

In the Matter of the Resource Management Act 1991 (**Act**)
And
In the Matter of an appeal under section 174 of the Act

Between Fulton Hogan Land Development Limited
Appellant

And New Zealand Transport Agency
Respondent

**Notice of Appeal against Decision on Notice of Requirement 1 New Rapid
Transport Corridor between Albany and Milldale (NoR 1)**

Dated 14 February 2025

Jeremy Brabant
Barrister
Foundry Chambers
Level 4, Vulcan Buildings
PO Box 1502, Shortland St
Auckland City
021 494 506
Email: jeremy@brabant.co.nz

To: The Registrar
Environment Court
Auckland

1. Fulton Hogan Land Development Limited (**FHLD**) appeals part of a decision on a notice of requirement for a designation for:

Notice of Requirement 1 New Rapid Transport Corridor between Albany and Milldale (**NoR 1**).

2. FHLD made a submission on NoR 1.
3. FHLD received notice of New Zealand Transport Agency's (**NZTA**) decision on 23 January 2025 (**Decision**).
4. FHLD is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. FHLD appeals the Decision in its entirety, and in particular those parts:
 - a. Which reject or accept only in part the matters raised in FHLD's submission or amend NoR 1 in a way that is inconsistent with the matters raised in FHLD's submission. That includes:
 - i. **Decline:** The decision to reject FHLD's submission to decline NoR 1 in its entirety.
 - ii. **Land Use Integration:**¹ The decision to reject the recommended inclusion of a Land Use Integration Process (**LIP**) condition to encourage and facilitate the integration of master planning and land use development activity of land directly affected or adjacent to the designation.

¹ Proposed new condition.

iii. **Designation Review:**² The decision to reject the recommendation to:

1. Include a 5 yearly review of NoR 1; and
2. Impose a 6-month timeframe for a post-construction designation review.

iv. **Lapse:**³ The decision to reject FHLD's submission to reduce the 30-year lapse date.

v. **Temporary Construction Areas:**⁴ The decision to reject the recommendation for designation maps to identify and provide a different delineation for construction areas in the general arrangement plans.

vi. **Timing for Lodgement of Management Plans:**⁵ The decision to reject FHLD's submission to require management plans to be provided at the time an outline plan is applied for, rather than prior to construction.

vii. **Spatial Extent:** the decision to reject FHLD's submission to reduce the spatial extent of the designation.

6. The site or place to which NoR 1 applies is:

A new 16km long Rapid Transit Corridor (RTC), including a walking and cycling path, between SH1 (Albany Bus Station) and Dairy Flat Highway (Milldale).

7. FHLD is one of New Zealand's largest residential land development companies. FHLD has made significant contributions to the Auckland housing supply over the past 20 years through developments such as Dannemora, Millwater and most recently Milldale.

² Condition 4.

³ Condition 5.

⁴ Proposed new condition.

⁵ Management plan conditions, specifically Condition 13 (Stakeholder Communication and Engagement Management Plan), Condition 15 (Urban and Landscape Design Management Plan), and Condition 18 (Construction Environmental Management Plan).

8. FHLD has substantial landholdings in Milldale and the surrounding area, which are:
 - a. Proximate to that land subject to NoR 1;
 - b. Directly affected by other NoRs in the Northern Network Project;
 - c. Within the Northern Growth Area; and
 - d. Adversely affected by the decision to confirm NoR 1.
9. FHLD is responsible for the existing development at Milldale (Wainui Precinct) and is currently preparing a private plan change request to the Auckland Unitary Plan (**AUP**) to rezone land from Future Urban Zone to a combination of live urban zonings.
10. The proposed Northern Network Project, specifically NoR 1, have the potential to give rise to significant adverse effects on the environment. The location and spatial extent of NoR 1 will designate and essentially sterilise a significant number of properties and landholdings zoned for future development in North Auckland for a project that has no committed funding and an uncertain future, and is arguably fanciful.

Grounds of Appeal

11. The decision to reject the recommendations and submissions identified above:
 - a. Will not promote the sustainable management of natural and physical resources and is contrary to Part 2 and other provisions of the RMA;
 - b. Is inconsistent with other relevant planning documents, including the AUP;
 - c. Will not meet the reasonably foreseeable needs of future generations;

- d. Will not enable the social, economic and cultural wellbeing of the community;
- e. Does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
- f. Fails to give adequate consideration to alternative sites, routes, or methods of undertaking the work which would minimise the impact on FHL D's land.

12. Without limiting the generality of the above, FHL D also appeals the Decision on the following grounds:

- a. On the basis that NoR 1 and the Decision:
 - i. Fail to acknowledge the absence of structure planning for areas affected, and that the implications of confirming NoR 1 will dictate zoning outcomes, urban form and function potentially to the detriment of achieving an integrated and effective urban environment because the rapid transit alignment will have been set without regard to a myriad of factors which have a bearing on the most appropriate zoning solutions for the Northern Growth Area.
 - ii. Fail to take proper account of:
 - 1. The implications of prematurely protecting corridors ahead of development;
 - 2. The critical knowledge gap in the context of a rapid transit corridor where land use is a core consideration in determining practicality and future utility of the corridor, when no meaningful assessment is currently possible of whether the proposal integrates and supports planned urban growth or whether it will support a quality compact urban form;

3. Significant uncertainties at this point in time as to growth, staging, land use patterns, and timing for land purported to be serviced and/or traversed by NoR 1;
4. Unreliable and/or uncertain traffic assessments purporting to identify overall long-term positive transport effects arising from (inter alia) NoR 1, based on assumptions as to unknown form and function of development and likely zoning patterns which have not been the subject of assessment in the context of the RMA;
5. The risk that an integrated urban environment will not be achieved, and poor urban design outcomes may arise because proposed land uses determined through a robust resource management process are unknown and an appropriate level of structure planning has not been completed;
6. That NoR 1 does not sit on any existing road alignment, and further does not reflect an alignment set out in the one completed structure plan which covers a portion of its route;
7. That NoR 1 is interdependent with the Waitemata Harbour Connections (**WHC**) project which has not been the subject of confirmed decisions, in circumstances where decisions on the WHC may influence mode, design, route and operation of any RTN;
8. Potentially significant opportunity costs and unintended consequences from locking in the NoR 1 RTN alignment now; and

9. That the matters above go to the heart of whether the NoRs achieve the requiring authority's objectives and whether they give effect to the NPS – UD.
- iii. Fail to include conditions which ensure robust and effective consultation with FHLD (and other affected landowners/developers) is undertaken in relation to land use integration;
- iv. Significantly hinder the ability for future development opportunities to be undertaken in a cohesive and integrated manner; and
- v. Fail to include appropriate and robust conditions ensuring periodic review of the designation in circumstances where Auckland's North will experience considerable growth and urbanisation.

Decline

- b. NoR 1 should be declined for reasons (inter alia) identified above in paragraph 12a. i. and ii.
- c. In addition, whether NoR 1 will appropriately support Council's growth aspirations cannot be robustly determined given the particular growth aspirations for the area are currently unknown, and assertions as to improvements in access and/or resilience in the context of the transport network are not founded on any known zoning form and function which is a critical piece in analysing whether such outcomes can and will be delivered.

Land Use Integration Process

- d. NZTA rejected the recommendation to include a LIP condition for NoR 1.
- e. A LIP condition is necessary to:

- i. Ensure that the requiring authority acts efficiently and effectively with affected landowners and developers in achieving integrated development outcomes;
- ii. Ensure development outcomes are consistent with relevant AUP objectives and policies; and
- iii. Provide certainty to landowners and developers that the requiring authority will be receptive to discussion of development and integration with NoR 1.

Designation Review

- f. NZTA reject the recommendation to include a 5 yearly designation review process and a 6-month post-construction timeframe for the review of NoR 1.
- g. Imposition of these conditions are necessary to:
 - i. Provide landowners and occupants with increased certainty as to the extent of designation required for the designation as soon as reasonably practicable (i.e. within a specified time from lodgement of the outline plan of works);
 - ii. Ensure the requiring authority acts in a timely and efficient manner in pursuing detailed design for both construction and operation of the designation;
 - iii. Ensure the requiring authority acts in conjunction with landowners to undertake a review of the extent of designation required for construction purposes;
 - iv. Ensure that any land not required for construction or operation of the designation is reviewed and removed from the designation boundary as soon as reasonably practicable;

- v. Provide landowners with increased development certainty in circumstances where the designation extent hinders future development of land;
- vi. To ensure that future built outcomes on designated land are not inappropriately hindered by a lengthy detailed design process; and
- vii. To ensure that the adverse effects on the environment from the designation are appropriately managed.

Temporary Construction Areas

- h. NZTA have rejected the recommendation from the Panel that requiring authorities provide a different delineation within their respective designation maps for construction areas in general arrangement plans.
- i. The area of land proposed to be subject to the designation is significantly greater than the area of land that is required for the proposed new Rapid Transit Corridor. This has the consequential effect of significantly limiting or preventing future development opportunities for land subject to NoR 1.
- j. A separate notation for temporary construction areas would assist affected landowners in undertaking future development on land subject to the designation by clearly delineating land that will be used for temporary construction activities.

Timing for Lodgement of Management Plans

- k. NZTA rejected FHL's submission to require management plans to be provided at the time an outline plan is applied for, rather than prior to construction.
- l. This amendment will:
 - i. Result in a more useful and relevant trigger for the provision of those management plans; and

- ii. Provide affected landowners increased certainty in relation to those substantive matters covered by management plans specifically with respect to integrated land use and future development outcomes.

Lapse Date

- m. NZTA rejected FHLD's submission to reduce the designation lapse date from 30 to 5 years.
- n. A 30-year lapse date is inappropriate and unnecessary because:
 - i. It does not ensure that the requiring authority will act quickly and efficiently in completing detailed design work;
 - ii. It subjects landowners to an inappropriately long timeframe which further hinders any future development of sites subject to the designation; and
 - iii. Creates planning blight, particularly in circumstances where future development is anticipated by the AUP and higher-order policies.

Reduction of Designation Boundary

- o. FHLD appeals against the rejection of its submission to reduce the geographical extent of the designation.
- p. A reduction in the extent of the designation boundary is appropriate as:
 - i. It is a more accurate representation of the extent of land which is reasonably necessary to achieve the project; and
 - ii. It provides increased certainty for landowners as to future use and development.

Relief Sought

13. FHL D seeks the following relief:

- a. The appeal is allowed and NoR 1 is declined, or in the alternative:
- b. That NZTA's decisions the subject of this appeal be cancelled and NoR 1 be amended, including by way of conditions to address FHL D's concerns; and
- c. Such further consequential or other relief as is necessary to address the issues raised and outcome sought in this appeal; and
- d. Costs.

14. FHL D attaches the following documents to this notice:

- a. A copy of FHL D's submission (**Attachment A**);
- b. A copy of the relevant parts of the Decision (**Attachment B**); and
- c. A list of names and addresses of persons to be served with a copy of this notice (**Attachment C**).

Signature:

Fulton Hogan Land Development Limited by
its authorised agent:



Jeremy Brabant

Date:

14 February 2025

Address for service: Jeremy Brabant
PO Box 1502, Shortland St
Auckland

Mobile: 021 494 506

Email: jeremy@brabant.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—

- a) you made a submission on the matter of this appeal; and
- b) within 15 working days after the period for lodging a notice of appeal ends, you 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
- c) within 20 working days after the period for lodging a notice of appeal ends, you 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 requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

Attachment A

Submission on a requirement for a designation or an alteration to a designation subject to full or limited notification

Sections 168A, 169, 181, 189A, 190, and 195A of the Resource Management Act 1991



FORM 21

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 16, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Nick Roberts - Barker & Associates

Organisation Name (if submission is made on behalf of Organisation)

Fulton Hogan Land Development

Address for service of Submitter

Fulton Hogan Land Development

c/- Barker & Associates (Attn: Nick Roberts) PO Box 1986, Shortland Street, Auckland, 1140

Telephone: 296668330

Email: nickr@barker.co.nz

Contact Person: (Name and designation if applicable)

This is a submission on a notice of requirement:

By:: Name of Requiring Authority

Waka Kotahi NZ Transport Agency

For: A new designation or alteration to an existing designation

North: (NoR 1) New Rapid Transit Corridor, including a walking and cycling path

The specific parts of the above notice of requirement that my submission relates to are: (give details including property address):

As set out in the attached submission.

My submission is:

I or we support of the Notice of Requirement

I or we oppose to the Notice of Requirement

I or we are neutral to the Notice of Requirement

The reasons for my views are:

As set out in the attached submission.

(continue on a separate sheet if necessary)

I seek the following recommendation or decision from the Council *(give precise details including the general nature of any conditions sought).*

As set out in the attached submission.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



Signature of Submitter
(or person authorised to sign on behalf of submitter)

12/12/2023
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

You must serve a copy of your submission on the person who gave the notice of requirement as soon as reasonably practicable after you have served your submission on the Council (unless the Council itself, as requiring authority, gave the notice of requirement)

If your submission relates to a notice of requirement for a designation or alteration to a designation and you are a trade competitor of the requiring authority, you may make a submission only if you are directly affected by an effect of the activity to which the requirement relates that:

- (a) Adversely affects the environment, and
- (b) Does not relate to trade competition or the effects of trade competition.

Submission on a Requirement for a Designation or an Alteration to a Designation

To: Auckland Council
Attn: Planning Technician
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

SUBMITTER DETAILS

Name of Submitter: Fulton Hogan Land Development Limited (“FHLD”)

1. FHLD makes this submission on a designation for a new 16km long Rapid Transit Corridor (RTC), including a walking and cycling path, either alongside or separated, (“NoR 1”) lodged by Waka Kotahi (NZTA) to the Auckland Unitary Plan – Operative in Part (“AUP”) in accordance with Sections 168A, 169, 181, 189A, 190, and 195A of the Resource Management Act (“RMA”) 1991 as follows.
2. FHLD could not gain advantage in trade competition through this submission.
3. FHLD is directly affected by the effects of the subject matters of the submission that –
 - a. Adversely affects the environment; and
 - b. Do not relate to trade competition or the effects of trade competition.
4. FHLD wishes to be heard in support of their submission.
5. If any other submitters make a similar submission, FHLD will consider presenting a joint case with them at a hearing.

OVERVIEW OF FULTON HOGAN LAND DEVELOPMENT LIMITED

6. FHLD is one of New Zealand’s largest residential land development companies and has made a significant contribution to housing supply in the Auckland region over the past 20 years through developments such as Dannemora, Millwater, and more recently Milldale. FHLD has also commenced earthworks at Drury in it’s latest Auckland development.
7. FHLD has an interest in NoR 1 that is greater than the interest of the general public. The proposed designation directly impacts property owned by FHLD.
8. By way of background, FHLD is responsible for the existing development at Milldale (Wainui Precinct), and is currently preparing a private plan change request to the Auckland Unitary Plan, seeking to rezone land adjacent to Milldale (at Milldale North and Wainui West) from Future Urban zone to a combination of operative AUP zones. FHLD, in conjunction with Fletchers, has also recently lodged a private plan change request to the AUP to rezone 107.35ha of land within the

Barker & Associates

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Kerikeri | Whangārei | Warkworth | Auckland | Tauranga | Hamilton | Cambridge | Napier | Wellington | Christchurch | Wānaka | Queenstown

Silverdale West Structure Plan Area from Future Urban zone to predominantly Business - Light Industry zone.

9. FHLD notes that it is critical that any future planned land use and transport infrastructure is integrated, to avoid significant and unnecessary disruption to the area in the future, and to ensure cohesive urbanisation of the area, over the long-term.
10. Overall, the Northern Network and NoR 1 in particular has the potential to give rise to adverse effects to the environment that would directly affect FHLD.

SCOPE OF SUBMISSION

11. The submission relates to NoR 1 as a whole.
12. FHLD **opposes** NoR 1 for the following reasons:
13. FHLD fundamentally opposes NoR 1, which will designate, and essentially sterilise, a significant number of properties zoned for future development in North Auckland, for a roading project that is fanciful.
14. There is no clear justification or funding allocated for this significant project, and therefore it is considered fanciful and does not represent the sustainable management of a natural and physical resource. The proposed route extends the RTC significantly west of the existing busway, and will sterilise land that would otherwise be subject to integrated future urbanisation, with no justification. FHLD considers it more appropriate to continue a future RTC up SH1 / the northern motorway, consistent with the busway that exists in North Auckland.
15. FHLD opposes the spatial extent of the designation boundary of NoR 1. The area of land proposed to be designated is much greater than what is required for the proposed road design which is between 14 metres wide and 20 metres wide (where the active mode facility is alongside the RTC). Insufficient consideration and reasoning have been given to the overall area of land being proposed to be designated, as the designation boundary is significantly greater than the area of land that is required for the proposed new RTC, which has the consequential effect of significantly limiting or preventing future development opportunities for land subject to the designation. This does not represent the sustainable management of a natural and physical resource, and therefore would not meet the sustainable management purpose of the RMA 1991.
16. FHLD opposes the lapse date proposed at Condition 4, of 30 years. The extension of 25 years to the lapse period proposed is excessive and will prevent future development opportunities progressing in a cohesive and integrated manner. Sterilising the land until funding is allocated does not represent the sustainable management of a natural and physical resource, and therefore would not meet the sustainable management purpose of the RMA 1991.
17. FHLD opposes NoR 1 including a 30-year timeframe for implementation. While FHLD has already identified some existing land use and transport integration issues existing at this time, it is inevitable that there will be more in the future as North Project elements are implemented over time. FHLD notes that it is unclear whether a Condition requiring a Land Use Integration Process has been

included for NoR 1, and therefore FHLD requests that if NoR 1 is approved it needs to include a Condition requiring a Land Use Integration Process (LIP) with the focus to be on providing a direct avenue for discussions between the Requiring Authority and the development community. FHLD requests that the condition be consistent with Condition 10 included in NoR 8, and be amended to clarify:

- (i) that this is an avenue for open and honest two-way collaboration for the purposes of integration of transport infrastructure and land use
- (ii) that it is not simply a mechanism for land use to coordinate with transport infrastructure, but that where appropriate, transport infrastructure may be amended to align with or accommodate proposed land use

While the above can ensure future transport and land use integration, the lack of engagement now can only be addressed by engagement now and changes to the NoR.

18. FHLD notes that NoR 1 includes a raft of conditions whereby management plans are to be provided “prior to construction”. These triggers would be more useful and of more relevance to landowners and developers if they were amended to “at the time of the Outline Plan is applied for”. Examples of where this trigger may be more appropriate include the Urban and Landscape Design Management Plan (Condition 9), Construction Environmental Management Plan (Condition 12), and Stakeholder and Communication and Engagement Management Plan (Condition 13).

DECISION SOUGHT

19. FHLD seeks the following relief on NoR 1:
- (a) That NoR 1 be declined, and removed from the North Auckland projects, as it is a fanciful project;
 - (b) That a future RTC, if identified as necessary to service future growth in North Auckland, is realigned to run adjacent along SH1, as a continuation of the existing northern busway;
 - (c) If approved, that the extent of the designation boundary of NoR 1 be reviewed and reduced to minimise the required land take, and reflect the actual and reasonable area of land that is needed to accommodate the appropriate future design for the new Rapid Transit Corridor;
 - (d) If approved, that the lapse date is reviewed and reduced to be consistent with section 184(1) of the RMA. The lapse date should be 5 years after the date on which the NoR is included in the district plan unless it is given effect to, substantial progress or effort has been made to give effect to, or a different period is specified when incorporated into the plan. Pursuant to section 184(1)(c) of the RMA, Waka Kotahi proposes an extended lapse period of 30 years for implementation of the proposed designation, however this lapse period is excessive and needs to be reduced.
 - (e) If approved, that the designation boundary be amended to show the operational extent around what will be the legal road reserve, and the construction extent (two separate designation boundaries);

- (f) That Schedule 1 of the proposed conditions of NoR 1 be amended following review of the extent of the designation boundary; and
- (g) Any such further relief or other consequential amendments as considered appropriate and necessary to address the concerns set out above.

Address for Service:

Barker & Associates Limited

Attn: Nick Roberts

PO Box 1986

Shortland Street

Auckland 1140

Contact Number: 029 666 8330

Email: nickr@barker.co.nz

Copied to:

Fulton Hogan Land Development Limited

c/- Gregory Dewe, Operations Manger

Email: Gregory.Dewe@fultonhogan.com

Attachment B

11 December 2024

Alison Pye
Senior Policy Planner
Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Dear Alison,

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

Thank you for the recommendations received on 8 November 2024 from the Auckland Council Independent Hearing Commissioners in relation to the four New Zealand Transport Agency (**NZTA**) Notices of Requirement (**NoRs**) that comprise the North Projects:

- NoR 1 – New Rapid Transport Corridor (RTC) between Albany and Milldale
- NoR 2 – New Milldale Station and Associated Facilities
- NoR 3 – New Pine Valley East Station and Associated Facilities
- NoR 4 – SH1 Improvements

The Commissioners' recommendation was that the NoRs 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 NoRs.

Table 1 below sets out:

- The Commissioners' recommended conditions which are rejected or partially accepted, along with the reasons for NZTA's 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).

A schedule of amendments that have been made to the proposed designation boundaries since lodgement is contained in the Closing Legal Submissions.¹ A subsequent Memorandum of Counsel² confirmed a

¹ Closing legal submissions of Requiring Authority, dated 9 August 2024, at Appendix E.

² Response to Direction #7 & 8 of the Panel, dated 7 October 2024.

boundary adjustment for NoR 4 - SH1 improvements, whereby part of the proposed designation was removed from the North Shore Vintage and Classic Car Club site at 40 Masons Road, Albany. An updated schedule of modifications to the proposed designation boundaries for NoRs 1-4, including the modification at 40 Masons Road, is attached as **Appendix A**. NZTA confirms all of those modifications as part of this decision. Updated GIS files will be provided to Council by separate email.

Complete clean sets of designation conditions as a result of the NZTA decision are attached to this letter as **Appendices B - H**. The clean set of conditions includes the changes set out in the table below, formatting changes (including rearranging order of conditions), and minor non-substantive formatting and grammatical changes (such as capitalisations) which have not been tracked in the table below.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Ho', is positioned below the 'Yours sincerely' text.

Sarah Ho
Principal Planner - Environmental Planning
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 1 - 4

Designation	Condition	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	Project Information	<p>...</p> <p>b) All directly affected owners and occupiers shall be notified in writing as soon as reasonably practicable once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <p>...</p> <p>(v) a subscription service to enable receipt of project updates by email (including provision for subscribers to select the designation(s) of interest);</p> <p>(vi) the types of activities that can be undertaken by landowners without the need for written consent to be obtained under section 176(1)(b) of the RMA;</p> <p>(vii) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA; and</p> <p>(viii) <u>how/where to access noise modelling contours to inform development adjacent to the designation.</u></p> <p>...</p>	<p>Reject amendment regarding subscribers The Panel recommended inserting additional text to require the subscription service to allow subscribers to select the designation(s) of interest. NZTA rejects this recommendation on the basis that it is an administrative matter that is not appropriate condition content.</p> <p>Reject deletion of noise modelling contours clause The Panel recommended that the Land use Integration Process condition be included for the NZTA designations, and that this noise modelling contours clause be removed from the Project Information condition on the basis that a similar clause is included in the Land use Integration Process (LIP) condition. NZTA rejects these recommendations for the reasons discussed below.</p>

Designation	Condition	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	Land use Integration Process (LIP)	<p>(a) The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation and the Start of Construction. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the designation. To achieve this purpose:</p> <p>(i) the Requiring Authority shall include the contact details of a nominated contact on the project website (or equivalent information source) required to be established by Condition 2(b)(iii); and</p> <p>(ii) the nominated contact shall be the main point of contact for a Developer or Development Agency wanting to work with the Requiring Authority to integrate their development plans or master planning with the designation.</p> <p>(b) At any time prior to the Start of Construction, the nominated contact will be available to engage with a Developer or Development Agency for the purpose of:</p> <p>(i) responding to requests made to the Requiring Authority for information regarding design details that could assist with land use integration; and</p> <p>(ii) receiving information from a Developer or Development Agency regarding master planning or land development details that</p>	<p>Reject addition of LIP condition</p> <p>The Panel recommended that the LIP condition be included for the NZTA designations. NZTA rejects this recommendation for the reasons set out in the Closing Legal Submissions.³ The transport corridor interfaces with adjacent land uses are appropriately managed through existing NZTA processes. As detailed in the evidence of Mr Rama,⁴ NZTA already has well established and effective processes in place to manage works within the designation through the section 176 process.</p>

³ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.28] – [14.41].

⁴ Rama's Primary Evidence at [8.5] – [8.9].

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	Reason for modifications
		<p>could assist with land use integration.</p> <p>(e) Information requested or provided under Condition 2(b) above may include but not be limited to the following matters:</p> <p>(i) design details including but not limited to:</p> <ul style="list-style-type: none"> 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. traffic noise modelling contours. <p>(i) potential modifications to the extent of the designation in response to information received through Condition 2(b)(ii)</p> <p>(ii) 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; and</p> <p>(iii) 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.</p> <p>(d) Where information is requested from the Requiring Authority and is available, the nominated contact shall provide the information unless there are reasonable</p>	

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>grounds for not providing it.</p> <p>(e) The nominated contact shall maintain a record of the engagement between the Requiring Authority and Developers and Development Agencies for the period following the date in which this designation is included in the AUP through to the Start of Construction for a Stage of Work. The record shall include:</p> <p>(i) details of any requests made to the Requiring Authority that could influence detailed design, the results of any engagement and, where such requests that could influence detailed design are declined, the reasons why the Requiring Authority has declined the requests; and</p> <p>(ii) details of any requests to co-ordinate the forward work programme, where appropriate, with Development Agencies and Network Utility Operators.</p> <p>(f) The record shall be submitted to Council for information ten working days prior to the Start of Construction for a Stage of Work</p>	
<p>NoRs 1, 2 and 3 <u>NoR 1</u></p>	<p>Designation Review</p>	<p>Pre-construction review</p> <p><u>The Requiring Authority shall review the extent of the designation for the Rapid Transit Corridor once it has confirmed station locations in addition to the Pine Valley Station and Milldale Station.</u></p> <p><u>In carrying out this review, the Requiring Authority shall:</u></p>	<p>Accept in part pre-construction review condition</p> <p>The Panel has recommended splitting out this condition so that there is a pre- and post- construction review of the designation. NZTA accepts this recommendation in part and amends the wording of this condition to apply to the RTC (NoR 1) only.</p> <p>The amendments require a review of the extent of the designation for NoR 1 once NZTA has confirmed station</p>

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(i) <u>Identify whether any areas of designated land are no longer required for the construction, operation, maintenance or mitigation of effects of the project; and</u></p> <p>(ii) <u>Consider whether the boundaries of the designation require modification in accordance with section 182 of the RMA.</u></p> <p>(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 enable areas of designated land to be removed from the designation if identified as being no longer required, and to keep stakeholders updated on progress with implementation of the project.</p> <p>(b) The five-yearly reviews shall:</p> <p>(i) include a review of the extent of the designation to identify any areas of designated land that are no longer required for the designation (to be formalised via section 182 of the RMA);</p> <p>(ii) provide an update on the progress or effort made to give effect to the designation and the anticipated date for implementation; and</p> <p>(iii) be made publicly available on the Requiring Authority's website and be made available to the Council and the Rodney Local Board.</p>	<p>locations (in addition to the Pine Valley Station and Milldale Station, which are covered by separate NoRs).</p> <p>Station locations will likely be confirmed following further structure planning and subsequent plan change processes in the North growth area.</p> <p>NZTA rejects the Panel's recommendation for a five yearly review on all designations. NZTA explained why such a review is unnecessary in its Closing Submissions⁵. In particular, NZTA notes that:</p> <ul style="list-style-type: none"> • Section 79 of the RMA requires the Council to undertake a review of the District Plan every 10 years, which provides an appropriate opportunity for a Requiring Authority to review the extent of 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 Project. • The requirement to undertake a periodic review across all designations (including others within the region) would

⁵ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [4.35 – 4.44]

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>Post-construction review</p> <p>(c) As soon as reasonably practicable following Completion of Construction, but no later than six (6) months, the Requiring Authority shall:</p> <p>(i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and</p> <p>(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.</p>	<p>be an inefficient imposition on public funds that could otherwise be allocated to priority projects.</p> <ul style="list-style-type: none"> The process to consider requests for section 176 consent to work within the designation will inherently prompt NZTA to confirm the extent of designation over a particular site. <p>Reject six-month timeframe for post-construction review</p> <p>The Panel has recommended that the post-construction review occurs no later than six months following the Completion of Construction. NZTA rejects this recommendation.</p> <p>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, that mean a six-month timeframe is neither realistic nor practicable.⁶</p>
<p><u>NoR 4</u> <u>NoR 2, 3, 4</u></p>	<p>Designation Review</p>	<p>As soon as reasonably practicable following Completion of Construction, but no later than six (6) months, the Requiring Authority shall:</p> <p>(i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and</p>	<p>See above</p>

⁶ Primary evidence of Alastair Lovell, dated 1 May 2024 and adopted by Deepak Rama [9.9].

Designation	Condition	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) give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.	
All	General Section 176 Approval	<p>(a) Prior to the start of the formal acquisition process under the Public Works Act 1981 for a property, or submission of the Outline Plan, persons on properties zoned Rural or Future Urban will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) Internal alterations; (ii) Utility repairs; (iii) One extension to an existing structure as at 2023, up to 30m²; (iv) Temporary or relocatable structures, provided they are removed from the site and the land is reinstated (including closing and capping any associated services) at the landowner's expense prior to the start of Construction Works. The landowner shall be responsible for any resource consent required for the structures, their removal or relocation. <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>	<p>Reject addition of General Section 176 Approval</p> <p>The Panel has recommended inclusion of AT's General Section 176 Approval condition on all NZTA NoRs. NZTA rejects this recommendation for the reasons explained in Closing Legal Submissions.⁷</p> <p>In particular, and as required by the Project Information condition, the NZTA website provides examples of the types of activities that could be undertaken without written consent under section 176 of the RMA. NZTA has established processes and resources allocated to assess requests for section 176 consents, and there is neither value nor any need for this condition.</p>
All	Flood Hazard	<p>For the purpose of Condition 9:</p> <p>...</p> <p>(c) Flood Prone Area – means potential ponding areas that may flood in a 1% AEP event and commonly</p>	<p>Reject amendment to definition of flood prone area</p> <p>The Panel has recommended an amendment to the definition of 'flood prone area' to delete a reference to "in a 1% AEP event". NZTA rejects this proposed change, for the</p>

⁷ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.28] – [14.41].

Designation	Condition	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
		... comprise of topographical depression areas. The areas can occur naturally or as a result of constructed features. Identification of a potential Flood Prone Area would be by an assessment of residual flood risk in a 1% AEP event (e.g. from blockage of the Project stormwater network) on land outside and adjacent to the designation following the application of Conditions (9)(a)(i) – (iv);	reasons explained in the Requiring Authority’s Memorandum in response to Direction 6, ⁸ i.e. removing reference to the 1% AEP event would lead to uncertainty as to what flood events the condition would apply to.

⁸ Memorandum of Counsel in response to Direction 6 of the Panel, dated 27 August 2024, at [5.2] – [5.3].

<p>All</p>	<p>Flood Hazard</p>	<p>(a) The Project shall be designed to achieve the following flood risk outcomes beyond the boundary of the designation:</p> <ul style="list-style-type: none"> (i) no increase in flood levels in a 1% AEP event for Existing Authorised Habitable Floors that are already subject to flooding or have a freeboard less than 500mm; (ii) no increase in flood levels in a 1% AEP event for authorised community, commercial, industrial and network utility building floors existing at the time the Outline Plan is submitted that are already subject to flooding or have a freeboard less than 300mm; (iii) maximum of 50mm increase in flood levels in a 1% AEP event outside and adjacent to the designation boundary ies between the Pre-Project Development and Post-Project Development scenarios; (iv) no increase of Flood Hazard for the main access to authorised habitable dwellings existing at the time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event. Where Flood Hazard is: <ul style="list-style-type: none"> A. velocity x depth greater than or equal to 0.6m²/s; or B. depth greater than 0.5m; or C. velocity greater than 2m/s; and (v) [relocated] no new fFlood pProne aAreas. <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the Pre-Project Development and Post-Project Development 1% AEP flood levels (for Maximum Probable Development land use and including with allowances for climate change).</p> <p>(c) Where:</p> <ul style="list-style-type: none"> (i) the flood risk outcomes in (a) can be achieved through alternative measures outside of the 	<p>Amendment by NZTA</p> <p>Amendments to improve clarity. The reference to “Council” has also been amended to “Manager” for consistency across conditions and to provide more certainty as to who information is provided to, as explained in the Closing Legal Submissions. ⁹ The location of “no new Flood Prone Areas” is changed to align with the definition in (c) above.</p>
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Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>designations such as flood stop banks, flood walls, raising Existing Authorised Habitable Floor level and new overland flow paths, or</p> <p>(ii) the outcomes are varied at specific location(s) through agreement with the relevant landowner, confirmation shall be provided to the Council Manager that any necessary landowner agreement and statutory approvals have been obtained for that alternative measure or varied outcome.</p>	
<u>1, 2, 3</u> AH	Overland Flow Paths	<p>Where the project modifies an Overland Flow Path by either:</p> <ul style="list-style-type: none"> • diverting the entry or exit point at the designation boundary; or • piping, or reducing its capacity; <p>the design shall provide for the continued passage of flow in a manner which manages potential effects upstream and downstream of the modified Overland Flow Path.</p>	<p>Reject condition applying to all NoRs</p> <p>The Panel has recommended that NZTA applies the Overland Flow Path condition to all NoRs, not just NoRs 1-3. NZTA rejects this change for the reasons detailed in the Requiring Authority’s Memorandum in response to Direction 6¹⁰ and notes in particular:</p> <ul style="list-style-type: none"> • The AUP provides an exclusion for road network activities in existing roads in relation to rules and standards for overland flow paths. This exclusion does not apply to stations or prior to new roads being formalised, being NoRs 1, 2 and 3. • It is inappropriate for this condition to extend to existing roads (being NoR 4) that are subject to that exclusion.

⁹ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.76].

¹⁰ Memorandum of Counsel in response to Direction 6 of the Panel, dated 27 August 2024, at [5.4] – [5.6].

Designation	Condition	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
NoRs 1, 2 and 3	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 agreed with the affected landowner.	Reject amendment to condition The Panel recommended that the words “unless otherwise agreed with the affected landowner” be re-instated in this condition to be consistent with AT. During the hearing, NZTA removed this wording. There is a legal requirement to maintain access to land. If it were not possible to do so, this would be covered through a separate process under the Public Works Act.
All	Management Plans	(a) Any management plan shall: ... (iv) be submitted as part of an Outline Plan pursuant to section 176A of the RMA for Certification , with the exception of SCEMPs and CNVMP Schedules; ... (d) 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 Manager <u>as an update to the Outline Plan or</u> for Certification as soon as practicable following identification of the need for a revision;	Reject requirement to certify management plans The Panel has recommended certification of management plans for all NoRs (with the exception of SCEMPs). NZTA rejects this change for reasons consistent with the Chair's view in the Recommendation Report and as detailed in Mr Scrafton's primary evidence and legal submissions ¹¹ . Particularly, NZTA notes: <ul style="list-style-type: none">• The RMA affords certain powers to Requiring Authorities for designations, which are intentionally different from the resource consent process. Introducing certification at the Outline Plan stage undermines this process and complicates it unnecessarily.

¹¹ Scrafton Primary Evidence, at [10.5]-[10.37] (p 67-68); Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.20] – [14.24].

Designation	Condition	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
		...	<ul style="list-style-type: none"> Management Plans are to be included in the Outline Plan to demonstrate how the works will manage relevant effects. Council has the authority to request changes to Outline Plans, and therefore certification is not needed.
All	Urban and Landscape Design Management Plan (ULDMP)	<p>...</p> <p>(c) 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 the Cultural Advisory Report accordance with in Condition 14 may be reflected in the ULDMP.</p> <p>...</p>	<p>Amendment by NZTA</p> <p>Amendment to improve clarity.</p>
All	Urban and Landscape Design Management Plan (ULDMP)	<p>(a) To achieve the objective set out in Condition 15, the ULDMP(s) shall provide details of how the project:</p> <p>.....</p> <p>(v) will address the outcomes and relevancy of recommendations and opportunities contained in the Te Tupu Ngātahi Urban Design Evaluation 2023, including the Outcomes and Opportunities Plans, in developing the detailed design response.</p> <p>...</p>	<p>Reject new clause to refer to the Urban Design Evaluation (UDE)</p> <p>The Panel has recommended the addition of a new clause to the ULDMP condition to refer to the Urban Design Evaluation (UDE) lodged with the Assessment of Effects on the Environment, including the outcomes and opportunities plans. NZTA rejects this change. As explained by Mr Foster in his primary evidence, the proposed conditions already</p>

Designation	Condition	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																			
			address the core recommendations contained in the UDE assessment. ¹²																			
NoR 4	Construction Environmental Management Plan (CEMP)	If, prior to the Start of Construction, a commercial orchid growing business operates at 1370 East Coast Road, Redvale, the CEMP shall also include details of the best practicable option to minimise the potential for dust to impact on its operation.	Accept amendment The Panel has recommended that “measures” be replaced with “the best practicable option”. NZTA accepts the Panel’s recommendation.																			
All	Construction Vibration Standards	... Table 23.1 Construction Vibration Standards <table border="1"> <thead> <tr> <th>Receiver</th> <th>Details</th> <th>Category A*</th> <th>Category B*</th> </tr> </thead> <tbody> <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><u>12</u>mm/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>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> </tbody> </table>	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	<u>12</u> mm/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	Reject amendment to construction vibration standards The Panel has recommended that the Category A construction vibration standards during the daytime for occupied activities sensitive to noise be amended from 1 mm/s ppv to 2 mm/s ppv, to be consistent with the AT standards. NZTA rejects this change for the reasons explained in Closing Legal Submissions ¹³ and the evidence of Ms Drewery. ¹⁴
Receiver	Details	Category A*	Category B*																			
Occupied activities sensitive to noise	Night-time 2000h – 0630h	0.3mm/s ppv	1mm/s ppv																			
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All other buildings	At all other times Vibration transient	5mm/s ppv	BS 5228-2** Table B2																			

¹² Foster Primary Evidence, at [7.13] and Appendix C.

¹³ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.48] – [14.54].

¹⁴ Drewery Primary Evidence, at [9.5].

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications				
		<table border="1" data-bbox="589 419 1267 608"> <tr> <td data-bbox="589 419 730 608"></td> <td data-bbox="730 419 887 608">At all other times Vibration continuous</td> <td data-bbox="887 419 1077 608">5mm/s ppv</td> <td data-bbox="1077 419 1267 608">BS 5228-2** 50% of Table B2 values</td> </tr> </table> <p data-bbox="589 655 1267 906">* Refer to New Zealand Transport Agency 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'</p> <p data-bbox="589 930 618 946">...</p>		At all other times Vibration continuous	5mm/s ppv	BS 5228-2** 50% of Table B2 values	
	At all other times Vibration continuous	5mm/s ppv	BS 5228-2** 50% of Table B2 values				
All	Schedule to a CNVMP	<p data-bbox="589 959 1267 1134">(a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the sStart of the construction of an activity to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the Schedule, when:</p> <p data-bbox="589 1158 618 1174">...</p> <p data-bbox="589 1182 1267 1390">(d) The Schedule shall be submitted to the Manager for information Certification 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,</p>	<p data-bbox="1301 959 1570 983">Amendment by NZTA</p> <p data-bbox="1301 999 1671 1023">Amendment to improve drafting.</p> <p data-bbox="1301 1078 1738 1102">Reject requirement for certification</p> <p data-bbox="1301 1118 2007 1318">The Panel recommends amendments to the Schedule to a CNVMP condition to require that the CNVMP Schedules be certified. NZTA rejects these amendments as certification is only needed for material changes to management plans (if not submitted as part of an Outline Plan process) and requiring certification of the CNVMP Schedules is</p>				

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p><u>these shall be considered by the Requiring Authority prior to implementation of the Schedule.</u></p> <p>(e) The CNVMP Schedule shall be deemed certified five working days from the submission of the CNVMP Schedule where no written confirmation of certification has been received.</p> <p>(f) 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 (e) (d) above. The amended Schedule shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.</p>	unnecessary for the reasons explained in Closing Legal Submissions. ¹⁵
All	Pre-Construction Ecological Survey	<p>(a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken in the relevant location by a Suitably Qualified Person. The purpose of the survey is to inform ecological management by:</p> <p>(i) confirming whether the species of value within the Identified Biodiversity Areas recorded in the Identified Biodiversity Area Schedule X are still present; and</p>	<p>Amendments by NZTA</p> <p>Amendment to clarify that the appropriate survey area will depend on the relevant Stage of Work, as determined by a Suitably Qualified Person. NZTA also amends clause (a)(ii) to improve drafting and clarify that the ecological survey is needed to confirm whether the project is likely to have a moderate or greater level of effect.</p>

¹⁵ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [14.42 – 14.47].

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>(ii) confirming whether the project will or may is likely to have a moderate or greater level of ecological effect on ecological species of value, (prior to implementation of impact management measures). The level of effect shall be determined in accordance with Table 10 of the EIANZ guidelines (or subsequent updated version of the table) as included in Schedule X to these conditions.</p> <p>(b) If the ecological survey confirms the presence of ecological species of value in accordance with Condition 27(a)(i) and that effects are likely in accordance with Condition 27(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 28 for these areas (Confirmed Biodiversity Areas).</p>	
All	Ecological Management Plan (EMP)	<p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 27) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of ecological value of in Confirmed Biodiversity Areas as far as practicable.</p> <p>(b) To achieve the objective, the EMP shall set out the methods which may include:</p>	<p>Amendment by NZTA Amendments to improve clarity including to delete clause (b). Rather than including “to achieve the objective, the EMP shall set out the methods which may include” at the start of the EMP condition, NZTA has inserted “the EMP may include the following to achieve the objective” at the end of each clause.</p>
All	Ecological Management Plan (EMP)	<p>(c) If an EMP is required in accordance with (a) for the presence of long tail bats, <u>the EMP may include the following to achieve the objective:</u></p>	<p>Amendments by NZTA Amendments to improve clarity. As above, rather than including “to achieve the objective, the EMP shall set out the methods which may include” at the start of the EMP condition,</p>

Designation	Condition	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
		<ul style="list-style-type: none"> (i) Measures to minimise, as far as practicable, disturbance from construction activities within the vicinity 50m of any active long tail bat roosts (including maternity) that are discovered through survey until such roosts are confirmed to be vacant of bats. (ii) how the Timing of any eConstruction wWorks within 50m in the vicinity of any active maternity long tail bat maternity roosts. Those Construction Works shall will be undertaken limited to outside the bat maternity period (between December and March) where reasonably practicable; (iii) Details of areas where vegetation is to be retained where practicable and where additional planting is proposed to be provided and maintained for the purposes of the connectivity of long tail bats habitats; and (iv) Details of how bat connectivity will be provided and maintained (e.g. through the presence of suitable indigenous or exotic trees or artificial alternatives). (v) Details of measures to minimise any operational disturbance from operational light spill. 	<p>NZTA has inserted “the EMP may include the following to achieve the objective” at the end of each clause, including this clause relating to long tail bats. This rationale also applies to the clauses that follow. To avoid confusion, the reference to “including maternity” after long tail bat roosts is removed, and the meaning of “vicinity” in clause (i) is clarified as being 50m. To avoid duplication NZTA has also deleted clause (iv) and incorporated those requirements into clause (iii). The word “reasonably” is deleted from (ii) for consistency with (c) and (d), and text is edited in (v) for clarity.</p>
<p>NoR 3 NoR 4</p>	<p>Ecological Management Plan (EMP)</p>	<p>(d) If an EMP is required in accordance with (a) for the presence of Threatened or Aat-Risk birds (excluding wetland birds), the EMP may include the following to achieve the objective:</p> <ul style="list-style-type: none"> (i) how the Timing of any Construction Works which may have adverse effects on Threatened or At-Risk birds (excluding 	<p>Amendments by NZTA</p> <p>Amendments to improve clarity and to make clear that it is only the timing of Construction Works that may have adverse effects on Threatened or At-Risk birds that may be included in the EMP.</p>

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p>wetland birds). Those Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable; and</p> <p>(ii) Where works are required within the area identified in the Confirmed Biodiversity Area during the bird breeding season, methods to minimise adverse effects on Threatened or At-Risk birds.</p>	
<p>NoR 1</p> <p>NoR 4</p>	<p>Ecological Management Plan (EMP)</p>	<p>(e) If an EMP is required in accordance with (a) for the presence of Threatened or Aat-rRisk wetland birds, <u>the EMP may include the following to achieve the objective:</u></p> <p>(i) [relocated] Details of any Undertaking a nesting bird surveys 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). Nesting bird surveys shall be undertaken within any wetland that is both within a Confirmed Biodiversity Area and located within a 50m radius of Construction Works. Surveys should shall be undertaken prior to any such works taking place and repeated at the beginning of each wetland bird breeding season <u>until the relevant Construction Works are complete within the 50m radius of the wetland and following periods of construction inactivity;</u></p> <p>(ii) how the Timing of any Construction Works <u>which may have adverse effects on</u></p>	<p>Amendments by NZTA</p> <p>Amendments to improve clarity including by relocating clauses, and to make clear that it is only the timing of Construction Works that may have adverse effects on Threatened or At-Risk birds that may be included in the EMP. NZTA also inserts “breeding” in clause (ii) to fix an omission and has re-drafted clause (iii) to improve clarity including as to the location and timing of nesting bird surveys. The text in (v) is also edited for clarity.</p> <p>Accept in part amendments to EMP condition</p> <p>The Panel has recommended changes to the EMP clause for Threatened or At-Risk wetland birds, including to increase the area for protection and buffer measures from 50m to 200m and to simplify the condition.</p>

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
		<p><u>Threatened or At-Risk wetland birds. Those Construction Works</u> shall be undertaken outside of the bird breeding season (September to February) where practicable;</p> <p>(iii) Where works are required within the Confirmed Biodiversity Area during the bird <u>breeding</u> season, methods to minimise adverse effects on Threatened or At-Risk wetland birds; <u>and</u></p> <p>(iv) <u>Details of what protection and buffer measures will be provided where proposed to manage effects on</u> nesting Threatened or At-Risk wetland birds <u>are identified within 200m of any construction area (including laydown areas), through a survey undertaken in accordance with Condition (e)(iii). Proposed</u>—measures <u>must consider shall address:</u></p> <p>A. the type, intensity and duration of the construction activity;</p> <p>B. and species of wetland bird affected the <u>likely sensitivity of the nesting bird species to the construction activity; and</u></p> <p>C. <u>any environmental features (e.g., vegetation and contour) that could influence the extent of potential adverse effects on the Threatened or At-Risk wetland birds.</u></p> <p>(v) [NoR 1] Details of measures to minimise any operational disturbance from <u>operational</u> light spill.</p>	<p>NZTA rejects amendment of the area referenced in (e)(iv) for the reasons detailed in the Closing Legal Submissions.¹⁶ In particular:</p> <ul style="list-style-type: none"> • Extending the setbacks to 200m would encompass additional wetlands that have not been included in the ecological impact assessment and subsequent Identified Biodiversity Areas. • Application of the NZTA Dotterel Guidelines (which were used to define the 50m area) is standard practice for this type of assessment and a range of wetland bird species. <p>NZTA accepts in part the proposed amendments of the Panel to simplify the rest of clause (e)(iv), but with amended wording to improve drafting and ensure the condition is workable.</p>

¹⁶ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [21.14] to [21.18].

Designation	Condition	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
NoR 1 NoR 4	Ecological Management Plan (EMP)	(f) If an EMP is required in accordance with (a) for the presence of native herpetofauna, <u>the EMP may include the following to achieve the objective:</u> (i) A description of the methodology and timing for survey, trapping and relocation of lizards rescued; (ii) A description of the relocation site(s), including: A. any measures to ensure the relocation site remains available; B. <u>the scope and timeframe for</u> any weed and pest management <u>needed to support ensure</u> the relocation site is maintained as appropriate habitat; (iii) A post vegetation clearance search for remaining lizards; and (iv) Any proposed monitoring.	Amendments by NZTA Amendments to improve clarity. Item (ii) is amended to clarify that the EMP is to set out the scope and timeframe for any weed and pest management.
All	Ecological Management Plan (EMP)	(f) 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. ...	Amendment by NZTA Amendment to delete clause (f), as including an obligation in relation to unknown resource consent conditions is not needed or appropriate in a designation condition.
All NoRs 1, 2 and 4	Tree Management Plan (TMP)	... (b) To achieve the objective, the TMP shall: ... (iii) demonstrate how the tree management measures (outlined in A – D above) are consistent with any relevant conditions of resource consents granted for the project. ...	Amendment by NZTA Amendment to delete clause (b)(iii), as including an obligation in relation to unknown resource consent conditions is not needed or appropriate in a designation condition. The Tree Management Plan (and associated references) are deleted from NoR 3 as there are no identified trees.

Designation	Condition	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	Traffic Noise	Notwithstanding the above applying to the PPFs in Schedule 4, conditions 36, 37, 39, 40, 46 and 47 shall be read as also including a requirement for the future BPO assessment to determine the BPO for the environment (including any dwellings to be retained within the designation) that is present prior to construction starting (in terms of road surface, barriers, or other source noise mitigation), noting that the Requiring Authority is not responsible for acoustically treating dwellings that are constructed following the lodgement of the NoR.	Reject new condition The Panel has proposed a new traffic noise condition for all NZTA NoRs that requires a future best practicable option (BPO) assessment for the environment that is present prior to construction starting. NZTA rejects this new condition on the basis that the recommendation is inconsistent with NZ6806. In addition, the NoR 1 and 4 projects will be constructed with low noise road surfaces, which will benefit both existing and future receivers. As explained in detail in Closing Legal Submissions, ¹⁷ developers have a shared responsibility to manage noise and only those Protected Premises and Facilities (PPFs) set out in the schedules that currently exist should be assessed at the time of detailed design.
NoR 4	Traffic Noise	Prior to <u>the Start of C</u> onstruction of the Project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in Schedule X PPFs Noise Criteria Categories, taking into account the Selected Mitigation Options.	Amendment by NZTA Amendment to improve clarity.
NoR 4	Traffic Noise	Within 12 months of Completion of Construction of the Project, a post-construction review report written in accordance with P40 Specification for Noise Mitigation 2014 shall be provided to the Manager for information .	Amendment by NZTA Amendment to improve clarity.
NoR 4		Tailor the NoR 4 condition set to Designations 6751, 6760, 6759 and 6761 relevant to their locational extent.	Amendment by NZTA NoR 4 comprises alterations to four existing NZTA designations (6751 - Albany, 6760 – Redvale to Silverdale,

¹⁷ Closing legal submissions of Requiring Authority, dated 9 August 2024, at [12.2] – [12.9].

Designation	Condition	Modifications made by NZTA to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
			<p>6759 - Silverdale, and 6761- Silverdale to Puhoi) and hence four sets of conditions are required.</p> <p>Site-specific conditions/clauses and schedules are location specific, so for each alteration to designation, only those conditions/clauses that are relevant to the area covered by each alteration are included in the set of conditions. This tailoring relates to the EMP and associated schedules, TMP and associated schedule, traffic noise conditions (for PPFs) and associated schedule, Council parks (for section 176 approval), and other site-specific conditions (airport operations condition and Tuckers orchid nursery clause in the CEMP).</p>
N/A	N/A	N/A	<p>Reject recommendation to distinguish temporary construction areas</p> <p>NZTA has considered the recommendation from the Panel that the Requiring Authorities provide a different delineation within their respective designation maps for construction areas (shown as 'indicative construction areas in the general arrangement plans').</p> <p>NZTA rejects this recommendation for the following reasons.</p> <p>As noted in the primary evidence of Mr Scrafton,¹⁸ the suggested identification of a temporary and permanent designation boundary is neither appropriate nor feasible in</p>

¹⁸ Scrafton Primary Evidence, at [10.25] to [10.28].

Designation	Condition	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 striketrough)	Reason for modifications
			<p>the context of a long-term designation, particularly given the design process that will occur before implementation, confirmation of construction methods, and the need to retain appropriate flexibility to respond to the circumstances at the time (e.g., staging). Design standards and construction techniques are also likely to evolve between now and when design and construction of the projects are likely to occur.</p> <p>The temporary and permanent land requirements will be confirmed by NZTA and discussed with landowners under the Public Works Act, closer to the time of construction.</p>

Appendix B – Clean conditions for NoR 1

[XXXX] New Rapid Transit Corridor (RTC) between Albany and Milldale, including New Walking and Cycling Path

Designation Number	[XXXX]
Requiring Authority	New Zealand Transport Agency
Location	Between Albany (just south of Ōteha Valley Road), Dairy Flat and Milldale.
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 30 years from the date on which it is included in the AUP.

Purpose

To construct, operate, maintain and improve a public transport corridor, cycleway and/or shared path, and associated infrastructure.

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 the Manager that the material change to the management plan is certified; or (b) 10 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

Education Facility	<p>Facility used for education to secondary level.</p> <p>Includes:</p> <ul style="list-style-type: none"> • schools and outdoor education facilities; and • accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above. <p>Excludes:</p> <ul style="list-style-type: none"> • care centres; and • tertiary education facilities.
EIANZ Guidelines	Ecological Impact Assessment: EIANZ Guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018
EMP	Ecological Management Plan
Enabling Works	<p>Includes, but is not limited to, the following and similar activities:</p> <ol style="list-style-type: none"> (a) geotechnical investigations (including trial embankments); (b) archaeological site investigations; (c) formation of access for geotechnical investigations; (d) establishment of site yards, site entrances and fencing; (e) constructing and sealing site access roads; (f) demolition or removal of buildings and structures; (g) relocation of services; and (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting).
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Identified Biodiversity Area	Means an area or areas of features of ecological value where the project ecologist has identified that the project will potentially have a moderate or greater level of ecological effect, prior to implementation of impact management measures, as determined in accordance with the EIANZ Guidelines
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate
Mana Whenua	<p>Mana Whenua as referred to in the conditions are considered to be, but not limited to, the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the project:</p> <ol style="list-style-type: none"> (a) Ngāti Manuhiri (b) Te Kawerau ā Maki (c) Te Ākitai Waiohū (d) Ngāti Whanaunga (e) Te Runanga o Ngāti Whātua (f) Ngāti Maru (g) Te Patu Kirikiri (h) Ngāti Whātua o Kaipara (i) Ngāti Tamaterā (j) Ngai Tai ki Tāmaki (k) Ngāti Paoa Iwi Trust (l) Ngāti Paoa Trust Board <p>Note: other iwi not identified above may have an interest in the project and should be consulted</p>
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 Growth Area	Land for future urban development in the North of Auckland, including Future Urban zoned areas in Upper Ōrewa Wainui East, Silverdale West, Redvale and Dairy Flat

NUMP	Network Utilities Management Plan
Outline Plan	An outline plan prepared in accordance with section 176A of the RMA
Overland Flow Path	Means a low point in terrain, excluding a permanent watercourse or intermittent river or stream, where surface runoff will flow, with an upstream contributing catchment exceeding 4,000m ²
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) Education 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

General conditions	
1.	<p>Activity in General Accordance with Plans and Information</p> <p>(a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the project description and concept plan in Schedule 1.</p> <p>(b) Where there is inconsistency between:</p> <ul style="list-style-type: none"> (i) the project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	<p>Project Information</p> <p>(a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within six months of the inclusion of this designation in the AUP. This shall be updated as required so it remains current.</p> <p>(b) All directly affected owners and occupiers shall be notified in writing as soon as reasonably practicable once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <ul style="list-style-type: none"> (i) the status of the project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and where they can receive additional advice; (v) a subscription service to enable receipt of project updates by email; (vi) the types of activities that can be undertaken by landowners without the need for written consent to be obtained under section 176(1)(b) of the RMA; (vii) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA; and (viii) how/where to access noise modelling contours to inform development adjacent to the designation. <p>(c) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any Staging of Works.</p>
3.	<p>Stakeholder Communication and Engagement Design</p> <p>(a) At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify:</p> <ul style="list-style-type: none"> (i) a list of Stakeholders; (ii) a list of properties within the designation which the Requiring Authority does not own or have occupation rights to; and (iii) methods to engage with Stakeholders and the owners and occupiers of properties identified in (a)(i) – (ii) above. <p>(b) A record of (a) shall be submitted to the Manager for information with an Outline Plan for the relevant Stage of Work.</p>

4.	<p>Designation Review</p> <p><u>Pre-construction review</u></p> <p>The Requiring Authority shall review the extent of the designation for the Rapid Transit Corridor once it has confirmed station locations in addition to the Pine Valley Station and Milldale Station.</p> <p>In carrying out this review, the Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) Identify whether any areas of designated land are no longer required for the construction, operation, maintenance or mitigation of effects of the project; and (ii) Consider whether the boundaries of the designation require modification in accordance with section 182 of the RMA. <p><u>Post-construction review</u></p> <p>As soon as reasonably practicable following Completion of Construction, the Requiring Authority shall:</p> <ul style="list-style-type: none"> (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the project; and (ii) give notice to the Manager in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
5.	<p>Lapse</p> <p>In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 30 years from the date on which it is included in the AUP.</p>
6.	<p>Network Utility Operators and Auckland Council Parks (Section 176 Approval)</p> <ul style="list-style-type: none"> (a) Prior to the Start of Construction, 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: <ul style="list-style-type: none"> (i) operation, maintenance and repair works; (ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility 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.
<p>Pre-construction conditions</p>	
7.	<p>Outline Plan</p> <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 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: <ul style="list-style-type: none"> (i) Construction Environmental Management Plan; (ii) Construction Traffic Management Plan; (iii) Construction Noise and Vibration Management Plan; (iv) Urban and Landscape Design Management Plan; (v) Historic Heritage Management Plan; (vi) Ecological Management Plan; (vii) Tree Management Plan; (viii) Network Utilities Management Plan; and (ix) Network Integration Management Plan.

<p>8.</p>	<p>Network Utilities Integration</p> <p>(a) 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.</p> <p>(b) A summary of the consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, shall be submitted to the Manager for information with the Outline Plan(s) prepared for the project.</p>
	<p>Flood Hazard</p> <p>For the purpose of Condition 9:</p> <p>(a) AEP – means Annual Exceedance Probability;</p> <p>(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;</p> <p>(c) Flood Prone Area – means potential ponding areas that may flood in a 1% AEP event and commonly comprise of topographical depression areas. The areas can occur naturally or as a result of constructed features. Identification of a potential Flood Prone Area would be by an assessment of residual flood risk in a 1% AEP event (e.g. from blockage of the project stormwater network) on land outside and adjacent to the designation following the application of Conditions (9)(a)(i) – (iv);</p> <p>(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;</p> <p>(e) Pre-Project Development – means existing site condition prior to the project (including existing buildings and roadways); and</p> <p>(f) Post-Project Development – means site condition after the project has been completed (including existing and new buildings and roadways).</p>

<p>9.</p>	<p>Flood Hazard</p> <p>(a) The project shall be designed to achieve the following flood risk outcomes beyond the boundary of the designation:</p> <ul style="list-style-type: none"> (i) no increase in flood levels in a 1% AEP event for Existing Authorised Habitable Floors that are already subject to flooding or have a freeboard less than 500mm; (ii) no increase in flood levels in a 1% AEP event for authorised community, commercial, industrial and network utility building floors existing at the time the Outline Plan is submitted that are already subject to flooding or have a freeboard less than 300mm; (iii) maximum of 50mm increase in flood levels in a 1% AEP event outside and adjacent to the designation boundary between the Pre-Project Development and Post-Project Development scenarios; (iv) no increase of Flood Hazard for the main access to authorised habitable dwellings existing at the time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event. Flood Hazard is: <ul style="list-style-type: none"> A. velocity x depth greater than or equal to 0.6m²/s; or B. depth greater than 0.5m; or C. velocity greater than 2m/s. (v) no new Flood Prone Areas. <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the Pre-Project Development and Post-Project Development 1% AEP flood levels (for Maximum Probable Development land use with allowances for climate change).</p> <p>(c) Where:</p> <ul style="list-style-type: none"> (i) the flood risk outcomes in (a) 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 (ii) the outcomes are varied at specific location(s) through agreement with the relevant landowner, <p>confirmation shall be provided to the Manager that any necessary landowner agreement and statutory approvals have been obtained for that alternative measure or varied outcome.</p>
<p>10.</p>	<p>Overland Flow Paths</p> <p>Where the project modifies an Overland Flow Path by either:</p> <ul style="list-style-type: none"> (a) diverting the entry or exit point at the designation boundary; or (b) piping, or reducing its capacity; <p>the design shall provide for the continued passage of flow in a manner which manages potential effects upstream and downstream of the modified Overland Flow Path.</p>
<p>11.</p>	<p>Existing property access</p> <p>Prior to submission of the Outline Plan, consultation shall be undertaken with landowners and occupiers whose vehicle access to their property will be altered by the project. The Outline Plan shall demonstrate how safe reconfigured or alternate access will be provided.</p>

<p>12.</p>	<p>Management Plans</p> <p>(a) Any management plan shall:</p> <ul style="list-style-type: none"> (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) be submitted as part of an Outline Plan pursuant to section 176A of the RMA, with the exception of SCEMPs and CNVMP Schedules; and (v) once finalised, uploaded to the project website or equivalent virtual information source. <p>(b) Any management plan developed in accordance with Condition 12 may:</p> <ul style="list-style-type: none"> (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; and (ii) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process; <p>(c) Information shall be submitted with the management plan (or revised plan as referred to in (d) below) which summarises outcomes of consultation and any input received from Mana Whenua and Stakeholders as required by the relevant management plan condition. The summary shall note how this input has been incorporated or reflected in the management plan, or if not, the reasons why;</p> <p>(d) 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 Manager as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision; and</p> <p>(e) Any material changes to the SCEMP(s) are to be submitted to the Manager for information.</p>
<p>13.</p>	<p>Stakeholder Communication and Engagement Management Plan (SCEMP)</p> <p>(a) A SCEMP shall be prepared in consultation with relevant Stakeholders prior to the Start of Construction. The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works.</p> <p>(b) To achieve the objective, the SCEMP shall include:</p> <ul style="list-style-type: none"> (i) a list of Stakeholders; (ii) the contact details for the Project Liaison Person. These details shall be on the project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s); (iii) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (iv) methods and timing to engage with owners and occupiers whose access is directly affected; (v) 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 (b)(i) above; and (vi) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant. <p>(c) Any SCEMP prepared for a Stage of Work shall be submitted to the Manager for information a minimum of 10 working days prior to the Start of Construction for a Stage of Work.</p>

<p>14.</p>	<p>Cultural Advisory Report</p> <p>(a) At least six months prior to the start of detailed design for a Stage of Work, Mana Whenua shall be invited to prepare a Cultural Advisory Report for the project. The objective of the Cultural Advisory Report is to assist in understanding and identifying ngā taonga tuku iho (treasures handed down by our ancestors) affected by the project, to inform their management and protection.</p> <p>(b) To achieve the objective, the Requiring Authority shall invite Mana Whenua to prepare a Cultural Advisory Report that:</p> <ul style="list-style-type: none"> (i) identifies the cultural sites, landscapes and values that have the potential to be affected by the construction and operation of the project; (ii) sets out the desired outcomes for management of potential effects on cultural sites, landscapes and values; (iii) identifies traditional cultural practices within the area that may be impacted by the project; (iv) identifies opportunities for restoration and enhancement of identified cultural sites, landscapes and values within the project area; (v) taking into account the outcomes of (i) to (iv) above, identify cultural matters and principles that should be considered in the development of the ULDMP (Condition 15) and HHMP (Condition 26) and the CMP referred to in Condition 20; and (vi) identifies and (if possible) nominates traditional names along the project alignment. Noting there may be formal statutory processes outside the project required in any decision-making. <p>(c) The desired outcomes for management of potential effects on cultural sites, landscapes and values identified in the Cultural Advisory Report shall be discussed with Mana Whenua and those outcomes reflected in the relevant management plans where practicable; and</p> <p>(d) Conditions 14(b) and (c) will cease to apply if:</p> <ul style="list-style-type: none"> (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least six months prior to the Start of Construction; and (ii) Mana Whenua have not provided a Cultural Advisory Report within six months prior to the Start of Construction.
	<p>Urban and Landscape Design Management Plan (ULDMP)</p>
<p>15.</p>	<p>(a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the ULDMP(s) is to:</p> <ul style="list-style-type: none"> (i) enable integration of the project's permanent works into the surrounding landscape and urban context; and (ii) ensure that the project manages potential adverse landscape and visual effects as far as practicable and contributes to a quality urban environment. <p>(b) Mana Whenua shall be invited to participate in the development of the ULDMP(s) to provide input into relevant cultural landscape and design matters including how desired outcomes for management of potential effects on cultural sites, landscapes and values identified and discussed in the Cultural Advisory Report in Condition 14 may be reflected in the ULDMP.</p> <p>(c) Relevant Stakeholders shall be invited to participate in the development of the ULDMP at least six months prior to the start of detailed design for a Stage of Work.</p>

<p>16.</p>	<p>(a) To achieve the objective set out in Condition 15, the ULDMP(s) shall provide details of how the project:</p> <ul style="list-style-type: none"> (i) is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (eg. centres and density of built form), natural environment, landscape character and open space zones; (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); and (iv) promotes a sense of personal safety by aligning with best practice guidelines, such as: <ul style="list-style-type: none"> A. Crime Prevention Through Environmental Design (CPTED) principles; B. Safety in Design (SID) requirements; and C. Maintenance in Design (MID) requirements and anti-vandalism/anti-graffiti measures. <p>(b) The ULDMP shall be prepared in general accordance with:</p> <ul style="list-style-type: none"> (i) New Zealand Transport Agency Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (ii) New Zealand Transport Agency Landscape Guidelines (2018) or any subsequent updated version; and (iii) New Zealand Transport Agency P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version.
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<p>17.</p>	<p>The ULDMP(s) shall include:</p> <ul style="list-style-type: none"> (a) a concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals; (b) developed design concepts, including principles for walking and cycling facilities and public transport; (c) landscape and urban design details – that cover the following: <ul style="list-style-type: none"> (i) road design – elements such as intersection form, carriageway gradient and associated earthworks contouring including cut and fill batters, shaped to a natural profile where practicable and appropriate to the surrounding context, and the interface with adjacent land uses and existing roads (including slip lanes), benching, spoil disposal sites, median width and treatment, roadside width and treatment; (ii) roadside elements – such as lighting, fencing, wayfinding and signage; (iii) architectural and landscape treatment of all major structures, including bridges and retaining walls; (iv) architectural and landscape treatment of noise barriers; (v) landscape treatment and planting of permanent stormwater control wetlands and swales; (vi) integration of passenger transport; (vii) pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses; (viii) historic heritage places with reference to the HHMP (Condition 26); and (ix) re-instatement of construction and site compound areas; and (x) features disturbed during construction and intended to be reinstated such as: <ul style="list-style-type: none"> A. boundary features; B. driveways; C. accessways; and D. fences. (d) the ULDMP shall also include the following planting and maintenance details: <ul style="list-style-type: none"> (i) planting design details including: <ul style="list-style-type: none"> A. identification of existing trees and vegetation that will be retained with reference to the TMP (Condition 29) and EMP (Condition 28). 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 EMP (Condition 28) and TMP (Condition 29); and E. integration of any planting 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 each Stage of Work; and (iii) detailed specifications relating to the following: <ul style="list-style-type: none"> A. weed control and clearance; B. pest animal management (to support plant establishment); C. ground preparation (top soiling and decompaction); D. mulching; and E. plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species.
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Construction conditions

<p>18.</p>	<p>Construction Environmental Management Plan (CEMP)</p> <p>(a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CEMP is to set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable.</p> <p>(b) To achieve the objective, the CEMP shall include:</p> <ul style="list-style-type: none"> (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 areas; (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) procedures for responding to complaints about Construction Works; and (xiii) methods for amending and updating the CEMP as required.
<p>19.</p>	<p>Complaints Process</p> <p>(a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include:</p> <ul style="list-style-type: none"> (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. <p>(b) A copy of the complaints record required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.</p>

20.

Cultural Monitoring Plan (CMP)

- (a) Prior to the Start of Construction, 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 the Start of Construction 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, 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.

<p>21.</p>	<p>Construction Traffic Management Plan (CTMP)</p> <p>(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects.</p> <p>(b) To achieve this objective, the CTMP shall include:</p> <ul style="list-style-type: none"> (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 Education 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, 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; (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 (ix) being exceeded. <p>(c) Auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management (April 2023) or any subsequent version.</p>
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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

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	

(b) Where compliance with the noise standards set out in Table 22-1 is not practicable, the methodology in Condition 25 shall apply.

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

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

* Refer to New Zealand Transport Agency 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.

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.

25.

Schedule to a CNVMP

- (a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the Start of Construction of an activity 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; or
 - (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 five 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.

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 (including archaeological site R10/1472) 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).

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 New Zealand Transport Agency Minimum Standard P45 Accidental Archaeological Discovery Specification, or any subsequent version.

27.

Pre-Construction Ecological Survey

- (a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken in the relevant location 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 is likely to have a moderate or greater level of ecological effect on species of value (prior to implementation of impact management measures). The level of effect shall be determined in accordance with Table 10 of the EIANZ Guidelines (or subsequent updated version of the table) as included in Schedule 3 of these conditions.
- (b) If the ecological survey confirms the presence of 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 features of ecological value in Confirmed Biodiversity Areas as far as practicable.
- (b) If an EMP is required in accordance with (a) for the presence of long tail bats, the EMP may include the following to achieve the objective:
 - (i) measures to minimise, as far as practicable, disturbance from construction activities within 50m of any active long tail bat roosts that are discovered through survey until such roosts are confirmed to be vacant of bats;
 - (ii) timing of any Construction Works within 50m of any active long tail bat maternity roosts. Those Construction Works shall be undertaken outside the bat maternity period (between December and March) where practicable;
 - (iii) details of areas where vegetation is to be retained and where additional planting is proposed to be provided and maintained for the purposes of the connectivity of long tail bat habitats; and
 - (iv) details of measures to minimise any disturbance from operational light spill.
- (c) If an EMP is required in accordance with (a) for the presence of Threatened or At-Risk wetland birds, the EMP may include the following to achieve the objective:
 - (i) details of any nesting bird surveys of Threatened or At-Risk wetland birds. Nesting bird surveys shall be undertaken within any wetland that is both within a Confirmed Biodiversity Area and located within a 50m radius of Construction Works. Surveys shall be undertaken prior to any such works taking place and repeated at the beginning of each wetland bird breeding season until the relevant Construction Works are complete within the 50m radius of the wetland;
 - (ii) timing of any Construction Works which may have adverse effects on Threatened or At-Risk wetland birds. Those Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable;
 - (iii) where works are required within the Confirmed Biodiversity Area during the bird breeding season, methods to minimise adverse effects on Threatened or At-Risk wetland birds;
 - (iv) details of protection and buffer measures proposed to manage effects on nesting Threatened or At-Risk wetland birds identified through a survey undertaken in accordance with Condition (c)(i). Proposed measures shall address:
 - A. the type, intensity and duration of construction activity;
 - B. the likely sensitivity of the nesting bird species to the construction activity; and
 - C. any environmental features (e.g., vegetation and contour) that could influence the extent of potential adverse effects on the Threatened or At-Risk wetland birds; and
 - (v) details of measures to minimise any disturbance from operational light spill.
- (d) If an EMP is required in accordance with (a) for the presence of native herpetofauna, the EMP may include the following to achieve the objective:
 - (i) a description of the methodology and timing for survey, trapping and relocation of lizards rescued;
 - (ii) a description of the relocation site(s), including:
 - A. any measures to ensure the relocation site remains available;
 - B. the scope and timeframe for any weed and pest management needed to support the relocation site as appropriate habitat;
 - (iii) a post vegetation clearance search for remaining lizards; and
 - (iv) any proposed monitoring.

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).
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<p>29.</p>	<p>Tree Management Plan (TMP)</p> <p>(a) Prior to the Start of Construction for a Stage of Work, a TMP shall be prepared. The objective of the TMP is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 4.</p> <p>(b) To achieve the objective, the TMP shall:</p> <ul style="list-style-type: none"> (i) confirm that the trees listed in Schedule 4 still exist; and (ii) demonstrate how the design and location of project works has avoided, remedied or mitigated any effects on any tree listed in Schedule 4. This may include: <ul style="list-style-type: none"> A. any opportunities to relocate listed trees where practicable; B. planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 17); C. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and D. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards including provision of kauri dieback management measures. <p>(c) Where replacement planting of any tree listed in Schedule 4 is required under (b)(ii)(B) it shall be at a ratio of 2:1 for Single Trees and a minimum of like for like (in m²) for Group of Trees.</p>
<p>30.</p>	<p>Network Utility Management Plan (NUMP)</p> <p>(a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities.</p> <p>(b) To achieve the objective, the NUMP shall include methods to:</p> <ul style="list-style-type: none"> (i) provide access for maintenance at all reasonable times, or emergency works at all times during construction activities; (ii) protect and where necessary, relocate existing network utilities; (iii) manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage, beyond normal wear and tear to overhead transmission lines in the project area; (iv) demonstrate compliance with relevant standards and Codes of Practice including, where relevant, the NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances 2001; AS/NZS 4853:2012 Electrical hazards on Metallic Pipelines; and AS/NZS 2885 Pipelines – Gas and Liquid Petroleum. <p>(c) The NUMP shall be prepared in consultation with the relevant Network Utility Operator(s) who have existing assets that are directly affected by the project.</p> <p>(d) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP.</p> <p>(e) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.</p>
<p>31.</p>	<p>Network Integration Management Plan (NIMP)</p> <p>(a) At least six 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 NIMP.</p> <p>(b) The objective of the NIMP is to identify how the project will integrate with the planned transport network in the North Growth Area to achieve an effective, efficient and safe land transport system. To achieve this objective, the NIMP shall include details of the:</p> <ul style="list-style-type: none"> (i) Project implementation approach and any staging of the project, including both design, management and operational matters. (ii) Sequencing of the project with the planned transport network, including both design, management and operational matters.
<p>Operational conditions</p>	

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 shown in the following Concept Plan and includes, but is not limited to:

- A new transport corridor, including public transport and active mode facilities;
- Associated works including intersections, bridges, embankments, retaining, culverts, stormwater management systems, lighting, landscaping, utility services;
- Changes to local roads, where the proposed work intersects with local roads; and
- Construction activities, including vegetation removal, earthworks, construction compounds, laydown areas, bridge works area, construction traffic management and the re-grade of driveways.

Concept Plan



Schedule 2: Identified Biodiversity Areas



This map contains data derived in part or wholly from sources other than those party to the Supporting Growth Alliance, and therefore, no representations or warranties are made by those party to the Supporting Growth Alliance as to the accuracy or completeness of this information.

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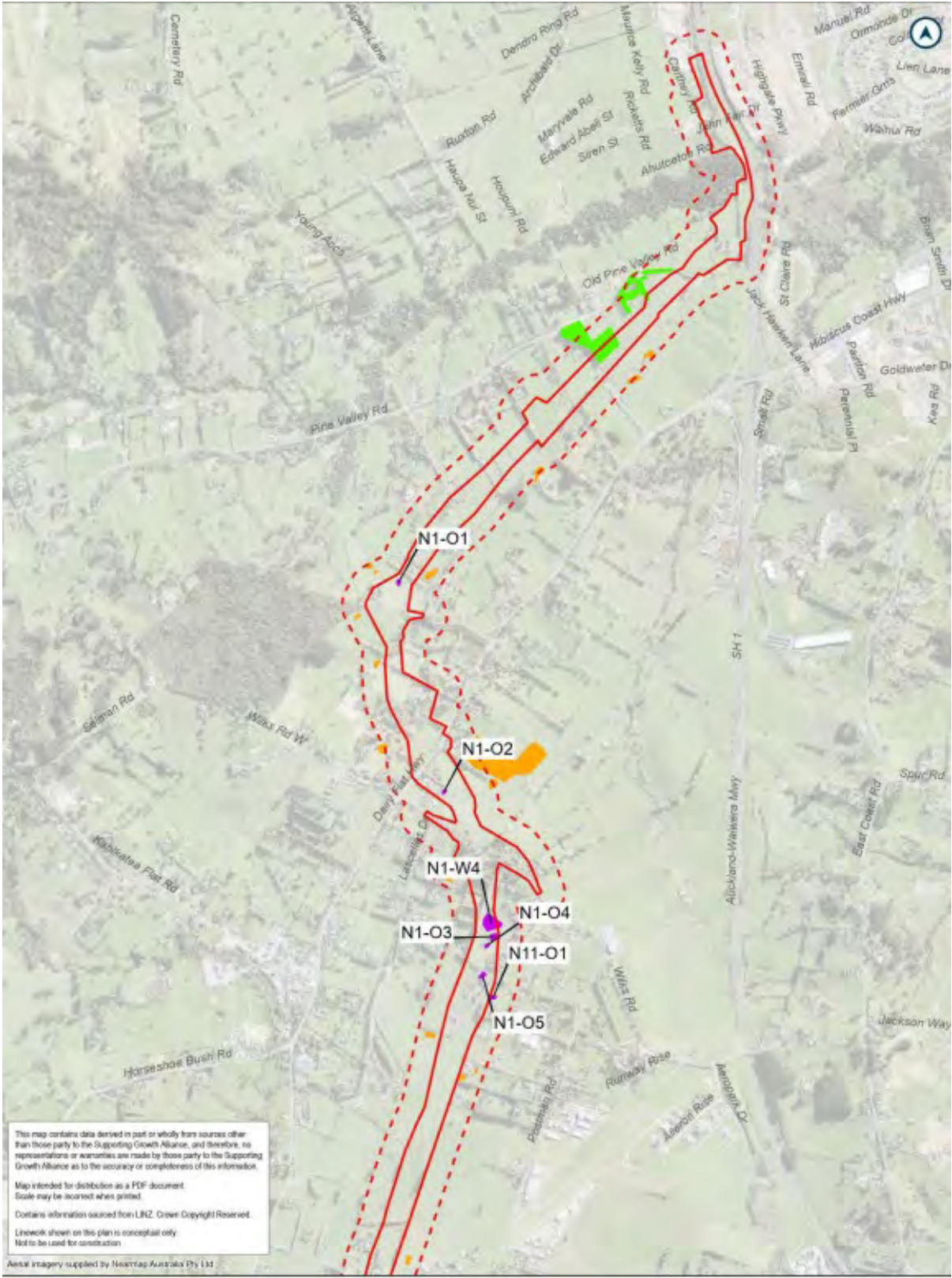
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LEGEND

- Designation Boundary
- Bat Corridors
- District Plan Trees

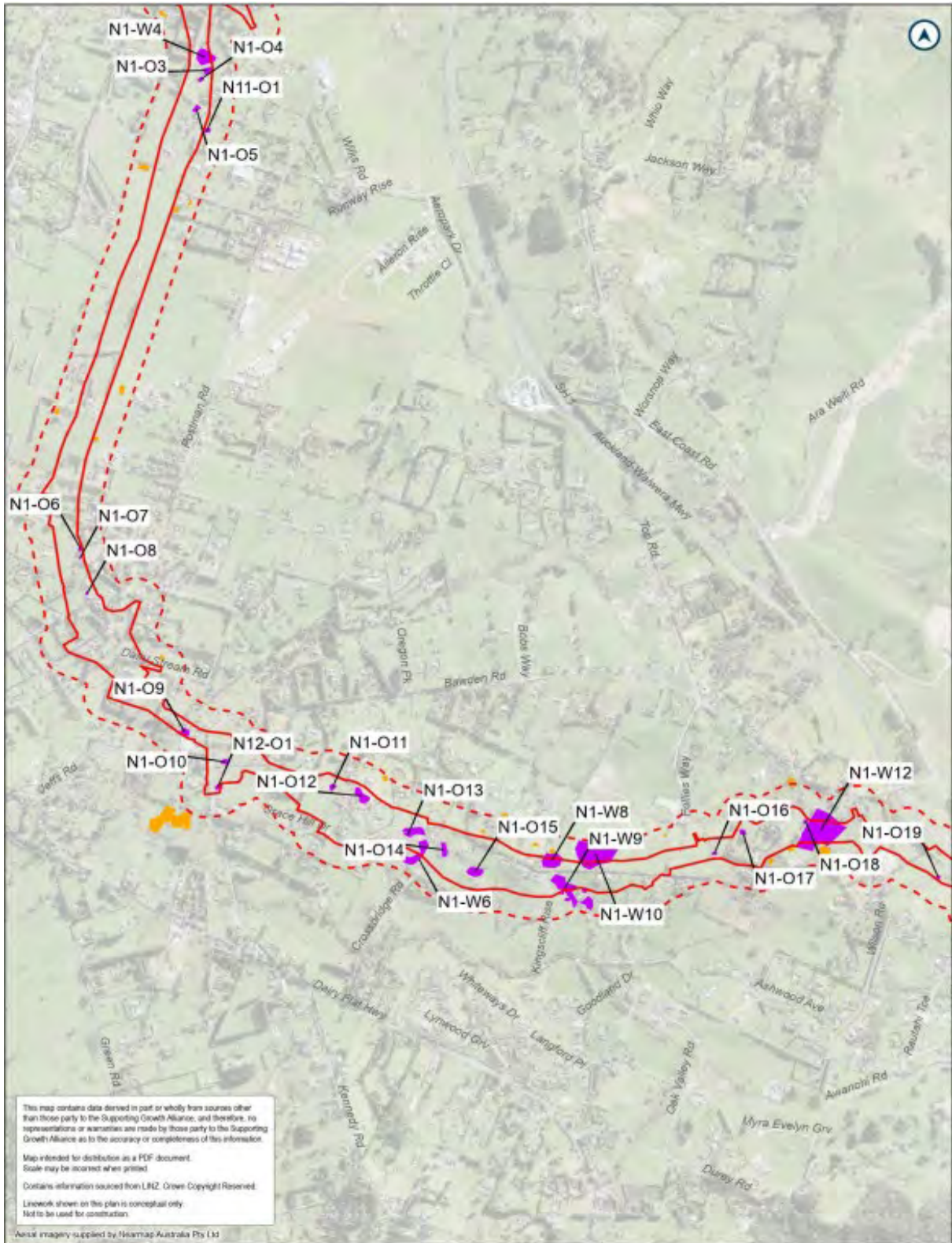




LEGEND

Designation Boundary	Unnamed Wetlands	Identified Biodiversity Areas for Non-wetland Avifauna
Buffer 100m	Named Wetlands	Non-wetland Vegetation
Identified Biodiversity Areas for Wetland Avifauna		

0 440 880
Metres



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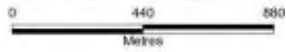
LEGEND

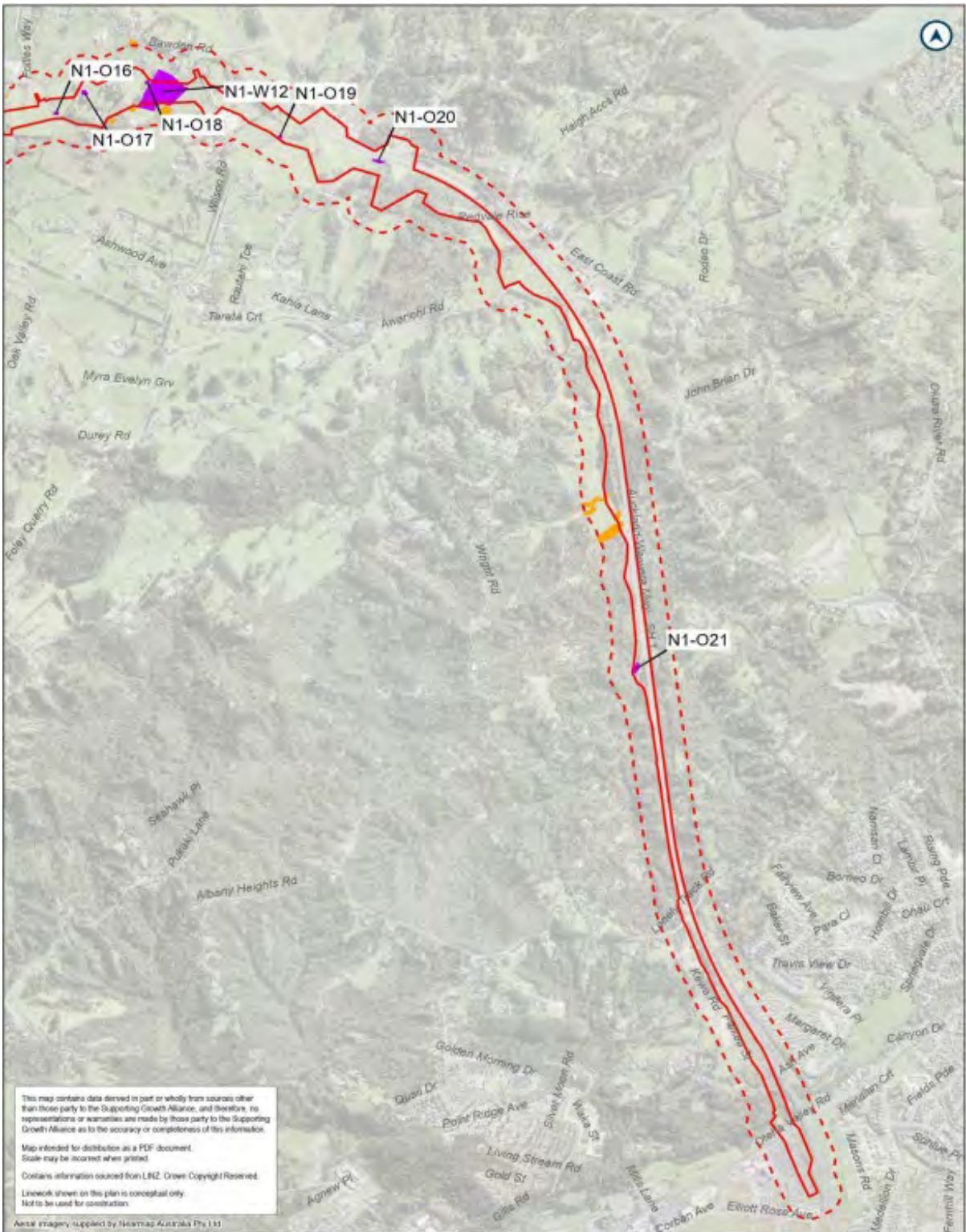
Designation Boundary Buffer 100m

Identified Biodiversity Areas for Wetland Avifauna

Unnamed Wetlands

Named Wetlands





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LEGEND

Designation Boundary Buffer 100m

Identified Biodiversity Areas for Wetland Avifauna

Named Wetlands

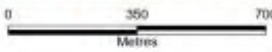
Unnamed Wetlands





LEGEND

- Designation Boundary
 - District Plan Trees
- Identified Biodiversity Areas for Herpetofauna**



Schedule 3: Table 10 of the 2018 EIANZ Guidelines

Criteria for describing level of effects (Adapted from Regini (2000) and Boffa Miskell (2011))

Ecological Value →	Very high	High	Moderate	Low	Negligible
Magnitude ↓					
Very high	Very high	Very high	High	Moderate	Low
High	Very high	Very high	Moderate	Low	Very low
Moderate	High	High	Moderate	Low	Very low
Low	Moderate	Low	Low	Very low	Very low
Negligible	Low	Very low	Very low	Very low	Very low
Positive	Net gain	Net gain	Net gain	Net gain	Net gain

Schedule 4: Trees to be included in the Tree Management Plan

Tree number	Vegetation type	Protection	Location	Species	Age
101	Indigenous pioneer vegetation	Open space	R 259 Oteha Valley Road	Ti Kouka (<i>Cordyline australis</i>), Harakeke (<i>Phormium sp.</i>), Kowhai (<i>Sophora tetraptera</i>) and other pioneer species	Young
104	Indigenous and exotic vegetation	Open space	Near Redvale Rise and Parallel to Awanohi Road	Manuka, Totara (<i>Podocarpus totara</i>), Mapou (<i>Myrsine australis</i>), Mahoe (<i>Meliclytus ramiflorus</i>), Taupata (<i>Coprosma repens</i>), Wilding Pine (<i>Pinus sp.</i>), Taiwan Cherry (<i>Prunus sp.</i>), Privet (<i>Ligustrum lucidum</i>)	Semi-mature to mature
105	Indigenous mass planted vegetation	Open space	161 Ahutoetoe Road, Pine Valley	Totara (<i>Podocarpus totara</i>) and Kahikatea (<i>Dacrydium dacrydoides</i>) Kauri (<i>Agathus australis</i>) Other indigenous pioneer species	Semi-mature
106	Pioneer indigenous and mixed exotic plantings	Open space	97 Ahutoetoe Road, Pine Valley	Poplar (<i>Populus sp.</i>), mass planted Manuka (<i>Leptospermum scoparium</i>), Eucalypt (<i>Eucalyptus sp.</i>), Wattle (<i>Acacia sp.</i>) and the pioneer species such as Harakeke (<i>Phormium sp.</i>) and Tarata (<i>Pittosporum tenuifolium</i>)	Semi-mature
107	Pioneer indigenous and mixed exotic plantings	Open space	97 Ahutoetoe Road, Pine Valley	She Oak (<i>Casuarina cunninghamiana</i>)	Semi-mature



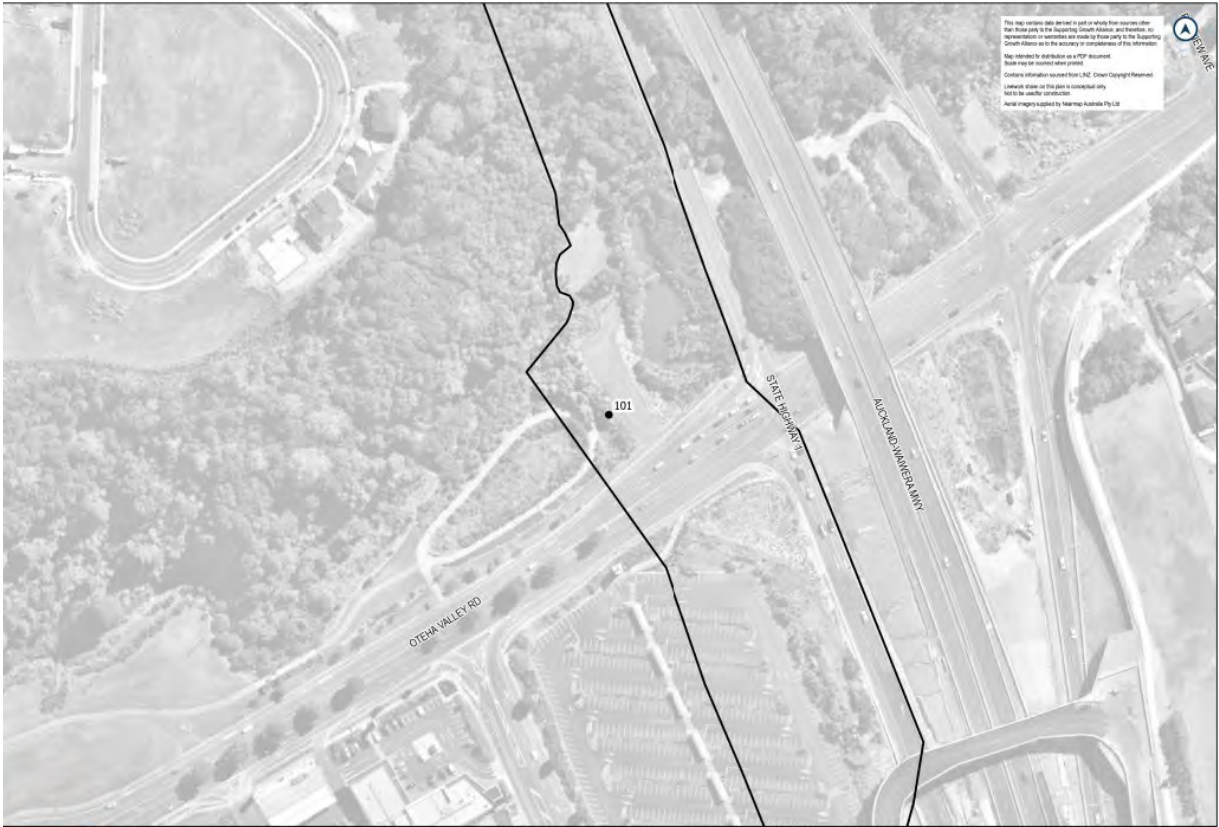
LEGEND

- Tree/Group of Trees
- Designation Boundary



LEGEND

- Tree/Group of Trees
- Designation Boundary



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LEGEND

- Tree/Group of Trees
- Designation Boundary



Appendix C

Names and Addresses of Persons to be Served a Copy of the Appeal

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