

31 January 2023

Auckland Transport and Waka Kotahi
c/- Te Tupu Ngātahi
Level 5, 203 Queen Street
Auckland 1010

Attention: Adam Jellie
By email: Adam.Jellie@supportinggrowth.nz

Waka Kotahi New Zealand Transport Agency
Level 5 AMP Tower
29 Customs Street West
Auckland
Private Bag 106602
Auckland City
Auckland 1143

Attention: Evan Keating
By email: evan.keating@nzta.govt.nz

Dear Mr Jellie and Mr Keating

Request for further information in accordance with section 92 of the Resource Management Act 1991

Notices of requirement: Auckland Transport Airport to Botany Rapid Transit NoR1, NoR2, NoR3, NoR4a and Waka Kotahi NZ Transport Agency NoR4b – Alteration to Designation 6717 – State Highway 20B Road purposes.

I am writing with respect to the notices of requirement described above.

After completing a preliminary assessment of the notice of requirement documents, it is considered that further information is required to enable an adequate analysis of the proposal, its effects on the environment and the way in which any adverse effects on the environment may be mitigated. This is to allow the Council specialists to review the NoRs without having to undertake extensive additional assessments. The further information does not need to be provided prior to notification of the NoRs.

Under section 92 of the Resource Management Act 1991, I request further information as set out in Attachment 1 to this letter. The information requested will enable the council to undertake a full and proper assessment of the notices of requirement and provide recommendations on them.

The table in Attachment 1 of this letter sets out the nature of the further information required and reasons for its request.

You must provide this information within 15 working days (before 23 February 2023). If you are unable to provide the information within 15 working days, then please contact me so that an alternative timeframe can be mutually agreed.

If you do not respond within 15 working days, refuse to provide the information or do not meet an agreed alternative timeframe between the council and yourself, this application must be publicly notified as required by section 95C of the Resource Management Act 1991. It is noted that the Requiring Authorities have requested public notification of the Notices of Requirement.

In accordance with the Resource Management Act 1991, processing of your notices of requirement will remain on hold until the indicated date, pending your response to this request.

If you have any queries regarding the above, please contact Trevor Mackie on Ph 027 601 5725 or by email mackiet@xtra.co.nz

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T Mackie', with a stylized, cursive script.

Trevor Mackie
Consultant Planner
Planning Central/South
PLANS AND PLACES

Auckland Transport Airport to Botany Rapid Transit NoR1, NoR2, NoR3, NoR4a and Waka Kotahi NZ Transport Agency NoR4b – Alteration to Designation 6717 – State Highway 20B Road purposes - s.92 Further Information Request

Request for further information

	Planning	
	Information request	Rationale
	No Further information Request on Planning	
	Arboriculture	
	Information request	Rationale
A1	Please provide an assessment of the tree carbon sequestration that will need to be provided in mitigation of the proposed tree removals, within a more detailed calculation of the ecosystem services that will need to be replaced. This will assist in determining the tree species and numbers of replacement trees required, although ecosystem services are not the only mitigation function to be provided by the new trees.	This will assist in determining the tree species and numbers of replacement trees required, although ecosystem services are not the only mitigation function to be provided by the new trees.
	Urban Forest Arborist	
	Information request	Rationale
UFA 1	Please provide more description of mitigation planting that will be provided by the ULDMP. As it will be mitigation, the typical plant (tree) species and distribution and intensity of planting need to be provided as objectives of the ULDMP, so that certification of that final design management plan is not a further consent.	As it will be mitigation, the typical plant (tree) species and distribution and intensity of planting need to be provided as objectives of the ULDMP, so that certification of that final design management plan is not a further consent.

UFA 2	Please provide further information about how to ensure retained council trees would tolerate the anticipated level of disturbance associated with the proposed works.	This could possibly be achieved by offering a condition requiring a Tree Protection Management Plan.
UFA 3	Please provide further information about increasing the replacement planting ratio.	Planting of approximately 2000 trees will not sufficiently mitigate the removal of 1,150 trees identified as warranting mitigation. Given that most trees have reached maturity, and to replace canopy cover more swiftly, a target for replacement planting for the mature trees that are proposed to be removed should be at a 4:1 ratio, rather than the 2:1 originally proposed. Council has an Urban Ngahere Strategy 2019 and responsibilities under the Climate Change Response Act
	Stormwater and Flooding	
	Information request	Rationale
SF1	<p>Please provide further information on why Condition 10 should not be amended to achieve better stormwater management and flooding outcomes. Healthy Waters is recommending Condition 10 as follows (additions <u>underlined</u>, deletions strike-through):</p> <p>(a) The Project shall be designed to achieve the following flood risk outcomes:</p> <p>(i) no increase in <u>1% AEP</u> flood levels for existing authorised habitable floors that are already subject to flooding <u>or with a freeboard of less than 150mm</u>;</p> <p>(ii) no more than a 10% reduction in freeboard <u>in 1% AEP event</u> for existing authorised habitable floors <u>with a freeboard of over 150mm</u>;</p> <p>(iii) no increase of more than 50mm in <u>1% AEP</u> flood level on land zoned for urban or future urban development where there is no existing dwelling;</p> <p>(iv) <u>no increase in 10% AEP flood levels for existing authorised habitable floors that are at risk of flooding</u>;</p> <p>(v) no new flood prone areas;</p>	No justification has been provided for why a lesser standard of stormwater and flooding management should apply to these NoRs

	<p>(vi) <u>no increase in flood hazard (defined as flow depth times velocity) for main access to existing authorised habitable dwellings that are already classified as significant hazard; and</u></p> <p>(vii) <u>for areas with other hazard classifications</u>, no more than a 10% average increase of flood hazard (defined as flow depth times velocity) for main access to authorised habitable dwellings existing at time the Outline Plan is submitted.</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 <u>10 year & 100 year ARI</u> flood levels (for Maximum Probable Development land use and including climate change).</p> <p>(c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.</p>	
	Urban Design	
	Information request	Rationale
UD 1	What is the time frame for preparation of an Urban and Landscape Design Management Plan?	Lisa Mein (Council – Urban Design) notes preparation of an ULDMP for all NoRs is recommended within the Urban Design Evaluation and reiterated in the AEE, and supports this. However, there is no detail on likely timeframe. In the absence of a timeframe, could we have a condition of consent requiring this and including the urban design outcomes and opportunities outlined within the UDE?

UD 2	Why no station at Memorial Drive? (NoRs 4A and 4B)	Lisa Mein (Council – Urban Design) had previously recommended consideration be given to additional stations at Rongomai Park and Manukau Memorial Gardens. She accepts that Rongomai can be served by the stations at Ormiston Town Centre and Dawson Road as it is located between these. She notes the UDE identifies an opportunity for a future station location at Memorial Gardens and supports this, however would like to see rationale for why no station at Memorial Gardens at this stage, particularly in light of the proposed alignments of NoRs 4a and 4b at SH20B and array of likely future land uses in the surrounding locality.
UD 3	Please provide more detail on the properties highlighted in blue/red on the General Arrangement Plans.	It is assumed from the legend that these properties will be acquired/purchased for raingardens/stormwater ponds, but would appreciate further clarity as these will have impacts on the surrounding built environment.
UD 4	Will there be pre-conditions for Universal Access and CPTED audits?	We note safety is one of the principles (2.5) and universal access is highlighted within the UDE in addition to CPTED. It would be good to understand whether there are proposed conditions requiring these outcomes and if not, why not?
UD 5	There does not appear to have been any response to earlier Urban Design feedback about opportunities to support a sense of place – firstly for mana whenua, but also acknowledging other communities that have lived in South Auckland for several generations.	Ms Mein (Council – Urban Design) thoroughly supports Mana Whenua being actively involved in every stage of the project, and opportunities to bring their cultural narratives to the fore. However, there are other ethnicities who have well-established communities in South Auckland and should also recognise themselves in aspects of the corridor (as opposed to only Maori and European built environment). Where in the material are the opportunities for Pacific Island communities and South Asian communities (for example) to shape the environment around the corridor and see their “faces” in these places?

UD 6	Please provide more detail on the impact of the Puhinui Road bridging up to Puhinui Station concourse on the residential dwellings adjoining the corridor.	Detail on this is sparse, in particular why the NoR designation boundary misses out some of the properties between Puhinui Road and Bridge Street that will be adversely affected.
UD 7	Please provide more detail on the future access for those properties within the “integrated lane”.	The access of these properties will be affected during construction, but also potentially after. More detail and offered conditions of consent for mitigation would be helpful.
UD 8	What is the proposed edge condition for properties adjoining cut or fill batters?	This will affect residential properties in particular. More detail and offered conditions of consent for mitigation would be helpful.
	Landscape and Visual Effects	
	Information request	Rationale
	No further information request on Landscape and Visual Effects.	
	Parks	
	Information request	Rationale
P1	Please provide a mitigation, enhancement and compensation assessment against the loss of open space or existing assets as a primary recreation function.	Under section 6.1, p34 of the AEE the RA explains the purpose of the designation and that final re-alignment will be determined through appropriate reinstatement of walkways, driveways and landscaping where necessary. This is supported by their urban design report and landscaping assessment. While the applicant has offered an urban design assessment and landscaping assessment and consequential management plans, the applicant has not provided a mitigation, enhancement and compensation assessment against the loss of open space or existing assets as a primary recreation function where permanent land take is proposed. There is no other assessment provided as to why they are proposing to take permanent land take other than protecting the function and maintenance of the proposed NoR.

P2	<p>Please provide an open space assessment against the ongoing purpose, function and importance open spaces will have within the future receiving environments around the parks and reserves.</p>	<p>Under section 9, p88 of the AEE the applicant refers: The land required for the Project is shown in the general arrangement layout plans included with the NoR (refer to Volume 3). Land required for the permanent work will be acquired prior to construction. Following the Completion of Construction, the designation boundary will be reviewed and any land that is not required for the permanent work or for the on-going operation, maintenance or mitigation of effects of the Project will be reinstated in coordination with directly affected landowners or occupiers. This will include:</p> <ul style="list-style-type: none"> • Reinstatement of construction areas and reintegrating with the surrounding landform; • Reinstatement of driveways, accessways, fences and gardens; and • Integration of batters and cut/fill slopes with the landscape. <p>These matters will be discussed prior to or during construction with directly affected landowners and will follow the provisions under the Public Works Act 1981 which is a process separate from the requirements of the RMA. Based on their assessment, there is a strategic need for the Project corridor to address the existing and future demand for public transport in the southern and eastern areas of Auckland. Where impacts on properties and businesses cannot be avoided, the potential effects are discussed in this section and detailed in Section 9.5 and the Airport to Botany –Social Impact Assessment Appendix C, Volume 4.</p> <p>The applicant has clearly demonstrated in their AEE under Section 9. And 9 .7, p83 -88 that the measures to avoid, mitigate and remedy effects on properties is to offset the effects created by the NoR. There is a concern for the loss of open space specifically relates to Puhinui Domain, Hayman’s Park, Manukau Sports Bowl and Velodrome, Manukau Memorial Gardens, Sancta Maria Ponds and Medvale Reserve. In the AEE, the applicant provides an assessment against the future receiving environment anticipating an increase in intensification and density, the applicant has not provided an open space assessment against the ongoing purpose, function and importance open spaces will have within these same future receiving environments. While the applicant has said they have consulted with various parks and community facilities members, all the various SME’s (Parks and Places Specialist, Areas Operation Manager, Active Sports and Recreation and Land advisory) for parks and community facilities have not agreed to any</p>
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		<p>permanent land take for the purpose of a future designation over existing parks, especially relating to Hayman's Park and Manukau Sports Bowl where there are active communities participating within these open spaces. These parks have ongoing master plans already in progress to develop the parks to meet the needs of the future communities within the same receiving environment.</p>
P3	<p>Please provide and address an assessment against the loss of open space or recreational assets or proposed mitigation in existing nearby parks to compensate for value and amenity and service provision loss.</p>	<p>All matters which are considered relevant under the Public Works Act, the Reserves Act, the NPSUD, the Auckland Unitary Plan and the AUP, other than acquisition. The loss of open space within an existing urban fabric must be compensated for land elsewhere. There is no space to acquire additional open space in areas increasing in density and intensification. It is essential to protect and enhance the existing open space where it is being affected. All these reserves have been registered as having a primary function of recreation.</p>
P4	<p>Please provide an assessment against The Reserves Act 1977, the reserve management plans and / or any master plans prepared for the affected reserves.</p>	<p>The reserve management plans govern the uses that are allowed to take place on each type of reserve, what cannot take place in reserves, and the procedures that must be adhered to concerning any business regarding reserves. The relationship of the Reserves Act to the Resource Management Act is a complementary one. Together the Acts operate a dual mechanism for the protection and management of land classified as reserve land under the Reserves Act. The Resource Management Act sets the legal basis for the associated district plan in managing the effects on the environment of activities taking place on public open space zones. While the Reserves Act ultimately determines the types of uses appropriate for those public open space areas that are classified under the Reserves Act, the purpose and principles of the Resource Management Act must guide all environmental policy and management. In doing so consideration must be given to any proposed master plans for existing open spaces, the function and purpose of the open spaces, their management plans and strategies prepared under other Acts.</p>
P5	<p>Please provide, with respect to open spaces where there are major sport events, an assessment or understanding of the play time of the clubs on the sport fields, the use of parking</p>	<p>The Requiring Authority has only provided the proposal for construction management plans with the purpose of continuous accessibility/ alternative accessibility.</p>

	facilities during the construction phases, if the construction will alter the play time and whether they have proposed alternatives sites while the parking and accessibility are affected.	
P6	Please provide details of consultation and engagement with the sports clubs using the reserves and their carparking areas.	The Manukau Sports Bowl and Rongomai Sports Park will have various clubs facilitating the parks facilities through lease agreements utilising parking facilities and accessibility. It is not clear if the applicant has consulted these various sports clubs on the use of the parking spaces. Club members often drive with cars from far away. These club groups will directly be affected by both the construction period and permanent land take. We cannot tell if the integrated transport assessment addresses the utilisation of these car parks during massive sport events, the amount of car parks that have been approved and anticipated for under the management plan and what the proposal is for mitigating or proposing alternatives to park.
	Historic Heritage / Archaeology / Notable Trees	
	Information request	Rationale
HH1	Two of the trees proposed for removal in the Airport to Botany proposal are scheduled Notable trees. Please provide an assessment of why the route alignment or design cannot be changed to avoid the removal of those two trees	The application documents do not adequately justify the removal of these two trees, and nor do they show the alternatives considered which could enable their retention. In addition, AEE page 51, Figure 13 the flowering gum (proposed for destruction) is not shown as a green triangle, when it is.
	Transport	
	Information request	Rationale
T1	Please revise the Assessment of Transport Effects (ATE) and Assessment of Environmental Effects (AEE) to fully consider transportation effects during the construction phase.	The Assessment of Transport Effects (ATE) and Assessment of Environmental Effects (AEE) clarify that assessment of the NoRs is based around a 'no project' scenario versus 'full build out' scenario. However, this does not take account of the interim period for construction, estimated to be some 4 to 6 years, during which time intersections will be reconfigured with reduced capacity and parking will be removed, but without the benefit of the BRT route in operation, to provide relief to traffic and parking pressures. Indeed, the ATE's assessments for both network operation and parking

		<p>removal rely upon modal shift to the new BRT route in order to counter such adverse effects.</p> <p>With regards to the NoR relating to the ‘full build out’ scenario, consideration should be given to mitigatory measures which are required for the construction phase. Examples of mitigatory measures could perhaps include travel planning measures or temporary park and ride operations, such as was implemented for Phase 1 of AMETI.</p>
T2	<p>Network Performance – Mitigatory Measures to parts of adjoining road network with Significantly Poorer Levels of Service</p> <p>Please provide further detail in relation to identified opportunities for mitigation to the adverse road network effects identified in Section 5.9 of the Assessment of Transport Effects – or else confirmation that no such opportunities have been identified to address certain locations with poor Levels of Service.</p>	<p>While the ATE report refers to some potential bus priority measures around the southern fringe of Manukau, it remains silent on potential mitigatory measures for other notable ‘hotspots’, including:</p> <p>Great South Road / Ronwood Avenue Puhinui Road / Plunket Avenue SH20B / Campana Road</p> <p>There needs to be further discussion on options to mitigate adverse traffic effects, or else justification for why no mitigation has been identified.</p>
	Ecology	
	Information request	Rationale
	No further information request on Terrestrial or Aquatic Ecology	
	Social Impact Assessment	
	Information request	Rationale
SIA 1	Please provide a description of how the NoR3 northern-side cycle and walking facility is proposed to safely link to the NoR 4a/b southern-side only cycle and walking facility	The plans don’t clearly show the link between the cycle facilities on the northern side of Puhinui Road and the southern side of SH20B
SIA 2	When considering parking (both on-site and on-street) and loss of property access, did the wider project team or SIA engagement	To understand the level of community input into the assessment of potential effects.

	collect data from directly affected businesses, residents and users to inform the assessment?	
SIA 3	For each proposed mitigation strategy within the SIA, please describe the thinking behind why the General Conditions listed in Form 18, NoR documents do not include the SIA's proposed mitigation strategies? These include Community Wellbeing, Social Outcomes, Good neighbour, and respite and relocation.	Many of the potential effects were assessed as high. To mitigate, a strong mix of mitigations will be required and several potential options recommended by the SIA team have not been included in the Project.
SIA 4	What effective mitigations are proposed for the loss of parking (on-street and on-site) and changes in access to properties, both business and residential during construction?	The loss of parking and changes to property access are considered to have a high impact (SIA, Appendix E), however there appears to be no mitigation available to these effects in the SCEMP or DRMP within the NoR General Conditions
SIA 5	What effective mitigations are proposed for high negative social effects during operation?	No mitigations are proposed to address the operational, high negative effects of severance, reduced property access from right-hand turn restrictions, and loss of car parking
SIA 6	Within the Urban and Landscape Design Management Plan, there are several good references to cycle and pedestrian movements and one reference to 'road crossings.' There is nothing specific about 'mid-block corridor crossings' in sections 13(e)(i), 13(e)(ii), 13(e)(iii); or 13(g)(iii)G. Are you able to confirm if the General Conditions will include reference to cross-corridor mid-block crossings?	Providing surety of this level of detail would support the findings of the Urban Design Evaluation which has identified the need for cross corridor permeability in several sites that are not intersections.
SIA 7	In the Assessment of Traffic Noise Effects, can you explain why building modification is not proposed for protected premises and facilities which are assessed to receive Category C traffic noise during operation?	A small number of PPFs remain exposed to Category C noise from road traffic after modelling with low-noise road seal. Noise barriers are discussed as a potential mitigation but are unlikely to work for most elevated premises or those with driveway access. Building mitigation is not recommended despite being mentioned as an option on page 15 of the Traffic Noise Assessment. Yet building mitigation is proposed in the General Conditions?
	Construction and Operational Noise and Vibration	
	Information request	Rationale
	No Further Information Request on Construction and Operational Noise and Vibration	