

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 of the New Zealand Transport Agency Waka Kotahi on Notices of Requirement that comprise part of the North West Project
BETWEEN	THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED Appellant
AND	NEW ZEALAND TRANSPORT AGENCY WAKA KOTAHI Respondent

NOTICE OF APPEAL BY THE NATIONAL TRADING COMPANY OF NEW ZEALAND
LIMITED
12 JULY 2024

ELLIS GOULD
LAWYERS
AUCKLAND

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AUCKLAND

**NOTICE OF APPEAL BY THE NATIONAL TRADING COMPANY OF NEW ZEALAND
LIMITED**

TO: The Registrar

Environment Court

Auckland

1. **THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED (“NTC”)** appeals the decision of New Zealand Transport Agency Waka Kotahi (“**NZTA**”) dated 20 June 2024 (“**Decision**”) confirming two Notices of Requirement for designations in the Auckland Unitary Plan, being:
 - (a) North West Strategic Network: Alteration to designation 6766 State Highway 16 Main Road Upgrade (“**NoR S2**”); and
 - (b) North West Strategic Network: Rapid Transit Corridor (“**NoR S3**”).(together “**the NoRs**”)
2. NoR S2 provides for the upgrade of current State Highway 16 (“**SH 16**”), including provision of active mode facilities and realignment of the Station Road intersection with SH 16. NoR S3 provides for a new Rapid Transit Corridor and active mode corridor. These, along with three other notices of requirement by NZTA and 14 notices of requirement by Auckland Transport, comprise the North West Project.
3. NTC made submissions on the NoRs on 24 April 2023.
4. NTC received notice of the Decision on 20 June 2024.
5. The Decision subject to the appeal was made by NZTA.
6. NTC is not a trade competitor for the purposes of s308D of the Resource Management Act 1991 (“**Act**”).
7. NTC will be directly and adversely affected by the NoRs as it owns 108, 110 and 128 Main Road, Kumeu which comprises the New World Kumeu complex (“**the Site**”). The Site is proposed to be designated as part of the NoRs.

8. NTC opposes the extent of the NoRs over the Site, and seeks amended and additional conditions of designation to ensure that the effects of the designations on vehicle access to and from the Site is addressed. Unless the NoRs are modified as requested by NTC, they should be cancelled.

Reasons for the appeal

9. The reasons for the appeal are that NoR S2 and NoR S3, in their present form:
 - (a) will not promote the sustainable management of natural and physical resources;
 - (b) will not amount to and promote the efficient use and development of resources;
 - (c) will not be consistent with the purpose and principles in Part 2 of the Act;
 - (d) will generate unacceptable adverse effects on the environment, and in particular, on the Site;
 - (e) will not enable the social, economic, and cultural well-being of the community; and
 - (f) do not warrant being upheld in terms of section 171 of the Act.

In addition, and without limiting the generality of the above, further reasons for the appeal are set out in paragraphs 10 to 41 below:

Background

10. The frontage of the Site is subject to NoR S2 and NoR S3.
11. The Site is zoned Business – Town Centre and is also subject to Kumeu Sub Precinct A. The Site includes a New World supermarket and associated car parking, as well as a private road owned by NTC (Harikoa Street) providing access to the Site. Additional service access is located in the south-western corner of the Site which provides truck egress directly onto Main Road (“**the Driveway**”). Both the Site’s accesses (the Driveway and Harikoa Street) are affected by the NoRs.

12. Efficient vehicle access to and egress from the Site is required to:
 - (a) Ensure the operation and commercial viability of the supermarket located at the Site; and
 - (b) Enable the supermarket on the Site to continue to provide functional benefits and amenity to occupants of the surrounding residential areas.

Appeal Point 1 – Extent of Designation

13. NTC appeals the part of Decision to confirm NoR S2 and NoR S3 over the entirety of the Site's frontage (including the Driveway and Harikoa Street).
14. In the absence of appropriate conditions addressing the effects on access and egress, designating the Driveway and Harikoa Street will create significant adverse effects on truck egress and customer access/egress from the Site in that:
 - (a) The general arrangement plan and conditions provide no certainty that the truck egress will be reinstated in its current form.
 - (b) The Site does not have sufficient on-site turning space for trucks. Egress via the Driveway must therefore be retained to ensure that trucks can continue to exit the site during construction, and long-term. The current form of the egress (e.g. its grade) must also be retained to ensure the safe loading and unloading of goods can continue.
 - (c) The general arrangement plan suggests changes to the Site's access via Harikoa Street are likely. The conditions provide no certainty that the effects of doing so will be addressed (see Appeal Point 4 below). The changes are likely to result in reduced capacity and increased congestion, particularly at peak times - impacting both customer access and servicing/delivery.
 - (d) Restrictions on access for customers and for servicing/delivery will affect the commercial viability and efficient operation of the store.

15. NTC understands that the extent of designation proposed over Harikoa Street and adjacent land is intended to accommodate construction and operation of stormwater treatment devices. NTC does not consider that NZTA has justified the need for the requirement over this area, and considers that stormwater treatment devices should be accommodated elsewhere within the designation footprint and/or existing road reserve.
16. The extent of the proposed designation not only affects access and egress to the Site, but services and facilities associated with the Site, and landscaping required as part of the resource consent for development of the supermarket on the Site.
17. In addition, land proposed to be designated within Harikoa Street is associated with access to and the operation of the supermarket and contains a pylon sign which provides crucial wayfinding for supermarket customers to and from the Site.
18. NTC therefore seeks that the extent of NoR S2 and NoR S3 is reduced so that it no longer applies to the Site.

Appeal Point 2 – Long-term Effects on Access and Egress

19. NTC appeals the part of the Decision which:
 - (a) Rejects the Commissioner recommendations to amend the wording of condition 9 of NoR S2 and condition 10 of NoR S3 to mitigate the effects of the NoRs on access following completion of construction.
 - (b) Fails to provide for access to / egress from the Site to be retained in its current form following completion of construction.
20. While NTC understands that the Requiring Authority intends to work with landowners to reinstate access and proposes conditions (condition 9 of NoR S2 and condition 10 of NoR S3) to provide some assurance regarding long-term property access, those conditions do not provide appropriate certainty for landowners and occupiers.
21. Any limitations on access can have major implications for continued access to the Site by customer and service vehicles. This can lead to possible closure of

individual stores, significant effects on the wider network of grocery supply and delivery, and impacts on continued efficient servicing for waste and recycling. NTC seeks that continued operation of all accesses is maintained at all times with no restriction on vehicle types and/or movements that can presently occur.

22. Condition 9 of NoR S2 and condition 10 of NoR S3 simply require the provision of “safe” access. They do not require the retention of all the accesses that exist at the time the outline plan is submitted, or even that efficient access is provided. In that regard:

(a) The Site has two accesses – Harikoa Street and the Driveway. The conditions of NoR S2 and S3 do not preclude closure of the Driveway if “safe” access can be retained via Harikoa Street. However, removal of direct egress via the Driveway would have significant adverse effects on the efficiency of travel to and from the site, as well as traffic circulation in respect of servicing and truck movements. This in turn would have significant adverse effects on supermarket’s viability, and the extent to which it provides convenient and functional services for the surrounding community.

(b) The conditions do not prevent NZTA from restricting certain movements to and from the Driveway and/or Harikoa Street, while retaining “safe” access. It is crucial for the continued operation of the supermarket on the Site that all existing movements by all vehicles are retained at both accesses following completion of construction.

23. NTC therefore seeks amendment of condition 9 of NoR S2 and condition 10 of NoR S3, or the imposition of new conditions, to ensure current functionality of site access/egress (including truck and servicing vehicles) is reinstated. Wording which would address these concerns is set out in the “relief sought” section below.

Appeal Point 3 – Construction Effects

24. NTC appeals the part of the decision which:

- (a) Rejects the Commissioner's recommendations to amend the wording of condition 21 of NoR S2 and condition 22 of NoR S3 to mitigate the effects of the NoRs on access, on-site parking and manoeuvring, and on loading and unloading of goods during construction.
 - (b) Fails to provide sufficient certainty that safe and functional access, on-site manoeuvring and truck egress is provided at all times throughout the construction phase; and
 - (c) Fails to provide for a process of engagement and feedback from key stakeholders as part of the preparation of the Construction Traffic Management Plan ("**CTMP**").
- 25. Due to the nature of the activities at the Site, it is important that access is retained throughout the construction of the project as any restriction on access (including for loading/unloading and servicing) can affect the viability and efficient operation of the supermarket activity. The current wording only requires that access be maintained "where practicable".
- 26. It is also critical that NTC has sufficient opportunity to provide feedback on the CTMP, given the implications of restricting access (even temporarily) on the commercial viability and efficient operation of the supermarket and the specialist knowledge it holds regarding operational functionality. The current wording of the conditions requires that engagement be undertaken in accordance with the Stakeholder Communication and Engagement Plan ("**SCEMP**"). The SCEMP:
 - (a) is to be submitted to Council for "information" purposes only; and
 - (b) is only required to include "*methods and timing to engage with owners and occupiers whose access is directly affected*" (i.e. it only addresses the process of engagement).
- 27. There is no provision or requirement for the outcome of the engagement to be recorded. This contrasts with the Urban and Landscape Design Management Plan ("**ULDMP**") condition which requires stakeholders be invited to participate in the development of the ULDMP, and requires NZTA to

summarise comments received from stakeholders and, where they have not been incorporated, outline why.

28. The current wording of condition 21 of NoR S2 and condition 22 of the NoR S3 fails to:
 - (a) ensure that the CTMP is consulted on adequately; and
 - (b) provide certainty that the operation of the Site will not be unreasonably impacted by construction of the project (including that there will be continued access during construction).
29. NTC therefore seeks amendment of Condition 21 of NoR S2 and Condition 22 of the NoR S3, or the imposition of new conditions, to ensure that any CTMP is prepared with input from adjacent owners and occupiers of land and that there be continued access at all times during construction. Wording which would address these concerns is set out in the “relief sought” section below.

Appeal Point 4 - Traffic Effects

30. NTC appeals the part of the decision which fails to address the effects of the designation on the Main Road/Harikoa Road intersection (“**the Intersection**”).
31. The general arrangement plan reduces the width of the Intersection and changes the lane arrangement (including the approach lanes), reducing its capacity and functionality. NZTA’s position is that there will not be adverse effects as a result of these changes is based upon modelling which failed to consider the weekend peak (i.e. New World Kumeu's busiest time).
32. In ignoring the weekend peak, NZTA has potentially failed to identify relevant adverse effects and has not considered what potential mechanisms might be required to mitigate those effects. NZTA relies upon its ability to undertake further design work prior to implementation. That approach is inappropriate and does not provide certainty that the effects on the Site can and will be appropriately mitigated at that later point in time.
33. In the absence of robust weekend peak modelling, it is not possible to properly understand the environmental effects of the requirement and/or to determine

whether mitigation measures are available and necessary to mitigate those effects.

34. NTC therefore seeks that the capacity of the redesigned intersection be modelled at the weekend peak and that any effects identified from this modelling be satisfactorily mitigated through the implementation of measures developed with NTC.

Appeal Point 5 – Stakeholder Communication and Engagement Management Plan

35. NTC appeals the part of the Decision which:
- (a) rejects the recommendations of the Commissioners to require AT to provide for a hardship fund compensate or offset business costs or losses arising from the construction works on the operation of the business; and
 - (b) fails to ensure that site-specific issues will be addressed through the engagement process.
36. As addressed above, construction works have the potential to affect the commercial viability and efficient operation of NTC's stores. This is a potential effect which warrants mitigation in RMA terms.
37. NTC therefore seeks that the Commissioners recommended wording for condition 11 of NoR S2 and condition 12 of NOR S3 be reinstated, and that the wording be amended to provide greater certainty that site-specific issues will be addressed through the engagement process.

Appeal Point 6 – Designation Review

38. NTC appeals the part of the Decision which rejects the recommendations of the Commissioners to:
- (a) require the designations to be reviewed at 5 yearly intervals, and to require NZTA to identify land no longer required; and

- (b) no later than 6 months following completion of construction, give notice for the removal of the designation over land no longer required for the ongoing operation of the designation.
- 39. The NoRs do not differentiate between land required for construction, and land required for the permanent operation of the designation. It would be inappropriate and inconsistent with the purpose of the Act if AT were to maintain a designation over land no longer required for the purpose of the designation.
- 40. In circumstances where the designations are subject to lengthy (or no) lapse dates, it is appropriate for the condition recommended by the Commissioners to be imposed.
- 41. NTC therefore seeks that the Commissioners recommended wording for condition 4 of NoR S2 and condition 4 of NoR S3 be reinstated.

Relief Sought

- 42. NTC seeks the following relief:
 - (a) Unless the requirements are modified in the manner requested by NTC below, that NoR S2 and NoR S3 are cancelled.
 - (b) That the extent of land to be designated by NoR S2 and NoR S3 be reduced in extent so that they no longer affect the Site.
 - (c) That condition 9 of NoR S2 be amended to read as follows (deletions shown in strikethrough and additions shown in underline):

Existing property access

A. 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, efficient and effective reconfigured or alternate access to the transport corridor, and on site parking and manoeuvring will be provided, unless otherwise addressed with the affected landowner.

B. Where existing property vehicle access which exists at 108, 110 and 128 Main Road, Kumeu at the time that Outline Plan is submitted is proposed to be altered by the project, the requiring authority shall:

- i. Ensure that there is a gap in any raised median to allow trucks to turn both left and right out the site.
 - ii. Ensure that the truck egress is reinstated to have a vehicle crossing wide enough to cater for large semi-trailers to make a left turn out.
- (d) In the alternative, in the event that the relief sought in (c) above is not granted by the Court, that a condition is imposed that ensures continued operation of all accesses and egresses, with all existing movements retained for all vehicles that currently access the Site.
- (e) That condition 10 of NoR S3 be amended to read as follows (deletions shown in strikethrough and additions shown in underline):

Existing property access

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, efficient and effective reconfigured or alternate access to the transport corridor, and on site parking and manoeuvring will be provided, unless otherwise addressed with the affected landowner.

Where existing property vehicle access which exists at 108, 110 and 128 Main Road, Kumeu at the time the Outline Plan is submitted is proposed to be altered by the project, the requiring authority shall:

- iii. Ensure that there is a gap in any raised median to allow trucks to turn both left and right out the site.
 - iv. Ensure that the truck egress is reinstated to have a vehicle crossing wide enough to cater for large semi-trailers to make a left turn out.
- (f) In the alternative, in the event that the relief sought in (e) above is not granted by the Court, that a condition is imposed that ensures continued operation of all accesses and egresses, with all existing movements retained for all vehicles that currently access the Site.
- (g) That condition 21 of NoR S2 and condition 22 of NoR S3 be amended to read as follows, including reinstatement of the Commissioners' recommended wording (deletions shown in strikethrough and additions shown in underline):

Construction Traffic Management Plan (CTMP)

(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP as to avoid, remedy or mitigate, as far as practicable, adverse construction effects.

(b) To achieve this objective, the CTMP shall include:

...

(vi) 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, including details of how access is 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.

(x) Methods to ensure that safe truck egress from 108, 110 and 128 Main Road, Kumeu is maintained through the construction phase at all times, unless specifically agreed with the owner/occupier.

(c) ...

(d) Members of the public and stakeholders directly affected by the CTMP and adjacent owners and occupiers of land shall be engaged in the preparation of the CTMP.

(h) That conditions are imposed requiring that the capacity of the redesigned Harikoa Street / Main Road intersection be modelled at the weekend peak. Any effects identified from this modelling must be satisfactorily mitigated through the implementation of measures developed in consultation with NTC.

(i) That condition 11 of NoR S2 and condition 12 of NoR S3 be amended to read as follows, including reinstatement of the Commissioners recommended wording (deletions shown in strikethrough and additions shown in underline):

Stakeholder Communication and Engagement Management Plan (SCEMP)

(a) ...

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

(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;

- (iii) *methods to engage with Stakeholders and the owners of properties identified in 11(b)(ii) above;*
 - (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);*
 - (v) *methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua;*
 - (vi) *methods to ~~manage~~ avoid, remedy or mitigate the potential loss of visibility from public spaces, and physical 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;*
 - (vii) *methods and timing to engage with owners and occupiers whose access is directly affected;*
 - (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*
 - (ix) *linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant.*
 - (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.*
 - (xii) *details of how the Requiring Authority has considered and responded to the issues listed in Schedule X Communication and Engagement Sites – Specific Issues, where relevant to each Stage of Work.*
- (c) ~~any SCEMP prepared for a Stage of Work shall be submitted to Council for information a minimum of 10 working days prior to the Start of Construction for a list Stage of Work.~~
- (j) Insert a new “Schedule X – Communication and Engagement Site Specific Issues” for NoR S2 and NoR S3 to address site-specific issues. A proposed format of Schedule X, addressing site specific issues and incorporating exemplar comments relating to the Kumeu Site is annexed as **Attachment 4**.
- (k) Reinstatement of the Commissioners recommended wording for condition 4 of NoR S2 and condition 5 of NOR S3, being:

Designation Review

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 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.

(b) The review shall involve affected landowners and occupiers and:

(i) provide an update on the progress or effort made to give effect to the designation and the anticipated date for implementation;

(ii) review the extent of the designation to identify any areas of designated land that are no longer required for the designation; and

(iii) be publicly available of the project website and be made available to the Council.

Post – construction review

(a) As soon as reasonably practicable, but no later than six (6) months, following 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 Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.

(l) Such further orders, relief, consequential amendments or other amendments as are considered appropriate and necessary to address NTC's concerns set out above.

(m) Costs of and incidental to this appeal.

Attachments

43. the following documents are attached to this notice:

(a) **Attachment 1:** copies of NTC submission on NOR S2 and NIS 3.

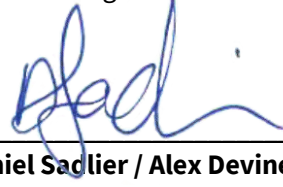
(b) **Attachment 2:** extracts of the recommendation and decision.

(c) **Attachment 3:** a list of persons to be served with a copy of this notice.

- (d) **Attachment 4:** Proposed format for the new “*Schedule X – Communication and Engagement Site Specific Issues*” to be attached to NoR W5, NoR RE1 and NoR RATN2B, addressing site specific issues (incorporating exemplar comments relating to the NTC Sites).

DATED this 12th day of July 2024

THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED by its solicitors and duly authorised agents Ellis Gould



Daniel Sadlier / 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:** Daniel Sadlier / Alex Devine. dsadlier@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 decision (or part of the decision) 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: Copy of NTC's submission on NoR S2 and NoR S3

SUBMISSION ON A NOTIFIED NOTICE OF REQUIREMENT FOR DESIGNATION OF LAND BY WAKA KOTAHI NZ TRANSPORT AUTHORITY

Section 168(2) of the Resource Management Act 1991

To: Auckland Council, Plans and Places
Private Bag 92300
Auckland 1142
Attention: Planning Technician

THE NATIONAL TRADING COMPANY OF NEW ZEALAND Limited c/- Ellis Gould, Solicitors at the address for service set out below ("**the Submitter**") makes the following submission in relation to the notices of requirement lodged by **Waka Kotahi / New Zealand Transport Authority** in respect of:

- North West Strategic Network: Rapid Transit Corridor: a new designation, for a new Rapid Transit Corridor and active mode corridor (the "**Rapid Transit Corridor NoR**"); and
- North West Strategic Network: Alteration to designation 6766 State Highway 16 Main Road: alterations to Designation 6766 to provide for the upgrade of the corridor, including provision of active mode facilities and realignment of the Station Road intersection with SH16 (the "**Main Road NoR**").

(together the "**NoRs**").

1. The NoRs come within the North West Strategic Package of the broader North West Transport Network project (the "**Project**") under the Te Tupu Ngātahi Supporting Growth Programme.
2. The Submitter will be directly affected by the NoRs as it owns the properties at 108, 110 and 128 Main Road, Kumeu comprising the New World Kumeu complex (the "**Site**"), parts of which come within the designation boundaries.
3. The Submitter is not a trade competitor of the Requiring Authority for the NoRs and could not gain any advantage in trade competition through this submission.
4. The Submitter is not opposed in principle to the NoRs, and supports the Project, but seeks to ensure that:

- (a) Land take for the purpose of constructing a wetland on the Site is avoided.
- (b) There be no long-term (i.e.: post-construction) adverse effects on access to and egress from the Site or on activities that are undertaken on the Site; and
- (c) Adverse effects on the operation of the Site during the construction of the Project are avoided or minimised.

Reasons for submission

5. The reasons for the submission are as follows:

- (a) Unless the relief sought in this submission is granted, the NoRs will:
 - (i) Not promote the sustainable management of natural and physical resources;
 - (ii) Not amount to and promote the efficient use and development of resources;
 - (iii) Be inconsistent with the purpose and principles in Part 2 of the Resource Management Act 1991 ("**RMA**");
 - (iv) Generate significant adverse effects on the environment, and in particular, on the Site; and
 - (v) Not warrant being confirmed by Council under section 171 RMA.

In particular, but without derogating from the generality of the above:

Location of proposed wetland

- (b) The Submitter opposes the extension of the designation to provide for a wetland at the eastern end of the Site.
- (c) Foodstuffs North Island Limited, who manage the New World complex on the Site, are in the process of preparing a resource consent application to extend the car parking available on the Site.
- (d) The inclusion of this area within the designation boundary will prevent the extension of the carpark, which is required to ensure the functional operation of the New World supermarket and associated businesses.

Reduced capacity at Main Road – Harikoa Street Intersection

- (e) The Site is accessed via the Main Road – Harikoa Street Intersection (the “**Intersection**”). The Intersection is currently served on Main Road by three approach lanes when travelling either east or west towards the Site.
- (f) The proposed roading layout, as shown in the General Arrangement Plan, seeks to reduce this to:
 - (i) a single shared through and left turn lane when travelling from the west; and
 - (ii) two approach lanes (a signalised left lane and a right turn lane) when travelling from the east.

The changes will result in a significant reduction of capacity at the Intersection.

- (g) While a capacity assessment for morning and evening commuter peak flows was modelled, no assessment for weekend traffic (when the supermarket is busiest) was undertaken.¹
- (h) The Submitter is concerned that the proposed roading design does not include sufficient capacity to ensure efficient and safe traffic flows during weekends and will result in significant adverse congestion effects.
- (i) Further, the modelling for commuter peak flows relies on the diversion of traffic from the current highway to the alternate highway. If this does not occur to the extent anticipated by the Requiring Authority, this will exacerbate the risk that the Intersection will also have insufficient capacity during commuter peaks.

Truck egress from the Site

- (j) The Submitter understands that property effects in relation to access driveways and private access roads have not been specifically considered as part of the NoRs and will be subject to further design prior to implementation.

¹ It is noted that modelling of weekend traffic flows was required when the Site was consented, to ensure that effects of traffic during these periods are appropriately avoided, remedied or mitigated.

- (k) Notwithstanding this, the Submitter is concerned that the proposed layout of the designation, as shown in the General Arrangement Plan submitted with the NoRs, may create significant adverse effects on truck egress from the Site.
- (l) Truck egress from the Site onto Main Road is currently by way of a loading bay and driveway, with both left and right turn capacity, at the eastern end of the Site (the “**Driveway**”).
 - (i) The General Arrangement Plan appears to indicate that the Driveway will be closed and may not be reinstated.
 - (ii) As the Site does not have sufficient turning space for trucks, egress via the Driveway must be retained to ensure that trucks can continue to exit the Site. This is important during both the construction phase and long-term.
 - (iii) Further, the proposed roading design includes a median on Main Road along the frontage of the Site. It is unclear whether this is to be a flush median, raised median or traffic island. To enable continued efficient operation of the supermarket on the site, the Submitter requires unrestricted egress (i.e., both left and right turn capacity from the Driveway). Accordingly, the Submitter seeks that a flush median be implemented in this location to enable right turns from the Driveway to Main Road as currently may occur.
 - (iv) The Submitter also seeks that the Driveway be clearly identified on the General Arrangement Plan as being reinstated and retained in its current form, and that conditions be imposed to ensure that there will be no long-term (i.e.: post construction) effects on it, to ensure that the Submitter can continue to safely and efficiently service the Site.

General comments on construction effects

- (m) A construction traffic management plan has not been provided with the NoRs. The Submitter is concerned that the construction phase may result in significant adverse effects on the operation of its Site. Construction traffic management plans are a mechanism commonly used to manage such effects. The Submitter seeks that a site-specific construction traffic management plan be required, prior to works being undertaken in the vicinity of the Site, to demonstrate how construction traffic effects will be appropriately managed including how

continued Site access by customers, staff and service vehicles will be maintained during the construction period.

- (n) In addition to the more specific conditions set out below, the Submitter is concerned that the NoRs are uncertain in terms of land requirements during the construction period relative to after completion of construction and commencement of operation of the works. It would be inappropriate and inconsistent with the purpose of the RMA if the Requiring Authority were to maintain a designation over land no longer required for the purpose of the designation. The Submitter accordingly seeks inclusion of a condition which specifies that, once construction is complete, the extent of the designation will be reduced as soon as possible to include only those areas necessary for the permanent operation and maintenance of the proposed work, or mitigation of effects generated by it.

Relief sought:

6. The Submitter seeks that the NoR be accepted provided conditions:

- (a) The designation is amended to avoid the need for any land take from the Site, or in the event that a land take cannot be avoided that this is minimised to the greatest extent possible;
- (b) That the designation is amended and conditions imposed on it to ensure that:
 - (i) Land take for the purpose of constructing a wetland on the Site is avoided, and the designation be amended to reflect this.
 - (ii) The proposed roading design will ensure that there is sufficient capacity, including during weekends, to maintain appropriate traffic flows at the Intersection.
 - (iii) The Driveway is clearly identified as being reinstated and retained in its current form.
- (c) That conditions are imposed on the designation to ensure that:
 - (i) There will be no long-term (i.e.: post construction) effects on any of the existing vehicle access to and egress from the Site and that these will be retained largely in their current form following completion of construction.

- (ii) Adverse effects on access to and egress from the Site are minimised as far as practicable during construction; with truck access and egress from the Site being specifically maintained throughout the construction period.
 - (iii) Prior to the commencement of construction in the vicinity of the Site, a construction traffic management plan applying to the road network in the immediate vicinity of the Site 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.
 - (iv) The extent of the designation is reduced as soon as possible once construction in the immediate vicinity of the Site is completed, so that the residual designation includes only those areas necessary for the permanent operation and maintenance of the proposed work, or mitigation of effects generated by it.
- (d) Such other conditions, relief or other consequential amendments as are considered appropriate or necessary to address the matters outlined in this submission.

If the above relief is not accepted, the Submitter seeks that the NoR be declined.

- 7. The Submitter wishes to be heard in support of its submission.
- 8. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.

DATED this 24TH day of April 2023

**THE NATIONAL TRADING COMPANY
OF NEW ZEALAND** by its solicitors and
duly authorised agents, Ellis Gould



D J Sadlier / C S S Woodhouse

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509. Auckland 1140, DX CP22003, Auckland. Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: Daniel Sadlier: dsadlier@ellisgould.co.nz

Attachment 2: Copies of the relevant parts of the Decision



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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.

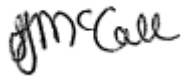
The **Table 1** below sets out:

- 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).

A handwritten signature in black ink, appearing to read 'Sonya McCall'.

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, KS and HS

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	-	These conditions relate to Notices of Requirement S1, S2, S3, HS and KS, described as follows: S1 Alternative State Highway (ASH): A new four-laned dual carriageway motorway and the upgrade of the Brigham Creek Interchange. 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. S3 Rapid Transit Corridor (RTC): A new rapid transit corridor and active mode corridor in one co-located corridor. HS Huapai Station: A new rapid transit station, including transport interchange facilities, park-and-ride and accessway. KS Kumeū Station: A new rapid transit station, including transport interchange facilities and accessway.	Reject new conditions. 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.
All	Abbreviations and definitions	<u>Certification of material changes to management plans</u> 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. A CNVMP Schedule (or change thereto) or a material change to a management plan shall be deemed certified: - 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 - 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 five (5) working days from the submission of a change to the CNVMP Schedule where no written confirmation of certification has been received.	Reject amendments to definition including the additional clause (c) 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 Wilkening.¹ Amendment by NZTA To improve clarity, NZTA inserts “of material changes to management plans” into the definition heading.

¹ Closing legal submissions of Requiring Authority, dated 24 November 2023, at [16.11]; and Evidence of Siiri Wilkening, 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 underlined 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: • Te Kawerau ā Maki • Ngāti Whātua o Kaipara • Te Ākitai Waiohū	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 underlined 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 <u>New Zealand Transport Agency.</u>	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 underlined and rejections are in bold and strikethrough)	Reason for modifications
		<u>(h) network utility operators.</u>	
<u>NOR S3</u>	Abbreviations and definitions	Stakeholders to be identified in accordance with Condition 3B, which may include as appropriate: (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.	Reject addition of ‘emergency services’ to all designations 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. 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.
S1, S3 HS, KS		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 1.	Reject 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.

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	Project Information (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. (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: ... (vi) how / where to access noise modelling contours to inform the design of development adjacent to the designation; (vii) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA; and ...	Accept (a) The Panel proposed to amend the wording of clause (a) to read "... inclusion of the designation in the AUP". NZTA accepts this amendment. Reject (b)(vi) 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).
S1 S2 S3 HS	2A	Land use Integration Process (LIP) (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: (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). (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. (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: (i) Responding to requests for information regarding design details that could assist with land use integration; and	Reject additional condition. 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.

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 underlined and rejections are in bold and strikethrough)	Reason for modifications
		(ii) Receiving information from a Developer or Development Agency regarding master planning or land development details that could assist with land use integration. (c) Information provided by the Requiring Authority under Condition 2A(b) above may include but not be limited to the following matters: (i) Design details of the project including: A. boundary treatment (e.g. the use of retaining walls or batter slopes); B. the horizontal and vertical alignment of the road (levels); C. potential locations for mid-block crossings; D. integration of stormwater infrastructure; and E. outputs from any flood modelling, (ii) Potential modifications to the extent of the designation in response to information received through Condition 2A(b)(ii); (iii) A process for the Requiring Authority to undertake a technical review of or provide comments on any master planning or development proposal advanced by the Developer or Development Agency as it relates to integration with the Project; (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 (v) How / where to access noise modelling contours to inform development adjacent to the designation. (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. (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: (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; (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	

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
		detailed design are declined, the reasons why the Requiring Authority has declined the requests; and (iii) Details of any requests to co-ordinate the forward work programme, where appropriate, with Development Agencies and Network Utility Operators. (iv) 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.	
All	3	Designation Review 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 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. (b) The review shall involve affected landowners and occupiers and: (i) provide an update on the progress or effort made to give effect to the designation and the anticipated date for implementation; (ii) review the extent of the designation to identify any areas of designated land that are no longer required for the designation; and (iii) be made publicly available on the project website and be made available to the Council. Post-construction review (a) 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 (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.	Reject pre-construction review. The Panel has recommended the inclusion of a pre-construction review condition. NZTA rejects this recommendation. NZTA explained why such a condition is unnecessary in its closing submissions⁴; in particular: - 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 underlined and rejections are in bold and strikethrough)	Reason for modifications
			others within the region) would be an inefficient imposition on public funds that could otherwise be allocated to priority projects. 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. Amend post-construction review. 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
S1 S2 S3	4	Network Utility Operators and Auckland Council (Section 176 Approval) (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: ... (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>; ...	Amendment by NZTA Amendments in clause (ii) to improve clarity of the condition including adding the word “operations”. 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.

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
		(iv) the upgrade and replacement of existing network utilities and/or parks in the same location with the same or similar effects <u>on the work authorised by the designation</u> as the existing utility and/or park. ...	This provides an opportunity for NZTA and Auckland Council to engage on the proposed work, including opportunities for mutually beneficial outcomes.
KS HS	4	Network Utility Operators (Section 176 Approval) (a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure located within the designation will not require written consent under section 176 of the RMA for the following activities: (i) operation, maintenance and urgent repair works; (ii) minor renewal works to existing network utilities <u>necessary</u> for the on-going provision or security of supply of network utility operations; ... (iv) the upgrade and replacement of existing network utilities in the same location with the same or similar effects <u>on the work authorised by the designation</u> as the existing utility.	Amendment by NZTA to clause (a)(i) 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. 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. Amendment by NZTA to clause (a)(ii) The amendment improves the clarity of the condition. Amendment by NZTA to clause (a)(iv) Amendments in clause (iv) to clarify the nature of the effects referred to.
All	6	Management Plans (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; ... (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: ...	Reject amendment to (i) 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. Amendment by NZTA

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
			Remove “other” as the role of Mana Whenua in future project delivery will differ from external stakeholders.
All	8	Network Integration Management Plan (NIMP) (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: ... (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 Kumeū Town Centre.	Reject addition to clause (b)(ii) 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 Kumeū 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.
S2 S3	8A	Stakeholder Communication and Engagement Management Plan (SCEMP) (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: ... (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); (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; (vii) 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	Reject amendment to (vii) 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. Reject insertion of “physical” in (vii) 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. Reject addition of clause (xi)

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
		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; ... (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. (c) Any SCEMP prepared for a Stage of Work shall be submitted to the Council for information a minimum of ten (10) working days prior to the Start of Construction for a Stage of Work.	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. Accept addition to clause (c) The Panel recommended adding “minimum” into clause (c), which NZTA accepts. Amendment by NZTA to clause (b)(v) NZTA removes clause (b)(v) because the content duplicates requirements in (b)(iv) and is therefore unnecessary.
S1 HS KS	8A	Stakeholder Communication and Engagement Management Plan (SCEMP) (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: ... (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); (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; ... (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.	Amendment by NZTA to clause (b)(v) NZTA removes clause (b)(v) because the content duplicates requirements in (b)(iv). Amendment by NZTA to clause (c) 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. NZTA has also adopted the inclusion of “minimum” to clause (c), to be consistent with

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
			the Panel's recommendation for the other NORs.
All	[NEW]	Network Utilities Integration [relocated from NUMP into new condition] 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 <u>NUMP-Outline Plan(s) prepared for the Project.</u>	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.
S1 S2 S3	8B	Open Space Management Plan (OSMP) ... (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: ... (iii) (iv) how matters raised by Auckland Council Parks and relevant stakeholders <u>identified pursuant to condition 3B</u> have been incorporated into the OSMP, and where matters have not been incorporated, the reasons why not.	Accept amendment to (c)(iv) NZTA accepts the removal of the word 'key' in reference to stakeholders in clause (c)(iv). 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.
S1	9	Urban and Landscape Design Management Plan (ULDMP) [note some clauses have been re-located in clean sets] ... (c) <u>Relevant</u> stakeholders <u>identified through the Condition 3B</u> 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.	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

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
		(d) The ULDMP shall be prepared in general accordance with: ... (iii) Waka Kotahi <u>NZTA</u> Landscape Guidelines (201338) or any subsequent updated version; and ... (e) To achieve the objective <u>set out in Condition 9(1)</u>, the ULDMP(s) shall provide details of how the project: ... (f) The ULDMP(s) shall include: ... (iii) landscape and urban design details – that cover the following: ... E. Landscape treatment <u>and planting</u> of permanent stormwater control wetlands and swales H. Historic heritage places with reference to the HHMP <u>(Condition 21)</u>; I. Reinstatement of construction and site compound areas; J. Reinstatement of features to be retained such as: a. boundary features; b. landscaping; c. driveways; d. accessways; <u>and</u> e. fences <u>and</u> f. site utilities. (g) The ULDMP shall also include the following planting details and maintenance requirements: (i) planting design details including:	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. Reject (f)(iii)(j) - site utilities 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. Reject (g)(iii) - irrigation and plant replacement 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. Accept removal of advice note - front yard setback. The Panel recommends deleting the advice note to the ULDMP. NZTA accepts the deletion of the advice note. Amendment by NZTA

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
		... d. Planting of stormwater wetlands e. identification of vegetation to be retained and any planting requirements under <u>the Ecological Management Plan (Condition 21B) and Tree Management Plan (Condition 22)</u> Conditions 21B and 22; f. re-instatement planting of construction and site compound areas as appropriate. ... (ii) detailed specifications relating to the following: a. weed control and clearance; b. pest animal management (to support plant establishment); c. ground preparation (top soiling and decompaction); d. mulching; <u>and</u> e. plant sourcing and planting including hydroseeding and grassing, and use of eco-sourced species; f. irrigation and g. plant replacement (due to theft or plants dying)	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. 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. An incorrect date in the NZTA Landscape Guidelines has been corrected. 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). 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.
All except S1	9	ULDMP, see above – and: (f) The ULDMP(s) shall include: (i) a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; (ii) developed design concepts, including principles for walking and cycling facilities and public transport; and	Amendment by NZTA 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

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
		(iii) landscape and urban design details – that cover the following: A. Road design – elements such as intersection form, carriageway gradient and associated earthworks contouring including cut and fill batters, <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; ...	
All		Flood Hazard For the purpose of Condition 10: ... (d) Flood prone area – means a potential ponding areas that may flood and commonly comprised of topographical depression areas. These <u>areas</u> 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. ...	Accept removal of ARI in definitions The Panel recommends deleting the definition of ARI. 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. Amendment by NZTA to the definition of flood prone area NZTA is amending the definition of “flood prone area” to provide additional clarification and to be consistent with the Auckland Council GIS definition.
All	10	Flood Hazard (a) The Project shall be designed to achieve the following flood risk outcomes: (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 <u>within the designation or upstream or downstream of the designation;</u> (ii) no more than a 10% reduction in freeboard in a 1% 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; (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	Reject amendments to condition 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

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
		to flooding or have a freeboard of less than 300mm within the designation or upstream or downstream of the designation; (iv) no more than a 10% 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; (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; (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; (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> (viii) no new flood prone areas; and (ix) no increase of flood hazard for the main vehicle-access to authorised habitable dwellings existing at time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event. Where Flood Hazard is: • 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> $> 2\text{m/s}$. (b) Compliance with <u>this</u> condition (a) shall be demonstrated in the Outline Plan, which shall include flood modelling of: (i) the pre-Project and post-Project 1% AEP flood levels (for Maximum Probable Development land use <u>and including with allowances for</u> climate change);; (ii) proposed horizontal and vertical alignments of the road design; and	reasons explained in both that Memorandum and Closing Submissions.⁸ Amendment by NZTA to clauses (a)(iii) and (ix) 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. Amendment by NZTA to clause (a)(viii) NZTA deletes the clause stating “no new flood prone areas”. Amendment by NZTA to clause (b) NZTA amends clause (b) to improve clarity in how the flood modelling will be undertaken. Amendment by NZTA to clause (c) On reflection, NZTA amends clause (c) to clarify how confirmation will be provided that any necessary approvals have been obtained.

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
		(iii) all stormwater, drainage and mitigation infrastructure proposed to service the road construction. 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. (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 <u>shall be provided</u> that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome. (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. Advice Notes: (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. (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.	
S1 S3 KS HS	11	Existing property access (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. <u>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.</u>	Amendment by NZTA NZTA has revised the wording of this condition to improve clarity and add the phrase “reconfigured or alternate access”. Reject insertion of “on-site parking and manoeuvring” The Panel recommend amending this condition so that it reads “... safe <u>efficient and effective</u> access to the transport corridor, and <u>on-site parking and manoeuvring</u> will be provided...” NZTA rejects the addition of “on-

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
			<i>site parking and manoeuvring</i>" as the insertions are unnecessary for the reasons provided in the Closing Legal Submissions.⁹ Reject insertion of "efficient and effective" 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 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.
S2	11	(a) 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. (a) 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.	See explanation in line item above.

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	Construction Environmental Management Plan (CEMP) ... (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: ... (iv) details of the proposed construction yards including temporary screening when adjacent to Residential zones; (v) details of the proposed locations of refuelling activities and construction lighting; ... (x) <u>location and</u> procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses; ...	Accept addition to clause (iv) The Panel recommends amending “residential areas” to “residential zones” in clause (b)(iv), which is accepted by NZTA. Amendment by NZTA NZTA has made administrative amendments to condition 12(b) to separate out locations of refuelling activities from clause (v) to clause (x).
All	15	Cultural Monitoring Plan (CMP) (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. (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. <u>To achieve the objective,</u> tThe CMP shall include: ...	Amendment by NZTA Minor wording improvement, consistent with other management plan conditions.
All S1, S3, HS, KS	16	Construction Traffic Management Plan (CTMP) (a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include: ... (vi) 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, <u>including details of how access is</u>	Reject additions to clause (vi) “vehicle” access 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.

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
		<u>managed for loading and unloading of goods.</u> Engagement with landowners or occupiers whose access, parking and manoeuvring is directly affected shall be undertaken in accordance with the SCEMP; (vii) details of how the loading and unloading of goods will be provided for; (viii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; (ix) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents /public /stakeholders /emergency services); (x) 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. (xi) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and (xii) details of any measures proposed to be implemented in the event of thresholds identified in (xi) being exceeded. (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>	Reject additions to clause (vi) “parking and manoeuvring” to and within property ... “parking and manoeuvring” arrangements 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. 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. Amendment by NZTA to clause (vi) and (vii) 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. Amendment by NZTA to clause (c) and (b)(x) NZTA has relocated clause (c) from (b)(x) and clarified the date of the Guide.
S2		Construction Traffic Management Plan (CTMP) (a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include:	See above line item and: Reject amendments to CTMP The Panel has recommended an additional clause (ii) for NoR S2. NZTA rejects this additional clause because it is not necessary.

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
		(i) methods to manage the effects of temporary traffic management activities on traffic; (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; (iii) measures to ensure the safety of all transport users; (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; (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; (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; (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; (viii) details of how the loading and unloading of goods will be provided for; (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; (x) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents /public /stakeholders /emergency services); (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; (xii) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and	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 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

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	Construction Noise Standards (a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable: Table 17.1: Construction noise standards <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>545 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> </tbody> </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	54 5 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				Amendment by NZTA NZTA has amended the 55dB reference in Saturday 06:30 – 07:30 to 45dB to correct an error.
Day of week	Time period	L _{Aeq} (15min)	L _{Afmax}																																																			
Occupied activity sensitive to noise																																																						
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		<table><tr><td rowspan="2">All</td><td>0730h – 1800h</td><td>70 dB</td><td rowspan="2"></td></tr><tr><td>1800h – 0730h</td><td>75 dB</td></tr></table> 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	0730h – 1800h	70 dB																										
	1800h – 0730h	75 dB																										
All	18	Construction Vibration Standards (a) Construction vibration shall be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures and shall comply with the vibration standards set out in Table 18.1 as far as practicable. Table 18.1: Construction Vibration criteria <u>Standards</u> <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** _</td></tr><tr><td>At all other times Vibration continuous</td><td>5mm/s ppv</td><td>BS 5228-2** _</td></tr></table> * Refer to Waka Kotahi NZTA State highway construction and maintenance noise and vibration guide for further explanation regarding Category A and B criteria				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** _	At all other times Vibration continuous	5mm/s ppv	BS 5228-2** _	Amendment by NZTA Minor administrative amendments.
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** _																									
	At all other times Vibration continuous	5mm/s ppv	BS 5228-2** _																									

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
		<i>**BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'</i> (b) Where compliance with the vibration standards set out in Table 18.1 is not practicable, the methodology in Condition 20 shall apply. (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. (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.	
All S1, S2, HS	19	Construction Noise and Vibration Management Plan (CNVMP) ... (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 1.1, 2019), and shall as a minimum, address the following: ... (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; ... (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; ...	Reject specific CNVMP condition for KS and S3 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. Amendment by NZTA 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).
S3, KS	19	Construction Noise and Vibration Management Plan (CNVMP) (a) A CNVMP shall be prepared prior to the Start of Construction for a Stage of Work. (b) A CNVMP shall be implemented during the Stage of Work to which it relates.	Reject the addition of clause (c)(v) The Panel recommends a different CNVMP condition for S3 and KS that includes an additional clause (c)(v) relating to the Huapai

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
		(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: (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;	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

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
		(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; (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 (xv) Requirements for review and update of the CNVMP.	
All	20	Schedule to a CNVMP (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: ... (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, tThe Schedule shall include details such as: ... (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 (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.	Reject “certification” in (c) and (d) 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 Wilkening.¹⁵ Amendment by NZTA NZTA has made minor editorial corrections to the condition.
S1 S2	21	Historic Heritage Management Plan (HHMP) ---	Amendment by NZTA NZTA has deleted clause (c) because:

¹⁵ Closing legal submissions of Requiring Authority, dated 24 November 2023, at [16.11]; and Evidence of Siiri Wilkening, 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		(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. <u>Accidental Discoveries</u> Advice Note: 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. <u>Accidental Discoveries</u> 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.	- 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. NZTA amends the advice note to remove duplication and improve clarity regarding accidental discoveries.
S3	21	Historic Heritage Management Plan (HHMP) ...(b) (ix) Methods for avoiding, remedying or mitigation <u>mitigating</u> 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:(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. <u>Accidental Discoveries</u> Advice Notes: 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. <u>Accidental Discoveries</u>	Amendment by NZTA NZTA amends “mitigation” to “mitigating”, consistent with the wording on other North West NORs. See above line item for explanation on (c).

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
		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. 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.	
KS	21	Historic Heritage Management Plan (HHMP) ... (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. Accidental Discoveries Advice Notes: 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. <u>Accidental Discoveries</u> 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. 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.	See above line item for explanation on (c).
All	21A	Pre-Construction Ecological Survey (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 <u>plan</u> by: (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>	Amendments by NZTA to clause (a) NZTA amends the introductory wording to improve clarity. 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

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
		<u>the level of effect to be, as</u> determined in accordance with <u>Table 10 of</u> the EIANZ guidelines <u>as included in Schedule 5 to these conditions (or subsequent updated version of the table).</u> (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).	requirement to provide mitigation in accordance with those updates. NZTA amends (b) to use wording consistent with the clause it refers to.
All	21B	Ecological Management Plan (EMP) (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. (b) <u>To achieve the objective,</u> The EMP shall set out the methods that will be used to achieve the objective which may include: i. If an EMP is required in accordance with Condition 21A(b) for the presence of long tail bats: ... D.details of how bat connectivity (including suitable indigenous or exotic trees or artificial alternatives) will be provided and maintained <u>(e.g. through the presence of suitable indigenous or exotic trees or artificial alternatives)</u>. 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. ...	Amendment by NZTA NZTA amends the wording to improve clarity.
All	22	Tree Management Plan (TMP) (a) Prior to the Start of Construction for a Stage of Work, a TMP shall be prepared. (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. <u>To achieve the objective,</u> TMP shall: (i) confirm the trees that will be affected by the project work and are identified as protected or notable in the AUP; and	Amendment by NZTA. NZTA amends clause (c) to be consistent with other management plans and to correct an error.

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, t</u>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 underlined and rejections are in bold and strikethrough)	Reason for modifications
		(b) The asphaltic mix surface shall be maintained to retain the noise reduction performance <u>as far as practicable of the original surface.</u>	
<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.	Reject additional condition The Panel recommends a new condition relating to noise barriers for S1 and S3. NZTA rejects the recommended additional condition. 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. 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. 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. The conditions already provide for the BPO (beyond road surface material if required and

Designat ion	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							
			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	24 <u>AB</u>	Station Noise All mechanical <u>and electrical</u> services <u>(including Public Address system)</u> 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 10dB lower than those levels in each case.¹⁶ <table><tr><th>Time</th><th>Noise level</th></tr><tr><td>Monday to Saturday 7am-10pm</td><td rowspan="2">50dB L_{Aeq}</td></tr><tr><td>Sunday 9am-6pm</td></tr><tr><td>All other times</td><td>40dB L_{Aeq} 75dB L_{AFmax}</td></tr></table>	Time	Noise level	Monday to Saturday 7am-10pm	50dB L _{Aeq}	Sunday 9am-6pm	All other times	40dB L _{Aeq} 75dB L _{AFmax}	Reject amendment to condition 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 Wilkening¹⁷, 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.
Time	Noise level									
Monday to Saturday 7am-10pm	50dB L _{Aeq}									
Sunday 9am-6pm										
All other times	40dB L _{Aeq} 75dB L _{AFmax}									
S1	25	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). The Noise Criteria Categories at the PPFs identified in Schedule 3: Identified PPFs Noise Criteria Categories do not need to be complied with <u>at a PPF</u> where: ...	Amendment by NZTA Amendments by NZTA to improve clarity of condition.							
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 Wilkening, 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 <u>underlined</u> 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	For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 31 above if: ... (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 ...	Amendment by NZTA NZTA has amended this condition to provide building owners with more time and so it is consistent with NZTA’s standard practice.																																																
All	New Schedule	<u>Schedule 5: Table 10 of the 2018 EIANZ Guidelines</u> <u>Criteria for describing level of effects (Adapted from Regini (2000) and Boffa Miskell (2011))</u> <table><tr><td><u>Ecological Value →</u></td><td><u>Very high</u></td><td><u>High</u></td><td><u>Moderate</u></td><td><u>Low</u></td><td><u>Negligible</u></td></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>	Amendment by NZTA See explanation in the Pre-Construction Ecological Survey condition above for the rationale for this additional schedule.
<u>Ecological Value →</u>	<u>Very high</u>	<u>High</u>	<u>Moderate</u>	<u>Low</u>	<u>Negligible</u>																																														
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<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	Facility used for education to secondary level Includes: - schools and outdoor education facilities; and - accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above Excludes: - 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	Includes, but is not limited to, the following and similar activities: (a) geotechnical investigations (including trial embankments); (b) archaeological site investigations; (c) formation of access for geotechnical investigations; (d) establishment of site yards, site entrances and fencing; (e) constructing and sealing site access roads; (f) demolition or removal of buildings and structures; (g) relocation of services; 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	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: - 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: (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.	Activity in General Accordance with Plans and Information (a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the Project description and concept plan in Schedule 1 (b) Where there is inconsistency between: (i) the Project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the Project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	Project Information (a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within six months of the inclusion of this designation in the AUP. (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: (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. (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.
3.	Stakeholder Communication and Engagement (a) At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify: (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. (b) A record of (a) shall be submitted with an Outline Plan for the relevant Stage of Work.
4.	Designation Review As soon as reasonably practicable following 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 Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.

No.	Condition
5.	Network Utility Operators and Auckland Council (Section 176 Approval) (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: (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. (b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.
Pre-construction conditions	
6.	Outline Plan (a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA. (b) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the Project. (c) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include: (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.	Network Utilities Integration 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.

No.	Condition
	Flood Hazard For the purpose of Condition 8 (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.	Flood Hazard (a) The Project shall be designed to achieve the following flood risk outcomes: (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: 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.	Existing property access 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.

No.	Condition
10.	Management Plans (a) Any management plan shall: (i) be prepared and implemented in accordance with the relevant management plan condition; (ii) be prepared by a Suitably Qualified Person(s); (iii) include sufficient detail relating to the management of effects associated with the relevant activities and/or Stage of Work to which it relates; (iv) summarise comments received from Mana Whenua and stakeholders as required by the relevant management plan condition, along with a summary of where comments have: A. been incorporated; and B. where not incorporated, the reasons why. (v) be submitted as part of an Outline Plan pursuant to section 176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; (vi) once finalised, uploaded to the Project website or equivalent virtual information source. (b) Any management plan developed in accordance with Condition 10 may: (i) be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), a Stage of Work of the Project, or to address specific activities authorised by the designation; (ii) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process; (c) If there is a material change required to a management plan which has been submitted with an Outline Plan, the revised part of the plan shall be submitted to the Council as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision; (d) Any material changes to the SCEMP(s) are to be submitted to the Council for information.

No.	Condition
11.	Stakeholder Communication and Engagement Management Plan (SCEMP) (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. (b) To achieve the objective, the SCEMP shall include: (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; (iii) methods to engage with Stakeholders and the owners of properties identified in 11(b)(ii) above; (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); (v) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (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; (vii) methods and timing to engage with owners and occupiers whose access is directly affected; (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 (ix) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant. (c) Any SCEMP prepared for a Stage of Work shall be submitted to Council for information a minimum of ten working days prior to the Start of Construction for a Stage of Work.
12.	Network Integration Management Plan (NIMP) (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). (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: (i) Project implementation approach and any staging of the Project, including design, management and operational matters; and (ii) Sequencing of the Project with the planned transport network, including design, management and operational matters.

No.	Condition
13.	Cultural Advisory Report (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. (b) To achieve the objective, the Requiring Authority shall invite Mana Whenua to prepare a Cultural Advisory Report that: (i) identifies the cultural sites, landscapes and values that have the potential to be affected by the construction and operation of the Project; (ii) sets out the desired outcomes for management of potential effects on cultural sites, landscapes and values; (iii) identifies traditional cultural practices within the area that may be impacted by the Project; (iv) identifies opportunities for restoration and enhancement of identified cultural sites, landscapes and values within the Project area; (v) taking into account the outcomes of 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. (c) The desired outcomes for management of potential effects on cultural sites, landscapes and values identified in the Cultural Advisory Report shall be discussed with Mana Whenua and those outcomes reflected in the relevant management plans where practicable; (d) Conditions 13(b) and (c) will cease to apply if: (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.	Open Space Management Plan (OSMP) (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. (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. (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: (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.
	Urban and Landscape Design Management Plan (ULDMP)

No.	Condition
15.	(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: (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. (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. (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
16.	(a) To achieve the objective set out in Condition 15, the ULDMP(s) shall provide details of how the project: (i) is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (i.e. centres and density of built form), natural environment, landscape character and open space zones (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: 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. (b) The ULDMP shall be prepared in general accordance with: (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.	The ULDMP(s) shall include: (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: (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: 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: (i) planting design details including: 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: 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.	Construction Environmental Management Plan (CEMP) (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. (b) To achieve the objective, the CEMP shall include: (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the Project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential zones; (v) details of the proposed construction lighting; (vi) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vii) methods for providing for the health and safety of the general public; (viii) measures to mitigate flood hazard effects such as siting stockpiles out of floodplains, minimising obstruction to flood flows, actions to respond to warnings of heavy rain; (ix) procedures for incident management; (x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses; (xi) measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up; (xii) summary of measures included to respond to matters raised in engagement, if not already covered above; (xiii) procedures for responding to complaints about Construction Works; and (xiv) methods for amending and updating the CEMP as required.
19.	Complaints Register (a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include: (i) the date, time and nature of the complaint; (ii) the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous); (iii) measures taken to respond to the complaint (including a record of the response provided to the complainant) or confirmation of no action if deemed appropriate; (iv) the outcome of the investigation into the complaint; and (v) any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally. (b) A copy of the Complaints Register required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.

No.	Condition
20.	Cultural Monitoring Plan (CMP) (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. (b) To achieve the objective, the CMP shall include: (i) Requirements for formal dedication or cultural interpretation to be undertaken prior to start of Construction Works in areas identified as having significance to Mana Whenua; (ii) Requirements and protocols for cultural inductions for contractors and subcontractors; (iii) Identification of activities, sites and areas where cultural monitoring is required during particular Construction Works; (iv) Identification of personnel to undertake cultural monitoring, including any geographic definition of their responsibilities; and (v) Details of personnel to assist with management of any cultural effects identified during cultural monitoring, including implementation of the Accidental Discovery Protocol (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.
	Advice note: 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.

No.	Condition
21.	Construction Traffic Management Plan (CTMP) (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. (b) To achieve this objective, the CTMP shall include: (i) methods to manage the effects of temporary traffic management activities on traffic; (ii) measures to ensure the safety of all transport users; (iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near educational facilities or to manage traffic congestion; (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; (v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport services, pedestrians and cyclists; (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; (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; (viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / stakeholders / emergency services); (ix) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and (x) details of any measures proposed to be implemented in the event of thresholds identified in 21(b)(ix) being exceeded. (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.

No.	Condition																																																										
22.	Construction Noise Standards (a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable: Table 22-1 Construction Noise Standards <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>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></table> (b) Where compliance with the noise standards set out in Table 22-1 is not practicable, the methodology in Condition 25 shall apply.	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	
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	1800h – 0730h	75 dB																																																									

No.	Condition																						
23.	Construction Vibration Standards (a) Construction vibration shall be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures and shall comply with the vibration standards set out in Table 23-1 as far as practicable. Table 23-1 Construction Vibration Standards <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> * Refer to NZTA State highway construction and maintenance noise and vibration guide for further explanation regarding Category A and B criteria ** BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration' (b) Where compliance with the vibration standards set out in Table 23-1 is not practicable, the methodology in Condition 25 shall apply. (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. (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.	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.	Construction Noise and Vibration Management Plan (CNVMP) (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. (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: (i) description of the works and anticipated equipment/processes; (ii) hours of operation, including times and days when construction activities would occur; (iii) the construction noise and vibration standards for the project; (iv) identification of receivers where noise and vibration standards apply; (v) a hierarchy of management and mitigation options, including any requirements to limit night works and works during other sensitive times, including Sundays and public holidays as far as practicable; (vi) methods and frequency for monitoring and reporting on construction noise and vibration; (vii) procedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints. (viii) contact details of the Project Liaison Person; (ix) procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers; (x) 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; (xi) identification of trigger levels for undertaking building condition surveys, which shall be below Category B day time levels; (xii) procedures and trigger levels for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred as a result of construction vibration; (xiii) methodology and programme of desktop and field audits and inspections to be undertaken to ensure that the CNVMP, Schedules and the best practicable option for management of effects are being implemented; and (xiv) requirements for review and update of the CNVMP.

No.	Condition
25.	Schedule to a CNVMP (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: (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. (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. (c) To achieve the objective, the Schedule shall include details such as: (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. (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. (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.

No.	Condition
26.	Historic Heritage Management Plan (HHMP) (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. (b) To achieve the objective, the HHMP shall identify: (i) any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures; (ii) methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design; (iii) known historic heritage places and potential archaeological sites within the Designation, including identifying any archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted; (iv) any unrecorded archaeological sites or post-1900 heritage sites within the Designation, which shall also be documented and recorded; (v) roles, responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with AUP accidental discovery rule, and monitoring of conditions; (vi) specific areas to be investigated, monitored and recorded to the extent these are directly affected by the Project; (vii) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version; (viii) methods to acknowledge cultural values identified through 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; (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: A. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access; 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 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). Advice note: Accidental Discoveries 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.

No.	Condition
27.	Pre-Construction Ecological Survey (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: (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 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). (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).

28.	Ecological Management Plan (EMP) (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. (b) To achieve the objective, the EMP shall set out the methods which may include: (i) If an EMP is required in accordance with Condition 27(b) for the presence of long tail bats: 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. (ii) If an EMP is required in accordance with Condition 27(b) for the presence of threatened or at risk wetland birds: 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: 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
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No.	Condition
	(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. Advice note: Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans: (i) Stream and/or wetland restoration plans; (ii) Vegetation restoration plans; and (iii) Fauna management plans (eg avifauna, herpetofauna, bats).
29.	Tree Management Plan (TMP) (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. (b) To achieve the objective, the TMP shall: (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: 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.	Network Utility Management Plan (NUMP) (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. (b) To achieve the objective, the NUMP shall include methods to: (i) provide access for maintenance at all reasonable times, or emergency works at all times during construction activities; (ii) 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. (c) The NUMP shall include methods (including timing) to protect and where required safely relocate the International Cable. (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. (e) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP. (f) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.

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



Appendix C – NZTA Modifications to NoR S3 conditions (clean)

[# Council to allocate #] – Rapid Transit Corridor

Designation Number	XXXX
Requiring Authority	New Zealand Transport Agency
Location	Between Matua Road, Huapai and Bringham Creek Interchange.
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 20 years from the date on which it is included in the AUP.

Purpose

Construction, operation and maintenance of a public transport corridor.

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 28.
Construction Works	Activities undertaken to construct the Project excluding Enabling Works
Council	Auckland Council
CTMP	Construction Traffic Management Plan
Educational facility	Facility used for education to secondary level Includes: schools and outdoor education facilities; and

	• accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above Excludes: • 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	Includes, but is not limited to, the following and similar activities: (a) geotechnical investigations (including trial embankments); (b) archaeological site investigations; (c) formation of access for geotechnical investigations; (d) establishment of site yards, site entrances and fencing; (e) constructing and sealing site access roads; (f) demolition or removal of buildings and structures; (g) relocation of services; 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	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: • 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: (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.
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	
1.	Activity in General Accordance with Plans and Information (a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the Project description and concept plan in Schedule 1 (b) Where there is inconsistency between: (i) the Project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the Project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	Project Information (a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within six months of the inclusion of this designation in the AUP. (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: (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. (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.
3.	Stakeholder Communication and Engagement (a) At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify: (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. (b) A record of (a) shall be submitted with an Outline Plan for the relevant Stage of Work.
4.	Designation Review As soon as reasonably practicable following 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 Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
5.	Lapse In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 20 years from the date on which it is included in the AUP.

No.	Condition
6.	Network Utility Operators and Auckland Council (Section 176 Approval) (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: (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. (b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.
Pre-construction conditions	
7.	Outline Plan (a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA. (b) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the Project. (c) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include: (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.
8.	Network Utilities Integration 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.

No.	Condition
	Flood Hazard For the purpose of Condition 9: (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).
9.	Flood Hazard (a) The Project shall be designed to achieve the following flood risk outcomes: (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: 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.
10.	Existing property access 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.

No.	Condition
11.	Management Plans (a) Any management plan shall: (i) be prepared and implemented in accordance with the relevant management plan condition; (ii) be prepared by a Suitably Qualified Person(s); (iii) include sufficient detail relating to the management of effects associated with the relevant activities and/or Stage of Work to which it relates; (iv) summarise comments received from Mana Whenua and stakeholders as required by the relevant management plan condition, along with a summary of where comments have: A. been incorporated; and B. where not incorporated, the reasons why. (v) be submitted as part of an Outline Plan pursuant to section 176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; (vi) once finalised, uploaded to the Project website or equivalent virtual information source. (b) Any management plan developed in accordance with Condition 11 may: (i) be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), a Stage of Work of the Project, or to address specific activities authorised by the designation; (ii) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process; (c) If there is a material change required to a management plan which has been submitted with an Outline Plan, the revised part of the plan shall be submitted to the Council as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision; (d) Any material changes to the SCEMP(s) are to be submitted to the Council for information.

No.	Condition
12.	Stakeholder Communication and Engagement Management Plan (SCEMP) (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. (b) To achieve the objective, the SCEMP shall include: (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; (iii) methods to engage with Stakeholders and the owners of properties identified in 12(b)(ii) above; (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); (v) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (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 12(b)(i) and (ii). These methods could include (but not be limited to) customer access arrangements, temporary wayfinding and signage; (vii) methods and timing to engage with owners and occupiers whose access is directly affected; (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 12(b)(i) and (ii) above; and (ix) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant. (c) Any SCEMP prepared for a Stage of Work shall be submitted to Council for information a minimum of ten working days prior to the Start of Construction for a Stage of Work.
13.	Network Integration Management Plan (NIMP) (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). (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: (i) Project implementation approach and any staging of the Project, including design, management and operational matters; and (ii) Sequencing of the Project with the planned transport network, including design, management and operational matters.

No.	Condition
14.	Cultural Advisory Report (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. (b) To achieve the objective, the Requiring Authority shall invite Mana Whenua to prepare a Cultural Advisory Report that: (i) identifies the cultural sites, landscapes and values that have the potential to be affected by the construction and operation of the Project; (ii) sets out the desired outcomes for management of potential effects on cultural sites, landscapes and values; (iii) identifies traditional cultural practices within the area that may be impacted by the Project; (iv) identifies opportunities for restoration and enhancement of identified cultural sites, landscapes and values within the Project area; (v) taking into account the outcomes of 14(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 21; (vi) identifies and (if possible) nominates traditional names along the Project alignment. Noting there may be formal statutory processes outside the Project required in any decision-making. (c) The desired outcomes for management of potential effects on cultural sites, landscapes and values identified in the Cultural Advisory Report shall be discussed with Mana Whenua and those outcomes reflected in the relevant management plans where practicable; (d) Conditions 14(b) and (c) will cease to apply if: (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.
15.	Open Space Management Plan (OSMP) (a) An OSMP shall be prepared for Huapai Recreation Reserve and Fred Taylor Park ('the parks') prior to the Start of Construction for a Stage of Work that will impact on the parks. (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 parks. (c) The objective of the OSMP is to minimise, as far as practicable, adverse effects on the recreation amenity of the parks resulting from the Project. To achieve the objective, the OSMP shall include details of: (i) how ongoing access (including walking and cycling) to parks during construction will be maintained in accordance with the Construction Traffic Management Plan (Condition 22); (ii) opportunities to coordinate the forward work programme for the parks, 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.
	Urban and Landscape Design Management Plan (ULDMP)

No.	Condition
16.	(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: (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. (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 14 may be reflected in the ULDMP. (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
17.	(a) To achieve the objective set out in Condition 16, the ULDMP(s) shall provide details of how the project: (i) is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (i.e. centres and density of built form), natural environment, landscape character and open space zones (including Huapai Recreation Reserve and Fred Taylor Park); (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: 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. (b) The ULDMP shall be prepared in general accordance with: (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
18.	The ULDMP(s) shall include: (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: (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 including Huapai Tavern (AUP:OP Schedule 14.1 #00482) and Kumeū Railway Goods Shed (AUP:OP Schedule 14.1 #00483), with reference to the HHMP (Condition 27); (ix) re-instatement of construction and site compound areas; and (x) re-instatement of features to be retained such as: 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: (i) planting design details including: 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 29) and TMP (Condition 30); 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: 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
19.	Construction Environmental Management Plan (CEMP) (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. (b) To achieve the objective, the CEMP shall include: (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the Project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential zones; (v) details of the proposed construction lighting; (vi) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vii) methods for providing for the health and safety of the general public; (viii) measures to mitigate flood hazard effects such as siting stockpiles out of floodplains, minimising obstruction to flood flows, actions to respond to warnings of heavy rain; (ix) procedures for incident management; (x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses; (xi) measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up; (xii) summary of measures included to respond to matters raised in engagement, if not already covered above; (xiii) procedures for responding to complaints about Construction Works; and (xiv) methods for amending and updating the CEMP as required.
20.	Complaints Register (a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include: (i) the date, time and nature of the complaint; (ii) the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous); (iii) measures taken to respond to the complaint (including a record of the response provided to the complainant) or confirmation of no action if deemed appropriate; (iv) the outcome of the investigation into the complaint; and (v) any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally. (b) A copy of the Complaints Register required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.

No.	Condition
21.	Cultural Monitoring Plan (CMP) (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. (b) To achieve the objective, the CMP shall include: (i) Requirements for formal dedication or cultural interpretation to be undertaken prior to start of Construction Works in areas identified as having significance to Mana Whenua; (ii) Requirements and protocols for cultural inductions for contractors and subcontractors; (iii) Identification of activities, sites and areas where cultural monitoring is required during particular Construction Works; (iv) Identification of personnel to undertake cultural monitoring, including any geographic definition of their responsibilities; and (v) Details of personnel to assist with management of any cultural effects identified during cultural monitoring, including implementation of the Accidental Discovery Protocol (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.
	Advice note: 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.

No.	Condition
22.	Construction Traffic Management Plan (CTMP) (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. (b) To achieve this objective, the CTMP shall include: (i) methods to manage the effects of temporary traffic management activities on traffic; (ii) measures to ensure the safety of all transport users; (iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near educational facilities or to manage traffic congestion; (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; (v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport services, pedestrians and cyclists; (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; (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; (viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / stakeholders / emergency services); (ix) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and (x) details of any measures proposed to be implemented in the event of thresholds identified in 22(b)(ix) being exceeded. (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.

No.	Condition																																																										
23.	Construction Noise Standards (a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable: Table 23-1 Construction Noise Standards <table><tr><th>Day of week</th><th>Time period</th><th>L_{Aeq}(15min)</th><th>L_{AF}max</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>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></table> (b) Where compliance with the noise standards set out in Table 23-1 is not practicable, the methodology in Condition 26 shall apply.	Day of week	Time period	L _{Aeq} (15min)	L _{AF} max	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	
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No.	Condition																						
24.	Construction Vibration Standards (a) Construction vibration shall be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures and shall comply with the vibration standards set out in Table 24-1 as far as practicable. Table 24-1 Construction Vibration Standards <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> * Refer to NZTA State highway construction and maintenance noise and vibration guide for further explanation regarding Category A and B criteria ** BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration' (b) Where compliance with the vibration standards set out in Table 24-1 is not practicable, the methodology in Condition 26 shall apply. (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. (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.	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
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No.	Condition
25.	Construction Noise and Vibration Management Plan (CNVMP) (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 23 and 24 to the extent practicable. (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: (i) description of the works and anticipated equipment/processes; (ii) hours of operation, including times and days when construction activities would occur; (iii) the construction noise and vibration standards for the project; (iv) identification of receivers where noise and vibration standards apply; (v) a hierarchy of management and mitigation options, including any requirements to limit night works and works during other sensitive times, including Sundays and public holidays as far as practicable; (vi) methods and frequency for monitoring and reporting on construction noise and vibration; (vii) procedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints. (viii) contact details of the Project Liaison Person; (ix) procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers; (x) procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for those areas where compliance with the noise Condition 23 and/or vibration standards Condition 24 Category A or Category B will not be practicable; (xi) identification of trigger levels for undertaking building condition surveys, which shall be below Category B day time levels; (xii) procedures and trigger levels for undertaking building condition surveys before and after works to determine whether any cosmetic or structural damage has occurred as a result of construction vibration; (xiii) methodology and programme of desktop and field audits and inspections to be undertaken to ensure that the CNVMP, Schedules and the best practicable option for management of effects are being implemented; and (xiv) requirements for review and update of the CNVMP.

No.	Condition
26.	Schedule to a CNVMP (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: (i) Construction noise is either predicted or measured to exceed the noise standards in Condition 23 (ii) Construction vibration is either predicted or measured to exceed the Category A standard at the receivers in Condition 24. (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. (c) To achieve the objective, the Schedule shall include details such as: (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 23 and 24 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. (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. (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.

27.	Historic Heritage Management Plan (HHMP) (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. (b) To achieve the objective, the HHMP shall identify: (i) any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures; (ii) methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design; (iii) known historic heritage places and potential archaeological sites within the Designation, including identifying any archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted; (iv) any unrecorded archaeological sites or post-1900 heritage sites within the Designation, which shall also be documented and recorded; (v) roles, responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with AUP accidental discovery rule, and monitoring of conditions; (vi) specific areas to be investigated, monitored and recorded to the extent these are directly affected by the Project; (vii) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version; (viii) methods to acknowledge cultural values identified through Condition 14 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; (ix) methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the Designation during Construction Works as far as practicable. These methods shall include, but are not limited to: A. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access; 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 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 14). (x) For Huapai Tavern (AUP:OP Schedule 14.1 #00482) and Kumeū Railway Goods Shed (AUP:OP Schedule 14.1 #00483) measures and methods shall be identified to: A. appropriately avoid, remedy or mitigate adverse construction effects from the re-location of the buildings; B. appropriately re-locate the Huapai Tavern (AUP:OP Schedule 14.1 #00482) within the area identified in Schedule 4 in a manner that respects the heritage value of the buildings; C. appropriately re-locate the Kumeū Railway Goods Shed (AUP:OP Schedule 14.1 #00483) within extent of the designation located within Kumeū-Huapai in a manner that respects the heritage value of the building;
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No.	Condition
	D. identify non-original additions to the Huapai Tavern which may be removed without compromising the heritage values of the building; and E. identify long term protection management of heritage elements of the buildings Advice note: Accidental Discoveries 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. The Kumeū Railway Goods Shed and Huapai Tavern are scheduled under the AUP(OP). Long term protection management will be identified though Condition 27(b)(x) E until the extent of place is amended through a Plan Change process to reflect the new location once relocated.
28.	Pre-Construction Ecological Survey (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: (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 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). (b) If the ecological survey confirms the presence of ecological species of value in accordance with Condition 28(a)(i) and that effects are likely in accordance with Condition 28(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 29 for these areas (Confirmed Biodiversity Areas).

29.	Ecological Management Plan (EMP) (a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 28) 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. (b) To achieve the objective, the EMP shall set out the methods which may include: (i) If an EMP is required in accordance with Condition 28(b) for the presence of long tail bats: 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. (ii) If an EMP is required in accordance with Condition 28(b) for the presence of threatened or at risk wetland birds: 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: 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
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No.	Condition
	(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. Advice note: Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans: (i) Stream and/or wetland restoration plans; (ii) Vegetation restoration plans; and (iii) Fauna management plans (eg avifauna, herpetofauna, bats).
30.	Tree Management Plan (TMP) (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. (b) To achieve the objective, the TMP shall: (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 30 (b)(i) above. This may include: 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 18); 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 30(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.
31.	Network Utility Management Plan (NUMP) (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. (b) To achieve the objective, the NUMP shall include methods to: (i) provide access for maintenance at all reasonable times, or emergency works at all times during construction activities; (ii) 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. (c) The NUMP shall include methods (including timing) to protect and where required safely relocate the International Cable. (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. (e) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP. (f) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.
	Operational conditions

No.	Condition
32.	Low Noise Road Surface (a) Asphaltic mix surface shall be implemented within 12 months of Completion of Construction of the Project. (b) The asphaltic mix surface shall be maintained to retain the noise reduction performance as far as practicable.

Attachments

Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation, and maintenance of a rapid transit corridor in North West Auckland, from Matua Road to Brigham Creek Interchange, including active transport facilities and associated infrastructure. The proposed work is shown in the following Concept Plan and includes:

- (a) A new transport corridor and active transport facilities;
- (b) Associated works including intersections, bridges, embankments, retaining, culverts, stormwater management systems; and
- (c) 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

Alteration to designation 6766 State Highway 16 Main Road Upgrade (NoR S2)				
No R	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	matt@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 Trust	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 Facoor		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	Telecommunication s 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	hannah@formeplanning.co.nz
S2	55	The Beachaven Trust	Attn: Hannah Edwards 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		cjmcguire@extra.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

Rapid Transit Corridor (NoR S3)				
No R	Sub #	Submitter Name	Agents name	Address for Service
S3	1	Peiping Liu and Tony Wu		maryhng@hotmail.com
S3	2	CJS NZ Limited	Scott Macarthur	scott@urbanplan.co.nz
S3	3	Morris Chang		morris.chang502@gmail.com
S3	4	Christopher Penk Member of Parliament for Kaipara ki Mahurangi		chris.penkmp@parliament.govt.nz
S3	5	GH Atchison PM Atchison		gatchison05@gmail.com
S3	6	John Martin Alexander		john.alexander@mmbrands.co.nz
S3	7	Steve Morpeth		steve@griptec.co.nz
S3	8	Emily McGowan		mcgowan_emily@hotmail.com
S3	9	Christine Lynda Brown		craigandchris123@hotmail.com
S3	10	Spark New Zealand Trading Limited (Spark)	Chris Horne	chris@incite.co.nz
S3	11	Merchant Timber Ltd	David Heron	koheroa@gmail.com
S3	12	Nicole Matthews		matthewsnc@gmail.com
S3	13	Robyn Emm		cinderela666@hotmail.com
S3	14	Colin Emm		colin.emm@ccep.com
S3	15	Future-Kumei Incorporated	David Heron	office@francisbrosLtd.co.nz
S3	16	Huapai Truck Painters Ltd	Vanessa Jane Way	info@truckpainters.co.nz
S3	17	The Way Family Trust	Clive Raymond Way	clive.way@xtra.co.nz
S3	18	Lance Williams		lancekw@xtra.co.nz
S3	19	Michael Land		hermes@actrix.co.nz
S3	20	Ministry of Education	Gemma Hayes	gemma.hayes@education.govt.nz
S3	21	Theresa smith		theresasmith@hotmail.co.nz
S3	22	Jonathan and Wendi Williamson		jon.williamson@wwla.kiwi

S3	23	Nickolas Salter and Donna Young		donna@salter.net.nz
S3	24	Chao Family Trust	Chiu-Tuyng Chao and Ms Su-Chen Chao Tseng	dchao.realmart@gmail.com
S3	25	West Coast Rangers Football and Sports Club Incorporated	Michael Robert Brooke	chair@westcoastrangers.co.nz
S3	26	Kumeū Cricket Club	Stephen Mark Nobilo	chair@kumeucricket.co.nz
S3	27	Phelan Pirrie		pirrie@gmail.com
S3	28	Qihui Michael Zhou		mkvivi@hotmail.com
S3	29	Country Living Realty Limited	Gail and Graham McIntyre	graham.mcintyre@mikepero.com
S3	30	Mate Tolj		beth.mate@xtra.co.nz
S3	31	Ben Xu		xuben@sina.com
S3	32	Anthony T Osman		osman@farmside.co.nz
S3	33	Anne Smith		PO Box 287, Kumeu Auckland 0841
S3	34	Briar Dunn		briardunn2003@yahoo.co.nz
S3	35	Steve Clark		scaw@xtra.co.nz
S3	36	TechSavvy Ltd	Andrew Pennington	andrewfpennington@gmail.com
S3	37	Louise Baker		bakermouse@yahoo.co.uk
S3	38	Kumeu Central Limited (KCL)	Attn: Burnette O'Connor The Planning Collective Limited	burnette@thepc.co.nz
S3	39	Lauren Windross		lauren.windross@gmail.com
S3	40	Lendich Construction Limited	Attn: Burnette O'Connor The Planning Collective Limited	Burnette@thepc.co.nz
S3	41	Mohammad Ali Muttaqi		mmut014@aucklanduni.ac.nz
S3	42	All Seasons Properties Limited ("ASP")	Attn: Burnette O'Connor The Planning Collective Limited	Burnette@thepc.co.nz
S3	43	Steve Clark and Anee Smith		scaw@xtra.co.nz
S3	44	Katie Richards		sk.richards@xtra.co.nz
S3	45	Andrew Kinzett		ajjkinzett@gmail.com
S3	46	Huihui Chen		mkcrz@hotmail.com
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S3	53	Bruce and Lisbeth Norton		bandl.norton@xtra.co.nz
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S3	61	Jackson Lai		chunhung.lai@hotmail.com
S3	62	Jim Hickling		jifitopa@xtra.co.nz
S3	63	Roseanne Dassler		roseannedassler@hotmail.com
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S3	69	Peter Edward Clark and Diane Margaret Clark		petermosquita01@gmail.com
S3	70	Atlas Concrete Limited	Attn: David Haines Haines Planning Consultants Limited	david.haines@hainesplanning.co.nz
S3	71	Michael Davis Family Trust	Michael Davis	highreward@xtra.co.nz
S3	72	Ray Chong and Judy Chong	Pauline Ho	paulinesho@gmail.com
S3	73	Price Properties Limited	Harkness Henry Lawyers	joan.forret@harkness.co.nz
S3	74	Ulrich and Fleur Hess		uhess@xtra.co.nz
S3	75	Simon Papa		simon.papa2@gmail.com
S3	76	Eileen Spence and David Gillespie		b.espence@outlook.com

S3	77	Colin and Lenore Read	Molly Whittington	lenoreread@xtra.co.nz
S3	78	Dianne Mary Kamuhemu		dkamuhemu@gmail.com
S3	79	Alesana and Stacie Levi		leviplumbing@outlook.com
S3	80	KiwiRail Holdings Limited	Pam Butler	Pam.butler@kiwirail.co.nz
S3	81	Morleyvest Limited	c/- Ross Morley	ross.morley@remd.co.nz
S3	82	Pedro's Roast Kumeu Village	Peter Lowe	yflowe@hotmail.com
S3	83	Anca Joicey		anca@kumeudental.co.nz
S3	84	W&P ENTERPRISES LIMITED	Stephen Pye	jwsp@xtra.co.nz
S3	85	Heritage New Zealand Pouhere Taonga		PlannerNR@heritage.org.nz
S3	86	The Walker Family Trust	Keren McDonnell	keren@mhg.co.nz
S3	87	The Walker Family Trust and Sharon Walker Family Trust	Keren McDonnell	keren@mhg.co.nz
S3	88	Ross Roderick Spence and Adrienne Mayo Spence	Peter William Smith	peter.smith@smithpartners.co.nz
S3	89	John Russell Falconer and Karen Anderson		j.anderson@civicchambers.co.nz
S3	90	Adrian Bullock		adrianbullock@gmail.com
S3	91	Watercare Services Limited	Mark Bishop	mark.bishop@water.co.nz
S3	92	Victoria Sydney Facoory		sandparkstables@hotmail.co.nz
S3	93	Bowring Properties Group	Matt Norwell	mattn@barker.co.nz
S3	94	T A S Ltd	Matt Norwell	mattn@barker.co.nz
S3	95	Telecommunications Submitters	Attn: Chris Horne c/- Incite	chris@incite.co.nz
S3	96	Z Energy Limited	Attn Stephanie de Groot c/- MinterEllisonRuddWatts	stephanie.degroot@minterellison.co.nz
S3	96	Z Energy Limited	Attn Imogene Jones c/- MinterEllisonRuddWatts	Imogene.jones@minterellison.co.nz
S3	97	The National Trading Company	Attn: Daniel Sadlier c/- Ellis Gould	dsadlier@ellisgould.co.nz

		of New Zealand Limited		
S3	98	Christopher McGuire		cjmcguire@xtra.co.nz
S3	99	NZRPG	Attn: Campbell Barbour	cbarbour@nzrpg.co.nz
S3	100	Kāinga Ora Homes and Communities	Attn: Jennifer Chivers	developmentplanning@kaingaora.govt.nz
S3	101	Ms Susan Newnham		sue@sue2.co.nz

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

<u>Ref / Designation</u>	<u>Property Address</u>	<u>Party consulted (at NOR)</u>	<u>Site – Specific Issue</u>	<u>Requiring Authority Response</u>
<i><u>Property Access during Construction</u></i>				
<u>NoR S2, NoR S3</u>	<u>108, 110 and 128 Main Road, Kumeu</u>	<u>National Trading Company of New Zealand</u>	<u>Effects on the operational requirements of the site are minimised to the greatest extent possible during the construction phase of the project. This includes effects on the onsite loading and servicing activities, and the need to maintain safe and efficient truck egress from the site at all times including both left and right turns.</u>	