

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2025-AKL-0000

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of an appeal under section 174 of the Act

Between Takanini Village Limited and Tonea Properties (NZ) Limited

Appellant

And New Zealand Transport Agency

Respondent

Notice of Appeal against Decision on Notice of Requirement 2 – Takaanini Level Crossings – Walters Road (NoR 2)

Dated 21 February 2025

Jeremy Brabant
Barrister
Foundry Chambers
Level 4, Vulcan Buildings
PO Box 1502, Shortland St
Auckland City
021 494 506
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To: The Registrar
Environment Court
Auckland

1. Takanini Village Limited (**TVL**) and Tonea Properties (NZ) Limited (**TPL**) appeal part of a decision on a notice of requirement for a designation for:

Notice of Requirement 2 – Taakanini Level Crossings – Walters Road level crossing and new multi-modal bridge (**NoR 2**).
2. TVL and TPL made a joint submission on NoR 2.
3. TVL and TPL received notice of Auckland Transport's (**AT**) decision on 30 January 2025 (**Decision**).
4. TVL and TPL are not a trade competitors for the purposes of section 308D of the Resource Management Act 1991.
5. TVL and TPL appeal the Decision in part, and in particular those parts:
 - a. Which reject or accept only in part the matters raised in TVL and TPL's submission or amend NoR 2 in a way that is inconsistent with the matters raised in TVL and TPL's submission. That includes:
 - i. **Geotechnical conditions:** The decision to reject TVL and TPL's submission to impose additional conditions relating to the management of geotechnical effects.
 - ii. **Signage conditions:** The decision to reject TVL and TPL's submission to impose site specific conditions relating to temporary signage for businesses during construction and operational signage.
 - iii. **Consultation on Management Plans:** The decision to reject TVL and TPL's submission to enable directly affected landowners to provide comment on draft management plans.

- iv. **Construction Traffic Management Plan:** The decision to reject TVL and TPL's submission to amend the Construction Traffic Management Plan to require specific access to TVL and TPL's site be maintained if Walters Road is closed for construction.
- v. **Stakeholder Communication and Engagement Plan:** The decision to reject the Panel's recommended amendments to Condition 11.
- vi. **Urban and Landscape Design Management Plan:** The decision to reject the Panel's recommended amendments to Conditions 16, 16A and 16B.
- vii. **Construction Traffic Management Plan:** The decision to reject the Panel's recommended amendments to Condition 24.

6. The site or place to which NoR 2 applies is:

Notice of Requirement 2 – Taakanini Level Crossings – Walters Road level crossing and new multi-modal bridge.

- 7. TVL owns the leasehold interest in the land for Takanini Town Centre at 30 Walters Road, Takanini (**Site**). TPL¹ is the freehold landowner for Takanini Town Centre. Takanini Town Centre is situated on 5.4 hectares and has a gross floor area of over 19,000m². It is anchored by The Warehouse and integrates a diverse offering of more than 45 stores comprising retail, food and beverage, commercial offices, a Silky Otter cinema, medical centre and Te Paataka Koorero o Takaanini, the Takaanini Library and Community Hub.
- 8. The single landholding comprising Takanini Town Centre is owned and operated by TVL.
- 9. Changes to the proposed physical form of the Walters Road crossing after grade separation, relocation of the proposed Walters Road Bridge with

¹ An entity related to TVL.

conditions to secure a minimum separation distance, and adjustments to the boundary of portions of the NoR in proximity to the Site, were made following direct negotiation between AT and TVL/TPL in the context of the notice of requirement hearing process. AT advanced its case before Commissioners on that amended basis, and the recommendation report accepted that position. The Decision confirms that outcome.

10. Notwithstanding that outcome, the Site remains partially subject to the designation. Thus, TVL/TPL (and its tenants) will still be impacted by the project, including potential construction effects on Walters Road (immediately south of the site) as well as tie-ins to (inter alia) portions of Arion Road and Braeburn Place.
11. TVL and TPL's concerns regarding amendments to conditions to manage potential geotechnical effects, site access, signage and management plans remain unresolved by the Decision and form the basis of its appeal.

Grounds of Appeal

12. 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; and
 - e. Does not avoid, remedy or mitigate actual and potential adverse effects on the environment.

13. Without limiting the generality of the above, TVL and TPL also appeal the Decision on the following grounds:

a. On the basis that the decision on conditions:

- i. Fails to acknowledge and appropriately address potential adverse geotechnical effects arising from construction on neighbouring land, including the Site.
- ii. Does not take proper account of site-specific built form and underlying geotechnical constraints (as established in evidence), which have the potential to result in severe geotechnical risk if not managed appropriately.
- iii. Fails to properly address and engage with site-specific access to the Site should Walters Road (west of Arion Road) be closed at any time.
- iv. Fails to include conditions which ensure robust and effective consultation with TVL/TPL (and other affected landowners/developers) is undertaken in relation to the development of relevant management plans.
- v. Fails to adequately avoid or mitigate the potential for construction to significantly hinder the ability of TVL/TPL, its tenants and customers to access Takanini Village.

Geotechnical Conditions

b. AT rejected TVL and TPL's submission to impose robust geotechnical conditions.

c. Geotechnical conditions are necessary to:

- i. Respond proactively to local ground conditions and associated geotechnical risk to:

- 1. Avoid potentially significant adverse effects on TVL/TPL's buildings (particularly Building 2) from

construction of Walters Road bridge. TVL/TPL's buildings essentially float on the Site's peaty soils and have not been designed to accommodate effects from new structures beyond Takanini Village.

2. Avoid potential adverse effects arising from the Walters Road bridge construction on the Site's carpark, stormwater and wastewater infrastructure.
 3. Ensure robust methodologies are in place to monitor settlement and groundwater levels.
- ii. Ensure that AT consults with affected adjoining landowners to develop appropriate provisions and controls through outline plans, management plans and monitoring.
 - iii. Provide increased certainty for affected adjoining landowners as to engagement on construction, construction methodology and operational effects prior to construction.

Signage Conditions

- d. AT rejected TVL and TPL's submission to impose site-specific conditions specifying that the requiring authority install temporary signage for the duration of the construction period to assist with wayfinding and reducing congestion in the vicinity of the Takanini Town Centre.
- e. Conditions relating to signage, both temporary and operational are necessary to:
 - i. Manage potential landscape and urban design effects;

- ii. Ensure that the public are appropriately informed as to the continuation of businesses within the Takanini Village throughout the construction period; and
- iii. Manage potential traffic congestion and safety effects by ensuring the public is informed of the best routes to the village and to assist with wayfinding and minimising congestion.

Opportunity to Provide Comment on Management Plans

- f. AT rejected TVL and TPL's submission to impose conditions requiring the requiring authority to provide TVL/TPL with a copy of relevant draft management plans for comment.
- g. The requiring authority places significant reliance on the preparation of management plans to deal with matters of detail. It is appropriate that directly affected landowners are provided an opportunity to inform and respond to relevant management plans.
- h. A requirement to provide an opportunity for landowners to comment:
 - i. Ensures a transparent management process;
 - ii. Provides directly affected landowners an opportunity to understand matters of detail currently not known;
 - iii. Allows directly affected landowners to proactively engage with and manage concerns of tenants about future impacts on their businesses from the proposed works; and
 - iv. Increases landowner certainty as to the proposed construction methodologies and the management of relevant effects.

Construction Traffic Management Plan:

- i. AT rejected TVL and TPL's submission to include a site-specific condition in the Construction Traffic Management Plan requiring methods to maintain left turns out of Arion Road into Walters Road and right turns into Arion Road from Walters Road should Walters Road (west of Arion Road) be closed at any time during construction.
- j. A site-specific condition is necessary to:
 - i. Address and manage potential adverse access and traffic effects arising from construction of the project;
 - ii. Manage the significant restrictions on access to Takanini Town Centre resulting from the construction of Walters Road;
 - iii. Reflect the Takanini Town Centre's size, limited access arrangements and importance; and
 - iv. Avoid any consequential traffic effects on the surrounding network.

Condition 11 - Stakeholder Communication and Engagement Plan

- k. AT rejected the recommendation of the Panel to amend Condition 11 to include requirements to ensure proactive engagement and a process for all stakeholders to provide input into detailed design.
- l. TVL/TPL support the Panel's recommendations on the basis they are necessary to:
 - i. Ensure that the requiring authority acts efficiently and effectively with affected landowners, tenants and stakeholders through proper, formal engagement;

- ii. Ensure landowners, tenants and stakeholders are actively consulted with respect to the final methodologies and designs employed; and
- iii. Provide certainty to landowners, tenants and stakeholders that the requiring authority will be receptive to discussion of detailed design and site-specific concerns.

Conditions 16, 16A and 16B - Urban and Landscape Design Management Plan

- m. AT rejected the recommendation of the Panel to amend Conditions 16, 16A and 16B relating to the Urban and Landscape Design Management Plan.
- n. TVL and TPL support the Panel's recommendations on the basis that:
 - i. A timeframe for preparing the ULDMP linked to the start of detailed design instead of the start of construction is a more useful, effective and relevant trigger for the provision of that plan.
 - ii. It provides affected landowners increased certainty in relation to those substantive matters covered by management plans specifically with respect to matters of design and development outcomes and enables more effective and efficient consultation.

Condition 24: Construction Traffic Management Plan

- o. AT rejected the Panel's recommended amendments to Condition 24 relating to parking of construction worker vehicles.
- p. TVL and TPL support the Panel's recommendations on the basis that imposing the condition increases certainty and effectiveness, and better ensures the potential adverse effect is avoided or mitigated.

Relief Sought

14. TVL and TPL seek the following relief:

- a. The appeal is allowed;
- b. That AT's decisions the subject of this appeal be amended, by way of conditions to address TVL/TPL's concerns;
- c. Such further consequential or other relief as is necessary to address the issues raised and outcome sought in this appeal; and
- d. Costs.

15. TVL/TPL attach the following documents to this notice:

- a. A copy of TVL/TPL'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:

**Takanini Village Limited and Tonea Properties
(NZ) Limited** by its authorised agent:



Jeremy Brabant

Date:

21 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 REQUIREMENT FOR DESIGNATION FOR TAKAANINI LEVEL CROSSINGS PROJECT

Section 169 of the Resource Management Act 1991

To Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Name of Submitter: Takanini Village Limited and Tonea Properties (NZ) Limited

1. Takanini Village Limited (**TVL**) and Tonea Properties (NZ) Limited (**TPL**) make this submission on the two Notices of Requirement (**NoR**) for the Takaanini Level Crossings Project (**TLC / the Project**) lodged by Auckland Transport (**Requiring Authority**). The NoRs comprise:
 - a. TLC: Spartan Road, Manuia Road, Manuroa Road and Taka Street (**NoR1**); and
 - b. TLC: Walters Road level crossing and new multi-modal bridge (**NoR2**).

About TVL and TPL

2. TVL owns the leasehold interest in the land for Takanini Town Centre at 30 Walters Road, Takanini. TPL is the freehold landowner for Takanini Town Centre. Takanini Town Centre is situated on 5.4 hectares and has a gross floor area of over 19,000m². It is anchored by The Warehouse and integrates a diverse offering of more than 45 stores comprising retail, food and beverage, commercial offices, a (soon to be opened) Silky Otter cinema, medical centre and Te Paataka Koorero o Takaanini, the Takaanini Library and Community Hub.
3. The single landholding comprising Takanini Town Centre is owned and operated by TVL.
4. TVL and TPL (and therefore the tenants) will be significantly impacted by the Project, which includes works from NoR2 on Walters Road immediately south of the site, as well as tie-ins to portions of Arion Road, Braeburn Place, Tironui Road, the Porchester Road roundabout, and the Great South Road roundabout. The Project will have a direct impact on the one-way access into the town centre including the main access to the underground car park. The Project will also reduce the parking spaces in the southern carpark that serve the town centre and sever existing pedestrian connections both to the town centre and its surrounds.

5. The Submitters also have concerns about NoR1 which will impact on Spartan Road, Manuia Road, Manuroa Road and Taka Street, to the north of the Takanini Town Centre and result in cumulative adverse effects on the Takanini Town Centre.

Submission

5. This submission relates to the Project being NoR1 and NoR2 in their entirety, but with a particular focus on:
 - a. The inadequacy of the consideration of alternative sites, routes and methods for the Project;
 - b. The adverse effects of the Project during the construction phase;
 - c. The adverse effects of the Project when completed and operational;
 - d. The inappropriate extended lapse period proposed of 15 years; and
 - e. The appropriate conditions imposed on NoR1 and NoR2 if they are confirmed.
6. TVL and TPL generally understand and support the key outcome proposed by the Requiring Authority to enable safe east-west movements across the NIMT, which if undertaken using appropriate sites, routes and methods will bring benefits in providing for improved and safe walking and cycling facilities in the wider network and improved integration with existing and future public transport networks which support mode shift and travel choice without generating significant consequential adverse effects. However, TVL and TPL oppose the Project in its current form on the basis that the Project, as notified, has not given adequate consideration to alternative sites, routes and methods and as proposed will have unacceptable adverse effects on TVL and TPL and significant adverse effects on the surrounding environment including:
 - a. Adverse effects on the operation and safety of access from Walters Road to the Takanini Town Centre;
 - b. Potential adverse effects on the Walters Road/Arion Road intersection;
 - c. Parking effects during construction of the Project and following completion of the Project;

- d. Adverse effects on the interface with the Takanini Town Centre, including landscape effects and urban design considerations;
- e. Construction noise and vibration effects;
- f. Adverse geotechnical effects on existing buildings and infrastructure, including on the underground basement to the building in the southeast corner of the site;
- g. Adverse impacts on existing service connections to the site including water, fibre, gas, power and impacts on stormwater networks both piped and overland flows; and
- h. Adverse impacts on existing pedestrian and vehicular access and carparking including the loss of pylon signage, carparks, electric vehicle charging infrastructure, gardens and irrigation.

7. The Submitters say:

- a. There is insufficient evidence for both NoR1 and NoR2 that the extent of designated land enabling the overpasses proposed is “reasonably necessary” to achieve the objectives of the NOR.
- b. There is insufficient evidence that the extent of designated land enabling the proposed pedestrian crossing access is “reasonably necessary” to achieve the objectives of NoR1.
- c. The objectives of the designations as sought can be achieved through an alternative method (i.e. underpass) which will significantly reduce the extent of private land required and reduce the level of adverse environmental effects.

Inadequate Consideration of Alternatives

- 8. Section 171(1)(b) of the RMA requires that when making a recommendation on an NoR, a territorial authority shall consider whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work in circumstances where the Requiring Authority does not have an interest in the land sufficient for undertaking the work; or where it is likely that the work will have significant adverse effects on the environment.
- 9. The Submitters consider that both the physical form of the grade separation method proposed as well as the alignment and physical extent of each east-west crossing in the TLC network

have not been given adequate consideration. Furthermore, the Requiring Authority's assessment of alternatives is cursory and falls short of "adequate".

10. The greater the impact on private land, the more careful the assessment of alternative sites, routes, and methods not affecting (or affecting to a lesser degree) private land will need to be. There are significant shortcomings in the assessment of alternatives, with other available methods resulting in a lesser extent of adverse environmental effects on private land. The Submitters consider that the assessment of these options explored has not been proportional to the potential effects of the options being considered. These adverse effects include:

- a) Reduced access to a large number of properties which front the five project areas which may result in a number of businesses that are considered important to the community potentially being lost;
- b) Disjointed connectivity and disruption of the existing urban form with a reduced amount of east-west connectivity across Takanini, which cumulatively will result in significant adverse traffic effects;
- c) Creation of unsafe pedestrian access crossings (i.e. Spartan Road and Manuroa Road) which are not suitable for all people to utilise;
- d) Loss of existing open space amenity for the community (i.e. Takaanini Reserve);
- e) The creation of CPTED issues through the proposed undercroft spaces (i.e., spaces under the bridges e.g.. at Taka Street) as there is potential for these areas to become unsafe walking environments, be poorly lit, be compromised by obscure wayfinding and have low amenity values;
- f) Closure of the current over-dimension freight route along Manuroa Road and inadequate consideration of the effects of the alternative freight movement route;
- g) Lack of adequate consideration for suitable alternative routes to facilitate traffic, pedestrian, and cyclist movement across Takanini during the construction period of the five grade separation areas; and
- h) A large number of residential and commercial properties will be subjected to significant adverse landscape and visual effects, both during the construction phase

and from the cumulative effects resulting from five large structures in close proximity to each other within the Takanini landscape.

11. Furthermore, the Requiring Authority's consideration of alternatives, particularly with respect to an underpass alternative, was inadequate as:

- a) The Requiring Authority has failed to undertake a proper consideration of alternatives that use a lesser extent of land and/or have lesser environmental effects than its preferred option.
- b) An underpass alternative was considered only at a cursory level. There is insufficient assessment as to how an underpass option compares to the Requiring Authority's preferred option.
- c) There is insufficient assessment of effects on the environment resulting from the works enabled by the Requiring Authority's preferred option and how it could be reduced by pursuing an alternative method (i.e. an underpass).
- d) The consideration of alternatives contains significant shortcomings. The adequacy of alternative options was not considered in sufficient detail in supporting reports (including the absence of an appropriate comparative costing assessment).
- e) There is inadequate assessment to support a conclusion that the entire extent of the designation was "reasonably necessary", particularly in relation to the shortcomings in the evaluation of alternatives and the failure to properly assess effects on Takanini Town Centre and other surrounding properties and businesses.
- f) There is an absence of assessment as to whether an alternative route or method would result in reduced environmental effects, particularly for Takanini Town Centre and its surrounding sites.
- g) An underpass option is not suppositious or hypothetical and ought to have been adequately considered.

Traffic Safety Effects

12. The Requiring Authority proposes to temporarily (for a period of 2.5 – 3 years) restrict access from Walters Road to the Takanini Town Centre. Critically this will place sole dependency on the remaining access into the site from Arion Road (a local residential road) during the

construction period and it will not be able to operate safely or efficiently. Based on the limited information provided it is not clear if the one-way in to the Town Centre from Walters Road will be lost permanently. This will result in significant adverse traffic effects on the surrounding transport network, including the signalised Walters Road / Arion Road intersection and on the safety of all transport users. This will also have an impact on the Arion Road entrance into the Town Centre and will adversely impact on traffic flows within the Town Centre itself. The Requiring Authority has not provided adequate information to support the design or its operation. The Submitters therefore have no confidence that the surrounding transport network will continue to operate safely or efficiently.

Parking Effects

13. During the construction period the Requiring Authority also seeks to acquire carparking land which serves the Takanini Town Centre. The Project does not detail how adequate car parking will be maintained for the Town Centre during the construction period. The Project will result in a shortfall of carparking, and it will result in a direct contravention of a lease agreement to supply minimum carparking ratios to The Warehouse.
14. The NoR2 Project will also remove the electric vehicle charging stations that are located within the southern carpark.

Landscape and Urban Design Effects

15. The Project has not adequately demonstrated that an appropriate interface will be provided to the Takanini Town Centre. Furthermore, the bridge will be visually prominent and dominant at Walters Road to all tenants and users of the Town Centre (and for nearby residential dwellings).

Construction Noise and Vibration Effects

16. The Project will result in an increase in noticeable noise levels and for some landowners it will result in significant adverse noise and vibration effects over long durations, and at high frequencies.
17. The Project will also involve night-time and long weekend construction noise across all five areas. Construction noise and vibration works such as bridge piling and installation will also require night/weekend works. These are unreasonable expectations and timing for the affected landowners to be subjected to.

Extended lapse date sought of 15 years

18. Under section 184 of the RMA the default lapse date for designations is five years. The Requiring Authority has sought an extended lapse date of 15 years for this Project but there is a lack of cogent evidence supporting the proposed extended lapse date.
19. Furthermore, to expect a landowner to endure a planning blight for a period of 15 years is unreasonable and unfair and it will create significant uncertainty for landowners subject to these designations.
20. This is further exacerbated by a lack of funding for the works and the absence of any proper assessment or commitment to a works timeframe. The Requiring Authority has no secured funding or interest in much of the designated route.

Conditions

21. In the event that NoR1 and NoR2 are confirmed, the Submitters are concerned that the recommended mitigation and condition response proposed by the Requiring Authority will not adequately mitigate the actual and potential adverse effects of the Project on the Takanini Town Centre and the surrounding business and residential landowners.

Conditions should be imposed to ensure the minimum practicable impact on Takanini Town Centre especially in terms of access, visual and landscape amenity, geotechnical risks, noise and vibration effects and impact on existing services and operations.

Decision Sought

21. The Submitters seek that Auckland Council:
 - a) Recommend that the requirement is withdrawn; or (in the alternative as secondary relief)
 - b) Recommend that the requirement is modified or made subject to conditions to address all of the concerns raised in this submission.
22. The Submitters seek such alternative, further or consequential relief as may be required to address the concerns raised in this submission.

Procedural Matters

23. The Submitters could not gain an advantage in trade competition through this submission.

24. The Submitters wish to be heard in support of this submission. TVL and TPL would consider presenting a joint case at the hearing.

Date: 14 December 2023

Address for service: Jeremy Brabant / Shannon Darroch
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Auckland

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Attachment B

16 December 2024

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

cc: Craig Cairncross

Dear Joy

NOTICE OF DECISION OF AUCKLAND TRANSPORT UNDER SECTION 172 OF THE RESOURCE MANAGEMENT ACT 1991

We refer to the recommendations of the Auckland Council Independent Hearing Commissioners in relation to the two Auckland Transport Notices of Requirement that comprise part of the Takaanini Level Crossings Project:

- NoR 1 – Takaanini Level Crossings – Spartan Road, Manuia Road, Manuroa Road and Taka Street
- NoR 2 – Takaanini Level Crossings – Walters Road

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

Pursuant to Section 172 of the Resource Management Act 1991, Auckland Transport accepts in part the Commissioners' recommendations in relation to the Notices of Requirement other than the conditions specifically addressed in the table below. This decision has been made in consultation with relevant experts.

The table sets out:

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

Only those conditions that Auckland Transport has modified in response to the recommendations made by the Commissioners are outlined in the table below. All other conditions are otherwise accepted as recommended by the Commissioners.

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

A schedule of amendments that have been made to the proposed designation boundaries since the Closing Legal Submissions is attached in **Appendix A**. These include adjustments presented to the Commissioners following Closing Legal Submissions.



Complete sets of designation conditions are **attached** to this letter as **Appendices B-C**. Note that the condition numbering in the clean sets has been updated for clarity, but are otherwise consistent with the table below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Small'.

Jane Small

Group Manager, Property and Planning

Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners for Takaanini Level Crossings NoRs 1 – 2

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners (additions to conditions are in bold and underlined and rejections are in bold and strikethrough)	Reason for modifications
All	Abbreviations and Definitions	<u>Start of Construction</u> <u>The time when Construction Works (excluding Enabling Works) start.</u>	Reject deletion – The Commissioners recommend removing this defined term. No rationale is provided for this deletion and it appears to be a clerical error. In any event, Auckland Transport considers that retaining this definition is critical, as it provides clarity for those responsible for delivery of the Project and compliance with conditions on timing requirements for certain works and the activities that constitute the Start of Construction. There are related defined terms that work in conjunction with this term such as Construction Works and Enabling Works.
All	11	Stakeholder Communication and Engagement Management Plan (a) A SCEMP shall be prepared in consultation with relevant Stakeholders prior to the Start of Construction. The objectives of the SCEMP are is to: <u>identify how the public and Stakeholders will be engaged with throughout the Construction Works.</u> (i) Ensure proactive communication and engagement with the public and all Stakeholders by identifying how the public and Stakeholders will be engaged with and kept informed about the intended timing and method of construction throughout the Construction Works; and (ii) Ensure that the Project provides the opportunity for all Stakeholders to provide input into detailed design process and responds effectively to feedback and complaints through the management plan process (Condition 10). (b) To achieve the objective, the SCEMP shall include: (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 and timing to engage with owners and occupiers whose access is directly affected; (iv) 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 (v) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant. (vi) A record of the engagement with the parties identified in (b)(i) above including summaries of feedback, and the requiring authority's response to feedback; and (vii) A record of any outcomes and actions undertaken in response to feedback, including changes to the detailed design. (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.	Reject amendment to 11(a) and addition of 11(a)(i) - 11(a)(ii) – The Commissioners recommend changing the objective of the SCEMP to include multiple elements adding a reference to ensuring proactive engagement, ensuring a process for all stakeholders to provide input into detailed design and a response process for complaints received. While Auckland Transport acknowledges the intent of these changes, it rejects this recommendation because: <ul style="list-style-type: none">The SCEMP objective as drafted already requires an engagement framework to be proactively developed in consultation with relevant Stakeholders. This approach allows for an engagement approach to be developed that is appropriate for each specific community in question.The Urban and Landscape Design Management Plan (ULDMP) already provides for the involvement of relevant stakeholders in the detailed design process.The existing condition set already includes management plan requirements to ensure stakeholder feedback is incorporated where possible and that complaints are addressed as discussed further below¹. Reject addition of 11(b)(vi)-(vii) - The Commissioners recommend including requirements for Auckland Transport to maintain a record of engagement with parties, and the outcomes of this engagement. Auckland Transport rejects this addition because Condition 10 already requires that a summary of stakeholder feedback is submitted with its relevant management plan, alongside an explanation if feedback has not been implemented. Further, Condition 22 requires a record of complaints received about construction works to be kept, including measures on how complaints were addressed.
All	16	Urban and Landscape Design Management Plan (a) A ULDMP shall be prepared prior to the <u>Start of Construction</u> start of detailed design for a Stage of Work. The objective of the ULDMP(s) is to: ...	Reject amendment to 16(a) – The Commissioners recommend amending the timeframe for preparing the ULDMP to the start of detailed design instead of the Start of Construction. Auckland Transport rejects this amendment because the ULDMP is part of the process of detailed design and is informed by engagement

¹ Scafton Primary Evidence at [35.30].

Designation	Condition number	Modifications made by Auckland Transport 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>with Manawhenua and relevant stakeholders, which occurs six months prior to the start of that process.²</p> <p>In any event, the ULDMP must be provided as part of the Outline Plan of Works required to authorise construction as per Condition 8. Therefore, due to the combined condition requirements, the ULDMP is likely to be developed well in advance of start of construction.</p>
All	16A	<p>(a) To achieve the objective set out in Condition 16, 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 (e.g. centres and density of built form), community facilities and educational facilities, 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 and, (including public transport infrastructure, and walking and cycling facilities connections; (iii) promotes Provides for direct, convenient and legible active mode connections and for 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"> (i) Crime Prevention Through Environmental Design (CPTED) principles; (ii) Safety in Design (SID) requirements; and (iii) Maintenance in Design (MID) requirements and anti-vandalism/anti-graffiti measures; and (v) has responded to matters identified through the Land Use Integration Process (Condition 3) <p>(b) The ULDMP shall be prepared in general accordance with:</p> <ul style="list-style-type: none"> (i) Auckland Transport's Urban Roads and Streets Design Guide or any subsequent updated version; (ii) New Zealand Transport Agency Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) New Zealand Transport Agency Landscape Guidelines (2013) or any subsequent updated version; (iv) New Zealand Transport Agency P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and (v) Auckland's Urban Ngāhere (Forest) Strategy or any subsequent updated version. and including and Local Board adopted Urban Ngāhere Action Plans; and (vi) Local Board adopted Greenway and/or Path Plans. 	<p>Reject amendment to 16A(a)(i) – The Commissioners recommend amending 16A(a)(i) to include provision for community facilities and educational facilities, on the basis these are “nodal points” in active mode urban environments. Auckland Transport does not consider that it is necessary to specify community facilities and educational facilities, as they are inherently included as part of the urban environment which the clause already applies to.</p> <p>Reject amendment to 16A(a)(ii) – The Commissioners recommend the deletion of “walking and cycling connections” due to potentially unintentional repetition. Auckland Transport acknowledges the Commissioners' observation that the wording has “a perhaps unintended circularity”³, but does not agree with its deletion. The intent is that the ULDMP provides details on how walking and cycling connections provided as part of the Project are intended to connect with existing or planned walking and cycling facilities adjacent to/beyond the project extent. Auckland Transport's revised wording addresses this nuance and addresses the circularity of the drafting.</p> <p>Reject amendment to 16A(a)(iii) – The Commissioners recommend an addition to 16A(iii) to ensure direct, inclusive access is provided for. Auckland Transport does not consider that the proposed amendment is needed, because the provision for directness, convenience, and legibility of active mode connections is addressed through the guidelines and standards that the ULDMP is required to be prepared in accordance with, listed at (b).⁴ Moreover, the clause as originally drafted is intended to promote inclusive access, which is more encompassing than directness, convenience, or legibility.⁵</p> <p>Accept amendment to 16A(b)(i) – The Commissioners recommend the inclusion of “or any subsequent version” to ensure consistency with the wording of other guidance documents. Auckland Transport accepts the addition of “or any subsequent updated version” as this is consistent with other ULDMP references to guidance documents.</p> <p>Reject amendments to 16A(b)(v) and addition of 16A(b)(vi) – The Commissioners recommend that the Local Board Urban Ngāhere Plan should be referenced on the basis that it was drafted with the Papakura existing environment in mind. Auckland Transport considers that this addition is not necessary, as Local Board-scale plans will necessarily be consistent with/give effect to the regional strategy which is already specified in (v). It also considers the addition of Local Board-adopted Greenway and/or Path Plans to not be necessary, as Auckland Transport's role in developing and giving effect to these plans is captured in business-as-usual engagement with Local Boards. In any event integration with, and connections to, proposed and existing local reserves and walking and cycling facilities will be covered by 16A(a)(i)-(ii).</p>

² Scafton Primary Evidence at [22.6].

³ Recommendation at [498].

⁴ Linford Primary Evidence at [11.1].

⁵ Linford Primary Evidence at [9.13]-[9.14]

Designation	Condition number	Modifications made by Auckland Transport 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	16B	<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 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) re-instatement of construction and site compound areas; and (ix) features disturbed during construction and intended to be reinstated such as: <ul style="list-style-type: none"> A. boundary features; B. driveways; C. accessways; <u>and</u> D. fences; <u>and</u> E. <u>Signage, including naming and directional signage</u> (x) Off-street parking required to be reinstated, where able, to meet operational and resource consenting requirements in consultation with landowners/occupiers (xi) On-street parking required to be reinstated, where appropriate, taking into account adjacent land uses, safety, and operational requirements (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 (where relevant). 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. planting of stormwater wetlands; D. identification of vegetation to be retained and any planting requirements under the TMP (Condition 29); E. integration of any planting required by conditions of any resource consents for the project; and F. re-instatement planting of construction and site compound areas as appropriate. <p>....</p>	<p>Amendment by AT to 16B(c)(vii) – In its recommendation, the Commissioners made a factual finding that the reference to underpasses in 16B(c)(vii) of the ULDMP allowed for reconsideration of the form of the active mode crossings in the future. To clarify, Auckland Transport confirms, as outlined in evidence and at the hearing⁶, that the intent of this sub-clause reference to underpasses is not to prompt future reassessment of the form of grade separation. It was included as part of a broad range of possible considerations across large transport projects, not all of which are applicable to the TLC Project. Accordingly, to remove any further uncertainty on this issue, Auckland Transport is deleting the reference to underpasses in this subclause. Auckland Transport further notes that the designation purpose only provides for bridges as the form of grade separation and the effects assessment and engagement have all been undertaken on the basis of overbridges, rather than underpasses.</p> <p>To the extent that the word ‘underpass’ could be interpreted as being needed to apply to the undercroft areas under the proposed bridges, Auckland Transport notes that the architectural and landscape treatment of the proposed bridges, including the areas under them, will be covered by 16B(c)(iii) of the ULDMP.</p> <p>Reject addition of 16B(c)(ix)(E) – The Commissioners recommend that provision for reinstatement of planting and signage be included for additional clarity. Auckland Transport considers that the addition of signage is not necessary as this is a non-exhaustive list, and on-site signage in many cases would be encompassed by “boundary features”.</p> <p>Reject addition of 16B(c)(x) – The Commissioners agreed with Auckland Council’s technical specialists that provision is required in the ULDMP for the reinstatement of off-street parking to address potential business disruption and recommend additions to the ULDMP to address this issue⁷. Auckland Transport does not consider the addition of clause (c)(x) is necessary as there are clear statutory obligations to landowners under the Public Works Act 1981 (PWA) to ensure that loss of off-street parking from the Project is compensated (including through reinstatement)⁸. In any event, the effect of the Project on off-street parking will be limited to sites that: (a) are partially designated (because parking reinstatement will not be necessary where sites are fully designated and subsequently acquired); and (b) where the permanent works extent directly affects existing parking. This situation arises on fewer than ten sites across the entire Project. Accordingly, Auckland Transport’s position is that the incidence of the effect is low; and that the appropriate remedy for it already exists under the PWA.</p> <p>Reject addition of 16B(c)(xi) – The Commissioners recommend an addition to the ULDMP to specifically address the reinstatement of on-street parking where appropriate to address potential business disruption.⁹ While Auckland Transport may reinstate on-street parking impacted by the Project where feasible and appropriate, it does not agree that the addition of clause (c)(xi) is appropriate given the need to prioritise people movement on busy corridors; and that the grade-separated bridges have not been designed to accommodate on-street parking¹⁰. It is further noted that on-street parking controls will be finalised</p>

⁶ Winter Primary Evidence at [10.5]; Scafton Primary Evidence at [35.39]-[35.43].

⁷ Recommendation at [251].

⁸ Closing legal submissions at [6.4]; Van Der Ham Primary Evidence at [5.7]; Sang Primary Evidence at [8.19].

⁹ Recommendation at [251].

¹⁰ Sang Primary Evidence at [8.18]; Closing Legal Submissions at [6.2].

Designation	Condition number	Modifications made by Auckland Transport 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>following the detailed design process, and will be subject to traffic resolutions as provided for per Auckland Transport's Road Controlling Authority powers.</p> <p>Amendment by Auckland Transport to (d)(i)(D) and (E) – to avoid duplication, Auckland Transport has amended clauses d(i)(D) and (E) as follows:</p> <ul style="list-style-type: none"> (a) Removed the reference to "planting of stormwater wetlands" due to the existence of "planting" in (d)(i)(E); and (b) Removed the reference to "vegetation to be retained" in new (g)(iv)(D) as it duplicates the requirements in (d)(i)(A) and is therefore unnecessary.
All	17	<p>Open Space Management Plan (OSMP)</p> <ul style="list-style-type: none"> (a) An OSMP shall be prepared prior to the Start of Construction for a Stage of Work for the open spaces listed in <i>Schedule 3</i>. (b) Auckland Council Parks shall be invited to participate in the development of the OSMP at least six months prior to the start of detailed design for a Stage of Work. (c) The objectives of the OSMP are are to minimise as far as practicable adverse effects of the project on the values and on the functions on the recreation amenity of the open spaces listed in <i>Schedule 5</i>. resulting from the project. (d) To achieve the objective, the OSMP shall include details of: <ul style="list-style-type: none"> (i) how the ongoing operation of and access (including walking and cycling) to those open spaces during construction will be maintained in accordance with the CTMP (Condition 24); (ii) opportunities to coordinate the forward work programme for those open spaces where appropriate with Auckland Council Parks; (iii) measures to reasonably maintain the existing level of service of the affected open space; and (iv) how comments from Auckland Council Parks have been incorporated in the OSMP, and where comments have not been incorporated, the reasons why. (v) Measures to mitigate the loss of community facilities, assets and open space based on stakeholder feedback during the SCEMP process, including, but not limited to, means for funding and implementing the mitigation. Mitigation that is not contingent on Construction Works being completed must be implemented by Auckland Transport prior to construction commencing. 	<p>Amendment by Auckland Transport to 17(c) - The Commissioners recommend amendments to 17(c) to require Auckland Transport to mitigate potential effects on both the values and functions of open space in the OSMP as opposed to just recreational amenity. Auckland Transport recognises the merit of including 'functions' in place of 'recreational amenity' on the basis that some open spaces affected by the Project have functions other than recreational amenity. Further, Auckland Transport accepts the Commissioners' grammatical change to "of the Project". Auckland Transport has amended 17(c) accordingly.</p> <p>Reject addition of 17(d)(v) - The Commissioners have recommended including a clause that requires measures to mitigate loss of community facilities, including a requirement to fund and implement such mitigations. Auckland Transport rejects this addition because requiring mitigation for the loss of community facilities and assets, based on stakeholder feedback, has the potential to go beyond the effects-based objective of the OSMP. It could also go beyond the scope of s108AA(1)(a) as a condition can only be imposed to mitigate effects directly connected to the Project.¹¹ In any event, the latter part of the recommended condition requiring the OSMP to outline the means for funding of mitigation measures cannot be lawfully imposed. Under s108(2)(a), a condition cannot be imposed relating to financial contribution unless provided for in the relevant district plan, which is not the case in the AUP.</p>
1	20E	<p>Spartan Road north-bound access</p> <p>Opportunities (including the provision of a right-hand turn) to improve access for northbound vehicles from Spartan Road <u>West</u> to Great South Road (including a right-hand turn) shall be considered at the detailed design stage in consultation with the New Zealand Transport Agency, and the landowners and occupiers of 1 & 15 Spartan Road.</p>	<p>Amendment by Auckland Transport to condition 20E– Auckland Transport has modified this condition in consultation with submitter(s) since the close of the hearing. The revised condition adds a requirement to consult with landowners and occupiers on Spartan Road West but otherwise places the same obligations on Auckland Transport as the previous iteration.</p>
All	24	<p>Construction Traffic Management Plan (CTMP)</p> <ul style="list-style-type: none"> (a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. (b) To achieve this objective, the CTMP shall include: <ul style="list-style-type: none"> ... (vi) methods to maintain access to and within property and/or private roads where practicable, or to provide alternative arrangements when it will not be including details of how access is managed for loading and unloading of goods. Engagement with landowners and occupiers whose access is directly affected shall be undertaken in accordance with condition 11(b)(viii); (vi-A) methods to manage parking related to construction activities (including construction workers) to mitigate effects on the safe and efficient operation of surrounding roads (vi-B) identification of alternative parking where on-site parking is reduced by construction 	<p>Amendment by Auckland Transport to 24(b)(vi) – Auckland Transport noted in its closing legal submissions that submitter concerns regarding lack of consultation on CTMP matters has been resolved by an amendment to the CTMP condition to clarify that intent¹². A subsequent memorandum¹³ clarified the amendments were intended to apply to both landowners and occupiers. These amendments appear to have been omitted from the Commissioners' recommendation, and Auckland Transport considers it appropriate they be included on each designation.</p> <p>Reject addition of 24(b)(vii) and (b)(viii) – The Commissioners have recommended the amendments suggested by Mr Peake to 24(b)(vi) to better address effects of construction worker parking on the transport network, and the effects of temporary on-site parking displacement during construction. In evidence, Mr Peake explained the amendments are necessary as the CTMP as</p>

¹¹ Resource Management Act 1991, section 108AA(1)(b)(i).

¹² Closing Legal Submissions at [8.27].

¹³ Memorandum of Counsel on behalf of Auckland Transport regarding post-hearing updates, dated 30 September 2024 at [4.1]-[4.4].

Designation	Condition number	Modifications made by Auckland Transport 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
			currently worded does not address these concerns. ¹⁴ Auckland Transport does not consider the addition of these clauses to be necessary, because the effects of construction activities on the operation of the road network and the need to identify alternative parking where on-site parking is reduced by construction are both already addressed in the CTMP condition objective (b), and construction parking requirements (b)(iv). ¹⁵
All	28	Schedule to a CNVMP (a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the Start 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: (i) construction noise is either predicted or measured to exceed the noise standards in Condition 25, except where the exceedance of the LAeq criteria is no greater than 5 decibels and does not exceed: A. 0630 – 2000: 2 periods of up to 2 consecutive weeks in any 2 months, or B. 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days. (ii) construction vibration is either predicted or measured to exceed the Category B standard at the receivers in Condition 26.	Amendment by Auckland Transport to 28(a) – Auckland Transport amends (a) to provide additional clarity.
All	29	Tree Management Plan (TMP) (a) Prior to the Start of Construction for a Stage of Work, a TMP shall be prepared. The objective of the TMP is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 5. (b) To achieve the objective, the TMP shall: (i) confirm that the trees listed in Schedule 5 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 5. This may include: A. planting to replace trees that require removal (with reference to the ULDM planting design details in Condition 16); B. tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and C. methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards. (iii) demonstrate how the tree management measures (outlined in A – C above) are consistent with any relevant conditions of resource consents granted for the project.	Deletion of 29(b)(iii) by Auckland Transport: Auckland Transport deletes 29(b)(iii), because a reference to unknown resource consent conditions is not required.
All	30	Network Utility Management Plan (NUMP) (a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. (b) To achieve the objective, the NUMP shall include methods to: (i) provide access for maintenance at all reasonable times, or emergency works at all times during construction activities; (ii) protect and where necessary, relocate existing network utilities; (iii) manage the effects of dust and any other material potentially resulting from construction activities and able to cause material damage, beyond normal wear and tear to overhead transmission lines in the project area; (iv) demonstrate compliance with relevant standards and Codes of Practice including, where relevant, the NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances 2001; AS/NZS 4853:2012 Electrical hazards on Metallic Pipelines; and AS/NZS 2885 Pipelines – Gas and Liquid Petroleum. (c) The NUMP shall be prepared in consultation with the relevant Network Utility Operators(s) who have assets that are directly affected by the project. (d) The development of the NUMP shall consider opportunities to coordinate future work programmes with other Network Utility Operator(s) during detailed design where practicable. (e) The NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed. (f) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP.	Addition of new 30(b)(ii) by Auckland Transport – Auckland Transport adds a clause 30(b)(ii) for consistency with equivalent conditions on other projects, and notes this was an omission.

¹⁴ Peake Closing Memorandum at [6.79]-[6.82].

¹⁵ Murray Primary Evidence at [12.5]; Closing Legal Submissions at [6.3].

Designation	Condition number	Modifications made by Auckland Transport 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												
		(g) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.													
1	Schedules	<p>Schedule 3: Open spaces to be included in the Open Space Management Plan</p> <p>NoR 1 – Taka Street project area</p> <table><tr><th>Open Space Name</th><th>Address</th><th>Legal description</th></tr><tr><td>Takanini Reserve</td><td>24R Taka Street</td><td>Lot 12 DP 9255</td></tr><tr><td>Walters Accessway</td><td>19R Walters Road</td><td>Part Lot 29 DP 17857</td></tr><tr><td>Arion Reserve</td><td>40R Walters Road</td><td>Lot 17 DP 404252</td></tr></table>	Open Space Name	Address	Legal description	Takanini Reserve	24R Taka Street	Lot 12 DP 9255	Walters Accessway	19R Walters Road	Part Lot 29 DP 17857	Arion Reserve	40R Walters Road	Lot 17 DP 404252	<p>Reject additions to Schedule 3 – The Commissioners agreed with Auckland Council specialists that there were additional open spaces and reserves in the Project area that were potentially affected by the Project and should be the subject of an Open Space Management Plan. The Commissioners recommend that all open spaces potentially affected by the Project be included in Schedule 3¹⁶. Auckland Transport considers that there is no effects-based justification for the addition of these open spaces to Schedule 3, as the extent of works and potential effects on their respective functions is minimal.¹⁷ Specifically:</p> <ul style="list-style-type: none">The Walters Accessway (19R Walters Road) is vacant land adjacent to the corridor, with no specific value or function materially affected by the works other than a small reduction in extent as a result of the works.The Arion Reserve (40R Walters Road) functions as both informal recreation space and a stormwater dry detention basin, neither of which would be materially affected by the Project as the permanent works extent is less than 1% of the space. <p>In any event, Auckland Transport has to seek landowner approval from Auckland Council Parks and Community Facilities as the responsible department, as well as the relevant Local Board prior to undertaking any works on these reserves.¹⁸</p>
Open Space Name	Address	Legal description													
Takanini Reserve	24R Taka Street	Lot 12 DP 9255													
Walters Accessway	19R Walters Road	Part Lot 29 DP 17857													
Arion Reserve	40R Walters Road	Lot 17 DP 404252													

¹⁶ Recommendation, at [534]

¹⁷ See Takaanini Level Crossings Assessment of Effects on the Environment at 85.

¹⁸ Miln evidence, at [8.7].

Appendix C – Auckland Transport’s Modifications to NoR 2 conditions (clean)



[#### – Council to allocate] Walters Road grade separation

Designation Number	[XXXX]
Requiring Authority	Auckland Transport
Location	Walters Road, Takaanini between Great South Road and Porchester Road
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.

Purpose

Construction, operation, and maintenance of a bridge crossing the North Island Main Trunk railway line and associated transport infrastructure in Takaanini.

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.
Construction Works	Activities undertaken to construct the project excluding Enabling Works.

Council	Auckland Council
CTMP	Construction Traffic Management Plan
Developer	Any legal entity that intends to master plan or develop land adjacent to the designation.
Development Agency	Public entities involved in development projects.
DRMP	Development Response Management Plan
Educational Facility	<p>Facility used for education to secondary level. Includes:</p> <ul style="list-style-type: none"> (a) schools and outdoor education facilities; and (b) accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above. <p>Excludes:</p> <ul style="list-style-type: none"> (a) care centres; and (b) tertiary education facilities.
Enabling Works	<p>Includes, but is not limited to, the following and similar activities:</p> <ul style="list-style-type: none"> (a) geotechnical investigations (including trial embankments) (b) archaeological site investigations (c) formation of access for geotechnical investigations (d) establishment of site yards, site entrances and fencing (e) constructing and sealing site access roads (f) demolition or removal of buildings and structures (g) relocation of services; and (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting).
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate.
Mana Whenua	<p>Mana Whenua as referred to in the conditions are considered to be, but not limited to, the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the project:</p> <ul style="list-style-type: none"> (a) Te Ākitai Waiohū; (b) Ngāi Tai ki Tāmaki; (c) Ngāati Te Ata Waiohū; (d) Ngāati Whanaunga; (e) Ngāti Tamaoho; (f) Ngāti Paoa Trust Board; (g) Te Ahiwaru Waiohū; (h) Ngāti Tamaterā; and (i) Ngāti Maru. <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
NIMT	North Island Main Trunk line
NUMP	Network Utilities Management Plan
NOR	Notice of Requirement

Outline Plan	An outline plan prepared in accordance with section 176A of the RMA.
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: <i>Acoustics – Road-traffic noise – New and altered roads</i> .
Requiring Authority	Has the same meaning as section 166 of the RMA and, for this designation is Auckland Transport.
RMA	Resource Management Act (1991)
SCEMP	Stakeholder Communication and Engagement Management Plan
Stakeholder	Stakeholders to be identified in accordance with Condition 5, which may include as appropriate: (a) adjacent owners and occupiers; (b) adjacent business owners and operators; (c) central and local government bodies; (d) community groups; (e) developers; (f) development agencies; (g) educational facilities; and (h) Network Utility Operators.
Stage of Work	Any physical works that require the development of an Outline Plan.
Start of Construction	The time when Construction Works (excluding Enabling Works) start.
Suitably Qualified Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability, experience and competence in the relevant field of expertise.
TMP	Tree Management Plan
ULDMP	Urban and Landscape Design Management Plan

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 following in Schedule 1:</p> <ul style="list-style-type: none"> (i) the project description; and (ii) concept plan. <p>(b) Where there is inconsistency between:</p> <ul style="list-style-type: none"> (i) the project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the project description and concept plan in Schedule 1 and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	<p>Project Information</p> <p>(a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within six months of the inclusion of this designation in the AUP.</p> <p>(b) All directly affected owners and occupiers shall be notified in writing as soon as reasonably practicable once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <ul style="list-style-type: none"> (i) the status of the project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and where they can receive additional advice; (v) a subscription service to enable receipt of project updates by email; and (vi) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA. <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>Land Use Integration Process</p> <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> <ul style="list-style-type: none"> (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 (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>(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> <ul style="list-style-type: none"> (i) responding to requests made to the Requiring Authority for information regarding design details that could assist with land use integration; and (ii) receiving information from a Developer or Development Agency regarding master planning or land development details that could assist with land use integration. <p>(c) Information requested or provided under Condition 3(b) above may include but not be limited to the following matters:</p> <ul style="list-style-type: none"> (i) design details including but not limited to: <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; E traffic noise modelling contours; and F outputs from flood modelling. (ii) potential modifications to the extent of the designation in response to the information received through Condition 3(b)(ii); (iii) a process for the Requiring Authority to undertake a technical review of or provide comments on any master planning or development proposal advanced by the Developer or Development Agency as it relates to integration with the project; and (iv) details of how to apply for written consent from the Requiring Authority for any development proposal that relates to land that is within the designation under section 176(1)(b) of the RMA. <p>(d) Where information is requested from the Requiring Authority and is available, the nominated contact shall provide the information unless there are reasonable 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> <ul style="list-style-type: none"> (i) details of any requests made to the Requiring Authority that could influence detailed design, the results of any engagement and, where
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	<p>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 10 working days prior to the Start of Construction for a Stage of Work</p>
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4.	<p>Early Childcare Centres</p> <p>(a) If the project is identified in a draft Regional Land Transport Plan that is released for public consultation, or funding is otherwise confirmed (whichever occurs first), the Requiring Authority shall begin engagement with the early childcare centre identified in Schedule 2 regarding the implementation of the project.</p> <p>(b) For clarity, if the early childcare centre no longer exists then this condition shall not apply.</p>
5.	<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> <p>(c) The purpose of this identification and engagement design process is to inform future engagement processes during detailed design and construction phases for a Stage of Work.</p>
6.	<p>Designation Review</p> <p>The Requiring Authority shall within six months of Completion of Construction or as soon as otherwise practicable:</p> <p>(a) 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>(b) 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>
7.	<p>Lapse</p> <p>In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.</p>
8.	<p>Network Utility Operators and Auckland Council (Section 176 Approval)</p> <p>(a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure and Auckland Council in relation to parks located within the designation will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) operation, maintenance and repair works; (ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility operations; (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 works authorised by the designation as the existing utility. <p>(b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>
Pre-construction conditions	

<p>9.</p>	<p>Outline Plan</p> <p>(a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA.</p> <p>(b) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the project.</p> <p>(c) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include:</p> <ul style="list-style-type: none"> (i) Development Response Management Plan; (ii) Network Integration Management Plan; (iii) Urban and Landscape Design Management Plan; (iv) Construction Environmental Management Plan; (v) Construction Traffic Management Plan; (vi) Construction Noise and Vibration Management Plan; (vii) Tree Management Plan; and (viii) Network Utilities Management Plan.
	<p>Flood Hazard</p> <p>For the purpose of Condition 10:</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 a 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 10(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>

10.	<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 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 between the Pre-Project Development and Post-Project Development scenarios; (iv) no increase of Flood Hazard Class for the main access to authorised habitable dwellings existing at time the Outline Plan is submitted. The assessment shall be undertaken for the 1% AEP rainfall event and reference the hazard class in accordance with Schedule 3 to these conditions; and (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 and including 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 a specific location(s) through agreement with the relevant landowner, <p>confirmation shall be provided to the Manager that any necessary landowner and statutory approvals have been obtained for that alternative measure or varied outcome.</p>
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11.	<p>Walters Road design and access</p> <p>(a) The Outline Plan shall demonstrate how:</p> <p>(i) vehicle access will be:</p> <p>A provided for properties accessed from the north side of the existing Walters Road (between Great South Road and the NIMT), and will be connected to the wider road network;</p> <p>B designed to enable reinstatement of a single-lane left-in access to 30 Walters Road (Title Number 118586; Legal Description Lot 1 DP 329052), consistent with the Town Centre resource consents (LU 10703 and R/LUC/2012/109331) (unless the consent condition regarding access is varied, or the Town Centre consents are surrendered, and the site redeveloped);</p> <p>C provided between the existing Walters Road and Tironui Road (between Great South Road and the NIMT), if practicable;</p> <p>D provided to any residual land parcels within the designation boundary south of the existing Walters Road; and</p> <p>(ii) the Walters Road bridge will be located to provide for a horizontal separation of at least 15 metres between the southernmost point of the 30 Walters Road property boundary (Title Number 118586; Legal Description Lot 1 DP 329052), and the northern edge of the bridge structure.</p>
12.	<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, unless otherwise agreed with the affected landowner. This condition does not apply to business-zoned land.</p>
13.	<p>Existing business property access</p> <p>(a) 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.</p> <p>(b) Where vehicle access to a property within business-zoned land will be altered by the project, the Outline Plan shall demonstrate how safe access will be provided that:</p> <p>(i) maintains and promotes the safe, effective, and efficient operation of the transport network;</p> <p>(ii) recognises the role and function of all accesses including for loading and unloading of goods to the site; and</p> <p>(iii) subject to achieving (i), also provides effective and efficient access to the site where practicable.</p> <p>(c) Where an alternative outcome has been agreed that does not comply with Condition 13(b), the Outline Plan shall provide details of the alternative outcome and how the safe, effective, and efficient operation of the transport network will be maintained.</p> <p>Advice note: Condition 13 does not affect Auckland Transport's ability to exercise its statutory Road Controlling Authority powers to modify traffic or parking controls.</p>

14.	<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 14 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; (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 SCEMPs are to be submitted to the Manager for information.</p>
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15.	<p>Development Response Management Plan (DRMP)</p> <p>(a) A DRMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the DRMP is to provide a framework to assist businesses affected by the project to manage the impacts of construction and to maximise the opportunities the project presents.</p> <p>(b) Business Associations representing businesses within the relevant Stage of Work shall be invited no later than 18 months prior to the Start of Construction for a Stage of Work, to participate in the development of the DRMP.</p> <p>(c) To achieve the objective, the DRMP shall include:</p> <ul style="list-style-type: none"> (i) a list of businesses likely to be impacted by the project; (ii) recommended measures to mitigate impacts on identified businesses associated with construction effects such as the potential loss of visibility of businesses from public spaces, reduction of accessibility and severance. Such mitigation measures may include business support, temporary placemaking and place activation measures and temporary wayfinding and signage; (iii) a summary of any proactive assistance to be provided to impacted businesses; (iv) identification of opportunities to co-ordinate the forward work programme, where appropriate with infrastructure providers and development agencies; and (v) linkages and cross-references to communication and engagement methods set out in other conditions and management plans (e.g. the SCEMP) where relevant.
16.	<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 the 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 and timing to engage with owners and occupiers whose access is directly affected; (iv) 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 (v) 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>

17.	<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 referred to in Condition 20 and the CMP referred to in Condition 25; 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 17(a) and (b) above will cease to apply if:</p> <ul style="list-style-type: none"> (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least six months prior to start of Construction Works; and (ii) Mana Whenua have not provided a Cultural Advisory Report within six months prior to start of Construction Works.
18.	<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. The objective of the NIMP is to identify how the project will integrate with the planned transport network in the Takaanini growth area to achieve an effective, efficient and safe land transport system.</p> <p>(b) 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; and (ii) sequencing of the project with the planned transport network, including both design, management and operational matters.

19.	<p>Mana Whenua Kaitiaki Forum</p> <p>(a) At least 12 months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall invite Mana Whenua to establish a Mana Whenua Kaitiaki Forum. The objective of the Mana Whenua Kaitiaki Forum is to provide a forum for Mana Whenua to participate as partners in all phases of the project.</p> <p>(b) To achieve the objective, the Mana Whenua Kaitiaki Forum shall address (as a minimum) the following matters:</p> <ul style="list-style-type: none"> (i) how Mana Whenua will provide input into the design of the project. For example: <ul style="list-style-type: none"> A how Mana Whenua values and narrative are incorporated through the form of the project and associated structures; B how pou, art, sculptures, mahi toi or any other features located on land within or adjoining the project will be provided in a manner that represents the Māori history of the area and promotes a distinctiveness or sense of place; (ii) how Mana Whenua will be engaged in the preparation of management plans and future consenting processes; (iii) how mātauranga Māori and tikanga Māori will be recognised in all phases of the project; (iv) where opportunities for Mana Whenua to participate in engagement with local communities, business associations, social institutions and community groups will be provided; (v) where opportunities for Mana Whenua to support the physical, mental, social and economic wellbeing for iwi and the local community will be provided through the project. This could include: <ul style="list-style-type: none"> A planting supplied through Mana Whenua and community based nurseries; B local schools being involved in planting; and C scholarships, cadetships and job creation. (vi) the Requiring Authority shall provide reasonable resourcing, technical and administrative support for Mana Whenua including organising meetings at a local venue and the taking and dissemination of meeting minutes; (vii) the frequency of meetings shall be agreed between the Requiring Authority and Mana Whenua; and (viii) prior to the Start of Construction, the Requiring Authority shall produce a record of the Mana Whenua Kaitiaki Forum. The record of the Mana Whenua Kaitiaki Forum shall be provided to Mana Whenua and shall include (but not be limited to): <ul style="list-style-type: none"> A details of how Mana Whenua have participated as partners in the project; B details of how the matters set out in (b) will be incorporated into the project; C how the objective of the Mana Whenua Kaitiaki Forum have been and will continue to be met; and D details of how comments from Mana Whenua have been incorporated into the project and where not incorporated, the reasons why.
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	<p>(c) Mana Whenua shall be invited to identify and (if possible) nominate traditional names across the project such as for bridge structures. Noting there may be formal statutory processes outside the project required in any decision making.</p> <p>(d) The Mana Whenua Kaitiaki Forum shall continue to meet for at least six months following Completion of Construction or as agreed with Mana Whenua.</p>
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	Urban and Landscape Design Management Plan
20.	<p>(a) A ULDMMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the ULDMMP(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 ULDMMP(s) to provide input into relevant cultural landscape and design matters including how desired outcomes for management of potential effects on cultural sites, landscapes and values identified and discussed in accordance with the Cultural Advisory Report (Condition 17) and/or through the Mana Whenua Kaitiaki Forum (Condition 19) may be reflected in the ULDMMP.</p> <p>(c) Relevant Stakeholders identified shall be invited to participate in the development of the ULDMMP at least six months prior to the start of detailed design for a Stage of Work.</p>
21.	<p>(a) To achieve the objective set out in Condition 20, the ULDMMP(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 (e.g. 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 (including public transport and walking and cycling facilities); (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; and (v) has responded to matters identified through the Land use Integration Process (Condition 3); and <p>(b) The ULDMMP shall be prepared in general accordance with:</p> <ul style="list-style-type: none"> (i) Auckland Transport's Urban Roads and Streets Design Guide or any subsequent updated version; (ii) New Zealand Transport Agency Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; (iii) New Zealand Transport Agency Landscape Guidelines (2013) or any subsequent updated version; (iv) New Zealand Transport Agency P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and (v) Auckland's Urban Ngahere (Forest) Strategy or any subsequent updated version.

22.	<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 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; (viii) re-instatement of construction and site compound areas; and (ix) 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 (where relevant). 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 TMP (Condition 31); E integration of any planting required by conditions of any resource consents for the project; and F re-instatement planting of construction and site compound areas as appropriate. (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:
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	<p>A weed control and clearance;</p> <p>B pest animal management (to support plant establishment);</p> <p>C ground preparation (top soiling and decompaction);</p> <p>D mulching; and</p> <p>E plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species.</p>
Construction Conditions	

23.	<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 obstructions 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.
24.	<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>

25.	<p>Cultural Monitoring Plan (CMP)</p> <p>(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.</p> <p>(b) To achieve the objective, the CMP shall include:</p> <ul style="list-style-type: none"> (i) requirements for formal dedication or cultural interpretation to be undertaken prior to start of Construction Works in areas identified as having significance to Mana Whenua; (ii) requirements and protocols for cultural inductions for contractors and subcontractors; (iii) identification of activities, sites and areas where cultural monitoring is required during particular Construction Works; (iv) identification of personnel to undertake cultural monitoring, including any geographic definition of their responsibilities; and (v) details of personnel to assist with management of any cultural effects identified during cultural monitoring, including implementation of the Accidental Discovery Protocol <p>(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.</p> <p>Advice Note: <i>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.</i></p>
<p>Accidental Discoveries</p> <p>Advice Note:</p> <p><i>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP.</i></p>	

26.	<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 Educational Facilities or to manage traffic congestion; (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; (v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport, pedestrians and cyclists; (vi) methods to maintain access to and within property and/or private roads where practicable, or to provide alternative arrangements when it will not be including details of how access is managed for loading and unloading of goods. Engagement with landowners and occupiers whose access is directly affected shall be undertaken in accordance with Condition 16(b)(iii); (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; (x) details of any measures proposed to be implemented in the event thresholds identified in (ix) being exceeded; and (xi) details of how construction works on road crossings over the NIMT between Spartan Road and Subway Road will be sequenced and managed to mitigate potential cumulative traffic and transport effects on the transport network. <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 2013) or any subsequent version.</p>
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27.

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 27.1: 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 27.1 is not practicable, the methodology in Condition 30 shall apply.

28.

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 the following table as far as practicable.

Table 28.1: Construction vibration criteria

Receiver	Details	Category A	Category B
Occupied Activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	2mm/s ppv
	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv
Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv
All other buildings	At all other times	Tables 1 and 3 of DIN4150-3:1999	

(b)

Where compliance with the vibration standards set out in Table 28.1 is not practicable, the methodology in Condition 30 shall apply.

29.	<p>Construction Noise and Vibration Management Plan (CNVMP)</p> <p>(a) A CNVMP shall be prepared prior to the Start of Construction for a Stage of Work. 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 27 and 28 to the extent practicable.</p> <p>(b) To achieve the objective, the CNVMP shall be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 '<i>Acoustics – Construction Noise</i>' (NZS6803:1999) and shall as a minimum, address the following:</p> <ul style="list-style-type: none"> (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 27) and/or vibration standards (Condition 28) Category B will not be practicable; (xi) identification of trigger levels for undertaking building condition surveys, which shall be 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 CNVMP, Schedules and the Best Practicable Option for management of effects are being implemented; and (xiv) requirements for review and update of the CNVMP.
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30.	<p>Schedule to a CNVMP</p> <p>(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:</p> <ul style="list-style-type: none"> (i) construction noise is either predicted or measured to exceed the noise standards in Condition 27, except where the exceedance of the L_{Aeq} criteria is no greater than 5 decibels and does not exceed: <ul style="list-style-type: none"> A 0630 – 2000: 2 periods of up to 2 consecutive weeks in any 2 months, or B 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days. (ii) construction vibration is either predicted or measured to exceed the Category B standard at the receivers in Condition 28. <p>(b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP.</p> <p>(c) To achieve the objective, the Schedule shall include details such as:</p> <ul style="list-style-type: none"> (i) construction activity location, start and finish dates; (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 and 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) the consultation undertaken with owners and occupiers of sites subject to the Schedule, and how consultation has and has not been taken into account; and (vii) location, times and types of monitoring. <p>(d) The Schedule shall be submitted to the Manager for Certification 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.</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 Certification in accordance with (d) above. The amended Schedule shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.</p>
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Ecology

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 (e.g., avifauna, bats).*

31.

Tree Management Plan (TMP)

- (a) Prior to the Start of Construction for a Stage of Work, a TMP shall be prepared. The objective of the TMP is to avoid, remedy or mitigate effects of construction activities on trees identified in Schedule 4.
- (b) To achieve the objective, the TMP shall:
 - (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:
 - A planting to replace trees that require removal (with reference to the ULDMP planting design details in Condition 22);
 - B tree protection zones and tree protection measures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and
 - C methods for work within the rootzone of trees that are to be retained in line with accepted arboricultural standards.

32.	<p>Network Utilities Management Plan (NUMP)</p> <ul style="list-style-type: none"> (a) A NUMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. (b) To achieve the objective, the NUMP shall include methods to: <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. (c) The NUMP shall be prepared in consultation with the relevant Network Utility Operators(s) who have assets that are directly affected by the project. (d) The development of the NUMP shall consider opportunities to coordinate future work programmes with other Network Utility Operator(s) during detailed design where practicable. (e) The NUMP shall describe how any comments from the Network Utility Operator in relation to its assets have been addressed. (f) Any comments received from the Network Utility Operator shall be considered when finalising the NUMP. (g) Any amendments to the NUMP related to the assets of a Network Utility Operator shall be prepared in consultation with that asset owner.
Operational Conditions	
33.	<p>Low Noise Road Surface</p> <p>Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project.</p>

34.	<p>Future Resurfacing Work</p> <p>(a) Any future resurfacing works of the project shall be undertaken in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 or any updated version and asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented where:</p> <ul style="list-style-type: none"> (i) the volume of traffic exceeds 10,000 vehicles per day; or (ii) the road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); or (iii) it is in an industrial or commercial area where there is a high concentration of truck traffic; or (iv) it is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools. <p>(b) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 34(a)(i) – (iv) are not met by the road or a section of it and therefore where the application of asphaltic concrete surfacing (or equivalent low noise road surface) is no longer required on the road or a section of it. Such advice shall also indicate when any resealing is to occur.</p>
	<p>Traffic Noise</p> <p>For the purposes of Conditions 35 to 46:</p> <ul style="list-style-type: none"> (a) Building-Modification Mitigation – has the same meaning as in NZS 6806; (b) Design year has the same meaning as in NZS 6806; (c) Detailed Mitigation Options – means the fully detailed design of the Selected Mitigation Options, with all practical issues addressed; (d) Habitable Space – has the same meaning as in NZS 6806; (e) Identified Noise Criteria Category – means the Noise Criteria Category for a PPF identified in <i>Schedule 5: Identified PPFs Noise Criteria Categories</i>; (f) Mitigation – has the same meaning as in NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads; (g) Noise Criteria Categories – means the groups of preference for sound levels established in accordance with NZS 6806 when determining the Best Practicable Option for noise mitigation (i.e. Categories A, B and C); (h) NZS 6806 – means New Zealand Standard NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads; (i) Protected Premises and Facilities (PPFs) – means only the premises and facilities identified in <i>Schedule 5: PPFs Noise Criteria Categories</i>; (j) Selected Mitigation Options – means the preferred mitigation option resulting from a Best Practicable Option assessment undertaken in accordance with NZS 6806 taking into account any low noise road surface to be implemented in accordance with Condition 33; and (k) Structural Mitigation – has the same meaning as in NZS 6806.

35.	<p>The Noise Criteria Categories identified in <i>Schedule 5: PPFs Noise Criteria Categories</i> at each of the PPFs shall be achieved where practicable and subject to Conditions 35 to 46 (all traffic noise conditions).</p> <p>The Noise Criteria Categories do not need to be complied with at a PPF where:</p> <ul style="list-style-type: none"> (a) the PPF no longer exists; or (b) agreement of the landowner has been obtained confirming that the Noise Criteria Category does not need to be met. <p>Achievement of the Noise Criteria Categories for PPFs shall be by reference to a traffic forecast for a high growth scenario in a design year at least 10 years after the programmed opening of the project.</p>
36.	<p>As part of the detailed design of the project, a Suitably Qualified Person shall determine the Selected Mitigation Options for the PPFs identified on <i>Schedule 5: PPFs Noise Criteria Categories</i>.</p> <p>For the avoidance of doubt, the low noise road surface implemented in accordance with Condition 33 may be (or be part of) the Selected Mitigation Option(s).</p>
37.	<p>Prior to the Start of Construction of the project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in <i>Schedule 5: PPFs Noise Criteria Categories</i>, taking into account the Selected Mitigation Options.</p>
38.	<p>If the Detailed Mitigation Options would result in the Identified Noise Criteria Category changing to a less stringent Category, e.g. from Category A to B or Category B to C, at any relevant PPF, a Suitably Qualified Person shall provide confirmation to the Manager that the Detailed Mitigation Option would be consistent with adopting the Best Practicable Option in accordance with NZS 6806 prior to implementation.</p>
39.	<p>The Detailed Mitigation Options shall be implemented prior to Completion of Construction of the project, with the exception of any low-noise road surfaces, which shall be implemented within 12 months of Completion of Construction.</p>
40.	<p>Prior to the Start of Construction, a Suitably Qualified Person shall identify those PPFs which, following implementation of all the Detailed Mitigation Options, will not be Noise Criteria Categories A or B and where Building-Modification Mitigation might be required to achieve 40 dB L_{Aeq(24h)} inside Habitable Spaces ('Category C Buildings').</p>
41.	<p>Prior to the Start of Construction in the vicinity of each Category C Building, the Requiring Authority shall write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within three months of the date of the Requiring Authority's letter, the Requiring Authority shall instruct a Suitably Qualified Person to visit the building and assess the noise reduction performance of the existing building envelope.</p>

42.	<p>For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 41 above if:</p> <ul style="list-style-type: none"> (a) the Requiring Authority's Suitably Qualified Person has visited the building and assessed the noise reduction performance of the building envelope; or (b) the building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or (c) the building owner did not agree to entry within three months of the date of the Requiring Authority's letter sent in accordance with Condition 41 above (including where the owner did not respond within that period); or (d) the building owner cannot, after reasonable enquiry, be found prior to Completion of Construction of the project. <p>If any of (b) to (d) above apply to a Category C Building, the Requiring Authority is not required to implement Building-Modification Mitigation to that building.</p>
43.	<p>Subject to Condition 42 above, within six months of the assessment undertaken in accordance with Condition 41 the Requiring Authority shall write to the owner of each Category C Building advising:</p> <ul style="list-style-type: none"> (a) if Building-Modification Mitigation is required to achieve 40 dB LAeq(24h) inside habitable spaces; and (b) the options available for Building-Modification Mitigation to the building, if required; and (c) that the owner has three months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than one option is available.
44.	<p>Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of a Category C Building, the mitigation shall be implemented, including any third party authorisations required, in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.</p>
45.	<p>Subject to Condition 42, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with Condition 44 if:</p> <ul style="list-style-type: none"> (a) the Requiring Authority has completed Building Modification Mitigation to the building; or (b) an alternative agreement for mitigation is reached between the Requiring Authority and the building owner; or (c) the building owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within three months of the date of the Requiring Authority's letter sent in accordance with Condition 42 (including where the owner did not respond within that period); or (d) the building owner cannot, after reasonable enquiry, be found prior to Completion of Construction of the project.
46.	<p>The Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable.</p>

Attachments

Schedule 1: General accordance plans and information

Project Description

The proposed work is for the construction, operation, maintenance, and upgrade of transport infrastructure within the Walters Road project area in Takaanini. The proposed work is shown in the following Concept Plan and includes:

- Closure of the existing level crossing on Walters Road and construction of a new bridge with general traffic lanes and walking and cycling facilities across the North Island Main Trunk line;
- Associated works including but not limited to intersections, access lanes, active mode facilities, embankments, retaining walls, culverts, stormwater management systems;
- Changes to local roads, where the proposed works intersect with local roads; and
- Construction activities, including vegetation removal, construction areas and the re-grading of driveways.

Concept Plan



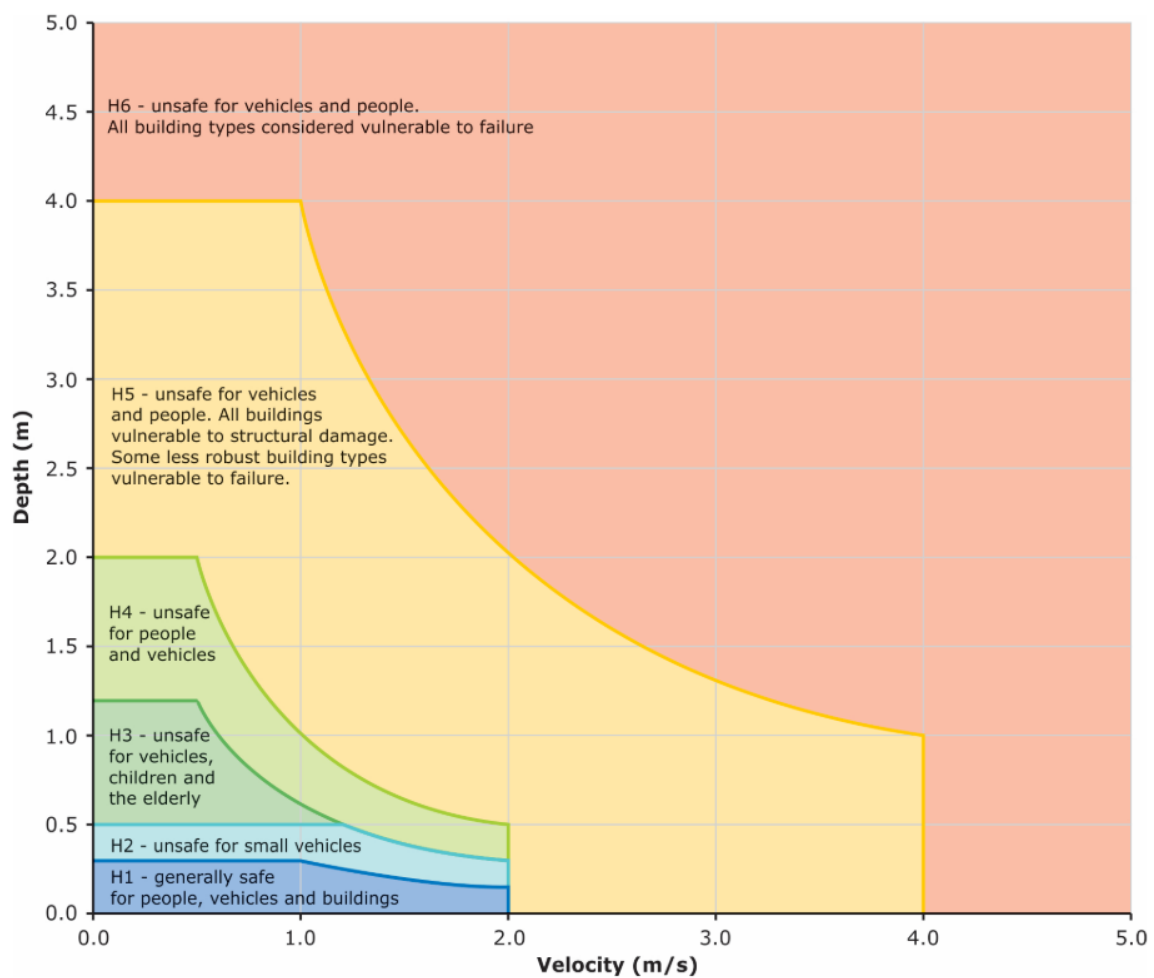
Schedule 2: Early Childcare Centres

Street Address	Legal Description	Operating Name
25 Walters Road	Lot 3 DP 39327	Learning Adventures Takanini

Schedule 3: Flood Hazard Class

The combined flood hazard curves shown below set hazard thresholds that relate to the vulnerability of the community when interacting with floodwaters. The combined curves are divided into hazard classifications that relate to specific vulnerability thresholds

The vulnerability thresholds identified in the flood hazard curves can be applied to the best description of flood behaviour available for a subject site. In this regard, the hazard curves can be applied equally to flood behaviour estimates from measured data, simpler 1D numerical modelling approaches, through to complex 2D model estimates with the level of accuracy and uncertainty of the flood hazard estimate linked to the method used to derive the flood behaviour estimate.



Source: Australian Rainfall and Runoff, Book 6, 2019

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

Tree No.	Vegetation Type	Protection	Species
13	Single Tree	Road Reserve	London Plane
14	Single Tree	Open Space	Tarata
15	Group of Trees	Road Reserve	Himalayan Silver Birch
16	Group of Trees	Road Reserve	Sweet Gum



Schedule 5: Identified PPFs noise criteria categories

Address	New or Altered Road	Noise Criteria Category
70 Walters Road	Altered	Category A
33 Calumet Way	Altered	Category A
168 Porchester Road	Altered	Category A
172 Porchester Road	Altered	Category A
172 Porchester Road	Altered	Category A
174 Porchester Road	Altered	Category A
176 Porchester Road	Altered	Category A
180 Porchester Road	Altered	Category A
145 Porchester Road	Altered	Category A
147 Porchester Road	Altered	Category A
29 Calumet Way	Altered	Category A
25 Calumet Way	Altered	Category A
151 Porchester Road	Altered	Category A
151 Porchester Road	Altered	Category A
5 Phar Lap Crescent	Altered	Category A
3 Phar Lap Crescent	Altered	Category A
11 Phar Lap Crescent	Altered	Category A
7 Phar Lap Crescent	Altered	Category A
19 Phar Lap Crescent	Altered	Category A
21 Phar Lap Crescent	Altered	Category A
29 Phar Lap Crescent	Altered	Category A
178 Porchester Road	Altered	Category A
164A Porchester Road	Altered	Category A
43 Walters Road	Altered	Category A
45 Walters Road	Altered	Category A
1/160 Porchester Road	Altered	Category A
2/160 Porchester Road	Altered	Category A

166 Porchester Road	Altered	Category A
41 Walters Road	Altered	Category A
4 Braeburn Place	Altered	Category A
37A Walters Road	Altered	Category A
39 Walters Road	Altered	Category A
17 Phar Lap Crescent	Altered	Category A
23 Phar Lap Crescent	Altered	Category A
49 Walters Road	Altered	Category A
2/162 Porchester Road	Altered	Category A
178 Porchester Road	Altered	Category A
149 Porchester Road	Altered	Category A
41 Walters Road	Altered	Category A
158A Porchester Road	Altered	Category A
158 Porchester Road	Altered	Category A
15 Phar Lap Crescent	Altered	Category A
168 Porchester Road	Altered	Category A
176 Porchester Road	Altered	Category A
170 Porchester Road	Altered	Category A
31 Calumet Way	Altered	Category A
70 Walters Road	Altered	Category A
149 Porchester Road	Altered	Category A
27 Calumet Way	Altered	Category A
23 Calumet Way	Altered	Category A
153 Porchester Road	Altered	Category A
155 Porchester Road	Altered	Category A
9 Glenburn Place	Altered	Category A
39 Walters Road	Altered	Category A
23 Phar Lap Crescent	Altered	Category A
25 Phar Lap Crescent	Altered	Category A
49 Walters Road	Altered	Category A

49 Walters Road	Altered	Category A
3 Braeburn Place	Altered	Category A
1/3 Braeburn Place	Altered	Category A
5 Braeburn Place	Altered	Category A
7 Braeburn Place	Altered	Category A
2 Braeburn Place	Altered	Category A
31 Walters Road	Altered	Category A
33 Walters Road	Altered	Category A
33A Walters Road	Altered	Category A
6 Braeburn Place	Altered	Category A
8 Braeburn Place	Altered	Category A
10 Braeburn Place	Altered	Category A
6A Braeburn Place	Altered	Category A
37 Walters Road	Altered	Category A
35 Walters Road	Altered	Category A
20 Walters Road	Altered	Category A
7 Arion Road	Altered	Category A
3 Arion Road	Altered	Category A
5 Arion Road	Altered	Category A
3 Arion Road	Altered	Category A
13 Phar Lap Crescent	Altered	Category A
13 Phar Lap Crescent	Altered	Category A
9 Phar Lap Crescent	Altered	Category A
9 Phar Lap Crescent	Altered	Category A
7 Phar Lap Crescent	Altered	Category A
1 Longford Park Drive	Altered	Category A
2 Longford Park Drive	Altered	Category A
1/162 Porchester Road	Altered	Category A
164B Porchester Road	Altered	Category A

PPF Location Plans



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LEGEND

Protected Premises and Facilities within the NZS 6806 assessment area

Protected Premises and Facilities within the designation boundaries

Designation Boundary

04080

Metres

Appendix C– Names of Persons to be Served a Copy of the Appeal

Submitter Name	Address for Service
Mead Trusts Holdings Ltd - Carters Takanini	cromcar@xtra.co.nz
Ting-Chun Cho	cire1988@gmail.com
Takanini Business Association Inc	admin@takaninibusiness.co.nz
Krittibas Dasgupta	kdabira@gmail.com
Carter Building Supplies	glenn.dyer@carters.co.nz
Telecommunications Submitters	chris@incite.co.nz
Van Den Brink 254 Limited	mat@civilplan.co.nz
Brian Hogan	brian_hogan@eml.cc
Alda Investments Ltd	aidan@bankside.co.nz
DE Nakhle Investment Trust	aidan@bankside.co.nz
KiwiRail Holdings Limited	Pam.butler@kiwirail.co.nz
Jayantabhaduri and Sudarshana Bhaduri	jayantabhaduri5@gmail.com
Auckland Council Parks and Community Facilities	bianka.griffiths@aucklandcouncil.govt.nz
Takaanini Childcare Investments Ltd	peter.fuller@quaychambers.co.nz
Ministry of Education	Emma.howie@woods.co.nz
Takanini Village Limited and Tonea Properties (NZ) Limited	jeremy@brabant.co.nz; shannon@brabant.co.nz

Sunlight Holdings Limited and South Auckland Marine Limited	jeremy@brabant.co.nz; shannon@brabant.co.nz
Mead Trusts Holdings Limited and Carters Buildings Supplies Limited	jeremy@brabant.co.nz; shannon@brabant.co.nz
Arborfield Trust, Takanini Home and Trade Limited, and Mitre 10 Mega Takanini Limited.	jeremy@brabant.co.nz; shannon@brabant.co.nz
Watercare Services Limited	Mark.Bishop@water.co.nz
Z Energy Limited	philip.brown@slrconsulting.com
Kāinga Ora	developmentplanning@kaingaora.govt.nz
MANPREET KAUR	emanpreet@hotmail.com