milldale (roading plus three waters) arranged and implemented by CIP, in conjunction with the parties to the IFA, in 2018. She explained that accelerated infrastructure development was achieved through sources of funding and financing outside the usual developer and local authority/Central Government contributions and provided examples of other similar shared delivery models including: Glenvar Ridge Road project in Torbay and the first stage of Penlink.
47. Ms Garvan then explained how the project would be funded including the Auckland Council, the Special Purpose Vehicle (SPV) established by CIP funding, FHLD and the future section owners. On subdivision each section within the development will be subject to an encumbrance requiring the landowner to pay the annual infrastructure payment (commencing at \$1000 per annum, subject to annual escalation). These infrastructure payments are collected by Auckland Council in conjunction with general rates for each section, and are paid on to the SPV to meet its debt and equity finance costs.
48. We were referred to the evidence of Mr Lovell and advised that without this alternative financing and funding mechanism being used to fund this infrastructure it is unlikely that Auckland Council including Auckland Transport would be able to finance the provision of this infrastructure at this time or that the financing would result in other infrastructure priorities being delayed.
49. In response to Commissioners' questions around the requiring authority responsible for the project Ms Garvan told us that *'In any event, Auckland Transport is financially responsible for the project. There is \$25 million of funding identified in the Regional Land Transport Plan for the Wainui Transport Programme. The project forms part of the Auckland Transport strategic network identified in various business cases and strategy documents. As highlighted by Mr Lovell at the hearing, if FHLD stopped developing its land, the timing of the delivery of the Project may alter but the long term strategy and transport response remains the same and there would still be funding for the Project in the Regional Land Transport Plan'*¹.
50. Ms Garvan also confirmed that CIP is not currently a requiring authority and would have to be a network utility operator under s166 of the RMA in order to be approved as a requiring authority under s167. CIP does not meet the definition of a network utility operator under s166 of the RMA. This is because CIP is not constructing, operating or proposing to construct or operate the Project. CIP is funding and financing some of the bulk housing and infrastructure costs at Wainui.

¹ Closing Submission paragraphs 16-18 page 5-6.

Mana whenua consultation undertaken for the project

51. Ms Garvan clarified all of those mana whenua groups that Auckland Transport engaged with on the project. She also listed all mana whenua groups with kaitiaki responsibilities that were sent engagement invitations. Of the 14 invited 6 attended the site visit. However, all 14 groups have continued to be invited to the Auckland Transport mana whenua forums.

Confirmation of the factors considered by Auckland Transport when converting chip seal to Asphalt on Roads

52. A copy of the Auckland Transport Reseal Guidelines was provided in response to the Panel's request for further information on what would trigger the change from chip seal to asphalt along the new alignment. The Council's noise expert recommended that Auckland Transport be required to install a low noise pavement to all parts of the final (Stage 2) road surfaces within 100m of any land zoned residential.
53. The Guidelines state that chip seal surfacing must be used for resealing, except for roads which satisfy one or more of the following criteria where asphaltic concrete surfacing must be used:
- (a) Where the volume of traffic exceeds 10,000 vehicles per day; or
 - (b) Subject to high wear and tear (such as most cul-de-sac heads, roundabouts, sharp bends with severe flushing, stripping or skid resistance, aprons/main road intersections); or
 - (c) In industrial/commercial areas where there is a high concentration of truck traffic; or
 - (d) With short sections between two adjacent asphaltic concrete areas where the use of chip seal is uneconomic; or
 - (e) Subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools; or
 - (f) Requiring special treatment due to the engineers discretion (such as steep gradients exceeding 15% or a cross-fall of >6%); or
 - (g) Where intervention periods of greater than 20 years are required.
54. Ms Garvan advised that Auckland Transport did not agree to the inclusion of a condition requiring the road to be converted to asphalt at Stage 2. That Auckland Transport decision to change the road to asphalt should be made at the appropriate future time, in accordance with the Guidelines, taking a whole of life cost of asset approach and taking into account climate change considerations. She suggested the inclusion of an advice note to this effect.

PROCEDURAL MATTERS (SECTION 37)

55. There were no procedural matters raised at the hearing.

ISSUES IN CONTENTION

56. After analysis of the application and evidence (including proposed mitigation measures), undertaking a site visit, reviewing the Council planning officer's report, reviewing the submissions and concluding the hearing process, the proposed activity raises a number of issues for consideration. The principal issues in contention are:

- The Parties to the Infrastructure Funding Agreement (IFA) and whether Crown Infrastructure Partners (CIP) could be a Requiring Authority.
- Mana whenua consultation.
- Need for Four Lanes and Consideration of Alternatives
- Designation Conditions
- Removal of Totara Trees 1700 Dairy Flat Highway
- Access to 1700 Dairy Flat Highway
- 36 Old Pine Valley Road
- 10 Old Pine Valley Road
- Effects of Road Traffic Noise and Converting Chip Seal to Asphalt

Effects of Road Traffic Noise and Converting Chip Seal to Asphalt

57. The applicant's position is that adverse effects of road noise on any new future development in the proximity of the designation should be mitigated as part of the new development as set out in AUP policy E26.2.2(3) which states:

"Avoid where practicable or otherwise remedy or mitigate adverse effects on infrastructure from subdivision, use and development, including reverse sensitivity effects, which may compromise the operation and capacity of existing, consented and planned infrastructure."

58. The underlying zoning is currently Future Urban Zone. A light industrial zone is proposed under the Silverdale West Dairy Flat Industrial Area Structure Plan for the land to the east of the proposed Pine Valley road alignment and south of Old Pine Valley Road and south of Dairy Flat Highway. Indicative future zoning of the remainder of the Future Urban zone west of the proposed Pine Valley Road alignment is not currently identified by way of proposed structure plans.

59. Mr Styles in his review of noise, in his 30 March 2021 letter to Alison Pye, expressed concern that there are no noise mitigation measures proposed as part of the NoRs. He considers that the noise levels within approximately 100 metres of the roads will be high enough to compromise the amenity of residential

development. With no mitigation provided at the source (i.e. inside the road corridor) the receiving environment would need to mitigate the effects potentially by way of barriers, fences and/or acoustic insulation of dwellings. Mr Styles has accordingly suggested this be addressed by way of the following condition:

“The Requiring Authority shall install a low noise pavement (generating no more noise than asphaltic concrete containing 10mm chip) to all parts of the final (Stage 2) road surfaces authorised by this designation where they are within 100m of any land zoned Residential. The Requiring Authority has 24 months to install the low noise pavement required above from the date that the residential zoning is confirmed.

The purpose of this condition is to reduce road traffic noise where the zoning of land within 100m of the road anticipates and provides for activities sensitive to noise by way of Residential zoning.”

60. Mr Rollo considers that this proposed condition is inappropriate as there is no residential zoning proposed, in either a plan change or adopted structure plan. He considers it could be considered speculative to suggest the presence of a residential zone. He also notes that the proposed condition appears to require the road surface to be changed if a plan change process confirms a residential zone within 100m regardless of any residential or sensitive receivers. Mr Rollo also considers the proposed condition appears to be contrary to AUP policy E26.2.2(3) as set out previously above.
61. At the hearing we asked the applicant to provide further information on what AT criteria would trigger the change from chip seal to asphalt along the new alignment. In the applicant’s closing legal submissions, the Auckland Transport Reseal Guidelines were provided. These state that chip seal must be used for resealing except for roads which satisfy a number of criteria in which case asphaltic concrete surfacing must be used. Of the seven criteria listed the one most relevant to this situation appears to be (a) where the volume of traffic exceeds 10,000 vehicles per day.
62. The applicant’s closing legal submissions also noted:
 - the AT reseal guidelines are likely to be updated in the future; AT needs to consider carbon pricing which will impose a premium on the cost of importing bitumen which is required for asphalt roads; chip seal is likely to be much more cost effective in 10 to 15 years’ time.
 - any new development in the proximity of the designation should mitigate adverse reverse sensitivity effects on the infrastructure as set out in AUP E26.2.2(3) as discussed in Mr Rollo’s evidence.

The applicant does not agree to the inclusion of a condition requiring the road to be converted to asphalt at Stage 2. They suggest the following advice note be included with the conditions:

“Auckland Transport applies the Auckland Transport Reseal Guidelines dated October 2014 (or the guidelines applicable at the time) when deciding the appropriate resurfacing material for resealing a road surface.”

63. In his evidence Mr Booth notes the Integrated Traffic Assessment (ITA) for Milldale assumed 4500 dwellings could be established at Milldale by the year 2026. Using the ITA forecast peak hour traffic volumes for 4500 dwellings he calculated a daily traffic volume for the Project of between 18880 and 20800 vehicles. In his evidence for Auckland Transport Mr Mrost recommended that at the time of road construction in the event of there being new houses already constructed in the vicinity of the roads a smooth road surface be considered such as asphaltic concrete or stone mastic asphalt. We note that mitigation of the effects of noise on any land to be zoned as residential within 100 metres of the final Stage 2 road surfaces can be achieved by a range of methods including the use of low noise road surfaces or barriers, fences and/or acoustic insulation of dwellings.
64. The AUP policy E26.2.2(3) seems to provide direction that mitigation should be provided as part of residential development, rather than by the road control authority. We have a concern that this may not lead to the most appropriate outcome from resource management considerations. For example, it may be more cost effective and preferred from amenity considerations to provide low noise pavement than barriers, fences and/or acoustic insulation of dwellings. It is possible that this matter can be addressed at the plan change stage when considering appropriate zoning for land within 100 metres of the road designation.
65. We accept the position of Mr Rollo on this matter and also note Auckland Transport’s concern regarding carbon price implications associated with constructing low noise pavement and thus do not agree to the condition recommended by Mr Styles to require the use low noise pavement for residential zoned land within 100 m of the designation. Whilst AT has recommended the advice note above, we do not support the inclusion of this advice note as it relates to a non-statutory policy document and does not directly aid in interpretation of the conditions.

Removal of totara trees from 1700 Dairy Flat Highway

66. There are two totara trees that need to be removed to achieve the required width for the project. There is no practical way of avoiding the tree roots impacting on the width of the Project. Auckland Transport has engaged an arborist to review the ability to retain or transplant the trees, but it is not feasible to do so, and their removal is required. We accept the expert evidence that it is not possible to avoid the tree roots impacting on the width of the project, that it is not feasible to retain or transplant the trees and the trees need to be removed

Access to 1700 Dairy Flat highway

67. The evidence of Greg Booth said that the 1700 Dairy Flat Highway driveway falls within the extents of the proposed taper extents of the intersection and therefore within the limits of the intersection. The existing access will be formalised into an

Auckland Transport Type Rural Vehicle crossing VX030A. The existing gate will be moved back, and this arrangement would allow vehicles to safely exit and enter onto the property. The submitter's transport consultant Ms Farley explained at the hearing that the submitter's key concern is that this solution does not retain the current wide sealed road shoulder that enables vehicles to safely slow down before entering the vehicle crossing. The submitter proposed an alternative access solution based on the Waka Kotahi Diagram D style highway design. This design incorporates 1:10 tapers on both sides of the vehicle entrance over a distance of approximately 25 m each.

68. The Council's transport expert Mr Hills stated that in general the type of access proposed by the submitter is used where there are a reasonable number of heavy vehicles using the access. As the property is a residential property and the access is not used by a reasonable number of heavy vehicles, we accordingly find that the proposed Auckland Transport Type Rural Vehicle crossing VX030A is appropriate at this location.

36 Old Pine Valley Road

69. The owners of 36 Old Pine Valley Road raised several points in their submission relating to access gates, alternatives, trees, noise, vibration and dust, the Silverdale West Structure Plan and stormwater. Auckland Transport considers that these matters were adequately responded to in evidence presented at the hearing. In summary, Auckland Transport's position is as follows:

- (a) Matters relating to the loss of access to Gate 1 (which appears to have been resolved) and difficulties accessing gates were the result of the development of the Argent Lane Extension north of Old Pine Valley Road and not associated with works for this Project;
- (b) It is not appropriate for ecological and planning reasons to divert the intermittent stream into a table drain to increase the flow of water reaching the duck pond. In any event, there is no evidence that diverting the intermittent stream into a table drain would increase the flow of water reaching the duck pond;
- (c) Arborist Andrew Barrell, has confirmed that in his opinion he does not consider the trees along the western boundary of the property will become more vulnerable to entire or partial failure during normal weather events if and when the stand of Poplar trees at 36 Old Pine Valley Road are removed;
- (d) Adherence to the Construction Environmental Management Plans, along with additional proposed conditions, will address effects relating to noise, vibration, and dust levels;
- (e) Matters relating to the Silverdale West Structure Plan are outside the scope of this Project; and
- (f) The proposed alternative road alignment option north of Old Pine Valley

Road was outside scope of this Project.

Based on the evidence provided by Auckland Transport's experts we accept that the above position of Auckland Transport is appropriate and reasonable.

Regarding item (c) above, at the recommendation of Council we have included a new condition B29 providing for assessment by an arborist prior to removal of the poplar trees and if significant health and safety risk is identified, and subject to the land owners re-confirmation, the fence trees be removed at the same time as the poplar trees.

Provision of access and cattle ramp

70. The one outstanding matter discussed at the hearing relates to the provision of access and a cattle ramp at the main block at 36 Old PineValley Road.

Auckland Transport has engaged a farm specialist to assess the impact of the Project on the operation of the land as a lifestyle block and provide options for the replacement or provision of additional facilities to enable livestock on both land parcels at 36 Old Pine Valley Road.

The farm specialist suggested three possible locations for a cattle yard and ramp on the main block. These are outlined below:

- (a) Option 1: Access at the new gravel crossing travelling west along the fence line inside the property parallel with the front fence before turning south to a site on higher ground just east of the existing cattle pond.
 - (b) Option 2: Access at the new gravel crossing and track south along the fenced border of the curtilage to a site west of the green shed.
 - (c) Option 3: Access at the existing residential crossing and use part of the existing residential driveway before veering west to a site east of the green shed.
71. At a meeting held with the owners on 28 April 2021 the above options were discussed. The landowners confirmed their preference for the cattle yard and cattle ramp to be on dry flat ground and are considering the three options. A Principal Transportation Engineer and the planning team at Auckland Transport have assessed the options and given preference to Option 3 as this option:
- a) Avoids the intermittent stream and the consequent need for resource consent;
 - b) Provides the furthest practical entry point from the new roundabout; and
 - c) Avoids a 90 degree turn on entry as required by Option 1.
72. Auckland Transport does not prefer Options 1 and 2 for the following reasons:
- a) Option 1 is not supported due to the crossing of the existing watercourse requiring resource consent; and

- b) Option 2 requires a raised track to be created within the existing watercourse and a culvert installed.
73. Both Options 1 and 2 will require culverting the intermittent stream and trigger consent requirements under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Natural Hazards rules under the Auckland Unitary Plan. These works would require resource consent and could add significant uncertainty, cost and time delays to the completion of the works.
74. Auckland Transport has included new conditions B25 to B28 to provide for the preparation of a Stock Yard, Cattle Ramp and Access Plan to address any stock yard, cattle ramp and access issues, unless an alternative solution is otherwise agreed between Auckland Transport and the landowner.
75. Auckland Transport considers these new conditions should adequately address the submitter's concerns in relation to access and the cattle ramp at 36 Old Pine Valley Road.
76. Based on the evidence provided by Auckland Transport we find that the preparation of a Stock Yard, Cattle Ramp and Access Plan as provided for in the conditions is an appropriate way to progress obtaining suitable cattle access for NoR. 36 Old Pine Valley Road.

10 Old Pine Valley Road

77. The owner of 10 Old Pine Valley Road Shirley Richards raised concerns relating to batter design, construction effects, visual amenity effects, operational noise and access during the hearing.

Batter design

78. Ms Richards considers that the slope of the proposed batters adjacent to the road corridor are too steep and seeks adjustments to provide 1:8 slopes to the batters and partial retaining walls in consultation with them.

Mr Booth confirmed during the hearing that the batter slopes have been set at a maximum of 1:3 as this is the maximum stable slope based on the investigation of the geotechnical ground conditions. The 1:3 slope is considered stable and walkable for an able bodied person. It is also considered to be a conservative solution as it is expected to be stable even under the worst case scenario where additional testing identifies that the soil is of poor quality. Furthermore, the use of the 1:3 slope minimises the footprint of the works, including the amount of vegetation removed and landforms altered, the extent of impacts on natural water movement, the proximity of the works to the dwelling, the land occupation area and ultimately the extent of the designation therefore ensuring that it is only the land actually needed for the Project that is included in the designations.

79. Auckland Transport's closing submission stated that the submitter's underlying concern appears to relate to the requirement to mow steep batter slopes. Auckland Transport has proposed conditions in relation to batter design, to address these

concerns, as follows:

- (a) Ensure that batter slopes within the land identified as Pt Lot 5 DP136559 and Sec 8 SO 315843 at 10 Old Pine Valley Road are planted with low maintenance planting to avoid the need for mowing of grass on batter slopes greater than 1:4;
- (b) Ensure appropriate finishing to a minimum of a grassed surface to all other Temporary Occupation areas within the land identified as Pt Lot 5 DP 136559, Sec 7 SO 315843 and Sec 8 SO 315843 at 10 Old Pine Valley Road.

80. Auckland Transport considers this adequately addresses any adverse effects regarding the batter slope design. We note that the above requirements are provided in Condition B22 and address the submitter's concerns on these matters.

Construction effects

81. Ms Richards has raised several concerns in relation to construction management, including ensuring noise and vibration monitoring occurs, standards are adhered to, plans are implemented, and any slippages are recorded and addressed urgently. The submitter has also requested house cleaning every 3 months, security measures to be put in place and rehousing during construction.
82. Auckland Transport acknowledges the proximity of the submitter's home to the Project, and that adverse construction effects may be experienced as a result of the Project. Auckland Transport considers that the Construction Environmental Management Plan will adequately address these effects and the specific concerns raised by the submitter.
83. Auckland Transport has suggested an additional amendment to the Construction Environmental Management Plan condition B9 to include specific reference to the following:
- Washing of the habitable buildings at 10 and 36 Old Pine Valley Road on a monthly basis for roof and gutter areas servicing potable water tanks, and every 6 months for the entire building.

We note this is included in Condition B9(p) and satisfactorily addresses the submitter's concerns.

84. In relation to concerns around "slippages", Auckland Transport counsel's closing submission notes that:
- the Construction Environmental Management Plan provides measures for complying with the relevant standards. However, ultimately it is Auckland Council's responsibility to ensure compliance.

- In relation to concerns around security, these matters are not an effect of the Project and do not need to be addressed through conditions on the designation.

We accept Auckland Transport counsel's submission on these matters.

Visual amenity effects

85. At the hearing the submitter requested that landscape planting be undertaken prior to construction commencing as follows:
 - a. Replacement planting for those plants removed during construction;
 - b. Planting in front of fencing particularly on the east and north; and
 - c. Additional planting on the north east corner between the roundabout and the house. Auckland Transport has proposed a new condition requiring replacement planting on a 3:1 basis on the temporary occupation area which can also be distributed on site as agreed with the owner.
86. Auckland Transport does not consider that planting on the east and north of the property is required to mitigate effects of the Project. This is consistent with the Council's Reporting Officer Ms Pye's assessment which only recommended landscaping be required to the southern boundary in the area of the batter.
87. The submitter requested at the hearing that full fencing be provided at the east, north and south boundaries prior to construction commencing. The submitter wants the design of any fencing such as the height, length and style, to be agreed with the submitter.
88. Auckland Transport has proposed a new condition requiring replacement fencing where fencing is removed as a result of the Project to a standard of a seven wire post and batten fence (which reflects the fencing currently on the boundaries impacted by the Project). Auckland Transport does not consider any other fencing is required to mitigate effects of the Project other than as agreed to in the proposed condition. This is consistent with the Council's Reporting Officer Ms Pye's assessment who confirmed that to the extent fencing is removed; a similar style of fencing should be reinstated.
89. The submitter would also like to retain some of the timber from suitable trees that are removed as part of the Project for firewood and mulch. Auckland Transport has no issue with the owner retaining the wood onsite. We accept Auckland Transport's position regarding landscaping and fencing, noting that it is consistent with the council's reporting officer's view. These matters are addressed in conditions B21, B22, B23 and B24.

Operational noise

90. The submitter has raised concerns relating to the finished road and adopts Mr Style's recommendation that a road surface material be applied that mitigates operational noise. In Mr Styles' review of noise dated 30 March 2021 he comments that the noise levels at 10 Old Pine Valley Road will reduce overall as a result of the NoRs. We have addressed the matter of road surface material elsewhere in this decision.

Property access points

91. At the hearing the submitter discussed that they would like the retention of three original access points. The submitter would also like the access point off Pine Valley Road to be widened and made safe to enter. The applicant advises that the three access points are not affected by the Project.

The submitter's concerns in relation to the access point off Pine Valley Road relates to the previous works undertaken along Pine Valley Road and will not be affected as a result of the Project.

Permitted Baseline

92. The Planner's report sets out the permitted baseline assessment at section 4.3 of the report. We accept the assessment of Ms Pye and her advice that the relevant permitted baseline matters include vegetation removal, permitted infrastructure such as stormwater management and noise.

Construction Details and Management

93. The scope of this decision is limited to the NoR. We were advised that a separate statutory process is underway for the consents required to undertake the scope of works. A number of submitters were concerned that the NoR contained insufficient information to allow them to determine the effects of the proposal on their site and accordingly sought further detail through the construction-related conditions, and/or that an outline or draft version of certain construction management plans be provided at this stage, rather than at some later (pre-construction) point.
94. We anticipate that in addition to the conditions set out in this decision, a detailed set of conditions will be prepared should the consents be granted and that will also address matters related to the construction effects of the Project.
95. We were surprised by the separation of the consents and designation processes and consider that a joint hearing of both the consents and designation would have provided greater certainty to submitters around the scope of the project and effects of the overall project works on their properties.

Lapse Date

96. Auckland Transport seeks a lapse date of 15 years. The reasons for the lapse date were set out in section 2.4 of the AEE 'Project Staging' and explained that the lapse period was necessary to enable the Stage 2 works. This timeframe was supported by the Council officer provided adequate justification was presented at the hearing for the proposed 4 lanes. Following questions at the hearing and further advice from Mr Hills the Council's Transportation Consultant we accept this proposed lapse date.

Council Response

97. We have had regard to the comments provided in the officer response as part of our discussion of the matters in contention in the preceding discussion above. In this respect, officers have maintained their support for the designation and provided additional conditions and/or modifications to the existing conditions in response to matters raised by the submitters.

RELEVANT STATUTORY PROVISIONS CONSIDERED

98. Auckland Transport is a Requiring Authority in terms of s166 of the Act. Auckland Transport has given notice to the Auckland Council of its requirement to designate the sites at Pine valley Road and Dairy Flat Highway.
99. Section 171 of the Act sets out the matters to which a territorial authority must have regard when considering a requirement and any submissions received, and in making its recommendations to the requiring authority. Section 171 is subject to Part 2, which states the purpose and principles of the Act.
100. Section 171(1) requires:
- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -*
 - (a) *any relevant provisions of -*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*
 - (iii) *a regional policy statement or proposed regional policy statement:*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*

- (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

Section 171(1)(a) – Any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a regional plan, a district plan or proposed district plan.

- 101. Pursuant to section 171(1)(a), when considering the requirement we must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to any relevant provisions of a national policy statement, the New Zealand Coastal Policy Statement, the regional policy statement, the proposed regional policy statement and the relevant regional and district plans and proposed plans.
- 102. The Notice of Requirement application and the Council officer's hearing report provided a comprehensive commentary on the relevant national and regional policy statements, the section of the District Plans and the Proposed Auckland Unitary Plan. We do not intend to repeat this material in this decision; rather we rely on the application documents and officer's report in this regard

Section 171(1)(b) – Adequate consideration has been given to alternative sites, routes, or methods of undertaking the work or that it is likely that the work will have a significant adverse effect on the environment.

- 103. We are satisfied that adequate consideration has been given to alternative sites, routes and methods of undertaking the work including an adequate assessment of the effects of the designation.

Section 171(1)(c) - Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

- 104. We accept that the work is reasonably necessary for achieving the objectives of Auckland Transport specified as:
 - a. Provide a section of arterial road between Argent Lane (Milldale) and Pine Valley Road (Dairy Flat Highway), which is direct and future proofed for planned urban growth.
 - b. Provide safer and more resilient road connections to/from the existing and proposed road network.

- c. Enable connections and accessibility to social and economic opportunities within Milldale, Silverdale and future development within Silverdale West Structure Plan.

Section 171(1)(d) Other matters considered reasonably necessary in order to make a recommendation on the requirement.

- 105. We accept the Planner's advice that the Silverdale West Dairy Flat Industrial Area Structure Plan is a particular relevant matter for consideration. But acknowledge that it is a non RMA and hence non-statutory strategy document.
- 106. We accept the position of Auckland Transport that whilst relevant contextually, reliance cannot be put on the strategy and objectives of the document particularly in relation to pedestrian and cycleways along Dairy Flat Highway, given the documents non statutory status and that further detailed planning will be undertaken via proposed plan changes to determine more specific objectives and outcomes. We also accept the Council Planner's advice that future changes to the AUP associated with implementation of the Structure Plan will provide future opportunities to secure land and provide additional cycle and pedestrian facilities.

Part 2 of the Act

- 107. Part 2 of the Act sets out the purpose and principles of the RMA.
- 108. In terms of **section 5**, we consider that the environmental effects of the designation are appropriately managed through the designation conditions.
- 109. In terms of **section 6**, the relevant matters of national importance including 6(a) preservation of wetlands, 6(b) protection of areas of significant indigenous vegetation and habitats and 6(e) relationship of maori to their culture and traditions, ancestral lands. Water sites, waahi tapu and other taonga and section 6(h) the management of significant risks from natural hazards have all been adequately addressed.
- 110. In terms of Other Matters under **Section 7**, we consider that the NORs provide for development of a key strategic infrastructure project and that this is a relevant matter under section 7 as it enables the development of land in a way that provides for anticipated and efficient growth.

These matters are addressed in Officer report and NoR Process.

- 111. **Section 8**, of the Act requires all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). These also enable consideration of section 6 (e) and 7 (a) matters.
- 112. We find that the applicant is progressing the project in a manner that recognises the principles of Te Tiriti o Waitangi. We accept the Applicant's advice that appropriate engagement have been and continues to be undertaken with mana whenua.

CONCLUSIONS

113. Section 171 of the RMA provides the means by which the NoRs can be recommended to be confirmed. We consider that the NoRs are confirmed subject to the conditions we recommend are adopted (as Attachment A) by the requiring authority.
114. We have concluded that the 15 year lapse period sought by Auckland Transport for the designation is appropriate given the project's scale and the expected timeframes anticipated in respect of funding, land acquisition and outline plan approval processes to be completed for Stage 2.
115. Many of the issues raised by submissions will be appropriately dealt with through compliance with the conditions which must occur before work commences and is subject to overview by the Council.

RECOMMENDATION

In accordance with section 171(2) of the Resource Management Act 1991, the Auckland Council recommends to Auckland Transport that the Notice of Requirement for is confirmed subject to the conditions set out in Appendix A.

REASONS FOR THE RECOMMENDATION / DECISION

Under section 171(3) of the Act the reasons for the recommendation are:

1. The NoR satisfies section 171 of the Act as the designation is reasonably necessary for achieving the objectives of the Requiring Authority, and will support urban growth and development.
2. The work proposed by the designation is consistent with Part 2 of the Act in that it represents the sustainable management of natural and physical resources.
3. The designation is in general accordance with relevant objectives, policies of the Proposed Auckland Unitary Plan including the Auckland Regional Policy Statement.
4. Subject to the recommended conditions, set out in Attachment A, the designation will avoid, remedy or mitigate adverse environmental effects.

Kim Hardy
Chairperson



Nigel Mark Brown
Janine Bell
Commissioners

Date: 27 July 2021

A. Conditions applying to all Designations

Definition of Terms

A1. In these conditions:

- a) “adjacent properties” means the properties at:
 - (i) 10 Old Pine Valley Road;
 - (ii) 36 Old Pine Valley Road;
 - (iii) 1687 Dairy Flat Highway,
 - (iv) 1700 Dairy Flat Highway;
 - (v) 1731 Dairy Flat Highway;
 - (vi) 1732 Dairy Flat Highway;
 - (vii) 1738 Dairy Flat Highway;
 - (viii) Pt Allot 16 SO 18072 Old Pine Valley Road;
 - (ix) Lot 2 480626, Dairy Flat Highway; and
 - (x) Sec 6 SO 308591, Dairy Flat Highway.
- b) “affected parties” means the owners and occupiers of the properties at:
 - (i) 10 Old Pine Valley Road;
 - (ii) 36 Old Pine Valley Road;
 - (iii) 1687 Dairy Flat Highway,
 - (iv) 1700 Dairy Flat Highway;
 - (v) 1731 Dairy Flat Highway; and
 - (vi) 1732 Dairy Flat Highway.
- c) “Auckland Transport roadside bioretention planting guide” means the latest Auckland Transport roadside bioretention planting guideline or other endorsed Auckland Council bioretention planting guide;
- d) "certify", "certification" and "certified" in relation to plans or management plans means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is consistent

with, or sufficient to meet, the conditions of this designation in terms of the matters set out in the conditions;

- e) "Commencement of Construction" means commencement of any construction works for the Project or (as the case requires) commencement of any construction works for a part or stage of the Project. For the avoidance of doubt, it excludes site investigations, fencing, and any activities that do not need resource consent/are permitted activities;
- f) "Requiring Authority" means Auckland Transport;
- g) "Council" means the Auckland Council;
- h) "Infrastructure" means the road, cycleway, footpath, bridge, stormwater management devices, underground services, stormwater outlets, culvert and related works to be constructed by Auckland Transport;
- i) "Mana Whenua" means the following identified mana whenua groups excluding those who don't wish to engage on any particular subject:
 - (i) Ngāi Tai ki Tāmaki - Ngāi Tai ki Tāmaki Tribal Trust
 - (ii) Ngāi Tai ki Tāmaki - Manuhiri Kaitiaki Charitable Trust
 - (iii) Ngāti Maru - Ngāti Maru Rūnanga Trust
 - (iv) Ngāti Pāoa - Ngāti Paoa Iwi Trust
 - (v) Ngāti Pāoa - Ngāti Paoa Trust Board
 - (vi) Ngāti Te Ata - Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū
 - (vii) Ngāti Wai - Ngāti Wai Trust Board
 - (viii) Ngāti Whanaunga - Ngāti Whanaunga Incorporated
 - (ix) Ngāti Whātua o Kaipara - Ngā Maunga Whakahii o Kaipara Development Trust
 - (x) Ngāti Whātua Ōrākei - Ngāti Whātua Ōrākei Trust
 - (xi) Te Ākitai Waiohū - Te Ākitai Waiohū Iwi Authority
 - (xii) Te Kawerau ā Maki - Te Kawerau Iwi Settlement Trust
 - (xiii) Te Patukirikiri - Te Patukirikiri Iwi Incorporation
 - (xiv) Te Rūnanga o Ngāti Whātua - Te Rūnanga o Ngāti Whātua
- j) "Planting Season" means the period between May and September;

- k) "Project" means the construction, operation and management of the Infrastructure;
- l) "Team Leader North West Monitoring" means the Team Leader North West Monitoring for the time being of the Council's Licencing and Regulatory Compliance Department.

Management Plan Certification Process

- A2. Conditions A2 to A7 below shall apply to all Management Plans required by these conditions.

Management Plans shall be submitted to the Council (Team Leader North West Monitoring) for certification in writing. Management Plans shall be submitted at least twenty (20) working days prior to Commencement of Construction unless otherwise specified in the conditions. *Advice Note: Any preliminary works that are permitted activities can be undertaken prior to any Management Plan(s) being certified.*

- A3. Management Plans may be submitted in parts or in stages to address particular activities or to reflect a staged implementation of the Project, and when provided in part or for a stage shall be submitted at least twenty (20) working days prior to commencement of construction of that part of the stage unless otherwise specified in the conditions. Management Plans submitted shall clearly show the linkage with plans for adjacent stages and interrelated activities.
- A4. Should the Council (Team Leader North West Monitoring) refuse to certify a Management Plan, or a part or stage of a Management Plan, in accordance with Condition A4 above, the Requiring Authority shall submit a revised Management Plan for certification as soon as practicable. The certification process shall follow the same procedures as outlined in Condition A3 above.
- A5. All works shall be carried out in accordance with the certified/deemed certified Management Plans. No works shall commence until written certification of a Management Plan has been received or the Management Plan has been deemed certified, unless otherwise approved in writing by the Council (Team Leader North West Monitoring).

B. Designation 1 Conditions (NoR1)

General conditions

- B1. This designation will lapse 15 years from being operative in the Auckland Unitary Plan: Operative in Part unless:
- a) It is given effect to before the end of that period; or

- b) The territorial authority resolves that the requiring authority has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation.
- B2. The scope and extent of the Stage 1 works (including the horizontal and vertical alignment of the carriageway) within the designation shall be generally in accordance with the updated Revision G set of plans contained in Appendix E of the Notice of Requirement dated 16/04/2021, unless an outline plan is submitted under section 176A(1) of the Resource Management Act 1991.
- B3. Stage 2 works will require the submission of an outline plan under section 176A(1) of the Resource Management Act 1991 unless not required in accordance with section 176A(2)(a) or (c) of the Resource Management Act 1991.

Construction Environmental Management Plan

- B4. The Requiring Authority shall prepare a Construction Environmental Management Plan (CEMP) for the works. The Requiring Authority shall submit the CEMP to the Council (Team Leader North West Monitoring) for certification that the CEMP gives effect to the objectives in Condition B5 and complies with the requirements in Conditions B6 to B8.
- B5. The objectives of the CEMP are to:
 - a) Ensure that the construction works remain within the limits and standards approved under the designation, and identify construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities; and
 - b) Give effect to the objectives in the management plans listed in Condition B6.
- B6. The CEMP shall incorporate or refer to the following management plans and documents:
 - a) Construction Noise and Vibration Management Plan (CNVMP);
 - b) Earthworks Management Plan;
 - c) Accidental Discovery Protocol; and
 - d) Construction Traffic Management Plan (CTMP).
- B7. The CEMP shall provide details of the roles and responsibilities, reporting frameworks, coordination and management activities and actions required for effective site management. The CEMP shall provide information on the following matters:
 - a) Construction quality assurance;

- b) Construction works programming including:
 - (i) An outline construction programme;
 - (ii) Confirmation of the proposed staging and sequence of construction;
 - c) Site management; and
 - d) Consultation and communications, including the methods for communicating and consulting with the adjacent or affected parties.
- B8. All personnel working on the site shall be made aware of the requirements contained in the CEMP. A copy of the certified CEMP shall be held on the site at all times while any activity associated with construction is occurring. The certified CEMP shall be implemented and maintained throughout the entire period of the works.

Construction Quality Assurance

- B9. This part of the CEMP requires the establishment of management frameworks, systems and procedures to ensure quality management of all on-site construction activities and compliance with the conditions of this designation. This section shall provide details on the following:
- a) Contact details of the contractor's site supervisor or project manager and the Requiring Authority's Project Liaison Person (phone, postal address, email address);
 - b) Confirmation of the construction methodology, including for permanent and temporary structures;
 - c) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid, remedy, or mitigate any potential adverse effects;
 - d) Procedures for ensuring that residents, businesses, network utility operators and road users in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction and are informed about the expected duration and effects of the work;
 - e) Procedures for responding to, recording and reporting complaints about construction activities;
 - f) Means of providing for the health and safety of the general public;
 - g) Measures to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of construction materials and similar construction activities;

- h) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site/s;
- i) Measures to manage the potential impacts of construction lighting on residents and on local fauna;
- j) Procedures for the refuelling, cleaning, maintenance and storage of plant and equipment, and measures to avoid discharges of contaminants from these activities;
- k) 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;
- l) Procedures for incident management, monitoring and reporting including review and corrective and preventative action;
- m) Site clean-up following completion of works, including removal of construction materials, temporary structures;
- n) Maintenance of plant in a good state of repair so as not to produce excessive fumes or leakage of contaminants when parked or in operation; and
- o) Measures to monitor and minimise discharges of dust so that any offensive or objectionable effects are immediately identified and are mitigated.
- p) Measures for arranging the washing of habitable buildings at the properties of 10 and 36 Old Pine Valley Road during Stage 1 works, subject to approval from landowners and occupiers, involving:
 - (i) Monthly external washing of roof and gutter areas servicing potable water tanks during NoR1 Stage 1 construction work;
 - (ii) Complete external house washing every 6 months during NoR1 Stage 1 construction works. The house washing shall include every habitable building as existing at 3 November 2020, commencing within 6 months of the start of NoR1 Stage 1 construction works and be undertaken at no less than 6 monthly intervals, with a final wash following the completion of the NoR1 Stage 1 construction works.

Construction Works Programme

B10. This part of the CEMP is to ensure that the requiring authority has prepared a Stage 1 programme of works that will enable the Infrastructure and all other associated land based works, to be constructed in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction. This section shall,

among other matters, provide details of the Stage 1 programme for the construction works.

Construction Noise and Vibration Management Plan

B11. The requiring authority shall prepare a Construction Noise and Vibration Management Plan (CNVMP) for the proposed works. At least five (5) working days prior to Commencement of Construction, the Requiring Authority shall submit the CNVMP to the Council (Team Leader North West Monitoring) for certification that the CNVMP gives effect to the objectives in Condition B12 and complies with the requirements in Condition B13.

B12. The objectives of the CNVMP are to:

- a) Identify and implement the Best Practicable Option (BPO) for the management of all construction noise and vibration effects;
- b) Define the procedures to be followed where the noise and vibration standards (Conditions B14 & B15) are not met (following the implementation of the BPO);
- c) Set out the methods for scheduling works to minimise disruption; and
- d) Ensure engagement with affected receivers and timely management of complaints.

B13. The CNVMP shall include:

- a) A description of the works;
- b) Hours of operation, including a specific section on works at night (2230h - 0700h), incorporating clear definitions of the works undertaken at night (if any);
- c) Contact details for staff responsible for implementation of the CNVMP;
- d) The construction noise and vibration performance standards for the project;
- e) General construction practices, management and mitigation;
- f) Minimum separation distances from receivers for plant and machinery where compliance with the construction noise and vibration standards is achieved;
- g) Identification of affected sensitive receivers where noise and vibration performance standards apply;
- h) A specific section setting out the predicted noise and/or vibration levels, mitigation, monitoring and management measures (including communication with stakeholders and use of temporary noise barriers) that will be adopted

for works which cannot comply with the project standards specified in Conditions B14 and B15; and

- i) A communication, consultation and complaints response protocol including specific provisions for determining the times that receivers are sensitive to noise and vibration and the extent to which high noise and vibration works can be scheduled around those times where practicable (including residential activities).

B14. Construction noise shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6803: 1999 "Acoustics - Construction Noise" and comply with the following Project Standards unless otherwise provided for in any CNVMP (refer Condition 13):

Time of Week	Time Period (hrs)	Noise Limits	
		dB L _{Aeq}	dB L _{AFmax}
Building with activities sensitive to noise			
Weekdays	0630 – 0730	55	70
	0730 – 1800	70	85
	1800 – 2000	65	80
	2000 – 0630	40	70
Saturdays	0730 – 1800	70	85
	1800 – 0730	40	70
Sundays and public holidays	0730 – 1800	50	80
	1800 – 0730	40	70
Building with all other activities			
All days	0730 – 1800	70	-
	1800 – 0730	75	-

Advice Note

The CNVMP required by B11 authorises noise levels exceeding those set out in condition B14. The noise limits applying in condition B14 that apply between 1800 and 0730 on any day may only be exceeded by works that cannot be completed between 0730 and 1800 for practical reasons related to avoiding unreasonable traffic congestion during the day, or similar. These noise limits may not be exceeded for reasons related to shortening the construction timeframe or for making up lost time.

B15. Where practical, construction vibration must comply with the vibration limits set out in the following Table A.

Table A – Construction Vibration Standards – Amenity:

Receiver	Time	Peak Particle Velocity Limit millimetres/second
Occupied activities sensitive to vibration*	2200h-0700h	0.3mm/s PPV
	0700h-2200h	2mm/s PPV
Other occupied buildings	All times	2mm/s PPV

*Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.

- a) Where compliance is not achievable following the adoption of the Best Practicable Option, the process in B15 b) must be applied. Construction vibration shall be measured and assessed in accordance with DIN4150-3:1999.
- b) If measured or predicted vibration from construction activities exceeds the limits of Table A, the Requiring Authority shall consult with the affected receivers to:
 - (i) Discuss the nature of the work and the anticipated days and hours when the exceedances are likely to occur; and
 - (ii) Determine whether the exceedances could be timed or managed to reduce the effects on the receiver.

The Requiring Authority shall maintain a record of these discussions and make them available to the Council on its request.

B16. Construction vibration must comply with the vibration limits set out in the following Table B at all buildings and at all times.

Table B – Construction Vibration Standards – Building Damage

Type of Structure	Short-term Vibration*			Long-term Vibration	
	Peak particle velocity (PPV) on foundation, mm/s			PPV at horizontal plane of highest floor at all frequencies	PPV at horizontal plane of highest floor at all frequencies
	1 Hz-10 Hz	10 Hz-50Hz	50Hz-100 Hz		
Building used for commercial purposes, industrial buildings	20 mm/s	20-40 mm/s	40-50 mm/s	40 mm/s	10 mm/s
Dwellings and buildings of similar design and/or occupancy	5 mm/s	5-15 mm/s	15-20 mm/s	15 mm/s	5 mm/s
Structures that, because of their particular sensitivity to vibration, cannot be classified under the above two	3 mm/s	3-8 mm/s	8-10 mm/s	8 mm/s	2.5 mm/s

rows and are of great
intrinsic value

*Vibration that does not occur often enough to cause material fatigue and whose development over time and duration is not suitable for producing a significant increase in vibration due to resonance in the particular structure.

Accidental Discovery Condition

B17. The accidental discovery rules in the Auckland Unitary Plan: Operative in Part apply for the discovery of sensitive material, including human remains and kōiwi, archaeological sites, Maori cultural artefacts/taonga tūturu and lava caves greater than 1 m in diameter.

Traffic Management Plan

B18. The requiring authority shall prepare a Construction Traffic Management Plan (CTMP). At least twenty (20) working days prior to commencement of construction, the Requiring Authority shall submit the CTMP to the Council (Team Leader North West Monitoring) for certification that the CTMP gives effect to the objectives in Condition B19 and complies with the requirements in Condition B20.

B19. The objectives of the CTMP are to:

- a) Provide for the safety of everyone at all times;
- b) Ensure best practicable measures are undertaken to maintain access at all times to/from adjacent properties;
- c) Minimise disruption from construction traffic on occupants of adjacent properties;
- d) Provide for prior engagement with stakeholders when access to properties will be affected by construction traffic; and
- e) Provide a mechanism for addressing queries and responding to complaints.

B20. The CTMP shall include:

- a) For each Project stage and/or construction area, the traffic management measures that will be required to be implemented;
- b) A mechanism and nominated stakeholder manager who is responsible for receiving, addressing and monitoring queries and responding to complaints in relation to the construction works;
- c) Provision of appropriate ingress and egress routes to/from the site for the construction vehicles, including confirmation of appropriate heavy vehicles layover areas and over-dimensional vehicle routes. The operation of the heavy vehicles layover area shall not impede the travel of passing vehicles and cyclists;

- d) Confirmation of typical numbers of heavy vehicle movements throughout the day;
- e) Restriction on parking for workers on construction sites, with parking prioritised for minor trades (i.e. those needing to bring tools for specialist activities), car/van pooling, staff working outside standard hours and mobility impaired staff/visitors;
- f) Restriction on heavy vehicle movements/deliveries to and from the construction sites on weekdays (excluding public holidays) between 7am and 9am and between 4pm and 6pm unless included as part of a CTMP; and
- g) Processes for monitoring, and to enable review and amendment to the CTMP.

10 Old Pine Valley Road - Landscaping and Management Plan

B21. The Requiring Authority shall prepare a Landscaping and Management Plan (LMP) for replacement planting of the Temporary Occupation areas within the land identified as Pt Lot 5 DP 136559 and Sec 8 SO 315843 at 10 Old Pine Valley Road unless an alternative solution is otherwise agreed between the Requiring Authority and the landowner of 10 Old Pine Valley Road. The Requiring Authority shall submit the LMP to the Council (Team Leader North West Monitoring) for certification that the LMP gives effect to the objectives in Condition B22 and complies with the requirements in Condition B23.

B22. The objectives of the LMP are to:

- a) Provide replacement planting to mitigate the adverse effects on the visual amenity of the road from occupants of the land at 10 Old Pine Valley Road (Pt Lot 5 DP 136559, Sec 7 SO 315843 and Sec 8 SO 315843.);
- b) Ensure that batter slopes within the land identified as Pt Lot 5 DP 136559 and Sec 8 SO 315843 at 10 Old Pine Valley Road are planted with low maintenance planting to avoid the need for mowing of grass on batter slopes greater than 1:4;
- c) Ensure appropriate finishing to a minimum of a grassed surface to all other Temporary Occupation areas within the land identified as Pt Lot 5 DP 136559, Sec 7 SO 315843 and Sec 8 SO 315843 at 10 Old Pine Valley Road; and
- d) Ensure “like for like” replacement fencing is provided

B23. The LMP shall include:

- a) A plan of the planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;
- b) The provision of replacement planting for all trees removed from the Temporary Land Occupation areas within the property at a number no less than three (3) PB40 size or greater plants for every plant greater than 1m in height;
- c) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture), incorporating a post planting maintenance programme of no less than two (2) years; and
- d) The provision of replacement fencing where removed as a result of the project along newly formed boundaries to a standard of a seven (7) wire post and batten fence.

B24. Subject to approval from the landowner the planting must be:

- a) undertaken within the first planting season (May to September) following the completion of the occupation period
- b) fully implemented in accordance with the certified LMP; and
- c) maintained for the duration of five years in accordance with the provisions of the certified LMP.

In the event that the landowner declines a reasonable request for access to implement the certified LMP, the requirement for the Requiring Authority to undertake the works in accordance with the certified LMP does not apply.

36 Old Pine Valley Road - Stock Yards, Stock Loading Ramp and Stock Truck Access and Tree Removal

B25. The Requiring Authority shall prepare a Stock Yard and Access Plan (SYAP) for the land at 36 Old Pine Valley Road unless an alternative solution is otherwise agreed between the Requiring Authority and the landowner of 36 Old Pine Valley Road. The Requiring Authority shall submit the SYAP to the Council (Team Leader North West Monitoring) for certification that the SYAP gives effect to the objectives in Condition B26 and complies with the requirements in Conditions B27.

B26. The objectives of the SYAP are to:

- a) Ensure provision of upgraded or relocated access so that all parts of the property can be accessed safely and efficiently. This shall include provision of safe access to or relocation of the existing cattle loading ramp.
- b) Ensure provisions for stock loading and unloading are available for the continued operation of the land for livestock farming use;
- c) Ensure that provisions for stock loading and unloading, including vehicle access crossing and gate are safe.

B27. The SYAP shall include:

- a) Details of how a new stock yard, stock ramp and associated stock truck access will be provided to the “main parcel” of land at 36 Old Pine Valley Road.
- b) Details of the changes proposed to reposition the existing stock yard and stock ramp on the “severance parcel” of the land at 36 Old Pine Valley Road.

B28. Subject to agreement from the landowner to undertake the works, the certified SYAP must be fully implemented prior to the commencement of construction.

In the event that the landowner declines a reasonable request for access to implement the certified SYAP, the requirement for the Requiring Authority to undertake the works in accordance with the certified SYAP does not apply.

B29. Prior to the removal of poplar trees from 36 Old Pine Valley Road, the potential impact of the removal of the poplar trees to the ‘fence trees’ lining the eastern boundary of the property shall be assessed by an arborist. If significant health and safety risk is identified and subject to the landowner’s re-confirmation, the ‘fence trees’ shall be removed at the same time as the poplar trees.

C. Designation 2 Conditions (NoR2)

General conditions

C1. This designation will lapse 15 years from being operative in the Auckland Unitary Plan: Operative in Part unless:

- a) It is given effect to before the end of that period; or
- b) The territorial authority resolves that the Requiring Authority has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation.

- C2. The scope and extent of the Stage 1 works (including the horizontal and vertical alignment of the carriageway) within the designation shall be generally in accordance with the updated Revision G set of plans contained in Appendix E of the Notice of Requirement dated 16/04/2021, unless an outline plan is submitted under section 176A(1) of the Resource Management Act 1991.
- C3. Stage 2 works will require the submission of an Outline Plan under section 176A(1) of the Resource Management Act 1991 unless not required in accordance with section 176A(2)(a) or (c) of the Resource Management Act 1991.

Construction Environmental Management Plan

- C4. The Requiring Authority shall prepare a Construction Environmental Management Plan (CEMP) for the works. The Requiring Authority shall submit the CEMP to the Council (Team Leader North West Monitoring) for certification that the CEMP gives effect to the objectives in Condition C5 and complies with the requirements in Conditions C6 to C8.
- C5. The objectives of the CEMP are to:
 - a) Ensure that the construction works remain within the limits and standards approved under the designation and identify construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities; and
 - b) Give effect to the objectives in the management plans listed in Condition C6.
- C6. The CEMP shall incorporate or refer to the following management plans and documents:
 - a) Construction Noise and Vibration Management Plan (CNVMP);
 - b) Earthworks Management Plan;
 - c) Accidental Discovery Protocol; and
 - d) Construction Traffic Management Plan (CTMP).
- C7. The CEMP shall provide details of the responsibilities, reporting frameworks, coordination and management required for effective site management. The CEMP shall provide information on the following matters:
 - a) Construction quality assurance;
 - b) Construction works programming including:
 - (i) An outline construction programme; and
 - (ii) Confirmation of the proposed staging and sequence of construction;

- c) Site management; and
 - d) Consultation and communications, including the methods for communicating and consulting with the adjacent or affected parties.
- C8. All personnel working on the site shall be made aware of the requirements contained in the CEMP. A copy of the certified CEMP shall be held on the site at all times while any activity associated with construction is occurring. The certified CEMP shall be implemented and maintained throughout the entire period of the works.

Construction Quality Assurance

- C9. This part of the CEMP requires the establishment of management frameworks, systems and procedures to ensure quality management of all on-site construction activities and compliance with the conditions of this designation. This section shall provide details on the following:
- a) Contact details of the contractor's site supervisor or project manager and the Requiring Authority's Project Liaison Person (phone, postal address, email address);
 - b) Confirmation of the construction methodology, including for permanent and temporary structures;
 - c) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid, remedy, or mitigate any potential adverse effects;
 - d) Procedures for ensuring that residents, businesses, network utility operators and road users in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction and are informed about the expected duration and effects of the work;
 - e) Procedures for responding to, recording and reporting complaints about construction activities;
 - f) Means of providing for the health and safety of the general public;
 - g) Measures to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of construction materials and similar construction activities;
 - h) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site/s;

- i) Measures to manage the potential impacts of construction lighting on residents and on local fauna;
- j) Procedures for the refuelling, cleaning, maintenance and storage of plant and equipment, and measures to avoid discharges of contaminants from these activities;
- k) 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;
- l) Procedures for incident management, monitoring and reporting including review and corrective and preventative action;
- m) Site clean-up following completion of works, including removal of construction materials, temporary structures;
- n) Maintenance of plant in a good state of repair so as not to produce excessive fumes or leakage of contaminants when parked or in operation; and
- o) Measures to monitor and minimise discharges of dust so that any offensive or objectionable effects are immediately identified and are mitigated.

Construction Works Programme

C10. This part of the CEMP is to ensure that the requiring authority has prepared a Stage 1 programme of works that will enable the Infrastructure and all other associated land based works, to be constructed in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction. This section shall, among other matters, provide details of the Stage 1 programme for the construction works.

Construction Noise and Vibration Management Plan

C11. The requiring authority shall prepare a Construction Noise and Vibration Management Plan (CNVMP) for the proposed works. At least five (5) working days prior to Commencement of Construction, the Requiring Authority shall submit the CNVMP to the Council (Team Leader North West Monitoring) for certification that the CNVMP gives effect to the objectives in Condition C12 and complies with the requirements in Condition C13.

C12. The objectives of the CNVMP are to:

- a) Identify and implement the Best Practicable Option (BPO) for the management of all construction noise and vibration effects;

- b) Define the procedures to be followed where the noise and vibration standards (Conditions C14 & C15) are not met (following the implementation of the BPO);
- c) Set out the methods for scheduling works to minimise disruption; and
- d) Ensure engagement with affected receivers and timely management of complaints.

C13. The CNVMP shall include:

- a) A description of the works;
- b) Hours of operation, including a specific section on works at night (2230h - 0700h), incorporating clear definitions of the works undertaken at night (if any);
- c) Contact details for staff responsible for implementation of the CNVMP;
- d) The construction noise and vibration performance standards for the project;
- e) General construction practices, management and mitigation;
- f) Minimum separation distances from receivers for plant and machinery where compliance with the construction noise and vibration standards is achieved;
- g) Identification of affected sensitive receivers where noise and vibration performance standards apply;
- h) A specific section setting out the predicted noise and/or vibration levels, mitigation, monitoring and management measures (including communication with stakeholders and use of temporary noise barriers) that will be adopted for works which cannot comply with the project standards specified in Conditions C14 and C15; and
- i) A communication, consultation and complaints response protocol including specific provisions for determining the times that receivers are sensitive to noise and vibration and the extent to which high noise and vibration works can be scheduled around those times where practicable (including residential activities).

C14. Construction noise shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6803: 1999 "Acoustics - Construction Noise" and comply with the following Project Standards unless otherwise provided for in any CNVMP (refer Condition 14):

Time of Week	Time Period (hrs)	Noise Limits	
		dB L _{Aeq}	dB L _{AFmax}
Building with activities sensitive to noise			
Weekdays	0630 – 0730	55	70
	0730 – 1800	70	85
	1800 – 2000	65	80
	2000 – 0630	40	70
Saturdays	0730 – 1800	70	85
	1800 – 0730	40	70
Sundays and public holidays	0730 – 1800	50	80
	1800 – 0730	40	70
Building with all other activities			
All days	0730 – 1800	70	-
	1800 – 0730	75	-

Advice Note

The CNVMP required by C11 authorises noise levels exceeding those set out in condition C14. The noise limits applying in condition C14 that apply between 1800 and 0730 on any day may only be exceeded by works that cannot be completed between 0730 and 1800 for practical reasons related to avoiding unreasonable traffic congestion during the day, or similar. These noise limits may not be exceeded for reasons related to shortening the construction timeframe or for making up lost time.

- C15. Where practical, construction vibration must comply with the vibration limits set out in the following Table A.

Table A – Construction Vibration Standards – Amenity:

Receiver	Time	Peak Particle Velocity Limit millimetres/second
Occupied activities sensitive to noise*	2200h-0700h	0.3mm/s PPV
	0700h-2200h	2mm/s PPV
Other occupied buildings	All times	2mm/s PPV

*Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.

- a) Where compliance is not achievable following the adoption of the Best Practicable Option, the process in C15 b) must be applied. Construction

vibration shall be measured and assessed in accordance with DIN4150-3:1999.

b) If measured or predicted vibration from construction activities exceeds the limits of Table A, the Requiring Authority shall consult with the affected receivers to:

- (i) Discuss the nature of the work and the anticipated days and hours when the exceedances are likely to occur; and
- (ii) Determine whether the exceedances could be timed or managed to reduce the effects on the receiver.

The Requiring Authority shall maintain a record of these discussions and make them available to the Council on its request.

C16. Construction vibration must comply with the vibration limits set out in the following Table B at all buildings and at all times.

Table B – Construction Vibration Standards – Building Damage

Type of Structure	Short-term Vibration*			Long-term Vibration	
	Peak particle velocity (PPV) on foundation, mm/s			PPV at horizontal plane of highest floor at all frequencies	PPV at horizontal plane of highest floor at all frequencies
	1 Hz-10 Hz	10 Hz-50Hz	50Hz-100 Hz		
Building used for commercial purposes, industrial buildings	20 mm/s	20-40 mm/s	40-50 mm/s	40 mm/s	10 mm/s
Dwellings and buildings of similar design and/or occupancy	5 mm/s	5-15 mm/s	15-20 mm/s	15 mm/s	5 mm/s
Structures that, because of their particular sensitivity to vibration, cannot be classified under the above two rows and are of great intrinsic value	3 mm/s	3-8 mm/s	8-10 mm/s	8 mm/s	2.5 mm/s

*Vibration that does not occur often enough to cause material fatigue and whose development over time and duration is not suitable for producing a significant increase in vibration due to resonance in the particular structure.

Accidental Discovery Condition

C17. The accidental discovery rules in the Auckland Unitary Plan: Operative in Part apply for the discovery of sensitive material, including human remains and kōiwi, archaeological sites, Maori cultural artefacts/taonga tūturu and lava caves greater than 1 m in diameter.

Traffic Management Plan

C18. The requiring authority shall prepare a Construction Traffic Management Plan (CTMP). At least twenty (20) working days prior to commencement of construction, the Requiring Authority shall submit the CTMP to the Council (Team Leader North West Monitoring) for certification that the CTMP gives effect to the objectives in Condition C19 and complies with the requirements in Condition C20.

C19. The objectives of the CTMP are to:

- a) Provide for the safety of everyone at all times;
- b) Ensure best practicable measures are undertaken to maintain access at all times to/from adjacent properties;
- c) Minimise disruption from construction traffic on occupants of adjacent properties;
- d) Provide for prior engagement with stakeholders when access to properties will be affected by construction traffic; and
- e) Provide a mechanism for addressing queries and responding to complaints.

C20. The CTMP shall include:

- a) For each Project stage and/or construction area, the traffic management measures that will be required to be implemented;
- b) A mechanism and nominated stakeholder manager who is responsible for receiving, addressing and monitoring queries and responding to complaints in relation to the construction works;
- c) Provision of appropriate ingress and egress routes to/from the site for the construction vehicles, including confirmation of appropriate heavy vehicles layover areas and over-dimensional vehicle routes. The operation of the heavy vehicles layover area shall not impede the travel of passing vehicles and cyclists;
- d) Confirmation of typical numbers of heavy vehicle movements throughout the day;
- e) Restrictions on parking for workers on construction sites, with parking prioritised for minor trades (i.e. those needing to bring tools for specialist activities), car/van pooling, staff working outside standard hours and mobility impaired staff/visitors;
- f) Restrictions on heavy vehicle movements/ deliveries to and from the construction sites on weekdays (excluding public holidays) between 7am and 9am and between 4pm and 6pm unless included as part of a CTMP; and

- g) Processes for monitoring, and to enable review and amendment to the CTMP.