Before the Environm At Auckland	ent Court	ENV-2024-AKL-
l Te Koti Taiao O Aote Tamaki Makaurau Ro		
Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal pursuant to section 174 of the RI	MA
Between	Northwood Developments Ltd Appellant	
And	Auckland Transport Respondent	

Notice of appeal to Environment Court against decision concerning requirement for designation

Dated 2 August 2024

Counsel Acting: **Asher Davidson** P O Box 10212, Dominion Road Auckland 1446 T: 027 213 0538 E: asher@ajdavidson.co.nz

- To: The Registrar Environment Court Auckland
- Northwood Developments Ltd (Northwood) appeals a decision by Auckland Transport (AT) on a notice of requirement for a designation for the Warkworth: Matakana Road Upgrade – Notice of Requirement 4 (NoR4).
- 2. Northwood made a submission on NoR4.
- 3. Northwood received notice of the decision on 12 July 2024 (**Decision**).
- 4. The Decision was made by AT.
- 5. Northwood is not a trade competitor for the purposes of s 308D of the RMA.
- 6. Northwood is appealing the Decision to confirm NoR4 subject to conditions.
- 7. The site to which NoR4 applies includes the front portion of 49 Matakana Road, Warkworth (the **Property**) which is owned by Northwood. The Property has a subdivision consent for 25 residential lots, at least 6 of which are partly within the footprint of NoR4.
- 8. The reasons for the appeal are:
 - (a) The Decision does not meet the requirements of the RMA and is contrary to Part 2 of the RMA.
 - (b) Without limiting the generality of the above:
 - The designation and works authorised by NoR4 will have significant adverse effects on the Property that have not been properly assessed and for which no adequate mitigation is identified;
 - (ii) It will be difficult or impossible for Northwood to implement its subdivision consent and develop its land as intended, causing serious hardship to Northwood and potentially rendering part of the Property incapable of reasonable use. Northwood acknowledges AT has provided approval under s 178 RMA to allow the subdivision to

proceed, but the designation will continue to materially impact on the viability of the development as a whole;

- (iii) The Decision fails to include designation boundaries and conditions that will appropriately avoid, remedy or mitigate the adverse effects of NOR4 on Northwood both before and during construction and operation;
- (iv) AT failed to undertake an adequate assessment of alternatives to using Northwood's land that would avoid or minimise the impact on the Property. In this regard, the oversight of a live subdivision and earthworks consent for Property during the initial alternatives evaluation irreparably compromised AT's assessment. AT have continued to fail to consider reasonable alternatives throughout the hearing and decision process
- (v) In particular, Northwood has offered to facilitate a land swap of an area of the Property, which it acknowledges may be required for the proposed works, in exchange for an unused area of road reserve. This would potentially reduce the impact of the designation on Northwood by allowing the sections to retain the required lot size. It would also secure part of the land required for the designation at minimal cost to AT, in circumstances where it currently has no funding for the works. The proposed land swap is therefore a reasonable and available alternative to designating the full extent of the Property frontage which AT have failed to adequately consider and which indicates the designation footprint on the Property is not reasonably necessary;
- (vi) It is not reasonably necessary for the Property to be included within the footprint of NoR4. Northwood asserts that the extent of the designation of its private land is excessive and unreasonable;
- (vii) The 15-year lapse period imposed is excessive and unreasonable in all the circumstances, including having regard to the undue stress and uncertainty for current and future property owners, including Northwood.

- 9. Northwood seeks the following relief:
 - (a) That the footprint of NOR4 be modified so as to avoid the Property (facilitated by a land swap if appropriate); and
 - (b) That appropriate conditions be imposed to avoid, remedy and mitigate adverse effects on the Property; and
 - (c) That the standard 5-year lapse period be applied;
 - (d) Such other further or incidental relief to give effect to the intent of Northwood's appeal;
 - (e) Costs of and incidental to the appeal.
- 10. The following documents are **attached** to this notice:
 - (a) Attachment A a copy of Northwood's submission on NoR4:
 - (b) Attachment B a list of names and addresses of persons to be served with the appeal;
 - (c) Attachment C a copy of the relevant part of the Decision.

Dated this 2nd day of August 2024.

Asher Davidson Counsel for Northwood Developments Ltd

Address for service of appellant: PO Box 10212, Dominion Road, Auckland 1446 Telephone: (027) 213 0538 Email: asher@ajdavidson.co.nz Contact person: Asher Davidson

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, Wellington, or Christchurch.

Attachment A – Northwood's Submission on NoR4

Attachment to Submission by Northwood Developments Ltd

Introduction and Summary of Submission

- 1. This is a submission on Warkworth: Matakana Road Upgrade Notice of Requirement 4 (NoR4) by Auckland Transport (AT).
- 2. This submission is made by Northwood Developments Ltd (**Northwood**). Northwood owns 49 Matakana Road, Warkworth (the **Property**) which is directly affected by NoR4. The Property has a subdivision consent for 25 residential lots, 7 of which are partly within the footprint of NoR4. A copy of the subdivision plan, with the NoR4 footprint overlaid, is **attached** to this submission.
- 3. For the reasons set out below, Northwood **opposes** NoR4 and seeks that it be withdrawn. In the less preferred alternative, it seeks modifications to NoR4 to avoid or mitigate adverse effects of the designation and proposed works on the Property, including conditions.

Specific Points of Submission

Assessment based on flawed information

- 4. The Property is within the Residential Single House Zone under the Auckland Unitary Plan and is identified as Residential- Mixed Housing Urban Zone under Proposed Plan Change 78 (subject to a Flood Plains qualifying matter).
- 5. On 11 June 2018, subdivision and earthworks consents were granted to enable staged subdivision of the Property to create 25 vacant residential lots. Land use consent applies to authorise new impervious areas greater than 50m2 within the stormwater Management Area Flow 1 (Consents). The Consents have been largely given effect to, with only one stage of the subdivision (Stage 11) and related earthworks remaining. An extension of the lapse period to 11 June 2026 was granted for the remaining works.
- 6. The subdivision and development enabled by the Consents are likely to be given effect to and form part of the environment against which any assessment of NoR4 must be undertaken.
- 7. NoR4 was prepared and assessed by AT evidently without any knowledge or understanding of the Consents. The first time AT became aware of the Consents was when advised by Northwood at a meeting on 14 April 2023, less than a month before NoR4 was lodged with Auckland Council.¹
- 8. To the extent that there has been any assessment of the proposed works or the designation itself as they relate to the Property, it has been undertaken on an incorrect basis. It has incorrectly regarded the Property as a single undeveloped landholding, rather than a full residential subdivision. As set out below, the designation and its effects will be more significant than assumed in the assessments to date.
- 9. The error also means the duty to consider whether the designation is reasonably necessary and consideration of alternatives in relation to the Property has not been properly fulfilled.
- 10. The failure to assess

Adverse effects on the Property

11. There is no assessment of the designation as it affects the Property. First and foremost, it will significantly inhibit the consented development, as under s 178 Resource Management Act 1991

¹ Lodgement letter dated 12 May 2023,

(RMA) no person may do anything on the land within the NoR4 footprint that might prevent or hinder the public work without AT's permission.

- 12. This means that NoR4 compromises the ability to give effect to the consented subdivision and it will need to be redesigned, with much less land available for development. This will have significant adverse effects on Norwood.
- 13. Even if the Consents could be given full effect to, and on any redesign of the subdivision, the designation and the proposed works will have significant adverse effects on the owners and occupiers of the sections in the development, including, without limitation:
 - (a) Construction effects including noise, vibration, dust and adverse visual and amenity effects;
 - (b) Effects associated with the operation of the proposed widened road including noise, vibration, visual effects, including in relation to the removal of well-established and attractive native vegetation on the Property and within the NoR4 footprint.
- 14. No adequate mitigation is proposed to address these effects. In particular, despite the residential development of the Property being part of the existing environment, AT does not propose to mitigate foreseeable noise and vibration effects on the new residences because they do not fall within the definition of "Protected Premises and Facilities". Northwood strongly opposes this approach and, if NoR4 is confirmed, it seeks that appropriate noise and vibration mitigation be applied to all residences on the Property.
- 15. If the development permitted by the Consents cannot be implemented, then that results in a direct loss of residential capacity, which is contrary to outcomes sought in higher order planning documents, including the National Policy Statement on Urban Development. That loss is an adverse effect not able to be fully addressed, including through compensation.

Consideration of Alternatives; and Reasonable Necessity

- 16. Proper consideration was required to be given to alternative sites, routes, or methods of undertaking the work, as AT does not have an interest in the Property and it is likely that the work will have significant adverse effects on the environment.
- 17. It is apparent from the documentation and information provided by AT that it did not give adequate consideration to alternative sites, routes or methods for undertaking the work, particularly those that do not involve designating and/or acquiring the Property or any part of it. Adequate consideration has not been given to undertaking any necessary upgrading works within the existing road corridor.
- 18. Further AT has not established that the work and designation are reasonably necessary. In support of these submissions Northwood notes:
 - (a) Traffic flows on Matakana Road are expected to decrease dramatically as a result of the opening of Te Honohono ki Tai Road, and a widened road corridor is not necessary to cater for increased traffic;
 - (b) The existing road corridor has sufficient capacity to accommodate an extension to the existing footpath and a new cycleway the significant widening proposed by NoR4 is unnecessary to achieve that outcome;
 - (c) AT has not given any or adequate consideration to an alternative route and method of achieving the desired outcome which was put forward by Northwood in a meeting on 14 April 2023. That alternative would enable the desired footpath and cycleway without the need to have such a significant impact on the Property;
 - (d) AT has publicly stated it does not have funding for the proposed works and this calls into serious question whether sterilising the land in the meantime is "reasonable";
 - (e) The fact that AT undertook its consideration of alternatives without correct information as to the nature of the existing environment means it cannot have properly discharged its statutory duty to undertake an "adequate" consideration of alternatives.

Extended lapse period opposed

- 19. A 15-year lapse period is proposed for NoR4. Earlier advice to Northwood was that the works would not be undertaken for 20-30 years.
- 20. Northwood opposes an extended lapse date for NoR4 and seeks that the standard lapse period of 5 years apply. Having an extended lapse period, with no commitment or ability to undertake the works within a reasonable time, will have a blighting effect on the Property which has not been justified in the documentation.
- 21. The convenience to AT in allowing itself a longer lapse period is not sufficient to justify the unnecessary stress and uncertainty to current and future owners and occupiers of the Property.

Relief sought

- 22. Northwood seeks the following relief:
 - (a) That NOR4 be withdrawn;
 - (b) In the less preferred alternative, if NOR4 is confirmed then:
 - (i) The footprint be modified so as to avoid the Property;
 - (ii) The standard 5 year lapse period be applied;
 - (iii) Appropriate conditions be imposed to fully mitigate effects on the Property including, without limitation:
 - A requirement to assess and mitigate noise and vibration effects on any future residences on the Property, at both construction and operational stages;
 - A requirement that AT compensate Northwood for the cost of redesigning and reconsenting its proposed development of the Property, together with the reduction in value.
- 23. Northwood requests that AT provides further information in relation to the effects of the designation and works on the Property specifically, including addressing the issues set out above, but specifically in relation to how it proposes to address adverse effects on the existing environment which includes residential development in accordance with the Consents.
- 24. Northwood wishes to be heard in support of its submission.

Signed on behalf of Northwood Developments Ltd

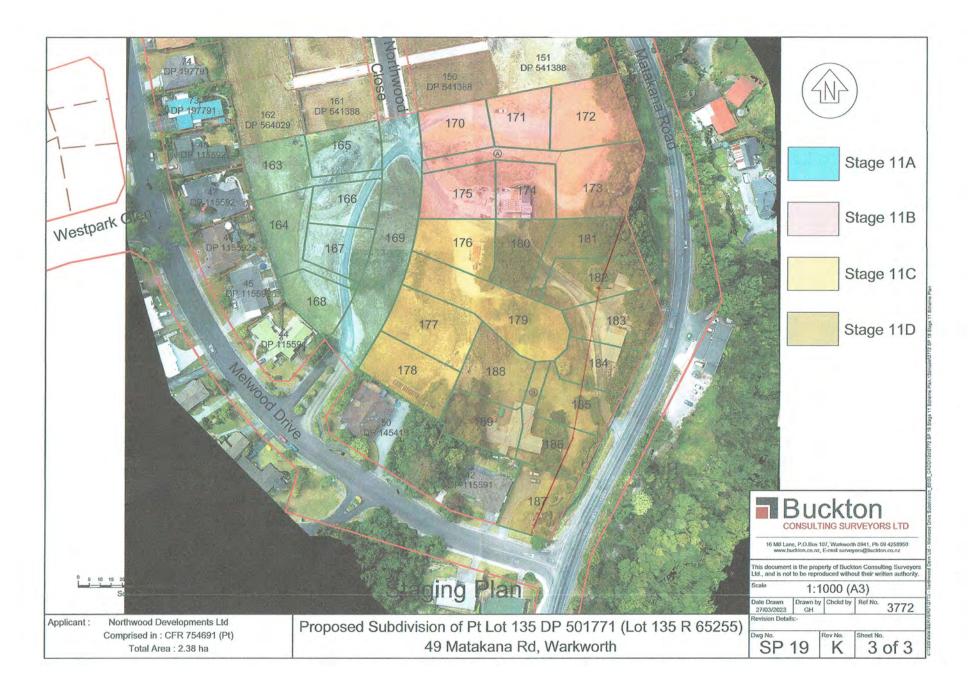
Date: 7 July 2023

Address for Service:

Asher Davidson Barrister

Ph. 027 213 0538 Email: <u>asher@casey.co.nz</u>

Attachment A



Sub #	Submitter Name	Address for Service
1	Pinglu Chen Jinhua Yang	pinglu.chen@outlook.com
2	Murray Parker	electrician001@hotmail.com
3	Robert Hugh Alwyn Blair	289 Matakana Road
		RD 5
		Warkworth 0985
4	Jinhua Yang	daisyyang69@hotmail.com
5	Stuart Alexander Wells	stuwells 88@hotmail.com
6	Rod Frizzell	<u>rod@trucutnz.com</u>
7	Karariki Limited	cozy@topland.co.nz
8	One Mahurangi Business Association and	ropeworth@gmail.com
	Warkworth Area Liaison Group	
9	Robyn Alexander and Katherine Heatley	Jessica@thepc.co.nz
10	Robyn Alexander and Katherine Heatley	Burnette@thepc.co.nz
11	John E Halligan	john.halligan@btinternet.com
12	Richard James and Robyn Frances Fisher	heaofarms@gmail.com
13	SG and SM Wiggill	stevewiggill@hotmail.com
14	Marj Taylor	rvb@ciesolutions.co.nz
15	Watercare Services Limited	mark.bishop@water.co.nz
16	Heritage New Zealand Pouhere Taonga	amorris@heritage.org.nz
17	Arvida Limited	burnette@thepc.co.nz
18	Laroc Farm Limited	burnette@thepc.co.nz
19	ECM Signs Limited	burnette@thepc.co.nz
20	ECM Laser Limited	burnette@thepc.co.nz
21	Equal Justice Project	rgre311@aucklanduni.ac.nz
22	Grant Hewison	grant@granthewison.co.nz
23	Michael and Cindy Lincoln	mike.cindy@xtra.co.nz

Attachment B – Names and addresses of persons to be served with the appeal

Attachment C – Copy of Decision (Extract)



20 Viaduct Harbour Avenue, Auckland 1010 Private Bag 92250, Auckland 1142, New Zealand **Phone** 09 355 3553 **Website** www.AT.govt.nz

24 June 2024

Alison Pye Senior Policy Planner Central/North Planning Unit - Plans and Places Auckland Council Private Bag 92300 Victoria Street West Auckland 1142

Dear Alison,

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

Thank you for your letter dated 10 May 2024 advising of the recommendations of the Auckland Council Independent Hearing Commissioners in relation to the eight Auckland Transport (**AT**) Notices of Requirement that comprise the Warkworth Project:

- NoR 1 Northern Public Transport Hub, Park + Ride and Western Link North
- NoR 2 Woodcocks Road West Upgrade
- NoR 3 State Highway 1 South Upgrade
- NoR 4 Matakana Road Upgrade
- NoR 5 Sandspit Road Upgrade
- NoR 6 Western Link South
- NoR 7 Sandspit Link
- NoR 8 Wider Western Link North

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

Pursuant to section 172 of the Resource Management Act 1991, AT accepts the Commissioners' recommendation that the Notices of Requirement should be confirmed and accepts in part and rejects in part the Commissioners' recommendations on conditions of the Notices of Requirement.

Table 1 below sets out:

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

Only those recommended conditions that AT has modified are outlined in Table 1 below (shown in **bold** strikethrough for deletions and **bold** underline for additions).

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





A schedule of amendments that have been made to the proposed designation boundaries since lodgement is contained in the Closing Legal Submissions.¹ All of those changes are adopted for the purposes of this decision and the final designation boundaries for each NoR have been updated on the GIS files.

Complete clean sets of the designation conditions reflecting this decision are attached to this letter as **Appendices A – H**. These clean condition sets include the changes set out in the table below, as well as formatting changes (including rearranging the order and numbering of conditions) and minor non-substantive changes (such as capitalisations) which have not been tracked in the table below.

Yours sincerely

Shall Jane Small

Group Manager, Strategic Development Programmes & Property Infrastructure & Place

¹ Closing legal submissions of Requiring Authority, dated 20 December 2023, at Appendix C.

Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners for Notices of Requirement 1 – 8

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners	Reason for modifications
	number	(additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	
AII	Abbreviations and definitions	 Certification of material changes to management plans and CNVMP Schedules of material changes to management plans Confirmation from the Manager that a <u>CNVMP Schedule (or change thereto) or a</u> material change to a <u>management</u> plan <u>or CNVMP Schedule</u> has been prepared in accordance with the condition to which it relates. A <u>CNVMP Schedule (or change thereto) or a</u> material change to a management plan shall be deemed certified: (a) where the Requiring Authority has received written confirmation from <u>the</u> Council that the <u>CNVMP Schedule or</u> <u>the</u> material change to the management plan is certified; <u>or</u> (b) ten <u>(10)</u> working days from the submission of the <u>CNVMP Schedule or the</u> material change to the management plan where no written confirmation has been received; or (c) Five <u>(5)</u> working days from the submission of the material change to a CNVMP Schedule where no written confirmation has been received. 	Reject amendments regarding CN The Panel has recommended refer within the Certification definition. requirement to certify the CNVMP So condition, not this definition. AT is also re-locating the deemed alongside the certification requirem definition relates to certification of ma notes that the removal of references means that some of the Panel's trac The numbering convention adopted numerical values for numbers higher Accept amendment to condition to AT agrees with adding the word "ma
All	2	 Project Information (a) A project website, or equivalent virtual information source, shall be established as soon as reasonably practicable, and within six (€) months of the inclusion of this designation inclusion in the AUP. All directly affected owners and occupiers shall be notified in writing as soon as reasonably practicable once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on: (i) the status of the Project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and information on how/where they can receive additional advice support following confirmation of the designation; (v) how/where to access noise modelling contours to inform the design of development adjacent to the designation; and (vi) a subscription service to enable receipt of project updates by email; (vii) when and how to apply for consent for works in the designation under section 176(1)(b) of the RMA. (b) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any staging of works. 	 Amendment by AT to clause (a) AT amends clause (a) to improve work Amendment by AT to clause (a)(ive AT amends clause (ive) to refer to 'ad information on where parties can rediseek support. Reject new clause (a)(v) The Panel recommends including modelling contours within the Project on the basis that this matter is alm Process (LIP) condition and is there of the LIP condition (i.e. information to makes specific reference to traffic net encourage and facilitate the inter development activity on land direct.
All	5	Designation Review Pre-construction review	Reject pre-construction review The Panel has recommended splittir



20 Viaduct Harbour Avenue, Auckland 1010 Private Bag 92250, Auckland 1142, New Zealand **Phone** 09 355 3553 **Website** www.AT.govt.nz

NVMP Schedule / Amendments by AT

ferring to certification of the CNVMP Schedule . AT rejects the suggested additions as the Schedule is set out in the 'Schedule to a CNVMP'

ed certification requirements in clause (c) to sit rements in the CNVMP condition so that this material changes to management plans only. AT ces to the 'CNVMP Schedule' from this definition acking is indirectly accepted.

ed by AT is to use words for numbers 1 to 10 and ner than 10.

to include the word "management"

nanagement" for clarity.

wording and for consistency.

(iv)

advice' as the project website will provide receive additional advice regarding where to

In a new sub clause (a)(v) referencing noise ect Information condition. AT rejects this addition already addressed by the Land use Integration prefore unnecessary. In particular, clause (c)(i)(E)in that may be requested by a developer from AT) in noise modelling contours. The LIP condition will integration of master planning and land use for engagement between AT and ation in relation to noise management.

tting out this condition so there is a pre- and



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 <u>strikethrough</u>)	Reason for modifications
		(additions to conditions are in bold and <u>undermied</u> and rejections are in bold and strikethrough)	
		 (a) The Requiring Authority shall, at five (5) yearly intervals from the confirmation of the designation, undertake a review of the designation. The purpose of the review is to keep stakeholders updated on progress with implementation of the project, and to enable areas of designated land to be removed from the designation if identified as being no longer required. (b) The review shall involve affected landowners and occupiers and: (i) provide an update on the progress or effort made to give offect to the designation; and (ii) review the extent of the designation to identify any areas of designated land that are no longer required for the designatio; and (iii) be made publicly available on the project website and be made available to the Council. Post construction review As soon as reasonably practicable, but no later than six (6) months following Completion of Construction, the Requiring Authority shall: (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and (ii) give notice to <u>Auckland the</u> Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above. 	 post- construction review of the desi in Closing Legal Submissions,² AT r condition on the basis that such a co that: The requirement to under (including others within th imposition on public funds projects. There is already a statutor accuracy, need, relevance, 10 years as part of the Cour 4(1) of Schedule 1 of the mechanism for a Requiring <i>J</i> and they also allow the publi and submission process. Section 182 of the RMA designation which may be ir The lapse periods are based a periodic review could creat is the case. There is no such condition AUP:OP. The Project website will proview with updates on the Projects
All	7	Network Utility Operators and Auckland Council Parks (Section 176 Approval) (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:	Reject post-construction review / As explained above, AT rejects the r pre- and post- construction review, a month timeframe which was remove Closing Legal Submissions, ³ the corr back process may be subject to this could impact the timeframe. Amendment by AT to condition he Condition 7 provides that Network L Auckland Council in relation to parks be required to obtain written conserv
		 (ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility operations 	AT deletes the reference to 'Parks' fr to refer to Auckland Council.

² Closing legal submissions of Requiring Authority, dated 20 December 2023, at [19.9] – [19.15]



esignation. Consistent with the position outlined Γ rejects the inclusion of a pre-construction condition is unnecessary. In particular, it notes

dertake such reviews across all designations the region) would be a costly and inefficient ds that could otherwise be allocated to priority

tory mechanism that requires AT to review the e, and appropriateness of the designations every uncil plan review process (Section 79 and clause e RMA). These provisions are the appropriate g Authority to consider the need for a designation blic to have their say through the plan notification

- A also sets out the process for removing a pinitiated at any time.
- sed on long-term implementation timeframes and eate an expectation for a shorter timeframe than
- ion proposed on any other designation in the

rovide landowners, occupiers and the community cts.

/ Amendments by AT

e recommendation to split the condition out into a *u*, and it also rejects the reinstatement of the sixnoved following the hearing. As outlined in the ondition needs to retain some flexibility as the roll hird party actions and other external factors that

heading and clause (a)(iv)

Cutility Operators with existing infrastructure and rks that are located within the designation will not ent from the Requiring Authority for the activities

' from the condition heading as it is more accurate

³ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [17.48] – [17.50]

Designation	Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners	Reason for modifications
	number	(additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	
		 (iv) the upgrade and replacement of existing network utilities or park facilities in the same location with the same or similar effects on the work authorised by the designation as the existing utility or park facility. (b) To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval. 	AT also amends clause (iv) to clari remove the reference to parks giver preventing or hindering the Projec upgrades and replacement of existin as these are critical services.
All	9	Management Plans (a) Any management plan shall: (iv) Summarise comments received from Mana Whenua and other stakeholders as required by the relevant management plan condition, along with a summary of where comments have:	Amendment by AT to clause (a)(iv AT deletes the word "other" as Mana to a stakeholder.
All	10	Stakeholder Communication and Engagement Management Plan (SCEMP)	Amendment by AT to clauses (a) a
		 (a) A SCEMP shall be prepared in consultation with Stakeholders prior to the Start of Construction. <u>The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works.</u> (b) <u>The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works.</u> To achieve the objective, the SCEMP shall include: (iii) methods to engage with Stakeholders and the owners and occupiers of properties identified in (b)(ii) above. (iv) the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s); (v) the procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works; (vi) (vi) methods and timing to engage with landowners and occupiers whose access is directly affected; (b) Any SCEMP prepared for a Stage of Work shall be submitted to the Council for information <u>a minimum of</u> ten working days prior to the Start of Construction for a Stage of Work. 	 AT reallocates the text in clause (b) d (a) for consistency with other manage Amendment by AT to clauses (b)(i AT deletes the reference to d captured by the definition of AT removes clause (b)(v) be and is therefore unnecessare AT amends clause (b)(vii) to consistent with the language Amendment by AT to clause (c) AT adopts the inclusion of "minimum"
AII	13	Urban and Landscape Design Management Plan (ULDMP) [note some clauses have been relocated in the clean condition sets] (c) To achieve the objective set out in Condition 13(1), the ULDMP(s) shall provide details of how the project: (e) Key sStakeholders Relevant stakeholders shall be invited to participate in the development of the ULDMP at least six (6) months prior to the start of detailed design for a Stage of Work. (f) The ULDMP shall be prepared in general accordance with: (ii) Waka Kotahi New Zealand Transport Agency Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version (iii) Waka Kotahi New Zealand Transport Agency Landscape Guidelines (20138) or any subsequent updated version;	Amendment by AT to the structure The ULDMP condition has been sep some clauses relocated in the clean that there is a link between the three <i>Condition 13(1)</i> " has been added (w sets). Accept in part amendment to clau The Panel recommends deleting the decision is to accept the removal of <i>"relevant.</i> " The reference to <i>"relevant"</i> because at this stage of a project stakeholders considered relevant to prepared by a Suitably Qualified Per



arify the nature of the effects referred to and to ven the potential scale of activities that could risk ects. It is, however, appropriate to provide for sting utilities anticipated within transport corridors

(iv)

na Whenua are a Project partner which is different

and (b)

) describing the objective of the SCEMP to clause agement plan conditions.

o)(iii), (b)(v) and (b)(vii)

o occupiers from (b)(iii) as 'occupiers' are already of Stakeholders;

because it duplicates the requirements in (b)(iv) sary; and

to refer to "owners" instead of "landowners" to be age used elsewhere in the condition.

um" to clause (c).

ure of the condition

eparated into three separate conditions and an sets for ease of implementation. To ensure ee ULDMP conditions, the phrase "set out in (with updated numbering reflected in the clean

ause (e)

the word "key" in front of stakeholders. The AT of "key" in clause (e) and replace with the word vant" stakeholders in the conditions is required ect, engagement should be focussed on those t to the Stage of Work. The ULDMP will be erson who will be best qualified to advise on who

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners	Reason for modifications
		(additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	
		(iv) <u>New Zealand Transport Agency</u> <u>Waka Kotahi</u> P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and	the relevant Stakeholders are the development of the ULDMP.
		(g) The ULDMP(s) shall include:	Amendments by AT to clauses (f) AT has corrected a date and the within clause (f).
		(iii) Landscape and urban design details – that cover the following:	In order to avoid duplication AT has (a) removed the reference to
		E. Landscape treatment and planting of permanent stormwater control wetlands and swales	(g)(iv)(A)(d) and instead ins (b) removed the reference to "
		(iv) The ULDMP shall also include the following planting details and maintenance requirements:	duplicates the requirements
		 A. planting design details including: a. identification of existing trees and vegetation that will be retained with reference to the Tree 	References to the Tree Management also been amended to refer to the T
		 Management Plan <u>TMP</u> and <u>Ecological Management Plan EMP</u> (where relevant). Where practicable, mature trees and native vegetation should be retained; d. planting of stormwater wetlands; e. identification of vegetation to be retained and any planting requirements under the Ecological Management Plan EMP (Conditions a, b, c, d) and Tree Management Plan TMP (Condition 28) 	Reject addition of irrigation and p The Panel recommends including " <i>in</i> <i>plants dying</i>)" in the list of detailed s as the list is not intended to be exclu AT also considers that plant replace captures " <i>planting details and main</i> has amended clause (g)(iii)(E) to also
		C. Detailed specifications relating to the following: <u>f. Irrigation; and</u> <u>g. Plant replacement (due to theft or plants dying).</u>	In addition, maintenance of lands Transport Agency Landscape Gui prepared in general accordance wit
		Advice note: This designation is for the purpose of construction, operation and maintenance of an arterial transport corridor and it is not for the specific purpose of "road widening". Therefore, it is not intended that the front yard definition in the Auckland Unitary Plan which applies a set back from a designation for road widening purposes applies to this designation. A set back is not required to manage effects between the designation boundary and any proposed adjacent sites or lots.	Accept removal of advice note (fr The Panel recommends deleting th deletion of the advice note, as outl provided in response to Panel Direct
NOR 1	Specific Outline Plan Requirements	Additional intersection condition The Outline Plan(s) that enables the intersection between the local road serving the Northern Public Transport Hub and the Western Link <u>Road</u> - North shall include design details of a stub to the connection of a fourth arm of the intersection that the owners and occupiers of the site occupied by the Pak'n Save supermarket, being Sec 4 SO 476652 can construct and connect to if they decide to construct access to that site and it has not already been constructed at the time the Outline Plan is prepared. Advice note:	Amendment to condition to reflect Island Limited (Foodstuffs) AT has continued to engage with I updated condition wording which is Reject insertion of the word 'Road
		For the avoidance of doubt, the Requiring Authority and its contractors are only required to show a stub to the connection of a fourth arm of the intersection on the Outline Plan(s) and they are not required by this condition to construct any part of the stub or the balance of the access to the Supermarket Site.	The Panel recommended inserting Western Link. This change is reject decision makers for the naming of

⁴Memorandum of Counsel on Behalf of Auckland Transport in Response to Direction #4 dated 29 February 2024



that should be invited to participate in the

(f) and (g)

e references to New Zealand Transport Agency

as also amended clause (g)(iv)(A) as follows:

to "planting of stormwater wetlands" in clause inserted "planting" in clause (g)(iii)(E); and

o "vegetation to be retained" in (g)(iv)(A)(e) as it nts in (g)(iv)(A)(a) and is therefore unnecessary.

nent Plan and Ecological Management Plan have e TMP and EMP.

plant replacement in clause (g)(iv)(C)

"irrigation" and *"plant replacement (due to theft or* d specifications. AT rejects this recommendation aclusive and it is unnecessary to list every feature. Incement is already addressed in the sentence that *aintenance requirements"* and as noted above it also refer to *"landscape treatment and planting..."*. Indscaping will be guided by the New Zealand Guidelines which the ULDMP is required to be with.

(front yard setback)

the advice note to the ULDMP. AT accepts the outlined in the Memorandum of Counsel that was rection #4.⁴

lect agreement reached with Foodstuffs North

h Foodstuffs and the parties have agreed to the is reflected in this decision.

oad' after Western Link North

ing the word "Road" after the reference to the ected as Auckland Council's local boards are the of all roads in the Auckland Region, having been

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
		 For the purposes of this condition: "Supermarket Site" means the site occupied by the Pak'n Save Supermarket at the time the designation was included in the AUP, within Record of Title 694504, Section 4, Survey Office Plan 476652. The Outline Plan(s) for the intersection between the local road serving the Northern Public Transport Hub and the Western Link North shall: (a) show where the northern extent of the Western Link North will tie in with the existing signalised Old State Highway 1 / Te Honohono ki Tai intersection; (b) locate the intersection between the local road serving the Northern Public Transport Hub and the Western Link North so that the limit lines for the intersection fall within the box outlined in black on the concept plan in Schedule 1; (c) include design details for an additional stub to the intersection in (b) that: ac can connect to a fourth arm of the intersection if the owners of the Supermarket Site decide to construct access to the Supermarket Site; and allows for all light vehicle movements; and (d) include a Safety Audit of the design details of items (a), (b) and (c) above and show how matters raised in the Safety Audit of the intersection on the Outline Plan(s) and is not required to show a stub to the connection of a fourth arm of the intersection on the Outline Plan(s) and is not required by this condition to construct any part of the stub or the balance of the access to the Supermarket Site. The access has already been constructed at the time the Outline Plan is prepared, then it shall be the responsibility of the Supermarket Site owners to provide an appropriate connection to the intersection stub. 	allocated this responsibility by the section 319(1)(j) of the Local Goverr for deciding on road names within it This process of naming new corrido engagement with Mana Whenua ar and unique to the local area. Until s naming conventions utilised within t term 'Road'. This approach has the region.
All		Flood hazard For the purpose of Condition 15 (a) ARI – means Average Recurrence Interval;	Accept removal of ARI in definition The Panel recommends deleting the is not a term that is subsequently us is accepted by AT.
All	14	Flood Hazard (a) The Project shall be designed to achieve the following flood risk outcomes: (i) no increase in flood levels in a 1% AEP event for existing authorised habitable floors that are already subject to flooding or have a freeboard less than 500mm; (ii) no increase in flood levels in a 1% AEP event flood levels for existing authorised community, commercial, industrial and network utility building floors that are already subject to flooding or have a freeboard of less than 300mm;	Reject amendments to condition The Panel has recommended chan the Healthy Waters' version of the rejects these changes and (except version of the condition for the n Submissions ⁵ and the subsequent response to Panel Direction #4. ⁶



e Auckland Council Governing Body pursuant to ernment Act 1974. Each local board is responsible n its respective area boundary.

dors as they are implemented requires and will also need to consider themes relevant I such time as this engagement has occurred, the n the Conditions have deliberately omitted the he support of mana whenua in the Warkworth

itions

the definition of ARI. The Panel is correct that this used in the flood hazard condition and its deletion

on

anges to the Flood Hazard condition to align with ne conditions, along with some amendments. AT pt for the amendment discussed below) retains its reasons explained in both the Closing Legal nt Memorandum of Counsel that was provided in

 ⁵ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [12.10] – [12.11].
 ⁶Memorandum of Counsel on Behalf of Auckland Transport in Response to Direction #4 dated 29 February 2024

Designation	Condition	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners	Reason for modifications
	number	(additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	
		 (i) maintain the minimum freeboard requirement outlined in the relevant code of practice at the time the Outline Plan is submitted (currently, Auckland Code of Practice for Land Development for Subdivision, Chapter 4: Stormwater, Version 3.0, January 2022); (ii) No loss in conveyance capacity or change in alignment of existing overland flow paths, unless provided by other means; (iii) New overland flow paths shall be diverted away from habitable floors and discharged to a suitable location with no increase in a 1% AEP event downstream; (iv) maximum of 50mm increase in a 1% AEP ovent downstream; (v) no new flood prone areas; and (vi) no increase of <u>fF</u>lood <u>hH</u>azard <u>classification class</u> for <u>the main</u> vehicle <u>and pedestrian</u> access <u>route</u> to autorise dhabitable dwellings existing at time the Outline Plan is submitted. The assessment shall be undertaken for the <u>40% and</u> 1% AEP rainfall events <u>and reference the hazard class in accordance</u> with Schedule 2 to these conditions. Where Flood Hazard is: A. Velocity × dopth >= 0.6; or <u>B. dopth > 0.6; or C.velocity >2m/s.</u> (b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project in 40% and 1% AEP flood levels (for Maximum Probable Development land use and including climate change). (c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome. 	Accept in part amendments to (a) The Panel recommends the deletion Food Hazard definition in clause (a) with a requirement to not increase designed to improve the workabili outcome. A new Schedule 2 has be aligned with Australian Rainfall and AT is also amending this clause to and to make it clear that the requi "pedestrian" access route.
AII	16	 Construction Environmental Management Plan (CEMP) (a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. <u>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.</u> (b) <u>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.</u> (b) <u>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.</u> (b) <u>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.</u> (b) <u>The objective of the CEMP is to set out the management procedures and construction Works as far as practicable.</u> To achieve the objective, the CEMP shall include: 	Amendment by AT to clauses (a) AT reallocates the text in clause (b) (a) for consistency with other mana Accept amendment to clause (b) The Panel recommends amending clause (b)(iv). This is accepted b residential is not necessary as the AUP:OP. Amendment by AT to clause (b)(n AT has made administrative ame
		… (xii) a summary of measures included to respond to matters raised in engagement, if not already covered above; …	location of refuelling activities from Reject insertion of clause (b)(xii)



(a)(vi) and Amendments by AT

etion of the numerical threshold values within the (a)(vi). AT accept this change and are replacing it ase the Flood Hazard class. This amendment is bility of the condition whilst achieving a similar been added to determine the Flood Hazard class nd Runoff, Book 6, 2019.⁷

to improve clarity by capitalising "Flood Hazard" quirement relates to both the main "vehicle" and

a) and (b)

(b) describing the objective of the CEMP to clause nagement plan conditions.

b)(iv)

ing *"residential areas"* to *"Residential zones"* in d by AT however the capitalisation of the word this is a term widely accepted and used in the

)(v) and (b)(x)

nendments to the condition to separate out the m clause (b)(v) to clause (b)(x).

ii)

Designation	Condition number	Modifications made by Auckland Transport to conditions recommended by the Hearing Commissioners	Reason for modifications
		(additions to conditions are in bold and <u>underlined</u> and rejections are in bold and strikethrough)	
			The Panel have recommended an reject the addition as there are adeq to engagement in the existing Maparticular:
			 Condition 10 requires a S Stakeholders prior to the S the SCEMP to include linkag plans where relevant; and
			 Condition 9 (the Managem plans to include sufficient of the relevant activities (claus and an indication of whethe Once finalised, the manage website or equivalent virtual record of matters that have response to engagement.
			Therefore, the additional wording p necessary.
All	19	Construction Traffic Management Plan (CTMP) (a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects.	Amendment by AT to clauses (a) AT reallocates the text in clause (b) (a) for consistency with other manage
		 (b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects. To achieve this objective, the CTMP shall include: (iv) identification of detour routes and other methods to ensure the safe management and maintenance of traffic 	Amendment by AT to clause (b)(in AT has deleted the word "services" terror.
		 flows, including public transport services, pedestrians and cyclists; (v) methods to maintain access to and within property and/or private roads for all transport modes where practicable, or to provide alternative access arrangements when it will not be, including details of how access is managed for loading and unloading of goods. Engagement with landowners or occupiers whose access is directly affected shall be undertaken in accordance with the SCEMP Condition 10; 	Amendment by AT to clause (b)(v AT has deleted the words "all transp addition, AT has deleted the word "a while also including reference to how of goods.
		(viii) auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management or any subsequent version;	Amendment by AT to clause (viii) AT has relocated clause (viii) to claus to Temporary Traffic Management.
		(d) <u>Auditing, monitoring and reporting requirements relating to traffic management activities shall be</u> <u>undertaken in accordance with the New Zealand Guide to Temporary Traffic Management (April 2023) or</u> <u>any subsequent version</u>	
All	20	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:	Amendment by AT AT has amended the Saturday 063 55dB was an error.
		Table 17.1: Construction noise standards Day of week Time period LAeq(15min) LAFmax	
		Day of week Time period Laeq(15min) LAFmax	



an additional clause to the CEMP condition. AT equate linkages to measures included in response Management Plan and SCEMP conditions. In

a SCEMP to be prepared in consultation with Start of Construction and clause (b)(ix) requires kages and cross-references to other management

ement Plan Condition) requires all management at detail on managing the effects associated with suse (a)(iii)) and to summarise comments received ther they have been incorporated (clause (a)(iv)). agement plans must be uploaded to the Project tual information source which will provide a clear ave been included within management plans in

proposed by the Panel in clause (b)(xii) is not

a) and (b)

(b) describing the objective of the CTMP to clause nagement plan conditions.

)(iv)

s" from clause (b)(iv) as this was included in

)(v)

sport modes" as this wording is not necessary. In d "access" to improve workability of the condition, now access is managed for loading and unloading

iii) and new clause (d)

ause (d) and inserted the date of the current Guide at.

630h – 0730h limit to 45dB to as the reference to

Designation	Condition number		-	kland Transport to cond n bold and <u>underlined</u> ar		by the Hearing Commissioners and strikethrough)	Reason for modifications
		Occupied ac	tivity sensiti	ve to noise			
		Weekday	0630h - 073	0h 55 dB	75 dB		
			0730h - 180	0h 70 dB	85 dB		
			1800h - 200	0h 65 dB	80 dB		
			2000h - 063	0h 45 dB	75 dB		
		Saturday	0630h - 073	0h 5<u>4</u>5 dB	75 dB		
			0730h - 180	0h 70 dB	85 dB		
			1800h - 200	0h 45 dB	75 dB		
			2000h - 063	0h 45 dB	75 dB		
			d0630h - 073	0h 45 dB	75 dB		
		Public Holidays	0730h - 180	0h 55 dB	85 dB		
			1800h - 200	0h 45 dB	75 dB		
			2000h - 063	0h 45 dB	75 dB		
		Other occupi	ied buildings	; ;			
			0730h – 180	00h 70 dB			
		All	1800h – 073	30h 75 dB			
			compliance w on 20 shall ap		eet out in Table 17.1 is	not practicable, the methodology i	n
All	21	Construction V Table 21-1 Con		ndards bration Standards			Reject change to Category B nig AT rejects the change to the night-t B buildings. This change is not new be addressed through a Schedule to
		Receiver		Details	Category A*	Category B**	by the activity.
		Occupied act	ivity sensitiv	e to noise			AT has also made a formatting co
		Occupied activ		Night-time 2000h - 0630		4 <u>2</u> mm/s ppv	
		sensitive to no	196	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	
		Other occupie	1.1	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	



hight-time construction vibration limit

nt-time construction vibration standard for Category necessary as any activity of this nature will already e to the CNVMP in response to the noise generated

correction to the table to delete unnecessary text eader.

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 <u>strikethrough</u>)	Reason for modifications
AII	23	Schedule to a CNVMP c. The Schedule shall be submitted to the Manager for certification at least ten (10) 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. 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.	Reject amendment to clause (c) AT rejects the amendment requiring 10 working days in advance of Con- more appropriate given the Schedu construction contractor will main compliance team to ensure they h therefore five working days is suffici Amendment by AT As per the rationale above in relati changes to management plans", cla to this condition.
All	24	 Historic Heritage Management Plan (<u>HHMP</u>) (a) A HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work. <u>The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable.</u> (b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable. (b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable. To achieve the objective, the HHMP shall identify: (c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), shall be submitted to the Manager within 12 months of completion. 	 Amendments by AT AT reallocates the text in clause (b) (a) for consistency with other manage In addition, AT has deleted clause (construction) The actions to avoid, remineritage are set out in the Hild through the Outline Plan procession Monitoring and reporting action then condition a subsequent This deletion is consistent with ot CNVMP, EMP) which also include condition a subsequent administration
All	25	 Pre-Construction Ecological Survey (a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken by a Suitably Qualified Person. The purpose of the survey is to inform the detailed design of ecological management plan by: (ii) confirming whether the project will or may have a moderate or greater level of ecological effect on ecological species of value, prior to implementation of impact management measures with the level of effect to be determined in accordance with Table 10 of the EIANZ guidelines <u>as included in Schedule 4 to these conditions</u> (or subsequent updated version of the table). (b) If the ecological survey confirms the presence of ecological features species of value in accordance with Condition 26(a)(i) and that effects are likely in accordance with Condition 26(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 26 a, b, c or d for these areas (Confirmed Biodiversity Areas). 	Amendment by AT to clause (a) AT amends the wording to improve Amendment by AT to clause (a)(ii AT has amended clause (a)(ii) to a Schedule 4 of these conditions. Amendment by AT to clause (b) AT amends the wording to be consis
NoR 2 NoR 3 NoR 4 NoR 5	26a	Ecological Management Plan (EMP)	Amendment by AT to clauses (a) AT reallocates the text in clause (b) (a) for consistency with other manage



ing certification of the CNVMP Schedule at least construction Works. A five working day period is dule is only being submitted for certification. The intain close engagement with the Council's have notice of when it will be submitted and icient.

ation to the definition of "Certification of material clause (e) has been relocated from the definition

b) describing the objective of the HHMP to clause agement plan conditions.

(c) because:

medy and mitigate adverse effects on historic HHMP inclusions in 24(b) which will be submitted process; and

actions are inherent in 24(b); it is not necessary to ent administrative process.

other management plan conditions (e.g. TMP, de monitoring and reporting actions but do not ative process.

e clarity.

(ii)

acknowledge that Table 10 is included in new

sistent with the language used in Condition 25(a).

a) and (b)

b) describing the objective of the EMP to clause agement plan conditions.

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
NoR 7 NoR 8		 (a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 26) prior to the Start of Construction for a Stage of Work. <u>The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable.</u> (b) The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable. (b) The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable. <u>To achieve the objective, tThe</u> EMP shall set out the methods which may include: (i) B. details of how the timing of any construction work in the vicinity of any maternity long tail bat roosts will be limited to outside the bat maternity period (between December and March) where reasonably practicable; 	The Panel recommends including " <u>d</u> in the vicinity" in clause (b)(i)(B) reject this change as the additional v is adequate.
AII	28	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) The objective of the NUMP is to set out a framework for protecting, relocating and working in proximity to existing network utilities. To achieve the objective.t ^T he NUMP shall include methods to: (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; (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. The Requiring Authority shall consult with Network Utility Operators during the detailed design phase to consider opportunities to enable, or not preclude, the development of new network utility facilities including access to power and ducting within the Project, where practicable to do so. The consultation undertaken, opportunities considered, and whether or not they have been incorporated into the detailed design, shall be summarised in the NUMP.	Amendment by AT to clauses (a) AT amends clauses (a) and (b) to be Amendment by AT to clause (b)(in AT updates clause (b)(iv) as the Petroleum standard was excluded in Reject amendment to clause (d) AT rejects the amendments to cla through the LIP condition. The word to coordinate with Network Utility O during the development of the NUM
All	29	 Low Noise Road Surface (a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project. (b) The asphaltic concrete surface shall be maintained to retain the noise reduction performance of the surface established in accordance with (a). 	Reject amendment to clause (b) The Panel recommends inserting concrete surface to be maintained to surface. Consequential to this, the R Resurfacing Work condition (Condit AT rejects the insertion of clause (reduction performance of the surface retain the noise reduction performant as original road surfaces inherently take into account the whole-of-life resource allocation. AT also notes the road noise performance. AT con- considered in the Closing Legal Sub-

⁸ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [17.36] – [17.42]



)(i)(B)

"<u>details of</u> how the timing of any construction work (B) for Condition 26a only. The AT decision is to al words are unnecessary and the existing wording

a) and (b)

be consistent with other management plans.

)(iv)

he AS/NZS 2885 Pipelines – Gas and Liquid I in error.

clause (d) as integration is already provided for ording proposed by AT ensures that opportunities Operators during detailed design are considered JMP where practicable.

ng a new clause (b) that requires the asphaltic d to retain the noise reduction performance of the e Panel has recommended deletion of the Future dition 29a(a)) discussed further below.

e (b) and the requirement to maintain the noise face at the time of Construction. It is impractical to nance or the original surface on an ongoing basis ily degrade over time. Resurfacing decisions must fe cost of assets, as well as ensuring equitable is that resurfacing can result in an improvement in considers this matter has been appropriately Submissions.⁸

Designation	Condition number		and Transport to conditions recommended by the Hearing oold and <u>underlined</u> and rejections are in bold and strikethrou	
All	29a	Transport Reseal Guide concrete surfacing (or e (i)(i)the volume of tra (ii)(ii)the road is subjec intersections); o(iii)it is in an industri (iv)(iv)it is subject to hi schools.b)Prior to commencing a 	works of the Project shall be undertaken in accordance hes, Asset Management and Systems 2013 or any updated v uivalent low noise road surface) shall be implemented whe fic exceeds 10,000 vehicles per day; or t to high wear and tear (such as cul de sac heads, roundal al or commercial area where there is a high concentration o h usage by pedestrians, such as town centres, hospitals, si / future resurfacing works, the Requiring Authority shall ar ndition 29a(a)(i) – (iv) are not met by the road or a sectio asphaltic concrete surfacing (or equivalent low noise road section of it. Such advice shall also indicate when any rese	version and asphaltic pre:basis that it is no longer necessary 29(b) above. AT rejects this recom full.bouts and main road bouts and main roadAs explained in Closing Legal Subr when the low noise road surface wi from the AT Reseal Guidelines. If ful the condition, then the condition co in asphaltic concrete (or equivalen adequate.
NoR 1	<u>29A</u>	noise limits at receivers as All mechanical and electric	he transport hub and park and ride facility shall comply wit at out in the AUP. services (including Public Address system) for the transpo following noise rating levels and maximum noise levels, as	ort hub shall be



Resurfacing Work condition)

g the Future Resurfacing Work condition on the ary with their proposed new wording in Condition pommendation and has reinstated the condition in

ubmissions,⁹ the condition sets out the criteria for will be implemented and these criteria are drawn future arterial corridors meet the criteria set out in commits AT to carry out future resurfacing works ent low noise road surface) which is considered

s commercial and operational requirements. In must take into account the whole-of-life cost of litable resource allocation. AT must consider its and this goes beyond noise impacts as it must also ers. It is relevant to note that road surfaces on AT e the entire road pavement to be upgraded (rather often the case for New Zealand Transport Agency

ne reference to the Auckland Transport Reseal nd Systems 2013 in clause (a) to also refer to "any

tion

ommendation to include a noise condition for the amended the condition to specify compliance with tly, rather than referencing the AUP. AT has also ese changes are consistent with similar conditions

⁹ Closing legal submissions of Requiring Authority, dated 20 December 2023, at [17.38] – [17.41].

		1						T
All	New schedule	Schedule 2 - Floo					e vulnerability of the	Amendment by AT
		See explanation in the Flood Haza additional schedule.						
		community wher that relate to spe						
		The vulnerability	thresholds iden	tified in the flood			best description of	
							plied equally to flood	
						<u>elling approaches.</u> flood hazard estin	through to complex	
				behaviour estimat		noou nazaru estin	nale iniked to the	
		mothou dood to			<u>.</u>			
		5.0 1					7	
			for vehicles and people.	In the failure				
		An building	types considered vulnerabl					
		4.0						
		3.5 -						
		3.0 -						
		H5 - unsate	e for vehicles All buildings					
		E vulnerable	to structural damage. robust building types					
		2.5 - Some less vulnerable						
		2.0						
		H4 - unsafe for people						
		1.5 - and vehicle	5					
		1.0 - H3 - unsafe for vehicles						
		children and the elderly	d					
		0.5	e for small vehicles					
		H1 - genera	ally safe					
		0.0 for people,	vehicles and buildings			2.		
		0.0	1.0	2.0 Velocity (m/s	3.0 4.0	5.0		
				Runoff, Book 6, 20				
All	New Schedule	Schedule 4: Table 10 of the 2018 EIANZ Guidelines Amendment by AT						
		Critoria for doca	See explanation in the Pre-Construct rationale for this additional schedule.					
		CITETIA IUT GESCI	Inding level of eff	Audpleu Iro	n regini (2000) an	d Boffa Miskell (20	<u>,,,))</u>	
				1	1	1		
		Ecological	<u>Very high</u>	<u>High</u>	<u>Moderate</u>	Low	<u>Negligible</u>	
		<u>Value →</u>						
		<u>Magnitude ↓</u>						
		<u>Very high</u>	<u>Very high</u>	<u>Very high</u>	<u>High</u>	<u>Moderate</u>	Low	
1								
		High	Very high	Very high	Moderate	Low	Very low	



lazard	condition	above	for	the	rationa	le	for	this
tructior ule.	n Ecologic	al Surv	ey c	ondi	tion abo	DVE	e for	the

LowModerateLowLowVery lowVery lowNegligibleLowVery lowVery lowVery lowVery lowPositiveNet gainNet gainNet gainNet gainNet gain	<u>Moderate</u>	<u>High</u>	<u>High</u>	<u>Moderate</u>	Low	Very low
	Low	Moderate	Low	Low	Very low	Very low
Positive Net gain Net gain Net gain Net gain	Negligible	Low	Very low	Very low	Very low	Very low
	Positive	Net gain	Net gain	Net gain	Net gain	Net gain

Yours sincerely

Jane Small

Jane Small Group Manager, Strategic Development Programmes and Property



Appendix D – Auckland Transport's Modifications to NoR 4 conditions (clean)



[# Council to allocate #] – Matakana Road Upgrade

Designation Number	XXXX
Requiring Authority	Auckland Transport
Location	Matakana Road in Warkworth between the Hill Street intersection to the Rural Urban Boundary.
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 an arterial transport corridor.

Conditions

Abbreviations and definitions

Acronym/Term	Definition
Activity sensitive to noise	Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centre, lecture theatre in a tertiary education facility, classroom in an education facility and healthcare facility with an overnight stay facility
AUP	Auckland Unitary Plan
BPO or Best Practicable Option	Has the same meaning as in section 2 of the RMA 1991
CEMP	Construction Environmental Management Plan
Certification of material changes to management plans	 Confirmation from the Manager that a material change to a management plan has been prepared in accordance with the condition to which it relates. A material change to a management plan shall be deemed certified: (a) where the Requiring Authority has received written confirmation from Council that the material change to the management plan is certified; or (b) ten working days from the submission of the material change to the management plan where no written confirmation of certification has been received
CMP	Cultural Monitoring Plan
CNVMP	Construction Noise and Vibration Management Plan
CNVMP Schedule or Schedule	A schedule to the CNVMP
Completion of Construction	When construction of the Project (or part of the Project) is complete and it is available for use
Confirmed Biodiversity Areas	Areas recorded in the Identified Biodiversity Area Schedule where the ecological values and effects have been confirmed through the ecological survey under Condition 27

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
Educational facility	 Facility used for education to secondary level. Includes: schools and outdoor education facilities; and · accommodation, administrative, cultural, religious, health, retail and communal facilities accessory to the above. Excludes: care centres; and tertiary education facilities.
EIANZ Guidelines	Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018
EMP	Ecological Management Plan
Enabling works	Includes, but is not limited to, the following and similar activities:
	 (a) geotechnical investigations (including trial embankments); (b) archaeological site investigations; (c) formation of access for geotechnical investigations; (d) establishment of site yards, site entrances and fencing; (e) constructing and sealing site access roads; (f) demolition or removal of buildings and structures; (g) relocation of services; (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting); (i) earthworks associated with enabling works Historic Heritage Management Plan
HHMP	
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA Identified Biodiversity Area	 Heritage New Zealand Pouhere Taonga Act 2014 Means an area or areas of features of ecological value where the Project ecologist has identified that the project will potentially have a moderate or greater level of ecological effect, prior to implementation of impact management measures, as determined in accordance with the EIANZ guidelines
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate
Mana Whenua	 Mana Whenua as referred to in the conditions are considered to be the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the Project: (a) Ngāti Manuhiri (b) Ngāti Maru
	(c) Ngāti Tamatera (d) Ngāti Whanaunga

	 (e) Te Ākitai Waiohua (f) Ngai Tai Ki Tamaki (g) Ngāti Whātua o Kaipara (h) Ngāti Paoa Trust Board (i) Te Kawerau a Maki (j) Te Runanga o Ngāti Whātua (k) Te Patu Kirikiri (l) Ngāti Paoa Iwi Trust. Note: other iwi not identified above may have an interest in the Project and should be consulted
Network Utility Operator	Has the same meaning as set out in section 166 of the RMA
NIMP	Network Integration Management Plan
NOR	Notice of Requirement
NUMP	Network Utilities Management Plan
NZAA	New Zealand Archaeological Association
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 –</i> <i>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 4, 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	cond	itions
1.	Activ (a) (b)	 vity in General Accordance with Plans and Information Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the Project description and concept plan in Schedule 1 Where there is inconsistency between: (i) the Project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the Project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	Proje (a) (b) (c)	 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. 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 on: (i) the status of the Project; (ii) anticipated construction timeframes; (iii) contact details for enquiries; (iv) the implications of the designation for landowners, occupiers and business owners and operators within the designation and information on 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. At the start of detailed design for a Stage of Work, the project website or virtual information on the likely date for Start of Construction, and any staging of works.

3.	Land	d use Integration Process
	(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:
		(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
	(1-)	planning with the designation.
	(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:
		(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.
	(c)	Information requested or provided under Condition 3(b) above may include
	(0)	but not be limited to the following matters:
		(i) design details including but not limited to:
		A. boundary treatment (e.g. the use of retaining walls or batter
		slopes);
		B. the horizontal and vertical alignment of the road (levels);
		C. potential locations for mid-block crossings;
		D. integration of stormwater infrastructure; and
		E. traffic noise modelling contours.
		(ii) potential modifications to the extent of the designation in response to
		information received through Condition 3(b)(ii)
		(iii) the timing of any designation review under Condition 5 or in
		response to information received through Condition 3(b)(ii)
		(iv) 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
		(v) details of how to apply for written consent from the Requiring
		Authority for any development proposal that relates to land is within
		the designation under section 176(1)(b) of the RMA.
	(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.
	(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:
		(i) details of any requests made to the Requiring Authority that could
		influence detailed design, the results of any engagement and, where

	(f)	 such requests that could influence detailed design are declined, the reasons why the Requiring Authority has declined the requests; and details of any requests to co-ordinate the forward work programme, where appropriate, with Development Agencies and Network Utility Operators. The record shall be submitted to Council for information ten working days prior to the Start of Construction for a Stage of Work
4.		holder Communication and Engagement
	(a) (b)	 At least six months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall identify: (i) a list of Stakeholders; (ii) a list of properties within the designation which the Requiring Authority does not own or have occupation rights to; and (iii) methods to engage with Stakeholders and the owners and occupiers of properties identified in (a)(i) – (ii) above. A record of (a) shall be submitted with an Outline Plan for the relevant
F		Stage of Work.
5.	(a) As Re	 (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and (ii) give notice to Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
6.		
7.	Netwo (a)	 ork Utility Operators and Auckland Council-(Section 176 Approval) 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: (i) operation, maintenance and repair works; (ii) minor renewal works to existing network utilities or parks necessary for the on-going provision or security of supply of network utility or parks operations; (iii) minor works such as new service connections; and (iv) the upgrade and replacement of existing network utilities in the same location with the same or similar effects on the work authorised by the designation as the existing utility. To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.
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8.	Outline Plan
	 (a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA.
	(b) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the Project.
	 (c) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include: (i) Construction Environmental Management Plan; (ii) Construction Traffic Management Plan; (iii) Construction Noise and Vibration Management Plan; (iv) Urban and Landscape Design Management Plan; (v) Historic Heritage Management Plan; (vi) Ecological Management Plan; (vii) Network Integration Management Plan; and (viii) Network Utilities Management Plan; and (ix) Tree Management Plan
	Flood Hazard
	For the purpose of Condition 9:
	 (a) AEP – means Annual Exceedance Probability; (b) Existing authorised habitable floor – means the floor level of any room (floor) in a residential building which is authorised and exists at the time the outline plan is submitted, excluding a laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage;
	(c) Flood prone area – means potential ponding areas that may flood and commonly comprise of topographical depression areas. The areas can occur naturally or as a result of constructed features.
	(d) Maximum Probable Development – is the design case for consideration of future flows allowing for development within a catchment that takes into account the maximum impervious surface limits of the current zone or if the land is zoned Future Urban in the AUP, the probable level of development arising from zone changes;
	 Pre-Project development – means existing site condition prior to the Project (including existing buildings and roadways); and
	(f) Post-Project development – means site condition after the Project has been completed (including existing and new buildings and roadways).

9.	Flood Hazard
9.	 (a) The Project shall be designed to achieve the following flood risk outcomes: (i) no increase in flood levels in a 1% AEP event for existing authorised habitable floors that are already subject to flooding or have a freeboard less than 500mm; (ii) no increase in flood levels in a 1% AEP event for existing authorised community, commercial, industrial and network utility building floors that are already subject to flooding or have a freeboard less than 300mm; (iii) maximum of 50mm increase in water level in a 1% AEP event outside and adjacent to the designation boundaries between the pre and post Project scenarios. (iv) no new flood prone areas; and (v) no increase of Flood Hazard class for the main vehicle and pedestrian access route 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 2 to these conditions. (b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 1% AEP flood levels (for Maximum Probable Development land use and including climate change). (c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory
10.	approvals have been obtained for that work or alternative outcome. Existing property access
10.	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.

11.	Man	agement Plans
	(a)	Any management plan shall:
	. ,	(i) be prepared and implemented in accordance with the relevant
		management plan condition;
		(ii) be prepared by a Suitably Qualified Person(s);
		(iii) include sufficient detail relating to the management of effects
		associated with the relevant activities and/or Stage of Work to which
		it relates;
		(iv) summarise comments received from Mana Whenua and
		stakeholders as required by the relevant management plan
		condition, along with a summary of where comments have:
		A. been incorporated; and
		B. where not incorporated, the reasons why.
		(v) be submitted as part of an Outline Plan pursuant to section 176A of
		the RMA, with the exception of SCEMPs and CNVMP Schedules;
		 (vi) Once finalised, uploaded to the Project website or equivalent virtual information source.
	(b)	Any management plan developed in accordance with Condition 11 may:
	(0)	 (i) be submitted in parts or in stages to address particular activities (e.g.
		design or construction aspects), a Stage of Work of the Project, or to
		address specific activities authorised by the designation;
		(ii) except for material changes, be amended to reflect any changes in
		design, construction methods or management of effects without
		further process;
	(c)	If there is a material change required to a management plan which has
		been submitted with an Outline Plan, the revised part of the plan shall be
		submitted to the Council as an update to the Outline Plan or for
		Certification as soon as practicable following identification of the need for a
	/ N	revision;
	(d)	Any material changes to the SCEMP(s) are to be submitted to the Council
		for information.

12.	Stak	keholder Communication and Engagement Management Plan (SCEMP)
	(a)	A SCEMP shall be prepared in consultation with Stakeholders prior to the Start of Construction. The objective of the SCEMP is to identify how the public and Stakeholders will be engaged with throughout Construction Works.
	(b)	To achieve the objective, the SCEMP shall include: (i) a list of Stakeholders;
		 (ii) a list of properties within the designation which the Requiring Authority does not own or have occupation rights to; (iii) methods to engage with Stakeholders and the owners of properties identified in (b)(ii) above;
		 (iv) the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s);
		 (v) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua;
		 (vi) methods and timing to engage with owners and occupiers whose access is directly affected;
		 (vii) 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) and (ii) above; and
		 (viii) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant.
	(c)	Any SCEMP prepared for a Stage of Work shall be submitted to Council for information a minimum of ten working days prior to the Start of Construction for a Stage of Work.

13.	Cult	tural Advisory Report
	(a)	At least six months prior to the start of detailed design for a Stage of Work, Mana Whenua shall be invited to prepare a Cultural Advisory Report for the Project. The objective of the Cultural Advisory Report is to assist in understanding and identifying Ngā Taonga Tuku Iho ('treasures handed down by our ancestors') affected by the Project, to inform their management and protection.
	(b)	To achieve the objective, the Requiring Authority shall invite Mana
		 Whenua to prepare a Cultural Advisory Report that: (i) identifies the cultural sites, landscapes and values that have the potential to be affected by the construction and operation of the Project;
		 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, and the CMP referred to in Condition 20.
		 (vi) identifies and (if possible) nominates traditional names along the Project alignment. Noting there may be formal statutory processes outside the project required in any decision-making.
	(c)	The desired outcomes for management of potential effects on cultural sites, landscapes and values identified in the Cultural Advisory Report shall be discussed with Mana Whenua and those outcomes reflected in the relevant management plans where practicable;
	(d)	 Conditions 13(b) and (c) will cease to apply if: (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least six months prior to start of Construction Works; and (ii) Mana Whenua have not provided a Cultural Advisory Report within
4.4	Nat	six months prior to start of Construction Works.
14.	Netv (a)	work Integration Management Plan (NIMP) 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 Network Integration Management Plan
	(b)	(NIMP). The objective of the NIMP is to identify how the Project will integrate with the planned transport network within the Warkworth growth area to achieve an effective, efficient and safe land transport system. To achieve the objective, the NIMP shall include details of the:
	(~)	 (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.

15.	Urba	an and Landscape Design Management Plan (ULDMP)
	(a)	A ULDMP shall be prepared prior to the Start of Construction for a Stage
		of Work. The objective of the ULDMP(s) is to:
		(i) enable integration of the Project's permanent works into the
		surrounding landscape and urban context; and
		 ensure that the Project manages potential adverse landscape and visual effects as far as practicable and contributes to a quality urban
		environment.
	(b)	Mana Whenua shall be invited to participate in the development of the ULDMP(s) to provide input into relevant cultural landscape and design matters including how desired outcomes for management of potential effects on cultural sites, landscapes and values identified and discussed in accordance with Condition 13 may be reflected in the ULDMP
	(c)	Relevant stakeholders shall be invited to participate in the development of
	()	the ULDMP at least six months prior to the start of detailed design for a
		Stage of Work.
16.	(a)	To achieve the objective set out in Condition 15, the ULDMP(s) shall provide details of how the project:
		(i) is designed to integrate with the adjacent urban (or proposed urban)
		and landscape context, including the surrounding existing or
		proposed topography, urban environment (i.e. centres and density of
		built form), natural environment, landscape character and open
		space zones; (ii) provides appropriate walking and cycling connectivity to, and
		interfaces with, existing or proposed adjacent land uses, public
		transport infrastructure and walking and cycling connections;
		(iii) promotes inclusive access (where appropriate); and
		(iv) promotes a sense of personal safety by aligning with best practice
		guidelines, such as:
		 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.
		 (v) has responded to matters identified through the Land Use Integration Process (Condition 3)
	(b)	The ULDMP shall be prepared in general accordance with:
	(0)	(i) Auckland Transport's Urban Roads and Streets Design Guide;
		(ii) New Zealand Transport Agency Urban Design Guidelines: Bridging
		the Gap (2013) or any subsequent updated version;
		(iii) New Zealand Transport Agency Landscape Guidelines (2018) or any
		subsequent updated version; and
		(iv) New Zealand Transport Agency P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent undeted
		Highway Landscape Treatments (2013) or any subsequent updated version; and
		(v) Auckland's Urban Ngahere (Forest) Strategy or any subsequent
		updated version.

17.		ULDMP(s) shall include:
	(a)	a concept plan – which depicts the overall landscape and urban design
		concept, and explain the rationale for the landscape and urban design
		proposals;
	(b)	developed design concepts, including principles for walking and cycling
		facilities and public transport; and
	(c)	landscape and urban design details – that cover the following:
		(i) road design – elements such as intersection form, carriageway
		gradient and associated earthworks contouring including cut and fill
		batters and the interface with adjacent land uses and existing roads
		(including slip lanes), benching, spoil disposal sites, median width
		and treatment, roadside width and treatment;
		(ii) roadside elements – such as lighting, fencing, wayfinding and
		signage;
		(iii) architectural and landscape treatment of all major structures,
		including bridges and retaining walls;
		(iv) architectural and landscape treatment of noise barriers;
		(v) landscape treatment and planting of permanent stormwater control
		wetlands and swales;
		(vi) integration of passenger transport;
		(vii) pedestrian and cycle facilities including paths, road crossings and
		dedicated pedestrian/ cycle bridges or underpasses;
		(viii) historic heritage places with reference to the HHMP (Condition 26);
		and
		(ix) re-instatement of construction and site compound areas; and
		(x) re-instatement of features to be retained such as:
		A. boundary features
		B. driveways;
		C. accessways; and
	<i>.</i>	D. fences
	(d)	The ULDMP shall also include the following planting details and
		maintenance requirements:
		(i) planting design details including:
		A. identification of existing trees and vegetation that will be
		retained with reference to the TMP and EMP. 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,
		 D. Riparian margins and open space zones; E. identification of any planting requirements under the EMP
		(Condition 28) and TMP (Condition 29);
		F. integration of any planting requirements required by conditions
		of any resource consents for the project; and
		G. 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 works in each Stage of Work; and
		(iii) detailed specifications relating to the following:
		A. weed control and clearance;
		B. pest animal management (to support plant establishment);
		C. ground preparation (top soiling and decompaction);

		D mudakin mand
		 D. mulching; and E. plant sourcing and planting, including hydroseeding and
		grassing, and use of eco-sourced species.
Constr	uction 0	Conditions
18.		
10.	(a) (b)	 truction Environmental Management Plan (CEMP) 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. To achieve the objective, the CEMP shall include: (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the Project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and
		 the proposed hours of work; (iv) details of the proposed construction yards including temporary screening when adjacent to residential zones; (v) details of the proposed construction lighting; (vi) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vii) methods for providing for the health and safety of the general public; (viii) measures to mitigate flood hazard effects such as siting stockpiles out of floodplains, minimising obstruction to flood flows, actions to respond to warnings of heavy rain; (ix) procedures for incident management; (x) location and procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to watercourses; (xi) measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up; (xii) procedures for responding to complaints about Construction Works; and
		(xiii) methods for amending and updating the CEMP as required.
19.	(a)	 At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include: (iii) the date, time and nature of the complaint; (iv) the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous); (v) 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; (vi) the outcome of the investigation into the complaint; and (vii) 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.
		A copy of the complaints register required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.

20.	Cultural Monitoring Plan (CMP)	
	 (a) Prior to the start of Construction Works, a Suitably Qualified Person(s) identified in contract The objective of the CMP is to identify met monitoring to assist with management of a Construction works. 	ollaboration with Mana Whenua. thods for undertaking cultural
	(b) To achieve the objective, the CMP shall in	clude:
	(i) Requirements for formal dedication of undertaken prior to start of Construct having significance to Mana Whenua	or cultural interpretation to be tion Works in areas identified as
	 (ii) Requirements and protocols for culture and subcontractors; 	
	 (iii) Identification of activities, sites and a is required during particular Construct 	•
	 (iv) Identification of personnel to underta any geographic definition of their res 	U U
	 (v) Details of personnel to assist with me effects identified during cultural mon of the Accidental Discovery Protocol 	itoring, including implementation
	 (c) If Enabling Works involving soil disturbance start of Construction Works, an Enabling V a Suitably Qualified Person identified in co This plan may be prepared as a standalon included in the main Construction Works C 	e are undertaken prior to the Vorks CMP shall be prepared by Ilaboration with Mana Whenua. e Enabling Works CMP or be
	Advice note:	
	Where appropriate, the CMP shall align with the of the designation and resource consents for the monitoring during Construction Works.	

21.	Con	struction Traffic Management Plan (CTMP)
	(a)	A CTMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CTMP is to avoid, remedy or mitigate, as far as
		practicable, adverse construction traffic effects.
	(b)	To achieve this objective, the CTMP shall include:
		 methods to manage the effects of temporary traffic management activities on traffic;
		(ii) measures to ensure the safety of all transport users;
		 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) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including public transport, pedestrians and cyclists;
		(v) methods to maintain access to and within property and/or private roads where practicable, or to provide alternative arrangements when it will not be, including details of how access is managed for loading and unloading of goods. Engagement with landowners or occupiers whose access is directly affected shall be undertaken in accordance with the SCEMP;
		 (vi) 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;
		 (vii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / stakeholders / emergency services);
		 (viii) details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters; and
		 (ix) details of any measures proposed to be implemented in the event of thresholds identified in (d) below being exceeded.
	(c)	Auditing, monitoring and reporting requirements relating to traffic management activities shall be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management (April 2023) or any subsequent version;
	(d)	Particular consideration is to be given to the Hill Street intersection (being the intersection of State Highway 1, Hill Street, Elizabeth Street, Matakana Road, Sandspit Road and Millstream Place.

	(a) Construction noise shall be measured and assessed in accordance wit NZS6803:1999 Acoustics – Construction Noise and shall comply with t main and and a starting the following tables of farming tables.							
	noise standards set out in the following table as far as practicable: Table 22-1 Construction Noise Standards							
	Day of week	Time period	LAeq(15min)	LAFmax				
	Occupied activity s	ensitive 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	0630h - 0730h	45 dB	75 dB				
	Holidays	0730h - 1800h	55 dB	85 dB				
		1800h - 2000h	45 dB	75 dB				
		2000h - 0630h	45 dB	75 dB				
	Other occupied bui	ldings	·	· · · · · · · · · · · · · · · · · · ·				
	All	0730h – 1800h	70 dB					
		1800h – 0730h	75 dB					
		bliance with the noi the methodology ir		out in Table 22-1 is all apply				
	Construction Vib			an appij.				
			monoured in cos	ordanco with ISO				
(a) Construction vibration shall be measured in accordance with ISO								
	4866:2010 Mechanical vibration and shock – Vibration of fixed structure Guidelines for the measurement of vibrations and evaluation of their							
			IL UL VIDIALIULIS AL					
	Guidelines for		comply with the y	vibration standards				
	Guidelines for effects on st	ructures and shall		vibration standards s				
	Guidelines for effects on st			vibration standards s				
	Guidelines for effects on st in the followi	ructures and shall	oracticable.	vibration standards s				
	Guidelines for effects on st in the followi Table 23-1 Construct Receiver	ructures and shall ng table as far as ion Vibration Standar Details	oracticable. rds Category A*	Category B**				
	Guidelines for effects on st in the followi Table 23-1 Construct	ructures and shall ng table as far as ion Vibration Standar Details Night-time 2000h - 0630h	oracticable. rds Category A* 0.3mm/s ppv	Category B** 2mm/s ppv				
	Guidelines for effects on st in the following Table 23-1 Construct Receiver Occupied activities sensitive to noise	ructures and shall ng table as far as ion Vibration Standar Details Night-time 2000h - 0630h Daytime 0630h - 2000h	Category A* 0.3mm/s ppv 2mm/s ppv	Category B** 2mm/s ppv 5mm/s ppv				
	Guidelines for effects on st in the following Table 23-1 Construct Receiver Occupied activities sensitive to noise Other occupied buildings	ructures and shall ng table as far as ion Vibration Standar Details Night-time 2000h - 0630h Daytime 0630h - 2000h Daytime 0630h - 2000h	Category A* 0.3mm/s ppv 2mm/s ppv 2mm/s ppv	Category B** 2mm/s ppv 5mm/s ppv 5mm/s ppv				
	Guidelines for effects on st in the following Table 23-1 Construct Receiver Occupied activities sensitive to noise Other occupied buildings All other buildings	ructures and shall ng table as far as ion Vibration Standar Details Night-time 2000h - 0630h Daytime 0630h - 2000h Daytime 0630h - 2000h At all other times	oracticable. rds Category A* 0.3mm/s ppv 2mm/s ppv 2mm/s ppv Tables 1 and 3 of	Category B** 2mm/s ppv 5mm/s ppv 5mm/s ppv				
	Guidelines for effects on st in the following Table 23-1 Construct Receiver Occupied activities sensitive to noise Other occupied buildings All other buildings * Category A criteria a	ructures and shall ng table as far as ion Vibration Standar Details Night-time 2000h - 0630h Daytime 0630h - 2000h Daytime 0630h - 2000h	Category A* 0.3mm/s ppv 2mm/s ppv 2mm/s ppv Tables 1 and 3 of 6.30.1 of the AUP	Category B** 2mm/s ppv 5mm/s ppv 5mm/s ppv DIN4150-3:1999				

24.	Con	struction Noise and Vibration Management Plan (CNVMP)
	(a)	A CNVMP shall be prepared prior to the Start of Construction for Stage of Work. A CNVMP shall be implemented during the Stage of Work to which it relates. The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 22 and 23 to the extent practicable.
	(b)	To achieve the objective, the CNVMP shall be prepared in accordance
		with Annex E2 of the New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6803:1999) and shall as a minimum, address the following:
		(i) description of the works and anticipated equipment/processes;
		(ii) hours of operation, including times and days when construction activities would occur;
		(iii) the construction noise and vibration standards for the project;
		 (iv) identification of receivers where noise and vibration standards apply; (v) a hierarchy of management and mitigation options, including any requirements to limit night works and works during other sensitive
		times, including Sundays and public holidays as far as practicable;
		 (vi) methods and frequency for monitoring and reporting on construction noise and vibration;
		(vii) procedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints.
		(viii) contact details of the Project Liaison Person;
		(ix) procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers;
		 (x) procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for those areas where compliance with the noise Condition 22 and/or vibration standards Condition 23 Category 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 the CNVMP, Schedules and the best practicable option for management of effects are being implemented; and
		(xiv) requirements for review and update of the CNVMP.

25.	Schedule to a CNVMP	
	(a) A Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the	
	 Schedule, when: (i) construction noise is either predicted or measured to exceed the noise standards in Condition 22, except where the exceedance of the L_{Aeq} criteria is no greater than 5 decibels and does not exceed: A. 0630 – 2000: 2 period 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 23. 	
	(b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP.	
	 (c) To achieve the objective, the Schedule shall include details such as: (i) construction activity location, start and finish 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.	
	(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.	
	(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.	
	(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.	

26.	Hist	oric H	eritage Management Plan (HHMP)
	(a)	Whe objec	IMP shall be prepared in consultation with Council, HNZPT and Mana nua prior to the Start of Construction for a Stage of Work. The ctive of the HHMP is to protect historic heritage and to remedy and ate any residual effects as far as practicable.
	(b)	•	chieve the objective, the HHMP shall identify: any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures;
		(ii)	methods for the identification and assessment of potential historic heritage places within the designation to inform detailed design;
		(iii)	known historic heritage places and potential archaeological sites within the designation, including identifying any archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted;
		(iv)	any unrecorded archaeological sites or post-1900 heritage sites within the designation, which shall also be documented and recorded;
		(v)	roles, responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with AUP accidental discovery rule, and monitoring of conditions;
		(vi)	specific areas to be investigated, monitored and recorded to the extent these are directly affected by the Project;
		(vii)	the proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition,
			measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version;
		(viii)	
		(ix)	methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the designation during Construction Works as far as practicable. These methods shall include, but are not limited to:
			A. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access;
			B. measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as
			 increased public awareness and interpretation signage; and training requirements and inductions for contractors and subcontractors on historic heritage places within the designation, legal obligations relating to unexpected
			discoveries and the AUP Accidental Discovery Rule (E11.6.1) The training shall be undertaken prior to the Start of

	Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 13).
	Advice note: Accidental Discoveries The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP
27.	 Pre-Construction Ecological Survey (a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken by a Suitably Qualified Person. The purpose of the survey is to inform the ecological management by: (i) confirming whether the species of value within the Identified Biodiversity Areas recorded in the Identified Biodiversity Area Schedule 3 are still present; and (ii) confirming whether the project will or may have a moderate or greater level of ecological effect on ecological species of value, prior to implementation of impact management measures with the level of effect to be determined in accordance with Table 10 of the EIANZ guidelines as included in Schedule 4 to these conditions (or subsequent updated version of the table). (b) If the ecological survey confirms the presence of ecological species of value in accordance with Condition 27(a)(i) and that effects are likely in accordance with Condition 27(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 28 for these areas (Confirmed Biodiversity Areas).

28.	Ecological Management Plan (EMP)			
	(a)	An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 27) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas		
		as far as practicable.		
	(b)	To achieve the objective, the EMP shall set out the methods which may include:		
		 (i) If an EMP is required in accordance with Condition 27(b) for the presence of long tail bats: 		
		A. measures to minimise, disturbance from construction activities		
		within the vicinity of any active long tail bat roosts (including maternity) that are discovered through survey until such		
		roosts are confirmed to be vacant of bats;		
		B. how the timing of any construction work in the vicinity of any		
		maternity long tail bat roosts will be limited to outside the bat		
		maternity period (between December and March) where		
		reasonably practicable;		
		C. details of areas where vegetation is to be retained where		
		practicable for the purposes of the connectivity of long tail bats;		
		D. details of how bat connectivity (including suitable indigenous		
		or exotic trees or artificial alternatives) will be provided and		
		maintained. This could include:		
		a. identification of areas and timeframes for establishment of advance restoration / mitigation planting (including		
		suitable indigenous or exotic trees or artificial		
		alternatives) taking into account land ownership,		
		accessibility and the timing of available funding;		
		b. details of measures to manage the effects of light spill on		
		bat connectivity as far as practicable.		
		E. Where mitigation to minimise effects is not practicable, details of any offsetting proposed.		
		(ii) If an EMP is required in accordance with Condition 27(b) for the		
		presence of threatened or at risk birds (excluding wetland birds):		
		A. how the timing of any Construction Works shall be undertaken		
		outside of the bird breeding season (September to February) where practicable;		
		B. where Pipit are identified as being present, how the timing of		
		any Construction Works shall be undertaken outside of the		
		Pipit bird breeding season (August to February) where		
		practicable; and		
		C. where works are required within the area identified in the		
		Confirmed Biodiversity Area during the bird breeding season		
		(including Pipits), methods to minimise adverse effects on		
		Threatened or At-Risk birds; and		
		D. details of grass maintenance if Pipit are present.		
		(iii) If an EMP is required in accordance with Condition 27(b) for the		
		presence of threatened or at risk wetland birds:		
		A. how the timing of any Construction Works shall be undertaken		
		outside of the bird breeding season (September to February) where practicable;		
		where practicable,		

		В.	where works are required within the Confirmed Biodiversity Area during the bird season, methods to minimise adverse
			effects on Threatened or At-Risk wetland birds;
		C.	undertaking a nesting bird survey of Threatened or At-Risk wetland birds prior to any Construction Works taking place within a 50m radius of any identified Wetlands (including establishment of construction areas adjacent to Wetlands). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction
			inactivity;
		D.	 what protection and buffer measures will be provided where nesting Threatened or At-Risk wetland birds are identified within 50m of any construction area (including laydown areas). Measures could include: a. a 20 m buffer area around the nest location and retaining
			vegetation. The buffer areas should be demarcated where necessary to protect birds from encroachment. This might include the use of marker poles, tape and signage;
			b. monitoring of the nesting Threatened or At-Risk wetland birds by a Suitably Qualified and Experienced Person. Construction works within the 20m nesting buffer areas
			should not occur until the Threatened or At-Risk wetland birds have fledged from the nest location (approximately 30 days from egg laying to fledging) as confirmed by a Suitably Qualified and Experienced Person;
			c. minimising the disturbance from the works if construction works are required within 50 m of a nest, as advised by a Suitably Qualified and Experienced Person;
			d. adopting a 10m setback where practicable, between the edge of Wetlands and construction areas (along the edge of the stockpile/laydown area); and
			e. minimising light spill from construction areas into Wetlands.
		E.	Details on any mitigation required to address any potential operational disturbance.
	(iv)		EMP is required in accordance with Condition 27(b) for the
		A.	ence of native herpetofauna: a description of the methodology and timing for survey,
			trapping and relocation of lizards rescued;
		В. С.	a description of the relocation site(s), including: any measures to ensure the relocation site remains available;
		0.	and
		D.	any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
		E. F.	a post vegetation clearance search for remaining lizards; and any proposed monitoring.
(c)	to be	unde	shall be consistent with any ecological management measures rtaken in compliance with conditions of any regional resource ranted for the Project.

	(d) The EMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any regional resource consents granted for the Project.
	Advice note:
	 Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans: (i) Stream and/or wetland restoration plans; (ii) Vegetation restoration plans; and (iii) Fauna management plans (e.g. bats, avifauna, herpetofauna).
29.	Tree Management Plan (TMP)
23.	 (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 ULDMP planting design details in Condition 17); 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 conditions of any resource consents granted for the project in relation to managing construction effects on trees.
	(c) Where replacement planting of any tree listed in Schedule 5 is required under (b)(ii)(a) it shall be at a ratio of 2:1 for Single Trees and a minimum of like for like (in m ²) for Group of Trees.

30.	Net	work 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 Operator(s) who have existing 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.
Operat	ional o	conditions
31.	Low	/ Noise Road Surface
	(a)	Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project.

32.	Future Resurfacing Work
	 (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: (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. (b) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 32(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.
	Traffic Noise
	For the purposes of Conditions 33 to Condition 44:
	(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 Schedule 6: Identified PPFs Noise Criteria Categories;
	 (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 Schedule 6: PPFs Noise Criteria Categories; (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 31; and
	(k) Structural Mitigation – has the same meaning as in NZS 6806.

33.	The Noise Criteria Categories identified in Schedule 6: PPFs Noise Criteria Categories at each of the PPFs shall be achieved where practicable and subject to Conditions 33 to 44 (all traffic noise conditions).
	The Noise Criteria Categories do not need to be complied with at a PPF where: (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.
	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.
34.	As part of the detailed design of the Project, a Suitably Qualified Person shall determine the Selected Mitigation Options for the PPFs identified on Schedule 6: Identified PPFs Noise Criteria Categories For the avoidance of doubt, the low noise road surface implemented in
	accordance with Condition 31 may be (or be part of) the Selected Mitigation Option(s).
35.	Prior to construction of the Project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in Schedule 6: PPFs Noise Criteria Categories, taking into account the Selected Mitigation Options.
36.	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.
37.	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.
38.	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').
39.	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.

(((For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 39 above if: (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 39 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. 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.
41 . 5 i ((Subject to Condition 40 above, within six months of the assessment undertaken in accordance with Condition 39, the Requiring Authority shall write to the owner of each Category C Building advising: (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.
F k	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.
((Subject to Condition 40, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with Condition 42 if: (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 40 (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.
	The Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable

Attachments

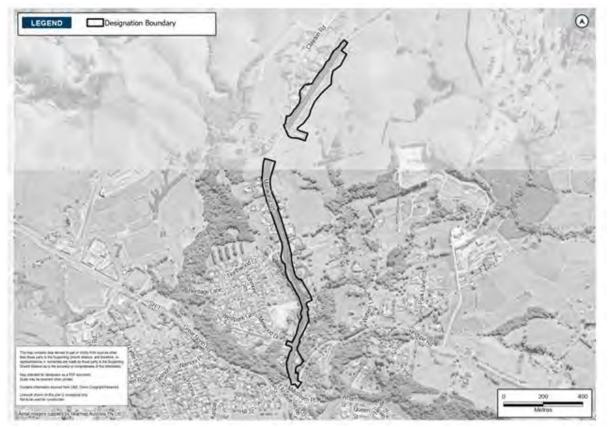
Schedule 1: General Accordance Plans and Information

Project Description

The proposed work is the construction, operation, and maintenance for an upgrade to Matakana Road between the Hill Street intersection to the edge of the Rural Urban Boundary to provide for an urban arterial corridor with active mode facilities. The proposed work is shown in the following Concept Plan and includes:

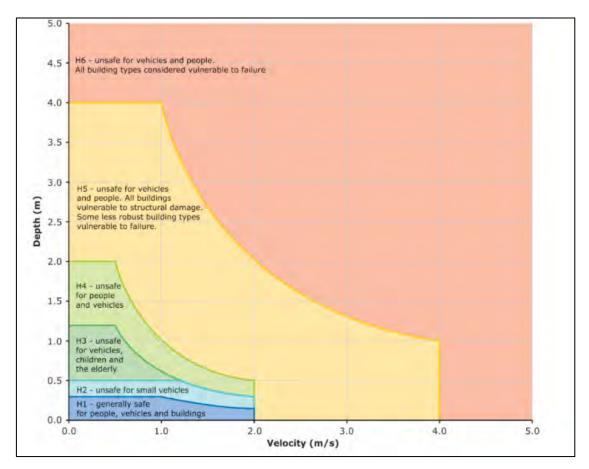
- Upgrading Matakana Road to an urban arterial with cycle lanes and footpaths.
- Tie-ins with existing roads, localised widening around the existing intersections to accommodate new intersection forms.
- New or upgraded stormwater management systems, bridges and culverts (where applicable).
- Batter slopes to enable widening of the corridor, and associated cut and fill (earthworks).
- Vegetation removal.
- Other construction related activities required outside the permanent corridor including the re-grade of driveways, construction traffic manoeuvring and construction laydown areas.

Concept Plan



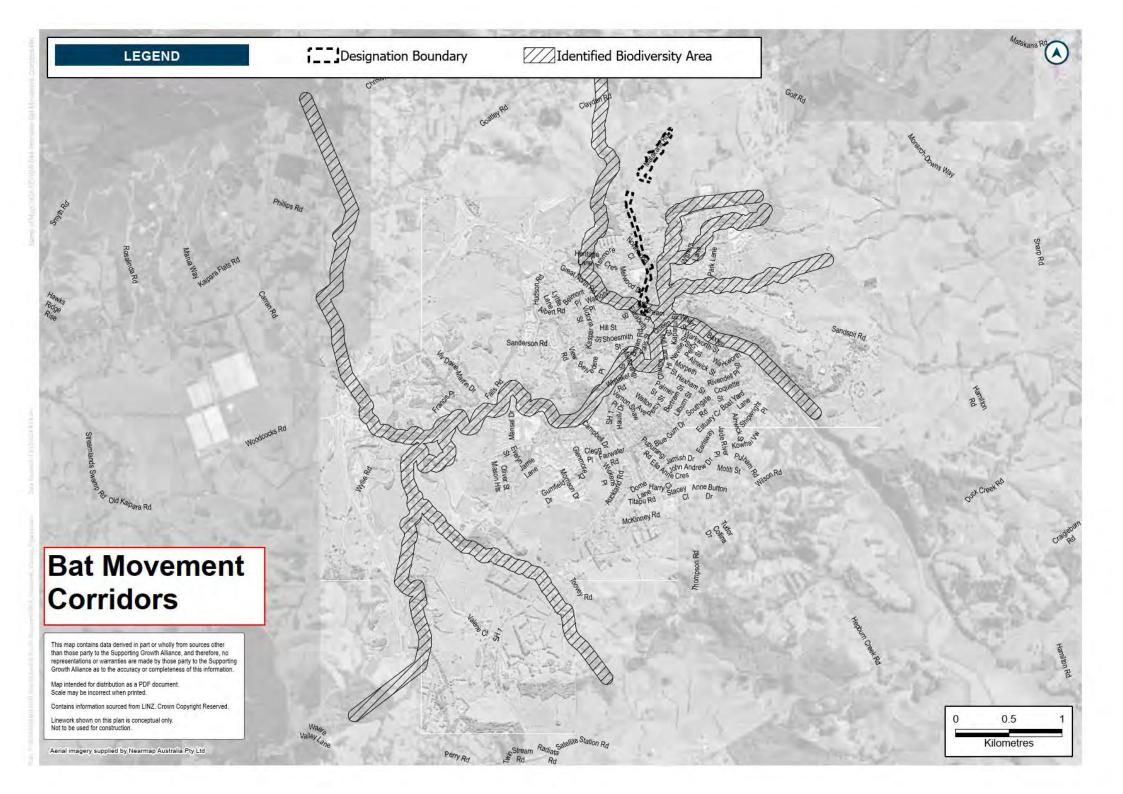
Schedule 2: Flood Hazard Class

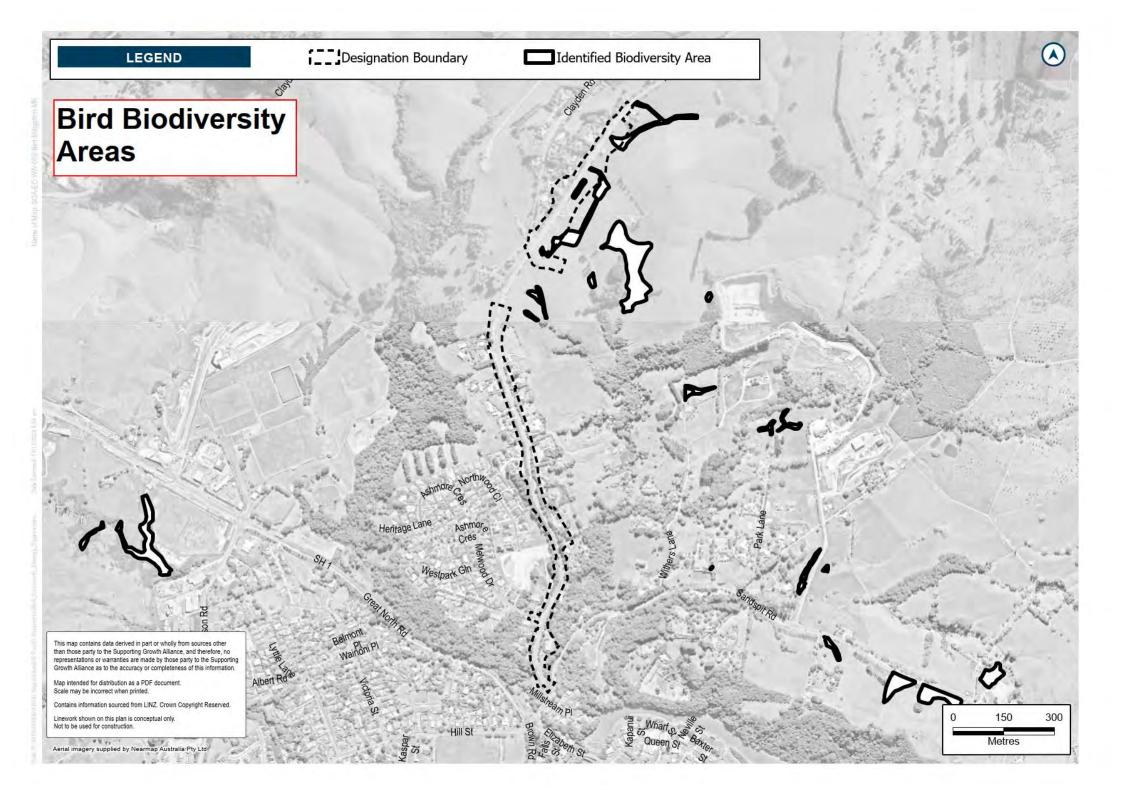
The combined flood hazard curves shown below set hazard thresholds that relate to the vulnerability of the community when interacting with floodwaters. The combined curves are divided into hazard classifications that relate to specific vulnerability thresholds. The vulnerability thresholds identified 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 3: Identified Biodiversity Areas





Schedule 4: Table 10 of the 2018 EIANZ Guidelines

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

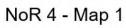
Criteria for describing level of effects (Adapted from Regini (2000) and Boffa Miskell (2011))

Schedule 5: Trees

Tree No.	Vegetation Type	Protection	Species	Age
401	Single Tree	Road Reserve	Pin Oak	Mature
402	Single Tree	Road Reserve	Gleditsia	Semi-mature
403	Single Tree	Road Reserve	Sweet Chestnut	Semi-mature
404	Group of Trees	Road Reserve	Totara/Weed Species/mixed pioneer natives	Mature
405	Group of Trees	Road Reserve	Totara/Weed Mature Species/mixed pioneer natives	
407	Single Tree	Road Reserve	Pohutukawa	Semi-mature
408	Single Tree	Road Reserve	Pohutukawa	Semi-mature
409	Single Tree	Notable Tree	Deodar Cedar	Mature





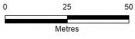


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Tree/Group of Trees





Tree/Group of Trees

NoR 4 - Map 2

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Metres

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NoR 4 - Map 3

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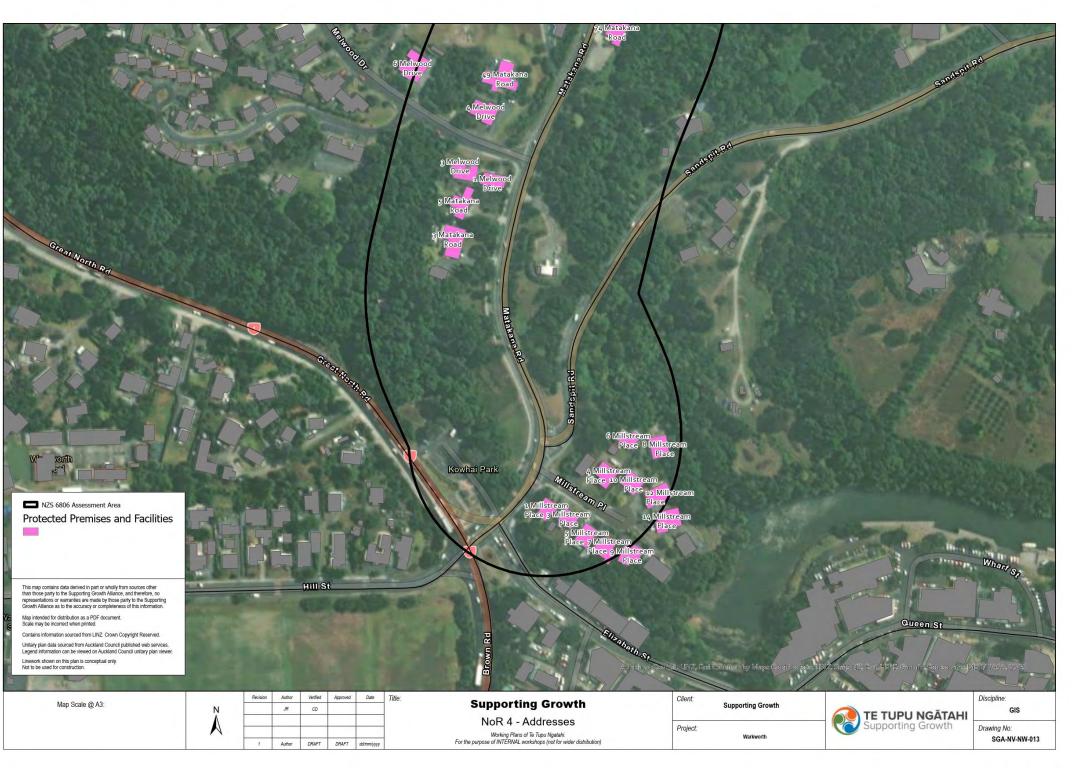
Tree/Group of Trees

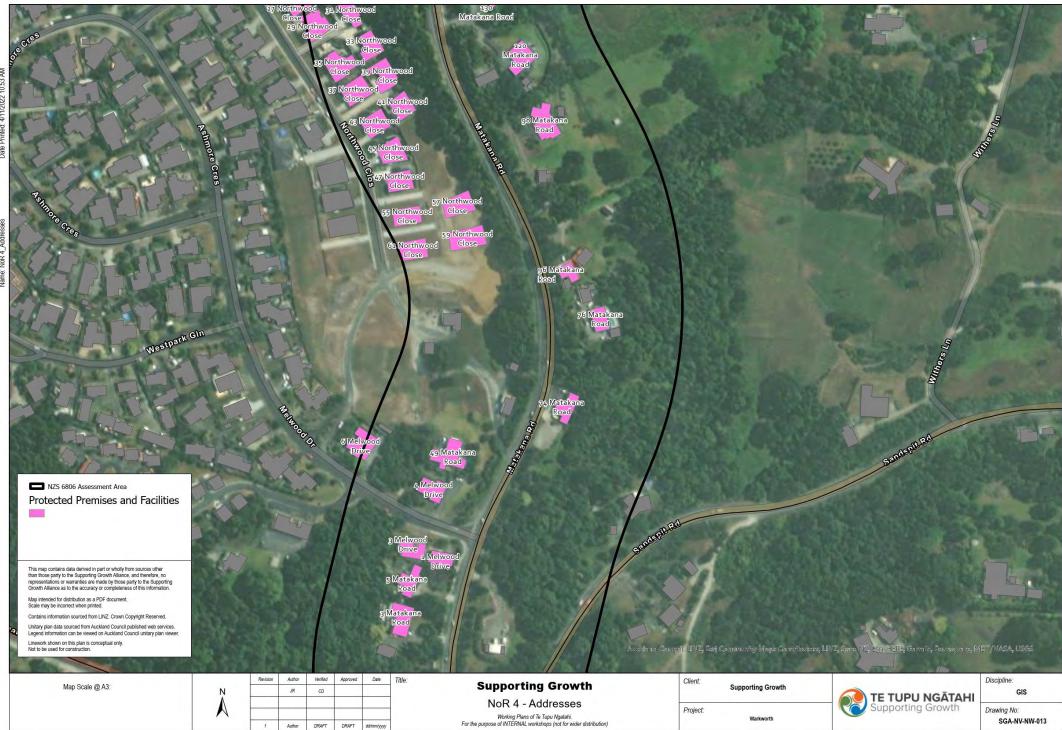
Schedule 6: Identified PPFs Noise Criteria Categories

Address	New or Altered Road	Noise Criteria Category
40 Clayden Road	Altered Road	Category A
190 Matakana Road	Altered Road	Category A
8 Clayden Road	Altered Road	Category A
6 Clayden Road	Altered Road	Category A
293 Matakana Road	Altered Road	Category A
295 Matakana Road	Altered Road	Category A
297 Matakana Road	Altered Road	Category A
299 Matakana Road	Altered Road	Category A
303 Matakana Road	Altered Road	Category A
4 Clayden Road	Altered Road	Category A
2 Clayden Road	Altered Road	Category A
223 Matakana Road	Altered Road	Category A
170 Matakana Road	Altered Road	Category A
165 Matakana Road	Altered Road	Category A
160 Matakana Road	Altered Road	Category A
211 Matakana Road	Altered Road	Category A
171 Matakana Road	Altered Road	Category A
185 Matakana Road	Altered Road	Category A
13 Northwood Close	Altered Road	Category A
19 Northwood Close	Altered Road	Category A
6 Melwood Drive	Altered Road	Category A
49 Matakana Road	Altered Road	Category A
74 Matakana Road	Altered Road	Category A

Г		
76 Matakana Road	Altered Road	Category A
98 Matakana Road	Altered Road	Category A
120 Matakana Road	Altered Road	Category A
130 Matakana Road	Altered Road	Category A
140 Matakana Road	Altered Road	Category A
1 Millstream Place	Altered Road	Category A
3 Millstream Place	Altered Road	Category A
5 Millstream Place	Altered Road	Category A
7 Millstream Place	Altered Road	Category A
14 Millstream Place	Altered Road	Category A
12 Millstream Place	Altered Road	Category A
10 Millstream Place	Altered Road	Category A
4 Millstream Place	Altered Road	Category A
6 Millstream Place	Altered Road	Category A
8 Millstream Place	Altered Road	Category A
5 Matakana Road	Altered Road	Category A
1 Melwood Drive	Altered Road	Category A
3 Melwood Drive	Altered Road	Category A
4 Melwood Drive	Altered Road	Category A
3 Matakana Road	Altered Road	Category A
9 Millstream Place	Altered Road	Category A
15 Northwood Close	Altered Road	Category A
17 Northwood Close	Altered Road	Category A
23 Northwood Close	Altered Road	Category A
25 Northwood Close	Altered Road	Category A

27 Northwood Close	Altered Road	Category A
29 Northwood Close	Altered Road	Category A
31 Northwood Close	Altered Road	Category A
35 Northwood Close	Altered Road	Category A
33 Northwood Close	Altered Road	Category A
39 Northwood Close	Altered Road	Category A
233 Matakana Road	Altered Road	Category A
207 Matakana Road	Altered Road	Category A
44 Clayden Road	Altered Road	Category A
37 Northwood Close	Altered Road	Category A
43 Northwood Close	Altered Road	Category A
45 Northwood Close	Altered Road	Category A
47 Northwood Close	Altered Road	Category A
55 Northwood Close	Altered Road	Category A
61 Northwood Close	Altered Road	Category A
41 Northwood Close	Altered Road	Category A
57 Northwood Close	Altered Road	Category A
59 Northwood Close	Altered Road	Category A
96 Matakana Road	Altered Road	Category A
306 Matakana Road	Altered Road	Category A







NoR 4 - Addresses

Working Plans of Te Tupu Ngatahi. For the purpose of INTERNAL workshops (not for wider distribution)

Project:

Warkworth

Supporting Growth

Drawing No:

SGA-NV-NW-013

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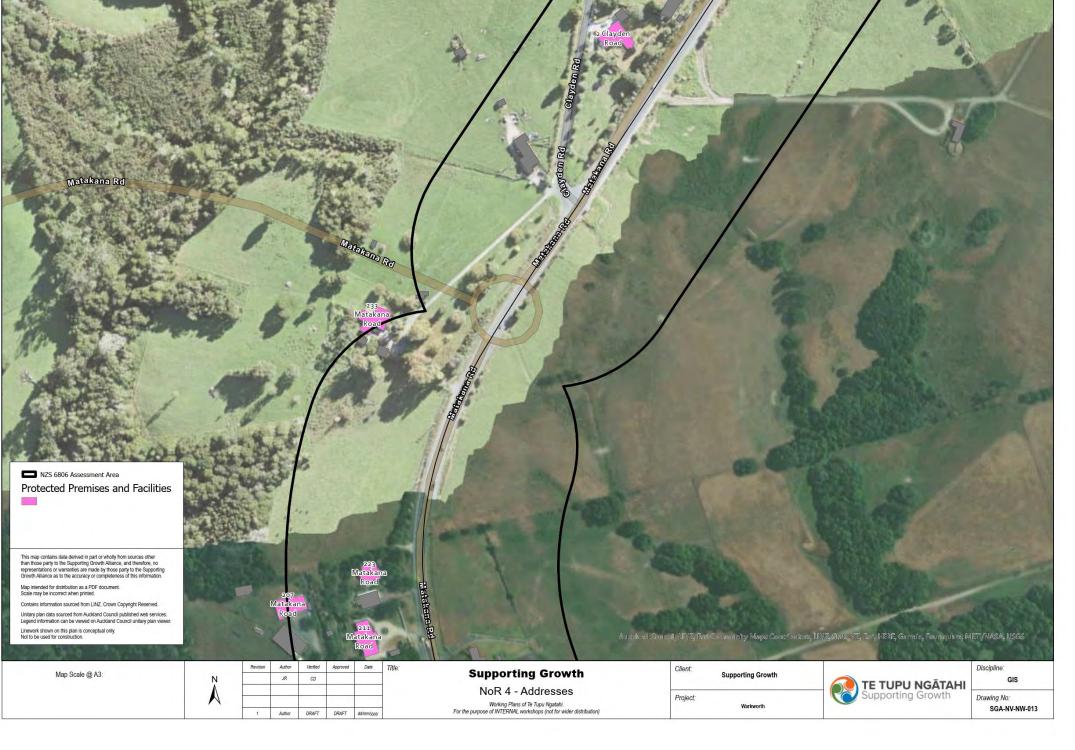
Supporting Growth NoR 4 - Addresses Working Plans of Te Tupu Ngatahi For the purpose of INTERNAL workshops (not for wider distribution)

Supporting Growth Project: Warkworth

TE TUPU NGĀTAHI Supporting Growth

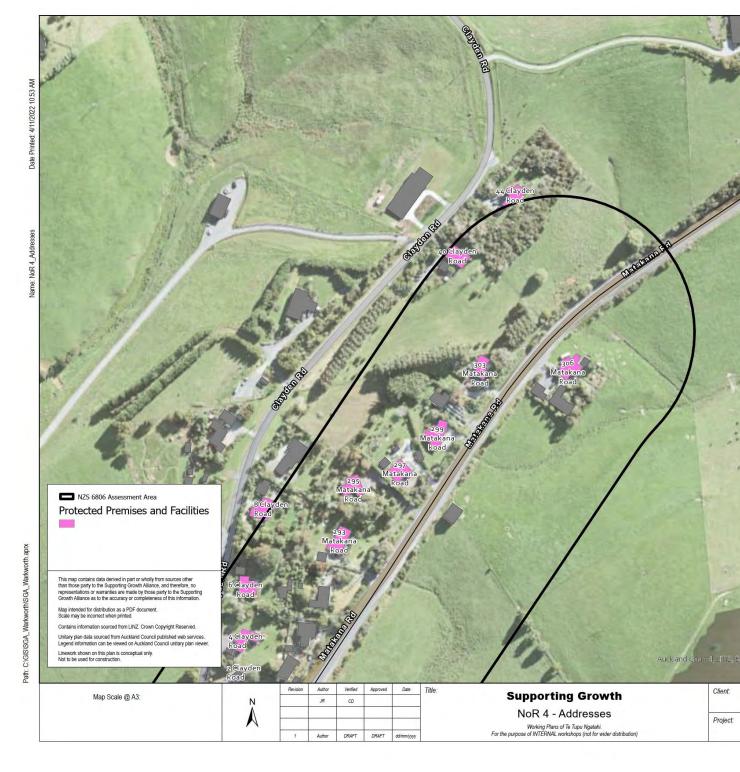


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