

IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I MUA TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE

ENV-2024-AKL-

UNDER	the Resource Management Act 1991 ("the Act")
IN THE MATTER	of an appeal under section 174 of the RMA against a decision on a Notice of Requirement that comprises part of the North West Project
BETWEEN	Barry Frank Boric, Stefan Barry Boric and Brent John Whatnall as Trustees for the Barry Boric Family Trust and Milenko Bartul Boric, Anthony Frank Boric, Michael Boric and Brent John Whatnall as Trustees for the Milenko Boric Family Trust Appellants
AND	Waka Kotahi NZ Transport Agency (NoR-S2) Respondent

NOTICE OF APPEAL

12 JULY 2024

ELLIS GOULD
LAWYERS
AUCKLAND

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

Level 31 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172
PO Box 1509, DX CP22003
AUCKLAND

NOTICE OF APPEAL

TO: The Registrar

Environment Court

Auckland

1. Barry Frank Boric, Stefan Barry Boric and Brent John Whatnall as Trustees for the Barry Boric Family Trust and Milenko Bartul Boric, Anthony Frank Boric, Michael Boric and Brent John Whatnall as Trustees for the Milenko Boric Family Trust (**“the Appellants”**) appeal the decision of Waka Kotahi NZ Transport (**“Waka Kotahi”**) dated 31 May 2024 but issued to submitters on 20 June 2024 (**“the Decision”**) confirming a Notice of Requirement for designation in the Auckland Unitary Plan (**“AUP”**), being North West Strategic Network: Alteration to the area of land affected by, and the conditions of, designation 6766 State Highway 16, known as NoR-S2 (**“the NoR”**).
2. The NoR provides for upgrades to the existing road network in the immediate vicinity of the intersection of Access Road and State Highway 16 in Kumeu, Auckland (**“the SH 6/Access Intersection”**).
3. The NoR forms part of a group of Notices of Requirement¹, lodged by AT and Waka Kotahi and collectively known as the **“North West Project”**. Also relevant to this appeal is the decision of Auckland Transport (**“AT”**) on NoR-S4 which provides for upgrades to the intersection of Access Road and Waitakere Road a short distance down Access Road from the SH16/Access Intersection (**“the Access/Waitakere Intersection”**).
4. The Appellants made a submission on the NoR on 24 April 2023.
5. The Appellants received notice of the Decision on 20 June 2024.
6. The Decision subject to the appeal was made by Waka Kotahi.

¹ NoR S4 – Access Road; NoR W1 – Trig Road; NoR W2 – Māmari Road; NoR W3 – Brigham Creek Road; NoR W4 – Spedding Road; NoR W5 – Hobsonville Road; NoR RE1 – Don Buck Road; NoR RE2 – Fred Taylor Drive; NoR R1 – Coatesville-Riverhead Highway; NoR RATN1 – Redhills North-South Arterial Transport Corridor; NoR RATN2a – Redhills East-West Arterial Transport Corridor – Dunlop Road; NoR RATN2b – Redhills East-West Arterial Transport Corridor – Baker Lake; NoR RATN2c – Redhills East-West Arterial Transport Corridor – Nixon Road Connection; TR HIFtr – Trig Road Corridor Upgrade

7. The Appellants are not trade competitors for the purposes of section 308D of the Resource Management Act 1991 (“**RMA**”).
8. The Appellants will be directly and adversely affected by the North West Project and the Decision, as they are the owners of 993 Waitakere Road, Kumeu (“**the Appellants’ Land**”) which:
 - (a) Has frontage to that part of Access Road subject to NoR-S2 and is directly affected by a proposed land take along that Access Road frontage (“**the Waka Kotahi Land Take**”);
 - (b) Has frontage to those parts of Access Road and Waitakere Road subject to NoR-S4 and is directly affected by a proposed land take in the vicinity of the Access/Waitakere Intersection (“**the AT Land Take**”).
9. The Appellants are not opposed to outcomes that the North West Project seeks to deliver, but do not support the NoR due to the significant adverse effects that the Project will have on parking, loading, storage and access areas on the Appellants’ Land and on the future operation of activities on that land. Accordingly, the Appellants seek amendments to the terms and conditions of the NoR to mitigate those effects.

Reasons for the Appeal

10. The reasons for the appeal are as follows:
 - (a) The NoR, as approved in the Decision and in the absence of the amendments and conditions specified in the relief sought in this appeal:
 - (i) Does not promote the sustainable management of the natural and physical resources;
 - (ii) Does not amount to and promote the efficient use and development of resources;
 - (iii) Is not consistent with the purpose and principles in Part 2 of

RMA;

- (iv) Will generate unacceptable adverse effects on the environment, and in particular, on the Appellants' Land;
- (v) Does not enable the social, economic, and cultural wellbeing of the community; and
- (vi) Does not warrant being upheld in terms of section 171 of the Act.

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

The Appellants' interest in the NoR

- (b) The Appellants' Land is bordered by Access Road to the north-west, Waitakere Road to the south-west, and the North Island railway to the north-east. The site has a lengthy frontage to Waitakere Road (opposite to the Kumeu Showgrounds) and the railway and is subject to a Business – Mixed Use zoning under the AUP.
- (c) The north-western end of the Site is occupied by a modern two-storey mixed use building accommodating Plumbing World and Scott Electrical at ground floor, with offices above. Car parking serving those activities is located between the building and the Waitakere Road and Access Road frontages. Access to the internal Plumbing World loading areas for heavy vehicles, along with an outdoor storage area, is located between the building and the Access Road frontage. There are low-lying vegetated and wetland areas immediately to the south-east of the building.
- (d) The impact of the North West Project on the Appellants' Land arises directly from both the NoR and the cumulative impacts of NoR-S2 and NoR-S4:
 - (i) The Waka Kotahi Land Take under NoR-S2 as notified proposes to take 699 m² of land along the north-western boundary of the Site fronting Access Road. This will remove

existing at-grade car parks, loading and yard storage areas, and a projecting canopy. Any vehicular access to the internal heavy vehicle loading bay would need to be provided directly off the road reserve.

- (ii) The AT Land Take under NoR-S4 as notified proposes to take 266 m² of land along the south-western boundary of the Site fronting Waitakere Road. This will remove the western two-way access to the road network and at-grade car parks. It will also obstruct access to other at-grade car parks on the south-western side of the building.
- (e) In summary, the North West Project as notified will have significant and adverse effects on the amenity of the Appellant's' Land, the adequacy of car parking, the accessibility of truck bays and loading areas, and the functionality of the building and activities within it. The presence of vegetated and wetland areas immediately to the south-east will render it extremely difficult of not impossible to:
 - (i) Alter access arrangements to the building so that heavy vehicles can continue to use the ground floor areas; or
 - (ii) Replace the lost car parking areas elsewhere on the Site.
- (f) The decisions on NoR-S2 and NoR-S4 in combination reduce the extent of the designation and land take under NoR-S4 but do not reduce the extent of the land take or designation under NoR-S2.

Implications of the NoR for the Appellants' Land

- (g) The North West Project involves unnecessarily extensive land takes, particularly along the Access Road frontage.
- (h) The Access Road traffic flows that are anticipated once the North West Project has been given effect warrant the widening of Access Road to four lanes at its south-western end, adjacent to the Kumeu Bypass, but not at the north-eastern end in the immediate vicinity of the Appellants' Land, close to the Kumeu town Centre and the railway.

- (i) It is feasible and appropriate for the current width of the Access Road road-reserve to be maintained without the widening enabled under NoR-S2. That would enable:
 - (i) The retention of the existing at-grade car parking along the Access Road frontage of the Appellants' Land, heavy vehicle access to the internal loading bay, and the existing storage areas.
 - (ii) Continued operation of the businesses in the building, without necessitating a significant redesign and renovation of the building and construction of new car parking and access arrangements on the south-eastern side of the building (assuming that can be consented).

Strategic planning implications of the NoRs

- (j) The NoRs have been developed without due regard to the relationship between the Appellants' Land, Access Road, the Rapid Transit Corridor, the railway corridor and the current State Highway 16:
- (k) In its current form, the North West Project involves:
 - (i) Widening of Access Road to provide a four-lane carriageway along with provision for active modes. It is this change that has generated the need for the Waka Kotahi Land Take.
 - (ii) The replacement of buildings on the north-eastern side of the railway corridor with public transport facilities to be contained within the Rapid Transit Corridor, which is expected to be grade separated from the adjacent road network.
 - (iii) Retention of an at-grade crossing of the railway corridor by the widened Access Road road-reserve.
- (l) The railway corridor currently accommodates a single rail line. If Auckland is to make better use of its rail network and the investment already incurred in infrastructure such as the Central Rail Link, it is

appropriate to extend passenger rail services to or beyond Kumeu and to double-track the line.

- (m) AT and KiwiRail are currently undertaking a programme of closing at-grade crossings of the rail corridor or grade-separating such crossings. The Submitters anticipate that, before the expiry of the lapse periods applying to the North West Project, the Access Road crossing of the rail corridor will need to be grade-separated, particularly if passenger rail services are to be extended.
- (n) Regardless of the method chosen for that grade separation (i.e.: whether the road bridges the rail or goes underneath it) there will inevitably be significant and adverse urban design implications for the Appellants' Land and the Kumeu town centre.
- (o) Waka Kotahi and AT have not liaised substantively with KiwiRail regarding future changes to the rail network and rail corridor. In that context, the proposal for Access Road in the vicinity of the Appellants' Land:
 - (i) Lacks a strategic rationale; and
 - (ii) Proposes extensive changes to the layout of the road, extensive takes of adjacent land, and adverse effects on existing businesses in buildings

without having regard to the most significant physical works likely to occur in the vicinity over the next few decades, being the grade separation of the rail and road networks.

Need for Site-specific Conditions

- (p) The designation process enables requiring authorities to carry out works within a broad envelope, subject to conditions. Those works affect adjacent land and activities in a range of ways, related to the nature and scale of the proposed works in that locality and the sensitivity of the affected sites and activities.

- (q) The North West Project involves extensive changes to the environment across an existing and future urban area. It is inevitable that site-specific issues will arise which would most appropriately be addressed via site-specific conditions.
- (r) The Appellants propose incorporating into the NoR a new “*Schedule X - Communication and Engagement Site-Specific Issues*” within which site-specific solutions to issues and adverse effects can be identified. That will provide certainty for the requiring authority and affected landowners, including but not limited to the Appellants.

Construction Effects

- (s) The Appellants are concerned to ensure that the conditions on the NoR governing construction effects are comprehensive and take sufficient account of concerns raised by affected landholders.
- (t) The Decision wrongly rejected the relief sought by submitters regarding the timing of the submission to Council of the Stakeholder and Communication and Engagement Management Plan (“**SCEMP**”). SCEMPs should form part of, and be prepared well in advance of, each Outline Plan of Works, to ensure the requiring authority can satisfy the local authority:
 - (i) That meaningful engagement has occurred; and
 - (ii) How issues that remain live for stakeholders have been considered and will be addressed.
- (u) The Decision requires that stakeholders be identified for communication and engagement purposes 6 months prior to start of detailed design for a stage of work. It is appropriate that consultation then occur with those stakeholders and that the content and outcome of that process be submitted with the Outline Plan by way of the SCEMP.

Lack of Certainty generated by the NoRs

- (v) The Appellants are concerned by the adverse effects that might arise if the various transport upgrades included in the North West Project are not all implemented as proposed:
 - (i) The use of the “*route protection*” model and the absence of funding to cover any phase beyond consenting raises real doubts as to whether the various aspects of the Proposal will ever be completed or, if they are constructed, will be sequenced in a way that has been assessed by Waka Kotahi and AT.
 - (ii) There is no guarantee that the outcome assumed by Waka Kotahi and AT will be realised in whole or in part. That uncertainty is exacerbated by the lengthy lapse periods sought.
 - (iii) Waka Kotahi and AT’s effects assessments have not considered the implications of a partial implementation.
- (w) Given the lengthy lapse dates imposed by Waka Kotahi and AT, the NoRs need to provide for:
 - (i) Regular reviews of the need for the designations and the extent of land subject to them.
 - (ii) The designations to be removed as soon as possible from any areas of land that are no longer required for the North West Project.
 - (iii) The removal of the designations from land needed for construction purposes as soon as possible after the relevant construction has been completed.

Lapse Date issues

- (x) The Appellants are concerned by the implications of the variable, but lengthy, lapse dates proposed which, in the absence of a programme for early purchase of affected land, will perpetuate the planning blight of affected land that commenced when Waka Kotahi and AT identified potential locations for “*route protection*” (particularly with regard to privately owned residential land).
- (y) The Appellants consider that an appropriate and coordinated lapse period is required for both the NoR-S2 and NoR-S4 designations.
- (z) The Decision wrongly concludes that NoR-S2 is not and cannot be subject to a lapse period, because that part of the North West Project amends an existing designation which has been given effect to:
 - (i) The Appellants consider that, notwithstanding the High Court decision in *Poutama Kaitiaki Charitable Trust and D & T Pascoe v Taranaki Regional Council and Others* CIV-2021-443-15 [2022] NZHC 629, works enabled by a NoR that alters an existing designation are subject to a lapse period under section 184 RMA.
 - (ii) In any event, while section 184 RMA imposes a statutory lapse period on designations, it does not prevent imposition of a lapse period by way of condition, provided there are legitimate RMA reasons for such a lapse period. Such conditions are available under the general power to impose conditions in section 171(2)(c) RMA.
 - (iii) In this case, such a lapse condition is appropriate and necessary to address the adverse effects on landowners that will arise from NOR-S2 pursuant to section 171(2)(c) RMA (regardless of whether it applies as a consequence of section 184 RMA).

Relief Sought

11. The Appellants seek the following relief:

- (a) That the appeal be allowed.
- (b) That NoR-S2 be removed from Appellants' Land, failing which NoR-S2 should be declined in its entirety.
- (c) That the terms and conditions of NoR-S2 be amended to address the other issues and concerns identified in paragraph 10 above. The items of relief set out in paragraphs 11(c)(i) to (viii) below are examples of amendments and additions to the terms and conditions that would appropriately address those issues and concerns:
 - (i) Amend Condition 4 (NoR-S2) - Designation Review so it reads:

“Pre-construction review

- a) *The Requiring Authority shall, at five (5) yearly intervals from the confirmation of the designation, undertake a review of the designation. The review shall involve affected landowners and occupiers and:*
 - i) *assess the need for, and extent of the land, as part of the designation;*
 - ii) *provide an update on the progress or effort made to give effect to the designation; and*
 - iii) *be made publicly available on the project website and be made available to the Council.*

Post-construction review

- b) *As soon as reasonably practicable, but no later than six (6) months, following the Completion of Construction, the Requiring Authority shall:*
 - i) *review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and*
 - ii) *give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.”*
- (ii) Impose a 10-year lapse period on NoR-S2.
- (iii) Retain the definition of “stakeholder” adopted in the Decision.

(iv) Amend Condition 6 (NoR-S2) – Outline Plan to ensure any Outline Plan of Works includes a “*Stakeholder Communication and Engagement Management Plan*” (or “**SCEMP**”).

(v) Amend Condition 9 (NoR-S2) – Existing Property Access so the condition reads:

“Where it is proposed to alter existing property vehicle access, parking or manoeuvring which exists at or prior to the time the Outline Plan is submitted, the Requiring Authority shall consult with the directly affected landowners and occupiers regarding the proposed changes. The Outline Plan shall demonstrate how safe, efficient and effective access to the transport corridor, and on-site parking or manoeuvring will be provided, unless otherwise agreed with the affected landowner.

To address this condition, the following process shall occur:

a) The Requiring Authority shall request, and if accepted, shall facilitate a meeting between itself, affected landowners / occupiers and Auckland Council planning officers to discuss any matters of disagreement that remain outstanding between the parties.

b) The Requiring Authority shall prepare an assessment of the effects of the Project on the existing access(es), parking or manoeuvring in terms of safety, efficiency and effectiveness.

c) That assessment shall be accompanied by a consultation record outlining engagement in accordance with the SCEMP and Schedule X Communication and Engagement Site Specific Issues.

d) The Requiring Authority shall supply that consultation record and assessment to the Council for consideration alongside the Outline Plan.”

(vi) Amend Condition 10 (NoR-S2) – Management Plans so (amendments annotated):

- Condition (a)(i) is amended to read: “(a) Any management plan shall: (i) Be prepared and implemented in accordance with the relevant management plan condition and to achieve its objective or purpose.”

- Condition (a)(v) is amended to read: “(a) Any management plan shall: (v) Be submitted as part of an Outline Plan pursuant to section 176A of the RMA, ~~with the exception of SCEMPs and CNVMP Schedules.~~”

(vii) Amend Condition 11 (NoR-S2) – Stakeholder and Communication and Engagement Management Plan (“SCEMP”) so the condition reads:

“a) A SCEMP shall be prepared in consultation with Stakeholders, prior to any Outline Plan being. The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with prior to and throughout Construction Works.

b) To achieve the objective, the SCEMP shall include:

- i) At least 18 months prior to any Outline Plan being submitted, the Requiring Authority shall identify:*
 - A. A list of Stakeholders;*
 - B. A list of properties within the designation which the Requiring Authority does not own or have occupation rights to;*
 - C. Methods and timing to engage with Stakeholders and the owners of properties identified in (b)(i)(A) and (B) above;*
 - D. Having regard to the above, cross-references to the parties listed in the Schedule X Communication and Engagement Site-Specific Issues;*
- ii) The contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source and prominently displayed at the main entrance(s) to the site(s);*
- iii) The procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;*
- iv) Methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua;*
- v) [NoR-S2 only] Methods to avoid, remedy or mitigate the potential loss of visibility from public*

spaces and physical severance to businesses in the Business – Local Centre Zones, informed by engagement undertaken in accordance with (i) and (ii) above. These methods could include (but not be limited to) customer access arrangements, temporary wayfinding and signage;

- vi) Methods and timing to engage with owners and occupiers whose access is directly affected;*
- vii) Details of how the Requiring Authority has considered and responded to the issues listed in Schedule X Communication and Engagement Site-Specific Issues, where relevant to each Stage of Work;*
- viii) Methods to communicate key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified this condition; and*
- ix) Linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant.*
- x) [NoR-S2 only] Provision for a hardship fund to compensate or offset business costs or losses resulting from the Construction Works on the operation of the business.*

c) Any SCEMP prepared for a Stage of Work shall be submitted to the Council for information with the Outline Plan.”

- (viii) Insert a new “Schedule X - Communication and Engagement Site-Specific Issues” for the NoR to address site-specific issues. A proposed format of Schedule X, addressing site-specific issues and incorporating exemplar comments relating to the Appellants’ Land is annexed as **Attachment 4**.
- (d) Such further orders, relief, consequential amendments or other amendments as are considered appropriate and necessary to address the Appellants’ concerns set out above.
- (e) Costs of and incidental to this appeal.

Attachments

12. The following documents are attached to this notice:

- (a) **Attachment 1:** A copy of the Appellants' submission on the NoR.
- (b) **Attachment 2:** Relevant extracts from the Decision.
- (c) **Attachment 3:** A list of persons to be served with a copy of this notice.
- (d) **Attachment 4:** Proposed format for new "*Schedule X - Communication and Engagement Site-Specific Issues*" to be attached to the NoR, addressing site-specific issues (incorporating exemplar comments relating to the Appellants' Land).

DATED this 12th day of July 2024

BARRY FRANK BORIC, STEFAN BARRY BORIC AND BRENT JOHN WHATNALL AS TRUSTEES FOR THE BARRY BORIC FAMILY TRUST AND MILENKO BARTUL BORIC, ANTHONY FRANK BORIC, MICHAEL BORIC AND BRENT JOHN WHATNALL AS TRUSTEES FOR THE MILENKO BORIC FAMILY TRUST by their solicitors and duly authorised agents Ellis Gould



Douglas Allan / Alex Devine

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

Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

To become a party to the appeal, you must —

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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

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

How to obtain copies of documents relating to appeal

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

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

Attachment 1: A copy of the Appellants' submission on the NoR

**SUBMISSION ON A REQUIREMENT FOR A DESIGNATION SUBJECT TO
FULL NOTIFICATION**

**FORM 21, SECTIONS 168A, 169, 181, 189A, 190 AND 195A OF THE
RESOURCE MANAGEMENT ACT 1991**

To: Auckland Council
Private Bag 92300
Auckland 1142

Attention: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

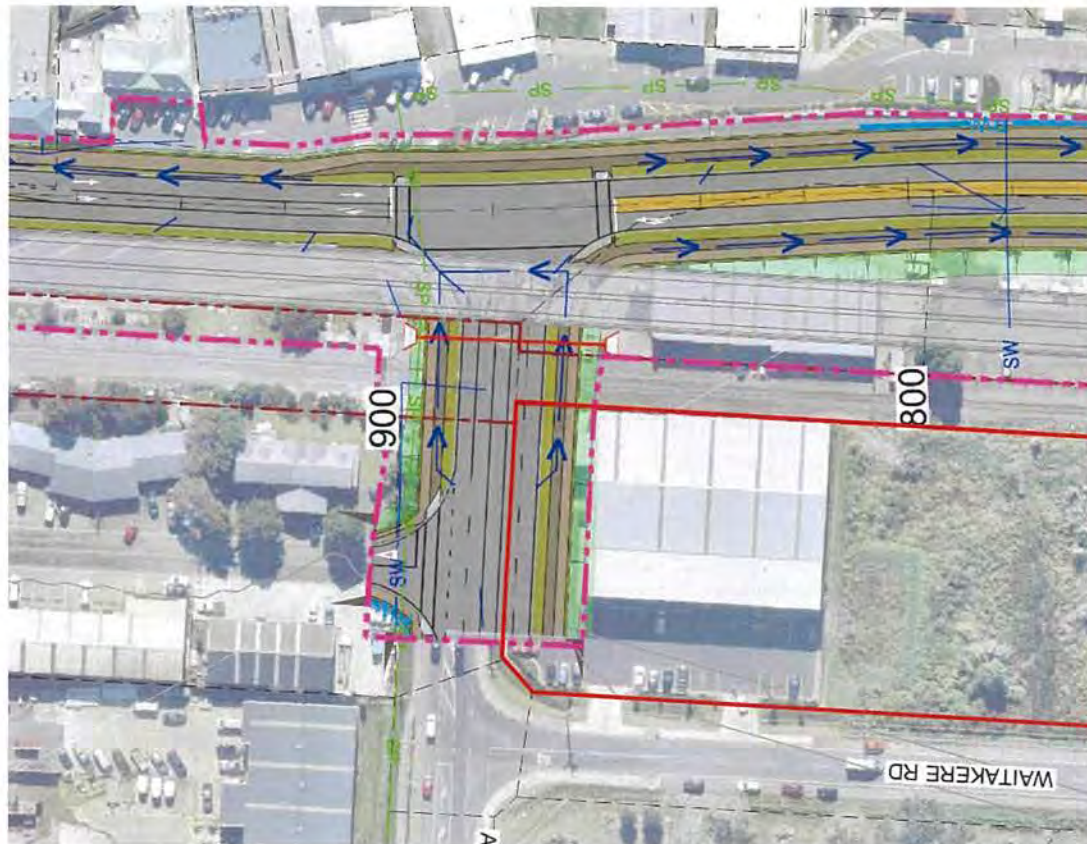
Name of submitters: Barry Frank Boric, Stefan Barry Boric and Brent John Whatnall
as Trustees for the Barry Boric Family Trust and Milenko Bartul
Boric, Anthony Frank Boric, Michael Boric and Brent John
Whatnall as Trustees for the Milenko Boric Family Trust
(together, "**the Submitters**")

Introduction

1. This is a submission on the Notice of Requirement requested by Waka Kotahi (NZTA) as Requiring Authority to alter the area of land affected by, and the conditions of, designation 6766 State Highway 16 in the Auckland Unitary Plan ("AUP"), referred to as NoR S2 - Northwest Strategic Network: Alteration to designation 6766 State Highway Main Road Upgrade.
2. The site affected is 993 Waitakere Road, Kumeu, shown in red in the images below. The proposed alteration to the boundary of designation 6766 affects the western parking and loading area of this property, comprising a recently constructed industrial/commercial building occupied by three long-term tenants. NoR S2 proposes to take 699m² of land along the western boundary of the site.
3. The Submitters purchased the site in 1996 and recently obtained resource consent for and completed construction of the commercial/industrial building within the western part of the site, illustrated below.
4. The building is occupied by three tenancies: Plumbing World on the western side, critically with ancillary at-grade storage located on the western half of the site adjacent Access Road; Scott Electrical on the eastern side; and Archiology, an architectural drafting company, at first floor. Two two-way vehicle crossings serve the site from Waitakere Road, providing access to the shared at-grade parking area located along the western and southern perimeters of the site, as shown below.

5. Stormwater drainage is provided within the berm including culverts beneath vehicle crossings to the site.
6. A vegetated stormwater pond is located centrally within the site, to the south east of the commercial building described above.

Proposed alteration to boundary of designation (pink) and site (red)



An aerial photograph showing a large, multi-section industrial building with a light-colored roof. A red line is drawn around the building's footprint. The building is located at a street intersection. To the left is a parking lot and another commercial building. To the right is a large, dark-roofed structure, possibly a warehouse or another industrial facility. The surrounding area includes roads, trees, and other commercial buildings.

7. The Submitters **oppose** the NoR, subject to the boundary of the alteration being revised to exclude any existing at-grade yard or parking areas within the site at 993 Waitakere Road.

8. The reasons for the Submitters' view are set out below, and in summary are that the design of the Access Road corridor is unnecessarily wide resulting in adverse effects on the functional use and operation of the site.
9. The NoR alteration proposes to upgrade the intersection of Access Road and Main Road, widening the Access Road corridor from its existing 20m width to 30m. The associated upgrade works to Access Road are contained within both NoR S2, being the subject of this submission, and NoR S4 (refer separate submission).
10. The Assessment of Transport Effects states that Access Road has previously been upgraded from a rural to urban form between Wookey Lane and Main Road. However, further widening and upgrades are proposed along this 'urban' stretch of Access Road to accommodate four lanes of vehicular movement in addition to a central median (approx. 3m wide), a footpath, cycle lane, stormwater management and battering on both sides of Access Road, as shown below.



Figure 1-7: Indicative Access Road Upgrade cross section for urban section

11. As stated, the design for the urban section of Access Road is overly wide and the assessment provided does not adequately address the necessity for a 30m corridor. Whereas by comparison, other arterials such as Main Road and the Trig Road extension under recently notified NoR applications remain 24m in width, which can comfortably accommodate arterial functions.
12. In particular, the need for two lanes travelling south-west does not appear to be required, thus resulting in an overly wide urban section between Wookey Lane and Main Road. The reason for this is that vehicles will primarily enter Access Road from Main Road. The proposed layout of Main Road provides only one lane of traffic turning into Access Road from each direction at any one time. As such, there is no apparent need for two south-west bound lanes within the urban cross-section between Main Road and Wookey Lane.

13. A small number of vehicles may also turn left into Access Road from Waitakere Road, Grivelle Street and Wookey Lane, however these are local roads generating comparatively fewer vehicle movements. The presence of these local roads does not appear to warrant two-lanes for south-west bound traffic.
14. Further, the urban nature of this cross-section is such that vehicle speeds are typically slower proximate to an intersection, thus on the face of it resulting in the ability to reduce the width of the central median, or to remove it entirely, between Main Road and Wookey Lane. This would further reduce the width of the cross-section.
15. Overall, the Access Road urban cross-section appears unnecessarily wide and the amendments illustrated below are proposed to reduce the width of the urban cross-section between Wookey Lane and Main Road.



Figure 1-7: Indicative Access Road Upgrade cross section for urban section

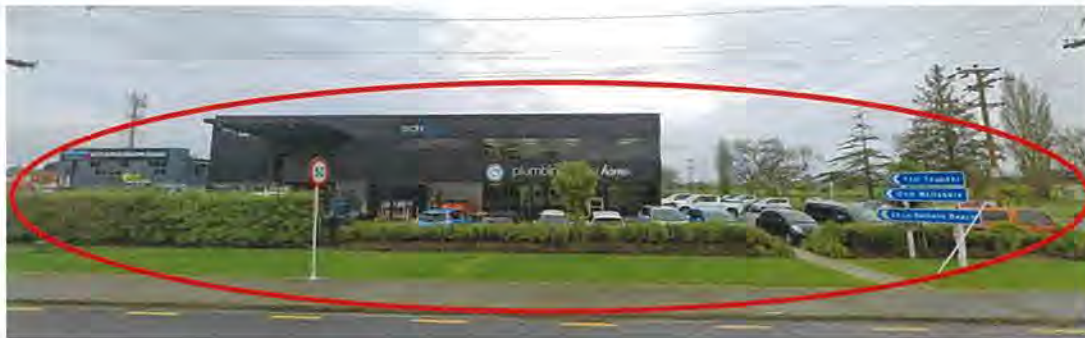
Implications of NoR S2 on 993 Waitakere Road

16. As notified and owing to the overly wide transport corridor, NoR S2 requires the entirety of the land situated between the site's western boundary and the western elevation of the building, being the Plumbing World tenancy.
17. The NoR requires 699m² of the site at the north western corner, in addition to the 266m² of land proposed to be taken by NoR S4, being a total of 965m². The application documents do not adequately assess the adverse effects this will have on the ongoing operation of existing and future activities on the site.
18. The proposed alteration to designation 6766 will render the tenancy inoperable as it will:
 - a) Require the removal of Plumbing World's at-grade storage yard in its entirety, which is required for the tenancy to functionally operate;
 - b) Render the service doors on the western elevation inaccessible;

- c) Require the removal of the existing canopy attached to the western elevation;
 - d) Result in the loss of 10 at-grade parking spaces which are shared by all three tenancies on the site; and
 - e) Possibly result in an elevated road corridor and battering (and potentially retaining) immediately adjacent to the western elevation comprising display windows to the show room/display area of Plumbing World.
19. Plumbing World is the anchor tenant and holds a lease until 2039, such that it is highly likely they will be the tenant in place at the time the proposed upgrade works occur. NoR S2 as notified will render the tenancy commercially unviable and inoperable in the absence of the loading area and ancillary at-grade parking. The loss of at-grade carparks also materially affects the two other tenancies on the site.
20. These effects are further exacerbated when viewed together with the works proposed by NoR S4 relating to land required along the southern boundary of the site. A further three at-grade carparks (and a vehicle access) will be removed by NoR S4, resulting in a total loss of 13 carparks across the site.
21. The application material does not adequately address all potential effects of the proposed NoR on the property in its entirety and the occupants specifically.

Photographs showing the western storage and parking area (red)





22. Finally, the Submitters request certainty that construction effects on 993 Waitakere Road will be appropriately managed at the time of construction.

Relief Sought

23. The Submitters seek that NoR S2 be declined for the reasons stated in this submission.
24. Failing that, the Submitters seek that NoR S2 only be accepted provided conditions are inserted to address the following:
- a) That the designation be amended and conditions imposed on the designation to ensure that:
 - i. The designation extent is removed from 993 Waitakere Road in its entirety by reducing the overall width of the Access Road urban cross-section between Main Road and Wookey Lane, including such amendments as the removal of one south-west bound lane and the central median.
 - b) That conditions are imposed on the designation to ensure that:
 - i. Prior to the commencement of construction in the vicinity of 993 Waitakere Road, a site-specific construction management plan applying to the area in the immediate vicinity of 993 Waitakere Road is:
 - Prepared by the requiring authority in consultation with the Submitter;
 - Provided to Council, along with details of the Submitter's observations and comments on the plan, if any; and
 - Approved by the Council.
 - c) Such other conditions, relief or other consequential amendments as are considered appropriate or necessary to address the matters outlined in this submission.
25. The Submitters wish to be heard in support of this submission.

26. If others make a similar submission, the Submitters would consider presenting a joint case with them at the hearing.

DATED at Auckland this 24th day of **April 2023**

Signature:

Stefan Barry Boric
Trustee

Michael Boric
Trustee

Address for Service:
Forme Planning Ltd
Suite 203, Achilles House
8 Commerce Street
Auckland 1010
Hannah@formeplanning.co.nz

Attachment 2: Relevant extracts from the Decision

31 May 2024

Todd Elder, Senior Policy Planner
Central/South Planning Unit - Plans and Places
Auckland Council
Private Bag 92300
Victoria Street West, Auckland 1142

Dear Todd

NOTICE OF DECISION OF NZ TRANSPORT AGENCY WAKA KOTAHĪ UNDER SECTION 172 OF THE RESOURCE MANAGEMENT ACT 1991

Thank you for your letter received 18 April 2024 advising of the recommendations of the Auckland Council Independent Hearing Commissioners in relation to the five NZ Transport Agency Waka Kotahi (NZTA) Notices of Requirement that comprise part of the North West Project:

- NoR S1 – Alternative State Highway
- NoR S2 – SH16 Main Road
- NoR S3 – Rapid Transit Corridor
- NoR KS – Kumeū Rapid Transit Station
- NoR HS – Huapai Rapid Transit Station

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

Pursuant to section 172 of the Resource Management Act 1991, NZTA **accepts** the Commissioners' recommendation that the NORs should be confirmed and **accepts in part** and **rejects in part** the Commissioners' recommendations on conditions of the Notices of Requirement.

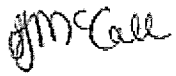
The **Table 1** below sets out:

- The Commissioners' recommended conditions which are rejected or partially accepted, along with the reasons for our decision; and
- Other modifications that NZTA has made to the conditions for consistency, clarity and ease of implementation.

Only those recommended conditions that NZTA has modified are outlined in the table below (shown in bold strikethrough for deletions and bold underline for additions).

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

Complete clean sets of designation conditions as a result of the NZTA decision, are **attached** to this letter as **Appendices A – E**. The clean set of conditions in Appendices A – E includes the changes set out in the table below, formatting changes (including rearranging order of conditions) and minor non-substantive changes (such as capitalisations).



Yours sincerely

Sonya McCall

Team Leader, Auckland / Northland Poutiaki Taiao / Environmental Planning

Transport Services

Pursuant to authority delegated by New Zealand Transport Agency Waka Kotahi

Table 1: Modifications made by NZTA to conditions recommended by the Hearing Commissioners for NoRs S1, S2, S3, HS and KS

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
All	-	<p>These conditions relate to Notices of Requirement S1, S2, S3, HS and KS, described as follows:</p> <p>S1 Alternative State Highway (ASH): A new four-laned dual-carriageway motorway and the upgrade of the Bringham-Creek Interchange.</p> <p>S2 SH16 Main Road: An upgrade to the existing urban corridor including active modes and realignment of the Station Road intersection with State Highway 16.</p> <p>S3 Rapid Transit Corridor (RTC): A new rapid transit corridor and active mode corridor in one co-located corridor.</p> <p>HS Huapai Station: A new rapid transit station, including transport interchange facilities, park-and-ride and accessway.</p> <p>KS Kumeū Station: A new rapid transit station, including transport interchange facilities and accessway.</p>	<p>Reject new conditions.</p> <p>The Panel has proposed new conditions to describe the designation purposes. NZTA rejects these additional conditions because the purpose of the designation is already described in each of the NORs, and that purpose will be reflected in the AUP schedule of designations. <i>Schedule 1: General Accordance Plans and Information</i> provides the Project description for which the works within the designation shall be undertaken in general accordance with, as referred to in Condition 1.</p>
All	Abbreviations and definitions	<p>Certification of material changes to management plans</p> <p>Confirmation from the Manager that a CNVMP Schedule (or change thereto) or a material change to a management plan has been prepared in accordance with the condition to which it relates.</p> <p>A CNVMP Schedule (or change thereto) or a material change to a management plan shall be deemed certified:</p> <ul style="list-style-type: none"> a) where the Requiring Authority has received written confirmation from the Council that the CNVMP Schedule or the material change to the management plan is certified; or b) ten (10) working days from the submission of the CNVMP Schedule or the material change to the management plan where no written confirmation of certification has been received; or c) five (5) working days from the submission of a change to the CNVMP Schedule where no written confirmation of certification has been received. 	<p>Reject amendments to definition including the additional clause (c)</p> <p>The Panel has recommended amendments to the definition of "certification" to the effect that certification would be required for CNVMP Schedules (and changes). NZTA rejects these amendments as certification is only required for material changes to management plans and requiring certification of the CNVMP Schedules is unnecessary for the reasons explained in closing submissions and the evidence of Ms Wilkenning.¹</p> <p>Amendment by NZTA</p> <p>To improve clarity, NZTA inserts "of material changes to management plans" into the definition heading.</p>

¹ Closing legal submissions of Requiring Authority, dated 24 November 2023, at [16.11]; and Evidence of Siiri Wilkenning, dated 8 September 2023, at [7.16].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
All	Abbreviations and definitions	Developer — Any legal entity that intends to master plan or develop land adjacent to the designation	Amendment by NZTA NZTA rejects the addition of the Land use Integration Process (LIP) condition, therefore the definition is not required.
All	Abbreviations and definitions	Development Agency — Public entities involved in development projects	Amendment by NZTA NZTA rejects the addition of the LIP condition, therefore the definition is not required.
All	Abbreviations and definitions	EIANZ Guidelines Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018 (or any updated version).	Reject the insertion of or 'any updated version' to the definition of the EIANZ Guidelines The Panel has recommended adding "or any updated version" at the end of this definition. NZTA rejects this amendment but has instead proposed an amendment to the Pre-Construction Ecological Survey condition (as discussed within that condition below).
All	Abbreviations and definitions	Identified Biodiversity Area Means an area or areas of features of ecological value where the Project ecologist has identified that the project will potentially have a moderate or greater level of ecological effect, prior to implementation of impact management measures, as determined in accordance with the EIANZ guidelines	Amendment by NZTA Insertion of the word "features" as it appears to have been missed in error.
		Mana Whenua Mana Whenua as referred to in the conditions is are considered to be, (as a minimum) but not limited to, the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the Project includes but is not limited to : <ul style="list-style-type: none"> • Te Kawerau āa Maki • Ngāti Whātua o Kaipara • Te Ākitai Waiohūa 	Amendment by NZTA Amendments to improve drafting. The note has been deleted as this line item is a definition, not a condition.

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		Note: Other iwi and hapū not identified above may have an interest in the Project and should be consulted.	
All	Abbreviations and definitions	Project Liaison Person The person or persons appointed by the Requiring Authority for the duration of the Project's Construction Works to be the main point of contact for persons wanting information about the Project or affected by the Construction Works.	Reject additional wording. The Panel has recommended inserting the phrase "by the Requiring Authority". NZTA rejects this additional text as the definition defines the role, not who would appoint the person. The approach is consistent with the definition for Suitably Qualified Person, which does not (and does not need to) say who would appoint that person.
All	Abbreviations and definitions	Requiring Authority Has the same meaning as section 166 of the RMA and, for this Designation is the New Zealand Transport Agency Waka Kotahi-New Zealand Transport Agency .	Accept in part. The Panel has recommended amending the reference to "Auckland Transport" to "the New Zealand Transport Agency Waka Kotahi". The reference to Auckland Transport was included in error and the reference is updated to refer to "New Zealand Transport Agency", being the legal name of the Requiring Authority. Other references in the condition set have also been changed from Waka Kotahi to NZTA.
<u>All except S3</u>	<u>Stakeholders</u>	<u>Stakeholders to be identified in accordance with Condition 3B which may include as appropriate:</u> <u>(a) adjacent owners and occupiers;</u> <u>(b) adjacent business owners and operators;</u> <u>(c) central and local government bodies;</u> <u>(d) community groups;</u> <u>(e) developers;</u> <u>(f) development agencies;</u> <u>(g) educational facilities; and</u>	Reject See explanation in line item below.

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		<u>(h) network utility operators.</u>	
<u>NOR S3</u>	Abbreviations and definitions	<p>Stakeholders to be identified in accordance with Condition 3B, which may include as appropriate:</p> <ul style="list-style-type: none"> (a) adjacent owners and occupiers; (b) adjacent business owners and operators; (c) central and local government bodies; (d) community groups; (e) developers; (f) development agencies; (g) educational facilities; (h) network utility operators; and (i) emergency services. 	<p>Reject addition of 'emergency services' to all designations</p> <p>The Panel has recommended removing the specific definition of "Stakeholders" for NoR S3 and instead applying the NoR S3 definition across all corridors. The effect of this recommendation would be to include "emergency services" as an example of a Stakeholder for all corridors not just NoR S3.</p> <p>NZTA rejects this amendment as emergency services has been intentionally included in NoR S3 only as the Kumeū Fire Station site is located within the designation footprint. The list is framed inclusively and therefore is not exhaustive of those Stakeholders that may be engaged with at time of construction. NZTA would typically engage with emergency services and a wide range of other parties as part of the project development and delivery process – it is not necessary to list all parties in RMA conditions.</p>
S4, S3 HS, KS		<u>Conditions 1 – 36 of this designation shall only apply to the work described in the Project Description and the altered area identified in the Concept Plan in Schedule 4.</u>	<p>Reject</p> <p>The Panel has proposed this condition for all new corridors in addition to NoR S2 (an alteration to an existing designation). NZTA rejects this new condition as it is unnecessary for new corridors. The condition set has been combined for convenience during the statutory process but will be split out for each of the individual designations when included in the AUP (and as attached to this decision). The relevant conditions will be applied as appropriate to each designation.</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
All	2	<p>Project Information</p> <p>(a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within 6 months of the inclusion of the designation in the AUP.</p> <p>(b) All directly affected owners and occupiers shall be notified in writing as soon as reasonably practicable once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <p>...</p> <p>(vi) how / where to access noise modelling contours to inform the design of development adjacent to the designation;</p> <p>(vii) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA; and</p> <p>...</p>	<p>Accept (a)</p> <p>The Panel proposed to amend the wording of clause (a) to read "... inclusion of the designation in the AUP". NZTA accepts this amendment.</p> <p>Reject (b)(vi)</p> <p>The Panel recommended including the words "the design of" into clause (b)(vi). NZTA rejects the addition because noise modelling contours will be made available to inform all aspects of such development (such as subdivision layout and building location).</p>
S4 S2 S3 HS	2A	<p>Land use Integration Process (LIP)</p> <p>(a) A Land use Integration Process for the period between confirmation of the designation and the Start of Construction shall be established. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected by, or adjacent to the designation. To achieve this purpose:</p> <p>(i) The contact details of a nominated contact shall be included on the project website (or equivalent information source) required to be established by Condition (2)(a)(iii).</p> <p>(ii) The nominated contact shall facilitate engagement with a Developer or Development Agency wanting to work with the Requiring Authority to integrate their development plans or master planning with the designation.</p> <p>(b) At any time prior to the Start of Construction, the nominated contact shall be available to engage with a Developer or Development Agency for the purpose of:</p> <p>(i) Responding to requests for information regarding design details that could assist with land use integration; and</p>	<p>Reject additional condition.</p> <p>The Panel has recommended that the LIP condition be included in the NZTA designations. NZTA rejects this recommendation because it is unnecessary for the reasons explained in the evidence of Mr Elley, i.e. that transport corridor interfaces with adjacent land uses are appropriately managed through existing processes.² As detailed in the evidence of Mr Rama,³ NZTA already has well established and effective processes in place to manage works within the designation through the section 176 processes.</p>

² Rebuttal Evidence of Regan Elley, dated 8 September 2023, at [3.9] – [3.16]

³ Primary Evidence of Deepak Rama, dated 2 August 2023 [6.1] – [6.4]

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		<p>(ii) Receiving information from a Developer or Development Agency regarding master planning or land development details that could assist with land use integration,</p> <p>(e) Information provided by the Requiring Authority under Condition 2A(b) above may include but not be limited to the following matters:</p> <p>(i) Design details of the project including:</p> <p style="padding-left: 40px;">A. boundary treatment (e.g. the use of retaining walls or batter slopes);</p> <p style="padding-left: 40px;">B. the horizontal and vertical alignment of the road (levels);</p> <p style="padding-left: 40px;">C. potential locations for mid-block crossings;</p> <p style="padding-left: 40px;">D. integration of stormwater infrastructure; and</p> <p style="padding-left: 40px;">E. outputs from any flood modelling;</p> <p>(ii) Potential modifications to the extent of the designation in response to information received through Condition 2A(b)(ii);</p> <p>(iii) A process for the Requiring Authority to undertake a technical review of or provide comments on any master planning or development proposal advanced by the Developer or Development Agency as it relates to integration with the Project;</p> <p>(iv) Details of how to apply for written consent from the Requiring Authority for any development proposal that relates to land is within the designation under section 176(1)(b) of the RMA; and</p> <p>(v) How / where to access noise modelling contours to inform development adjacent to the designation.</p> <p>(d) Where information is requested from the Requiring Authority and is available, it shall be provided unless there are reasonable grounds for not providing it.</p> <p>(e) The Requiring Authority shall maintain a record of engagement with Developers and Development Agencies for the period following the date in which this designation is included in the AUP through to the Start of Construction for a Stage of Work. The record shall include:</p> <p style="padding-left: 40px;">(i) A list of all Developers and Development Agencies who indicated through the notice of requirement process that they intend to master plan or develop sites along the Project alignment that may require specific integration with the designation;</p> <p style="padding-left: 40px;">(ii) A summary of requests made to the Requiring Authority that could influence detailed design, the results of any engagement and, where such requests that could influence</p>	

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p><u>detailed design are declined, the reasons why the Requiring Authority has declined the requests; and</u></p> <p>(iii) <u>Details of any requests to co-ordinate the forward work programme, where appropriate, with Development Agencies and Network Utility Operators.</u></p> <p>(iv) <u>The record shall be submitted to the Council for information ten (10) working days prior to the Start of Construction for a Stage of Work.</u></p>	
All	3	<p>Designation Review</p> <p>Pre-construction review</p> <p>(a) <u>The Requiring Authority shall, at five (5) yearly intervals from the confirmation of the designation, undertake a review of the designation. The purpose of the review is to keep stakeholders updated on progress with implementation of the project, and to enable areas of designated land to be removed from the designation if identified as being no longer required.</u></p> <p>(b) <u>The review shall involve affected landowners and occupiers and:</u></p> <p><u>(i) provide an update on the progress or effort made to give effect to the designation and the anticipated date for implementation;</u></p> <p><u>(ii) review the extent of the designation to identify any areas of designated land that are no longer required for the designation; and</u></p> <p><u>(iii) be made publicly available on the project website and be made available to the Council.</u></p> <p>Post-construction review</p> <p>(a) As soon as reasonably practicable, <u>but no later than six (6) months</u>, following the Completion of Construction the Requiring Authority shall:</p> <p>(i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and</p> <p>(i) give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.</p>	<p>Reject pre-construction review.</p> <p>The Panel has recommended the inclusion of a pre-construction review condition. NZTA rejects this recommendation.</p> <p>NZTA explained why such a condition is unnecessary in its closing submissions⁴, in particular:</p> <ul style="list-style-type: none"> Section 79 of the RMA requires the Council to undertake a review of the District Plan every 10 years, which provides an appropriate opportunity for a Requiring Authority to review the need for a designation. The lapse periods are based on long-term implementation timeframes and a periodic review could create an expectation for a shorter timeframe than is the case. The project website will be established, as soon as reasonably practicable, and within 6 months of the designation inclusion in the AUP, to provide landowners, occupiers and the community updates (if any) on the Projects. The requirement to undertake a periodic review across all designations (including

⁴ Closing legal submissions of Requiring Authority, dated 24 November 2023, at [4.35 – 4.44]

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
			<p>others within the region) would be an inefficient imposition on public funds that could otherwise be allocated to priority projects.</p> <ul style="list-style-type: none"> The process to consider requests for s 176 consent to work within the designation will inherently prompt NZTA to confirm its ongoing need for the designation over a particular site. <p>Amend post-construction review.</p> <p>The Panel has recommended that the post-construction review occur no later than six months following the Completion of Construction. NZTA rejects this recommendation and amends the condition to remove reference to the six-month timeframe. Flexibility is needed in the timing for any post-construction designation review as the roll back process is subject to third party actions and other factors that influence timeframes.⁵</p>
S1 S2 S3	4	<p>Network Utility Operators and Auckland Council (Section 176 Approval)</p> <p>(a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure and Auckland Council in relation to parks will not require written consent under section 176 of the RMA for the following activities:</p> <p>...</p> <p>(ii) minor renewal works to existing network utilities and/or parks necessary for the on-going provision or security of supply of network utility operations and/or parks <u>operations</u>;</p> <p>...</p>	<p>Amendment by NZTA</p> <p>Amendments in clause (ii) to improve clarity of the condition including adding the word "operations".</p> <p>Amendments in clause (iv) to clarify the nature of the effects referred to, and to remove the reference to parks given the potential nature or scale of activities that could risk preventing or hindering future work in the designation. Consent to upgrade park facilities can be requested under section 176 for these activities in accordance with normal process.</p>

⁵ Rebuttal evidence of Alastair Lovell, dated 8 September 2023 and adopted by Deepak Rama [4.1 – 4.4].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(iv) the upgrade and replacement of existing network utilities and/or parks in the same location with the same or similar effects on the work authorised by the designation as the existing utility and/or park.</p> <p>...</p>	This provides an opportunity for NZTA and Auckland Council to engage on the proposed work, including opportunities for mutually beneficial outcomes.
KS HS	4	<p>Network Utility Operators (Section 176 Approval)</p> <p>(a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure located within the designation will not require written consent under section 176 of the RMA for the following activities:</p> <p>(i) operation, maintenance and urgent-repair works;</p> <p>(ii) minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility operations;</p> <p>...</p> <p>(iv) the upgrade and replacement of existing network utilities in the same location with the same or similar effects on the work authorised by the designation as the existing utility.</p>	<p>Amendment by NZTA to clause (a)(i)</p> <p>The words "located within the designation" have been deleted, as all conditions and the section 176 RMA requirements only apply to works within the designation.</p> <p>The deletion of 'urgent' was raised through engagement with network utility operators who indicated that most repair works are likely to be non-urgent and should be allowed to proceed without written consent under section 176. NZTA consider this reasonable to enable the ongoing operation of network utilities.</p> <p>Amendment by NZTA to clause (a)(ii)</p> <p>The amendment improves the clarity of the condition.</p> <p>Amendment by NZTA to clause (a)(iv)</p> <p>Amendments in clause (iv) to clarify the nature of the effects referred to.</p>
All	6	<p>Management Plans</p> <p>(a) Any management plan shall:</p> <p>(i) Be prepared and implemented in accordance with the relevant management plan condition and to achieve its objective or purpose;</p> <p>...</p> <p>(iv) Summarise comments received from Mana Whenua and other stakeholders as required by the relevant management plan condition, along with a summary of where comments have:</p> <p>...</p>	<p>Reject amendment to (i)</p> <p>The Panel recommends including "and to achieve its objective or purpose". NZTA rejects this addition as the individual management plan conditions already include such requirements.</p> <p>Amendment by NZTA</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
			Remove "other" as the role of Mana Whenua in future project delivery will differ from external stakeholders.
All	8	<p>Network Integration Management Plan (NIMP)</p> <p>(b) The objective of the NIMP is to identify how the Project will integrate with the planned transport network in the North West growth area to achieve an effective, efficient and safe land transport system. To achieve this objective, the NIMP shall include details of the:</p> <p>...</p> <p>(ii) Sequencing of the Projects with the planned transport network, including design, management and operational matters and whether Designation S1 can practicably be implemented prior to Designations S2 and S3 in order to minimise adverse effects on SH16 and the Kumeu Town Centre.</p>	<p>Reject addition to clause (b)(ii)</p> <p>The Panel recommends additional wording in relation to sequencing of designations S1, S2 and S3. NZTA rejects this recommendation because the potential adverse effects on the operation of SH16 Main Road and Kumeu Town Centre have been assessed and will be appropriately managed by the existing conditions, including the NIMP and the CTMP. The relative timing for implementation of work in designations S1, S2 and S3 will depend on factors such as growth, wider transport and land use planning, and availability of funding ⁶.</p>
S2 S3	8A	<p>Stakeholder Communication and Engagement Management Plan (SCEMP)</p> <p>(b) The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works. To achieve the objective, the SCEMP shall include:</p> <p>...</p> <p>(iv) the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s);</p> <p>(v) the procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;</p> <p>(vi) methods to <u>manage avoid, remedy or mitigate</u> the potential loss of visibility from public spaces, and physical severance to businesses in the Business - Town Centre Zones, informed</p>	<p>Reject amendment to (vii)</p> <p>The Panel recommends that "avoid, remedy or mitigate" is more appropriate than "manage" in clause (b)(vii). NZTA rejects this amendment. The objective of the SCEMP is to identify how the public and stakeholders will be engaged with throughout Construction Works. In this context, "manage" is more appropriate.</p> <p>Reject insertion of "physical" in (vii)</p> <p>The Panel recommends that severance is limited to "physical" severance. NZTA rejects the addition of "physical" as it is considered that severance should encompass all forms of potential severance, i.e. visual and physical.</p> <p>Reject addition of clause (xi)</p>

⁶ Primary Evidence of Deepak Rama, dated 2 August 2023 [4.1] [4.5] and Primary Evidence of Joe Phillips, dated 2 August 2023, at [1.4], [6.1 – 6.14].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>by engagement undertaken in accordance with (i) and (ii) above. These methods could include (but not be limited to) customer access arrangements, temporary wayfinding and signage;</p> <p>...</p> <p>(xi) provision for a hardship fund to compensate or offset business costs or losses arising from the Construction Works on the operation of the business.</p> <p>(c) Any SCEMP prepared for a Stage of Work shall be submitted to the Council for information a minimum of ten (40) working days prior to the Start of Construction for a Stage of Work.</p>	<p>The Panel proposes an additional clause relating to a hardship fund. NZTA rejects this recommendation. It is not mandated by current statutory requirements. Compensation matters are provided for by the PWA.</p> <p>Accept addition to clause (c)</p> <p>The Panel recommended adding "minimum" into clause (c), which NZTA accepts.</p> <p>Amendment by NZTA to clause (b)(v)</p> <p>NZTA removes clause (b)(v) because the content duplicates requirements in (b)(iv) and is therefore unnecessary.</p>
S1 <u>HS</u> KS	8A	<p>Stakeholder Communication and Engagement Management Plan (SCEMP)</p> <p>(b) The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works. To achieve the objective, the SCEMP shall include:</p> <p>...</p> <p>(iv) the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s);</p> <p>(v) the procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;</p> <p>...</p> <p>(c) Any SCEMP prepared for a Stage of Work shall be submitted to the Council for information with the Outline Plan a minimum of ten working days prior to the Start of Construction for a Stage of Work.</p>	<p>Amendment by NZTA to clause (b)(v)</p> <p>NZTA removes clause (b)(v) because the content duplicates requirements in (b)(iv).</p> <p>Amendment by NZTA to clause (c)</p> <p>NZTA has amended clause (c) consistent with the approach outlined in its written closing submissions. That is, that the SCEMP will be provided separate to the Outline Plan process and prepared prior to the start of construction. The proposed Stakeholder Communication and Engagement condition requires that the identification of stakeholders, directly affected properties and engagement methods must take place at least six months before detailed design, and it is a record of those matters that must be submitted at the Outline Plan stage (not the SCEMP). Previous wording was retained in error.</p> <p>NZTA has also adopted the inclusion of "minimum" to clause (c), to be consistent with</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
All	[NEW]	<p>Network Utilities Integration [relocated from NUMP into new condition]</p> <p>The Requiring Authority shall consult with Network Utility Operators during the detailed design phase to consider opportunities to enable, or not preclude, the development of new network utility facilities including access to power and ducting within the Project, where practicable to do so. The consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, shall be summarised in the NUMP Outline Plan(s) prepared for the Project.</p>	<p>the Panel's recommendation for the other NORs.</p> <p>Amendment by NZTA NZTA has relocated this clause from the NUMP condition to form a standalone condition and consequentially updated that consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, be summarised in the Outline Plan (not the NUMP). This is because the condition relates to opportunities in the design phase, whereas the NUMP primarily applies to the construction phase.</p>
S1 S2 S3	8B	<p>Open Space Management Plan (OSMP)</p> <p>...</p> <p>(c) The objective of the OSMP is to minimise, as far as practicable, adverse effects on the recreation amenity of Fred Taylor Park resulting from the Project. To achieve the objective, the OSMP shall include details of:</p> <p>...</p> <p>(iii) (iv) how matters raised by Auckland Council Parks and relevant stakeholders identified pursuant to condition-3B have been incorporated into the OSMP, and where matters have not been incorporated, the reasons why not.</p>	<p>Accept amendment to (c)(iv) NZTA accepts the removal of the word 'key' in reference to stakeholders in clause (c)(iv).</p> <p>Amendments by NZTA NZTA has also amended the condition to remove reference to Condition 3B in clause (c)(iv). The OSMP will be prepared by a Suitably Qualified Person, who is best positioned to advise on who the relevant stakeholders are, and how matters raised may be addressed.</p>
S1	9	<p>Urban and Landscape Design Management Plan (ULDMP) [note some clauses have been re-located in clean sets]</p> <p>...</p> <p>(c) Relevant stakeholders identified through the Condition-3B shall be invited to participate in the development of the ULDMP at least six (6) months prior to the start of detailed design for a Stage of Work.</p>	<p>Accept (c) in part - removal of 'key' The Panel recommends deleting the word "key" in front of Stakeholders. NZTA accepts the removal of "key" in clause (c) and replace with "relevant". The reference to "relevant" stakeholders in the conditions is required because at this stage of a project, engagement should be focussed on those Stakeholders</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		<p>(d) The ULDMP shall be prepared in general accordance with:</p> <p>...</p> <p>(iii) Waka-Kotahi NZTA Landscape Guidelines (20138) or any subsequent updated version; and</p> <p>...</p> <p>(e) To achieve the objective <u>set out in Condition 9(1)</u>, the ULDMP(s) shall provide details of how the project:</p> <p>...</p> <p>(f) The ULDMP(s) shall include:</p> <p>...</p> <p>(iii) landscape and urban design details – that cover the following:</p> <p>...</p> <p>E. Landscape treatment and planting of permanent stormwater control wetlands and swales ...</p> <p>...</p> <p>H. Historic heritage places with reference to the HHMP (Condition 21);</p> <p>I. Reinstatement of construction and site compound areas;</p> <p>J. Reinstatement of features to be retained such as:</p> <p>a. boundary features;</p> <p>b. landscaping;</p> <p>c. driveways;</p> <p>d. accessways; and</p> <p>e. fences and</p> <p>f. site utilities.</p> <p>(g) The ULDMP shall also include the following planting details and maintenance requirements:</p> <p>(i) planting design details including:</p>	<p>considered relevant to the Stage of Work. The ULDMP will be prepared by a Suitably Qualified Person who will be best qualified to advise on who the relevant stakeholders are that should be invited to participate in the development of the ULDMP.</p> <p>Reject (f)(iii)(j) - site utilities</p> <p>The Panel recommends including "site utilities" as an example of features to be re-instated. NZTA rejects the addition of "site utilities" in (f)(iii)(j) as the list of features is inclusive, so it is unnecessary to list every feature. Further, the reinstatement of site utilities is already provided for under the PWA.</p> <p>Reject (g)(iii) - irrigation and plant replacement</p> <p>The Panel recommends including "irrigation" and "plant replacement (due to theft or plants dying)" into the list of detailed specifications. NZTA rejects this recommendation as the list of features is inclusive, so it is unnecessary to list every feature. Further, plant replacement is already addressed in the lead in sentence that captures "planting details and maintenance requirements". Maintenance of landscaping will also be guided by the NZTA Landscape Guidelines, which the ULDMP will be prepared in general accordance with.</p> <p>Accept removal of advice note - front yard setback.</p> <p>The Panel recommends deleting the advice note to the ULDMP. NZTA accepts the deletion of the advice note.</p> <p>Amendment by NZTA</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>...</p> <p>d. Planting of stormwater wetlands</p> <p>e. identification of vegetation to be retained and any planting requirements under the <u>Ecological Management Plan (Condition 21B) and Tree Management Plan (Condition 22)</u>, Conditions 24B and 22;</p> <p>f. re-instatement planting of construction and site compound areas as appropriate.</p> <p>...</p> <p>(ii) detailed specifications relating to the following:</p> <ol style="list-style-type: none"> weed control and clearance; pest animal management (to support plant establishment); ground preparation (top soiling and decompaction); mulching; and plant sourcing and planting including hydroseeding and grassing, and use of eco-sourced species; irrigation and plant replacement (due to theft or plants dying) 	<p>NZTA has amended the condition to improve clarity and to remove reference to Condition 3B in clause (c). The ULDMP is prepared by a Suitably Qualified Person, who is best positioned to advise on who the relevant stakeholders are.</p> <p>NZTA has also removed the reference to "planting of stormwater wetlands" in clause (g)(i)(d) and instead inserted "planting" in clause (f)(iii)(E) to avoid duplication.</p> <p>An incorrect date in the NZTA Landscape Guidelines has been corrected.</p> <p>The reference to "re-instatement planting of construction and site compound areas as appropriate" is deleted as these matters are already addressed under clause (f)(iii)(J).</p> <p>In the clean set of conditions in Appendices A – D, the ULDMP condition has been separated into three separate conditions and some clauses relocated in the clean sets for ease of implementation. The phrase "set out in Condition 9(1)" has been added (with updated numbering in the clean sets) to maintain a link between the three ULDMP conditions.</p>
All except S1	9	<p>ULDMP, see above – and:</p> <p>(f) The ULDMP(s) shall include:</p> <ol style="list-style-type: none"> a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; developed design concepts, including principles for walking and cycling facilities and public transport; and 	<p>Amendment by NZTA</p> <p>NZTA has added the words "shaped to a natural profile where practicable and appropriate to the surrounding context" into clause (f)(iii)(A), to be consistent with the condition set for NoR S1 and for the reasons explained in closing submissions.⁷</p>

⁷ Closing legal submissions of Requiring Authority, dated 24 November 2023, at [24.2].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(iii) landscape and urban design details – that cover the following:</p> <p>A. Road design – elements such as intersection form, carriageway gradient and associated earthworks contouring including cut and fill batters, <u>shaped to a natural profile where practicable and appropriate to the surrounding context</u>, and the interface with adjacent land uses and existing roads (including slip lanes), benching, spoil disposal sites, median width and treatment, roadside width and treatment;</p> <p>...</p>	
All		<p>Flood Hazard</p> <p>For the purpose of Condition 10:</p> <p>...</p> <p>(d) Flood prone area – means a potential ponding areas that may flood and commonly comprised of topographical depression areas. These areas can occur naturally or as a result of constructed features which act as embankments when stormwater outlets are blocked. Flood prone areas typically include depressions formed by road/railway/motorway embankments built across natural gullies.</p> <p>...</p>	<p>Accept removal of ARL in definitions</p> <p>The Panel recommends deleting the definition of ARL. The Panel is correct that this is not a term that is subsequently used in the flood hazard condition and its deletion is accepted by NZTA.</p> <p>Amendment by NZTA to the definition of flood prone area</p> <p>NZTA is amending the definition of "flood prone area" to provide additional clarification and to be consistent with the Auckland Council GIS definition.</p>
All	10	<p>Flood Hazard</p> <p>(a) The Project shall be designed to achieve the following flood risk outcomes:</p> <p>(i) no increase in flood levels in a 1% AEP event for existing authorised habitable floors that are already subject to flooding or have a freeboard of less than 500mm within the designation or upstream or downstream of the designation;</p> <p>(ii) no more than a 40% reduction in freeboard in a 4% AEP event for existing authorised habitable floors with a freeboard of over 500mm (to maintain a minimum freeboard of 500mm), within the designation or upstream or downstream of the designation;</p> <p>(iii) no increase in <u>flood levels in a 1% AEP flood levels event</u> for existing authorised community, commercial, industrial and network utility building floors that are already subject</p>	<p>Reject amendments to condition</p> <p>The Panel has recommended changes to the flood hazard condition to align with the Healthy Waters version of the conditions along with some amendments. NZTA rejects these changes and (except for the amendment discussed below) retains the version of the condition proposed in its Memorandum of Counsel dated 22 December 2023 for the</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>to flooding or have a freeboard of less than 300mm <u>within the designation or upstream or downstream of the designation</u>;</p> <p>(iv) no more than a 40% reduction in freeboard in a 1% AEP event for existing authorised community, commercial, industrial and network utility building floors with a freeboard of over 300mm (to maintain a minimum freeboard of 300mm) within the designation or upstream or downstream of the designation;</p> <p>(v) no increase in a 1% AEP flood level, except where the increase in level occurs within a well-defined stream cross-section and the increase will not increase the flood plain extent;</p> <p>(vi) existing or new overland flow paths shall be diverted away from private properties and discharge to a suitable location so that there is no increase in flood levels in a 1% AEP event downstream. Overland flow paths shall be kept free of obstructions;</p> <p>(vii) <u>Maximum of 50mm increase in water level in a 1% AEP event outside and adjacent to the designation boundaries between the pre and post Project scenarios; and</u></p> <p>(viii) no new flood-prone areas; and</p> <p>(ix) no increase of flood <u>hazard</u> for <u>the</u> main <u>vehicle</u> access to authorised habitable dwellings existing at time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event.</p> <p>Where Flood Hazard is:</p> <ul style="list-style-type: none"> • velocity x depth <u>greater than or equal to</u> ≥ 0.6 or • depth <u>greater than</u> $> 0.5\text{m}$, or • Velocity <u>greater than</u> $> 2\text{m/s}$. <p>(b) Compliance with <u>this</u> condition (a) shall be demonstrated in the Outline Plan, which shall include flood modelling of:</p> <p>(i) the pre-Project and post-Project 1% AEP flood levels (for Maximum Probable Development land use <u>and including with allowances for climate change</u>);⁸</p> <p>(ii) proposed horizontal and vertical alignments of the road design; and</p>	<p>reasons explained in both that Memorandum and Closing Submissions.⁸</p> <p>Amendment by NZTA to clauses (a)(iii) and (ix)</p> <p>NZTA is amending these clauses to improve clarity, including to clarify the meaning of flood hazard by explaining the symbols used in the condition, and to make it clear that the requirement is not restricted to "vehicle" access.</p> <p>Amendment by NZTA to clause (a)(viii)</p> <p>NZTA deletes the clause stating "no new flood prone areas".</p> <p>Amendment by NZTA to clause (b)</p> <p>NZTA amends clause (b) to improve clarity in how the flood modelling will be undertaken.</p> <p>Amendment by NZTA to clause (c)</p> <p>On reflection, NZTA amends clause (c) to clarify how confirmation will be provided that any necessary approvals have been obtained.</p>

⁸ Closing Legal Submissions of Requiring Authority, dated 24 November 2023, at [15.3] – [15.15]; Memorandum of Counsel dated 22 December 2023, at [7.1 – 7.5].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(iii) all stormwater, drainage and mitigation infrastructure proposed to service the road construction.</p> <p>This modelling shall be submitted to Auckland Council Healthy Waters (or its equivalent) for review and confirmation that it can adequately demonstrate compliance with the condition.</p> <p>(c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, the Outline Plan shall include confirmation shall be provided that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.</p> <p>(d) The capacity of the designation's stormwater management network to drain surface water from private properties shall not be reduced or if reduced is appropriately accommodated by other means.</p> <p>Advice Notes:</p> <p>(i) For the Strategic Network, due to the extensive flooding known to occur within Kumeū–Huapai, the linear nature of the designation, and the potential timeframe between granting of the designation and construction it is required that the Requiring Authority confirms an appropriate modelling with Auckland Council Healthy Waters (or its equivalent) when commencing the detailed design. This will ensure compliance with any relevant National and Regional Codes of Practice and specifications are complied with.</p> <p>(ii) Consultation with Auckland Council Healthy Waters (or its equivalent) to identify opportunities for collaboration on catchment improvement projects shall be carried out at the detailed design stage.</p>	
S1 S3 KS HS	11	<p>Existing property access</p> <p>(a) Where existing property vehicle access which exists at the time the Outline Plan is submitted is proposed to be altered by the project, the Requiring Authority shall consult with the directly affected landowners and occupiers regarding the required changes. The Outline Plan shall demonstrate how safe efficient and effective access to the transport corridor, and on-site parking and manoeuvring will be provided, unless otherwise agreed with the affected landowner.</p> <p>Prior to submission of the Outline Plan, consultation shall be undertaken with landowners and occupiers whose vehicle access to their property will be altered by the project. The Outline Plan shall demonstrate how safe reconfigured or alternate access will be provided, unless otherwise addressed with the affected landowner.</p>	<p>Amendment by NZTA</p> <p>NZTA has revised the wording of this condition to improve clarity and add the phrase "reconfigured or alternate access".</p> <p>Reject insertion of "on-site parking and manoeuvring"</p> <p>The Panel recommend amending this condition so that it reads "... safe <u>efficient and effective access to the transport corridor, and on-site parking and manoeuvring</u> will be provided..." NZTA rejects the addition of "on-</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
S2	11	<p>(e) Where existing property vehicle access from roads that are not a state highway, which exists at the time the Outline Plan is submitted is proposed to be altered by the project, the Requiring Authority shall consult with the directly affected landowners and occupiers regarding the required changes. The Outline Plan shall demonstrate how safe, efficient and effective access to the transport corridor, and on-site parking and manoeuvring, will be provided, unless otherwise agreed with the affected landowner.</p> <p>(e) Prior to submission of the Outline Plan, consultation shall be undertaken with landowners and occupiers whose vehicle access to their property from roads that are not a state highway will be altered by the project. The Outline Plan shall demonstrate how safe reconfigured or alternate access will be provided, unless otherwise addressed with the affected landowner.</p>	<p><i>site parking and manoeuvring</i> as the insertions are unnecessary for the reasons provided in the Closing Legal Submissions.⁹</p> <p>Reject insertion of “efficient and effective”</p> <p>NZTA rejects the addition of “efficient and effective access to the transport corridor”. It is unnecessary for the reasons explained in Closing Legal Submissions and the evidence of Mr Phillips.¹⁰</p> <p>NZTA has also changed ‘agreed’ to ‘addressed’ as changes to access may not require a formal agreement; this may depend on the nature of the change and whether land acquisition is required under the PWA.</p> <p>See explanation in line item above.</p>

⁹ Closing Legal Submissions of Requiring Authority, dated 24 November 2023, at [14.8]

¹⁰ Closing Legal Submissions of Requiring Authority, dated 24 November 2023, at [13.10] and [14.8]; and Rebuttal evidence of Joe Phillips, dated 8 September 2023 [4.30] and [4.34].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
All	12	<p>Construction Environmental Management Plan (CEMP)</p> <p>...</p> <p>(b) The objective of the CEMP is to set out the management procedures and construction methods to be undertaken to, avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable. To achieve the objective, the CEMP shall include:</p> <p>...</p> <p>(iv) details of the proposed construction yards including temporary screening when adjacent to Residential zones;</p> <p>(v) details of the proposed locations-of-refuelling-activities-and construction lighting;</p> <p>...</p> <p>(x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses;</p> <p>...</p>	<p>Accept addition to clause (iv)</p> <p>The Panel recommends amending "residential areas" to "residential zones" in clause (b)(iv), which is accepted by NZTA.</p> <p>Amendment by NZTA</p> <p>NZTA has made administrative amendments to condition 12(b) to separate out locations of refuelling activities from clause (v) to clause (x).</p>
All	15	<p>Cultural Monitoring Plan (CMP)</p> <p>(a) Prior to the start of Construction Works, a CMP shall be prepared by a Suitably Qualified Person(s) identified in collaboration with Mana Whenua.</p> <p>(b) The objective of the CMP is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction Works. To achieve the objective, the CMP shall include:</p> <p>...</p>	<p>Amendment by NZTA</p> <p>Minor wording improvement, consistent with other management plan conditions.</p>
All S4, S3, HS, KS	16	<p>Construction Traffic Management Plan (CTMP)</p> <p>(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include:</p> <p>...</p> <p>(vi) methods to maintain vehicle access, parking-and-maneuvring to and within property and/or private roads where practicable, or to provide alternative vehicle access, parking and manoeuvring arrangements when it will not be, including details of how access is</p>	<p>Reject additions to clause (vi) "vehicle" access</p> <p>The Panel recommends inserting "vehicle" in front of "access". NZTA does not intend to limit the CTMP to vehicle access and rejects this recommendation. This acknowledges access considerations for both vehicular and active modes e.g. walking and cycling.</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		<p>managed for loading and unloading of goods. Engagement with landowners or occupiers whose access, parking and manoeuvring is directly affected shall be undertaken in accordance with the SCEMP;</p> <p>(vii) details of how the loading and unloading of goods will be provided for;</p> <p>(viii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;</p> <p>(ix) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents /public /stakeholders /emergency services);</p> <p>(x) auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management or any subsequent version.</p> <p>(xi) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and</p> <p>(xii) details of any measures proposed to be implemented in the event of thresholds identified in (xi) being exceeded.</p> <p>(c) <u>Auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management (April 2023) or any subsequent version.</u></p>	<p>Reject additions to clause (vi) "parking and manoeuvring" to and within property ... "parking and manoeuvring" arrangements</p> <p>The Panel recommends including references to "parking and manoeuvring" into the CTMP. NZTA does not accept that the CTMP should require or indeed will be able to in all instances maintain parking and manoeuvring areas within private property.</p> <p>Any changes to internal parking and manoeuvring areas on sites will be considered where relevant as part of the PWA process where land acquisition is required.</p> <p>Amendment by NZTA to clause (vi) and (vii)</p> <p>NZTA has relocated the reference to the loading and unloading of goods from a standalone clause to clause (vi) to recognise the link between access and loading areas, and has corrected a reference from Condition 3B to the SCEMP. It has also deleted the word "access" in the requirement to provide alternative arrangements where access will not be maintained, to improve readability of the condition.</p> <p>Amendment by NZTA to clause (c) and (b)(x)</p> <p>NZTA has relocated clause (c) from (b)(x) and clarified the date of the Guide.</p>
S2		<p>Construction Traffic Management Plan (CTMP)</p> <p>(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include:</p>	<p>See above line item and:</p> <p>Reject amendments to CTMP</p> <p>The Panel has recommended an additional clause (ii) for NoR S2. NZTA rejects this additional clause because it is not necessary.</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined> and rejections are in bold and strikethrough)	Reason for modifications
		<p>(i) methods to manage the effects of temporary traffic management activities on traffic;</p> <p>(ii) methods to maintain road capacity for through traffic, equivalent to one through lane of traffic in each direction, at all times during construction, excepting the intersections of SH16 Main Road with Access Road and Harikoa Street, where two through lanes is required in each direction to maintain capacity;</p> <p>(iii) measures to ensure the safety of all transport users;</p> <p>(iv) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near educational facilities or to manage traffic congestion;</p> <p>(v) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;</p> <p>(vi) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport services, pedestrians and cyclists;</p> <p>(vii) methods to maintain vehicle access, parking and manoeuvring to and within property and/or private roads where practicable, or to provide alternative vehicle access, parking and manoeuvring arrangements when it will not be. Engagement with landowners or occupiers whose access, parking and manoeuvring is directly affected shall be undertaken in accordance with Condition 3B;</p> <p>(viii) details of how the loading and unloading of goods will be provided for;</p> <p>(ix) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;</p> <p>(x) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents /public /stakeholders /emergency services);</p> <p>(xi) auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management or any subsequent version;</p> <p>(xii) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and</p>	<p>A requirement to consider methods to maintain road capacity is already captured within the CTMP under clauses (i) and (xi). The evidence of Mr Phillip's states that maintaining a lane each way would generally be necessary but not 'at all times' and that there is sufficient space within the overlapping designations for NoR S2 and S3 to do so.¹¹</p> <p>The traffic management detail will be appropriately addressed at the time of implementation by the Suitably Qualified Person preparing the CTMP. This will be based on the transport environment at the time including any other transport improvements that have been implemented between now and then. This is also a consideration under the NIMP.¹²</p>

¹¹ Primary Evidence of Joe Phillips, dated 2 August 2023, at [12.62](b).

¹² Rebuttal Evidence of Joe Phillips, dated 8 September 2023, at [4.11] – [4.19].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications																																																			
		(xiii) details of any measures proposed to be implemented in the event of thresholds identified in (xii) being exceeded.																																																				
All	17	<p>Construction Noise Standards</p> <p>(a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable:</p> <p>Table 17.1: Construction noise standards</p> <table> <tr> <th>Day of week</th><th>Time period</th><th>L_{Aeq}(15min)</th><th>L_{Afmax}</th></tr> <tr> <td colspan="4">Occupied activity sensitive to noise</td></tr> <tr> <td rowspan="4">Weekday</td><td>0630h - 0730h</td><td>55 dB</td><td>75 dB</td></tr> <tr> <td>0730h - 1800h</td><td>70 dB</td><td>85 dB</td></tr> <tr> <td>1800h - 2000h</td><td>65 dB</td><td>80 dB</td></tr> <tr> <td>2000h - 0630h</td><td>45 dB</td><td>75 dB</td></tr> <tr> <td rowspan="4">Saturday</td><td>0630h - 0730h</td><td>5545 dB</td><td>75 dB</td></tr> <tr> <td>0730h - 1800h</td><td>70 dB</td><td>85 dB</td></tr> <tr> <td>1800h - 2000h</td><td>45 dB</td><td>75 dB</td></tr> <tr> <td>2000h - 0630h</td><td>45 dB</td><td>75 dB</td></tr> <tr> <td rowspan="4">Sunday and Public Holidays</td><td>0630h - 0730h</td><td>45 dB</td><td>75 dB</td></tr> <tr> <td>0730h - 1800h</td><td>55 dB</td><td>85 dB</td></tr> <tr> <td>1800h - 2000h</td><td>45 dB</td><td>75 dB</td></tr> <tr> <td>2000h - 0630h</td><td>45 dB</td><td>75 dB</td></tr> <tr> <td colspan="4">Other occupied buildings</td></tr> </table>	Day of week	Time period	L _{Aeq} (15min)	L _{Afmax}	Occupied activity sensitive to noise				Weekday	0630h - 0730h	55 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	65 dB	80 dB	2000h - 0630h	45 dB	75 dB	Saturday	0630h - 0730h	55 45 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Sunday and Public Holidays	0630h - 0730h	45 dB	75 dB	0730h - 1800h	55 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Other occupied buildings				<p>Amendment by NZTA</p> <p>NZTA has amended the 55dB reference in Saturday 06:30 – 07:30 to 45dB to correct an error.</p>
Day of week	Time period	L _{Aeq} (15min)	L _{Afmax}																																																			
Occupied activity sensitive to noise																																																						
Weekday	0630h - 0730h	55 dB	75 dB																																																			
	0730h - 1800h	70 dB	85 dB																																																			
	1800h - 2000h	65 dB	80 dB																																																			
	2000h - 0630h	45 dB	75 dB																																																			
Saturday	0630h - 0730h	55 45 dB	75 dB																																																			
	0730h - 1800h	70 dB	85 dB																																																			
	1800h - 2000h	45 dB	75 dB																																																			
	2000h - 0630h	45 dB	75 dB																																																			
Sunday and Public Holidays	0630h - 0730h	45 dB	75 dB																																																			
	0730h - 1800h	55 dB	85 dB																																																			
	1800h - 2000h	45 dB	75 dB																																																			
	2000h - 0630h	45 dB	75 dB																																																			
Other occupied buildings																																																						

Designat ion	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)				Reason for modifications																						
		<table><tr><td>All</td><td>0730h – 1800h</td><td>70 dB</td><td></td></tr><tr><td></td><td>1800h – 0730h</td><td>75 dB</td><td></td></tr></table>	All	0730h – 1800h	70 dB			1800h – 0730h	75 dB		b. Where compliance with the noise standards set out in Table 17.1 is not practicable, the methodology in Condition 20 shall apply.																	
All	0730h – 1800h	70 dB																										
	1800h – 0730h	75 dB																										
All	18	<p>Construction Vibration Standards</p> <p>(a) Construction vibration shall be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures and shall comply with the vibration standards set out in Table 18.1 as far as practicable.</p> <p>Table 18.1: Construction Vibration criteria-Standards</p> <table><tr><th>Receiver</th><th>Details</th><th>Category A*</th><th>Category B*</th></tr><tr><td rowspan="2">Occupied Activities sensitive to noise</td><td>Night-time 2000h - 0630h</td><td>0.3mm/s ppv</td><td>1mm/s ppv</td></tr><tr><td>Daytime 0630h - 2000h</td><td>1mm/s ppv</td><td>5mm/s ppv</td></tr><tr><td>Other occupied buildings</td><td>Daytime 0630h - 2000h</td><td>2mm/s ppv</td><td>5mm/s ppv</td></tr><tr><td rowspan="2">All other buildings</td><td>At all other times Vibration transient</td><td>5mm/s ppv</td><td>BS 5228-2** Table B2</td></tr><tr><td>At all other times Vibration continuous</td><td>5mm/s ppv</td><td>BS 5228-2** 50% of Table B2 values</td></tr></table> <p>* Refer to Waka-Kotahi NZTA State highway construction and maintenance noise and vibration guide for further explanation regarding Category A and B criteria</p>				Receiver	Details	Category A*	Category B*	Occupied Activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	1mm/s ppv	Daytime 0630h - 2000h	1mm/s ppv	5mm/s ppv	Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	All other buildings	At all other times Vibration transient	5mm/s ppv	BS 5228-2** Table B2	At all other times Vibration continuous	5mm/s ppv	BS 5228-2** 50% of Table B2 values	<p>Amendment by NZTA</p> <p>Minor administrative amendments.</p>
Receiver	Details	Category A*	Category B*																									
Occupied Activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	1mm/s ppv																									
	Daytime 0630h - 2000h	1mm/s ppv	5mm/s ppv																									
Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv																									
All other buildings	At all other times Vibration transient	5mm/s ppv	BS 5228-2** Table B2																									
	At all other times Vibration continuous	5mm/s ppv	BS 5228-2** 50% of Table B2 values																									

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>**BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'</p> <p>(b) Where compliance with the vibration standards set out in Table 18.1 is not practicable, the methodology in Condition 20 shall apply.</p> <p>(c) If measured or predicted vibration from construction activities exceeds the Category A criteria, a Suitably Qualified Person shall assess and manage construction vibration during those activities.</p> <p>(d) If measured or predicted vibration from construction activities exceeds the Category B criteria those activities must only proceed if vibration effects on affected buildings are assessed, monitored and mitigated by a Suitably Qualified Person.</p>	
All S1, S2, HS	19	<p>Construction Noise and Vibration Management Plan (CNVMP)</p> <p>...</p> <p>(c) The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 17 and 18 to the extent practicable. To achieve this the objective, the CNVMP shall be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6803:1999) and the Waka Kotahi State highway construction and maintenance noise and vibration guide (version 1.4, 2019), and shall as a minimum, address the following:</p> <p>...</p> <p>(v) A hierarchy of management and mitigation options including any requirements to limit night works and works during other sensitive times, including Sundays and public holidays as far as practicable;</p> <p>...</p> <p>(xii) Procedures and trigger levels for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred as a result of construction vibration;</p> <p>...</p>	<p>Reject specific CNVMP condition for KS and S3</p> <p>The Panel recommends a different CNVMP condition for S3 and KS that include an additional clause (c)(v) relating to the Huapai Tavern. As explained in the line item below, NZTA rejects the recommendation to include reference to "Huapai Tavern (AUP Schedule 14.1 #00482)" in the CNVMP.</p> <p>Amendment by NZTA</p> <p>NZTA has included reference to "trigger levels" at clause (c) as trigger levels are also an important consideration for determining when to undertake building condition surveys. NZTA has also deleted the reference to a 2019 noise and vibration guide that was included in error. NZTA has also made minor editorial amendments to the condition, including to insert the word "works" in (c)(v).</p>
S3, KS	49	<p>Construction Noise and Vibration Management Plan (CNVMP)</p> <p>(a) A CNVMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) A CNVMP shall be implemented during the Stage of Work to which it relates.</p>	<p>Reject the addition of clause (c)(v)</p> <p>The Panel recommends a different CNVMP condition for S3 and KS that includes an additional clause (c)(v) relating to the Huapai</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined> and rejections are in bold and strikethrough)	Reason for modifications
		<p>(c) The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 17 and 18 to the extent practicable. To achieve this objective, the CNVMP shall be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 Acoustics—Construction Noise (NZS6803:1999) and the Waka Kotahi State highway construction and maintenance noise and vibration guide (version 1.1, 2019), and shall as a minimum, address the following:</p> <ul style="list-style-type: none"> (i) A description of the works and anticipated equipment/processes; (ii) Hours of operation, including times and days when construction activities would occur; (iii) The construction noise and vibration standards for the project; (iv) Identification of receivers where noise and vibration standards apply; (v) Set out the method for monitoring effects on the Huapai Tavern (AUP Schedule 14.1 #00482), to protect historic heritage values including by reference to the HHMP; (vi) A hierarchy of management and mitigation options including any requirements to limit night and works during other sensitive times, including Sundays and public holidays as far as practicable; (vii) Methods and frequency for monitoring and reporting on construction noise and vibration; (viii) Procedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints; (ix) Contact details of the Project Liaison Person; (x) Procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers; (xi) Procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for those areas where compliance with the noise (Condition 17) and/or vibration standards (Condition 18) for Category A or Category B will not be practicable; (xii) Identification of trigger levels for undertaking building condition surveys, which shall be below Category B day time levels; 	<p>Tavern. NZTA rejects this recommendation. Alongside the archaeological authority process, the relocation of the Huapai Tavern will be managed by the HHMP and NZTA will be required to assess and repair any damage resulting from the relocation process. There are already sufficient controls in other conditions so that effects on the Huapai Tavern will be appropriately assessed and managed; the additional clause is therefore unnecessary. This is addressed in detail in the evidence of Ms Wilkening¹³ and is also discussed in the Closing Legal Submissions.¹⁴</p>

¹³ Rebuttal Evidence of Siiri Wilkening, dated 8 September 2023, at [4.1] – [4.13]

¹⁴ Closing legal submissions of Requiring Authority, dated 24 November 2023, at [20.1] – [20.4].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(xiii) Procedures for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred as a result of construction vibration;</p> <p>(xiv) Methodology and programme of desktop and field audits and inspections to be undertaken to ensure that CNVMP, Schedules and the best practicable option for management of effects are being implemented; and</p> <p>(xv) Requirements for review and update of the CNVMP.</p>	
All	20	<p>Schedule to a CNVMP</p> <p>(a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction activity to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the Schedule to the CNVMP, when:</p> <p>...</p> <p>(b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP. To achieve the objective, the The Schedule shall include details such as:</p> <p>...</p> <p>(c) The Schedule shall be submitted to the Manager for information certification at least five (5) working days (except in unforeseen circumstances) in advance of Construction Works that are covered by the scope of the Schedule and shall form part of the CNVMP. If any comments are received from the Manager, these shall be considered by the Requiring Authority prior to implementation of the Schedule; and</p> <p>(d) Where material changes are made to a Schedule required by this condition, the Requiring Authority shall consult the owners and/or occupiers of sites subject to the Schedule prior to submitting the amended Schedule to the Manager for information certification in accordance with (c) above. The amended Schedule shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.</p>	<p>Reject "certification" in (c) and (d)</p> <p>The Panel recommends amendments to clauses (c) and (d) including to require that the CNVMP Schedules be certified. NZTA rejects these amendments as certification is only required for material changes to management plans and requiring certification of the CNVMP Schedules is unnecessary for the reasons explained in Closing Legal Submissions and the evidence of Ms Wilkenning.¹⁵</p> <p>Amendment by NZTA</p> <p>NZTA has made minor editorial corrections to the condition.</p>
S1 S2	21	Historic Heritage Management Plan (HHMP) ...	<p>Amendment by NZTA</p> <p>NZTA has deleted clause (c) because:</p>

¹⁵ Closing legal submissions of Requiring Authority, dated 24 November 2023, at [16.11]; and Evidence of Siiri Wilkenning, dated 8 September 2023, at [7.16].

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
HS		<p>(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), shall be submitted to the Manager within 12 months of completion.</p> <p>Accidental Discoveries</p> <p>Advice Note:</p> <p>The Requiring Authority is advised of the requirements of Rule E11.6.1 of the AUP for "Accidental Discovery" as they relate to both contaminated soils and heritage items.</p> <p>Accidental Discoveries</p> <p>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP and in the Waka Kotahi <u>NZTA</u> Minimum Standard P45 Accidental Archaeological Discovery Specification, or any subsequent version.</p>	<ul style="list-style-type: none"> The actions to avoid, remedy and mitigate adverse effects on historic heritage are set out in the HHMP inclusions in 21(b). The HHMP will be submitted as part of the Outline Plan process. Monitoring and reporting actions are inherent in 21(b); it is not necessary to then condition a subsequent administrative process. This deletion is consistent with other management plan conditions (e.g. TMP, CNVMP, EMP) which also include monitoring and reporting actions but do not condition a subsequent administrative process. <p>NZTA amends the advice note to remove duplication and improve clarity regarding accidental discoveries.</p>
S3	21	<p>Historic Heritage Management Plan (HHMP)</p> <p>...(b)</p> <p>(ix) Methods for avoiding, remedying or mitigation mitigating adverse effects on historic heritage places and sites within the Designation during Construction Works as far as practicable. These methods shall include, but are not limited to: ...</p> <p>...(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), shall be submitted to the Manager within 12 months of completion.</p> <p>Accidental Discoveries</p> <p>Advice Notes:</p> <p>The Requiring Authority is advised of the requirements of Rule E11.6.1 of the AUP for "Accidental Discovery" as they relate to both contaminated soils and heritage items.</p> <p>Accidental Discoveries</p>	<p>Amendment by NZTA</p> <p>NZTA amends "mitigation" to "mitigating", consistent with the wording on other North West NORs.</p> <p>See above line item for explanation on (c).</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		<p>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP and in the Waka-Kotahi NZTA Minimum Standard P45 Accidental Archaeological Discovery Specification, or any subsequent version.</p> <p>The Kumeū Railway Goods Shed and Huapai Tavern are scheduled under the AUP(OP). Long term protection management will be identified though Condition 21 b(X) E until the extent of place is amended through a Plan Change process to reflect the new location once relocated.</p>	
KS	21	<p>Historic Heritage Management Plan (HHMP)</p> <p>...</p> <p>(e) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), shall be submitted to the Manager within 12 months of completion.</p> <p>Accidental Discoveries</p> <p>Advice Notes:</p> <p>The Requiring Authority is advised of the requirements of Rule E11.6.1 of the AUP for "Accidental Discoveries" as they relate to both contaminated soils and heritage items.</p> <p>Accidental Discoveries</p> <p>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP and in the Waka-Kotahi NZTA Minimum Standard P45 Accidental Archaeological Discovery Specification, or any subsequent version.</p> <p>The Huapai Tavern is scheduled under the AUP(OP). Long term protection management will be identified though Condition 21(b)(X) E until the extent of place is amended through a Plan Change process to reflect the new location once relocated.</p>	See above line item for explanation on (c).
All	21A	<p>Pre-Construction Ecological Survey</p> <p>(a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken by a Suitably Qualified Person. The purpose of the survey is to inform the detailed design of ecological management plan by:</p> <ul style="list-style-type: none"> (i) Confirming whether the species of value within the Identified Biodiversity Areas recorded in the Identified Biodiversity Area Schedule 2 are still present; and (ii) Confirming whether the project will or may have a moderate or greater level of ecological effect on ecological species of value, prior to implementation of impact management measures <u>with</u> 	<p>Amendments by NZTA to clause (a)</p> <p>NZTA amends the introductory wording to improve clarity.</p> <p>NZTA amends clause (a)(ii) to acknowledge that Table 10 may be updated in future versions of the Guidelines and if the threshold for mitigation changes, there will be a</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>the level of effect to be, as determined in accordance with Table 10 of the EIANZ guidelines as included in Schedule 5 to these conditions (or subsequent updated version of the table).</p> <p>(b) If the ecological survey confirms the presence of ecological features species of value in accordance with Condition 21A(a)(i) and that effects are likely in accordance with Condition 21A(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 21B for these areas (Confirmed Biodiversity Areas).</p>	<p>requirement to provide mitigation in accordance with those updates.</p> <p>NZTA amends (b) to use wording consistent with the clause it refers to.</p>
All	21B	<p>Ecological Management Plan (EMP)</p> <p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (undertaken in confirmed through Condition 21A) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable.</p> <p>(b) To achieve the objective, the EMP shall set out the methods that will be used to achieve the objective which may include:</p> <p>i. If an EMP is required in accordance with Condition 21A(b) for the presence of long tail bats:</p> <p>...</p> <p>D.details of how bat connectivity (including suitable indigenous or exotic trees or artificial alternatives) will be provided and maintained (e.g. through the presence of suitable indigenous or exotic trees or artificial alternatives). This could include identification of areas and timeframes for establishment of advance restoration / mitigation planting taking into account land ownership, accessibility and the timing of available funding, measures to manage the effects of light spill on bat connectivity as far as practicable; and.</p> <p>...</p>	<p>Amendment by NZTA</p> <p>NZTA amends the wording to improve clarity.</p>
All	22	<p>Tree Management Plan (TMP)</p> <p>(a) Prior to the Start of Construction for a Stage of Work, a TMP shall be prepared.</p> <p>(b) The objective of the TMP is to avoid, remedy or mitigate effects of construction activities on trees identified as protected or notable in the AUP. To achieve the objective, TMP shall:</p> <p>(i) confirm the trees that will be affected by the project work and are identified as protected or notable in the AUP; and</p>	<p>Amendment by NZTA.</p> <p>NZTA amends clause (c) to be consistent with other management plans and to correct an error.</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		(ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree listed in identified in (i) above. This may include: ...	
All	23	Network Utility Management Plan (NUMP) (a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. <u>To achieve the objective,</u> t The NUMP shall include methods to: ... (e) The Requiring Authority shall consult with Network Utility Operators during the detailed design phase to consider opportunities to enable, or not preclude, the development of new network utility facilities including access to power and ducting within the Project, where practicable to do so. The consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, shall be summarised in the NUMP. (f) The NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed.	Amendment by NZTA NZTA amends (b) to be consistent with other management plans and relocate clause (e) to its own condition – the "Network Utilities Integration" condition. With this relocated condition, clause (f) is no longer required.
S1	24	Low Noise Road Surface (a) An Open Graded Porous Asphalt (OGPA) pavement or a pavement with a similar or better noise reduction characteristics shall be implemented within twelve months of completion of construction of the Project. (b) The surfacing in (a) above shall be maintained to retain the noise reduction performance <u>as far as practicable of the original surface</u> .	Reject amendment to clause (b) The Panel recommends amending "as far as practicable" to "of the original surface". NZTA rejects the amendment to clause (b) because while the road surface will be maintained to retain noise reduction performance as far as practicable, the condition of original road surfaces inevitably changes over time. Resurfacing decisions must take into account the whole-of-life cost of assets, as well as resource allocation across competing project and network maintenance priorities.
S3	24	Low Noise Road Surface (a) Asphaltic mix surface shall be implemented within twelve months of completion of construction of the Project.	Refer explanation in line item above.

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		(b) The asphaltic mix surface shall be maintained to retain the noise reduction performance as far as practicable of the original surface.	
<u>S1, S3</u>	24A	Where the Project passes through areas with a residential or future urban zoning, noise barriers shall be erected where they can be demonstrated to provide the Best Practicable Option for the control of road traffic noise having regard to the future residential use of the adjoining land.	<p>Reject additional condition</p> <p>The Panel recommends a new condition relating to noise barriers for S1 and S3. NZTA rejects the recommended additional condition.</p> <p>The primary matter being considered with respect to management of traffic noise is the extent to which the assessment of Best Practicable Option (BPO) at the time of implementation of a designation should include future receivers in addition to PPFs.</p> <p>The operational noise condition framework appropriately addresses and mitigates the potential effects of traffic noise, which will be assessed during detailed design. The conditions require BPO mitigation and meet NZS6806.</p> <p>The Assessment of Noise and Vibration Effects for S3 concluded that the operational noise effects from buses are predicted to be minimal on the overall noise environment and therefore did not recommend any operational noise mitigation beyond the low road noise surface. With respect to S1, the shared responsibility approach to managing noise effects, which has been accepted by the Panel, extends to both developers and the Council. Managing noise effects from the corridor will properly be addressed during the plan change process as FUZ areas become live-zoned. NZTA is routinely involved in these planning processes.</p> <p>The conditions already provide for the BPO (beyond road surface material if required and</p>

Designation	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications								
			appropriate) to be assessed as part of detailed design, for those PPFs set out in the relevant schedule of the designation conditions. NZTA therefore does not consider it necessary to include a specific requirement for consideration for noise barriers as further mitigation.								
HS KS	24AB	<p>Station Noise</p> <p>All mechanical and electrical services (including Public Address system) shall be designed to comply with the following noise rating levels and maximum noise levels, as measured and assessed at any residential zone site boundary. The public address system shall be designed to comply with noise limits 40dB lower than these levels in each case.¹⁶</p> <table><tr><th>Time</th><th>Noise level</th></tr><tr><td>Monday to Saturday 7am-10pm</td><td>50dB L_{eq}</td></tr><tr><td>Sunday 9am-6pm</td><td>40dB L_{eq}</td></tr><tr><td>All other times</td><td>75dB L_{eq}</td></tr></table>	Time	Noise level	Monday to Saturday 7am-10pm	50dB L _{eq}	Sunday 9am-6pm	40dB L _{eq}	All other times	75dB L _{eq}	<p>Reject amendment to condition</p> <p>The Panel recommends amendments to the Station Noise condition to be more stringent for public address systems and to delete the table. NZTA rejects the recommendation. As detailed in the evidence of Ms Wilkenning¹⁷, the station noise from mechanical plant and any Public Address (PA) system should be designed to comply with the relevant underlying zone noise limits. There is no basis to impose tighter controls than the AUP:OP criteria. The condition also cannot operate as intended without reference to the table.</p>
Time	Noise level										
Monday to Saturday 7am-10pm	50dB L _{eq}										
Sunday 9am-6pm	40dB L _{eq}										
All other times	75dB L _{eq}										
S1	25	<p>The Noise Criteria Categories identified in <i>Schedule 3: PPFs Noise Criteria Categories</i> at each of the PPFs shall be achieved where practicable and subject to Conditions 25 to 36 (all traffic noise conditions).</p> <p>The Noise Criteria Categories at the PPFs identified in Schedule 3: Identified PPFs Noise Criteria Categories do not need to be complied with at a PPF where:</p> <p>...</p>	<p>Amendment by NZTA</p> <p>Amendments by NZTA to improve clarity of condition.</p>								
S1	31	Prior to the Start of Construction in the vicinity of each Category C Building, the Requiring Authority shall write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within three (3) 12 months of the	Amendment by NZTA								

¹⁶ The Panel decision recommends deletion of the above table as part of this amendment.

¹⁷ Rebuttal Evidence of Siiri Wilkenning, dated 8 September 2023, at [8.20] – [8.21]

Designat ion	Condition number	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications																																																
		date of the Requiring Authority's letter, the Requiring Authority shall instruct a Suitably Qualified Person to visit the building and assess the noise reduction performance of the existing building envelope.	NZTA has amended this condition to provide building owners with more time and so it is consistent with NZTA's standard practice.																																																
S1	32	<p>For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 31 above if:</p> <p>...</p> <p>(c) The building owner did not agree to entry within three(3) <u>12</u> months of the date of the Requiring Authority's letter sent in accordance with Condition 31 above (including where the owner did not respond within that period); or</p> <p>...</p>	<p>Amendment by NZTA</p> <p>NZTA has amended this condition to provide building owners with more time and so it is consistent with NZTA's standard practice.</p>																																																
All	New Schedule	<p><u>Schedule 5: Table 10 of the 2018 EIANZ Guidelines</u></p> <p><u>Criteria for describing level of effects (Adapted from Regini (2000) and Boffa Miskell (2011))</u></p> <table><tr><th><u>Ecological Value →</u></th><th><u>Very high</u></th><th><u>High</u></th><th><u>Moderate</u></th><th><u>Low</u></th><th><u>Negligible</u></th></tr><tr><td><u>Magnitude ↓</u></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td><u>Very high</u></td><td><u>Very high</u></td><td><u>Very high</u></td><td><u>High</u></td><td><u>Moderate</u></td><td><u>Low</u></td></tr><tr><td><u>High</u></td><td><u>Very high</u></td><td><u>Very high</u></td><td><u>Moderate</u></td><td><u>Low</u></td><td><u>Very low</u></td></tr><tr><td><u>Moderate</u></td><td><u>High</u></td><td><u>High</u></td><td><u>Moderate</u></td><td><u>Low</u></td><td><u>Very low</u></td></tr><tr><td><u>Low</u></td><td><u>Moderate</u></td><td><u>Low</u></td><td><u>Low</u></td><td><u>Very low</u></td><td><u>Very low</u></td></tr><tr><td><u>Negligible</u></td><td><u>Low</u></td><td><u>Very low</u></td><td><u>Very low</u></td><td><u>Very low</u></td><td><u>Very low</u></td></tr><tr><td><u>Positive</u></td><td><u>Net gain</u></td><td><u>Net gain</u></td><td><u>Net gain</u></td><td><u>Net gain</u></td><td><u>Net gain</u></td></tr></table>	<u>Ecological Value →</u>	<u>Very high</u>	<u>High</u>	<u>Moderate</u>	<u>Low</u>	<u>Negligible</u>	<u>Magnitude ↓</u>						<u>Very high</u>	<u>Very high</u>	<u>Very high</u>	<u>High</u>	<u>Moderate</u>	<u>Low</u>	<u>High</u>	<u>Very high</u>	<u>Very high</u>	<u>Moderate</u>	<u>Low</u>	<u>Very low</u>	<u>Moderate</u>	<u>High</u>	<u>High</u>	<u>Moderate</u>	<u>Low</u>	<u>Very low</u>	<u>Low</u>	<u>Moderate</u>	<u>Low</u>	<u>Low</u>	<u>Very low</u>	<u>Very low</u>	<u>Negligible</u>	<u>Low</u>	<u>Very low</u>	<u>Very low</u>	<u>Very low</u>	<u>Very low</u>	<u>Positive</u>	<u>Net gain</u>	<u>Net gain</u>	<u>Net gain</u>	<u>Net gain</u>	<u>Net gain</u>	<p>Amendment by NZTA</p> <p>See explanation in the Pre-Construction Ecological Survey condition above for the rationale for this additional schedule.</p>
<u>Ecological Value →</u>	<u>Very high</u>	<u>High</u>	<u>Moderate</u>	<u>Low</u>	<u>Negligible</u>																																														
<u>Magnitude ↓</u>																																																			
<u>Very high</u>	<u>Very high</u>	<u>Very high</u>	<u>High</u>	<u>Moderate</u>	<u>Low</u>																																														
<u>High</u>	<u>Very high</u>	<u>Very high</u>	<u>Moderate</u>	<u>Low</u>	<u>Very low</u>																																														
<u>Moderate</u>	<u>High</u>	<u>High</u>	<u>Moderate</u>	<u>Low</u>	<u>Very low</u>																																														
<u>Low</u>	<u>Moderate</u>	<u>Low</u>	<u>Low</u>	<u>Very low</u>	<u>Very low</u>																																														
<u>Negligible</u>	<u>Low</u>	<u>Very low</u>	<u>Very low</u>	<u>Very low</u>	<u>Very low</u>																																														
<u>Positive</u>	<u>Net gain</u>	<u>Net gain</u>	<u>Net gain</u>	<u>Net gain</u>	<u>Net gain</u>																																														

Appendix B – NZTA Modifications to NoR S2 conditions (clean)

[# Council to allocate #] – SH16 Main Road

Designation Number	6766
Requiring Authority	New Zealand Transport Agency
Location	State Highway 16 from Brigham Creek, Hobsonville to State Highway 1, Wellsford
Rollover designation	Yes
Legacy Reference	Designation 405, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

State Highway 16.

Conditions

Abbreviations and definitions

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

Educational facility	<p>Facility used for education to secondary level</p> <p>Includes:</p> <ul style="list-style-type: none"> schools and outdoor education facilities; and accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above <p>Excludes:</p> <ul style="list-style-type: none"> care centres; and tertiary education facilities
EIANZ Guidelines	Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018
EMP	Ecological Management Plan
Enabling works	<p>Includes, but is not limited to, the following and similar activities:</p> <ul style="list-style-type: none"> (a) geotechnical investigations (including trial embankments); (b) archaeological site investigations; (c) formation of access for geotechnical investigations; (d) establishment of site yards, site entrances and fencing; (e) constructing and sealing site access roads; (f) demolition or removal of buildings and structures; (g) relocation of services; and (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting)
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Identified Biodiversity Area	Means an area or areas of features of ecological value where the Project ecologist has identified that the project will potentially have a moderate or greater level of ecological effect, prior to implementation of impact management measures, as determined in accordance with the EIANZ guidelines
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate
Mana Whenua	<p>Mana Whenua as referred to in the conditions are considered to be, but not limited to, the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the Project:</p> <ul style="list-style-type: none"> Te Kawerau ā Maki Ngāti Whātua o Kaipara Te Ākitai Waiohū
Network Utility Operator	Has the same meaning as set out in section 166 of the RMA
NIMP	Network Integration Management Plan
NOR	Notice of Requirement
North West growth area	Constitutes the Future Urban Zone, or live zoned urban land in Kumeū, Huapai, Redhills, Redhills North, Riverhead and Whenuapai
NUMP	Network Utilities Management Plan
Outline Plan	An outline plan prepared in accordance with section 176A of the RMA
OSMP	Open Space Management Plan
Project Liaison Person	The person or persons appointed for the duration of the Project's Construction Works to be the main point of contact for persons wanting information about the Project or affected by the Construction Works
Protected Premises and Facilities (PPF)	Protected Premises and Facilities as defined in New Zealand Standard NZS 6806:2010: Acoustics – Road-traffic noise – New and altered roads

Requiring Authority	Has the same meaning as section 166 of the RMA and, for this Designation is New Zealand Transport Agency
RMA	Resource Management Act 1991
SCEMP	Stakeholder Communication and Engagement Management Plan
Stakeholder	Stakeholders to be identified in accordance with Condition 3, which may include as appropriate: <ul style="list-style-type: none"> (a) adjacent owners and occupiers; (b) adjacent business owners and operators; (c) central and local government bodies; (d) community groups; (e) developers; (f) development agencies; (g) educational facilities; and (h) network utility operators
Stage of Work	Any physical works that require the development of an Outline Plan
Start of Construction	The time when Construction Works (excluding Enabling Works) start
Suitably Qualified Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability, experience and competence in the relevant field of expertise
TMP	Tree Management Plan
ULDMP	Urban and Landscape Design Management Plan

No.	Condition
General conditions	
	Conditions 1– 30 of this designation shall only apply to the work described in the Project Description and the altered area identified in the Concept Plan in Schedule 1.
1.	<p>Activity in General Accordance with Plans and Information</p> <p>(a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the Project description and concept plan in Schedule 1</p> <p>(b) Where there is inconsistency between:</p> <ul style="list-style-type: none"> (i) the Project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the Project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	<p>Project Information</p> <p>(a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within six months of the inclusion of this designation in the AUP.</p> <p>(b) All directly affected owners and occupiers shall be notified in writing as soon as reasonably practicable once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <ul style="list-style-type: none"> (i) the status of the Project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation on how / where they can receive additional support following confirmation of the designation; (v) a subscription service to enable receipt of project updates by email; (vi) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA; and (vii) how/where to access noise modelling contours to inform development adjacent to the designation. <p>(c) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any staging of works.</p>
3.	<p>Stakeholder Communication and Engagement</p> <p>(a) At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify:</p> <ul style="list-style-type: none"> (i) a list of Stakeholders; (ii) a list of properties within the designation which the Requiring Authority does not own or have occupation rights to; and (iii) methods to engage with Stakeholders and the owners and occupiers of properties identified in 3(a)(i) –(ii) above. <p>(b) A record of (a) shall be submitted with an Outline Plan for the relevant Stage of Work.</p>
4.	<p>Designation Review</p> <p>As soon as reasonably practicable following Completion of Construction, the Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and (ii) give notice to Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.

No.	Condition
5.	<p>Network Utility Operators and Auckland Council (Section 176 Approval)</p> <p>(a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure and Auckland Council in relation to parks will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) operation, maintenance and repair works; (ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility operations or parks operations; (iii) minor works such as new service connections; and (iv) the upgrade and replacement of existing network utilities in the same location with the same or similar effects on the work authorised by the designation as the existing utility. <p>(b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>
Pre-construction conditions	
6.	<p>Outline Plan</p> <p>(a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA.</p> <p>(b) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the Project.</p> <p>(c) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include:</p> <ul style="list-style-type: none"> (i) Construction Environmental Management Plan; (ii) Construction Traffic Management Plan; (iii) Construction Noise and Vibration Management Plan; (iv) Network Integration Management Plan; (v) Open Space Management Plan (vi) Urban and Landscape Design Management Plan; (vii) Historic Heritage Management Plan; (viii) Ecological Management Plan; (ix) Tree Management Plan; and (x) Network Utilities Management Plan.
7.	<p>Network Utilities Integration</p> <p>The Requiring Authority shall consult with Network Utility Operators during the detailed design phase to consider opportunities to enable, or not preclude, the development of new network utility facilities including access to power and ducting within the Project, where practicable to do so. The consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, shall be summarised in the Outline Plan(s) prepared for the Project.</p>

No.	Condition
	<p>Flood Hazard</p> <p>For the purpose of Condition 8</p> <ul style="list-style-type: none"> (a) AEP – means Annual Exceedance Probability; (b) Existing authorised habitable floor – means the floor level of any room (floor) in a residential building which is authorised and exists at the time the outline plan is submitted, excluding a laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage; (c) Flood prone area – means potential ponding areas that may flood and commonly comprise of topographical depression areas. The areas can occur naturally or as a result of constructed features; (d) Maximum Probable Development – is the design case for consideration of future flows allowing for development within a catchment that takes into account the maximum impervious surface limits of the current zone or if the land is zoned Future Urban in the AUP, the probable level of development arising from zone changes; (e) Pre-Project development – means existing site condition prior to the Project (including existing buildings and roadways); and (f) Post-Project development – means site condition after the Project has been completed (including existing and new buildings and roadways).
8.	<p>Flood Hazard</p> <ul style="list-style-type: none"> (a) The Project shall be designed to achieve the following flood risk outcomes: <ul style="list-style-type: none"> (i) no increase in flood levels in a 1% AEP event for existing authorised habitable floors that are already subject to flooding or have a freeboard less than 500mm; (ii) no increase in flood levels in a 1% AEP event for existing authorised community, commercial, industrial and network utility building floors that are already subject to flooding or have a freeboard less than 300mm; (iii) maximum of 50mm increase in water level in a 1% AEP event outside and adjacent to the designation boundaries between the pre and post Project scenarios; and (iv) no increase of Flood Hazard for the main access to authorised habitable dwellings existing at time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event. (v) Where Flood Hazard is: <ul style="list-style-type: none"> A. velocity x depth greater than or equal to 0.6; or B. depth greater than 0.5m; or C. velocity greater than 2m/s. (b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 1% AEP flood levels (for Maximum Probable Development land use with allowances for climate change). (c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, confirmation shall be provided that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.
9.	<p>Existing property access</p> <p>Prior to submission of the Outline Plan, consultation shall be undertaken with landowners and occupiers whose vehicle access to their property from roads that are not a state highway will be altered by the project. The Outline Plan shall demonstrate how safe reconfigured or alternate access will be provided, unless otherwise addressed with the affected landowner.</p>

No.	Condition
10.	<p data-bbox="290 264 526 295">Management Plans</p> <p data-bbox="290 300 1350 1077"> (a) Any management plan shall: <ul style="list-style-type: none"> <li data-bbox="363 331 1299 389">(i) be prepared and implemented in accordance with the relevant management plan condition; <li data-bbox="363 394 963 425">(ii) be prepared by a Suitably Qualified Person(s); <li data-bbox="363 430 1315 488">(iii) include sufficient detail relating to the management of effects associated with the relevant activities and/or Stage of Work to which it relates; <li data-bbox="363 492 1331 631">(iv) summarise comments received from Mana Whenua and stakeholders as required by the relevant management plan condition, along with a summary of where comments have: <ul style="list-style-type: none"> <li data-bbox="437 568 772 600">A. been incorporated; and <li data-bbox="437 604 979 631">B. where not incorporated, the reasons why. <li data-bbox="363 636 1315 689">(v) be submitted as part of an Outline Plan pursuant to section 176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; <li data-bbox="363 694 1331 752">(vi) once finalised, uploaded to the Project website or equivalent virtual information source. <p data-bbox="290 757 1350 922"> (b) Any management plan developed in accordance with Condition 10 may: <ul style="list-style-type: none"> <li data-bbox="363 779 1331 869">(i) be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), a Stage of Work of the Project, or to address specific activities authorised by the designation; <li data-bbox="363 873 1283 922">(ii) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process; </p> <p data-bbox="290 927 1315 1039"> (c) If there is a material change required to a management plan which has been submitted with an Outline Plan, the revised part of the plan shall be submitted to the Council as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision; </p> <p data-bbox="290 1043 1235 1077"> (d) Any material changes to the SCEMP(s) are to be submitted to the Council for information. </p> </p>

No.	Condition
11.	<p data-bbox="300 271 1206 304">Stakeholder Communication and Engagement Management Plan (SCEMP)</p> <p data-bbox="300 304 1361 394">(a) A SCEMP shall be prepared in consultation with Stakeholders prior to the Start of Construction. The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works.</p> <p data-bbox="300 394 1361 1088">(b) To achieve the objective, the SCEMP shall include:</p> <ul style="list-style-type: none"> <li data-bbox="371 416 695 450">(i) a list of Stakeholders; <li data-bbox="371 450 1361 506">(ii) a list of properties within the designation which the Requiring Authority does not own or have occupation rights to; <li data-bbox="371 506 1361 562">(iii) methods to engage with Stakeholders and the owners of properties identified in 11(b)(ii) above; <li data-bbox="371 562 1361 651">(iv) the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s); <li data-bbox="371 651 1361 707">(v) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; <li data-bbox="371 707 1361 853">(vi) methods to manage the potential loss of visibility from public spaces, and severance to businesses in the Business - Town Centre Zones, informed by engagement undertaken in accordance with condition 11(b)(i) and (ii). These methods could include (but not be limited to) customer access arrangements, temporary wayfinding and signage; <li data-bbox="371 853 1361 909">(vii) methods and timing to engage with owners and occupiers whose access is directly affected; <li data-bbox="371 909 1361 1021">(viii) methods to communicate key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified in 11(b)(i) and(ii) above; and <li data-bbox="371 1021 1361 1088">(ix) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant. <p data-bbox="300 1088 1361 1178">(c) Any SCEMP prepared for a Stage of Work shall be submitted to Council for information a minimum of ten working days prior to the Start of Construction for a Stage of Work.</p>
12.	<p data-bbox="300 1193 855 1227">Network Integration Management Plan (NIMP)</p> <p data-bbox="300 1227 1361 1305">(a) At least six (6) months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall prepare, in collaboration with other relevant road controlling authorities, a Network Integration Management Plan (NIMP).</p> <p data-bbox="300 1305 1361 1417">(b) The objective of the NIMP is to identify how the Project will integrate with the planned transport network in the North West growth area to achieve an effective, efficient and safe land transport system. To achieve this objective, the NIMP shall include details of the:</p> <ul style="list-style-type: none"> <li data-bbox="371 1417 1361 1473">(i) Project implementation approach and any staging of the Project, including design, management and operational matters; and <li data-bbox="371 1473 1361 1529">(ii) Sequencing of the Project with the planned transport network, including design, management and operational matters.

No.	Condition
13.	<p>Cultural Advisory Report</p> <p>(a) At least six months prior to the start of detailed design for a Stage of Work, Mana Whenua shall be invited to prepare a Cultural Advisory Report for the Project. The objective of the Cultural Advisory Report is to assist in understanding and identifying Ngā Taonga Tuku Iho ('treasures handed down by our ancestors') affected by the Project, to inform their management and protection.</p> <p>(b) To achieve the objective, the Requiring Authority shall invite Mana Whenua to prepare a Cultural Advisory Report that:</p> <ul style="list-style-type: none"> (i) identifies the cultural sites, landscapes and values that have the potential to be affected by the construction and operation of the Project; (ii) sets out the desired outcomes for management of potential effects on cultural sites, landscapes and values; (iii) identifies traditional cultural practices within the area that may be impacted by the Project; (iv) identifies opportunities for restoration and enhancement of identified cultural sites, landscapes and values within the Project area; (v) taking into account the outcomes of 13(b)(i) to (iv) above, identify cultural matters and principles that should be considered in the development of the ULDMP and HHMP, and the CMP referred to in Condition 20; (vi) identifies and (if possible) nominates traditional names along the Project alignment. Noting there may be formal statutory processes outside the Project required in any decision-making. <p>(c) The desired outcomes for management of potential effects on cultural sites, landscapes and values identified in the Cultural Advisory Report shall be discussed with Mana Whenua and those outcomes reflected in the relevant management plans where practicable;</p> <p>(d) Conditions 13(b) and (c) will cease to apply if:</p> <ul style="list-style-type: none"> (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least six months prior to start of Construction Works; and (ii) Mana Whenua have not provided a Cultural Advisory Report within six months prior to start of Construction Works.
14.	<p>Open Space Management Plan (OSMP)</p> <p>(a) An OSMP shall be prepared for Huapai Recreation Reserve prior to the Start of Construction for a Stage of Work that will impact on the Huapai Recreation Reserve.</p> <p>(b) Auckland Council Parks shall be invited to participate in the development of the OSMP at least eighteen (18) months prior to the start of detailed design for a Stage of Work that will impact on the Huapai Recreation Reserve.</p> <p>(c) The objective of the OSMP is to minimise, as far as practicable, adverse effects on the recreation amenity of the Huapai Recreation Reserve resulting from the Project. To achieve the objective, the OSMP shall include details of:</p> <ul style="list-style-type: none"> (i) how ongoing access (including walking and cycling) to the Huapai Recreation Reserve during construction will be maintained in accordance with the Construction Traffic Management Plan (Condition 21); (ii) opportunities to coordinate the forward work programme for the Huapai Recreation Reserve, where appropriate, with Auckland Council Parks; (iii) measures to reasonably maintain the existing service level of the affected park, including any temporary or permanent reconfiguration or replacement of park facilities; and (iv) how matters raised by Auckland Council Parks and relevant stakeholders have been incorporated into the OSMP, and where matters have not been incorporated, the reasons why not.
	<p>Urban and Landscape Design Management Plan (ULDMP)</p>

No.	Condition
15.	<p>(a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the ULDMP(s) is to:</p> <ul style="list-style-type: none"> (i) enable integration of the Project's permanent works into the surrounding landscape and urban context; and (ii) ensure that the Project manages potential adverse landscape and visual effects as far as practicable and contributes to a quality urban environment. <p>(b) Mana Whenua shall be invited to participate in the development of the ULDMP(s) to provide input into relevant cultural landscape and design matters including how desired outcomes for management of potential effects on cultural sites, landscapes and values identified and discussed in accordance with Condition 13 may be reflected in the ULDMP.</p> <p>(c) Relevant stakeholders shall be invited to participate in the development of the ULDMP at least six months prior to the start of detailed design for a Stage of Work</p>
16.	<p>(a) To achieve the objective set out in Condition 15, the ULDMP(s) shall provide details of how the project:</p> <ul style="list-style-type: none"> (i) is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (i.e. centres and density of built form), natural environment, landscape character and open space zones (including Huapai Recreation Reserve); (ii) provides appropriate walking and cycling connectivity to, and interfaces with, existing or proposed adjacent land uses, public transport infrastructure and walking and cycling connections; (iii) promotes inclusive access (where appropriate); (iv) promotes a sense of personal safety by aligning with best practice guidelines, such as: <ul style="list-style-type: none"> A. Crime Prevention Through Environmental Design (CPTED) principles; B. Safety in Design (SID) requirements; and C. Maintenance in Design (MID) requirements and anti-vandalism/anti-graffiti measures; and (v) Interfaces with the operational areas of commercial premises within business zoned land, including loading areas, internal circulation and car parking, where practicable. <p>(b) The ULDMP shall be prepared in general accordance with:</p> <ul style="list-style-type: none"> (i) Waka Kotahi Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (ii) NZTA Landscape Guidelines (2018) or any subsequent updated version; and (iii) Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version.

No.	Condition
17.	<p>The ULDMP(s) shall include:</p> <ul style="list-style-type: none"> (a) a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; (b) developed design concepts, including principles for walking and cycling facilities and public transport; and (c) landscape and urban design details – that cover the following: <ul style="list-style-type: none"> (i) road design – elements such as intersection form, carriageway gradient and associated earthworks contouring including cut and fill batters, shaped to a natural profile where practicable and appropriate to the surrounding context, and the interface with adjacent land uses and existing roads (including slip lanes), benching, spoil disposal sites, median width and treatment, roadside width and treatment; (ii) roadside elements – such as lighting, fencing, wayfinding and signage; (iii) architectural and landscape treatment of all major structures, including bridges and retaining walls; (iv) architectural and landscape treatment of noise barriers; (v) landscape treatment and planting of permanent stormwater control wetlands and swales; (vi) integration of passenger transport; (vii) pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses; (viii) historic heritage places with reference to the HHMP (Condition 26); and (ix) re-instatement of construction and site compound areas; and (x) re-instatement of features to be retained such as: <ul style="list-style-type: none"> A. boundary features; B. landscaping; C. driveways; D. accessways; and E. fences. (d) The ULDMP shall also include the following planting details and maintenance requirements: <ul style="list-style-type: none"> (i) planting design details including: <ul style="list-style-type: none"> A. identification of existing trees and vegetation that will be retained with reference to the TMP and Ecological Management Plan. Where practicable, mature trees and native vegetation should be retained; B. street trees, shrubs and ground cover suitable for the location; C. treatment of fill slopes to integrate with adjacent land use, streams, Riparian margins and open space zones; D. identification of any planting requirements under the Ecological Management Plan (Conditions 28) and TMP (Condition 29); and E. integration of any planting requirements required by conditions of any resource consents for the project; (ii) a planting programme including the staging of planting in relation to the construction programme which shall, as far as practicable, include provision for planting within each planting season following completion of works in each Stage of Work; and (iii) detailed specifications relating to the following: <ul style="list-style-type: none"> A. weed control and clearance; B. pest animal management (to support plant establishment); C. ground preparation (top soiling and decompaction); D. mulching; and E. plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species
Specific Outline Plan requirements	
Construction conditions	

No.	Condition
18.	<p data-bbox="300 271 970 304">Construction Environmental Management Plan (CEMP)</p> <p data-bbox="300 309 1359 421">(a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CEMP is to set out the management procedures and construction methods to be undertaken to, avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable.</p> <p data-bbox="300 425 1359 1155">(b) To achieve the objective, the CEMP shall include:</p> <ul style="list-style-type: none"> <li data-bbox="371 454 1043 488">(i) the roles and responsibilities of staff and contractors; <li data-bbox="371 490 1334 546">(ii) details of the site or project manager and the Project Liaison Person, including their contact details (phone and email address); <li data-bbox="371 548 1262 604">(iii) the Construction Works programmes and the staging approach, and the proposed hours of work; <li data-bbox="371 607 1342 663">(iv) details of the proposed construction yards including temporary screening when adjacent to residential zones; <li data-bbox="371 665 948 698">(v) details of the proposed construction lighting; <li data-bbox="371 701 1262 757">(vi) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; <li data-bbox="371 759 1219 792">(vii) methods for providing for the health and safety of the general public; <li data-bbox="371 795 1359 871">(viii) measures to mitigate flood hazard effects such as siting stockpiles out of floodplains, minimising obstruction to flood flows, actions to respond to warnings of heavy rain; <li data-bbox="371 873 868 907">(ix) procedures for incident management; <li data-bbox="371 909 1257 965">(x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses; <li data-bbox="371 967 1353 1043">(xi) measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up; <li data-bbox="371 1046 1337 1102">(xii) summary of measures included to respond to matters raised in engagement, if not already covered above; <li data-bbox="371 1104 1262 1137">(xiii) procedures for responding to complaints about Construction Works; and <li data-bbox="371 1140 1123 1173">(xiv) methods for amending and updating the CEMP as required.
19.	<p data-bbox="300 1167 549 1200">Complaints Register</p> <p data-bbox="300 1205 1359 1261">(a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include:</p> <ul style="list-style-type: none"> <li data-bbox="371 1263 927 1296">(i) the date, time and nature of the complaint; <li data-bbox="371 1299 1230 1355">(ii) the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous); <li data-bbox="371 1357 1353 1413">(iii) measures taken to respond to the complaint (including a record of the response provided to the complainant) or confirmation of no action if deemed appropriate; <li data-bbox="371 1415 1075 1449">(iv) the outcome of the investigation into the complaint; and <li data-bbox="371 1451 1289 1527">(v) any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally. <p data-bbox="300 1529 1359 1574">(b) A copy of the Complaints Register required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.</p>

No.	Condition
20.	<p data-bbox="288 268 671 300">Cultural Monitoring Plan (CMP)</p> <p data-bbox="288 300 1342 427">(a) Prior to the start of Construction Works, a CMP shall be prepared by a Suitably Qualified Person(s) identified in collaboration with Mana Whenua. The objective of the CMP is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction works.</p> <p data-bbox="288 427 911 459">(b) To achieve the objective, the CMP shall include:</p> <ul style="list-style-type: none"> <li data-bbox="360 459 1326 548">(i) Requirements for formal dedication or cultural interpretation to be undertaken prior to start of Construction Works in areas identified as having significance to Mana Whenua; <li data-bbox="360 548 1230 607">(ii) Requirements and protocols for cultural inductions for contractors and subcontractors; <li data-bbox="360 607 1326 665">(iii) Identification of activities, sites and areas where cultural monitoring is required during particular Construction Works; <li data-bbox="360 665 1262 723">(iv) Identification of personnel to undertake cultural monitoring, including any geographic definition of their responsibilities; and <li data-bbox="360 723 1342 813">(v) Details of personnel to assist with management of any cultural effects identified during cultural monitoring, including implementation of the Accidental Discovery Protocol <p data-bbox="288 813 1294 969">(c) If Enabling Works involving soil disturbance are undertaken prior to the start of Construction Works, an Enabling Works CMP shall be prepared by a Suitably Qualified Person identified in collaboration with Mana Whenua. This plan may be prepared as a standalone Enabling Works CMP or be included in the main Construction Works CMP.</p> <p data-bbox="288 1003 443 1034">Advice note:</p> <p data-bbox="288 1034 1286 1124">Where appropriate, the CMP shall align with the requirements of other conditions of the designation and resource consents for the Project which require monitoring during Construction Works.</p>

No.	Condition
21.	<p data-bbox="300 273 868 304">Construction Traffic Management Plan (CTMP)</p> <p data-bbox="300 309 1350 394">(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects.</p> <p data-bbox="300 398 938 430">(b) To achieve this objective, the CTMP shall include:</p> <ul style="list-style-type: none"> <li data-bbox="368 434 1315 488">(i) methods to manage the effects of temporary traffic management activities on traffic; <li data-bbox="368 492 1034 524">(ii) measures to ensure the safety of all transport users; <li data-bbox="368 528 1350 613">(iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near educational facilities or to manage traffic congestion; <li data-bbox="368 618 1350 703">(iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; <li data-bbox="368 707 1267 792">(v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport services, pedestrians and cyclists; <li data-bbox="368 797 1350 936">(vi) methods to maintain access to and within property and/or private roads where practicable, or to provide alternative arrangements when it will not be, including details of how access is managed for loading and unloading of goods. Engagement with landowners or occupiers whose access is directly affected shall be undertaken in accordance with the SCEMP; <li data-bbox="368 940 1350 1025">(vii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; <li data-bbox="368 1030 1350 1115">(viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / stakeholders / emergency services); <li data-bbox="368 1120 1350 1205">(ix) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and <li data-bbox="368 1209 1350 1249">(x) details of any measures proposed to be implemented in the event of thresholds identified in 21(b)(ix) being exceeded. <p data-bbox="300 1254 1350 1323">(c) Auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management (April 2023) or any subsequent version.</p>

No.	Condition																																																										
22.	<p>Construction Noise Standards</p> <p>(a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable:</p> <p>Table 22-1 Construction Noise Standards</p> <table border="1"><thead><tr><th>Day of week</th><th>Time period</th><th>L_{Aeq}(15min)</th><th>L_{AFmax}</th></tr></thead><tbody><tr><td colspan="4">Occupied activity sensitive to noise</td></tr><tr><td rowspan="4">Weekday</td><td>0630h - 0730h</td><td>55 dB</td><td>75 dB</td></tr><tr><td>0730h - 1800h</td><td>70 dB</td><td>85 dB</td></tr><tr><td>1800h - 2000h</td><td>65 dB</td><td>80 dB</td></tr><tr><td>2000h - 0630h</td><td>45 dB</td><td>75 dB</td></tr><tr><td rowspan="4">Saturday</td><td>0630h - 0730h</td><td>45 dB</td><td>75 dB</td></tr><tr><td>0730h - 1800h</td><td>70 dB</td><td>85 dB</td></tr><tr><td>1800h - 2000h</td><td>45 dB</td><td>75 dB</td></tr><tr><td>2000h - 0630h</td><td>45 dB</td><td>75 dB</td></tr><tr><td rowspan="4">Sunday and Public Holidays</td><td>0630h - 0730h</td><td>45 dB</td><td>75 dB</td></tr><tr><td>0730h - 1800h</td><td>55 dB</td><td>85 dB</td></tr><tr><td>1800h - 2000h</td><td>45 dB</td><td>75 dB</td></tr><tr><td>2000h - 0630h</td><td>45 dB</td><td>75 dB</td></tr><tr><td colspan="4">Other occupied buildings</td></tr><tr><td rowspan="2">All</td><td>0730h – 1800h</td><td>70 dB</td><td></td></tr><tr><td>1800h – 0730h</td><td>75 dB</td><td></td></tr></tbody></table> <p>(b) Where compliance with the noise standards set out in Table 22-1 is not practicable, the methodology in Condition 25 shall apply.</p>	Day of week	Time period	L _{Aeq} (15min)	L _{AFmax}	Occupied activity sensitive to noise				Weekday	0630h - 0730h	55 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	65 dB	80 dB	2000h - 0630h	45 dB	75 dB	Saturday	0630h - 0730h	45 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Sunday and Public Holidays	0630h - 0730h	45 dB	75 dB	0730h - 1800h	55 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Other occupied buildings				All	0730h – 1800h	70 dB		1800h – 0730h	75 dB	
Day of week	Time period	L _{Aeq} (15min)	L _{AFmax}																																																								
Occupied activity sensitive to noise																																																											
Weekday	0630h - 0730h	55 dB	75 dB																																																								
	0730h - 1800h	70 dB	85 dB																																																								
	1800h - 2000h	65 dB	80 dB																																																								
	2000h - 0630h	45 dB	75 dB																																																								
Saturday	0630h - 0730h	45 dB	75 dB																																																								
	0730h - 1800h	70 dB	85 dB																																																								
	1800h - 2000h	45 dB	75 dB																																																								
	2000h - 0630h	45 dB	75 dB																																																								
Sunday and Public Holidays	0630h - 0730h	45 dB	75 dB																																																								
	0730h - 1800h	55 dB	85 dB																																																								
	1800h - 2000h	45 dB	75 dB																																																								
	2000h - 0630h	45 dB	75 dB																																																								
Other occupied buildings																																																											
All	0730h – 1800h	70 dB																																																									
	1800h – 0730h	75 dB																																																									

No.	Condition																						
23.	<p>Construction Vibration Standards</p> <p>(a) Construction vibration shall be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures and shall comply with the vibration standards set out in Table 23-1 as far as practicable.</p> <p>Table 23-1 Construction Vibration Standards</p> <table><tr><th>Receiver</th><th>Details</th><th>Category A*</th><th>Category B*</th></tr><tr><td rowspan="2">Occupied activities sensitive to noise</td><td>Night-time 2000h - 0630h</td><td>0.3mm/s ppv</td><td>1mm/s ppv</td></tr><tr><td>Daytime 0630h - 2000h</td><td>1mm/s ppv</td><td>5mm/s ppv</td></tr><tr><td>Other occupied buildings</td><td>Daytime 0630h - 2000h</td><td>2mm/s ppv</td><td>5mm/s ppv</td></tr><tr><td rowspan="2">All other buildings</td><td>At all other times Vibration transient</td><td>5mm/s ppv</td><td>BS 5228-2** Table B2</td></tr><tr><td>At all other times Vibration continuous</td><td>5mm/s ppv</td><td>BS 5228-2** 50% of Table B2 values</td></tr></table> <p>* Refer to NZTA State highway construction and maintenance noise and vibration guide for further explanation regarding Category A and B criteria</p> <p>** BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'</p> <p>(b) Where compliance with the vibration standards set out in Table 23-1 is not practicable, the methodology in Condition 25 shall apply.</p> <p>(c) If measured or predicted vibration from construction activities exceeds the Category A criteria, a Suitably Qualified Person shall assess and manage construction vibration during those activities.</p> <p>(d) If measured or predicted vibration from construction activities exceeds the Category B criteria those activities must only proceed if vibration effects on affected buildings are assessed, monitored and mitigated by a Suitably Qualified Person.</p>	Receiver	Details	Category A*	Category B*	Occupied activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	1mm/s ppv	Daytime 0630h - 2000h	1mm/s ppv	5mm/s ppv	Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	All other buildings	At all other times Vibration transient	5mm/s ppv	BS 5228-2** Table B2	At all other times Vibration continuous	5mm/s ppv	BS 5228-2** 50% of Table B2 values
Receiver	Details	Category A*	Category B*																				
Occupied activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	1mm/s ppv																				
	Daytime 0630h - 2000h	1mm/s ppv	5mm/s ppv																				
Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv																				
All other buildings	At all other times Vibration transient	5mm/s ppv	BS 5228-2** Table B2																				
	At all other times Vibration continuous	5mm/s ppv	BS 5228-2** 50% of Table B2 values																				

No.	Condition
24.	<p data-bbox="284 271 1034 304">Construction Noise and Vibration Management Plan (CNVMP)</p> <p data-bbox="284 304 1347 477">(a) A CNVMP shall be prepared prior to the Start of Construction for Stage of Work. A CNVMP shall be implemented during the Stage of Work to which it relates. The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 22 and 23 to the extent practicable.</p> <p data-bbox="284 477 1347 566">(b) To achieve the objective, the CNVMP shall be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6803:1999) and shall as a minimum, address the following:</p> <ul style="list-style-type: none"> <li data-bbox="355 566 1145 600">(i) description of the works and anticipated equipment/processes; <li data-bbox="355 600 1347 656">(ii) hours of operation, including times and days when construction activities would occur; <li data-bbox="355 656 1129 689">(iii) the construction noise and vibration standards for the project; <li data-bbox="355 689 1209 723">(iv) identification of receivers where noise and vibration standards apply; <li data-bbox="355 723 1347 813">(v) a hierarchy of management and mitigation options, including any requirements to limit night works and works during other sensitive times, including Sundays and public holidays as far as practicable; <li data-bbox="355 813 1347 869">(vi) methods and frequency for monitoring and reporting on construction noise and vibration; <li data-bbox="355 869 1347 981">(vii) procedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints. <li data-bbox="355 981 946 1014">(viii) contact details of the Project Liaison Person; <li data-bbox="355 1014 1347 1104">(ix) procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers; <li data-bbox="355 1104 1347 1216">(x) procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for those areas where compliance with the noise Condition 22 and/or vibration standards Condition 23 Category A or Category B will not be practicable; <li data-bbox="355 1216 1347 1272">(xi) identification of trigger levels for undertaking building condition surveys, which shall be below Category B day time levels; <li data-bbox="355 1272 1347 1361">(xii) procedures and trigger levels for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred as a result of construction vibration; <li data-bbox="355 1361 1347 1451">(xiii) methodology and programme of desktop and field audits and inspections to be undertaken to ensure that the CNVMP, Schedules and the best practicable option for management of effects are being implemented; and <li data-bbox="355 1451 1018 1485">(xiv) requirements for review and update of the CNVMP.

No.	Condition
25.	<p>Schedule to a CNVMP</p> <p>(a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the Schedule, when:</p> <ul style="list-style-type: none"> (i) Construction noise is either predicted or measured to exceed the noise standards in Condition 22 (ii) Construction vibration is either predicted or measured to exceed the Category A standard at the receivers in Condition 23. <p>(b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP.</p> <p>(c) To achieve the objective, the Schedule shall include details such as:</p> <ul style="list-style-type: none"> (i) construction activity location, start and finish times; (ii) the nearest neighbours to the construction activity; (iii) the predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards in Conditions 22 and 23 and the predicted duration of the exceedance; (iv) for works proposed between 2000h and 0630h, the reasons why the proposed works must be undertaken during these hours and why they cannot be practicably undertaken during the daytime; (v) the proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why; (vi) a summary of the consultation undertaken with owners and occupiers of sites subject to the Schedule, and how consultation has and has not been taken into account; and (vii) location, times and types of monitoring. <p>(d) The Schedule shall be submitted to the Manager for information at least 5 working days (except in unforeseen circumstances) in advance of Construction Works that are covered by the scope of the Schedule and shall form part of the CNVMP. If any comments are received from the Manager, these shall be considered by the Requiring Authority prior to implementation of the Schedule.</p> <p>(e) Where material changes are made to a Schedule required by this condition, the Requiring Authority shall consult the owners and/or occupiers of sites subject to the Schedule prior to submitting the amended Schedule to the Manager for information in accordance with (d) above. The amended Schedule shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.</p>

No.	Condition
26.	<p data-bbox="288 282 823 311">Historic Heritage Management Plan (HHMP)</p> <p data-bbox="288 315 1350 427">(a) A HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable.</p> <p data-bbox="288 432 932 461">(b) To achieve the objective, the HHMP shall identify:</p> <ul style="list-style-type: none"> <li data-bbox="363 465 1350 551">(i) any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures; <li data-bbox="363 555 1350 607">(ii) methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design; <li data-bbox="363 611 1350 696">(iii) known historic heritage places and potential archaeological sites within the Designation, including identifying any archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted; <li data-bbox="363 701 1350 752">(iv) any unrecorded archaeological sites or post-1900 heritage sites within the Designation, which shall also be documented and recorded; <li data-bbox="363 757 1350 898">(v) roles, responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with AUP accidental discovery rule, and monitoring of conditions; <li data-bbox="363 902 1350 954">(vi) specific areas to be investigated, monitored and recorded to the extent these are directly affected by the Project; <li data-bbox="363 958 1350 1155">(vii) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version; <li data-bbox="363 1160 1350 1245">(viii) methods to acknowledge cultural values identified through Condition 13 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; <li data-bbox="363 1249 1350 1693">(ix) methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the Designation during Construction Works as far as practicable. These methods shall include, but are not limited to: <ul style="list-style-type: none"> <li data-bbox="435 1335 1350 1397">A. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access; <li data-bbox="435 1402 1350 1487">B. measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and <li data-bbox="435 1491 1350 1693">C. training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, legal obligations relating to unexpected discoveries and the AUP Accidental Discovery Rule (E11.6.1). The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 13). <p data-bbox="288 1727 448 1756">Advice note:</p> <p data-bbox="288 1760 576 1789">Accidental Discoveries</p> <p data-bbox="288 1794 1350 1877">The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP and in the NZTA Minimum Standard P45 Accidental Archaeological Discovery Specification, or any subsequent version.</p>

No.	Condition
27.	<p data-bbox="300 286 746 320">Pre-Construction Ecological Survey</p> <p data-bbox="300 320 1361 409">(a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken by a Suitably Qualified Person. The purpose of the survey is to inform ecological management by:</p> <ul style="list-style-type: none"> <li data-bbox="379 409 1361 465">(i) confirming whether the species of value within the Identified Biodiversity Areas recorded in the Identified Biodiversity Area Schedule 2 are still present; and <li data-bbox="379 465 1361 611">(ii) confirming whether the project will or may have a moderate or greater level of ecological effect on ecological species of value, prior to implementation of impact management measures with the level of effect to be determined in accordance with Table 10 of the EIANZ guidelines as included in Schedule 3 to these conditions (or subsequent updated version of the table). <p data-bbox="300 611 1361 725">(b) If the ecological survey confirms the presence of ecological species of value in accordance with Condition 27(a)(i) and that effects are likely in accordance with Condition 27(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 28 for these areas (Confirmed Biodiversity Areas).</p>

28.	<p>Ecological Management Plan (EMP)</p> <p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 27) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable.</p> <p>(b) To achieve the objective, the EMP shall set out the methods which may include:</p> <p>(i) If an EMP is required in accordance with Condition 27(b) for the presence of long tail bats:</p> <ul style="list-style-type: none"> A. measures to minimise as far as practicable, disturbance from construction activities within the vicinity of any active long tail bat roosts (including maternity) that are discovered through survey until such roosts are confirmed to be vacant of bats; B. how the timing of any construction work in the vicinity of any maternity long tail bat roosts will be limited to outside the bat maternity period (between December and March) where reasonably practicable; C. details of areas where vegetation is to be retained where practicable for the purposes of the connectivity of long tail bats; D. details of how bat connectivity will be provided and maintained (e.g. through the presence of suitable indigenous or exotic trees or artificial alternatives). This could include identification of areas and timeframes for establishment of advance restoration / mitigation planting taking into account land ownership, accessibility and the timing of available funding, measures to manage the effects of light spill on bat connectivity as far as practicable; and E. where mitigation to minimise effects is not practicable, details of any offsetting proposed. <p>(ii) If an EMP is required in accordance with Condition 27(b) for the presence of threatened or at risk wetland birds:</p> <ul style="list-style-type: none"> A. how the timing of any Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable. B. where works are required within the Confirmed Biodiversity Area during the bird season, methods to minimise adverse effects on Threatened or At-Risk wetland birds; C. undertaking a nesting bird survey of Threatened or At-Risk wetland birds prior to any Construction Works taking place within a 50m radius of any identified Wetlands (including establishment of construction areas adjacent to Wetlands). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction inactivity; D. what protection and buffer measures will be provided where nesting Threatened or At-Risk wetland birds are identified within 50m of any construction area (including laydown areas). Measures could include: <ul style="list-style-type: none"> a. a 20 m buffer area around the nest location and retaining vegetation. The buffer areas should be demarcated where necessary to protect birds from encroachment. This might include the use of marker poles, tape and signage; b. monitoring of the nesting Threatened or At-Risk wetland birds by a Suitably Qualified Person. Construction works within the 20m nesting buffer areas should not occur until the Threatened or At-Risk wetland birds have fledged from the nest location (approximately 30 days from egg laying to fledging) as confirmed by a Suitably Qualified Person; c. minimising the disturbance from the works if construction works are required within 50 m of a nest, as advised by a Suitably Qualified Person; d. adopting a 10m setback where practicable, between the edge of Wetlands and construction areas (along the edge of the stockpile / laydown area); and e. minimising light spill from construction areas into Wetlands
-----	---

No.	Condition
	<p>(c) The EMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any regional resource consents granted for the Project.</p> <p>Advice note:</p> <p>Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans:</p> <ul style="list-style-type: none"> (i) Stream and/or wetland restoration plans; (ii) Vegetation restoration plans; and (iii) Fauna management plans (eg avifauna, herpetofauna, bats).
29.	<p>Tree Management Plan (TMP)</p> <p>(a) Prior to the Start of Construction for a Stage of Work, a TMP shall be prepared. The objective of the TMP is to avoid, remedy or mitigate effects of construction activities on trees identified as protected or notable in the Auckland Unitary Plan.</p> <p>(b) To achieve the objective, the TMP shall:</p> <ul style="list-style-type: none"> (i) confirm the trees that will be affected by the project work and are identified as protected or notable in the Auckland Unitary Plan; and (ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree identified in 29 (b)(i) above. This may include: <ul style="list-style-type: none"> A. any opportunities to relocate listed trees where practicable. B. planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 17); C. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and D. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards. (iii) demonstrate how the tree management measures (outlined in 29(b)(ii)A – D above) are consistent with conditions of any resource consents granted for the project in relation to managing construction effects on trees.
30.	<p>Network Utility Management Plan (NUMP)</p> <p>(a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities.</p> <p>(b) To achieve the objective, the NUMP shall include methods to:</p> <ul style="list-style-type: none"> (i) provide access for maintenance at all reasonable times, or emergency works at all times during construction activities; (ii) protect and where necessary, relocate existing network utilities; (iii) manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage, beyond normal wear and tear to overhead transmission lines in the Project area; (iv) demonstrate compliance with relevant standards and Codes of Practice including, where relevant, the NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances 2001; AS/NZS 4853:2012 Electrical hazards on Metallic Pipelines; and AS/NZS 2885 Pipelines – Gas and Liquid Petroleum. <p>(c) The NUMP shall include methods (including timing) to protect and where required safely relocate the International Cable.</p> <p>(d) The NUMP shall be prepared in consultation with the relevant Network Utility Operator(s) who have existing assets that are directly affected by the Project.</p> <p>(e) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP.</p> <p>(f) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.</p>

Attachments

Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation, and maintenance of an upgrade to a state highway in Kumeu-Huapai, from the Matua Road intersection to the intersection with Riverhead Road, including active transport facilities and associated infrastructure. The proposed work is shown in the following Concept Plan and includes:

- (a) An upgraded transport corridor and active transport facilities;
- (b) Associated works including intersections, bridges, embankments, retaining, culverts, stormwater management systems;
- (c) Changes to local roads, where the proposed work intersects with local roads; and
- (d) Construction activities, including vegetation removal, construction compounds, laydown areas, bridge works area, construction traffic management and the re-grade of driveways.

Concept Plan



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

Waka Kotahi NZ Transport Agency: Care of:

- Megan Exton megan.exton@supportinggrowth.nz
- Bruce Hawkins c/o environmentalplanning@nzta.govt.nz

Auckland Transport: Care of:

- Megan Exton megan.exton@supportinggrowth.nz
- Holly Atkins holly.atkins@at.govt.nz

Auckland Council: Care of:

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

The submitters listed in the attached schedule.

Alteration to designation 6766 State Highway 16 Main Road Upgrade (NoR S2)				
NoR	Sub #	Submitter Name	Agents name	Address for Service
S2	1	Peiping Liu and Tony Wu		maryhng@hotmail.com
S2	2	Ms Susan Newnham		sue@sue2.co.nz
S2	3	GT Marine	Attn: Georgina Arona	george@gtmarine.co.nz
S2	4	Member of Parliament for Kaipara ki Mahurangi Christopher Penk		chris.penkmp@parliament.govt.nz
S2	5	John Martin Alexander		john.alexander@mmbrands.co.nz
S2	6	Spark New Zealand Trading Limited (Spark)	c/o- Incite Attn: Chris Horne	chris@incite.co.nz
S2	7	Ministry of Education	Attn: Gemma Hayes	gemma.hayes@education.govt.nz
S2	8	McDonalds Restaurants (NZ) Limited	c/o Barker & Associates Attn: Matt Norwell	mattn@barker.co.nz
S2	9	Ben Xu		xuben@sina.com
S2	10	Louise Baker		bakermouse@yahoo.co.uk
S2	11	Andrew Kinzett		ajjkinzett@gmail.com
S2	12	Kumeu Shopping Village Combined Owners' Committee [Lot 1: Kumeu Medical Centre; Lot 2: Body Corporate 98706 (90A-90D Main Rd)]	Attn: Molly Whittington	molly.whittington7@gmail.com
S2	13	Future-Kumeu Incorporated	Attn: David Heron	davidheron@xtra.co.nz
S2	14	Kumeu Medical Centre	Attn: William Ferguson	william.ferguson@kumeumedical.co.nz
S2	15	Kumeu Shopping Village Combined Owners' Committee: Kumeu Medical Centre & Body Corporates 98706, 97519, 96480, & 109614	Attn: Kiran Kumar & James Mcspadden & Jay Valavil	kiran@kayjaitax.co.nz valavil@xtra.co.nz jamsnow@hotmail.com
S2	16	Mary Connelly and James Scully		mconnelly@xtra.co.nz

S2	17	Kumeu Dental Surgery Ltd	Attn: Paul Joicey	paul@kumeudental.co.nz
S2	18	Joshua Nuske		joshnuske@icloud.com
S2	19	Jim Hickling		jifitopa@xtra.co.nz
S2	20	Peter Lawrence Gifkins		kenza@xtra.co.nz
S2	21	Roy Stansfield		roy.stansfield@strideproperty.co.nz
S2	22	Spraggs Investments Ltd	Attn: Matt Norwell c/- Barker & Associates Ltd	mattn@barker.co.nz
S2	23	Kumeu River Wines	Attn: Shane Hartley c/- Terra Nova Planning Ltd	admin@tnp.co.nz
S2	24	Brajkovich Family Trust, 549 State Highway 16, Kumeu	Attn: Shane Hartley c/- Terra Nova Planning Ltd	admin@tnp.co.nz
S2	25	Atlas Concrete Limited	Attn: David Haines c/- Haines Planning Consultants Limited	david.haines@hainesplanning.co.nz
S2	26	Barney Holdings Limited	Attn: Anthony Blomfield	ablomfield@bentley.co.nz
S2	27	Michael Davis Family Trust	Attn: Michael Davis	highreward@xtra.co.nz
S2	28	S Nuich and I Selak and S A Nuich and Gibson Nominee Ltd	c/- Haines Planning Consultants Limited Attn: David Haines	david.haines@hainesplanning.co.nz
S2	29	Stephen Anderson		stephenA@trigconsultants.co.nz
S2	30	Colin and Lenore Read	Attn: Molly Whittington	lenoreread@xtra.co.nz
S2	31	Faye and James O'Neill		jmoocher33@gmail.com
S2	32	Price Properties Limited	c/- Harkness Henry Lawyers Attn: Joan Forret	joan.forret@harkness.co.nz
S2	33	Eileen Spence and David Gillespie		b.espence@outlook.com
S2	34	KiwiRail Holdings Limited	Attn: Pam Butler Senior RMA Advisor KiwiRail	Pam.butler@kiwirail.co.nz
S2	35	Morleyvest Limited	c/- Ross Morley	ross.morley@remd.co.nz
S2	36	Pedro's Roast Kumeu Village	Attn: Peter Lowe	yflowe@hotmail.com
S2	37	Kumeu Properties Limited	Attn: Hannah c/- Forme Planning Ltd	hannah@formeplanning.co.nz
S2	38	Anca Joicey		anca@kumeudental.co.nz
S2	39	W&P ENTERPRISES LIMITED	Attn: Stephen Pye	jwsp@xtra.co.nz

S2	40	Heritage New Zealand Pouhere Taonga			PlannerNR@heritage.org.nz
S2	41	The Walker Family Trust	Keren McDonnell		keren@mhg.co.nz
S2	42	The Walker Family Trust and Sharon Walker Family	Keren McDonnell		keren@mhg.co.nz
S2	43	Ross Roderick Spence and Adrienne Mayo Spence	Peter William Smith		peter.smith@smithpartners.co.nz
S2	44	The Roman Catholic Bishop of the Diocese of Auckland	Matt Feary		matt@rms.co.nz
S2	45	John Russell Falconer and Karen Anderson			j.anderson@civicchambers.co.nz
S2	46	Adrian Bullock			adrianbullock@gmail.com
S2	47	Watercare Services Limited	Mark Bishop		mark.bishop@water.co.nz
S2	48	Victoria Sydney Faccoory			sandparkstables@hotmail.co.nz
S2	49	Mirko Daniel Ujdur	Owen Burn		owen@greengroup.co.nz
S2	50	Bowring Properties Group	Matt Norwell		mattn@barker.co.nz
S2	51	T A S Ltd	Matt Norwell		mattn@barker.co.nz
S2	52	Telecommunications Submitters	Attn: Chris Horne c/- Incite		chris@incite.co.nz
S2	53	Z Energy Limited	Attn Stephanie de Groot c/- MinterEllisonRuddWatts		stephanie.degroot@minterellison.co.nz
S2	53	Z Energy Limited	Attn Imogene Jones c/- MinterEllisonRuddWatts		Imogene.jones@minterellison.co.nz
S2	54	Barry Frank Boric et al	Attn: Hannah Edwards Attn: Hannah Edwards		hannah@formeplanning.co.nz
S2	55	The Beachaven Trust	c/- Forme Planning		hannah@formeplanning.co.nz
S2	56	The Country Club Huapai LP	Attn: Hannah Edwards c/- Forme Planning		hannah@formeplanning.co.nz
S2	57	The National Trading Company of New Zealand Limited	Attn: Daniel Sadlier c/- Ellis Gould		dsadlier@ellisgould.co.nz
S2	58	Christopher McGuire			cjm McGuire@xtra.co.nz
S2	59	NZRPg	Attn: Campbell Barbour		cbarbour@nzrpg.co.nz
S2	60	Kāinga Ora Homes and Communities	Attn: Jennifer Chivers		developmentplanning@kaingaora.govt.nz
S2	61	Kumeu Central Limited	Attn : Burnette O'Connor		burnette@thepec.co.nz
S2	62	Tahua Partners Limited	Attn : Burnette O'Connor		burnette@thepec.co.nz

Attachment 4: Proposed format for new “*Schedule X - Communication and Engagement Site-Specific Issues*” to be attached to the NoR, addressing site-specific issues (incorporating exemplar comments relating to the Appellants’ Land).

Attachment 4: Schedule X - Communication and Engagement Site-Specific Issues

Nb: This document is the proposed format for a new Schedule X to be attached to the NoR, addressing site-specific issues. It incorporates exemplar comments relating to the Submitters' Land. The Submitters' expectation is that additional comments relating to other landholdings that raise site-specific issues in terms of the NoRs would be added into the Schedule.

Ref / designation	Property Address	Party consulted (at NoR Stage)	Site-Specific Issue	Requiring Authority response
NoR-S2	993 Waitakere Road	F. Boric & Sons	Confirm the extent of land that is required within the designation (both temporarily and permanently) at the earliest possible date.	
NoR-S4	993 Waitakere Road	F. Boric & Sons	Minimise the duration and extent of effects on the operation and function of the at-grade storage and loading area, including by: <ul style="list-style-type: none">- Limiting the width of the Access Road carriageway to three lanes in total.- Avoiding battering across the carpark and loading area, so as to retain all or the majority of these functions, including vehicular access to the at grade storage yard.	