

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2025-AKL-

UNDER

the Resource Management Act 1991

IN THE MATTER OF

an appeal pursuant to section 174 of
the Resource Management Act 1991

BETWEEN

**New Zealand Agrihub Limited
and New Zealand Storage
Holdings Limited**

Appellant

AND

New Zealand Transport Agency

Respondent

**NOTICE OF APPEAL TO THE ENVIRONMENT COURT AGAINST
DECISIONS BY NEW ZEALAND TRANSPORT AGENCY**

Dated: 5 August 2025

GREENWOOD ROCHE
LAWYERS
Auckland
Solicitor: F M Lupis
(francelle@greenwoodroche.com)

Hayman Kronfeld Building
Level 6, 15 Galway Street
Auckland 1010
PO Box 106006

TO: The Registrar
Environment Court
Auckland

- 1 New Zealand Agrihub Limited and New Zealand Storage Holdings Limited (**the Appellant**) appeal the decision of the New Zealand Transport Agency (**NZTA**) in respect of two of five notices of requirement related to Stage 2 of the Papakura to Bombay Project to provide upgrades to State Highway 1 (**SH1**) between Drury South and Bombay (**P2B Project**).
- 2 Specifically, the Appellant's appeal relates to the following two notices of requirement:
 - (a) Notice of Requirement 2 to alter SH1 Designation 6700 'Motorway' to authorise SH1 improvements to an area between south of Quarry Road overbridge and the SH1 Great South Road overbridge at Bombay, including construction of a new interchange at Drury South, and associated infrastructure (**NoR 2**).
 - (b) Notice of Requirement 4 for the designation for a new Shared User Path to be constructed from an area 200m north of Quarry Road to the existing Bombay/Mill Road Interchange, and associated infrastructure (**NoR 4**).

(Together, **the NoRs**.)
- 3 The Appellant filed a submission on the NoRs on 11 July 2024.
- 4 The Panel made its recommendation to NZTA in respect of the NoRs on 9 May 2025.
- 5 The Appellant received notice of NZTA's Decision on the NoRs on 15 July 2025 (**Decision**).
- 6 The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**RMA**).

- 7 The Appellant is directly and adversely affected by the Decision as the NoRs impact land owned by the Appellant that is generally located within the area subject to the NoRs (**the Affected Properties**).¹

SCOPE OF THE APPEAL

- 8 The Appellant appeals the Decision in its entirety as it is inconsistent with the matters and relief raised in the Appellant's submission in respect of the NoRs.

GENERAL REASONS FOR THE APPEAL

- 9 The reasons for the appeal are that the NoRs:
- (a) will not promote the sustainable management of natural and physical resources and are contrary to or inconsistent with Part 2 and other provisions of the RMA;
 - (b) are inconsistent with the Auckland Unitary Plan (Operative in Part);
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable the social, economic and cultural wellbeing of the community; and
 - (e) do not adequately avoid, remedy or mitigate actual and potential adverse effects on the environment.

SPECIFIC REASONS FOR APPEAL

- 10 Without limiting the generality of the above, the Appellant appeals the Decision on the basis that the NoRs and the Decision:
- (a) Fail to effectively avoid, remedy or mitigate the potential adverse effects on the Affected Properties, including the effects associated with:

¹ As described at paragraph 5 of the Appellant's submission.

- (i) Uncertain provision of vehicular access for the Affected Properties.
 - (ii) The effect of the designation extent of the NoRs on the size, shape and future development of the Affected Properties.
- (b) Fail to adequately consider an alternative layout design that would minimise the impacts on the Affected Properties while still achieving the P2B Project objectives.
 - (c) Fail to provide certainty for the Appellant to inform its future planning for the Affected Properties.
 - (d) Fail to include conditions which adequately avoid, remedy, and mitigate the potential effects of the NoRs on the Appellant.

RELIEF SOUGHT

11 The Appellant seeks the following relief:

- (a) That the NoRs are cancelled.
- (b) Alternatively:
 - (i) The NoRs are amended so that the boundaries of the designations do not overlie with the Affected Properties.
 - (ii) Amendments to the conditions that appropriately address the Appellant's concerns (as set out in **Appendix A**).
 - (iii) Such further, alternative or consequential relief as may be necessary to address the Appellant's concerns.
- (c) Costs.

ATTACHMENTS

12 The following documents are attached to this notice:

- (a) A copy of the Appellant's submission on the NoRs at **Appendix B**.
- (b) Relevant extracts from the Decision including the proposed conditions of the NoRs sought to be amended at **Appendix C**.

- (c) A list of names and addresses of persons to be served with a copy of this notice at **Appendix D**.

DATED this 5th day of August 2025

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Francelle', with a stylized flourish at the end.

F M Lupis
Counsel for New Zealand Agrihub Limited and
New Zealand Storage Holdings Limited

Address for Service of Appellant:

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15 Galway Street
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Auckland

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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 Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 18).

How to obtain copies of documents relating to appeal

The decision 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.

Appendix A

~~Deletions~~ are shown in strikethrough and additions shown in underline.

Amend Condition OPW.2 for NoR 2 and NoR 4:

Prior to submission of the Outline Plan, consultation shall be undertaken with landowners and occupiers whose existing vehicle access to their property, or for those properties that are entitled to access but currently without vehicle access and their ability for future access, will be altered by the project. The Outline Plan shall demonstrate how safe reconfigured or alternate access will be provided.

A new condition for NoR 2 and NoR 4:

Setback Reduction (Affected Parties Approval)

Written approval from NZTA (as an affected party) will not be required for any reduction in building and/or land-use activity setback requirements contained in the Auckland Unitary Plan, along the site boundaries adjoining State Highway 1.

A new condition for NoR 2:

Vehicle Access Restriction

The Requiring Authority shall not seek to extend or support the extension of the extent of the 'Vehicle Access Restriction Motorway Interchange Control' beyond the properties currently affected by this control, without first consulting with the affected properties landowner, and confirming access is to be made available, consistent with Condition OPW.2.

Amend Condition PC.8 for NoR 2 and PC.9 for NoR 4:

The Requiring Authority shall consult with Network Utility Operators stakeholders and landowners prior to ~~during~~ the detailed design with respect to their existing assets to consider opportunities to enable, or not preclude, the development of new network utility facilities including access to power, ~~and~~ ducting, water, stormwater, and wastewater 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.

Amend GC.5 for NoR 2 and GC.6 for NoR 4:

- a) Prior to the start of Construction Works, Network Utility Operators, stakeholders, and landowners 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 necessary for the on-going provision of security of supply of network utility 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 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.

Appendix B

**SUBMISSION ON NOTICE OF REQUIREMENT: PAKAPURA TO BOMBAY (P2B) PROJECT
STAGE 2**

To: **New Zealand Transport Agency Waka Kotahi**

Name of submitters: **New Zealand Storage Holdings Limited and New Zealand Agrihub Limited**

Introduction

- 1 This is a submission on two of five notices of requirement from the New Zealand Transport Agency Waka Kotahi (NZTA) related to Stage 2 of the Pakapura to Bombay Project to provide upgrades to Stage Highway 1 between Drury South and Bombay (*Project*).
- 2 Notice of requirement 2 proposes to alter State Highway 1 Designation 6700 'Motorway' to authorise improvements to an area between a point south of Quarry Road overbridge and the State Highway 1 Great South Road overbridge at Bombay, including upgrades to the Ramarama Interchange, including a new overbridge and a new roundabout on western side of State Highway 1, and the associated infrastructure (including swales, culverts and wetlands (*NoR 2*). Notice of requirement 4 is a new designation sought by NZTA for a new shared user path to be constructed in the area 200m north of Quarry Road to the existing Bombay/Mill Road interchange (*NoR 4*) (together, *the Notices of Requirement*).
- 3 This submission is filed on behalf of New Zealand Storage Holdings Limited (NZSHL) and New Zealand Agrihub Limited (NZ AHL) (together, *the Submitters*) who are directly affected by the proposed land take associated with the extent of the proposed boundary of the Notices of Requirement, as identified in **Appendix A**.
- 4 NZSHL and NZ AHL are not trade competitors for the purposes of section 308B of the Resource Management Act 1991.

Background

- 5 The Submitters own a combined 30 properties totalling 124.5 hectares that are impacted by the Notices of Requirement, including two properties held by NZSHL and 28 properties owned by NZ AHL. Of the 30 affected properties, 14 are directly impacted by the extent of the Notices of Requirement. The affected sites are generally located:
 - (a) north of the proposed Drury South Interchange at Great South Road;¹
 - (b) at the intersection of Ararimu Road and State Highway 1 on the northern side of Ararimu Road;²

¹ Title references 186024 and NA48C/552.

² Title references NA94B/451, NA94B/450, NAB55B/909, and NA94B/449.

- (c) north of Ararimu Road, backing onto State Highway 1;³ and
- (d) south of Ararimu Road fronting Maher Road and sites along the southern boundary of Ararimu Road.⁴

(Together, the *Affected Properties*).

- 6 The Affected Properties at the intersection of Ararimu Road are zoned Rural – Mixed Rural. While the surrounding land is predominantly for agricultural use, the Affected Properties on the northern side of Ararimu Road at the intersection of Ararimu Road and State Highway 1 are planned to be used as an “Agri-hub” serving as a gateway between urban Auckland and rural New Zealand.⁵ The earthworks consents for the activity have already been given effect to. The Affected Properties north of the proposed Drury South Interchange are zoned Future Urban.

Submission

- 7 The Submitter’s acknowledge the importance of the Project to alleviate congestion on State Highway 1, particularly between Papakura and Bombay at peak times. However, the Submitters generally oppose the Notices of Requirement in their current form as they do not adequately address the effects on the Affected Properties and they unnecessarily constrain ability to access, develop and operate business activities on the land. In general, the Submitters oppose the Notices of Requirement because they would not:
- (a) promote the sustainable management of physical resources, including enabling people and communities to provide for their health and safety, and their social, economic and cultural well-being;
 - (b) promote the efficient use and development of physical resources;
 - (c) ensure consistency with good resource management practice; and
 - (d) adequately manage adverse effects on the environment.
- 8 Without limiting the generality of the above, the specific reasons for the Submitter’s opposition include (but are not limited to):

³ Title references NA94B/447 and NA94B/446.

⁴ The site identified as NA6A/1375 is directly affected and NA6A/1220, NA26A/1219, NA26A/1218 are immediately adjacent the Notices of Requirement boundary.

⁵ Consistent with LUC60329185, BUN60345506 and LUC6029185.

Options assessment for the Ramarama interchange

- (a) While a large portion of the works are inside the existing designation boundaries, for works outside the designation boundary NZTA is required to provide a comprehensive options assessment. The Ramarama Interchange (Ararimu Road Overbridge, and intersection to the west of State Highway 1) and shared user path as currently notified requires 0.747 hectares of the Affected Properties, including:
- (i) 100% of NA55B/909 to accommodate the location of the proposed roundabout;
 - (ii) 30% of NA94B/451 for the shared user path, batter slop and road; and
 - (iii) both NA94B/449 and NA94B/450 lose a portion of frontage for the shared user path and batter slope.
- (b) Of the three design options set out in the Options Assessment, the Submitters support a review of the alternative design proposals to Option 3 (the design selected). In preferring Option 3, it is not clear why certain existing activities (such as the residential dwelling and Community Hall) have been considered relevant while others have been disregarded. (The nature of the agricultural activities undertaken at the Affected Properties consistent with the Mixed Rural zoning means they are not easily replicated or compensated under the Public Works Act 1981 process.)
- (c) While the Submitters acknowledge that off-line construction does significantly reduce traffic management required during the proposed works, insufficient information has been provided on the transport modelling in support of Option 3. Acknowledging the defects of the current Ararimu Road Overbridge, the Submitters consider that the Options Assessment should not be predicated on the need to avoid the existing alignment so as to maintain an operational bridge during construction. The Submitters consider that a new Ararimu Road Overbridge can replace the existing bridge in the same location, accommodating the road improvements and a new shared user path within the current designation boundary and reducing the need for the extent of land take proposed in Option 3.
- (d) The Options Assessment favours Options 1 and 3 over Option 2 on the basis that the designs incorporate a grade-separated shared user path which NZTA considers provides safer outcomes for vehicles, pedestrians and cyclists via a roundabout arrangement. The Submitters consider that any safety concerns raised can be adequately addressed via a signalised crossing arrangement. A signalised intersection for a shared user path is consistent with other shared user path arrangements, including that proposed for the Bombay/Mill Road interchange upgrade as part of the Notices of Requirement, and at the existing St Lukes Road westbound offramp and Lincoln Road westbound offramp where traffic movements are considerably higher than at the Ramarama interchange.

Project uncertainty

- (e) A 20-year lapse period is sought for NoR 4. The Submitters acknowledge that notices of requirement can be used as a planning tool for route protection;⁶ however, this purpose must be balanced against the prejudicial effects to directly affected property owners who are required to endure blighting effects on their properties for an indeterminate period.⁷ In this case, NZTA has confirmed that:⁸

Improvements southwards between Drury and the proposed new interchange at Drury South Interchange would be necessitated around 2036, to align with the proposed construction of the Mill Road Extension and Pukekohe Expressway, which both reinforce the roading hierarchy by directing traffic from the local roading network onto SH1; and

Complete improvements between Drury South and Bombay by 2046 to respond to development growth in the Southern Growth Area (South Auckland and North Waikato).

- (f) The Project has adopted a long term 'route protection' approach because the forecast growth the Project is intended to accommodate is not expected to occur for several years. The Future Development Strategy 2023-2053 (FDS) assesses the Project as expected at 2033⁹ to accommodate the 'live zoning' of Drury (expected from 2035+) and Pukekohe (2035+ and 2040+). While the Assessment of Environmental Effects states that there is "uncertainty around the requirement for the Project,"¹⁰ this is unfounded in the context of the need for implementation of infrastructure to be reasonably concurrent with the growth projections set out in the FDS. On that basis, a lapse period of 10 years is considered sufficient.
- (g) The Submitters acknowledge the importance of the successful delivery of roading and active mode transport connections between Papakura and Bombay. However, the Submitters wish to ensure that necessary upgrades to infrastructure in the vicinity of the Affected Properties are progressed in a way that enables affected landowners to plan the development of their land with confidence.

⁶ *Quay Property Management Limited v Transit New Zealand* Environment Court Decision W28/2000, at [123].

⁷ *Beda Family Trust v Transit New Zealand* A139/2004, at [112].

⁸ Assessment of Environmental Effects, section 7.1.

⁹ Future Development Strategy 2023-2053, Appendix 3: Infrastructure to support development capacity, page 13 (Road network projects).

¹⁰ Assessment of Environmental Effects, section 7.1.

Flooding

- (h) The Submitters' expert team has also considered potential flooding effects on the Affected Properties. Option 3 appears to displace a considerable extent of the existing flood plain onto adjacent properties; however the NOR material contains insufficient detail to enable a comprehensive assessment of effects or consideration of alternatives. Further details (with latest climate change modelling requirements) are requested.

Vehicular access

- (i) The Affected Properties located on Ararimu Road will be constrained as a consequence of 'fronting' the designated route. While no formed access is currently available to these Affected Properties, the Notices of Requirement will impose a further constraint on the use of the land in addition to the 'Vehicle Access Restriction' control (motorway interchange) currently affecting NA94B/451 and NA55B/909. While the properties further west are not subject to the control, the land will be affected by the extent of the designation, introducing a future constraint on the opportunity to access the land from Ararimu Road, as shown on figure 1 below.

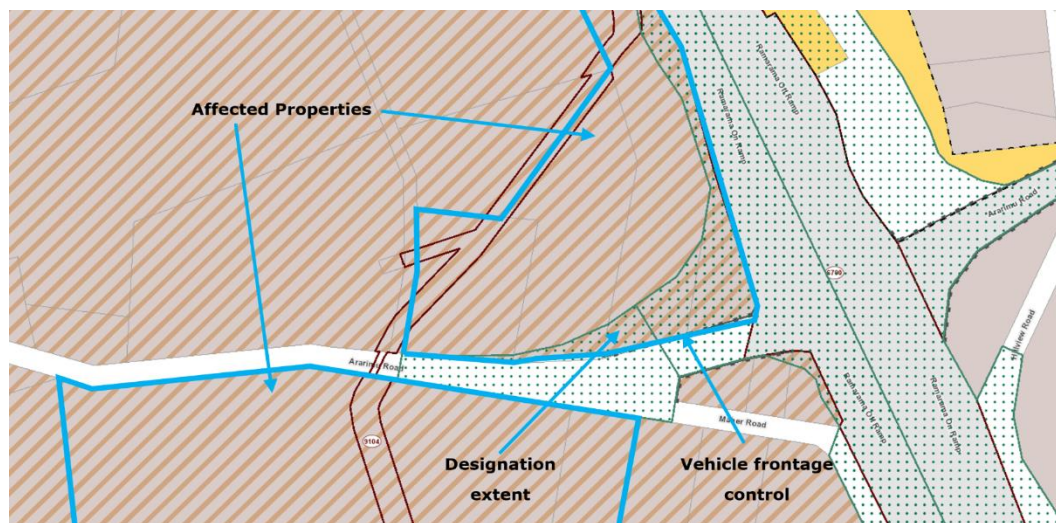


Figure 1: Excerpt from the Auckland Unitary Plan, showing the Affected Properties (outlined in blue) and the extent to which they are affected by the proposed designation boundary (green dots) and the Vehicle Control Frontage (dotted line fronting Ararimu Road).

- (j) In respect of the Affected Properties south of Ararimu Road, the extent of the Notices of Requirement will affect the future ability to access 24 Ararimu Road from the eastern end of its frontage and while the designation remains in place (unless reduced following construction) the lots fronting Maher Road will front the designation rather than a local road. Where the lots front the designation, or have their frontage taken (44 Maher Road), the constraint on access points along Maher Road will impact the development capability of the properties, and/or necessitate a Requiring Authority approval process to obtain access, as shown on figure 2 below.

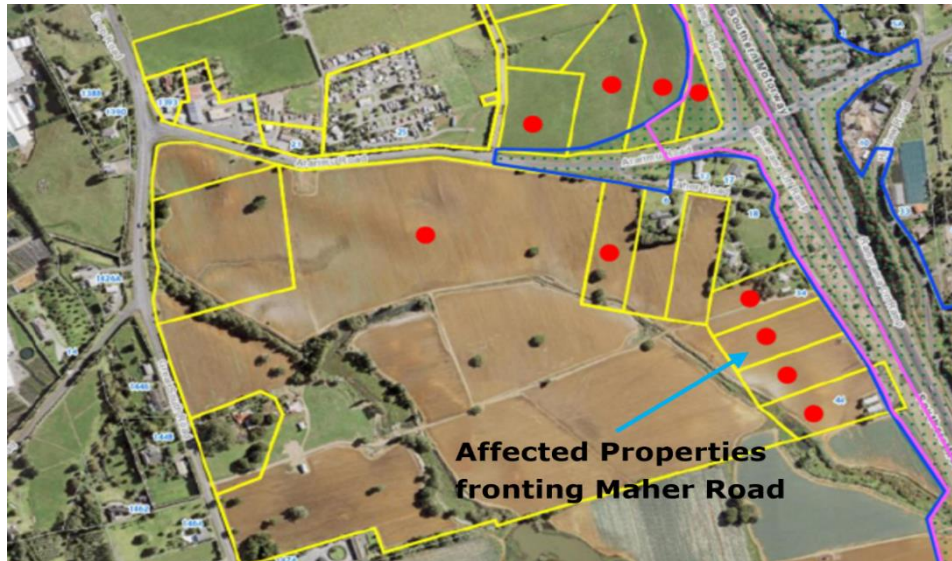


Figure 2: Excerpt from the Auckland Unitary Plan showing the Affected Properties (outlined in yellow) that 'front' onto Maher Road, which will become the shared user path

- (k) In that context, the Submitters are interested in ensuring that appropriate access continues to be maintained to its various landholdings and considers that further assessment and information on this matter is required, including why the whole of Maher Road is designated, and what its function is. While Condition OPW.2 requires that consultation be undertaken with landowners and occupiers whose vehicle access to their property will be altered by the Project, the Submitters request a site-specific condition to address the Affected Properties in the Notices of Requirement to ensure that appropriate access is maintained across the all the landholdings.

Extent of designation boundary

- (l) The rationale for the combined overall width of the Notices of Requirement is not well explained. As it relates to the Affected Properties, the extent of land required is significant, with a swale adjacent to the motorway; a grade separated shared user path; batter slopes; and additional land proposed to be designated for no stated purpose beyond the batter slope. The extent is inconsistent with the typical cross-section which accommodates the shared user path and associated infrastructure, which requires approximately 14.6 metres, as seen in figure 3 below.

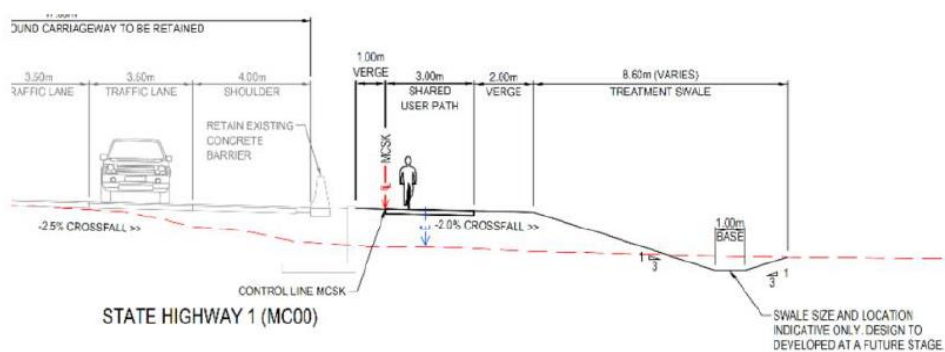


Figure 3: Typical cross section of State Highway 1 with a shared user path on the western side (Stage 2 Design Construction Report, section 3.1.2).

- (m) The Submitters oppose the extent of land proposed to accommodate additional ancillary infrastructure or unspecified uses. Specifically:
 - (i) The approach to provide for stormwater swales (as the primary method of stormwater treatment) extensively to the west of State Highway 1 together with the proposed location of the shared user path, exacerbates the width of the land proposed to be taken.
 - (ii) Permanent batter slopes are proposed rather than retaining walls which would significantly reduce the amount of land required. Insufficient consideration has been given to detailed design at the margins of the proposed designation boundary.
 - (iii) The Submitters seek further information on an alternate system or alignment, as well as concentrating the 'treatment' of stormwater in a combined location such as wetlands or stormwater basins, as opposed to the linear approach of the proposed swales.
- (n) While it is anticipated that some sections will be wider than the average 14m width to manage the level differences at suitable gradients, the extent required of the Affected Properties is significantly beyond the typical 14m cross-section width, i.e. ranging between 35m and 43m for the Affected Properties north of the Drury South Interchange (see figure 4) and 23m to 55m for the Affected Properties north of the Ararimu Road Overbridge (see figure 5). The extent of land required for the shared user path and State Highway 1 infrastructure (including culverts and swales) results in the Affected Properties being of a size and shape that they adversely implicate their use for future development permitted under the Auckland Unitary Plan in the Future Urban and Mixed Rural zones, especially when considering the building setback requirements, being minimum 10m front yard and 12m side/rear yard for buildings which will apply from the new designation boundary, as seen in figures 4 and 5 below.

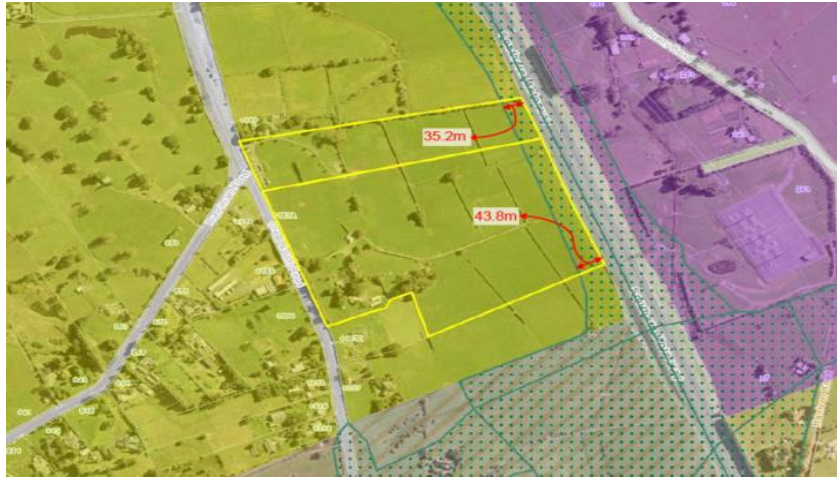


Figure 4: Excerpt from the Auckland Unitary Plan showing the Affected Properties north of the new Drury South interchange and the extent of land required by the Notices of Requirement.

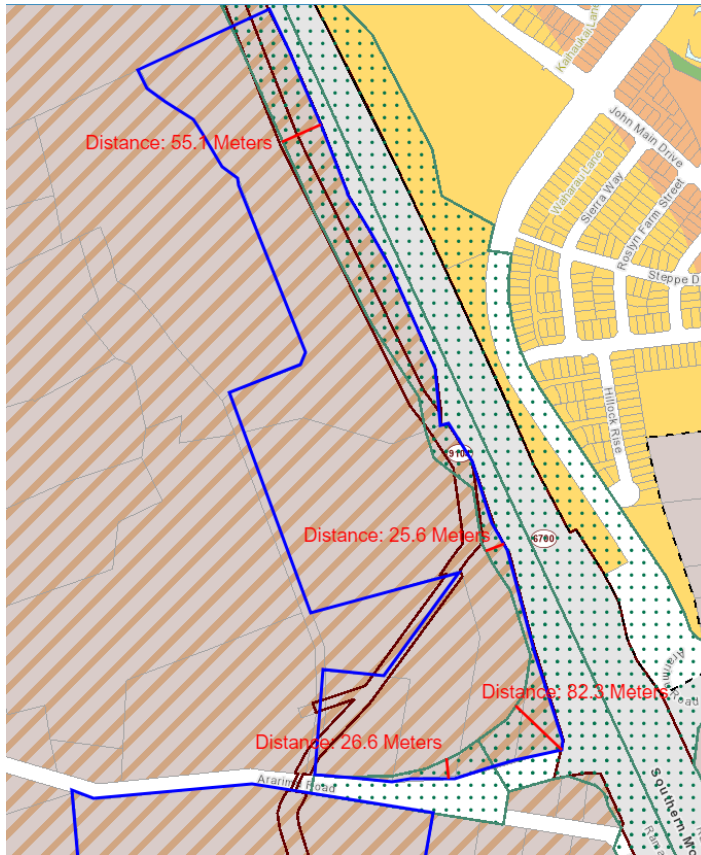


Figure 5: Excerpt from the Auckland Unitary Plan showing the Affected Properties (outlined in blue) adjacent the Ramarama Interchange and the extent of land required by the Notices of Requirement.

- 9 To address the issues raised above, the Submitters propose an alternative design that continues to deliver on the objectives and the outcomes of the Project. Compared to the current Option 3 layout:
- (a) lane layout, configuration, and lengths are mostly retained, with the roundabout being moved slightly to the south;
 - (b) a perpendicular new Ararimu Road Overbridge is proposed, parallel to the existing Ararimu Road bridge (which is a more typical alignment);
 - (c) the northbound runway motorway on-ramp has been amended to more closely reflect the design of the existing southbound motorway on-ramp (closer to the motorway and therefore requiring less land); and
 - (d) the shared user path is located closer to the motorway boundary.
- 10 The alternative design:
- (a) will provide similar traffic performance to Options 1 and 3 due to the similar layout; i.e. comprising a roundabout on both the eastern and western sides of the motorway;
 - (b) provides an opportunity to provide a grade-separated shared user path; and
 - (c) reduces the extent of land acquisition in respect of the Affected Properties while retaining the residential dwelling and community hall located south of the Ararimu Road Overbridge.
- 11 A copy of the alternative design is attached as **Appendix B**. The Submitters would be grateful for the opportunity to discuss the alternative design with the Requiring Authority.

Relief sought

- 12 The Submitters consider it premature to apply a designation to the Affected Properties, particularly with the lapse date requested and at the width sought, when the timeframe for detailed design, funding, landowner engagement and Public Works Act 1981 acquisition processes, and ultimate commencement of the Project, is uncertain. Accordingly, the Submitters seek the following recommendation from the Panel:
- (a) reject the Notices of Requirement; or
 - (b) alternatively amend the Notices of Requirement to give effect to the concerns raised in this submission.

- 13 The Submitters wish to be heard in support of this submission.

DATED this 11th day of July 2024

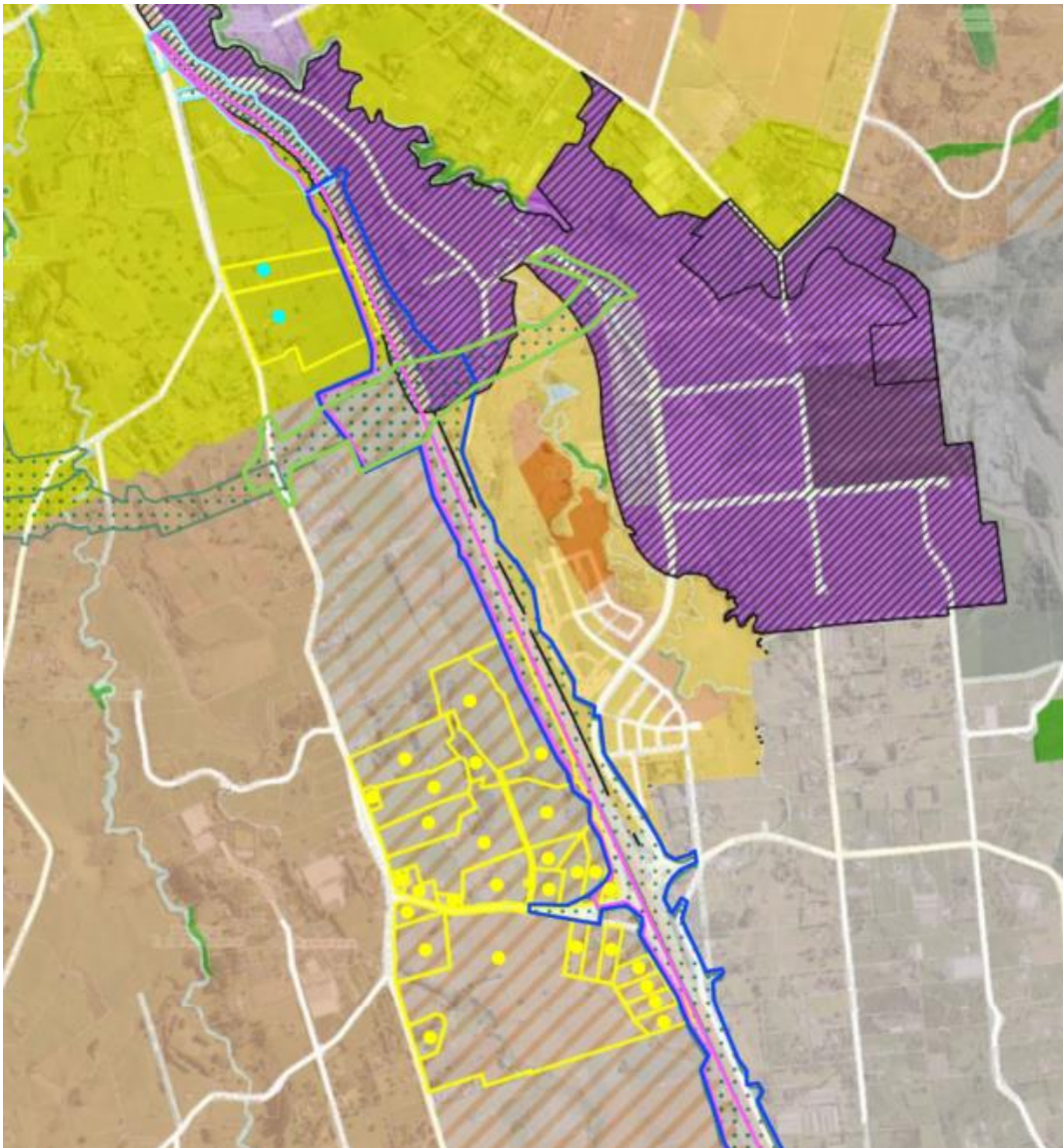


Francelle Lupis, counsel for New Zealand Storage Holdings Limited
and New Zealand Agrihub Limited.

Address for Service:

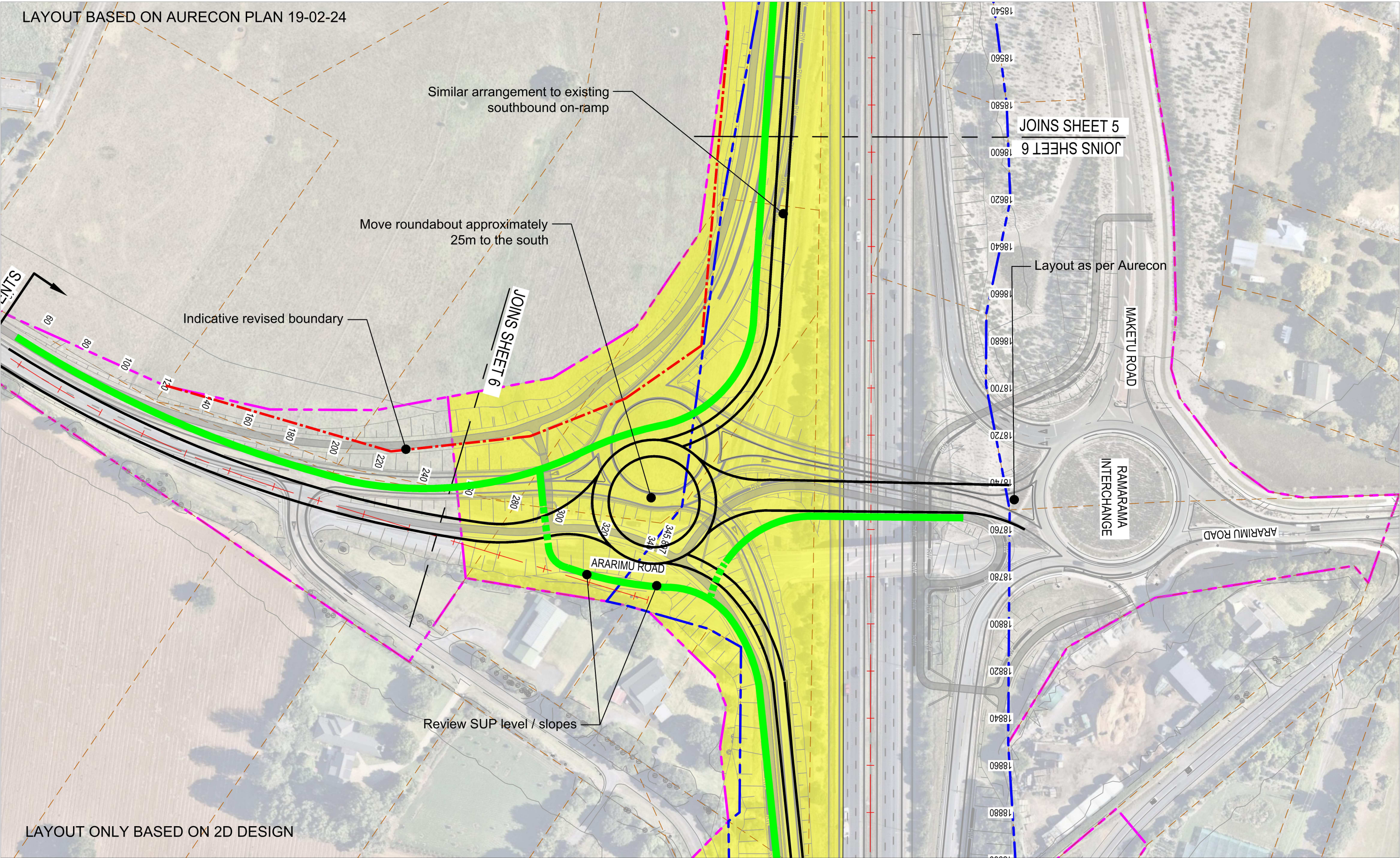
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Appendix A



Excerpt from the Auckland Unitary Plan showing all of the Affected Properties (outlined in yellow) and the extent to which they are affected by the Notices of Requirement. NoR 2 is shown in pink and NoR 4 is shown in blue.

Appendix B



Revision notes:			Drawn by:		Project:		Date:				Figure: 1	
Rev:	Date:	Notes:	LH J001583		P2B NoR submission		9 July 2024					
			Client: NZ Storage Holdings Ltd & Agrihub Ltd		Drawing Title: Alternative Interchange Arrangement		Scale @ A3: 1:1500					
							Revision: A					

Appendix C

24 June 2025

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

Dear Andrew,

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

Thank you for your letter on 9 May 2025 advising of the recommendation of the Auckland Council Independent Hearing Commissioners in relation to the five (5) Notice of Requirements (**NoR**) for the Papakura to Bombay Stage 2 Project (the **Project**).

The Commissioners' Recommendation was that the NoRs should be **confirmed** subject to conditions.

Pursuant to section 172 of the Resource Management Act 1991, NZ Transport Agency Waka Kotahi (**NZTA**) **accepts** the Commissioners' Recommendation that the NoRs be confirmed and **accepts in part** and **rejects in part** the Commissioners' recommendations on conditions of the NoRs.

NZTA modifies the NoRs and their conditions as follows:

- Partially rejects or only partially accepts the Commissioners' Recommendations on one condition on four of the NoRs;
- Changes to conditions on request of Auckland Council or for legibility purposes only;
- Amendments to correct typographical and grammatical errors in the Commissioners' recommended conditions;
- Minor amendments (reduction in footprint) of designation boundaries not addressed in the Commissioners' Recommendations but agreed with submitters and outlined in NZTA's evidence; and
- Updates to the Attachments to the conditions to reflect updated designation boundaries.

A schedule of amendments that have been made to the proposed designation boundaries since lodgement is contained in Appendix 1. This includes further amendments to the designation boundary which were not addressed in the Commissioners' Recommendations.

Recommendations on conditions rejected or accepted in part only

The amendments to the conditions and the reasons for the NZTA decision in respect of these conditions are set out below. NZTA accepts the majority of the changes to conditions in the Recommendations except for Urban and Landscape Design Condition (ULDMP) Condition PC.7 which applies to NoRs 2, 3, 4 and 5. NZTA modifies Condition PC.7 in response to the recommendations made by the Commissioners. Changes are outlined below (shown as bold ~~striketrough~~ for deletions and bold underline for additions).

Conditions accepted in full

All recommendations relating to the conditions for NoR 1, alteration to Designation 6706, are accepted.

Conditions rejected or accepted in part only

All recommendations relating to NoR 2, alteration to Designation 6700, NoR 3, alteration to Designation 6701, NoR 4 Shared User Path, NoR 5 Drury South Interchange Connections are accepted apart from those related to Condition PC.7.

Urban and Landscape Design Condition (ULDMP) Condition PC.7 for NoR 2, 3, 4, 5

The NZTA decision is to reject the proposed insertion of the additional wording at clause **(b)(i)** and clause **(ii)** as shown below. These actions will occur as a normal part of NZTA's intra and inter project coordination and these additions are unnecessary.

The NZTA decision is to reject the proposed insertion of the reference to the Bridging the Gap: NZTA Urban Design Guidelines at clause **(e)(ii)** as show below. Paragraph 270 (d) of the Commissioners' recommendation report states that "The reference to the Bridging the Gap document is included in the ULDMP condition as it contains details not found in other documents". This is incorrect, as clause PC.7(e) requires the ULDMP to be prepared in accordance the Project Urban and Landscape Design Framework (ULDF) Rev G dated February 2024. The Bridging the Gap document is referred to in the Project Urban and Landscape Design Framework. As such the inclusion of clause (e)(ii) is a duplication and is unnecessary.

The NZTA decision is to reject the proposed insertion of the additional wording at clause **(f)(i)**. The objective of the ULDMP as stated at clause PC.7(b)(i) (Enable integration of the Project's permanent works into the surrounding landscape and rural-urban context) and the requirement of providing the details listed in clause PC.7(f)(i) adequately addresses the issue of edge treatment at the designation boundary.

The above modifications to the PC.7 are consistent with the findings outlined in para 11.2 to 11.6 of the Primary Statement of Evidence prepared by Natarsha Lamb-Egar, dated 8 October 2024.

Condition PC.7 is amended as follows:

PC.7

- (a) A ULDMP shall be submitted with the Outline Plan of Works prior to the Start of Construction of a Stage of Work.
- (b) The objective of the ULDMP(s) is to:
 - (i) Enable integration of the Project's permanent works into the surrounding landscape and rural-urban context ~~including works associated with related NoRs;~~

~~(ii) Respond to the interrelationship between overlapping NoRs to achieve a coordinated and cohesive design response;~~

(iii) Ensure that the Project manages potential adverse landscape and visual effects as far as practicable and contributes to a quality environment; and

(iv) Acknowledge and recognise the whakapapa mana whenua have to the Project area.

[....]

(e) The ULDMP shall be prepared in general accordance with:

(i) The principles contained in the Project Urban and Landscape Design Framework (ULDF) Rev G dated February 2024.

~~(ii) Bridging the Gap: NZTA Urban Design Guidelines (2013) or any subsequent versions;~~

(iii) NZTA P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent version, and;

~~(iv)~~ NZTA Landscape Guidelines (March 2018) or any subsequent version.

(f) To achieve the objective, 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, ~~regard to the most appropriate edge treatment;~~ **having particular**

(ii) Provides opportunities to incorporate Mana Whenua Values and cultural narrative through design. This shall include but not be limited to:

A. how to protect and enhance connections to the Māori cultural landscape;

B. how and where accurate historical signage can be provided along the corridor;

C. how opportunities for cultural expression through, for example mahi toi, art, sculptures or other public amenity features will be provided; and

D. how opportunities to utilise flora and fauna with a specific connection to the area are provided;

(iii) Is consistent with an integrated stormwater management approach which prioritises in the following order:

A. opportunities for ki uta ki tai (a catchment scale approach);

B. opportunities for net catchment benefit;

C. green infrastructure and nature-based solutions; and

D. opportunities for low maintenance design.

(iv) Provides appropriate walking and cycling connectivity to, and interfaces with, existing or proposed adjacent land uses, public transport infrastructure and walking and cycling connections. Particular consideration should be given to enhancing the convenience and legibility of pedestrian and cycle connections through the Project Interchanges;

(v) Promotes inclusive access (where appropriate); and

(vi) 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.

(vii) Retains mature trees and native vegetation, where practicable.

[....]

A full version of Condition PC.7 is contained in Appendix 2.

Urban and Landscape Design Condition (ULDMP) Condition PC.7 for NoR 5

The Recommendation amended condition PC.7 (h) to replace "is" with "shall", but this amendment was not contained with the NoR 5 conditions set. The amendment below is to make this condition consistent with the other NoR conditions.

(h) ~~is~~ **The ULDMP shall** be designed to integrate with any Historic Heritage information or sites affected by this project, including the provision of interpretation signage, if appropriate

Changes to conditions on request of Auckland Council or for legibility purposes only

NZTA has met with Planning Technicians at Auckland Council, who provided a number of minor formatting and legibility requests. These changes will assist Auckland Council's planning team in integrating the NoR condition sets with the text of the Auckland Unitary Plan Operative in Part 2016 (AUP). Changes are outlined below (shown as **bold strikethrough** for deletions and **bold underline** for additions).

Changes to operative AUP text (existing designations)

Auckland Council has requested NZTA to formally record the following changes to the operative text of the AUP for the existing designations NoR 2 (SH1 6700) and NoR 3 (6701), as follows:

Conditions

~~No conditions.~~

[insert conditions]

...

Attachments

~~No attachments.~~

[insert schedules]

...

AUP template for new designation

Auckland Council has requested NZTA to make the following changes to the summary table at the head of each of the new designations NoR 4 (Shared User Path) and NoR 5 (Drury South Interchange Connections), as follows:

NoR 4 (Shared User Path):

[# Council to allocate #] Shared User Path

Designation Number	[# <u>Council to allocate</u> #]
Requiring Authority	New Zealand Transport Agency
Location	State Highway 1 from approximately 200 metres north of Quarry Road, Drury to Bombay Interchange/Mill Road.
Rollover Designation	No
Legal Reference	-
Lapse Date	<u>20 years 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 which it is included in the AUP.</u>

NoR 5 (Drury South Interchange Connections):

[# Council to allocate #] Drury South Interchange Connections

Designation Number	[# <u>Council to allocate</u> #]
Requiring Authority	New Zealand Transport Agency
Location	Adjacent State Highway 1 at Drury South, linking to Quarry Road to the east, and Great South Road to the west.
Rollover Designation	No
Legal Reference	-
Lapse Date	<u>20 years 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 which it is included in the AUP.</u>

Amendment (reduction in footprint) of the designation boundary

The extent of the designation boundaries of NoRs 2, 3 and 4 have been revised to reflect changes to their extent following engagement with submitters, expert evidence and hearing process, while NoRs 1 and 5

remain unchanged. A summary of these changes is provided in **Table 1-1** and illustrated in the corresponding plans found in Appendix 1. The majority of these changes were outlined in Mr Mark Laing's Statement of Primary Evidence, dated 8 October 2024 and confirmed by the Commissioners in their Recommendations at para 29.

Two additional changes were outlined in Mr Laing's Statement of Rebuttal Evidence dated 11 November 2024. These two reductions to the designation boundary were agreed in response to submissions received from Counties Power and Watercare Services Limited. These modifications were outlined in evidence but were not addressed by the Commissioners in their recommendation. The reductions were made to avoid impacts on existing and planned network utility infrastructure and are listed in **Table 1-1** below, without affecting the ability to construct the project or to mitigate its affects.

Table 1-1 Summary of amendments to the extent of the designation boundaries

Change	NoR(s)	Plan Reference
Counties Power	NoR 2	506207-0530-SKT-RR-2088-A
Drury Property Group	NoR 2	506207-0530-SKT-RR-2072-A
Rebekca Kelsey Vernon, Cameron Graham Vernon and CG Vernon KW Trustee Limited	NoR 3 and 4	506207-0530-SKT-RR-2048-A
Watercare Services Limited	NoR 3	506207-0530-SKT-RR-2048-A
Dutton Land Holdings Limited	NoR 3	506207-0530-SKT-RR-2071-A
SJ and RE Allen	NoR 3	506207-0530-SKT-RR-2071-A
Z Energy	NoR 3	506207-0530-SKT-RR-2080-A
Bone 187 Limited	NoR 3	506207-0530-SKT-RR-2080-A

Updates to the schedules

NZTA updates the schedules attached to each NoR include consequential changes arising from the amendments to the designation boundaries, the Commissioners' Recommendations, and minor legibility requests from Auckland Council. The updates include the following schedules:

- Schedule 1 – Concept Plans (NoRs 2, 3 and 4 only)
- Schedule 2 – Ecology
- Schedule 3 – Trees to be included in the Tree Management Plan
- Schedule 4 – Protected Heritage Site (Bishop Selwyn Cairn)

Schedule 1 – Concept Plans

The extent of the designation boundaries of NoRs 2, 3 and 4 have been revised to reflect changes to the extent of the designation, as outlined above. To avoid any doubt, the Concept Plans in Schedule 1 of each NoR shall take precedence in all circumstances, as per Condition GC.1.

Schedule 2 – Ecology

The Identified Biodiversity Areas included in Schedule 2 of each NoR have been updated to reflect:

- The changes to the extent of the designations (as outlined above).
- An updated legend on each map to reference the applicable designation, as follows:
 - NoR 1 (SH1 6706)
 - NoR 2 (SH1 6700)
 - NoR 3 (SH1 6701)

- NoR 4 (Shared User Path)
- NoR 5 (Drury South Interchange Connections)

Schedule 3 – Trees to be Included in the Tree Management Plan

In accordance with the recommendations from Auckland Council's planning team Schedule 3 has been revised to ensure that the trees listed for each NoR are specific to that NoR. These changes are intended to improve legibility.

Schedule 4 - Protected Heritage Site (Bishop Selwyn Cairn)

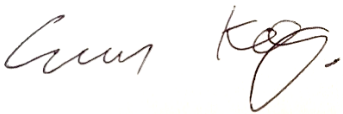
The condition relating to the Protected Heritage Site (Bishop Selwyn Cairn) for NoR 3 has been updated to be Schedule 4 (previously Schedule 5). This change account for the removal of the St Stephens School Planting Plan.

Updated to conditions

Attached in Appendix 2 is a clean version of the NoR conditions, which includes NZTA's accepted wording for all the NoR conditions.

If you have any queries or require further information on this application, please contact me at evan.keating@nzta.govt.nz or 021 343172.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Evan Keating', with a stylized flourish at the end.

Evan Keating
Principal Planner – Environmental Planning

Ref	Condition
	<p>D. Mulching; and</p> <p>E. Plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species.</p>
Network Utilities Integration	
PC.8	The Requiring Authority shall consult with Network Utility Operators during the detailed design phase with respect to their existing assets and 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.
Specific Outline Plan Requirements (OPW)	
Flood	
OPW.1	<p>(a) The Project shall be designed to ensure post-Project flood risk defined as flood levels, during a 1% AEP event, are maintained at pre-Project levels outside the designation extent or confined to stream banks existing as at the time of the submission of the Outline Plan outside the designation extent. Stream banks means the raised border to a permanent natural stream that constrains the water's usual movement.</p> <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 1% AEP flood levels (for Existing Development without climate change, pre-Project and post-Project, and Existing Development with Maximum Probable Development land use and including climate change, pre-Project and post-Project).</p>
Existing Property Access	
OPW.2	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.
Construction Conditions (CC)	
General	
CC.1	Subject to compliance with the Consent Holder's health and safety requirements and provision of reasonable notice, the servants or agents of Council shall be permitted to have access to relevant parts of the construction sites controlled by the Consent Holder at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

Network Utilities Integration	
PC.9	The Requiring Authority shall consult with Network Utility Operators during the detailed design phase with respect to their existing assets and 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.
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Construction Conditions (CC)	
General	
CC.1	Subject to compliance with the Consent Holder's health and safety requirements and provision of reasonable notice, the servants or agents of Council shall be permitted to have access to relevant parts of the construction sites controlled by the Consent Holder at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.
CC.2	A copy of the plans and these designation and resource consent conditions shall be kept either electronically or in hard copy on-site at all times that Enabling Works and Construction Works are being undertaken
CC.3	2-5 earthmoving machinery, pumps, generators and ancillary equipment must be operated in a manner that ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery services and maintenance.

Ref	Condition
	<p>D. Mulching; and</p> <p>E. Plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species.</p>
Network Utilities Integration	
PC.8	The Requiring Authority shall consult with Network Utility Operators during the detailed design phase with respect to their existing assets and 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.
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CC.1	Subject to compliance with the Consent Holder's health and safety requirements and provision of reasonable notice, the servants or agents of Council shall be permitted to have access to relevant parts of the construction sites controlled by the Consent Holder at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

Network Utilities Integration	
PC.9	The Requiring Authority shall consult with Network Utility Operators during the detailed design phase with respect to their existing assets and 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.
Specific Outline Plan Requirements (OPW)	
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OPW.1	<p>(a) The Project shall be designed to ensure post-Project flood risk defined as flood levels, during a 1% AEP event, are maintained at pre-Project levels outside the designation extent or confined to stream banks existing as at the time of the submission of the Outline Plan outside the designation extent. Stream banks means the raised border to a permanent natural stream that constrains the water's usual movement.</p> <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 1% AEP flood levels (for Existing Development without climate change, pre-Project and post-Project, and Existing Development with Maximum Probable Development land use and including climate change, pre-Project and post-Project).</p>
Existing Property Access	
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CC.1	Subject to compliance with the Consent Holder's health and safety requirements and provision of reasonable notice, the servants or agents of Council shall be permitted to have access to relevant parts of the construction sites controlled by the Consent Holder at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.
CC.2	A copy of the plans and these designation and resource consent conditions shall be kept either electronically or in hard copy on-site at all times that Enabling Works and Construction Works are being undertaken
CC.3	2-5 earthmoving machinery, pumps, generators and ancillary equipment must be operated in a manner that ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery services and maintenance.

Ref	Condition
	<p>established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <ul style="list-style-type: none"> (i) the status of the Project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and information 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; and (vi) when and how to apply for consent for works in the designation under s176(1)(b) of the RMA. <p>(b) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any staging of works.</p>
Designation Review	
GC.3	<p>(a) As soon as practicable following Completion of Construction the Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and (ii) give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
GC.4	<p>The preparation of all plans and all actions required by these conditions shall be undertaken by a Suitably Qualified Person.</p>
Network Utility Operators (Section 176 Approval)	
GC.5	<p>(a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) operation, maintenance and urgent repair works; (ii) minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility operations; (iii) minor works such as new service connections; and (iv) the upgrade and replacement of existing network utilities in the same location with the same or similar effects on the work authorised by the designation as the existing utility. <p>(b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>
Pre-construction conditions (PC)	

	<p>established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <ul style="list-style-type: none"> (i) the status of the Project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and information 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; and (vi) when and how to apply for consent for works in the designation under s176(1)(b) of the RMA. <p>(b) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any staging of works.</p>
Designation Review	
GC.3	<p>(a) As soon as practicable following Completion of Construction the Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and (ii) give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
GC.4	The preparation of all plans and all actions required by these conditions shall be undertaken by a Suitably Qualified Person.
Designation Lapse	
GC.5	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.
Network Utility Operators (Section 176 Approval)	
GC.6	<p>(a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) operation, maintenance and urgent repair works; (ii) minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility 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 (PC)	
Pre-construction site meeting	
PC.1	<p>At least five working days prior to the Start of Construction, a preconstruction meeting shall be arranged with the Manager as follows:</p> <ul style="list-style-type: none"> (a) The meeting shall be located on the Project site unless otherwise agreed; (b) The meeting shall include representation from the contractor who will undertake the works; (c) The following information shall be made available at the pre- construction meeting: <ul style="list-style-type: none"> (i) Conditions of consent; (ii) Timeframes for key stages of the works authorised under this consent; (iii) Contact details of the site contractor and other key contractors; (iv) All relevant management plans; and (d) Representatives of the NZTA Southern IIG shall be invited to attend the pre-construction meeting.
PC.2	Prior to the Start of Construction, appropriate provision shall be made for a cultural induction of the contractor's staff. The NZTA Southern IIG or its nominated representative(s) (cultural monitors) shall be invited to participate.
Outline Plan(s) of Works (designation)	
PC.3	<ul style="list-style-type: none"> (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 Plan (or Plans) shall include any of the following management plan or plans that are relevant to the management of effects of those activities or Stage of Work, prepared in consultation with the NZTA Southern IIG: <ul style="list-style-type: none"> (i) Construction Traffic Management Plan (CTMP); (ii) Construction Noise and Vibration Management Plan (CNVMP); (iii) Construction Environmental Management Plan (CEMP); (iv) Historic Heritage Management Plan (HHMP); (v) Ecological Management Plan (EMP); (vi) Tree Management Plan (TMP), (vii) Urban and Landscape Design Management Plan (ULDMP); and (viii) Network Utility Management Plan (NUMP).

Appendix D

New Zealand Transport Agency

Address for service:

environmentalplanning@nzta.govt.nz

Auckland Council

Address for service:

christian.brown@aucklandcouncil.govt.nz

unitaryplan@aucklandcouncil.govt.nz

NoR 2 PARTIES

Submitter	Address for service
Telecommunications Submitters	chris@incite.co.nz
Drury Property Group LP	michael@campbellbrown.co.nz
P Gavri M Gavri	pgavri@gmail.com
Auckland Transport	robbie.lee@at.govt.nz
Counties Energy Limited	david@osbornehay.co.nz
Drury South Limited	kirsty.dibley@russellmcveagh.com
Watercare Services Limited	mark.bishop@water.co.nz
Transpower New Zealand Ltd	andy.eccleshall@transpower.co.nz
Rebekca Kelsey Vernon, Cameron Graham Vernon and CG Vernon KW Trustee Limited	jeremy@brabant.co.nz shannon@brabant.co.nz
Sain Family Trust	francelle@greenwoodroche.com
Puiz Trust	francelle@greenwoodroche.com

NoR 4 PARTIES

Submitter	Address for service
Telecommunications Submitters	chris@incite.co.nz
Auckland Transport	robbie.lee@at.govt.nz
Counties Energy Limited	david@osbornehay.co.nz
Drury South Limited	kirsty.dibley@russellmcveagh.com
Watercare Services Limited	mark.bishop@water.co.nz
BRO Tonganui	philip@campbellbrown.co.nz
Transpower New Zealand Ltd	andy.eccleshall@transpower.co.nz
Kiwi Property Holdings No.2 Limited	adevine@ellisgould.co.nz
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Bone 187 Limited	daniel@sfhconsultants.co.nz
Sain Family Trust	francelle@greenwoodroche.com
Puiz Trust	francelle@greenwoodroche.com