

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning, Central South, Plans and Places

FROM Nicholas Lau, Senior Policy Planner, Central South, Plans and Places

DATE 27 November 2020





SUBJECT **Alteration to a designation in accordance with s181(2) of the Resource Management Act or to the Auckland Unitary Plan(AUP) Operative in part (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Alteration to Designation 9466	
Chapter	Chapter K Designations
Section	Schedules and Designations – Watercare Services Ltd
Designation only	
Designation #9466	Central Interceptor Main Works
Locations:	From Western Springs to Mangere Wastewater Treatment Plant
Lapse Date	10 years from when the circumstances in section 175(1) of the Resource Management Act 1991 apply
Purpose	Construction, operation and maintenance of wastewater infrastructure.
Changes to text (shown in underline and strikethrough)	<p>Amend Condition 3.5 to read the following: Where a CNVMP predicts that noise levels from a particular activity will or will likely exceed the noise limits set out in Condition 3.2, or where noise measurements show that compliance is not being achieved, the Requiring Authority shall prepare and submit for the approval of the Council, an Activity Specific Construction Noise Management Plan (ASCNMP). <u>In preparing an ASCNMP, the Requiring Authority shall consult with those parties likely to be exposed to noise levels exceeding the relevant noise limit(s) and shall submit the results of this consultation to Auckland Council, including any response by the Requiring Authority to a matter raised in consultation.</u> The ASCNMP(s) shall be endorsed with the written consent of those persons affected by the exceedances and be submitted to the Council for review and approval at least 7 working days prior to the proposed works commencing.</p> <p>Amend the footnote to read the following: Note: It is accepted that the noise limits in Condition 3.2 may not be met at all times, but that the Requiring Authority will adopt the Best Practicable Option to achieve compliance and will obtain the written consent of affected persons to any exceedances</p>

Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	Attachmet 1: Section 181(2) report Attcahment 2: Updated Text

Prepared by: Nicholas Lau Senior Policy Planner, Central South Unit	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 
Reviewed by: Nicholas Lau Senior Policy Planner, Central South Unit	Signed off by: Celia Davison Manager Planning, Central South Unit
Signature: 	Signature: 

Attachment 1: Section 181(2) report

Report Name: Alteration to Designation 9466, being the construction, operation and maintenance of wastewater infrastructure (Central Interceptor) under s168 and s181 of the Resource Management Act 1991 under the Auckland Unitary Plan (Operative in Part)

Executive Summary

Watercare Services Limited (**WSL**) as a requiring authority has served notice on Auckland Council pursuant to Section 168 and 181 of the Resource Management Act 1991 (**RMA**) to alter Designation 9466, being the construction, operation and maintenance of wastewater infrastructure (Central Interceptor). The purpose of the alteration is to enable the construction, operation and maintenance of the Central Interceptor, with an alteration to designation condition 3.5 required to address the manner in which construction noise effects are managed.

Pursuant to section 181(2) of the RMA, it is recommended that Council agrees that Designation 9466 in the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**) be altered to amend condition 3.5 as outlined in this report.

Once the s181(2) request for to alter Designation 9466 is accepted by Council, the Auckland Unitary Plan (Operative in Part) can be amended accordingly.

Recommendation

- a) That the amendment to Designation 9466 submitted by Watercare Services Limited be confirmed in the Auckland Unitary Plan (Operative in Part) pursuant to Section 181(2) of the RMA, as outlined in Section 7.0 of this report.**
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NOTICE OF REQUIREMENT TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

1.0 REFERENCES

Requiring Authority:	Watercare Services Limited
Notice of Requirement:	Alteration of Designation 9466 to address the manner in which construction noise effects are managed within the designation
Site Involved:	Various addresses as set out in Appendix A, Part B of the Assessment of Environmental Effects submitted with the original Notice of Requirement application
Owners:	Watercare Services Limited
Legal Description:	N/A
Zoning:	Numerous
Locality Plan:	

N/A due to works involving multiple addresses.

2.0 SITE DESCRIPTION

The subject designation relates to the construction, operation and maintenance of a bulk wastewater interceptor between Western Springs and the Mangere Wastewater Treatment Plant.

The subject alteration relates to condition 3.5, which requires WSL to prepare an Activity Specific Construction Noise Management Plan (ASCNMP) in instances where the noise limits in condition 3.2 will, or will likely, be exceeded.

To date, ASCNMPs have been devised for WSLs construction sites at May Road, Walmsley Reserve, Keith Hay Park, Haycock Avenue and Dundale Avenue, with these sites located within Mt Roskill, Sandringham and New Windsor.

The additional constructions sites where ASCNMPs will likely be required are: Pump Stations 23 and 25, Whitney Street, Miranda Reserve, Haverstock Road, Lyon Avenue, Mount Albert War Memorial, Norgrove Avenue, Rawalpindi Reserve and Western Springs. These sites are all generally surrounding by residentially zoned properties and it is these properties that that will be affected by the likely noise exceedances.

3.0 DESCRIPTION OF PROPOSAL

WSL, as the requiring authority, has served a Notice of Requirements (NoR) on Council pursuant to s181 of the RMA for an alteration to Designation 9466, being the construction, operation and maintenance of wastewater infrastructure, which is otherwise referred to as the Central Interceptor Project (CIP).

The CIP designation was confirmed following a lengthy consenting process. It commenced in late 2012 when resource consents (district and regional land use, regional discharge and diversion and coastal) were submitted to Council. The application was publicly notified at the request of WSL.

Following a public hearing, the NoR was confirmed, subject to a number of modifications and the resource consents were granted, subject to a detailed suite of conditions, on 26 November 2013. WSL confirmed the NoR and accepted the modifications requested, following which a number of appeals were made. The appeals were mediated through the Environment Court, with the final consent order issued on 30 September 2015.

The approved CIP allowed for the construction, operation and maintenance of a bulk wastewater interceptor between Western Springs and the Mangere Wastewater Treatment Plant. The main tunnel is approximately 13km in length, with an internal diameter of 4.5m and located at depths of between 22m and 110m below ground level. Four link sewers were also consented, being 2.1m in diameter (internal), with depths of between 3m and 85m. Connections to the main and link sewers from the existing sewer network were also approved, along with associated structures, including access shafts, air treatment facilities, pump stations and outfalls.

The CIP was developed by WSL to address wastewater capacity issues within the Auckland Isthmus area and to reduce overflow events from areas where combined wastewater and stormwater systems are still present.

Following on from the above designation confirmation, WSL seeks to alter condition 3.5, being one of 11 (conditions 3.1 to 3.11) that relate to construction noise and vibration effects.

Condition 3.2 requires the works to comply with the following noise limits, unless otherwise agreed in writing with affected persons:

Time and Day	Noise Limits	
	L _{Aeq} dB	L _{Amax} dB
Monday to Saturday 0730 – 1800	70	85
At All Other Times and Public Holidays	45	75

Where exceedances of these limits will, or will likely, result, condition 3.5 requires WSL to prepare an ASCNMP and submit it to Council for approval.

This condition includes a list of requirements that the ASCNMP must address, being: a description of the activity (including the duration); the predicted noise levels and a set of activity specific noise limits; the monitoring measures proposed to determine compliance with the activity specific noise limits; and the mitigation measures proposed, including those required to maintain compliance with the activity specific noise limits.

In addition to the above, this condition also requires the ASCNMPs to be endorsed with the written consent of those persons affected by the exceedances. It is this component of the condition that WSL seeks to amend, with the compulsory affected person endorsement requirement to be removed and replaced with specific requirements for consultation (with affected persons). Written endorsement will still be provided if it can be obtained as part of the consultation process, but if it cannot be, the results of this consultation will be considered and incorporated as necessary into the ASCNMPs.

The reasons for this alteration are detailed in the submitted application and are summarised as follows:

- The current written endorsement requirement is unlawful.

- There have been circumstances where it has not been possible to obtain written endorsement from affected parties. These circumstances include:
 - Being unable to locate the affected party e.g. they are overseas.
 - The affected party not responding to repeated engagement attempts, such as written communication or door knocking.
 - The affected party confirming with WSL that they do not wish to engage with them.
 - The affected party being unwilling to provide endorsement, but due to concerns unrelated to noise e.g. the provision for alternative carparking during construction.
 - The affected party being unwilling to provide endorsement unless additional mitigation that does not correspond with the scale of effect on that party is provided e.g. a sizeable financial payment.

WSL have stated in the submitted application that the inability to obtain written endorsement at two of the CIP construction sites has resulted in delays of approximately one month, with individual parties having an undue influence over the consent implementation process.

4.0 ASSESSMENT OF NOTICE OF REQUIREMENT PURSUANT TO SECTION 181(2) OF THE RESOURCE MANAGEMENT ACT 1991

4.1 Sections 168 to 179 and 198AA to 198AD of the Resource Management Act 1991

Pursuant to section 181(2) of the RMA, sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.

Accordingly, an assessment on notification has been made in accordance with section 169 and sections s149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF of the Act. This was the subject of a separate report that concluded that the NoR could be processed on a non-notified basis.

This report is an assessment in accordance with sections 181(2) and 171 for Council to make a recommendation to the requiring authority.

Section 171(1) of the Act states the following:

When considering a requirement, a territorial authority must subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to the following:

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

4.2 Section 171(1) – Assessment of Effects

Anticipated actual and potential adverse effects on the environment and people relate solely to the management of noise effects.

In this respect, the submitted Assessment of Environmental Effects (AEE) states that the proposed change to condition 3.5 is necessary, as the current condition wording is inconsistent with the established legal principle that conditions cannot require third-party approval before consented works can occur. The AEE further notes that the changes will not alter substantive requirements of the condition, with WSL still obliged to prepare an ASCNMP and submit it to Council for approval in every instance where noise levels from a particular activity will, or will likely, exceed the noise limits set out in condition 3.2. Consultation with affected parties is also still required, with feedback received to be incorporated into the ASCNMP, which then needs to be approved by Council. The AEE then notes that the approved ASCNMP, along with compliance with other existing designation conditions relating to noise management, will collectively mitigate likely adverse effects as far as practicable.

I concur with this assessment for the reasons outlined in section 4.2.2 below.

4.2.1 Positive Effects

Altered condition 3.5 will better enable WSL to give effect to the designation, as they will be able to develop ASCNMPs in accordance with best practice requirements, noting that the requirement for written endorsement is not a typical inclusion within an activity specific noise management plan and does not form part of the best practicable option approach. As has been demonstrated by works at Keith Hay Park and Haycock Avenue, which were delayed as WSL were not able to readily obtain written endorsement, with the delay in doing so not relating to the inadequacy of the noise management measures proposed.

Accordingly, I consider that positive effects will result with respect to the manner in which construction works are managed, in that external third parties will not be able to obstruct the construction process based on issues that are not related to noise, being a scenario that is currently enabled through existing condition 3.5 as worded.

4.2.2 Noise effects

Following on from the assessment provided within the submitted AEE (as summarised in section 4.2 above), the only component that will be removed from condition 3.5 is the need for written endorsement. WSL will still be required to engage and consult with affected parties and endeavour to obtain written endorsement. Where endorsement cannot be obtained, the noise related issues raised by the affected parties will be considered by WSL, with measures to address adverse effects to then be included within the ASCNMP. These measures will then be considered by the Council, which includes review by an acoustic specialist, with the Council having the ability to not approve the plan and request further amendments if they deem them to be necessary.

This approach, and the amended condition, has been reviewed by the Council's Consultant Acoustic Specialist, Mr Jamie Exeter, who notes that the amended condition is consistent with current best practice and the manner in which conditions are currently drafted to address the management of construction noise exceedances. Mr Exeter further notes that the requirement for written endorsement is not a typical inclusion within an activity specific noise management plan and does not form part of the best practicable option approach. I adopt this assessment.

Further to the above, I agree with the applicant's assessment that the need for third party approval within a consent condition is inconsistent with established legal requirements and is, in fact, ultra vires. This is because it has the potential to frustrate implementation of the consented works, which has indeed been the case with previous works at Keith Hay Park and Haycock Avenue. The proposed amendments will address this issue.

Accordingly, the removal of the requirement for written endorsement will not alter the manner in which adverse noise effects are managed, as in instances where exceedances of stipulated noise standards result, WSL will still be required to implement the same range of management measures as currently required by existing consent conditions to avoid, remedy or mitigate such adverse effects.

4.2.3 Effects conclusion

Based on the information provided by WSL, I consider that the effects of the alteration in relation to the management of construction noise, being the only adverse effect that needs to be considered, will be less than minor and acceptable.

4.3 Section 171(1) – Part 2 Resource Management Act 1991

Part 2 RMA

The applicant has provided an assessment against Part 2 of the RMA in Section 5.1 of the AEE. This assessment reaches the following conclusions:

- The proposed change to the designation and consent condition 3.5 will enable necessary construction activities that cannot meet the noise limits while avoiding, remedying, or mitigating any adverse effects of activities on the environment, including effects on those parties affected by a noise exceedance. The changes are required to assist with the practical implementation of the conditions for WSL (and Council) and to remove the potential risk of a single neighbour having undue influence over the construction method or its duration. This will enable the efficient delivery of a project that provides significant benefits to the Auckland region, by providing social, economic, and cultural well-being for people and communities;

- No matters of national importance under Section 6 or other matters under Section 7 are considered to be relevant to the proposal;
- In terms of the principles of the Treaty of Waitangi under Section 8, the CIP was developed and is being constructed in consultation with Mana Whenua to ensure the matters outlined in section 8 of the RMA are taken into account. No additional consultation is considered necessary in regards to this application to change the ASCNMP condition.

I concur entirely with, and adopt, this assessment and consider that the proposal is consistent with Part 2 of the RMA.

4.4 Section 171(1)(a) – Relevant provisions

National Policy Statements or National Environmental Standards

There are no National Policy Statements or National Environmental Standards that are of relevance.

Auckland Unitary Plan

The applicant has provided an assessment against the provisions of the AUP(OP) in Section 5.2 of the AEE.

Having reviewed this assessment, I note that people will be protected from unreasonable levels of noise during construction of the CIP, as required by Objective E25.2.(1), with noise generally being managed to achieve the noise limits for construction set out in *New Zealand Standard NZS6803:1999 Acoustics – Construction noise*.

Where construction activity cannot meet the noise limits, an ASCNMP will be devised to ensure that mitigation measures are implemented to reduce the noise levels as far as practicable in accordance with the best practicable option. This is consistent with Objective E25.2.(14) and Policy E25.3.(10), which outline that where construction activities cannot meet noise standards, the duration, frequency and timing of such activity will be managed to address adverse effects. This will still be enabled by the change to condition 3.5, as ASCNMPs that have regard to the sensitivity of the receiving environment by identifying predicted noise from construction activities for receivers and consulting with those parties that will be affected, will still be required. Through this consultation process, the proposed duration, frequency and timing of construction activity can be altered to ensure that adverse construction noise effects are avoided, remedied or mitigated. The removal of the need for written endorsement will not inhibit this outcome from being achieved.

Accordingly, I consider that proposed condition modification will still enable outcomes to be achieved that are consistent with the relevant objectives and policies of the AUP(OP).

4.5 Section 171(1)(b) – Alternative sites, routes or methods

Section 171(1)(b) requires Council to have particular regard to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if:

- i. The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
- ii. It is likely the work will have a significant adverse effect on the environment.*

I am satisfied that a consideration of alternative sites, routes or methods is not required under section 171(1)(b) given that:

- The sites where the works will occur are either owned by WSL or they have obtained the necessary asset owner / lease agreements to occupy the land in question.
- As concluded in Section 4.2.3 of this report, the works enabled by the condition modification will not have a significant adverse effect on the environment.

4.6 Section 171(1)(c) – Necessity for work and designation

The necessity for the work and designation were established through the original NoR process. The proposed condition modification simply alters the manner in which construction noise effects are managed and does not have any implications in respect of the necessity of the works and designation, noting its requirement to deliver what is a major piece of wastewater infrastructure.

5.0 CONCLUSION

It is considered that the proposed alteration to Designation 9466 in the AUP(OP) will have less than minor and acceptable adverse effects on the existing environment and people and will be consistent with the relevant planning provisions. I therefore consider that the proposal satisfies Section 181(2) of the RMA, such that the alteration to Designation 9466 can be confirmed and the designation can be altered accordingly.

6.0 RECOMMENDATION AND REASONS (SECTION 181(2) OF THE ACT)

Recommendation

- a) That the amendment to Designation 9466 submitted by Watercare Services Limited be confirmed in the Auckland Unitary Plan (Operative in Part) pursuant to Section 181(2) of the RMA, subject to the condition alteration outlined in Section 7.0 of this report.**
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Reasons

- a) The alteration to Designation 9466 will have less than minor and acceptable effects upon the environment.
- b) No persons are considered directly affected by the proposed designation alteration.
- c) The proposed designation is consistent with Part 8 of the RMA.

7.0 CONDITIONS

The proposed amendments to Designation 9466 conditions are shown in ~~strikethrough~~ and underline below:

- 3.5 Where a CNVMP predicts that noise levels from a particular activity will or will likely exceed the noise limits set out in Condition 3.2, or where noise measurements show that compliance is not being achieved, the Requiring Authority shall prepare and submit for the approval of the Council, an Activity Specific Construction Noise Management Plan (ASCNMP). **In preparing an ASCNMP, the Requiring Authority shall consult with those parties likely to be exposed to noise levels exceeding the relevant noise limit(s) and shall submit the results of this consultation to Auckland Council, including any response by the**

Requiring Authority to a matter raised in consultation. The ASCNMP(s) shall be endorsed with the written consent of those persons affected by the exceedances and be submitted to the Council for review and approval at least 7 working days prior to the proposed works commencing.


Works subject to the ASCNMP(s) shall not commence until approval is received from the Council. If monitoring shows that levels specified in an ASCNMP are being exceeded, work generating the exceedance shall stop and not recommence until further mitigation is implemented in accordance with an amended ASCNMP approved by the Council.

In addition to the requirements of 3.4, an ASCNMP must:

- (a) describe the activity (including duration), plant and machinery that is expected not to comply with the noise limits in Condition 3.2;
- (b) describe the mitigation measures proposed to reduce the noise levels as far as practicable, including any options that have been discounted due to cost or any other reason;
- (c) provide predicted noise levels for all receivers where the noise levels will not be compliant with the limits in Condition 3.2, including the effect of mitigation specified in 3.5(b);
- (d) provide a set of noise limits that are Activity – Specific;
- (e) describe the noise monitoring that will be undertaken to determine compliance with the Activity – Specific noise limits; and
- (f) describe any additional noise mitigation measures that may be implemented to maintain compliance with Activity Specific noise limits.

Note: It is accepted that the noise limits in Condition 3.2 may not be met at all times, but that the Requiring Authority will adopt the Best Practicable Option to achieve compliance and will obtain the written consent of affected persons to any exceedances.


Signatories

Author	 <p>Mark Ross, Consultant Planner, Sentinel Planning Date: 19/11/2020</p>
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8.0 SECTION 181(2) RECOMMENDATION

The above Notice to alter Designation 9466, being the construction, operation and maintenance of wastewater infrastructure (Central Interceptor) in the Auckland Unitary Plan (Operative in Part) has been considered under Delegated Authority by the Auckland Council and is hereby recommended to be **CONFIRMED** in accordance with Section 181 of the Resource Management Act 1991.

The Auckland Unitary Plan (Operative in Part) shall be amended accordingly to alter Designation 9466.

Authoriser	 Marc Dendale Team Leader Central and South Planning Date: 23/11/2020
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Attachment 2: Updated Text

9466 Central Interceptor Main Works

Designation Number	9466
Requiring Authority	Watercare Services Ltd
Location	From Western Springs to Mangere Wastewater Treatment Plan
Rollover Designation	No
Legacy Reference	Designation C06-31, Auckland Council District Plan (Isthmus Section) 1999 Designation 311, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	10 years from when the circumstances in section 175(1) of the Resource Management Act 1991 apply

Purpose

Construction, operation and maintenance of wastewater infrastructure.

Conditions

1.0 General Conditions

- 1.1 Except as modified by the conditions below and subject to final design, the works shall be undertaken in general accordance with the evidence provided at the hearing, the information provided by the Requiring Authority in Notices of Requirement 1 and 2 dated August 2012, and supporting documents being:
- (a) Part A: Assessment of Effects on the Environment, titled "*Central Interceptor Main Project Works – Resource Consent Applications and Assessment of Effects on the Environment*" prepared by Watercare/Central Interceptor Team, dated 10 August 2012, reference 60102004.
 - (b) Part B: Site Specific Assessments, titled "*Central Interceptor Main Project Works – Assessment of Effects on the Environment*", prepared by Watercare/Central Interceptor Team and dated August 2012, excluding Mt Albert War Memorial Reserve (AS1).
 - (c) Part C – Drawing Set, prepared by Watercare/Central Interceptor Team dated August 2012 (all drawings dated 26 July 2012), except as amended by the plans provided in the Hearing Drawing Set (provided on 12 July 2013) and the further plan SK 1500 Rev B provided to the Council on 23 July 2013 regarding the proposed access to the May Road site, but excluding:
 - Mt Albert War Memorial Reserve (AS1) - Permanent Works Plan AEE-MAIN-2.1 Rev C; and
 - Mt Albert War Memorial Reserve (AS1) - Construction Works Plan AEE-MAIN-2.2 Rev C.
 - (d) Part D: Technical Reports (TR) as detailed below, and additional information:
 - TR A: Assessment of Landscape and Visual Effects, prepared by Boffa Miskell Limited, dated 26 July 2012;
 - TR B: Arboricultural Assessment Report, prepared by Arborlab Consultancy Services Limited, dated 18 July 2012;

- TR C: Assessment of Ecological Effects, prepared by Boffa Miskell Limited, dated 24 July 2012;
 - TR D: Archaeological Assessment, prepared by Clough & Associates Ltd, dated July 2012;
 - TR E: Traffic Impact Assessment, prepared by Traffic Design Group, dated 24 July 2012;
 - TR F: Noise Impact Assessment, prepared by Marshall Day Acoustics, dated 23 July 2012;
 - TR G: Vibration Assessment, prepared by Tonkin & Taylor Limited, dated July 2012, reference 27993;
 - TR H: Odour Assessment, prepared by Beca Infrastructure Ltd, dated 30 July 2012;
 - TR I: Ground Contamination Assessment, prepared by Tonkin & Taylor Limited, dated July 2012, reference 26145.400;
 - TR J: Effects of Tunnels on Groundwater and Surface Settlement, prepared by Tonkin & Taylor Limited, dated July 2012, reference 21645.300;
 - TR K: Erosion and Sediment Control Plans, prepared by Watercare Services Limited, dated 8 August 2012, and including plans MAIN-ESCP-1.0 to 1.2, MAIN-ESCP-3.1 to 9A.1, and MAIN-ESCP 10.1 to 19.1, except where those individual plans have been superseded by the revision included in the Section 92 Response Report dated December 2012.
- (e) The Section 92 Response Report to Auckland Council, dated December 2012 and March 2013, including the following:
- Part A: Introduction and Background
 - Part B: AEE Report Questions Response, and Specialist Reports and information as follows:
 - Property Instruments;
 - Draft Construction Discharge Management Plan, dated 12 December 2012 (except that the most current revision of this plan should be referred to, being the updated version of 22 May 2013 included in the Section 92 Response Report to Auckland Council dated May 2013);
 - Archaeological response (Clough & Associates), dated 26 November 2012;
 - Contamination response (Tonkin & Taylor), dated 12 December 2012;
 - Transportation response (Traffic Design Group), dated 12 December 2012;
 - Acoustic response (Marshall Day Acoustics), dated 29 November 2012;
 - Vibration response (Tonkin & Taylor), dated 12 December 2012; and
 - Trenching Drawings.
 - Groundwater and Surface Settlement Effects Assessment (Tonkin & Taylor), dated 1 March 2013.

- (f) Part 1 of the second Section 92 Response Report to Auckland Council dated May 2013, including the following:
- Watercare response report (Parts A and B) dated 13 May 2013;
 - Mt Albert War Memorial Reserve Updated Drawings (AEE-MAIN-2.1A and AEE-MAIN-2.2A);
 - Traffic response (Traffic Design Group), dated 6 May 2013;
 - Vibration response (Tonkin & Taylor), dated 10 May 2013;
 - Noise response (Marshall Day), dated 13 May 2013;
 - Soil Conditioner Data Sheets;
 - Mt Albert War Memorial Reserve Car Park – Erosion and Sediment Control Plan, dated 23 April 2013, Revision A;
 - Mt Albert War Memorial Reserve Car Park – Contamination response (Tonkin & Taylor), dated 2 May 2013; and
 - Mt Albert War Memorial Reserve Car Park - Groundwater and Settlement response (Tonkin & Taylor), dated 3 May 2013.
- (g) Part 2 of the second Section 92 Response Report to Auckland Council, being a letter from Watercare dated 27 May 2013 and including the following attachments:
- Attachment 1 – Amended Construction Discharges Condition (except that the final version of this condition should be referred to, as set out in the granted resource consents 40834 and 40835);
 - Attachment 2 – Updated Construction Discharges Management Plan, dated 22 May 2013, and Draft Chemical Treatment Management Plan, dated May 2013;
 - Attachment 3 – Watercare Incident Response Procedures;
 - Attachment 4 – Roma Road Access Drawing, Drawing Number SK_1300 Issue 1;
 - Attachment 5 – Alternative Sites Comparisons;
 - Attachment 6 – Consultation Update;
 - Attachment 7 – Lyon Avenue Updated Drawings;
 - Attachment 9 – Haverstock Road Updated Drawings;
 - Attachment 10 – Updated Drawing Index;
 - Attachment 11 – Information on Mangere WWTP and the Manukau Harbour.
- (h) Letter from Watercare dated 23 July 2013 and including the following attachment:
- Central Interceptor General - Proposed Access May Road (WS2) SK 1500 Rev B.
- (i) The further Section 41C information requested and dated 20 September 2013, including:
- Supporting Information A – Drawings of proposed Lyon Avenue site and Mount Albert Grammar School Alternatives;

- Supporting Information B – Memorandum from AECOM New Zealand Limited titled “CI – S41C Response – Technical Considerations Lyon Ave MAGS Alternative”;
 - Supporting Information C – Memorandum from Arborlab Consultancy Services Limited titled “Arboricultural Memorandum – St Lukes”;
 - Supporting Information D – Letter from Traffic Design Group Limited titled “Central Interceptor Project – Lyon Avenue Site (AS2): Access Options”;
 - Supporting Information E – Correspondence from Ministry of Education;
 - Supporting Information F – Memorandum from Marshall Day Acoustics Limited titled “Lyon Avenue site options assessment”;
 - Supporting Information G – Memorandum from Tonkin and Taylor Limited titled “Central Interceptor Project – Technical report on settlement for site AS2 – S41C Direction”;
 - Supporting Information H – “Central Interceptor Main Project Works – Comparative assessment of proposed Lyon Avenue site and MAGS Alternative Sites”; and
 - Supporting Information I – Amended Drawing of Proposed Keith Hay Park Site.
- (j) The diagram titled “Foodstuffs Pre-Condition Survey Recommendation” dated 11 August 2014 and submitted to the Environment Court on 22 September 2014.

1.2 Except as modified by the conditions below and subject to final design, the works at the Mt Albert War Memorial Reserve – Car Park Site shall be undertaken in general accordance with the information provided by the Requiring Authority in Notice of Requirement 3 *Central Interceptor Main Project Works* dated March 2013 and supporting documents set out below, and as amended by Section 92 responses set out at Condition 1.1 above:

- (a) Assessment of Effects on the Environment, titled "*Central Interceptor Main Project Works – Assessment of Effects on the Environment - Mt Albert War Memorial Reserve – Car Park Site*" prepared by Watercare/Central Interceptor Team, dated 8 March 2013, reference 60102004;
- (b) Appendix A: Drawings:
 - (i) Mt Albert War Memorial Reserve Car Park (AS1) - Permanent Works Plan AEE-MAIN-2.1A Rev D
 - (ii) Mt Albert War Memorial Reserve Car Park (AS1) - Construction Works Plan AEE-MAIN-2.2A Rev E
- (c) Appendix D: Noise Impact Assessment prepared by Marshall Day Acoustics, dated 6 March 2013;
- (d) Appendix E: Traffic Impact Assessment prepared by Traffic Design Group, dated 8 March 2013; and
- (e) Appendix F: Vibration Assessment prepared by Tonkin & Taylor, dated 8 March 2013.

1.3 As soon as practicable following completion of commissioning of the Project, the Requiring Authority shall, in consultation with the Council:

- (a) review the extent of the area designated for the Project;

- (b) identify any areas of designated land that are no longer necessary for the ongoing operation, maintenance, renewal and protection of the wastewater interceptor and associated structures and activities;
- (c) identify any areas of the designation within road reserve that are no longer necessary as the completed infrastructure is otherwise provided for and adequately protected by provisions of the Local Government (Auckland Council) Act 2009 and Utilities Access Act 2010;
- (d) give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in (b) and (c) above, which are not required for the long term operation and maintenance of the Project; and
- (e) provide as-built plans to the Council's Team Leader, Compliance and Monitoring, Resource Consents.

1.4 A liaison person shall be appointed by the Requiring Authority for the duration of the construction phase of the Project to be the main and readily accessible point of contact for persons affected by the designation and construction work. The liaison person's name and contact details shall be advised to affected parties by the Requiring Authority. This person must be reasonably available for on-going consultation on all matters of concern to affected persons arising from the Project. If a liaison person will not be available for any reason, an alternative contact person shall be nominated to ensure that a Project contact person is available by telephone 24 hours per day seven days per week during the construction phase.

1.5 The designation shall lapse on the expiry of a period of 10 years after the date on which the last of any appeals on all consents and notices of requirement associated with the Central Interceptor main project works is withdrawn or determined, or, if no appeals are lodged, the date on which the notices of requirement are included in the District Plan(s) in accordance with section 184(1)(c) of the RMA, unless:

- (a) it has been given effect before the end of that period; or
- (b) the Council determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made, and fixes a longer period for the purposes of this subsection.

1.6 Except as provided for in Condition 1.7 below, the Requiring Authority shall submit an Outline Plan of Works (OPW) for the Project or for each Project stage in accordance with section 176A of the RMA.

Note: "Project stage" means a separable part of the Project, e.g. by Contract area or by geographical extent and may include one or more designated sites enabling the preparation of site-specific plans for each of the designated surface construction sites.

1.7 An OPW need not be submitted if the Council has waived the requirement for an OPW in accordance with section 176A(2)(c) of the RMA.

1.8 The OPW shall include the following Management Plans for the relevant stage(s) of the Project:

- (a) Construction Management Plan (CMP);

- (b) Site Specific Traffic Management Plan;
- (c) Communications Plan;
- (d) Site Specific Construction Noise and Vibration Management Plan (CNVMP); and
- (e) Cultural and Archaeological Management Plan (CAMP).

1.9 The Reinstatement Plans and Open Space Restoration Plans required under Conditions 13.1 and 13.2 shall be submitted as part of the above OPW or separately as part of a later OPW for the relevant stage(s).

1.10 The OPW shall include architectural plans for any proposed new permanent buildings (including air treatment facilities) at the following locations:

- (i) Western Springs Park;
- (ii) Pump Station 25;
- (iii) Pump Station 23; and
- (iv) Kiwi Esplanade.

The architectural designs for the buildings shall take into account the following matters:

- (a) The extent to which the buildings are appropriate to their context and minimise potential adverse effects on the amenity of the surroundings (including neighbouring properties);
- (b) The use of building materials which are sufficiently robust and minimise the potential for graffiti and vandalism;
- (c) The extent to which the buildings are visually recessive through use of appropriate colours, textures and modulation;
- (d) The extent to which buildings are designed to achieve appropriate visual amenity and scale with their surroundings through such aspects as modulation of building form, articulation of building components, and use of architectural detail; and
- (e) The extent to which any planting visually anchors the building and enhances amenity and/or natural values of the surroundings.

1.11 The OPW shall include design plans for any other permanent at grade and above ground structures. The design of any permanent at grade and above ground structures shall take into account the following matters:

- (a) the location, landscape setting and adjoining land uses;
- (b) the layout, architectural form and detail, and the use of a consistent and appropriate palette of materials, to ensure these elements are visually recessive;
- (c) the configuration of multiple surface elements to minimise their prominence and visual clutter;
- (d) the use of materials which are sufficiently robust and minimise the potential for graffiti and vandalism;

- (e) landscaping to integrate with the Site Reinstatement Plans and Open Space Restoration Plans required in Condition 13.1 and Condition 13.3(e); and
- (f) site configuration that maximises the use of Crime Prevention Through Environmental Design (CPTED) principles.

1A Site specific conditions for the May Road primary construction site

1A.1 Notwithstanding any other condition of this designation that may apply to the May Road site, the following conditions are specific to the May Road site. In the event that there is a conflict with another condition of this designation, the more onerous standard shall apply.

Construction management

1A.2 A site specific CMP shall be prepared for the May Road site, in accordance with Conditions 2.1 – 2.3, in consultation with Foodstuffs and other potentially affected adjacent landowners. In addition to the matters listed in Condition 2.2, the site specific CMP for the May Road site shall include procedures for ensuring that residents, road users and businesses in the immediate vicinity of construction areas are given 5 working days prior notice of the commencement of construction activities, including any particularly noisy works, and are informed about the expected duration and effects of the works.

1A.3 The CMP for the May Road site must be submitted to the Council's Manager prior to the commencement of construction activities at the May Road site.

1A.4 The CMPs and associated management plans for the May Road site shall be prepared in a manner which sets out the specific design and construction methods at the May Road site; acknowledges the unique site characteristics, adjacent land use and sensitivity of surrounding neighbours at the May Road site; and allows Foodstuffs and other potentially affected adjacent landowners to be involved in the development of the measures to be taken at the May Road site to avoid, remedy or mitigate adverse effects on the environment.

Construction noise and vibration

1A.5 A CNVMP shall be prepared for the May Road site, in accordance with Conditions 3.1 - 3.11.

1A.6 Any Activity Specific Construction Noise Management Plan ("ASCNMP") for the May Road site shall be endorsed with the written consent of Foodstuffs and any other adjacent landowners affected by the exceedance, and shall be submitted to the Council for review and approval at least 7 working days prior to the proposed works commencing.

1A.7 In accordance with Conditions 3.8 to 3.10, the Guideline vibration limits set out in DIN 4150-3: 1999 must not be exceeded, except where the Requiring Authority can demonstrate to the satisfaction of the Council:

- (a) that the receiving building(s) at the Foodstuffs site and any other potentially affected buildings(s) are capable of withstanding higher levels of vibration and what the new vibration limit is. The investigation required to demonstrate this must include an assessment of the building(s) by a suitably experienced and qualified structural engineer and a full pre-condition survey; and
- (b) that the Requiring Authority has obtained the written agreement of the building owner(s), that a higher limit may be applied.

2.0 Construction Management

2.1 The Requiring Authority shall prepare Construction Management Plans (CMP) for each of the relevant Project stages. The purpose of the CMP(s) is to set out the detailed management procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities and to achieve compliance with the specific conditions of this designation that relate to the matters referred to items (c) to (p) of Condition 2.2 below . The CMP(s) shall be submitted to the Council with the relevant OPW for the stage to which they relate.

2.2 The CMP(s) required by Condition 2.1 above shall include specific details relating to the management of all construction activities associated with the relevant Project stage, including:

- (a) Details of the site or project manager and the construction liaison person identified in Condition 1.4, including their contact details (phone, postal address, email address);
- (b) An outline construction programme;
- (c) The proposed hours of work;
- (d) Measures to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal / storage of rubbish, storage and unloading of construction materials and similar construction activities;
- (e) Location of site infrastructure including site offices, site amenities, contractors yards site access, equipment unloading and storage areas, contractor car parking, and security;
- (f) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads and / or other places adjacent to the work site;
- (g) Procedures for ensuring that residents, road users and businesses in the immediate vicinity of construction areas are given prior notice of the commencement of construction activities and are informed about the expected duration and effects of the works;
- (h) Means of providing for the health and safety of the general public and for pedestrian management as required by Conditions 6.1 – 6.3;
- (i) Procedures for the management of works which directly affect or are located in close proximity to existing network utility services;
- (j) Procedures for responding to complaints about construction activities;
- (k) Procedures for the refuelling of plant and equipment;
- (l) A Construction Noise and Vibration Management Plan (**CNVMP**) for each site containing measures to address the management of noise and vibration as identified in Condition 3.1;
- (m) Measures for the protection and management of trees as identified in Conditions 10.1 and 10.2;

- (n) Measures to be implemented to avoid, remedy or mitigate effects on and from the high voltage electricity transmission network, including:
- procedures detailing how the proposed works will be carried out in accordance with NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances;
 - procedures to 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 the overhead transmission lines;
 - procedures to ensure that no activity is undertaken during construction that would result in ground vibrations or ground instability likely to cause damage to the overhead transmission lines, including supporting structures;

These procedures to be developed in consultation with Transpower NZ Limited;

- (o) Measures to address CPTED issues within and around the construction site; and
- (p) Measures to limit the potential effects on roosting and feeding shorebirds at the Kiwi Esplanade site.

2.3 The CMP shall be implemented and maintained throughout the entire construction period for the Project or relevant Project stage to manage potential adverse effects arising from construction activities. The CMP or any specific component of the CMP shall be updated as necessary and provided to the Council in accordance with 2.1.

3.0 Construction Noise and Vibration

3.1 A Construction Noise and Vibration Management Plan (**CNVMP**) either as part of the CMP, or as a standalone plan, shall be prepared for each site by a suitably qualified person, and shall be submitted to the Council with the OPW to which it relates.

3.2 Construction noise shall be measured and assessed in accordance with NZS6803:1999 *Acoustics – Construction Noise*, and shall comply with the following noise limits, unless varied in accordance with Condition 3.5:

Time and Day	Noise Limits	
	L _{Aeq} dB	L _{Amax} dB
Monday to Saturday 0730 – 1800	70	85
At All Other Times and Public Holidays	45	75

3.3 Construction works which exceed a level of L_{Aeq} 45dB at the most exposed receiver(s) are restricted to between 0730 to 1800 on weekdays and Saturdays, with no noisy works permitted on Sundays and Public Holidays. Each CNVMP shall define which activities will comply with a limit of L_{Aeq} 45dB and can therefore be undertaken outside of these hours in compliance with Condition 8.1.

- 3.4 Each CNVMP shall, in demonstrating compliance with Condition 3.2, as a minimum, address the following aspects with regard to construction noise:
- (a) a description of noise sources, including machinery, equipment and construction techniques to be used;
 - (b) predicted construction noise levels;
 - (c) hours of operation, including times and days when noisy construction work and blasting would occur in compliance with Condition 3.3;
 - (d) physical noise mitigation measures, including prohibiting the use of tonal reverse alarms, maintenance of access roads (to ensure they are smooth), acoustic screening around the site, plant selection and maintenance procedures, and site layout;
 - (e) construction noise criteria for any specific areas and sensitive receivers such as schools, child care centres, medical or aged care facilities;
 - (f) the identification of activities and locations that will require the design of specific noise mitigation measures;
 - (g) the consultation undertaken by the Requiring Authority with affected stakeholders to develop the proposed noise management measures and any feedback received from those stakeholders, along with the noise management measures that will be adopted based on this consultation;
 - (h) methods for monitoring and reporting on construction noise;
 - (i) methods for receiving and responding to complaints about construction noise; and
 - (j) construction operator training procedures.

3.5 Where a CNVMP predicts that noise levels from a particular activity will or will likely exceed the noise limits set out in Condition 3.2, or where noise measurements show that compliance is not being achieved, the Requiring Authority shall prepare and submit for the approval of the Council an Activity Specific Construction Noise Management Plan (ASCNMP). In preparing an ASCNMP, the Requiring Authority shall consult with those parties likely to be exposed to noise levels exceeding the relevant noise limit(s) and shall submit the results of this consultation to Auckland Council, including any response by the Requiring Authority to a matter raised in consultation. The ASCNMP(s) shall be submitted to the Council for review and approval at least 7 working days prior to the proposed works commencing.

Works subject to the ASCNMP(s) shall not commence until approval is received from the Council. If monitoring shows that levels specified in an ASCNMP are being exceeded, work generating the exceedance shall stop and not recommence until further mitigation is implemented in accordance with an amended ASCNMP approved by the Council.

In addition to the requirements of 3.4, an ASCNMP must:

- (a) describe the activity (including duration), plant and machinery that is expected not to comply with the noise limits in Condition 3.2;

- (b) describe the mitigation measures proposed to reduce the noise levels as far as practicable, including any options that have been discounted due to cost or any other reason;
- (c) provide predicted noise levels for all receivers where the noise levels will not be compliant with the limits in Condition 3.2, including the effect of mitigation specified in 3.5(b);
- (d) provide a set of noise limits that are Activity – Specific;
- (e) describe the noise monitoring that will be undertaken to determine compliance with the Activity – Specific noise limits; and
- (f) describe any additional noise mitigation measures that may be implemented to maintain compliance with Activity Specific noise limits.

Note: It is accepted that the noise limits in Condition 3.2 may not be met at all times, but that the Requiring Authority will adopt the Best Practicable Option to achieve compliance.

3.6 Each CNVMP shall also describe measures adopted to meet the requirements of German Standard DIN4150-3:1999, and as a minimum shall address the following aspects with regard to construction vibration:

- (a) vibration sources, including machinery, equipment and construction techniques to be used;
- (b) preparation of building condition reports on 'at risk' buildings prior to, during and after completion of works, where for the purposes of this condition an 'at risk' building is one at which the levels in the German Standard DIN4150-3: 1999 are likely to be approached or exceeded;

Note: For the May Road site, internal and external building condition reports shall be prepared for the buildings identified on the diagram titled “Foodstuffs Pre-Condition Survey Recommendation” dated 11 August 2014, and submitted to the Environment Court on 22 September 2014, and any other building(s) identified as ‘at risk’ to identify and quantify any adverse effects in respect of vibration, dewatering, ground settlement, and consequential damage to structures.

- (c) use of building condition surveys to determine the sensitivity of the building(s) on the adjacent sites to ground movement in terms of the Line 1-3 criteria of the DIN standard;
- (d) provision for the determination of buildings that require post-condition surveys to be undertaken following the commencement of blasting;
- (e) identification of any particularly sensitive activities in the vicinity of the proposed works (e.g. commercial activity using sensitive equipment such as radiography or mass-spectrometry) including the NZ Institute for Plant and Food Research (at 118-120 Mt Albert Road, Mt Albert), the Institute of Environmental Science and Research (Hampstead Road, Sandringham) and Caltex Western Springs (at 778-802 Great North Road, Grey Lynn), along with the details of consultation with the land owners of the sites where the sensitive activities are located and any management measures that will be adopted based on this consultation;
- (f) the consultation undertaken by the Requiring Authority with affected stakeholders to develop the proposed vibration management measures and any feedback received

from those stakeholders, along with the vibration management measures that will be adopted based on this consultation;

- (g) methods for monitoring and reporting on construction vibration; and
- (h) methods for receiving and responding to complaints about construction vibration.

3.7 Air overpressure levels from blasting shall comply with the following limits, measured and assessed in accordance with AS2187.2-2006 Explosives – Storage and Use Part 2: Use of Explosives:

- (a) **For buildings that are not occupied for any blast event, the air overpressure limit shall be 133 dBZ L_{peak} unless prior agreement is reached in writing with the owner(s) (in conjunction with a building pre-condition survey) that a higher limit may apply; and**
- (b) **For buildings that are occupied for any blast event, and where there are less than 20 blast events to be undertaken on the site over the entire project, the air overpressure limit shall be 128 dBZ L_{peak}; and**
- (c) **For buildings that are occupied for any blast event, and where there are more than 20 blast events to be undertaken on the site over the entire project, the air overpressure limit shall be 120 dBZ L_{peak}.**

Note: A blast event may comprise the detonation of one or more charges in a period not exceeding three seconds.

3.8 The Guideline vibration limits set out in DIN 4150-3:1999 must be complied with for all blast events at all neighbouring buildings and infrastructure unless varied in accordance with 3.10.

3.9 Construction activities shall comply with the Guideline vibration limits set out in DIN 4150-3:1999 unless varied in accordance with 3.10.

3.10 The Guideline vibration limits set out in DIN4150 must not be exceeded except where the Requiring Authority can demonstrate to the satisfaction of the Council:

- (a) that the receiving building(s) are capable of withstanding higher levels of vibration and what the new vibration limit is. The investigation required to demonstrate this must include an assessment of the building(s) by a suitably experienced and qualified structural engineer and a full pre-condition survey; and
- (b) that the Requiring Authority has obtained the written agreement of the building owner(s), that a higher limit may be applied.

3.11 Each CNVMP shall be implemented and maintained throughout the entire construction period. Each CNVMP shall be updated when necessary and any updated CNVMP shall be submitted to the Council in accordance with Condition 3.1.

4.0 Operational Noise

4.1 The noise arising from any operational activities undertaken on the designated land, shall not exceed the following noise limits when measured at or within the boundary of any site zoned as follows:

Residential

Time	Noise Limit*
0700-2200 hours	50 dB L _{Aeq}
2200-0700 hours	40 dB L _{Aeq} 75 dB L _{Amax}
Business	
Time	Noise Limit
At all times	60 dB L _{Aeq}

***Notes:**

- (1) These noise limits relate to noise generated by the normal operation of permanent works associated with the Project and do not apply to short term maintenance activities.
- (2) Noise levels shall be measured and assessed in accordance with New Zealand Standards NZS6801:2008 *Acoustics - Measurement of Environmental Sound* and NZS6801:2008 *Acoustics - Environmental Noise*.

5.0 Traffic Management

- 5.1 A detailed Traffic Management Plan (TMP) or plans shall be prepared for the Project or relevant Project stage by a suitably qualified person and submitted as part of the CMP.
- 5.2 The TMP(s) shall describe the measures that will be taken to avoid, remedy or mitigate the traffic effects associated with construction of the Project or Project stage. In addition to the matters described below, the site specific traffic management Conditions 5.5 to 5.20 shall also be addressed where those site(s) are included by the Requiring Authority in the relevant Project stage. In particular, the TMP(s) shall describe:
 - (a) Traffic management measures to maintain traffic capacity or minimise the impact on traffic capacity during weekdays and weekends;
 - (b) Any road closures that will be required and the nature and duration of any traffic management measures that will result, including any temporary restrictions, detours or diversions for general traffic and buses;
 - (c) Methods to manage the effects of the delivery of construction material, plant and machinery;
 - (d) Measures to maintain, existing vehicle access to property where practicable, or to provide alternative access arrangements;
 - (e) Measures to maintain pedestrian and cyclist movements and reduce the impact on mobility impaired users on roads and footpaths adjacent to the construction works. Such access shall be safe, clearly identifiable and seek to minimise significant detours;
 - (f) Measures to manage any potential effects on children at / around education facilities;

- (g) Measures to manage any potential construction traffic related effects on pedestrians and/or traffic associated with large-scale events in parks, reserves, Western Springs Stadium, and Mt Albert War Memorial Reserve;
- (h) Any proposed monitoring to measure the impact of the works on traffic and the impact of the traffic management measures. If safety or operational issues are evident, measures to be implemented to address these issues;
- (i) Measures to manage the proposed access to the site should the access be unable to cater for two-way traffic passing at the same time, and in particular to minimise reverse movements and blocking of the road; and
- (j) The availability of on-street and off-street parking if the designated site is unable to accommodate all contractor parking. This shall include an assessment of available parking (if any) for contractors on street and identify measures to meet and/or reduce contractor parking demand should it be found that there is insufficient on-street parking to meet this demand.

5.3 The TMP(s) shall be consistent with the New Zealand Transport Agency *Code of Practice for Temporary Traffic Management*, which applies at the time of construction.

5.4 Any damage in the road corridor directly caused by heavy vehicles entering or exiting construction sites shall be repaired as within two weeks or within an alternative timeframe to be agreed with Auckland Transport.

Mt Albert War Memorial Reserve Car Park Site

5.5 The Requiring Authority shall consult with Auckland Council Parks, Sports and Recreation and the Albert-Eden Local Board, and confirm the agreed location of suitable alternative carparking to be established sufficient to address the parking lost during construction activities within the Reserve.

5.6 The Requiring Authority shall provide a plan of the layout of any alternative carparking and associated works established in Condition 5.5 above to the Council as part of the OPW for the Mt Albert War Memorial Reserve site. The plan must demonstrate that the proposed carparking location and layout complies with relevant Council standards, and provides sufficient carparking to address parking lost during construction activities within the Reserve.

5.7 The alternative carparking referred to in Condition 5.5 shall be established by the Requiring Authority at its cost prior to the commencement of works at the site.

5.8 Heavy vehicles associated with construction at the Mount Albert War Memorial Reserve site must only turn left from Wairere Avenue onto New North Road when leaving the site.

May Road

5.9 Access for all vehicles to the May Road site during construction shall be via a one way system entering from the Roma Road access and exiting from an additional access directly to May Road via land at 105 and 105A – 109A May Road legally described as Lot 2 DP 116924 and Lot 1 DP 58697-. The design of the access roads and vehicle crossings shall be set out in the TMP and Outline Plan of Works for the site submitted in accordance with Conditions 1.6, 1.8, 5.1 and 5.2.

5.9A During the hours of 0730-0900 and 1500-1630 Monday to Friday, heavy vehicle movements that are associated with construction activities at the May Road site, and

accessing the site via the Roma Road access shall not exceed 7 movements per 90 minute period.

Western Springs

- 5.10 The Requiring Authority shall minimise the number of trucks entering the site from Bullock Track during peak commuter periods and ensure that no more than five truck movements per hour enter the site from Bullock Track during peak commuter periods (unless Bullock Track / Great North Road is signalised). In addition, monitoring of the operation and safety of the intersection of Great North Road/Bullock Track (if not signalised), including queue lengths, gap acceptance and crash records shall be monitored on a bi-monthly basis by the Requiring Authority and the results submitted to Auckland Transport. If the safety record worsens, then the Requiring Authority shall limit truck movements using Bullock Track during peak commuter periods.

Keith Hay Park

- 5.11 At Keith Hay Park site:
- (a) Contractor parking (associated with the construction works) is not permitted on Rainford Street during events and periods of high use at Keith Hay Park (including Saturdays).
 - (b) No vehicles related to the construction works shall access the Keith Hay Park site via Gregory Place during construction.
 - (c) The Requiring Authority will initiate construction driver education programmes, particularly in relation to access to adjacent community facilities.

Kiwi Esplanade

- 5.12 Contractor parking (associated with the construction works) is not permitted on the reserve road leading to Manukau Yacht and Motor Boat Club, nor within the parking area within the reserve, unless agreed to by Auckland Council.

Motions Road

- 5.13 Contractor parking (associated with the construction works) is not permitted on Motions Road during weekends or school holidays.
- 5.14 The vehicle crossing to the Motions Road site shall be no more than 8 metres wide at the kerb.

Western Springs Depot

- 5.15 Heavy vehicle movements shall be restricted from occurring at this site during major events at Western Springs Stadium.

Norgrove Avenue

- 5.16 The TMP for the site shall include means to avoid potential safety issues associated with limited visibility for right turn movements onto major roads, such as from Asquith Avenue onto New North Road.

Pump Station 25

- 5.17 The TMP for the site shall include that trucks turn right out, and right in, in order that right turns from Miranda Street onto Wolverson Street and from Blockhouse Bay Road into Miranda Street are avoided.

Miranda Reserve

- 5.18 The TMP for the site shall include a suitably qualified traffic controller who will assist pedestrians across the vehicle crossing during times that vehicles are accessing the site during construction.

Whitney Street

- 5.19 The TMP for the site shall provide safe pedestrian access to and from the local shops and across Whitney Street north of the construction site.

Lyon Avenue

- 5.20 At the Lyon Avenue site:
- (a) contractor parking associated with the construction works is not permitted on Morning Star Place nor within any of the private parking areas accessed from Morning Star Place;
 - (b) access for emergency vehicles (including fire trucks, ambulance) and service vehicles (including rubbish trucks) along Morning Star Place shall be maintained at all times;
 - (c) the site-specific TMP shall include a suitably qualified traffic controller being available during construction works along the section of Morning Star Place that does not have footpaths on both sides of the road, to accompany pedestrians along the road to a footpath or their parked car as appropriate;
 - (d) the site-specific TMP shall address how access to the site will be managed to minimise effects on residents, including identifying that construction traffic entering and leaving the construction site will give way to vehicles already travelling on Morning Star Place;
 - (e) public access shall be maintained between Morning Star Place and the Roy Clements Treeway pedestrian walkway;
 - (f) any damage to Morning Star Place caused directly by heavy vehicles associated with the construction works shall be repaired as soon as practicable
 - (g) there will be no heavy vehicle movements on Morning Star Place during 0745 – 0845 (including on Saturdays); and
 - (h) no heavy vehicle will be allowed to exit the construction site if another heavy vehicle is already present on Morning Star Place.

6.0 Pedestrian Management

- 6.1 Where works in parks or reserves impact on existing pedestrian or cycle ways, alternative temporary accessways shall be provided.
- 6.2 The works at the Lyon Avenue site shall be managed so that pedestrian access is maintained at all times on the existing boardwalk along Meola Stream, or an alternative provided so that the pedestrian link along Meola Stream in this area is not severed.
- 6.3 Any temporary accessways shall be designed as far as practicable in accordance with CPTED (Crime Prevention Through Environmental Design) principles and provide appropriate lighting and signage where necessary.

7.0 Works Within Road Reserve

- 7.1 The Requiring Authority shall not require Auckland Transport or network utility operators with existing infrastructure within the road reserve to seek written consent under Section 176 of the RMA for on-going access, to enable works associated with the routine construction, operation and maintenance of existing assets.
- 7.2 Works within transport corridors shall be undertaken in accordance with the National Code of Practice for Utility Operators' Access to Transport Corridors (November 2011), or any approved update of that code, unless otherwise agreed between the Requiring Authority and the Corridor Manager.

8.0 Construction Hours

- 8.1 Construction hours shall be as follows, except where work is necessary outside the specified days or hours for the purposes specified in Condition 8.2 below.
- (a) Tunnelling activities – 24 hours a day, 7 days a week operations for all tunnelling activities, including the main tunnel works and the link tunnels.
 - (b) General site activities – 7am to 6pm, Monday to Friday, 8am to 6pm Saturday.
 - (c) Truck movements – 7am to 6pm, Monday to Friday, 8am to 6pm Saturday, except as noted in 8.3.
- 8.2 Purposes for which work may occur outside of the specified days or hours are:
- (a) where, due to unforeseen circumstances, it is necessary to complete an activity that has commenced;
 - (b) where work is specifically required to be planned to be carried out at certain times e.g. to tie into the existing network during periods of low flow, or to tie into tidal cycles for works in the CMA;
 - (c) for delivery of large equipment or special deliveries required outside of normal hours due to traffic management requirements;
 - (d) in cases of emergency;
 - (e) for the securing of the site or the removal of a traffic hazard; and/or
 - (f) for any other reason specified in the CMP or TMP.

Where any work is undertaken pursuant to paragraphs (a) – (f), the Consent Holder shall, within five working days of the commencement of such work, provide a report to Council detailing how the work was authorised under those paragraphs.

- 8.3 Truck movements are restricted from entering and exiting sites in proximity to schools and colleges between 8:15 am and 9:15 am and 2:45 pm and 3:15 pm Monday to Friday during school and college term times. This includes, although is not limited to the following sites: Mt Albert War Memorial Reserve, Walmsley Road, Motions Road, Pump Station 25, Lyon Avenue, and Miranda Reserve.
- 8.4 Proposed works at the Kiwi Esplanade site shall be undertaken between 1 August and 31 December in any year so as to limit potential effects on shorebirds.

9.0 Community Information and Liaison

- 9.1 The Requiring Authority shall prepare a Communications Plan (CP) for the construction phase of the Project or for each Project stage, and submit the plan in accordance with Condition 1.8. The CP shall set out:
- (a) the method(s) of consultation and liaison with key stakeholders and the owners/occupiers of neighbouring properties regarding the likely timing, duration and effects of works;
 - (b) details of prior consultation or community liaison undertaken with the parties referred to in (a) above, including outlining any measures developed with such persons or groups to manage or to mitigate any adverse effects or inconvenience that may arise;
 - (c) full contact details for the person appointed in accordance with Condition 1.4 to manage the public information system and be the point of contact for related enquiries; and
 - (d) the information required by Conditions 3.4(g) and (i) and 3.6(f) and (h).

10.0 Tree Management

- 10.1 The Requiring Authority shall provide details in the CMP as to how the potential impacts of construction on trees and vegetation will be managed. The details shall provide for the:
- (a) Identification of trees to be protected, pruned, removed, or transplanted and procedures for marking these out on site.
 - (b) The proposed location for any transplanted trees, including those required for visual screening purposes, and detail of any required landowner agreements if these locations are outside of the designated area.
 - (c) Procedures for identifying and protecting significant trees to be retained where works occur in the dripline of such trees as identified by a suitably qualified person.
- 10.2 In the event that pohutukawa trees at the proposed Kiwi Esplanade site are not able to be retained within the construction site, the CMP for this site shall include, where practicable, the transplanting of existing trees to a nearby part of the reserve provided that this can occur without unduly affecting bird roosting or obscuring sea views from residential properties.
- 10.3 The Requiring Authority shall take all practicable measures in the detailed design of the permanent works and in the development of the construction site layout at the Lyon Avenue site to minimise the removal of mature native canopy trees under Condition 10.1(a) above.

11.0 Cultural and Archaeology, and Heritage

- 11.1 A Cultural and Archaeological Management Plan ("CAMP") shall be prepared for the Project or relevant Project stage in consultation with tangata whenua (as listed in the report referenced in Condition 1.1(a)) and Auckland Council. The purpose of the CAMP is to identify areas of potential cultural and archaeological significance and to establish methods, such as further archaeological investigation prior to works or monitoring by tangata whenua during works, at sites having potential archaeological and cultural significance. The CAMP shall also include the Accidental Discovery Protocol required by Condition 11.2.

- 11.2 Detailed protocols for the management of archaeological and waahi tapu discoveries shall be developed by the Requiring Authority in consultation with tangata whenua and the New Zealand Historic Places Trust prior to construction. These detailed protocols shall confirm the names and contact details for tangata whenua, the New Zealand Historic Places Trust and Auckland Council to be contacted in accordance with Condition 11.3.
- 11.3 If any archaeological sites, including human remains are exposed during site works then the following procedures shall apply:
- (a) Immediately after it becomes apparent that an archaeological or traditional site has been exposed, all site works in the immediate vicinity shall cease.
 - (b) The Requiring Authority shall immediately secure the area so that any artefacts or remains are untouched.
 - (c) The Requiring Authority shall notify tangata whenua, the New Zealand Historic Places Trust and the Council (and in the case of human remains, the New Zealand Police) as soon as practicable, and advise those parties that an archaeological site has been exposed so that appropriate action can be taken. Works shall not recommence in the immediate vicinity of the archaeological site until approval is obtained from the New Zealand Historic Places Trust.
- 11.4 The Requiring Authority shall, at least one month prior to demolition, destruction, or removal of the existing pump station at Miranda Reserve (PS 25), contact the Council to advise of the impending demolition, destruction, or removal. The Requiring Authority shall provide access to the Council to enable photographic records to be taken of any heritage features using photogrammetry techniques, if the Council wishes to do so.

12.0 Roy Clements Treeway Enhancement Plan

- 12.1 A Roy Clements Treeway (“RCT”) Enhancement Plan shall be prepared that sets out proposed works that the Requiring Authority will undertake within the Roy Clements Treeway, or in another local area in the vicinity of Meola Stream, to mitigate effects of vegetation removal at the Lyon Avenue construction site. The Plan shall be prepared by a suitably qualified person.
- 12.2 The RCT Enhancement Plan shall be prepared in consultation with the owners of land on which the mitigation works are to be carried out, the Council, the Albert – Eden Local Board, Mana whenua, and established community groups or environmental organisations having an interest in restoration and enhancement works on the land. The objectives of the Plan shall be to enhance amenity and ecological values of either the Meola Stream riparian habitats and vegetation between Fergusson Reserve and Alberton Avenue, or other local areas in the vicinity of Meola Stream which would provide a similar area and level of vegetation enhancement to that which would be achieved between Fergusson Reserve and Alberton Avenue. The mitigation works to be set out in the Plan may include planting and weed control, and shall be integrated with any other works planned in this area by the Council. New planting shall use eco-sourced native plants, appropriate to the local habitats of the Meola Stream catchment.
- 12.3 The RCT Enhancement Plan shall be submitted to the Council for approval (such approval not to be unreasonably withheld) within two years of the date on which this designation is included in the district plan.

- 12.4 The Requiring Authority shall use its best endeavours to obtain agreement for the proposed works from the owners of the land on which the work is to be undertaken.
- 12.5 The works described in the RCT Enhancement Plan (excluding those within the designated area at the Lyon Avenue construction site) shall be implemented within two years of the Plan being approved, subject to the agreement of the owners of land on which the work is to be undertaken and subject to the Requiring Authority obtaining all necessary approvals or consents required to undertake the works described.
- 12A Meola Stream Community Liaison Group
- 12A.1 The Requiring Authority shall use its best endeavours to facilitate the establishment of a group that will be known as the Meola Stream Community Liaison Group (“MS-CLG”) and the maintenance of the MS-CLG until its disestablishment two years following completion of works at the six Meola Stream construction sites.
- 12A.2 The purpose of the MS-CLG is, in accordance with Condition 9.1, to facilitate consultation and liaison with key stakeholders with an interest in Meola Stream and its margins in the vicinity of the Motions Road, Rawalpindi Reserve, Norgrove Avenue, Mt Albert War Memorial Reserve, Lyon Avenue and Haverstock Road construction sites (“Meola Stream construction sites”).
- 12A.3 The Requiring Authority shall invite each of the following parties to have a representative on the MS-CLG:
- The owners of land required for the construction sites;
 - Immediately adjacent schools;
 - St Lukes Environmental Protection Society (or any subsequent organisation established to achieve the same objectives);
 - Other interested organisations with a direct and established interest in the Meola Stream;
 - Auckland Council Parks, Sports and Recreation;
 - Auckland Council Stormwater Unit;
 - Albert - Eden Local Board;
 - Waitemata Local Board; and
 - Mana Whenua.
- The Requiring Authority shall ensure that there is at least one of its representatives at every formal meeting of the MS-CLG.
- 12A.4 The role of the MS-CLG is to provide a forum:
- To facilitate communication and dialogue between the Requiring Authority, landowners and organisations with a direct and established interest in the Meola Stream;
 - To provide input into the development of Reinstatement and Open Space Restoration Plans for the Meola Stream construction sites;
 - To discuss and review the scope of post-construction monitoring of selected sites in the Meola Stream and at the stream mouth to the harbour.

- 12A.5 The Requiring Authority shall use its best endeavours to ensure that formal meetings of the MS-CLG are held at least once every four months, or as otherwise agreed by the MS-CLG, from one year after the date on which this designation is included in the district plan until two years following completion of works at the Meola Stream construction sites. The Requiring Authority shall provide an appropriate venue for the meetings.
- 12A.6 The Requiring Authority shall provide the MS-CLG with opportunities to review and comment on the plans listed below before they are finalised and submitted to the Council for approval or as part of the Outline Plan of Works:
- (a) The Roy Clements Treeway Enhancement Plan
 - (b) The proposed tree management aspects of the CMP (refer conditions 10.1 and 10.3)
 - (c) The Reinstatement Plan for the Haverstock Road site; and
 - (d) The Reinstatement and Open Space Restoration Plans for the Motions Road, Rawalpindi Reserve, Norgrove Avenue, Mt Albert War Memorial Reserve and Lyon Avenue sites.

The Requiring Authority shall take into account the views of the MS-CLG in the development of the plans referred to in (a) – (d) above. The final plans shall summarise the comments received from the MS-CLG, and the Requiring Authority's response to those comments.

13.0 Site Reinstatement and Open Space Restoration

- 13.1 Prior to commencement of works at all surface construction sites, the Requiring Authority shall prepare a Reinstatement Plan for the site, in consultation with the landowner(s).

The Reinstatement Plans shall be submitted to the Council in accordance with Condition 1.9. The Reinstatement Plan shall include:

- (a) Any existing structures or features on the site to be protected during works or reinstated on completion of works.
- (b) The location and design of permanent wastewater infrastructure to remain at the site including the design of lid structures and chamber covers including the associated contouring of ground.
- (c) The location and design of permanent access to the wastewater infrastructure. As far as practicable, permanent all-weather access for heavy vehicles shall minimise areas of new impermeable surfaces and, in open space areas, the use of grass cell, or similar, shall be preferred.
- (d) Details of proposed landscaping and planting, including implementation and maintenance programmes.
 - For sites that are in proximity to transmission lines, the species used shall be suitable in terms of plant height at maturity to maintain appropriate separation distances from the transmission lines.
 - For sites that are adjacent to residential properties, and have above ground structures, specific mitigation planting shall be included to provide visual screening of the structures from residential properties.

- 13.2 Prior to commencement of works at each of the following parks or reserves, the Requiring Authority shall prepare an Open Space Restoration Plan for the site, in consultation with the

landowner, to outline how the park or reserve will be reinstated on completion of construction prior to handover back to the landowner:

- (a) Western Springs
- (b) Western Springs Depot
- (c) Motions Road
- (d) Mt Albert War Memorial Reserve
- (e) Rawalpindi Reserve
- (f) Norgrove Reserve
- (g) Walmsley Reserve
- (h) Keith Hay Park
- (i) Miranda Reserve (PS25), off Miranda Street
- (j) Miranda Reserve, off Blockhouse Bay Road
- (k) Kiwi Esplanade Reserve
- (l) Roy Clements Treeway (Lyon Avenue site).

13.3 The Open Space Restoration Plans shall include all of the items listed in Condition 13.1 and shall also include the following:

- (a) Details of the restoration of the park or reserve infrastructure to at least the same standards and specifications as existing at the time of the works, or as confirmed to be constructed as part of any funded restoration works being undertaken by Council or on behalf of Council.
- (b) Details of any vehicular access through the park or reserve;
- (c) Inclusion and detailing of all public pedestrian and cycle linkages including the reinstatement of all pedestrian linkages and walkways affected by construction;
- (d) Implementation programmes for planting reinstatement, including a 2-year maintenance programme;
- (e) Replacement planting shall be provided at a minimum of a two for one basis for any tree removals, unless otherwise agreed in writing with the Council's Manager, Parks, Sports and Recreation – Central.
- (f) Details of all hard landscaping materials, dimensions and specifications;
- (g) Use of reinforced grass for permanent access to the wastewater infrastructure ('Grass Cell' or similar as recommended in TR A: Assessment of Landscape and Visual Effects, prepared by Boffa Miskell Limited, dated 26 July 2012), unless permanent access can be incorporated within existing roads or paths, or if the use of reinforced grass is demonstrated to be not practicable for a particular site.
- (h) Upgrading and replacement of the Requiring Authority's existing manholes and structures within the reserves so they are flush with the ground where practicable to do so;
- (i) Design in accordance with CPTED (Crime Prevention Through Environmental Design) principles;
- (j) Integration with, as far as practicable, park development and management plans of Auckland Council, and the Auckland Design Manual – Parkland Design Guidelines (Draft 2013) or final approved or updated version of these guidelines; and

- (k) Liaison with Auckland Transport to identify opportunities to enhance walking and cycling infrastructure, and confirm design standards for walking, cycling and vehicle access.

Note: For works in parks and reserves, the Reinstatement Plan required by Condition 13.1 will effectively be incorporated within the Open Space Restoration Plan. Separate Reinstatement Plans and Open Space Restoration Plans are not required.

- 13.4 The Open Space Restoration Plan for the Lyon Avenue site shall be designed to integrate with the Roy Clements Treeway Vegetation Enhancement Plan required by Condition 12.1 above, and designed in accordance with CPTED (Crime Prevention Through Environmental Design) principles.
- 13.5 The Open Space Restoration Plan for the Western Springs site shall include provision to cover the large diameter lids with topsoil and grass as far as practicable.
- 13.6 The Open Space Restoration Plans shall be prepared in consultation with the Auckland Council.
- 13.7 Timing of the implementation of all Open Space Restoration Plans shall be agreed with the Council's Manager, Local and Sports Parks and if possible shall coincide with other upgrading or restoration works planned for the park or reserve. In the event the timing of implementation is not otherwise agreed, Open Space Restoration Plans shall be implemented within 6 months of practical completion of construction works.
- 13.8 When contractors' yards or other temporary works areas are no longer required for any construction or operational purpose, site works, including site offices, storage and equipment sheds, fencing and hard stand areas shall be removed and the area reinstated in accordance with Conditions 13.1 to 13.3.

Foodstuffs Pre-Condition Survey Recommendation



⊗ external survey only
● internal and external survey

11 August 2014

