

**UNITARY PLAN UPDATE REQUEST MEMORANDUM**

TO Celia Davison

FROM Matt Spiro

DATE 13 June 2018

SUBJECT Designation to be updated in the AUPOIP in accordance with s180 of the Resource Management Act 1991



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

<b>Reason for update: Confirmed notices of requirement to alter New Zealand Railways Corporation (KiwiRail) designation # 6300</b>	
<b>Chapter</b>	Chapter K Designations
<b>Section</b>	New Zealand Railways Corporation (KiwiRail)
<b>Designation only</b>	
<b>Designation #6300</b>	<b>North Auckland Railway Line - KiwiRail Holdings Limited</b>
<b>Location:</b>	North Auckland Railway Line from Bell Avenue, Otahuhu to Ross Road, Topuni
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Type of Designation</b>	Roll over
<b>Purpose</b>	The purpose of the designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.
<b>Changes to text (shown in colour)</b>	<p>This update incorporates amendments to designation conditions arising from the following decision:</p> <ul style="list-style-type: none"> <li>CRL Designation 2500 (Mt Eden Station) and NAL Designation 6300 (Environment Court Decision ENV-2017-AKL-000059 - 15/12/17).</li> </ul> <p>Refer attached document for tracked changes version of the NAL Designation 6300 conditions. This document reflects the sealed version of the conditions appended to the Environment Court decision as Annex B.</p>
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	<p>Mutiple amendments to spatial data as per the plans appended to the following decision:</p> <ul style="list-style-type: none"> <li>CRL Designation 2500 (Mt Eden Station) and NAL Designation 6300 (Environment Court Decision ENV-2017-AKL-000059 - 15/12/17).</li> </ul>
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Decision on the notices of requirement to alter the following designations: <ul style="list-style-type: none"> <li>CRL Designation 2500 (Mt Eden Station) and NAL Designation 6300 (Environment Court Decision ENV-2017-AKL-000059 - 15/12/17).</li> </ul> </li> <li>Tracked changes version of NAL Designation 6300 conditions.</li> </ol>

	<ol style="list-style-type: none"><li>3. Clean version of NAL Designation 6300 conditions.</li><li>4. Plans showing alterations to NAL Designation 6300.</li></ol>
--	--

**Prepared by:**

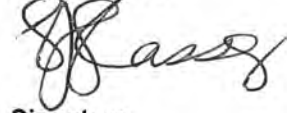
Matt Spiro  
Area Planner



**Signature:**

**Maps prepared by:**

Shelley Glassey –  
Geospatial Analyst  
Aucklandwide



**Signature**

**Manager**

Celia Davison  
Manager Central South



**Signature**

**Text entered by:**

Bronnie Styles  
Planning Technician



**Signature:**

**Reviewed by:**

Matt Spiro  
Area Planner



**Signature:**

**BEFORE THE ENVIRONMENT COURT**

**Decision No. [2017] NZEnvC 204**

IN THE MATTER of the Resource Management Act 1991  
AND of an appeal pursuant to s 198E of the Act  
BETWEEN CITY RAIL LINK LIMITED ('CRL')  
(SUCCESSOR TO AUCKLAND  
TRANSPORT)  
KIWIRAIL HOLDINGS LIMITED  
(ENV-2017-AKL- 000059)  
Requiring Authorities  
AND AUCKLAND COUNCIL  
Territorial Unitary Authority

**Court:** Principal Environment Judge Newhook  
Environment Commissioner RM Dunlop  
Environment Commissioner DJ Bunting

**Hearing:** 6, 7, 8 & 9 November 2017

**Appearances:** A Beatson and N Garvan for CRL  
A Arthur-Young and A Cameron for KiwiRail Holdings Limited  
V Evitt and Ms L Ziegler for Auckland Council  
D Allan and D Sadler for CB Trustees 2012 Limited  
M van Zonneveld for himself  
R Bartlett QC for Qambi Properties Limited (to announce no  
participation in the hearing by that party)

**Date of Decision:** 15 December 2017

**Date of Issue:** 15 December 2017

---

**DECISION OF THE ENVIRONMENT COURT APPROVING REQUIREMENTS FOR  
DESIGNATION (ALTERATIONS)**

---

**REASONS**

**Introduction**

[1] On 23 May 2017 Auckland Transport (now succeeded by CRL) and Kiwirail Holdings Limited applied to the Court under s 198E RMA for alterations to the City Rail Link designation 1714 (in particular Designations parts 3 and 6) and Kiwirail

City Rail Link Limited & KiwiRail Holdings Limited



Designation North Auckland Line 6300, seeking to have it confirm those requirements at first instance in the place of Auckland Council.

[2] The requisite procedural steps under ss 198B, 198C, and 198D RMA had been taken on various dates in March and May in 2017.

[3] Under s198E the Applicants expressed their desire that the proceedings continue before the Environment Court instead of the Council.

[4] The Application was supported by an affidavit of GE Edmonds and accompanied by a list of names and addresses of persons to be served with the notice.

[5] While the application was on the books of the Auckland Council, 78 submissions were lodged either in favour of or in opposition.

[6] Process was forthwith commenced by the Court under s 274 RMA gaining notices from parties expressing interest in the proceedings. Notices were received from the following persons and entities:

- CB Trustees 2012 Limited
- Qambi Properties Limited
- Mr Brian MacCormack
- Mr Martin van Zonneveld

#### **Nature of the relief sought by the requiring authorities**

[7] The City Rail Link ('CRL') is a significant 3.4 kilometre-long passenger railway line being constructed largely underground from Britomart Station in Central Auckland to the North Auckland Line ('NAL') where it cuts through Mount Eden. It was the subject of confirmed designations (1–6), construction having now commenced at the northern end of the line.<sup>1</sup>

[8] It was the largely unchallenged claim of CRL (and previously AT) that the CRL will almost double the capacity of the existing rail networks servicing Auckland's CBD, and provide significant connectivity and improvements in the public transport



---

<sup>1</sup> The designation was confirmed by the Environment Court by consent order except in relation to designation 5 which was the subject of the *Tram Lease Ltd v Auckland Council* [2015] NZEnvC 191 decision.



infrastructure system in Auckland.

[9] Subsequent to the confirmation of the designations, considerable further design work has been done resulting in changes said by the requiring authorities to be desirable, indeed necessary, to both the CRL and the NAL in the general vicinity of where they intersect in the suburb of Mount Eden.

[10] The prime focus of the parties in the case before us was an element of the proposed changes that includes the removal of the vehicular component of the over-bridge that had been required above the railway tracks on the alignment of Porters Avenue and Wynyard Road in part of CRL existing Designation 6.

[11] The issues in dispute in the case narrowed considerably during the course of the conferencing of groups of expert witnesses, and subsequently in response to procedural direction by the Court. The narrowed issues are described below.

#### **Issues in dispute**

[12] In the week preceding the hearing members of the Court read the enormous collection of statements of evidence lodged by the parties in preparation for the hearing, together with the joint witness statements from the conferencing of several groups of experts. The Court perceived that the issues should have narrowed considerably from those at large prior to evidence exchange. The parties were directed to confer and to produce by the end of Friday 3 November a succinct statement of the issues remaining to be resolved in the case, focussing on the "true theory of the case". Reference was made to an earlier minute from the Court about the requirements of the Evidence Act 2006 as to relevance and evidence being likely to provide substantial help to the Court. Counsel were also required to provide to the Court a list of witnesses they agreed would not be needed for cross-examination.

[13] A further direction was made that after the opening submissions by the requiring authorities at the commencement of the hearing, counsel for the other parties were required to address certain matters of law, in particular as to whether the Court could lawfully direct acquisition of land not included in the NoRs as notified, and as to whether it could direct demolition of certain buildings described in evidence.

[14] A memorandum was filed in answer to those directions, by counsel for CRL, Kivirail, Auckland Council and CB Trustees 2012 Limited advising that the issues to be resolved in the case were:



- (a) What is the extent, and significance, of connectivity effects arising from the proposed alterations?
- (b) Should the proposal to remove the vehicular component of the overbridge at Porters Avenue be confirmed, refused, or should it be confirmed subject to modification to include appropriate mitigation?
- (c) Of the potential mitigation options that have been identified, what are the benefits and costs of these and are they able to be implemented?
- (d) What potential mitigation options exist?<sup>2</sup>

[15] Counsel indicated that there were two residual issues relating to the adequacy of the alternatives assessment undertaken by AT/CRLL, and the necessity for a condition about vibration raised by the acoustic expert for Auckland Council.

[16] After consulting Mr van Zonneveld, counsel advised that he identified two further issues as follows:

- (a) A third and most easily achievable mitigation measure, utilising certain streets in Edenvale, which had been rejected by the traffic experts.
- (b) The Porters Avenue overbridge should be removed entirely despite the agreement by the traffic experts that there would be pedestrian and cycling benefits from the retention of two bridges servicing those requirements, across the railway line in the vicinity.

[17] The parties confirmed that only three of the witnesses in the extensive list would not be needed for cross-examination.

[18] They confirmed that the lack of a need for cross-examination of those 3 witnesses had arisen from a notice suddenly issued by Mr Bartlett on behalf of Qambi Properties the same day (the last working day before the hearing) that, having taken part in mediation, having provided expert evidence, and having participated in expert conferencing, it did not propose to take any further part in the proceedings. (It nevertheless maintained its status as a submitter).



<sup>2</sup> For ourselves we place issue (d) after issue (a), and counsel issue (b) becomes issue (d), in order to place consideration of them in an appropriate order.

[19] Qambi submitted that its primary issue of concern remained the lack of mitigation proposals by CRLI concerning removal of the Porters Avenue vehicular connection. It expressed some amazement at the fact that a full vehicular overbridge had been a feature of the earlier designation, but that the requiring authority had not only resiled from that position, but was now asserting that no mitigation was required.

[20] A few weeks before the hearing, Qambi had sought from the Court and obtained a subpoena for an urban design expert Mr Ian Munro, on what it asserted was the "critical urban design/connectivity issue". Qambi now passed that witness over to CB Trustees 2012 Limited. Qambi joined with CRLI in its memorandum filed immediately prior to the hearing, that if the Court was persuaded by the evidence of Mr Munro and/or others that CRLI was not offering adequate mitigation, the Court might direct the requiring authority to further consider matters and initiate any processes that might flow from it. Mr Bartlett agreed that it could not be contended that the Court has powers to direct, in the present proceedings, actions that could interfere with the rights of third parties who would have entitlements of notification and hearing.

[21] Of some importance, Qambi accepted that it was bound by agreements its advisors made during expert conferencing.

[22] An consequence of Mr Bartlett's announcements was that Qambi's expert witnesses would not be available for questioning by other parties, or by the Court. The Court needed to consider whether it should take any account of the pre-circulated statements by Qambi's witnesses. After short deliberation, we held that because the direct referral procedure requires us to have regard to all submissions<sup>3</sup>, whether or not the makers of those submissions proceeded to obtain party status under s 274 RMA, let alone participated in the hearing, and because the Qambi expert witnesses had participated in expert conferencing and reached numerous agreements with experts called by other parties, that we would take their evidence into account. We nevertheless held, and confirm, that the weight that can be attached to their pre-circulated evidence must be low, except in relation to the agreements just mentioned.

#### **Matters of jurisdiction**

[23] In its minute issued on 2 November, the Court asked the parties to comment (having regard to pre-circulated evidence which we had read) whether it would be possible to use the designation of 6 Porters Avenue and 3 Ngahura Street, to demolish

<sup>3</sup>Section 171(1) RMA.



existing apartments at these locations to enable construction of an alternative Porters Avenue vehicle overbridge suggested by traffic engineer Mr D McKenzie called by CB Trustees 2012 Limited, and enable reinstatement of access to 1A Porters Avenue.

[24] We also recorded that we wished to be addressed as to whether the existing designation condition that requires the designation of 6 Porters Avenue and 3 Ngahura Street is to be uplifted on completion of the CRL construction, including any proposed reinstatement work on the apartments.

[25] We also recorded that if the requiring authorities were not intending to use the designation in that way, we required to be advised what relief the parties were seeking in respect of that part of the NoR proposing deletion of the requirement for a Porters Avenue vehicle overbridge.

[26] We identified subsidiary questions as to what parties saw as the legal and practical consequences of the answers to those questions, and what their clients were actually seeking in the proceedings at this juncture, whether refusal of the NoR, modification of it within jurisdiction, conditions to be imposed, and consequences of any alleged inadequacy of consideration of alternatives, or whatever course.

[27] CRLL, Kiwirail and Auckland Council responded that the effects of removal of the vehicular component of the Porters Avenue overbridge were not such as to require further mitigation. They recorded that if the Court disagreed with that assessment and was to find that the requirements should be cancelled in the absence of further mitigation, then there would be 3 theoretically available options:

- (a) Modify the requirements to include the overbridge as per the existing designation but with the benefits of the alterations which required a lowered rail alignment, as assessed in the evidence in chief of Stephen Knight,<sup>4</sup> at a cost of approximately \$168m; an option that had been discounted in conferencing by all engineering experts,<sup>5</sup>
- (b) Indicate the overbridge referred to as "Alternative 2" in the evidence in chief of Mr McKenzie (or some variant thereof) might be necessary, which would require the following additional processes:

- i. Further notices of requirement to alter the existing



<sup>4</sup> At para [16].

<sup>5</sup> JWS: Engineering at para [11].



designation;

- ii. Private property acquisition processes under the Public Works Act 1981.

(c) Indicate that the Fenton/Akiraho link road proposed by Qambi might be necessary at a cost of approximately \$7.2m to \$8.5m, requiring additional processes to be undertaken being application for restricted discretionary resource consent to construct the road, and private property acquisition processes under the Public Works Act 1981.

[28] These parties submitted that the Court did not presently have jurisdiction to modify the requirement to include "Alternative 2" or the link road as part of the present processes. They considered that the Court could contemplate obtaining a "best endeavours" undertaking from the requiring authorities if it held that these options should be pursued.

[29] By memorandum counsel for CB Trustees 2012 Limited accepted that the Court could not lawfully direct acquisition of land not included in the NoR as notified; and neither could it direct the demolition of buildings within or outside the designation footprint. It sought direction by the Court of consideration by the requiring authorities of further processes.

[30] CB Trustees 2012 Limited in its memorandum accepted that the Court could not direct requiring authorities to use a PWA process to acquire and demolish such.

[31] As to the Court's question about whether there was a designation condition requiring uplifting of the designation of 6 Porters Avenue and 3 Ngahura Street on completion of construction works, CB Trustees 2012 Limited advised that it could not identify any such condition. It accepted that it seemed likely that the intentions of the requiring authorities in this regard had been confirmed in the second engineering joint witness statement.

[32] As a consequence, CB Trustees 2012 Limited indicated that if the Court found that appropriate mitigation of the loss of the vehicular function of the overbridge would not to be achieved, it should decline the NoR. It acknowledged that if this was not the Court's finding, the Court might be in the position of confirming the NoR as sought by the requiring authorities in the context of the wider first instance enquiry to be undertaken by the Court in the present proceedings.



[33] The requiring authorities and the Council in answer, maintained that no further mitigation was required. They requested the Court to press CB Trustees 2012 Limited to either confirm that it was seeking relief along the lines of Mr McKenzie's suggested "Alternative 2" bridge, or was taking that option out of the mix in the proceedings. After quite considerable discussion of the issue between counsel and members of the Court, Mr Allan confirmed on behalf of CB Trustees 2012 Limited that the McKenzie proposal was now "off the table".

[34] The consequence of that confirmation was that the issues in the case finally narrowed further, such that if we were to find that mitigation would be required, CB Trustees 2012 Limited would adopt and pursue the Qambi link-road suggestion to the extent that the Court might consider it as coming within jurisdiction, or if not, by way of directing further processes as an alternative to refusing the requirements for designation.

#### **Statutory framework**

[35] Section 181 RMA enables requiring authorities to give notice of requirements to alter existing designations. Sections 168 – 179 apply as though for a new requirement.

[36] Section 198E RMA provides for direct referral to the Environment Court, as has happened here, and that in making its decision the Court must have regard to the matters set out in s 171 and may either cancel, confirm or modify or impose conditions as the Court thinks fit.

[37] Section 171(1) provides as follows:

#### **Recommendation by territorial authority**

- (1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to —
- (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.

***Relevant statutory instrument provisions***

[38] We are satisfied that S 7 and Appendix J of the Assessment of Effects on the Environment ("AEE") offer a detailed analysis of the relevant statutory provisions. The CRL is expressly referenced in a number of them including the partly operative Unitary Plan, the Auckland Long Term Plan, the Auckland Regional Land Transport Strategy and the Auckland Regional Land Transport Programme.<sup>6</sup> Of some note, the Unitary Plan expressly identifies the CRL as "the foremost transport ... project in the next decade", and as "providing the most significant place-shaping opportunity".<sup>7</sup> The present proceedings did not of course entail a fundamental attack on the CRL, being limited to a preference for some parties to retain originally designated features, or in the alternative that there be some other mitigation for the loss of vehicular connectivity at Porters Avenue. Nevertheless we note fundamental support for the CRL in relevant statutory instruments on the following bases:

- An efficient transport system that will enable economic growth.
- Ongoing consultation with mana whenua to ensure that potential adverse effects on cultural values are addressed.
- Some benefits for other infrastructure in the vicinity such as the Mount Eden corrections facility.
- Improvements in safety and operation of the CRL and integration into the existing upgraded section of the NAL.
- Appropriate management of noise and vibration effects to acceptable levels.<sup>8</sup>
- Would enable the frequent safe and efficient movement of people and support the type of built development enabled in the surrounding mixed land use and light industry zones.

[39] Having regard to the evidence of the planners, and in particular the agreements



<sup>6</sup> Evidence in chief of D McGahan at [87].

<sup>7</sup> Unitary Plan in Box 13.2

<sup>8</sup> The vibration aspect had been the subject of considerable negotiation between experts, finally resolved between them at the end of the hearing.

reached by them in expert conferencing, we are satisfied that when regard is had to the applicable provisions of the relevant policy instruments, the Requirements align satisfactorily. We have also had regard to the provisions of the Unitary Plan in relation to the mixed-use zone and other relevant provisions. The planning experts in conference appeared to take a stance somewhere between positive and neutral concerning alignment of the notices of requirement with Unitary Plan objectives and policies. They focussed on those that had been referred to in the s 198D report, and also considered a number of other objectives and policies as set out by the s 274 parties' evidence.<sup>9</sup> Any areas of disagreement amongst the experts on this score were largely referable to differences concerning effects on the environment, so these matters will be considered in that section of this decision, which follows next.

### Effects on the environment

[40] Effects on the environment arise in two ways under s 171(1); first in the introductory words to that sub-section where we are, amongst other things, to consider the effects on the environment of allowing the requirement; having particular regard to – sub-subsection (b) as to whether adequate consideration has been given to alternative sites, routes or method of undertaking the work if either the requiring authority does not have an interest in the land sufficient for undertaking the work or is it likely the work will have significant adverse effects on the environment.

[41] This case was significantly about effects on the environment, which we shall discuss shortly. We start by noting however that the requiring authorities own all the land needed for undertaking the work (construction and operation), so it is potentially only the second part of subsection (b) that would trigger an enquiry as to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work. That is, as to whether there would be significant adverse effects on the environment.

[42] To assist a reading of what follows, we record that after consideration of all evidence we have reached the conclusion that not only are there no significant adverse effects on the environment, but that adverse effects on the environment overall are no more than minor. We can also find that in any event there was more than adequate consideration given to alternatives by the requiring authorities, the detail of which we record later in the decision.



<sup>9</sup> Paragraph [35] of the planners' joint witness statement.



### ***Existing environment***

[43] Assessment of effects on the environment from the proposed alterations must take into account the existing environment. We agree with submissions on behalf of the requiring authorities that the existing environment in this case is the physical environment inclusive of the current designation, and that the appropriate comparison is between the existing designation and the new Designations. That is an important starting point.

[44] Absent the proposed alterations to the designations, closure of the Porters Avenue overbridge would occur during construction of the works authorised in the existing designation for a period of between 2-3 years. For the purposes of assessing effects on the environment, the existing environment therefore includes a 2-3-year closure of the access, and effects of permanent closure need to be considered in this context.

### ***Effects of Alteration***

[45] Remembering that s 171(1) requires consideration of effects on the environment of allowing a requirement, it is relevant to consider positive effects. Probably of greatest importance would be that the alteration would facilitate grade separation of the CRL from the NAL, with many operational and safety benefits arising. We will summarise<sup>10</sup> these, they not being greatly contested by the parties. Grade separations remove problems commonly found with flat junctions, shortening journey times, preventing reduction in numbers of carriages and frequencies of trains available in peak times, and limit the potential for disruption to the network because less maintenance is required. The grade separated junction would also remove the risk of collision and risk to maintenance staff. We were told as well that grade separation would eliminate the need for freight trains to be stopped on an uphill grade which in turn would reduce the noise emitted from braking and acceleration of large diesel engines.

[46] CRL's Operations Planning Manager Mr M R Jones also advised that alterations to the platform and station building of Mount Eden would result in operational benefits, particularly the addition of a four-platform station assisting to decongest the network and enabling CRL trains to pass through the station. There would be an improvement in journey times of those travelling in and out of the CBD, with improvements in service and safety for over 30,000 people per hour at peak times.



<sup>10</sup> Taken largely from the evidence in chief of Mr M R Jones.

[47] The alterations would also result in substantial construction cost savings compared to the currently designated design, including potential savings to the construction programme due to the lower alignment and a significant reduction in the scale of construction works to be undertaken on private properties on Normanby Road.<sup>11</sup>

[48] Much evidence focussed on potential adverse traffic effects (together with disruption of connectivity and consequent business impacts; noise and vibration; and visual amenity and urban design effects).

*Traffic and connectivity effects; also, effects on property values and economic effects*

[49] The conference of traffic experts achieved a considerable narrowing of the disputes in this area. The experts agreed in their joint witness statement that the combined flow to and from Fenton Street and Haultain Street would be approximately 1,000 vehicles per day, with approximately two thirds of those vehicles (660) projected to use the Porters Avenue overbridge planned for in the existing designation. They agreed that the impacts of closure would largely be limited to local traffic as there are a range of alternative travel routes within the wider road network for other traffic. Importantly, they agreed that the increase in travel times for these 660 vehicles per day would be between 1 and 4 minutes, and typically 2 minutes.<sup>12</sup>

[50] They further agreed that the increases in travel times are modest, by which they meant the increases are noticeable but in the context of the general and local traffic environment, are not unreasonable.<sup>13</sup>

[51] There were claims by the s 274 parties and their experts that the loss of vehicular connectivity would have a significant impact which would justify mitigation.

[52] The requiring authorities not only pointed to the modest increases in traffic times, but through evidence which we accept, primarily from Mr E L Jolly consultant urban designer called by CRLL, pointed to connectivity improvements offered by the NAL and CRL alterations. The existing Mount Eden station is located approximately 150m from the primary street network, with the closest street connections being from dead-end streets with no vehicular through movement, as a result of which passenger connectivity and access to the station is presently poor. The proposed redeveloped



<sup>11</sup> Evidence of Damian McGahan.

<sup>12</sup> Joint witness statement: traffic at [16].

<sup>13</sup> Joint witness statement: traffic at [17].

station would be accessed via an extension to Ruru Street which would allow the station to have an entry on a key road to provide increased pedestrian, cycle and vehicular movement thereby improving connectivity to the station.<sup>14</sup> In answering questions by the Court, Mr Jolly confirmed the following:<sup>15</sup>

**QUESTIONS FROM COMMISSIONER DUNLOP**

- Q. Mr Jolly, evidence-in-chief, figure 5, page 9.  
 A. Yes.  
 Q. There's an illuminated triangle there.  
 A. Yes.  
 Q. Does that depict the proposed extension of Nikau Street on its existing alignment, through to Ngahura? Is that what we're looking at by the Fenton Street overbridge?  
 A. I'm just taking a look. I believe so, as much as I know. I wasn't involved specifically with the development of this image.  
 Q. Okay, well I'll put it a different way, is it your understanding that Nikau Street is proposed to be extended on its existing alignment, across Ruru, to Ngahura?  
 A. Yes I do.

[53] The improved station would encourage public transport use, on account of its improved amenity, legibility, safety and efficiencies. It was the evidence of Mr C A Jack a consultant architect called by CRL<sup>16</sup> that the station would become a significant nodal point for the local community. It was the evidence in rebuttal of Mr I D Clark<sup>17</sup>, a transportation planner called by CRL that there would be improved frequency of services which would improve travel choices for the local community and businesses.

[54] While CB Trustees 2012 Limited had focussed in preparation for the hearing on retention of the full Porters Avenue overbridge or Mr McKenzie's suggested "Alternative 2", Qambi Properties exchanged evidence suggesting another mitigation option of creating a vehicular link between Fenton and Akiraho Streets which would require formation works and land purchases and possible separate statutory processes outside the scope of the present NoR at a significantly lower order of cost (than Alternative 2) of about \$7.5m – 8.5m. There appeared to be a relatively high order of agreement amongst the relevant expert witnesses that the option was technically feasible, noted particularly from the evidence of Mr Clark and Mr Nixon<sup>18</sup>, and the Traffic Joint Witness Statement.<sup>19</sup> In addition, CRL Project Director Mr Meale confirmed in cross-examination by Mr Allan that there would be no funding constraint on the work if the Court concluded

<sup>14</sup> Evidence of Ed Jolly at [15], [16] and [24].

<sup>15</sup> Transcript, pages 118-119. Outcome confirmed by proffered Urban Design Principles Condition 47.2(b)(xiii) in Memorandum of counsel for Auckland Council 14 November 2017.

<sup>16</sup> Jack, paragraph [50].

<sup>17</sup> Jack, rebuttal paragraph [10].

<sup>18</sup> Rebuttal evidence of traffic engineer Mr MI Nixon called by CRL

<sup>19</sup> Joint witness statement: Traffic at [5] and [23]-[31]



that adverse effects would justify such mitigation.<sup>20</sup>

[55] CB Trustees 2012 Limited having adopted the Qambi option in presenting its case at the hearing, put forward argument through counsel that while the Fenton/Akiraho link option would not retain all of the connectivity inherent in the Porters Avenue crossing, it would provide significant and very desirable mitigation, particularly for vehicles travelling to and from the east and north, and represent "appropriate and acceptable" mitigation for the loss of the Porters Avenue vehicular crossing.<sup>21</sup>

[56] Counsel elaborated on this theme in discussing the first and second engineering joint witness statements.<sup>22</sup> Close examination of their statements reveals emphasis on feasibility of the Fenton/Akiraho option, benefits that would flow from it, and absence of "fatal flaws from a social, urban design or other relevant perspective".

[57] We return later in this decision to the issue about whether mitigation is necessary. That is where the focus must be under s 171 RMA. The case law is clear that requiring authorities do not need to choose a particular, let alone "the best", or a desirable alternative.<sup>23</sup>

[58] We accept the submission on behalf of CRL that given the evidence about the shift within the Central Auckland environment towards public transport use, the upgraded station would be of significant benefit for the Mount Eden area in the future. We also agree that this needs to be assessed alongside the significance of travel time increase as being modest and not unreasonable for vehicular traffic servicing local commercial businesses.

[59] In the context of the existing environment as we have found it to be, and whether viewing the traffic connectivity issue in isolation, or in the overall context of accessibility and connectivity in the Edenvale locality and beyond at least as far as the CBD, we hold that the adverse traffic and connectivity effects from the deletion of the Porter's Avenue vehicular overbridge will be no greater than minor. We noted from the cross-examination of Mr Clark that in assessing the adverse effects of the closure of Porters Avenue and determining whether mitigation was needed, he had offset those

<sup>20</sup> Transcript, pages 53-54.

<sup>21</sup> Submissions of Mr Allan and Mr Sadler, dated 8 November 2017, paragraph [11].

<sup>22</sup> In paragraph [25] of their submission.

<sup>23</sup> Decision of the High Court in *Meridian Energy Limited v Central Otago District Council* [2010] NZRMA 77 at [81], cited with approval of the Board of Inquiry in its Draft Report and Decision in to the NZTA Interview Connection Proposal, published by the EPA in May 2011, at [996]; and the Board of Inquiry into the Basin Bridge Proposal, Final Report and Decision, August 2014 at [1090]; and affirmed by the High Court once again in *NZTA v Architectural Centre Inc and others* [2015] NZHC 1191 at [154].





effects against positive effects arising from the NoR as a whole. Similar answers were given by Mr McGahan under cross-examination; we also note that all planning witnesses relied on the assessment of Mr Clark. We note the criticism by Mr Allan and Mr Sadler that this did not amount to a focussed assessment, and could result in a very large project being found when examined in a holistic fashion, not to warrant mitigation of localised adverse effects because they would be dwarfed in the bigger picture.<sup>24</sup> As already noted, we will deal with the issue of need for mitigation in a later section of this decision.

[60] Section 274 parties (except for Mr van Zonneveld) offered evidence that there would be a loss in value to properties and that tenants would demand reduced rent or even end their tenancies to move to other premises. We found their evidence rather speculative and unpersuasive<sup>25</sup>. In some contrast the requiring authorities called the evidence of Peter Churchill, experienced in commercial real estate matters in the area, to the effect that there is currently a shortage of commercial land close to the CBD, and that vacancies are at historically low levels.<sup>26</sup> We were satisfied by his evidence that there is indeed high demand for commercial premises of the type described by the s 274 parties.<sup>27</sup> It was his advice to the Court, and that of Mr Galli, that the loss of tenants and reduced rentals would be unlikely; and that if tenants did leave, replacements would readily be found.

[61] We also heard rebuttal evidence from Mr PM Osborne, Economic Consultant called by CRLL that given the likelihood of significant redevelopment in this city fringe area and its proximity to the redeveloped station, the area will be subject to dynamic positive change. In this context the removal of the vehicular component of the Porters Avenue overbridge would be minor. The witness considered that from an economic viewpoint the area would improve in economic efficiency terms, resulting in increased land values, productivity and rental returns.<sup>28</sup>

[62] The legal context for these considerations is as follows. Adverse effects on land and property values are not in themselves a relevant consideration, but if they occur,

<sup>24</sup> Paragraph [29](d) of their submissions.

<sup>25</sup> Evidence of Kerry Titchener at [14]; also evidence of Fraser Powrie at [10]-[14]; Edgar Smithies at [15]; Hadi Younan at [7], [13]-[18]; James Hook at [41]; and Peter Phillips at [34]-[36].

<sup>26</sup> Evidence of Peter Churchill at [16] and [18]; also statement of rebuttal evidence by Rick Galli at [11].

<sup>27</sup> Rebuttal evidence of Peter Churchill at [20]; also rebuttal evidence of CRL Land Acquisition Manager Rick Galli [18].

<sup>28</sup> Rebuttal evidence of Phil Osborne at [26] to [33].



they are simply a measure of adverse effects on amenity values.<sup>29</sup>

[63] If property values are reduced as a result of activities on adjoining land, the devaluation would reflect the effects of that activity on the environment. The correct approach is to consider those effects directly rather than market responses because the latter can be an imperfect measure of environmental effects.<sup>30</sup> We were not persuaded that the s274 parties' witnesses paid sufficient regard to the likely positive economic effects that would result from CRL's proposed investment in the Mt Eden Station and its environs, or the redevelopment and economic activity likely to be stimulated by such in adjoining areas.

[64] It is also relevant to re-state that decisions in cases like this should not be made based on people's fears that might never be realised. In *Shirley Primary School v Christchurch City Council* the Court held that "*whether it is expert evidence or direct evidence of such fears, we have found that such fears can only be given weight if they are reasonably based on real risk.*"<sup>31</sup>

*Visual amenity and urban design effects*

[65] The case for the s 274 parties was that there would be significant adverse visual amenity and urban design effects, necessitating mitigation involving acquisition of a property not presently designated, and the creation of a new vehicular access link.

[66] In addition to denying there would be adverse visual amenity and urban design effects, the requiring authorities pointed to significant improvements in the locality from the redevelopment of the Mount Eden station as proposed by the alterations, particularly in comparison to the present visual amenity and general quality of the urban realm in the vicinity of the station.<sup>32</sup> The placement of the Mount Eden station on a street frontage would provide improved access and visibility, a substantial forecourt with opportunities for retail, landscaping, and artworks.<sup>33</sup> Also improvements in surrounding streets including footpath widths, tree plantings, new open spaces and shared areas for vehicles, pedestrians and cyclists.<sup>34</sup> There would also be redevelopment of the construction yard after completion of the CRL, providing opportunities for urban renewal

<sup>29</sup> *Foot v Wellington City Council* Environment Court decision number W73/98 at [256].

<sup>30</sup> *Bunnik v Waikato District Council* Environment Court decision A42/96 at page 8.

<sup>31</sup> *Shirley Primary School v Christchurch City Council* [1999] NZRMA 66 at [193].

<sup>32</sup> Evidence of Mr Jolly at [16] and [17].

<sup>33</sup> Evidence of Mr Jack at [29].

<sup>34</sup> Evidence of Mr Jolly at [25]-[26].



and a more vibrant and visually attractive neighbourhood.<sup>35</sup>

[67] While obviously detailed design of these features has not been carried out, conceptual graphic illustration was provided by Mr Jolly who offered his opinion, not seriously challenged by others, that there would be a significant uplift in the desirability, safety and quality of the urban environment in the general location.

[68] Several weeks before the hearing, the s 274 party Qambi Properties Limited arranged for the Court to issue a subpoena to Mr I C Munro, an urban planner and designer.

[69] Given Qambi's last minute decision not to participate in the hearing, the opportunity to call the pre-circulated evidence of Mr Munro was handed to C B Trustees 2012 Limited, and he was in fact called to give evidence by Mr Allan.

[70] Mr Munro holds qualifications in planning, architecture and engineering and environmental legal studies. Of relevance to the present case, he is familiar with the CRL project because in 2009/10 he led a small project for Auckland City Council seeking to inform the Council's preferred number and location of stations, including in the vicinity of what is now proposed. Since 2014 he has chaired an ongoing special urban design panel for Auckland Council dedicated to the CRL project. The reason for his needing to be subpoenaed can be seen from these appointments.

[71] In preparing his evidence Mr Munro received a briefing from Mr Bartlett QC on behalf of Qambi, which he acknowledged was limited in scope, and attended meetings with Mr Jolly and Mr Jack.

[72] Of some importance, Mr Munro commenced evidence by acknowledging the prospect for substantial positive urban design outcomes for Auckland from the overall CRL project, and in particular that the Mt Eden station and various improvements proposed would also on balance result in numerous positive urban design effects.

[73] Mr Munro was however strongly opposed to the removal of the vehicular link at Porters Avenue, which he considered would result in inappropriate adverse urban design effects. A problem for his rather belated involvement with the case however was that by the time of the hearing, at least one iteration of same was "off the table", being Mr McKenzie's "Alternative 2" version.

---

<sup>35</sup> Evidence of Mr Jolly at [27].



[74] Mr Munro was critical of lack of calculation of additional vehicle kilometres to be travelled and vehicle emissions resulting, in the approach by the requiring authorities to the alterations. He offered the interesting opinion that if we were not dealing with the CRL, but instead a proposal by a developer wishing to cut off the Porters Avenue link to place a building over it, he would perceive a serious defect with what he considered to be a resultant very inefficient urban structure within the affected area. This was on the basis of the quality compact urban form sought by the Auckland Unitary Plan and its expectations for efficient and convenient blocks and road networks. He was worried about the existing poorly integrated and mostly disconnected road structure of the affected area, which with or without a closing of the vehicular link would not in his view be deemed acceptable in a new subdivision based on the provisions of Chapter E38 of the Unitary Plan.

[75] Mr Munro proceeded to consider and rank four options from the urban design point of view. Option (a) was the existing approved designation; his second most optimum outcome would be a new road connection between Fenton and Akiraho Streets; the third most optimum outcome would be to establish a new overbridge in a very similar alignment as Porters Avenue as proposed by some s 274 parties; with the least preferable solution, distantly trailing, being that favoured by the requiring authorities.

[76] Mr Munro took into consideration the objectives of the CRL as follows (he called them "options"):<sup>36</sup>

- a. The existing approved designation providing for a lowered railway line and grade-separated Porters Avenue road over-bridge.
- b. The current Requiring Authority proposal, being to remove the road link, replace it with a pedestrian over-bridge, and route vehicles through the local road network via Wynyard and View Roads. This is best described in the evidence of the Requiring Authority's witnesses.
- c. A replacement road over-bridge in an alignment similar to Porters Avenue and associated access roads (to transition between the relative road levels) proposed by a group of s.274 parties.
- d. An alternative at-grade road connection linking Fenton Street and Akiraho Street to allow vehicle access north via Mount Eden Road, proposed by Qambi Ltd.

[77] He also considered the Urban Design Principles for CRL which he acknowledged did not have the same statutory significance as the CRL objectives, and

---

<sup>36</sup> Statement of evidence, pages 6 and 7.





proceeded to analyse his four identified options against each of these.

[78] Mr Munro's overall analysis of these matters was quite detailed and precise, but undertaken in something of a vacuum. As noted already there is clear authoritative law that requiring authorities do not need to choose a particular, let alone "the best" alternative, but rather the Court should be satisfied that the requiring authorities have adequately considered alternative options to the extent needed under the legislation.<sup>37</sup>

[79] The legal position is that the meaning of "adequate" is not "meticulous" or "exhaustive" but "sufficient", or "satisfactory".<sup>38</sup> We note from the same High Court decision, that a more careful consideration of alternatives might be required where there are more significant effects of allowing the requirement.<sup>39</sup> It will be seen from our decision overall that the present case is not one of those situations. Nevertheless our reading of the AEE at [4.2], and consideration of much of the expert evidence called by the requiring authorities, demonstrates to us that considerable attention was paid to a at least 7 alternatives, three of which involved road bridges in the vicinity, and four of which involved various permutations of a link near Porters Avenue. We find that the consideration of alternatives by the requiring authorities on this occasion has been little short of exhaustive. Importantly, it has been multi-disciplined, unlike Mr Munro's approach from which he seems to have had an expectation that we will place a major emphasis on urban design matters and identify a "best" alternative.

[80] We comment further on Mr Munro's approach to the objectives for the CRL in the separate part of this decision addressing that topic to which we are to have particular regard under s 171(1).

[81] We are critical of an apparent major plank in Mr Munro's evidence, a comparison of the current proposal with a hypothetical "greenfields" subdivision proposal. Without being too unkind to it, the commercial and mixed-use part of the locality around Mt Eden Station is very "brownfields". The roading pattern and current run down appearance of much of it are the result of many unrelated infrastructural and development decisions made by many people over a considerable period of the history of this area of Auckland.

<sup>37</sup> Refer to the decision of the High Court in *Mendian Energy Limited v Central Otago District Council* [2010] NZRMA 477 at [81], cited with approval of the Board of Inquiry in its Draft Report and Decision into the NZTA Waterview Connection proposal, published by the EPA in May 2011, at [998]; and the Board of Inquiry into the Basin Bridge Proposal, Final Report and Decision, August 2014 at [1090]; and affirmed by the High Court once again in *NZTA v Architectural Centre Inc and others* [2015] NZHC 1191 at [154].

<sup>38</sup> High Court decision in *NZTA v Architectural Centre Inc and others* [2015] NZHC 1191 at [137].

<sup>39</sup> *Architectural* decision at [142].



[82] A significant limitation occasioned by Mr Munro's very narrow focus, was that he preferred options that no party was now seeking, and which the engineering experts had not supported in their joint witness conferencing.

[83] Mr van Zonneveld raised matters which went significantly beyond the authority that we have on the present proceedings, particularly some highly detailed suggestions about the potential benefits of reconfiguring a significant part of the local roading network. Those matters are beyond our purview. However, Mr van Zonneveld raised concerns about the juxtaposition of the now proposed pedestrian and cycling bridge on the Porters Avenue alignment in relation to his commercial building at 5 Porters Avenue. These concerns could in part be characterised as urban design concerns. Question marks arose as to just how far from the face of the building it is proposed to place the new bridge, and we agree that care is necessary in that regard. We shall return to that topic later in this decision.

#### **Adequacy of consideration of alternatives**

[84] We have already set out the relevant part of s 171(1) RMA, and indicated findings based on the evidence before us, that the requiring authorities can pass through the two alternative gateways in s 171(1)(b). First, we have found that they own all the land needed for undertaking the work, including properties that will be needed only during the construction phase, the designation on which should cease at the conclusion of construction works. Also that it is not possible to find that the proposed works will have significant adverse effects on the environment.

[85] Nevertheless, out of care, and reiterating our findings of law earlier in this decision about what it is meant about adequacy of consideration of alternatives, we reiterate that such consideration in the present case has not been far short of exhaustive, a test higher than must be met. Such consideration has even extended to the benefits and cost of both principal options ultimately put forward as possible mitigation, the construction of a road bridge at Porters Avenue after the construction works are completed, being cost at approximately \$180m but not being supported by the engineers and traffic experts; and the cheaper option of providing a road connection through a yet to be acquired property between the eastern end of Fenton Street through to Akiraho Street, at a lesser cost of approximately \$7.5m – \$8.5m.

[86] On the evidence before us, and even before the urgings of the various s 274 parties and other submitters, we hold that consideration of alternatives by the requiring



authorities has been more than adequate.

**Reasonably necessary for achieving the project objectives?**

[87] Subsection (c) of s 171(1) requires us to have particular regard to whether the work and Designations are reasonably necessary for achieving the objectives of the requiring authorities for which the designations are sought.

[88] We remind ourselves that the present proceedings are not an enquiry into the overall designation for the CRL. That has been the subject of an approved designation for some time. It is an enquiry concerning proposed alterations to both the CRL and NAL designations, a much more confined enquiry.

[89] We have already mentioned projected objectives for the CRL when discussing the urban design evidence of Mr Munro. It is interesting to note that under cross examination by Mr Beatson, Mr Munro acknowledged that the project objectives are not bottom lines, although he advised that he nevertheless considered them to be a significant part of the assessment.

[90] Objectives not met in Mr Munro's view include objectives 2(a) ("improved journey time, frequency and reliability of all transport modes"); 3(a) ("support economic development opportunities"); 4(a) ("limit visual, air quality and noise effects"); 4(b) ("contribute to the country's carbon emission targets"); and 5(a) ("enhance the attractiveness of the city as a place to live, work and visit").

[91] We do not favour a piecemeal approach to the assessment of the proposal against project objectives. Some objectives will be relevant for present purposes, others not; those that are relevant may be of greater or lesser importance in the overall assessment. An holistic approach to whether the work and designation are reasonably necessary for achieving the objectives, is what is required. Referring primarily to the largely unchallenged evidence in chief and supplementary rebuttal evidence of Mr Jolly called by CRLL, we consider that the objectives identified by Mr Munro are in fact met to a sufficient extent.

[92] Concerning objective 2(a) we agree with Mr Jolly and his supplementary rebuttal evidence that Mr Munro does not identify or balance the loss of vehicle connectivity against improvements to the operation and safety of the CRL and NAL, including through grade separation near Mount Eden junction. Further, we note with approval the evidence that journey times from Mount Eden to the city would be improved for



pedestrians, cyclists and rail users. We have already made our findings about minor adverse effects for vehicle movements, and positive effects for pedestrians and rail users. We agree with the statement of supplementary rebuttal evidence by Mr Clark on behalf of CRL that improvements in public transport in the area will be beneficial as the numbers of people living and working in the area increase, the converse of that being that the road network might otherwise become more congested in the absence of reliable alternative public transport.

[93] Regarding objective 3(a), the alterations would, we accept, be likely to assist in encouraging urban renewal in Mount Eden, which would support opportunity for economic growth in the area.

[94] As to objective 4(a), while the alterations might to a degree limit visual air quality and noise effects from vehicles, they have the potential to assist with enhancement of the amenity of the area by reducing the bulk of the bridge structure on the Porters Avenue alignment.

[95] As to objective 4(b), while those travelling to and from Haultain Street and Fenton Street will have slightly longer journey times, and therefore slightly increased carbon emissions, the alterations will have beneficial effects on these aspects as well. We heard no compelling evidence about net emissions but expect the longer vehicle journeys necessitated for some would be more than offset by the significantly increased number of journeys shifted to public transport means. In any event the objective is not about seizing upon individual impacts, whether positive or negative, and basing a decision around individual findings.

[96] Objective 5(a) will potentially be strongly supported by the alterations for reasons already discussed.

[97] We find that in the overall sense, the proposed alterations are reasonably necessary to achieve the objectives in the round, because:

- (a) They will improve the transport mode choice in Mount Eden by providing a safer, more resilient and efficient service to the CBD and other benefits for the Auckland train network including the CRL and NAL;
- (b) Result in significant operational benefits with consequent minimising of negative environmental impacts;





- (c) Result in significant capital and operational cost savings for the public purse;
- (d) Improve the amenity of Mount Eden Station and potentially improve that of surrounding streets by way of urban renewal thus encouraged;
- (e) Encourage opportunities for business and economic growth in the area.

#### Application of Part 2 RMA

[98] All consideration under s 171(1) is, as noted, subject to Part 2.

[99] The long-standing judicial approach to an "overall broad judgment" approach to assessing applications for resource consent against Part 2, was, as it is well known, rejected for at least some purposes by the decision of the Supreme Court in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited*<sup>40</sup>.

[100] There have been subsequent decisions exhibiting some uncertainty about the application of that finding, particularly in relation in notices of requirement. (Also in relation to resource consenting).

[101] The Board of Inquiry concerning the Puhoi to Warkworth road of national significance held that there remains a need to carry out an overall balancing test and questioned wide spread applicability of the "environmental bottom lines" approach to the New Zealand Coastal Policy Statement.<sup>41</sup>

[102] The High Court in what is colloquially known as the Basin Bridge decision<sup>42</sup> also distinguished *King Salmon* on the basis that s 171(1) RMA provides for specific statutory authority to consider Part 2, which is different from the statutory wording in the Plan Change context.<sup>43</sup> The High Court held:<sup>44</sup>

King Salmon did not change the import of Part 2 for the consideration under s 171 (1) of the effects on the environment of a requirement.

[103] The Environment Court took the same approach in *KPF Investments v*

<sup>40</sup> [2014] NZSC 38.

<sup>41</sup> Final Report and Decision of the Board of Inquiry into Ara Tuhono-Puhoi to Wellsford road of national significance: Puhoi to Warkwath section, 2 September 2014 at [133]-[134].

<sup>42</sup> *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991.

<sup>43</sup> *New Zealand Transport Agency* at [118].

<sup>44</sup> At [399].



*Marlborough District Council*.<sup>45</sup>

[104] Question marks remain however because of the decision of the Environment Court, upheld in the High Court in *R J Davidson Family Trust v Marlborough District Council*.<sup>46</sup> (The latter decision concerned a resource consent application measured against s 104 RMA).

[105] We are aware that the *Davidson* decision has recently been the subject of a hearing in the Court of Appeal, and a reserved decision is awaited.

[106] For completeness in this rather uncertain area, we mention *Envirofume v Bay of Plenty Regional Council*.<sup>47</sup>

[107] We hold that the debate is (perhaps fortunately) academic in the present case. We consider that a Part 2 analysis would be satisfied in this case on the evidence before us. Noting that the essence of the present case is about effects on the environment, we hold that it passes muster in relation to s 5 RMA; further that the proposed alterations do not run counter to any of the Section 6 matters, provide for appropriate and efficient use of resources subject to appropriate conditions, enhance amenity values and the quality of the environment, and support sustainable management. We can find little fault with the detailed analysis of the alterations against Part 2 set out in Section 7 and Appendix J of the AEE.

#### **Is mitigation needed?**

[108] We were offered considerable amounts of evidence about possible mitigation of loss of connectivity in the street system, with the focus ultimately being on a proposed joining of the dead end of Fenton Street with nearby Akiraho Street, through a property at 13 Akiraho Street. That property was not included in the original designation, is not included within the proposed alterations to the designation, and has not been acquired.

[109] If we were to have found that mitigation was necessary, separate processes outside of those presently before us, might have been necessitated. The parties debated how such might be undertaken.

[110] In the event the effects on the environment are so minor as not to warrant imposition of any further mitigation. Not only is there no significant adverse effect

<sup>45</sup> [2014] NZEnvC 152 at [202].

<sup>46</sup> [2016] NZEnvC 81. High Court decision at [2017] NZHC 52, particularly at [76].

<sup>47</sup> [2017] NZEnvC 12, which appears to take a broad approach to assessments under Part 2.



sufficient to trigger the gateway in s 171(1)(b)(ii), but our overall findings about effects on the environment for the purposes of s 171(1), are such that the suggested mitigation is not required.

#### **Consideration of the cases of the parties**

[111] Pursuant to 198E RMA we believe we are required to consider the content of the submissions lodged with the Council, inclusive of those that did not become subject of notices under s 274. We have done so, assisted in part by the council's s198D report<sup>48</sup>. Nothing in those materials causes us to change our views about any of the matters on which we heard evidence and have made decisions.

[112] As indicated early in the hearing, we have not disregarded the case brought by Qambi Properties Limited or the issues on which its witnesses prepared evidence. We have taken those matters into account, albeit that we can apply somewhat less weight to them than to matters that were the subject of evidence tested in the hearing. We also note that Qambi's experts participated in the conferences of groups of experts that reached significant levels of agreement with experts called by other parties. We also note that ultimately Qambi's proposal for mitigation was adopted by CB Trustees 2012 Limited in preference to its own, after the Court required precise advice from parties as to relief being sought and issues in contention in the case.

[113] Mr van Zonneveld's situation was different from the other s 274 parties. He did not want there to be a bridge of any sort crossing the railway tracks on the Porters Avenue alignment.

[114] As earlier recorded, we cannot assist Mr van Zonneveld with his extremely detailed request for intervention in traffic patterns on Mount Eden streets. As to a bridge on the Porters Avenue alignment, we hold that a pedestrian and cycle bridge as more or less proposed by the requiring authorities, is appropriate, and that the existing designation can be altered to delete the vehicular component.

[115] One matter raised by Mr van Zonneveld however requires to be handled with care in the conditions of approval. We felt that Mr van Zonneveld was justified in expressing concern about how close the pedestrian and cycling bridge might come to the Porters Avenue façade of his property on the corner of Porter's Avenue and Haultain Street, where current plans and graphic exhibits show a lift tower associated

---

<sup>48</sup> Section 198D report by Auckland Council, 10 May 2017, Section 3: Submissions.



with the bridge being very close.

[116] Mr van Zonneveld said that the façade of his building was set back 2 metres from its boundary. He asked Mr Ryder questions about the separation distance and was told that it would be of the order of 3 metres from the boundary of the property. Mr Ryder also said that the bridge might have to be moved in the order of half to one metre to accommodate turning movements underneath the bridge.<sup>49</sup> Mr van Zonneveld asked Mr Jack the same question and was told that the separation distance was 3 – 3.5 metres.<sup>50</sup>

[117] With the façade of the building being set back 2 metres from the boundary, the separation distance from the lift would be of the order of 5 – 5.5 metres.

[118] The finally condition 47.2(b)(xi) records that the pedestrian/cycle bridge is to be located no closer than 3.5 metres from the property boundary of 5 Porters Avenue excluding any below-ground foundation support. That would mean a separation distance of 2 metres from the existing building façade plus 3.5m in the road reserve for a total separation distance of 5.5m. The dimension of 3.5m from the property boundary proffered by CRL and agreed by the council is unqualified except as to foundations. We expect that it allows for any widening for turning movements underneath the bridge of the type mentioned by Mr Ryder as possibly being required<sup>51</sup>. We understand Mr Nixon's rebuttal drawing 1046 rev 2.0 3/10/17 "road layout Fenton Street extension to Akiraho Street" to allow for "intersection widening for rigid 8m truck" making the Wynyard – Fenton turn.

[119] We confirm that Condition 47(b)(xi) is to provide that no part of the pedestrian/cycle bridge including the lift tower element, but excluding below-ground foundations, is to be located any closer than 3.5m from the boundary of 5 Porters Avenue.

[120] Condition 47.2(b)(xii)(a) provides that the design of the bridge shall minimise loss of privacy on adjacent residential sites. The most potentially affected existing residential development is at 6 Porters Avenue. A large utilitarian business premise is opposite on the western side of Porters Avenue. We have found nothing in the materials that fixes the location of the proposed pedestrian/cycle bridge in the road



<sup>49</sup> Transcript, p 94.

<sup>50</sup> Transcript, p 98.

<sup>51</sup> Transcript p94.



reserve with certainty (other than its proximity to 5 Porters Avenue). Minimising loss of privacy is an imprecise term and we find the intended outcome would be secured with greater certainty if Condition 47.2(b)(xii)(a) were amended to read "Minimise loss of privacy on adjacent Porters Avenue residential sites, including by locating the pedestrian/cycle bridge in the western half of the Avenue". This would align with and secure the outcome given in evidence. We direct accordingly.

#### **Other conditions**

[121] Counsel for the council advised in a memorandum dated 14 November 2017 that it supported amended conditions circulate by CRL on 13 November subject to a handful of minor editorial changes highlighted in that version. We comment on the latter and make the following directions in respect of them:

- (a) The highlighted minor changes sought by the council are confirmed;
- (b) The proposed Explanatory Note applicable to the operative CRL designation and NoR is confirmed subject to references in the figures being to Designations not NoRs and the figures being reproduced in more legible form;
- (c) The proposed change to Condition 1.2(b) is not confirmed. The condition wording will revert to that supported by MediaWorks in the operative Designation conditions;
- (d) The change to Condition 47.2(b)(xiii) for Ruru Street and Nikau Street extensions is confirmed.

#### **Conclusion**

[122] We confirm the alterations to the designations in terms of s 198E(6) in the place of the territorial authority, subject to the changes outlined above.

[123] The conditions of the approval are attached to this decision, modified in the manner set out above.

[124] Costs are reserved. Any application is to be made within 15 working days of the date of this decision.



For the Court:



---

**LJ Newhook**

**Principal Environment Judge**



## 6300 North Auckland Railway Line

Designation Number	6300
Requiring Authority	KiwiRail Holdings Ltd.
Location	North Auckland Railway Line from Bell Avenue, Otahuhu to Ross Road, Topuni
Rollover Designation	Yes
Legacy Reference	Designations H13-09 & B09-06, Auckland Council District Plan (Isthmus Section) 1999; Designation NZR1, Auckland Council District Plan (Waitakere Section) 2003; and Designation 501, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Given effect to (i.e. no lapse date)

## Purpose

The purpose of the designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.

## Conditions

1. See Diagram B09-06 for strata diagram for land adjacent to Broadway, Newmarket.
2. No additions or alterations shall be made to the building scheduled in the District Plan (Map Reference E10-23 Remuera Railway Station and Signal Box) other than in accordance with an outline plan submitted and processed in terms of Section 176A of the Resource Management Act 1991. This provision shall also apply to the interior of the building and the site surrounds as dimensioned in the Plan.

**The following conditions apply between points X: 1,750,777.116m Y: 5,914,020.693m and X: 1,737,958.656m and Y: 5,921,597.470m (NZTM2000):**

3. Where an outline plan of works is submitted in accordance with s176A of the Resource Management Act 1991, prior to commencing the project or work, that plan shall be accompanied by:
  - a. A statement outlining the District Plan objectives and policies relevant to the works proposed; and
  - b. An assessment of the effects the works described in the outline plan will have on the environment.

### *Explanation:*

While it is accepted that the project works will be (or should be) in accordance with the designated purpose, the Council will wish to address the relevant objectives and policies of the Plan and be assured that the works will not adversely affect the environment. The Council's principal opportunity to influence the works to assist the requiring authority to meet its environmental responsibilities is through the outline plan, and the assessment of compliance and effects will assist in determining whether to request changes.

4. Appropriate sedimentation and erosion control measures shall be employed for any new earthworks on the designated site.

### *Explanation:*

The District Plan outlines erosion and sediment control measures for earthworks which are above a certain threshold, with that threshold varying according to the particular environment. Compliance with

these measures would generally satisfy condition 4. Note that major earthworks may require a consent from the Council.

**The following condition applies between points X: 1,757,567.27m Y: 5,918,513.74m and X: 1,757,256.36m Y: 5,918,405.33m; and between X: 1,757,231.23m Y: 5,918,394.69m and X: 1,756,991.17m Y: 5,918,288.67m; and between X: 1,756,611.6m Y: 5,918,312.33m and X: 1,756,430.01m Y: 5,918,230.89m (NZTM2000) (shown as "land to be designated" on plans CRL-SYW-RME-000-DRG-0103 and 0104 Rev 1):**

5. Where an outline plan of works is submitted in accordance with s 176A of the Resource Management Act 1991 in relation to the installation of new track, that plan shall confirm:

- a. that, except as provided for in (c), all track to be installed in these locations will be continuously welded rail;
- b. that the track in these locations will be inspected by an EM80 inspection train (or similar) at least every six months, and, if results show track corrugation, that maintenance will be undertaken to remove the corrugations as soon as practicable; and
- c. where a turnout or break in the rail is proposed in these locations, the measures that are to be undertaken (including the use of low vibration turnouts) to ensure that vibration will be no greater than the standard set out below, at the measurement point.
  - i. The standard is 0.14mm/s RMS between 8 and 80Hz, in accordance with ISO2631-2:2003, for 95% of any 20 consecutive freight train pass-bys.
  - ii. The measurement point is to be within 500mm above the ground at the foundation of any building containing residential unit(s) existing as at 1 December 2017, located within 25m of the turnout or break in the rail.

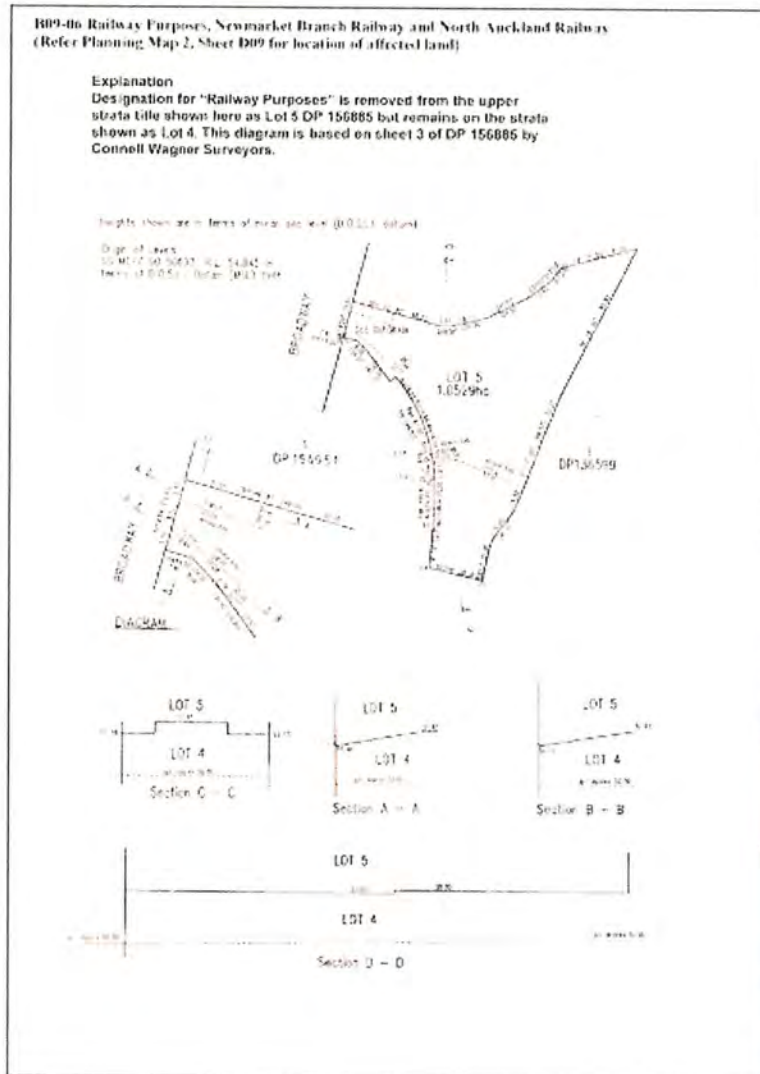
Explanation:

"As soon as practicable" in condition 5(b) means maintenance to remove the corrugations will occur at the earliest availability of resources (such as crews and specialised equipment) and access to the track to undertake maintenance works safely. Removal of corrugations is generally scheduled annually using specialised equipment. Localised repairs which are able to be completed using standard equipment will be undertaken at the earliest available opportunity.



## Attachments

### Diagram B09-06 - Strata Diagram for Land Adjacent to Broadway, Newmarket



## 6300 North Auckland Railway Line

Designation Number	6300
Requiring Authority	KiwiRail Holdings Ltd.
Location	North Auckland Railway Line from Bell Avenue, Otahuhu to Ross Road, Topuni
Rollover Designation	Yes
Legacy Reference	Designations H13-09 & B09-06, Auckland Council District Plan (Isthmus Section) 1999; Designation NZR1, Auckland Council District Plan (Waitakere Section) 2003; and Designation 501, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	Given effect to (i.e. no lapse date)

## Purpose

The purpose of the designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.

## Conditions

1. See Diagram B09-06 for strata diagram for land adjacent to Broadway, Newmarket.
2. No additions or alterations shall be made to the building scheduled in the District Plan (Map Reference E10-23 Remuera Railway Station and Signal Box) other than in accordance with an outline plan submitted and processed in terms of Section 176A of the Resource Management Act 1991. This provision shall also apply to the interior of the building and the site surrounds as dimensioned in the Plan.

**The following conditions apply between points X: 1,750,777.116m Y: 5,914,020.693m and X: 1,737,958.656m and Y: 5,921,597.470m (NZTM2000):**

3. Where an outline plan of works is submitted in accordance with s176A of the Resource Management Act 1991, prior to commencing the project or work, that plan shall be accompanied by:
  - a. A statement outlining the District Plan objectives and policies relevant to the works proposed; and
  - b. An assessment of the effects the works described in the outline plan will have on the environment.

### *Explanation:*

While it is accepted that the project works will be (or should be) in accordance with the designated purpose, the Council will wish to address the relevant objectives and policies of the Plan and be assured that the works will not adversely affect the environment. The Council's principal opportunity to influence the works to assist the requiring authority to meet its environmental responsibilities is through the outline plan, and the assessment of compliance and effects will assist in determining whether to request changes.

4. Appropriate sedimentation and erosion control measures shall be employed for any new earthworks on the designated site.

### *Explanation:*

The District Plan outlines erosion and sediment control measures for earthworks which are above a certain threshold, with that threshold varying according to the particular environment. Compliance with

these measures would generally satisfy condition 4. Note that major earthworks may require a consent from the Council.

**The following condition applies between points X: 1,757,567.27m Y: 5,918,513.74m and X: 1,757,256.36m Y: 5,918,405.33m; and between X: 1,757,231.23m Y: 5,918,394.69m and X: 1,756,991.17m Y: 5,918,288.67m; and between X: 1,756,611.6m Y: 5,918,312.33m and X: 1,756,430.01m Y: 5,918,230.89m (NZTM2000) (shown as "land to be designated" on plans CRL-SYW-RME-000-DRG-0103 and 0104 Rev 1):**

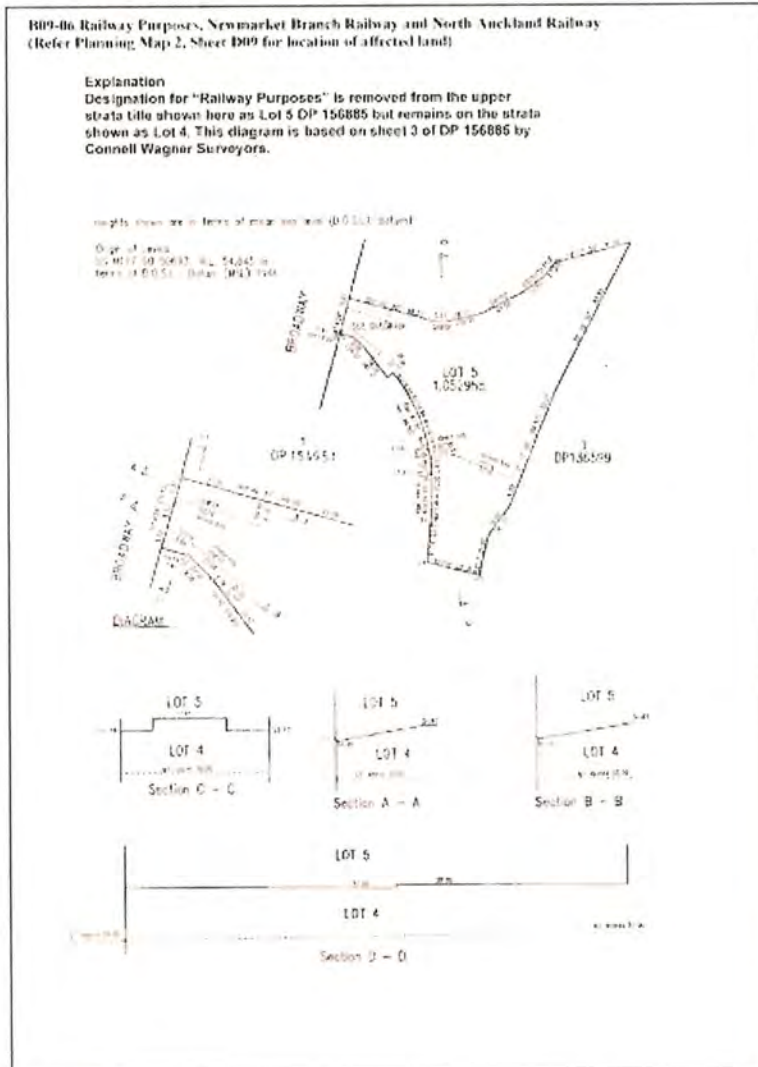
5. Where an outline plan of works is submitted in accordance with s 176A of the Resource Management Act 1991 in relation to the installation of new track, that plan shall confirm:
- a. that, except as provided for in (c), all track to be installed in these locations will be continuously welded rail;
  - b. that the track in these locations will be inspected by an EM80 inspection train (or similar) at least every six months, and, if results show track corrugation, that maintenance will be undertaken to remove the corrugations as soon as practicable; and
  - c. where a turnout or break in the rail is proposed in these locations, the measures that are to be undertaken (including the use of low vibration turnouts) to ensure that vibration will be no greater than the standard set out below, at the measurement point.
    - i. The standard is 0.14mm/s RMS between 8 and 80Hz, in accordance with ISO2631-2:2003, for 95% of any 20 consecutive freight train pass-bys.
    - ii. The measurement point is to be within 500mm above the ground at the foundation of any building containing residential unit(s) existing as at 1 December 2017, located within 25m of the turnout or break in the rail.

*Explanation:*

*"As soon as practicable" in condition 5(b) means maintenance to remove the corrugations will occur at the earliest availability of resources (such as crews and specialised equipment) and access to the track to undertake maintenance works safely. Removal of corrugations is generally scheduled annually using specialised equipment. Localised repairs which are able to be completed using standard equipment will be undertaken at the earliest available opportunity.*

## Attachments

### Diagram B09-06 - Strata Diagram for Land Adjacent to Broadway, Newmarket







**UNITARY PLAN UPDATE REQUEST MEMORANDUM**

**TO** Warren MacLennan, Manager Planning - North/West

**FROM** Wayne Siu, Planner Planning – North/West

**DATE** 26 June 2018

**SUBJECT** Partial removal of Designation 9340 in the Auckland Unitary Plan Operative in Part in accordance with s182 of the Resource Management Act 1991



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

<b>Reason for update</b> – Watercare Services Limited has identified areas of Designation 9340 Omaha Wastewater Treatment Plant as no longer necessary to give effect to the designation.	
<b>Chapter</b>	Chapter K
<b>Section</b>	Schedules and Designations
<b>Changes to text</b> (shown in underline and strikethrough)	N/A
<b>Designation only</b>	
<b>Designation # 9340</b>	<b>Omaha Wastewater Treatment Plant Watercare Services Limited</b>
<b>Location:</b>	64 Jones Road, Omaha Flats
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	Wastewater purposes - wastewater treatment plant.
<b>Changes to diagrams</b>	N/A
<b>Changes to spatial data</b>	



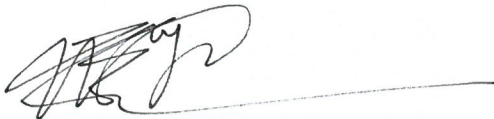
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Watercare Services Limited letter requesting the partial removal of Designation 9340 Omaha Wastewater Treatment Plant in the Auckland Unitary Plan (Operative in Part), 22 June 2018</li> <li>• Auckland Council memorandum confirming partial removal of Designation 9340</li> <li>• GIS Map showing partial removal</li> </ul>
--------------------	---

**Prepared by:**

Wayne Siu  
Planner, Planning North/West

**Text entered by:**

N/A



**Signature:**

**Signature:**

**Maps prepared by:**

Aching Konyak –  
Geospatial Analyst  
Aucklandwide

**Reviewed by:**

Wayne Siu  
Planner, Planning North/West



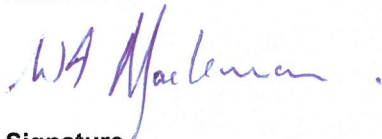
**Signature**



**Signature:**

**Manager**

Warren MacLennan, Manager Planning  
North/West



**Signature**

07 June 2018

Auckland Council  
Private Bag 92300  
Auckland 1143  
[By Email]

Attention: Warren Maclennan  
Manager – Planning North-West

**Removal of part of Designation 9340 at 64 Jones Road, Omaha Flats (legacy reference Designation 112, Auckland Council District Plan Rodney Section 2011)**

We write in pursuant to Section 182(1) of the Resource Management Act to undertake the following:

- Reduce the area of Designation 9340 Omaha Wastewater Treatment Plant under the Auckland Unitary Plan Operative in Part (AUP).

The current legal description of the property from which the designation is to be partially removed is:

- Lot 1 DP 134166
- The part of the designation that is to be removed is that shown on the attached plan titled "Part Removal of Designation 9340 on Lot 1 DP 134166"

Please find attached:

- Form 23 – Notice of Removal/Removal of Part of Designation
- Certificate of Title (current title Lot 1 DP 134166, pre subdivision)
- AUP GIS Map – Current Designation 9340 on Lot 1 DP 134166
- WSL GIS Map - Part Removal of Designation 9340 on Lot 1 DP 134166
- Shape file of the reduced Watercare designation (compressed, zip format)
- Concept Plan for Proposed Subdivision of Lot 1 DP 134166 (Buckton Consulting Surveyors Ltd)
- Title Plan – LT 523917 (Draft Certificates of Title, post subdivision)

Watercare requests the Auckland Council amend the AUP Operative in Part accordingly as required by Section 182 of the Resource Management Act 1991.

Yours sincerely

  
Mark Bourne  
Manager, Infrastructure & Environmental Planning  
Watercare Services Limited



Form 23

Notice of removal of designation or heritage order or part of designation or heritage order

Section 182 Resource Management Act 1991

To Auckland Council

Watercare Services Limited gives notice under Section 182 (1) to Auckland Council that it no longer requires part of the following designation:

- Designation 9340 – Omaha Wastewater Treatment Plant under the Auckland Council Unitary Plan Operative in Part (AUP) at 64 Jones Road, Omaha Flats ; currently legally described as Lot 1 DP 134166 (legacy reference Designation 112, Auckland Council District Plan Rodney Section 2011)

Watercare Services Limited currently own the designated area in its entirety and have opted to subdivide the property after an internal review identified part of the area that was no longer required for the on-going operation, maintenance and protection of the Omaha Wastewater Treatment Plant. Land Information New Zealand have advised that the new legal descriptions for the subdivided land will be Lot 1 DP 523917 (area 1.5195 ha) & Lot 2 DP 523917 (area 52.6404 ha). Removal of the designation from the land to be known as Lot 1 DP 523917 will facilitate the sale of this portion of the property on the open market. The proposed amendment to the current designation boundary is shown in the plans included with this notice.

Watercare Services Limited requests that Auckland Council amend the AUP accordingly as required by Section 182 of the Resource Management Act 1991.

.....  
Signature on behalf of requiring authority  
Mark Bourne  
Manager, Infrastructure & Environmental Planning  
Watercare Services Limited

7-6-2018  
.....  
Date

Address for service of requiring authority:

Telephone:

Email:

Contact person:

Watercare Services Limited  
Private Bag 92521  
Wellesley Street  
Auckland 1141  
022 6579509  
[Rod.Finlayson@water.co.nz](mailto:Rod.Finlayson@water.co.nz)  
Rod Finlayson



Info

Legend

Results

## Property Summary

This summary lists searched address, legal description, Zone and other limitations that apply to the site.

### Address

64 Jones Road Omaha Flats 0986

### Legal Description

Lot 1 DP 134166

### Appeals

### Modification

### Zone

Rural - Mixed Rural Zone

### Precinct

### Overlays

Natural Resources: High-Use Aquifer Management Areas Overlay [rp] -

Omaha Waitemata Aquifer

### Controls

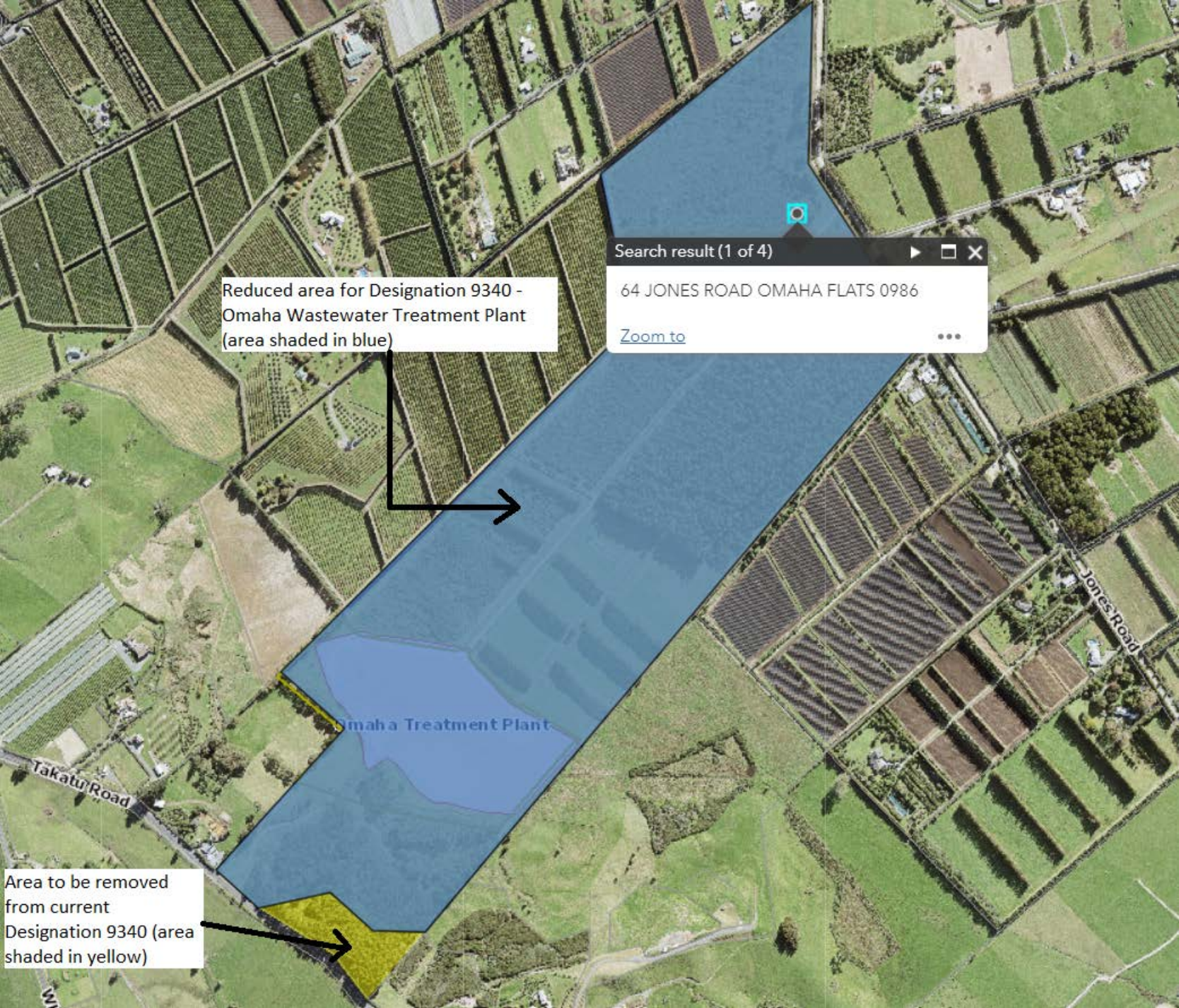
Controls: Macroinvertebrate Community Index - Exotic

For other mapped information that may apply to the searched property please use the Data Discovery tool or check the main [GIS viewer \(GeoMaps\)](#).

[View full Unitary Plan text](#)







Reduced area for Designation 9340 - Omaha Wastewater Treatment Plant (area shaded in blue)

Search result (1 of 4) ▶ □ ✕  
64 JONES ROAD OMAHA FLATS 0986  
[Zoom to](#) ⋮

Omaha Treatment Plant

Area to be removed from current Designation 9340 (area shaded in yellow)

Takatu Road

Jones Road

W



# COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



## Search Copy

  
R. W. Muir  
Registrar-General  
of Land

**Identifier** NA79A/960  
**Land Registration District** North Auckland  
**Date Issued** 08 November 1990

### Prior References

NA1127/105

---

**Estate** Fee Simple  
**Area** 54.1599 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 134166

### Proprietors

Watercare Services Limited

### Interests

Appurtenant hereto is a drainage right created by Conveyance 148740 (R67.26)  
Appurtenant hereto is a drainage right created by Conveyance 155571 (R74.363)  
Appurtenant hereto is a drainage right created by Conveyance 163682 (R92.76)  
Appurtenant hereto is a drainage right created by Conveyance 164759 (R95.187)  
Appurtenant hereto is a drainage right created by Conveyance 185451 (R138.21)  
Appurtenant hereto is a drainage right created by Conveyance 187905 (R143.110)  
Subject to a drainage right created by Conveyance 187905 (R143.110)  
Subject to a drainage right created by Conveyance 148740 (R67.26)  
Subject to a right of way in gross to over part marked D on DP 433030 in favour of Rodney District Council created by Easement Instrument 8633780.1 - 15.11.2010 at 8:58 am  
9168904.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 31.8.2012 at 4:52 pm





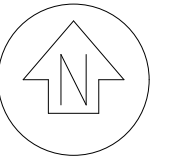
Part Allot 36  
PSH OF Matakana

Area D  
DP 433030  
(Pedestrian and Cycle Right of Way)

Lot 2  
52.7 ha

Area D  
DP 433030  
(Pedestrian and Cycle Right of Way)

Lot 1  
DP 134166  
NA79A/960



Takatu Road  
Legal, sealed

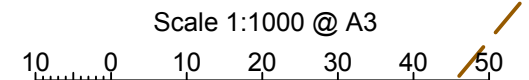
Lot 4  
DP 463441

Lot 1  
1.5 ha

Lot 1  
DP 463441

Schedule of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of way	A	Lot 2 hereon	Lot 1 hereon

- Notes:
- Areas and dimensions are approximate only and are subject to survey.
  - Zone:  
Auckland Unitary Plan Operative in Part:  
Rural - Mixed Rural Zone
  - Controls:  
Macroinvertebrate Community Index
  - Overlays:  
Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Omaha Waitemata Aquifer
  - Designations:  
Wastewater Purposes, Watercare Services Ltd
  - This plan is for Concept Purposes only.
  - This plan is subject to geotechnical, planning, engineering, and landscape analysis & design.



**BUCKTON**  
CONSULTING SURVEYORS LTD

16 Mill Lane, P.O.Box 107, Warkworth 0941, Ph 09 4258950  
www.buckton.co.nz, E-mail surveyors@buckton.co.nz

This document is the property of Buckton Consulting Surveyors Ltd., and is not to be reproduced without their written authority.

Scale **1:1000 (A3)**

Date Drawn	Drawn by	Chckd by	Ref No.
13/11/17	JRH		<b>8085</b>

Revision Details:- 13/11/17 - Bdys amended

Dwg No.	Rev No.	Sheet No.
<b>SP 01</b>	<b>A</b>	<b>1 of 1</b>

Prepared for:  
Watercare Services Ltd

Concept Plan for Proposed Subdivision of Lot 1 DP 134166  
Takatu Road, Tawharanui Peninsula

C:\12d\12d\Synergy\Workspaces\18085 - Watercare Services Ltd - Takatu Road Land Disposal\11703\_CADD\12d\18085 SP 01.12dmodel\8085 SP 01



# Title Plan - LT 523917

---

**Survey Number** LT 523917  
**Surveyor Reference** 8085 Watercare Services Ltd  
**Surveyor** Jonathan Robert Hopkins  
**Survey Firm** Buckton Consulting Surveyors Limited  
**Surveyor Declaration**

---

## Survey Details

**Dataset Description** Plan of Lots 1 and 2 Being a Subdivision of Lot 1 DP 134166  
**Status** Initiated  
**Land District** North Auckland  
**Submitted Date**  
**Survey Class** Class B  
**Survey Approval Date**  
**Deposit Date**

---

## Territorial Authorities

Auckland Council

---

## Comprised In

CT NA79A/960

---

## Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 523917	Fee Simple Title	1.5195 Ha	834877
Lot 2 Deposited Plan 523917	Fee Simple Title	52.6404 Ha	834878
Area A Deposited Plan 523917	Easement		
Area B Deposited Plan 523917	Easement		
Area C Deposited Plan 523917	Easement		
Area D Deposited Plan 523917	Easement		
<b>Total Area</b>		<hr/> 54.1599 Ha	

# Schedule / Memorandum

---

Land Registration District

**North Auckland**

Survey Number

**LT 523917**

Territorial Authority (the Council)

**Auckland Council**

## Schedule of Easements

Last Edited: 27 Apr 2018 15:27:46

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement</u>	<u>Dominant Tenement</u>
Right of Way	C	Lot 2	Lot 1

## Schedule of Existing Easements in Gross

Last Edited: 27 Apr 2018 15:31:41

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement</u>	<u>Creating Document Reference</u>
Right to convey electricity	A, B	Lot 2	EI 10565224.1
Pedestrian and Cycle Right of Way	D	Lot 2	EI 8633780.1





# Partial removal of a designation under section 182 of the Resource Management Act 1991



**To:** Peter Vari -Team Leader Planning North/West

**From:** Wayne Siu, Planner Planning North/West

**Date:** 22 June 2018

**Subject:**

Partial removal of Designation 9340 Omaha Wastewater Treatment Plant in the Auckland Unitary Plan (Operative in Part)

## Summary

Auckland Council has received a request from Watercare Services Limited under section 182 of the Resource Management Act 1991 (RMA), dated 13 June 2018, to remove in part Designation 9340 Omaha Wastewater Treatment Plant.

A section 182(1) request is required to uplift the existing designation in part from land which has been deemed surplus by Watercare Services Limited.

Auckland Council, as the territorial authority, is required to amend its district plan, without using the process in Schedule 1, as soon as reasonably practicable after receiving a Section 182 request unless it considers that the effect of the removal of part of the designation on the remaining designation is more than minor.

It is recommended that the partial removal be accepted.

## Recommendation

1. That the section 182 request from Watercare Services Limited for the partial removal of Designation 9340 Omaha Wastewater Treatment Plant in the Auckland Unitary Plan be **accepted** for the following reasons:
  - The land subject to the partial removal is no longer needed to give effect to the designation.
  - The effects of the removal on the remaining designation are no more than minor
2. That Designation 9340 Omaha Wastewater Treatment Plant be partially removed, as soon as reasonably practicable, in the Designation overlay in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	Designation 9340 Omaha Wastewater Treatment Plant
<b>Lodgement date:</b>	13 June 2018
<b>Requiring authority:</b>	Watercare Services Limited
<b>Reporting officer:</b>	Wayne Siu
<b>Site address:</b>	64 Jones Road, Lot 1 DP 134166
<b>UP Zoning:</b>	Rural - Mixed Rural Zone

## 2.0 Background

### 2.1 Details of designation

Watercare Services Limited owns the entirety of the designated area (approximately 54.1ha) at 64 Jones Road, Omaha Flats for the maintenance and protection of the Omaha Wastewater Treatment Plant. A review by the requiring authority identified part of the area that is no longer required (approximately 1.5ha, refer to Attachment A). The removal of the designation over this area is needed to facilitate its subdivision and sale on the open market.

### 1.2 Land affected by removal

The designation is currently shown in the AUP maps as follows







It is considered that Watercare Services Limited has provided sufficient justification for the partial removal of Designation 9340 Omaha Wastewater Treatment Plan for the following reason:

- The land subject to the partial removal is no longer needed to give effect to the designation.
- Watercare Services Limited owns the area in its entirety; therefore I consider the effects of removing this land on the remainder of the designation to be no more than minor.


## 2.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 that the partial removal of Designation 9340 Omaha Wastewater Treatment Plan be **accepted** and the Auckland Unitary Plan Operative in part designation overlay be amended accordingly.

**Prepared by:** Wayne Siu  
Planner  
Planning North/West

**Accepted by:** Peter Vari  
Team Leader  
Planning North/West

**Signature:** 

**Signature:** 

Date: 22 June 2018

### SCHEDULE OF ATTACHMENTS:

**Attachment A:** Watercare Services Limited s182 Notice of Removal

**UNITARY PLAN UPDATE REQUEST MEMORANDUM****TO** Phill Reid, Manager, Planning, Auckland-wide**FROM** Sisira Jayasinghe, Planner, Planning Central & South**DATE** 11 June 2018**SUBJECT** Designation to be updated in the AUPOP in accordance with s182 of the Resource Management Act

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

<b>Reason for update</b>	
<b>Chapter</b>	<b>Chapter K</b>
<b>Section</b>	Schedules and Designations
<b>Designation only</b>	
<b>Designation #'s 9447 &amp; 9540</b>	<b>Hunua No. 4 Watermain, Watercare Services Limited</b>
<b>Locations:</b>	9447 Onehunga Harbour Road, Onehunga to the corner of Campbell and Rawhiti Roads, Epsom  9540 396B Redoubt Road to Mangere Bridge, Hugh Watt Drive, Mangere
<b>Lapse Date</b>	Given effect to (i.e. no lapse date)
<b>Purpose</b>	Water supply purposes – Hunua No.4 Watermain.
<b>Changes to text</b> (shown in underline and strikethrough)	Text of both Designations 9447 and 9540 to be deleted in their entirety.
<b>Changes to diagrams</b>	Not applicable
<b>Changes to spatial data</b>	Refer to the Team Leader approved Decision Report dated 21 May 2018
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Team Leader approved Decision Report dated 21 May 2018</li> <li>• 9447 Hunua No. 4 Watermain removed designation text</li> <li>• 9540 Hunua No. 4 Watermain removed designation text</li> <li>• Watercare Services Limited Central Schedule</li> <li>• Watercare Services Limited South Schedule</li> <li>• Map showing removal of designation 9447 and 9540</li> </ul>

**Prepared by:**

Sisira Jayasinghe  
Planner, Planning Central & South

**Signature:** 

**Maps prepared by:**

Aching Konyak  
Geospatial Analyst  
Aucklandwide

  
**Signature**

Manager

Celia Davision


PP  
Manager, Planning Central and South



**Signature:**

**Text entered by:**

Bronnie Styles  
Planning Technician

**Signature:** 

**Reviewed by:**

Sisira Jayasinghe  
Planner, Planning Central & South

**Signature:** 

# Removal of a designation under section 182 of the Resource Management Act 1991



**To:** Marc Dendale, Team Leader Planning Central and South

**From:** Sisira Jayasinghe, Planner, Planning Central and South

**Date:** 17 May 2018

**Subject:** Removal of Designations 9447 and 9540 (Hunua No.4 Watermain) in the Auckland Unitary Plan

## Summary

Auckland Council has received a request from Watercare Services Limited under Section 182 of the Resource Management Act 1991 (RMA), dated 09 May 2018, to remove in full Designations 9447 and 9540 (Hunua No.4 Watermain).

A section 182(1) request is required to uplift the existing designation in full from land which has been deemed surplus by the Watercare Services Limited.

Auckland Council, as the territorial authority, is required to amend its district plan, without using the process in Schedule 1, as soon as reasonably practicable after receiving a Section 182 request unless it considers that the effect of the removal of part of the designation on the remaining designation is more than minor.

It is recommended that the removal be accepted.

## Recommendation

1. That the section 182 request from Watercare Services Limited for the removal of Designations 9447 and 9540 (Hunua No.4 Watermain) in the Auckland Unitary Plan be **accepted** for the following reasons:
  - Work of the new pipeline for the purpose of water supply was undertaken in accordance with the information provided by the Requiring Authority in the Notice of Requirements dated 10 March 2010 and supporting documents being "Hunua No.4 Watermain Assessment of Effects on the Environment Volumes 1, 2, and 3 dated 3 March 2010".
  - Condition 2 of both designations require that following completion of construction of the Project for the proposed watermain, Watercare Services Limited shall give notice to the Council in accordance with s182 of the RMA for removal of those parts of the designations which are not required for the long term operation and maintenance of the Project.
  - Watercare has reviewed the current designations and identified that its preference is to remove Designations 9447 and 6540 in their entirety.



2. That Designations 9447 and 9540 (Hunua No.4 Watermain) be removed, as reasonably practicable, both in the Designation overlay and Chapter K Designations in the Auckland Unitary Plan.

## 1. Description

### 1.1. References

<b>Designation number:</b>	9447 and 9540 (Hunua No.4 Watermain)
<b>Lodgement date:</b>	09 May 2018
<b>Requiring authority:</b>	Watercare Services Limited
<b>Reporting officer:</b>	Sisira Jayasinghe, Planner, Planning Central & South
<b>Site address:</b>	Several sites as indicated in the attached maps.
<b>UP Zoning:</b>	Vary with the sites (Please refer to the attached maps).

## 2. Background

### 2.1 Details of designation

Work on the new pipeline for the purpose of water supply was undertaken in accordance with the information provided by the Requiring Authority in the Notice of Requirements dated 10 March 2010 and supporting documents being "Hunua No.4 Watermain Assessment of Effects on the Environment Volumes 1, 2, and 3 dated 3 March 2010".

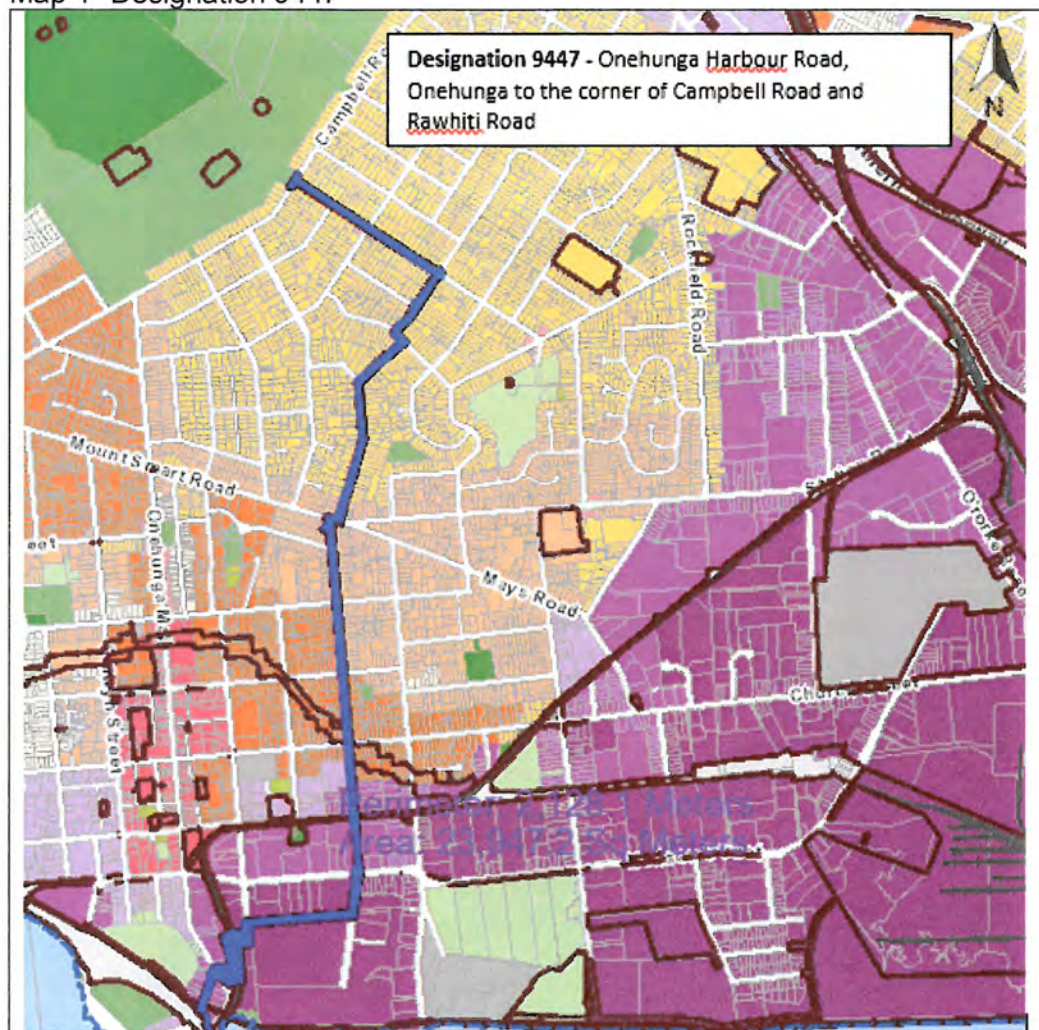
Condition 2 of both designations require that following completion of construction of the Project for the proposed watermain, Watercare Services Limited shall give notice to the Council in accordance with s182 of the RMA for removal of those parts of the designations which are not required for the long term operation and maintenance of the Project.

Watercare has reviewed the current designations and identified that its preference is to remove them in their entirety.

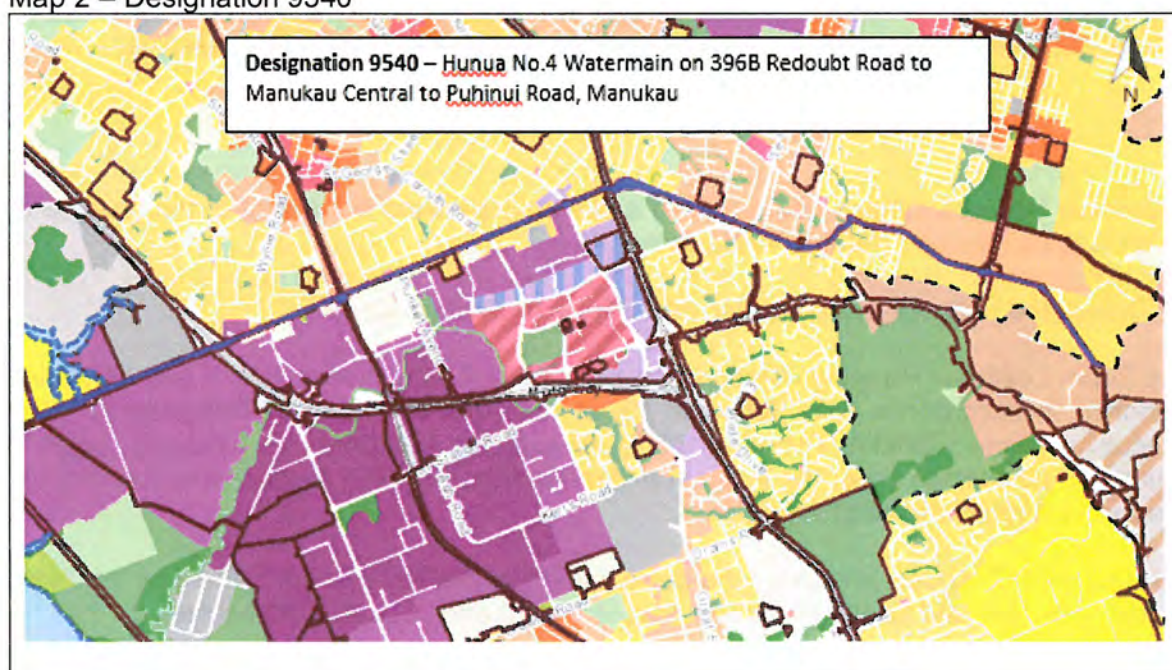
### 2.2 Land affected by removal

The designations are currently shown in the AUP GIS maps (in blue clour) as follows:

Map 1- Designation 9447

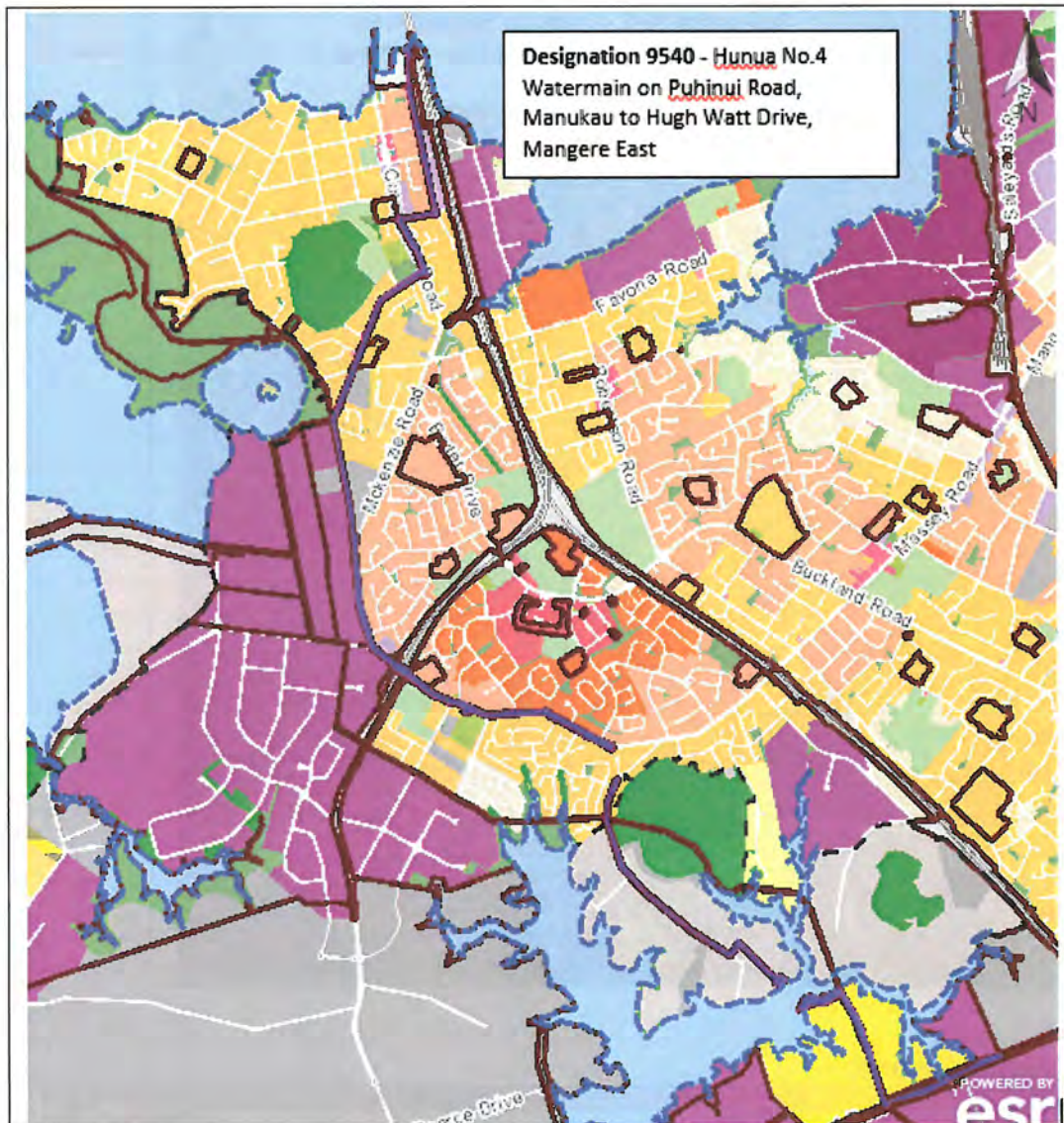


Map 2 – Designation 9540





Map 3 – Designation 9540 (Continued)



Watercare Services Limited has provided a site plan showing the extent of the designation which is to be removed (refer to **Attachment A**).

### 2.3 Delegated authority to consider alterations to designations

The Team Leader – Planning, Central and South (Plans and Places Tier 5) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive Officer (updated February 2017), to exercise the Council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to Section 182 to approve a removal of a designation.

The section 182 request to remove the designation can therefore be considered by the Team Leader – Central and South (Plans and Places Tier 5) and accepted or declined.

## 2.4 Relevant Statutory Provisions

Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer requires it. This section also applies to a notice by a territorial authority, to withdraw its own designation or part of a designation within its own district.

Section 182(2) states that as soon as reasonably practicable the territorial authority shall, without using the process in Schedule 1, amend its district plan accordingly. If the territorial authority considers that the effect of the removal of part of a designation on the remaining designation is more than minor, it may, within 20 working days of receipt of a section 182 notice, decline to remove that part of the designation.

It is considered that Watercare Services Limited has provided sufficient justification for the removal of Designations 9447 and 9540 (Hunua No.4 Watermains) for the following reasons:

- Work of the new pipeline for the purpose of water supply was undertaken in accordance with the information provided by the Requiring Authority in the Notice of Requirements dated 10 March 2010 and supporting documents being "Hunua No.4 Watermain Assessment of Effects on the Environment Volumes 1, 2, and 3 dated 3 March 2010".
- Condition 2 of both designations require that following completion of construction of the Project for the proposed watermain, Watercare Services Limited shall give notice to the Council in accordance with s182 of the RMA for removal of those parts of the designations which are not required for the long term operation and maintenance of the Project.
- Watercare has reviewed the current designations and identified that its preference is to remove Designations 9447 and 6540 in their entirety.

## 3.0 Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 the removal of Designations 9447 and 9540 (Hunua No.4 Watermain) be **accepted** and the Auckland Unitary Plan Operative in part designation overlay and text in Chapter K Designations be amended accordingly.

Prepared by :

**Sisira Jayasinghe**  
Planner, Planning Central & South

Signature :



Date: 21 May 2018

Accepted by :

**Marc Dendale**  
Team Leader, Planning Central & South

Signature :



Date :

21 May 2018

**Attachment:** Watercare Services Limited s182 Notice of removal



## **Attachment A**

Attachment A contains following:

1. Request of Watercare Services Limited to the Auckland Council to amend the AUP
2. Form 23
3. Copy of the notice served on owners and occupiers of land which Designations 9447 and 9540 relate to and the parties likely to be affected by the designation removal
4. List of persons and entities required to be given notice of the removal of designation
5. Watercare Services Limited maps showing removal of designation 9447 and 9540.

08 May 2018

Auckland Council  
Private Bag 92300  
Auckland 1143

Attention: Celia Davison  
Manager - Planning South and Central

**Removal of Designations 9447 and 9540**

We write in pursuant to Section 182 (1) of the Resource Management Act 1991 (RMA) to undertake the following:

- Remove Designation 9447, Hunua No. 4 Watermain, under the Auckland Unitary Plan Operative in Part (AUP).
- Remove Designation 9540, Hunua No. 4 Watermain, under the AUP.

Please find attached:

- Form 23 – Notice of Removal and Part Removal of Designation
- Steps pursuant Section 182 (1) (b) and (c) of the RMA and details of lands that Designations 9447 & 9540 relate to
- Conditions to Designation 9447
- Conditions to Designation 9540
- WSL GIS Map - Removal of Designation 9447
- WSL GIS Map - Removal of Designation 9540

Watercare requests the Auckland Council amend the AUP accordingly as required by Section 182 of the Resource Management Act 1991.

Yours sincerely



.....  
Mark Bourne  
Manager, Infrastructure & Environmental Planning  
**Watercare Services Limited**

Form 23

Notice of Removal and Part Removal of Designation

Section 182 Resource Management Act 1991

To Auckland Council

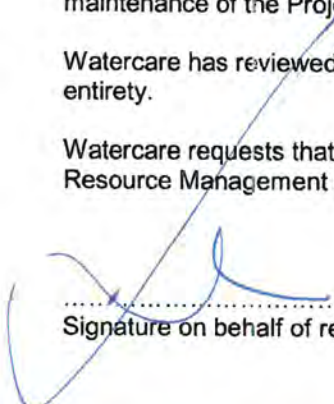
Watercare Services Limited (WSL) gives notice under Section 182 (1) to Auckland Council, to the owners of the lands, and persons identified as likely to be affected that it no longer requires the following designations:

- Designation 9447, Hunua No. 4 Watermain under the Auckland Council Unitary Plan Operative in Part (AUP) on Onehunga Harbour Road, Onehunga to the corner of Campbell and Rawhiti Roads, Epsom
- Designation 9540, Hunua No. 4 Watermain under the Auckland Council Unitary Plan Operative in Part (AUP) on 396B Redoubt Road to Mangere Bridge, Hugh Watt Drive, Mangere

Condition 2 of both designations require that following completion of construction of the Project for the proposed watermain, Watercare shall give notice to the Council in accordance with section 182 of the Act for removal of those parts of the designation which are not required for the long term operation and maintenance of the Project.

Watercare has reviewed the current designations and identified that its preference is to remove them in its entirety.

Watercare requests that Auckland Council amend the AUP accordingly as required by Section 182 of the Resource Management Act 1991.

  
.....  
Signature on behalf of requiring authority:

09/05/2018  
.....  
Date

Address for service of requiring authority

Watercare Services Limited  
Private Bag 92521  
Wellesley Street  
Auckland 1141

Telephone:

022 043 2406

Email:

Jhonny.Gaglione@water.co.nz

Contact person:

Jhonny Gaglione

Cc: Allan Walton, Principal Property Advisor, Auckland Council  
Darren Cunningham, Manager Land Advisory Services, Auckland Council

09 May 2018

Auckland Council  
Private Bag 92300  
Auckland 1143

Attention: Celia Davison  
Manager - Planning South and Central

**Removal of Designations 9447 and 9540 - Steps pursuant Section 182 (1) (b) and (c) of the RMA and details of lands that Designations 9447 & 9540 relate to.**

May this serve to inform about Watercare's compliance with the requirements of giving notice of the removal of the above mentioned designations according to the below:

- Section 182 (1) (b) of the RMA

*"every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates, and"*

- Section 182 (1) (c) of the RMA

*"every other person who, in the opinion of the requiring authority, is likely to be affected by the designation"*

Watercare has sent the persons or entities listed in the attached table an explanatory letter to inform about our decision. The letter also includes contact details for further queries by the parties if required.

Yours sincerely



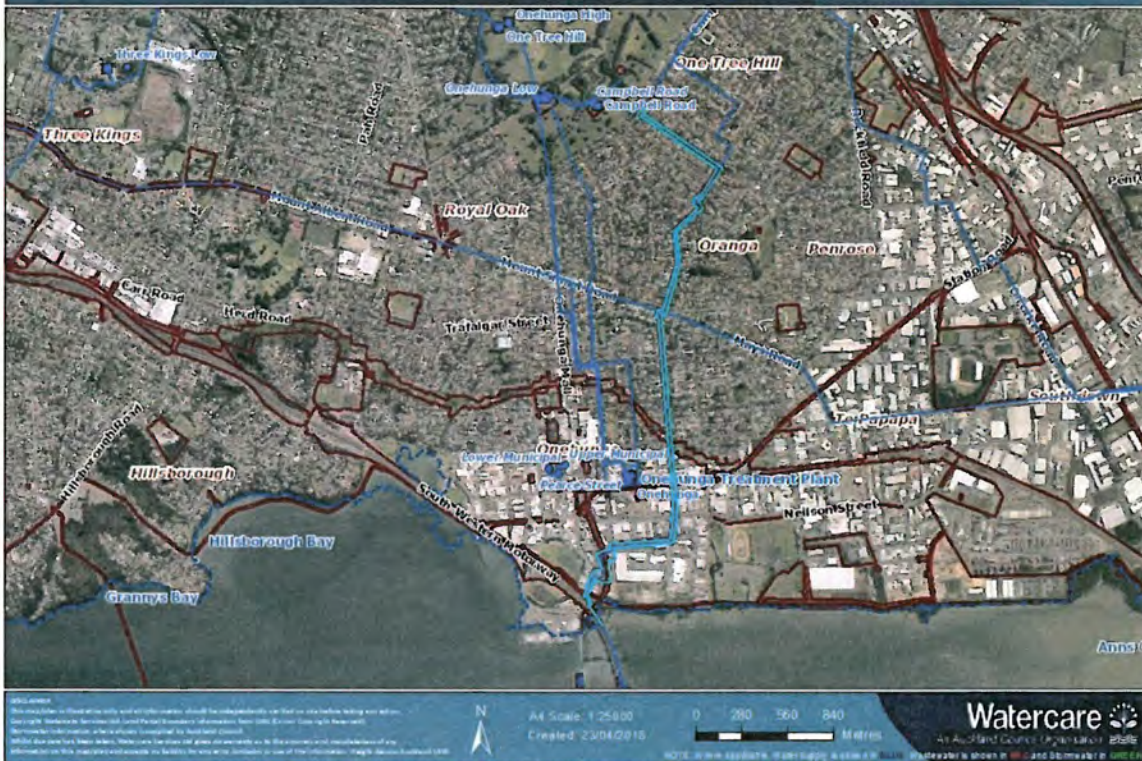
Jhonny Gaglione  
Grad Resource Consents Planner, Strategy & Planning  
**Watercare Services Limited**




**Persons or Entities Required to be Given notice of the Removal of Designations 9447 and 9540**

No	Owner	Address	Postal Address
<b>Section 182 (1) (b) "every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates"</b>			
1	J Dresden & F Irvine	51-55A Onehunga Mall Onehunga Auckland 1061	PO Box 13582 Onehunga Auckland 1643
2	CA Thorby & CF Thorby	467 Puhinui Road Papatoetoe Auckland 2025	467 Puhinui Road Papatoetoe Auckland 2025
3	J Chuang & M Hsieh & BBC Bong	63 Murphys Road Flat Bush Auckland 2016	Vertical King Family Trust 9 Estuary Views Shelly Park Auckland 2014
4	J Gock & F Gock & DV Drumm	180 Pukaki Road Mangere Auckland 2022	93 Pukaki Road Mangere Auckland 2022
5	Savannah Holdings Limited	10 Campana Road Papatoetoe Auckland 2025	107 Kirkbride Road Mangere Auckland 2022
6	N Chander & S Chander	485 Puhinui Road Papatoetoe Auckland 2025	PO Box 75116 Manurewa Auckland 2243
7	Puhinui School Trustees	116 Puhinui Road Papatoetoe Auckland 2104	116 Puhinui Road Papatoetoe Auckland 2104
8	M K Parsot Limited	145 Mount Smart Road Onehunga Auckland 1061	145 Mount Smart Road Onehunga Auckland 1061
9	Pui Ying Wong	437 Puhinui Road Papatoetoe Auckland 2025	41 Norana Avenue Favona Auckland 2024
10	C Chung & L Lee & M Liu & S Chen & S Lin	67 Murphys Road Flat Bush Auckland 2016	38 Trig Road Whenuapai Auckland 0618
11	P Lam & P Lam	431 Puhinui Road Papatoetoe Auckland 2025	35 Hunt Road RD 1 Tuakau 2696
12	Aklander Investment Limited	83 Thomas Road Flat Bush Auckland 2016	39A Victoria Road Remuera Auckland 1050
13	F Irvine & RWE Cherry	53 Onehunga Mall Onehunga Auckland 1061	PO Box 13582 Onehunga Auckland 1643
14	Murphys Development Limited	125C Murphys Road Flat Bush Auckland 2016	Viranda Holdings Limited Private Bag 93534 Takapuna Auckland 0740
<b>Section 182 (1) (c) "every other person who, in the opinion of the requiring authority, is likely to be affected by the designation" - Submitters</b>			
-	Name	Address	Postal Address
15	Spark New Zealand (formerly Telecom New Zealand)	Level 2, Spark City, 167 Victoria Street West, Auckland 1010	Level 2, Spark City, 167 Victoria Street West, Auckland, 1010
16	Cornwall Park Trust Board Inc	203 Green Ln W, Epsom, Auckland 1051	PO Box 26 072, Epsom, Auckland, 1344
17	New Zealand Transport Agency	Level 11, HSBC House, 1 Queen Street, Auckland 1010	Private Bag 106602, Auckland 1143
18	Auckland Airport Company	-	Auckland Airport, PO Box 73020, Manukau 2150
19	New Zealand Refining Company Limited	Port Marsden Highway, Ruakaka 0171	Private Bag 9024, Whangarei 0148
<b>Section 182 (1) (c) "every other person who, in the opinion of the requiring authority, is likely to be affected by the designation" - Designation holders</b>			
20	New Zealand Railways Corporation (KiwiRail)	Level 3, 8-14 Stanley St, Auckland 1010	Private Bag 92138, Victoria Street, West, Auckland Mail Centre 1142
21	Wiri Oil Services Ltd	149-187 Roscommon Rd, Wiri, Puhinui 2104	149-187 Roscommon Rd, Wiri, Puhinui 2105
<b>Section 182 (1) (c) "every other person who, in the opinion of the requiring authority, is likely to be affected by the designation" - Others</b>			
22	Auckland Transport	-	Private Bag 92250, Auckland 1142
23	Transpower New Zealand Ltd	22 Boulcott Street, Wellington 1021	Gate 1, 1 Gridco Road, Otara, Auckland 2023

**WSL GIS Map - Removal of Designation 9447**



 Designation 9447

 Other designations





## 9447 Hunua No. 4 Watermain

Designation Number	9447
Requiring Authority	Watercare Services Ltd
Location	Onehunga Harbour Road, Onehunga to the corner of Campbell and Rawhiti Roads, Epsom
Rollover Designation	Yes
Legacy Reference	Designation H10-54, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	Given effect to (i.e. no lapse date)

## Purpose

Water supply purposes – Hunua No.4 Watermain.

## Conditions

### General

1. Except as modified by the conditions below and subject to final design, the works shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 3 March 2010 and supporting documents being "Hunua No. 4 Watermain Assessment of Effects on the Environment", Volumes 1, 2 and 3, dated 3 March 2010.

2. As soon as practicable following completion of construction of the Project, the Requiring Authority shall, in consultation with the Council:

a. review the width of the area designated for the Project;

b. identify:

i. any areas of designated land that are no longer necessary for the ongoing operation, maintenance, renewal and protection of the pipeline and ancillary activities; and

ii. any areas of designated land within the legal road boundaries that are more than 2.5 metres from the centreline of the pipeline (excluding any special chambers/facilities or other associated structures);

c. give notice to the Council in accordance with Section 182 of the RMA for removal of those parts of the designation identified in (b) above which are not required for the long term operation and maintenance of the Project; and

d. provide as-built plans to the Council's Team Leader, Compliance and Monitoring, Resource Consents.

3. 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 the 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.

4. Those stages of the works within the designation and previously approved under separate resource consent are exempt from the following conditions 6-48, namely:

Auckland City Council Resource Consent LUC/2009/1080

Auckland City Council Resource Consent LUC/2009/5543



### **Outline Plan of Works**

~~5. Except as provided for in Condition 7, the Requiring Authority shall submit an OPW for the Project or for each Project stage in accordance with Section 176A of the RMA.~~

~~6. 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.~~

~~7. The OPW shall include the following Management Plans for the relevant stage(s) of the Project: Construction Management Plan ("CMP"); Construction Noise and Vibration Management Plan ("CNVMP") and Network Utility Management Plan ("NUMP").~~

### **Construction**

~~8. The Requiring Authority shall prepare a Construction Management Plan or Plans for the Project overall or for each of the relevant Project stages. The purpose of the CMPs 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. The CMPs shall be provided to the Council with the relevant OPW for the stage that they relate to.~~

~~9. The CMPs required by Condition 9 shall include specific details relating to the management of all construction activities associated with the Project or relevant Project stage, including:~~

~~a. Details of the site or project manager and the construction liaison person identified in Condition 3, including their contact details (phone, facsimile (if any), postal address, email address);~~

~~b. An outline construction programme, indicating in particular the likely time periods for road closures and anticipated traffic diversion effects;~~

~~c. The hours of construction;~~

~~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 or places adjacent to the work site;~~

~~g. Procedures for the protection of significant trees and other vegetation;~~

~~h. 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;~~

~~i. Means of providing for the health and safety of the general public;~~

~~j. Procedures for responding to complaints about construction activities;~~

~~k. Procedures for management of traffic incidents within the works area;~~

~~l. Procedures for the management of works which directly affect or are located in close proximity to existing network utility services;~~

~~m. Construction noise and vibration management;~~

~~n. Protocols for the management of ground breaking activities along the pipeline route to manage effects on the environment and human health should any contamination issues be encountered;~~

~~o. Means of avoiding damage to the stone walls at the entry to Maungakiekie / Cornwall Park during construction on Campbell Road;~~

~~p. Procedures for the refuelling of plant and equipment; and~~

~~q. Engineering design and construction drawings.~~

~~10. 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 to the greatest practicable extent.~~

### **Network Utilities Management Plan**

~~11. Notwithstanding anything in Condition 7, the Requiring Authority shall prepare and implement a NUMP so that design and construction of the Project adequately takes account of and~~

~~includes measures for the safety, integrity, protection or, where necessary, relocation of existing network utilities.~~

~~12. A copy of the NUMP shall be provided to the Council's Team Leader Compliance and Monitoring, Resource Consents prior to construction commencing.~~

~~13. The NUMP shall include, but not be limited to, the following matters:~~

~~a. Provisions for liaison with all network utility operators and other infrastructure providers whose assets are directly affected by or located in close proximity to the Project;~~

~~b. Provisions to enable other utility operators to access existing infrastructure for maintenance at all reasonable times, or emergency works at all times, while construction activities associated with the Project are occurring; and~~

~~c. Provisions to ensure that all construction personnel, including contractors, are aware of the presence and location of the various utility services which traverse, or are in close proximity to the Project, and the restrictions in place in relation to those services. This shall include plans identifying the service locations and appropriate physical indicators on the ground showing specific surveyed locations.~~

~~14. The NUMP shall be prepared in consultation with the relevant network utility operators and other infrastructure providers and, in addition to the matters listed in condition 14, shall address the following matters in respect of works or activities in proximity to the relevant utility services:~~

~~a. Measures to identify the location of existing utility services accurately;~~

~~b. Measures for protection, relocation and / or reinstatement of network utility infrastructure;~~

~~c. Measures to provide for the safe operation of plant and equipment and the safety of workers in proximity to live utility services;~~

~~d. Measures to manage potential induction hazards;~~

~~e. Procedures to manage dust and any other material potentially able to cause damage to overhead transmission lines;~~

~~f. Earthworks management, depth and extent of earthworks;~~

~~g. Vibration management; and~~

~~h. Incident emergency management.~~

~~15. The Requiring Authority shall consult with, and provide detailed design and construction plans and specifications to the New Zealand Refining Company Limited, Wiri Oil Services Limited and Transpower at least 20 working days prior to the intended commencement of any physical construction works that have the potential to come within 12 metres of their assets.~~

~~16. In the development of the NUMP, the Requiring Authority shall also investigate opportunities for other network utility operators or infrastructure providers, where practicable, to undertake upgrading works at the same time as construction of the Project.~~

~~17. The NUMP may be prepared as a standalone management plan or may form part of the Construction Management Plan, as determined by the Requiring Authority.~~

### **Construction Noise and Vibration**

~~18. A CNVMP shall be prepared for the Project or relevant Project stage, by a suitably qualified expert.~~

~~19. The CNVMP shall include specific details relating to the control of noise and vibration associated with all Project works. The CNVMP shall be formulated and the works implemented to achieve, as far as practicable, compliance with the requirements of:~~

~~a. NZS6803: 1999 Acoustics – Construction Noise; and~~

~~b. German Standard DIN 4150-3:1999 Structural Vibration – Effects of Vibration on Structures.~~

~~20. The CNVMP shall, as a minimum, address the following aspects with regard to construction noise:~~

- a. ~~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;~~
- d. ~~Construction noise criteria for specific areas and sensitive receivers such as schools, child care centres, medical or aged care facilities;~~
- e. ~~The identification of activities and locations that will require the design of noise mitigation measures such as temporary barriers or enclosures and the details of such measures where the Project noise criteria are predicted to be exceeded;~~
- f. ~~The measures that will be undertaken by the Requiring Authority to communicate noise management measures to affected stakeholders;~~
- g. ~~Development of alternative management strategies where full compliance with NZS6803: 1999 cannot be achieved;~~
- h. ~~Methods for monitoring and reporting on construction noise; and~~
- i. ~~Methods for receiving and responding to complaints about construction noise.~~

21. ~~The CNVMP shall also describe measures adopted to meet the requirements of German Standard DIN4150, and as a minimum shall address the following aspects:~~

- a. ~~Vibration sources, including machinery, equipment and construction techniques to be used;~~
- b. ~~Provision for the determination of buildings that require pre-condition surveys to be re-evaluated following test blasts at the commencement of blasting;~~
- c. ~~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 are likely to be approached or exceeded;~~
- d. ~~Provision for the 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;~~
- e. ~~Identification of any particularly sensitive activities in the vicinity of the pipeline route (e.g. commercial activity using sensitive equipment such as radiography or mass spectrometry);~~
- f. ~~Alternative management and mitigation strategies where compliance with German Standard DIN 4150-3:1999 cannot be achieved;~~
- g. ~~The measures that will be undertaken by the Requiring Authority to communicate vibration management measures to affected stakeholders;~~
- h. ~~Methods for monitoring and reporting on construction vibration; and~~
- i. ~~Methods for receiving and responding to complaints about construction vibration.~~

22. ~~The CNVMP shall be implemented and maintained throughout the entire construction period and shall be updated when necessary.~~

### **~~Roading and Traffic Management~~**

23. ~~The Requiring Authority shall undertake a condition survey of the carriageway along the designated route and submit it to the Council's Team Leader Compliance and Monitoring, Resource Consents prior to the commencement of construction. The condition survey shall include but not be limited to a photographic or video record of the carriageway along the designated route.~~

24. ~~An overarching Traffic Management Plan ("TMP") shall be prepared for the Project. The TMP should set out general processes for the submission of the appropriate Site Specific Traffic Management Plan ("SSTMP") to the Council and should address the following:~~

- a. ~~The staging of the works including details of any proposals to work on multiple sections of the route concurrently;~~
- b. ~~General methodology for determining when works will be undertaken on various road types (e.g. arterials, local roads etc);~~
- c. ~~General methodology for selecting detour routes; and~~
- d. ~~Identification of any potential road closures and provision for emergency vehicles.~~



~~25. The TMP shall be provided to the Council at least one month prior to commencement of the Project or relevant Project stage.~~

~~26. SSTMPs shall be prepared for the Project or relevant Project stage, by a suitably qualified person. SSTMPs are to be provided to the Council with an application for the required Road Opening Notice (RON) prior to any work commencing on the relevant Project stage to which the SSTMP relates.~~

~~27. SSTMPs shall be provided to the Council no less than 15 working days prior to the commencement of construction.~~

~~28. SSTMPs shall describe the measures that will be taken to avoid, remedy or mitigate the traffic effects associated with construction of the Project or relevant Project stage. In particular, SSTMPs shall describe:~~

~~a. Traffic management measures to mitigate impact on traffic capacity at peak hours during weekdays and weekends;~~

~~b. Where road closures are deemed necessary by the Council, details of 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. The capacity of proposed detour route(s) and their sufficiency to carry the additional traffic volumes and any safety issues associated with the detour route, including mitigation measures where required;~~

~~d. Specific traffic management plans across arterial intersections;~~

~~e. Provisions for safe and efficient access of construction vehicles and methods to manage the effects of the delivery of construction material, plant and machinery, including the potential effects of High Sided Vehicles (HSV) and construction machinery on trees that overhang the designation;~~

~~f. Measures to maintain, where practicable, existing vehicle access to property in order to enable, as far as practicable, normal operations on the property to continue, or to provide alternative access arrangements;~~

~~g. Measures to maintain, where practicable, pedestrian and cyclist access on roads and footpaths adjacent to the construction works. Such access shall be safe, clearly identifiable and seek to provide the shortest and most convenient detours where such detours are necessary;~~

~~h. Proposed monitoring to measure the impact of the works on traffic and the impact of the traffic management measures;~~

~~i. Definition of the proposed construction zone and area available for traffic; and the location of barriers and fences to protect the construction site;~~

~~j. Measures to maintain the normal day-to-day operations of public transport providers, or proposed alternatives where changes are required;~~

~~k. Any temporary changes in speed limit;~~

~~l. Provision of safe and efficient access of construction vehicles to and from the construction site, including the movement of construction traffic on local roads; and~~

~~m. The measures that will be undertaken by the Requiring Authority to communicate traffic management measures to affected road users and stakeholders.~~

~~29. SSTMPs shall be prepared following consultation with the following key stakeholders:~~

~~a. road controlling authorities;~~

~~b. emergency services (police, fire and ambulance);~~

~~c. local business associations;~~

~~d. Auckland Transport (or its successor) and any bus operators which operate scheduled services along the route; and~~

~~e. schools and childcare centres with frontage or access to roads where works are taking place.~~

~~30. The Requiring Authority shall provide, where practicable, two temporary traffic lanes adjacent to the construction works on roads carrying more than 5000 vehicles per day. In this respect the construction equipment and process shall be modified where practicable to achieve the lane provisions required. In addition, details of the hours of work for works on or adjacent to these roads shall be provided.~~

~~31. All TMPs (including SSTMPs) shall be consistent with the New Zealand Transport Agency Code of Practice for Temporary Traffic Management which applies at the time of construction.~~

~~32. All TMPs (including SSTMPs) shall be subject to an independent safety and traffic operational audit prior to being submitted to the Council.~~

~~33. As soon as practicable following completion of construction, the Requiring Authority shall:~~

~~a. repair any damage to public carriageways and footpaths (and associated road components) resulting from the impacts of construction. Such repair may involve short-term maintenance to allow for settling and consolidation of carriageways prior to final repair by the Requiring Authority; and~~

~~b. re-grass areas (including berms) that were previously grassed.~~

### **~~Works Within Road Reserve~~**

~~34. On completion of construction within Council roads and State Highways, all works shall be reinstated in accordance with the Code of Practice for Working in Roads which applies at the date that the contract for the relevant Project stage is awarded, unless otherwise agreed between the Requiring Authority and the road controlling authority.~~

~~35. A completion report for each Project Stage shall be submitted to the Council detailing the reinstatement works on all public roads including Quality Assurance records.~~

### **~~Construction Hours~~**

~~36. Construction hours shall be generally as follows, except where work is necessary outside the specified days or hours for the purposes specified in condition 38a-e. below.~~

~~Monday to Friday: 7am to 9pm; Saturday: 8am to 5 pm;~~

~~Sundays and public holidays: No Work.~~

~~37. Purposes for which work may occur outside of the specified days or hours are:~~

~~a. where work is specifically required to be planned to be carried out at low traffic times (for example, excavation across busy intersections);~~

~~b. for delivery of large equipment;~~

~~c. in cases of emergency;~~

~~d. for securing of the site or removing a traffic hazard; and/or~~

~~e. for any other reason specified in the CMP or SSTMP.~~

### **~~Community Information and Liaison~~**

~~38. The Requiring Authority shall prepare a Communications Plan ("CP") setting out:~~

~~a. The method/s of consultation and liaison with key stakeholders and the owners/occupiers of neighbouring properties regarding the likely timing and duration of works, alternative routes, access to properties and any proposed alterations to public transport services;~~

~~b. Details of prior consultation or community liaison undertaken with the owners/occupiers of neighbouring properties, key stakeholders, schools, public transport providers, emergency services or representative groups regarding proposed road or lane closures, potential diversions and delays, including outlining any measures developed with such persons or groups to manage or to mitigate any adverse effects or inconvenience that may arise; and~~

~~c. Full contact details for the person appointed to manage the public information system and be the point of contact for related inquiries.~~

~~39. The Requiring Authority shall submit the CP to the Council at least one (1) month prior to construction commencing on any defined stage.~~

### **~~Tree Management~~**

~~40. When providing details as to how impacts of construction on trees and vegetation will be managed in the CMP, as required by condition 10, the following shall apply:~~

- a. ~~The Requiring Authority's arborist shall provide an updated accurate list of all trees affected. This shall include a description of potential root loss, pruning, proximity of excavations and a brief statement on proposed outcome. The list shall also include protection status and specific tree protection requirements;~~
- b. ~~All excavation work within the dripline or root zone of any tree in a Council street or Council reserve, any scheduled tree or any tree that would otherwise be generally protected under the District Plan and is located upon private land (and extends over the work site), shall be supervised by a Council approved arborist;~~
- c. ~~Any root or limb with a diameter in excess of 35mm where severance is required shall be supervised by the approved arborist in accordance for the long-term health and vitality or stability of the subject tree(s);~~
- d. ~~Any scheduled tree or any tree that would otherwise be generally protected under the District Plan and considered by the Requiring Authority's arborist to be at risk of damage from the construction works, adjacent to construction areas, will be fenced off to minimise and/or avoid any damage to the rootplate area of the subject tree;~~
- e. ~~Where a Council owned tree has been damaged and a Council arborist assesses that remedial work is necessary, the works shall be undertaken by a competent Council approved arborist and the Requiring Authority shall be directly liable for all remedial costs. Should a Council owned tree be damaged beyond repair or destroyed then the Requiring Authority shall be directly liable for all costs relating to tree removal and replacement planting; and~~
- f. ~~Where replacement planting is required to remediate the loss of a Council owned tree, the species and location of the replacement tree shall be approved by the Council.~~

41. ~~Following the completion of construction the Requiring Authority shall provide a monitoring report to the Council that lists all trees, in accordance with condition 39(a), that were subject to any cutting or damage of the roots, trunk, or canopy to an extent deemed more than minor by the Requiring Authority's arborist.~~

### **Archaeology and Heritage**

42. ~~In the event that a lava cave is discovered during construction of the pipeline, the Council's Heritage Team shall be immediately notified and, subject to compliance with traffic management and health and safety requirements, provided with an opportunity to inspect the cave. The Requiring Authority shall keep photographic or other records of the extent of any lava cave discovered during construction of the Project and shall provide GPS coordinates for the discovery.~~

43. ~~Some caves in this area have been found to contain bones. Should any cave encountered have bones present, then the cave is to be additionally regarded as an archaeological site and archaeological protocols are to be followed.~~

44. ~~Detailed protocols for the management of archaeological and waahi tapu discoveries shall be developed by the Requiring Authority in consultation with tangata whenua and Heritage New Zealand Pouhere Taonga prior to construction.~~

45. ~~Subject to Condition 44, 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; and~~
- c. ~~the Requiring Authority shall notify tangata whenua, Heritage New Zealand Pouhere Taonga and the Council (and in the case of human remains, the New Zealand Police) as soon as practicable 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 any approval required from Heritage New Zealand Pouhere Taonga has been obtained.~~

46. ~~Condition 43 shall not apply where the Requiring Authority holds all relevant approvals under the Heritage New Zealand Pouhere Taonga Act 2014, apart from the requirement in the case of discovery of human remains to contact tangata whenua and the New Zealand Police.~~



### **Contamination**

~~47. The Requiring Authority shall notify the Team Leader Compliance and Monitoring, Resource Consents at the Council immediately on identification of any contamination found along the pipeline route which was not identified in the reports submitted in support of the Notice of Requirement, including contaminated soil, surface water or groundwater. Any contamination that is discovered shall be investigated, remediated, disposed of and reported on (including validation) in accordance with the Ministry for the Environment Contaminated Land Management Guidelines and the relevant guidelines addressing contaminants from specific industries or activities.~~

### **Site Reinstatement**

~~48. When contractors' yards or other temporary works areas are no longer required for any construction or operational purpose, site offices, storage and equipment sheds, fencing and hard stand areas shall be removed and the area reinstated to at least the standard which existed prior to commencement of works.~~

### **Attachments**

~~No attachments.~~

## 9540 Hunua No. 4 Watermain

Designation Number	9540
Requiring Authority	Watercare Services Ltd
Location	396B Redoubt Road to Mangere Bridge, Hugh Watt Drive, Mangere
Rollover Designation	Yes
Legacy Reference	Designation 307, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

## Purpose

Water supply purposes - Hunua No. 4 Watermain.

## Conditions

~~1. Except as modified by the conditions below and subject to final design, the works shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 3 March 2010 and supporting documents being "Hunua No. 4 Watermain Assessment of Effects on the Environment", Volumes 1, 2 and 3, dated 3 March 2010.~~

~~2. As soon as practicable following completion of construction of the Project, the Requiring Authority shall, in consultation with the Council:~~

~~a. review the width of the area designated for the Project;~~

~~b. identify:~~

~~i. any areas of designated land that are no longer necessary for the ongoing operation, maintenance, renewal and protection of the pipeline and ancillary activities;~~

~~ii. any areas of designated land within the legal road boundaries that are more than 2.5 metres from the centreline of the pipeline (excluding any special chambers/ facilities or other associated structures);~~

~~c. give notice to the Council in accordance with Section 182 of the RMA for removal of those parts of the designation identified in (b) above which are not required for the long term operation and maintenance of the Project and provide a plan of the final designated areas to Council; and~~

~~d. provide as-built plans to the Council.~~

~~3. 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 the 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.~~

~~4. Those stages of the works within the designation and previously approved under separate land use resource consents are exempt from the following conditions 6-51, namely:~~

~~a. Auckland Council Resource Consent P35070 granted 29 October 2008;~~

~~b. Auckland Council Resource Consent P36892 granted 3 February 2010;~~

~~c. Auckland Council Resource Consent P37244 granted 21 May 2010; and~~

~~d. Auckland Council Resource Consent P37514 granted 15 July 2010.~~

~~5. — Except as provided for in Condition 7, the Requiring Authority shall submit an OPW for the Project or for each Project stage in accordance with Section 176A of the RMA.~~

~~6. — 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.~~

~~7. — The OPW shall include the following Management Plans for the relevant stage(s) of the Project: Construction Management Plan (“CMP”); Construction Noise and Vibration Management Plan (“CNVMP”); Network Utility Management Plan (“NUMP”); and the Traffic Management Plan (“TMP”).~~

~~8. — The Requiring Authority shall prepare a CMP or Plans for the Project overall or for each of the relevant Project stages. The purpose of the CMPs 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. The CMPs shall be provided to the Council with the relevant OPW for the stage it relates to.~~

~~9. — The CMPs required by Condition 9 shall include specific details relating to the management of all construction activities associated with the Project or relevant Project stage, including:~~

~~a. — details of the site or project manager and the construction liaison person identified in condition 3, including their contact details (phone, facsimile (if any), postal address, email address);~~

~~b. — an outline construction programme, indicating in particular the likely time periods for road closures and anticipated traffic diversion effects;~~

~~c. — the hours of construction;~~

~~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. — the layout of the construction yard at the manukau sports bowl, including associated buildings, fencing and site access;~~

~~g. — procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials from the work site or places adjacent to the work site;~~

~~h. — procedures for the protection of significant trees and other vegetation;~~

~~i. — 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;~~

~~j. — a health and safety plan;~~

~~k. — procedures for responding to complaints about construction activities;~~

~~l. — procedures for management of traffic incidents within the works area;~~

~~m. — procedures for the management of works which directly affect or are located in close proximity to existing network utility services;~~

~~n. — construction noise and vibration management;~~

~~o. — protocols for the management of ground breaking activities along the pipeline route to manage effects on the environment and human health should any contamination issues be encountered;~~

~~p. — procedures for the refuelling of plant and equipment;~~

~~q. — engineering design and construction drawings; and~~

~~r. — the provision for the storage of fuels, lubricants and refuelling to be managed in such a manner so as to prevent the discharge of contaminants from spillages.~~

~~10. 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 to the greatest practicable extent.~~

~~11. The Requiring Authority shall:~~

- ~~a. use trenchless construction methods to lay the pipeline under State Highway 1 at Reagan Road;~~
- ~~b. not undertake any works or associated activities on State Highway 20B within the vicinity of the SH20/Puhinui Road (SH20B) interchange in a manner that alters the current level of service at this interchange without NZ Transport Agency prior approval; and~~
- ~~c. locate the pipeline as close as is practicable to the centreline of the legal width of Campana Road, Papatoetoe.~~

~~12. The Requiring Authority shall prepare a detailed site management plan for the two directly affected market garden properties between Campana Road and Pukaki Road, in consultation with the owners of those properties. The site management plan shall be prepared with assistance from a suitably qualified expert with experience in market garden practices. In addition to matters covered elsewhere in these conditions, the site management plan shall include consideration of:~~

- ~~a. methods to prevent contamination of soil;~~
- ~~b. methods to prevent weed infestation;~~
- ~~c. programming of works to take account of seasonal variations and other business activities;~~
- ~~d. management and replacement of subsoil and topsoil;~~
- ~~e. provision for 24 hour access for the landowners' business activities;~~
- ~~f. reinstatement and maintenance provisions;~~
- ~~g. dust management measures; and~~
- ~~h. other relevant matters as agreed in consultation with the property owners.~~

~~The appointment of this specialist and the preparation of the site specific plan shall be undertaken in consultation with the landowners.~~

~~13A. To avoid conflict with any future upgrading of this intersection, and if requested to do so by the Road Controlling Authority responsible for the intersection upgrading, the Requiring Authority shall reconfigure or relocate the proposed scour chamber at the intersection of Ascot Road and Kirkbride Road, Mangere, to an alternative agreed position at the Requiring Authority's own cost.~~

~~13. Notwithstanding anything in Condition 7, the Requiring Authority shall prepare and implement a NUMP so that design and construction of the Project adequately takes account of and includes measures for the safety, integrity, protection or, where necessary, relocation of existing network utilities.~~

~~14. A copy of the NUMP shall be provided to the Council prior to construction commencing.~~

~~15. The NUMP shall include, but not be limited to, the following matters:~~

- ~~a. provisions for liaison with all network utility operators and other infrastructure providers whose assets are directly affected by or located in close proximity to the project;~~
- ~~b. provisions to enable other utility operators to access existing infrastructure for maintenance at all reasonable times, or emergency works at all times, whilst construction activities associated with the project are occurring; and~~
- ~~c. provisions to ensure that all construction personnel, including contractors, are aware of the presence and location of the various utility services which traverse, or are in close proximity to the Project, and the restrictions in place in relation to those services. This shall include plans identifying the service locations and appropriate physical indicators on the ground showing specific surveyed locations.~~

~~16. The NUMP shall be prepared in consultation with the relevant network utility operators and other infrastructure providers and, in addition to the matters listed in Condition 16, shall address the following matters in respect of works or activities in proximity to the relevant utility services:~~

- ~~a. measures to identify the location of existing utility services accurately;~~



- ~~b. — measures for protection, relocation and / or reinstatement of network utility infrastructure;~~
- ~~c. — measures to provide for the safe operation of plant and equipment and the safety of workers in proximity to live utility services;~~
- ~~d. — measures to manage potential induction hazards;~~
- ~~e. — procedures to manage dust and any other material potentially able to cause damage to overhead transmission lines;~~
- ~~f. — earthworks management, depth and extent of earthworks;~~
- ~~g. — vibration management; and~~
- ~~h. — incident emergency management.~~

~~17. — The Requiring Authority shall consult with, and provide detailed design and construction plans and specifications to the New Zealand Refining Company Limited, Wiri Oil Services Limited and Transpower at least 20 working days prior to the intended commencement of any physical construction works that have the potential to come within 12 metres of their assets.~~

~~18. — The Requiring Authority shall ensure that the power supply to the New Zealand Refining Company Limited densitometer site located at the end of Campana Road is not interrupted as a result of the proposed construction works. Should power supply to the densitometer site be required to be isolated for the Project, Watercare shall ensure that back-up supply is maintained by way of a suitable generator.~~

~~19. — In the development of the NUMP, the Requiring Authority shall also investigate opportunities for other network utility operators or infrastructure providers, where practicable, to undertake upgrading works at the same time as construction of the Project.~~

~~20. — The NUMP may be prepared as a standalone management plan or may form part of the Construction Management Plan, as determined by the Requiring Authority.~~

~~21. — A CNVMP shall be prepared for the Project or relevant Project stage, by a suitably qualified expert~~

~~22. — The CNVMP shall include specific details relating to the control of noise and vibration associated with all Project works. The CNVMP shall be formulated and the works implemented to achieve, as far as practicable, compliance with the requirements of:~~

- ~~a. — NZS6803:1999 Acoustics — Construction Noise; and~~
- ~~b. — German Standard DIN 4150-3:1999 Structural Vibration — Effects of Vibration on Structures.~~

~~23. — The CNVMP shall, as a minimum, address the following aspects with regard to construction noise:~~

- ~~a. — 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;~~
- ~~d. — construction noise criteria for specific areas and sensitive receivers such as schools, child care centres, medical or aged care facilities;~~
- ~~e. — the identification of activities and locations that will require the design of noise mitigation measures such as temporary barriers or enclosures and the details of such measures where the Project noise criteria are predicted to be exceeded;~~
- ~~f. — the measures that will be undertaken by the Requiring Authority to communicate noise management measures to affected stakeholders;~~
- ~~g. — development of alternative management strategies where full compliance with NZS6803:1999 cannot be achieved;~~
- ~~h. — methods for monitoring and reporting on construction noise; and~~
- ~~i. — methods for receiving and responding to complaints about construction noise.~~

~~24. The CNVMP shall also describe measures adopted to meet the requirements of German Standard DIN4150, and as a minimum shall address the following aspects~~

- ~~a. vibration sources, including machinery, equipment and construction techniques to be used;~~
- ~~b. provision for the determination of buildings that require pre-condition surveys to be re-evaluated following test blasts at the commencement of blasting;~~
- ~~c. 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 are likely to be approached or exceeded;~~
- ~~d. provision for the 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;~~
- ~~e. identification of any particularly sensitive activities in the vicinity of the pipeline route (e.g. commercial activity using sensitive equipment such as radiography or mass spectrometry);~~
- ~~f. alternative management and mitigation strategies where compliance with German Standard DIN 4150-3:1999 cannot be achieved;~~
- ~~g. the measures that will be undertaken by the Requiring Authority to communicate vibration management measures to affected stakeholders;~~
- ~~h. methods for monitoring and reporting on construction vibration; and~~
- ~~i. methods for receiving and responding to complaints about construction vibration.~~

~~25. The CNVMP shall be implemented and maintained throughout the entire construction period and shall be updated when necessary.~~

~~26. The Requiring Authority shall undertake a condition survey of the carriageway along the designated route and submit it to the Council prior to the commencement of construction. The condition survey shall include but not be limited to a photographic or video record of the carriageway along the designated route.~~

~~27. An overarching TMP shall be prepared for the Project and any future major programmed maintenance renewal or replacement works. The TMP should set out general processes for the submission of the appropriate Site Specific Traffic Management Plan ("SSTMP") to the Council and should address the following:~~

- ~~a. the staging of the works including details of any proposals to work on multiple sections of the route concurrently;~~
- ~~b. general methodology for determining when works will be undertaken on various road types (e.g. arterials, local roads etc);~~
- ~~c. general methodology for selecting detour routes; and~~
- ~~d. identification of any potential road closures and provision for emergency vehicles.~~

~~28. The TMP shall be provided to the Council at least one month prior to commencement of the Project or relevant Project stage.~~

~~29. SSTMPs shall be prepared for the Project or relevant Project stage, by a suitably qualified person. SSTMPs are to be provided to the Council with an application for the required Road Opening Notice (RON) prior to any work commencing on the relevant Project stage to which the SSTMP relates.~~

~~30. SSTMPs shall be provided to the Council no less than 15 working days prior to the commencement of construction.~~

~~31. SSTMPs shall describe the measures that will be taken to avoid, remedy or mitigate the traffic effects associated with construction of the Project or relevant Project stage. In particular, SSTMPs shall describe:~~

- ~~a. traffic management measures to mitigate impact on traffic capacity at peak hours during weekdays and weekends;~~

- ~~b. — where road closures are deemed necessary by the Council, details of 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. — the capacity of proposed detour route(s) and their sufficiency to carry the additional traffic volumes and any safety issues associated with the detour route, including mitigation measures where required;~~
- ~~d. — specific traffic management plans across arterial intersections such as Aspiring Avenue/Mathews Road, Te Irirangi Drive, and Great South Road;~~
- ~~e. — where the route crosses intersections with Regional Arterial roads, measures to maintain the existing number of lanes during the weekday peak periods of 7am — 9am and 4pm — 6pm except with prior approval of the Road Controlling Authority.~~
- ~~f. — provisions for safe and efficient access of construction vehicles and methods to manage the effects of the delivery of construction material, plant and machinery, including the potential effects of High Sided Vehicles and construction machinery on trees that overhang the designation;~~
- ~~g. — measures to maintain, where practicable, existing vehicle access to property in order to enable, as far as practicable, normal operations on the property to continue, or to provide alternative access arrangements;~~
- ~~h. — measures to maintain, where practicable, pedestrian and cyclist access on roads and footpaths adjacent to the construction works. Such access shall be safe, clearly identifiable and seek to provide the shortest and most convenient detours where such detours are necessary;~~
- ~~i. — proposed monitoring to measure the impact of the works on traffic and the impact of the traffic management measures;~~
- ~~j. — definition of the proposed construction zone and area available for traffic; and the location of barriers and fences to protect the construction site;~~
- ~~k. — measures to maintain the normal day-to-day operations of public transport providers, or proposed alternatives where changes are required;~~
- ~~l. — any temporary changes in speed limit;~~
- ~~m. — provision of safe and efficient access of construction vehicles to and from the construction site, including the movement of construction traffic on local roads; and~~
- ~~n. — the measures that will be undertaken by the Requiring Authority to communicate traffic management measures to affected road users and stakeholders.~~

~~32. — SSTMPs shall be prepared following consultation with the following key stakeholders:~~

- ~~a. — road controlling authorities;~~
- ~~b. — emergency services (police, fire and ambulance);~~
- ~~c. — local business associations;~~
- ~~d. — Auckland Transport (or its successor) and any bus operators which operate scheduled services along the route;~~
- ~~e. — schools and childcare centres with frontage or access to roads where works are taking place; and~~
- ~~f. — Auckland Airport.~~

~~33. — The Requiring Authority shall provide, where practicable, two temporary traffic lanes adjacent to the construction works on roads carrying more than 5000 vehicles per day. In this respect the construction equipment and process shall be modified where practicable to achieve the lane provisions required. In addition, details of the hours of work for works on or adjacent to these roads shall be provided.~~

~~34. — All TMPs (including SSTMPs) shall be consistent with the New Zealand Transport Agency Code of Practice for Temporary Traffic Management which applies at the time of construction.~~

~~35. — All TMPs (including SSTMPs) shall be subject to an independent safety and traffic operational audit prior to being submitted to the Council.~~

~~36. — As soon as practicable following completion of construction the Requiring Authority shall:~~

- ~~a. — repair any damage to public carriageways and footpaths (and associated road components) resulting from the impacts of construction. Such repair may involve short-term maintenance to allow for settling and consolidation of carriageways prior to final repair by the Requiring Authority; and~~
- ~~b. — re-grass areas (including berms) that were previously grassed.~~

~~37. — The Requiring Authority shall review the design details of the works in the vicinity of Hodges Road and Thomas Road having regard to the Council's future development plans for the Flat Bush Area. In this respect, the Requiring Authority shall, inter alia, for that portion of the pipeline east of Adamson Road:~~

- ~~a. — design the vertical alignment of the pipeline such that any future public road constructed over the pipeline can be designed in accordance with the 'Austroads Guide to Road Design' — Part 3, Geometric design and Part 4, Intersections and crossings; and~~
- ~~b. — review the vertical alignment of the pipeline across the Hodges Road gullies in consultation with the Council, including review of options to place the pipeline across the gullies on a pipe bridge, in an embankment, or in a trench following the current vertical profile of the ground, with the objective of the review being to confirm a vertical alignment for the pipeline which does not result in unreasonable constraints on the Council at the time the road is constructed.~~

~~The Requiring Authority shall submit detailed plans for the watermain in the Flat Bush area to the Council at least six months prior to construction, to provide an opportunity for the Council to co-ordinate their future development works with the proposed construction of the watermain.~~

~~38. — On completion of construction within Council roads and State Highways, all works shall be reinstated in accordance with the Code of Practice for Working in Roads which applies at the date that the contract for the relevant Project stage is awarded, unless otherwise agreed between the Requiring Authority and the road controlling authority.~~

~~39. — A completion report for each Project Stage shall be submitted to the Council detailing the reinstatement works on all public roads including Quality Assurance records.~~

~~40. — The Requiring Authority shall submit to the Council, detailed as-built drawings in accordance with the Council's Quality Assurance Manual (QAM) within three months of the commissioning of each stage of the pipeline.~~

~~41. — Construction hours shall be generally as follows, except where work is necessary outside the specified days or hours for the purposes specified in Conditions 42(a) to (e) below.~~

- ~~— Monday to Friday: 7am to 9pm;~~
- ~~— Saturday: 8am to 5pm; and~~
- ~~— Sundays and public holidays: No Work.~~

~~42. — Purposes for which work may occur outside of the specified days or hours are:~~

- ~~a. — where work is specifically required to be planned to be carried out at low traffic times (for example, excavation across busy intersections);~~
- ~~b. — for delivery of large equipment;~~
- ~~c. — in cases of emergency;~~
- ~~d. — for securing of the site or removing a traffic hazard; and / or~~
- ~~e. — for any other reason specified in the CMP or SSTMP.~~

~~43. — The Requiring Authority shall prepare a Communications Plan ("CP") setting out:~~

- ~~a. — the method/s of consultation and liaison with key stakeholders and the owners/ occupiers of neighbouring properties regarding the likely timing and duration of works, alternative routes, access to properties and any proposed alterations to public transport services;~~
- ~~b. — details of prior consultation or community liaison undertaken with the owners/occupiers of neighbouring properties, key stakeholders, schools, public transport providers, emergency services or representative groups regarding proposed road or lane closures, potential diversions and delays,~~



~~including outlining any measures developed with such persons or groups to manage or to mitigate any adverse effects or inconvenience that may arise; and~~

~~c. full contact details for the person appointed to manage the public information system and be the point of contact for related inquiries.~~

~~44. The Requiring Authority shall submit the CP to the Council at least one (1) month prior to construction commencing on any defined stage.~~

~~45. When providing details as to how impacts of construction on trees and vegetation will be managed in the CMP, as required by condition 10, the following shall apply: [six detailed criteria included in conditions]~~

~~46. Following the completion of construction the Requiring Authority shall provide a monitoring report to the Council that lists all trees, in accordance with condition 39(a), that were subject to any cutting or damage of the roots, trunk, or canopy to an extent deemed more than minor by the Requiring Authority's arborist.~~

~~47. Detailed protocols for the management of archaeological and waahi tapu discoveries shall be developed by the Requiring Authority in consultation with tangata whenua and Heritage New Zealand Pouhere Taonga prior to construction.~~

~~48. The Requiring Authority shall employ a qualified archaeologist who shall:~~

~~a. prior to the commencement of works in the vicinity of the south bank of the Waiokauri Creek, engage an archaeologist to mark out the extent of the intact lens of site R11/ 1111;~~

~~b. be on site to monitor earthworks in rural land adjoining the Waiokauri Creek, including surface stripping of the site, to establish whether any sub-surface archaeological features are present; and~~

~~c. upon completion of the works, the archaeologist shall certify to the Council in writing whether or not any archaeological features have been discovered.~~

~~49. Subject to Condition 51, 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; and~~

~~c. the Requiring Authority shall notify tangata whenua, Heritage New Zealand Pouhere Taonga and the Council (and in the case of human remains, the New Zealand Police) as soon as practicable 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 any approval required from Heritage New Zealand Pouhere Taonga has been obtained.~~

~~50. Condition 50 shall not apply where the Requiring Authority holds all relevant approvals under the Heritage New Zealand Pouhere Taonga Act 2014, apart from the requirement in the case of discovery of human remains to contact tangata whenua and the New Zealand Police.~~

~~51. The Requiring Authority shall notify the Council immediately on identification of any contamination found along the pipeline route which was not identified in the reports submitted in support of the Notice of Requirement, including contaminated soil, surface water or groundwater. Any contamination that is discovered shall be investigated, remediated, disposed of and reported on (including validation) in accordance with the Ministry for the Environment Contaminated Land Management Guidelines and the relevant guidelines addressing contaminants from specific industries or activities.~~

~~52. When contractors' yards or other temporary works areas are no longer required for any construction or operational purpose, all buildings, structures and associated activities (including site offices, storage and equipment sheds, fencing and hard stand areas) shall be removed and the area reinstated to at least the standard which existed prior to commencement of works.~~

~~53. Reinstatement of the Manukau Sports Bowl (1 & 19R Boundary Road) shall be undertaken in accordance with a specific site reinstatement plan, including proposed landscaping and maintenance, as agreed with Council's Manager – Parks.~~

#### **Attachments**

~~No attachments.~~

## Designation Schedule - Watercare Services Ltd (2/3)

### Central

Number	Purpose	Location
9400	Wastewater purposes - pump station and associated structures	36 Westmere Park Avenue (Westmere Park), Westmere
9401	Wastewater purposes - pump station and associated structures	44-66 West End Road (Cox's Bay Reserve at the end of Nottingham Street), Herne Bay
9402	Wastewater purposes - pump station and associated structures	Farnham Street (road reserve adjoining 106 St Georges Bay Road), Parnell
9403	Withdrawn <del>Water supply purposes - water tower</del>	<del>34A Waimarie Street, St Heliers</del>
9404	Wastewater purposes - pump station and associated structures	10B Harbour View Road, Point Chevalier
9405	Wastewater purposes - pump station and associated structures	Wainui Avenue (road reserve adjoining No. 76), Point Chevalier
9406	Wastewater purposes - pump station and associated structures	Oliver Street (road reserve across from Lynch Street), Point Chevalier
9407	Wastewater purposes - pump station and associated structures	Wright Road (road reserve adjoining No. 47), Point Chevalier
9408	Water supply purposes - above ground reservoir and associated structures	7 Hereford Street, Freemans Bay
9409	Water supply purposes - reservoirs, pump station and associated structures	230-250 Symonds Street, Grafton
9410	Water supply purposes - reservoir	20 Park Road (Auckland Domain), Grafton
9411	Wastewater purposes - pump station and associated structures	20 Park Road (Auckland Domain), Grafton
9412	Wastewater purposes - pump station and associated structures	2-30 Shore Road (Thomas Bloodworth Park), Remuera
9413	Wastewater purposes - pump station and associated structures	34-40 Reihana Street, Orakei
9414	Wastewater purposes - pump station and associated structures	6 Baddeley Avenue (Madills Farm), Kohimarama
9415	Wastewater purposes - pump station and associated structures	20-22 Roberta Avenue (Roberta Reserve), Glendowie
9416	Wastewater purposes - siphon chamber	32 Saunders Place, Avondale
9417	Water supply purposes - reservoirs and associated structures	250 Mt Eden Road (Mt Eden Domain), Mt Eden
9418	Water supply purposes - reservoirs and associated structures	181-225 Remuera Road (Mt Hobson Domain), Remuera
9419	Water supply purposes - reservoir and associated structures	15-39 College Road, St Johns
9420	Water supply purposes - reservoir and associated structures	27 La Veta Avenue, Mount Albert
9421	Wastewater purposes - pump station and associated structures	La Veta Avenue (road reserve adjoining No. 13 and 15), Mount Albert
9422	Wastewater Purposes - Overflow Apron	End of Morning Star Place and 30-36 Alberton Avenue

		(near Roy Clement Walkway), Mount Albert
9423	Water supply purposes - reservoir and associated structures	181-225 Remuera Road (Mt Hobson Domain), Remuera
9424	Wastewater purposes - pump station and associated structures	40 Maybury Street (Maybury Rserve), Point England
9425	Wastewater purposes - pump station and associated structures	192A Riverside Avenue (Riverside Reserve), Point England
9427	Water supply purposes - reservoir and associated structures	113A Duke Street (Big King Reserve), Three Kings
9428	Water supply purposes - reservoir and associated structures	670 Manukau Road (One Tree Hill Domain), Epsom
9429	Water supply purposes - reservoir and associated structures	670 Manukau Road (One Tree Hill Domain), Epsom
9430	Water supply purposes - reservoirs, pump station and associated structures	197-211 Green Lane West (Cornwall Park), Epsom
9431	Water supply purposes - reservoir and associated structures	197-211 Green Lane West (Cornwall Park), Epsom
9432	Water supply purposes - reservoirs, pump station and associated structures	197-211 Green Lane West (Cornwall Park), Epsom
9433	Wastewater purposes - pump station and associated structures	100 Ireland Road (Panmure Basin Foreshore), Panmure
9434	Water supply purposes - reservoir and associated structures	32-66 Mountain Road (Mt Wellington Domain), Mount Wellington
9435	Water supply purposes - reservoir and associated structures	32-66 Mountain Road (Mt Wellington Domain), Mount Wellington
9436	Wastewater purposes - pump station and associated structures	32B Miranda Street (Miranda Reserve), Avondale
9437	Water supply purposes - reservoir and associated structures	1109 Dominion Road (Winstone Park), Mount Roskill
9438	Wastewater purposes - pump station and associated structures	20 Bowden Road, Mount Wellington
9439	Wastewater purposes - pump station and associated structures	19 Commodore Drive, Lynfield
9440	Wastewater purposes - pump station and associated structures	39 Fredrick Street, Hillsborough
9441	Wastewater purposes - pump station and associated structures	30 and 30A Alfred Street, Onehunga
9442	Water supply purposes - water treatment plant	2 Spring Street and Rowe Street (road reserve adjacent to 2 Spring Street), Onehunga
9443	Water Supply purposes - supply well, pump station and associated structures	81-87 Church Street (corner Pearce Street and Upper Municipal Place), Onehunga
9444	Water Supply purposes - supply well, pump station and associated structures	26 Upper Municipal Place, Onehunga
9445	Water Supply purposes - supply well, pump station and associated structures	Lower Municipal Place (road reserve adjoining 37-39 Selwyn Street), Onehunga
9447	Withdrawn Water supply purposes – Hunua No. 4 Watermain	<del>Onehunga Harbour Road to the corner of Campbell and Rawhiti Roads, Epsom</del>
9448	Wastewater purposes - pump station and	5A Miami Parade, Onehunga



	associated structures	
9449	Wastewater purposes - pump station and associated structures	343 Neilson Street, Te Papapa
9450	Wastewater purposes - siphon chamber, pump station and associated structures	1018A-C Great South Road, Mount Wellington
9451	Wastewater purposes - pump station and associated structures	15-21 and 23A -23B Bell Avenue, Mount Wellington
9452	Wastewater purposes - siphon chamber and associated structures	23A-B Saleyards Road, Otahuhu
9453	Wastewater purposes - pump station and associated structures	20 Saleyards Road, Otahuhu
9454	Wastewater purposes - pump station and associated structures	Luke Street East (road reserve adjoining No. 137), Otahuhu
9455	Wastewater purposes - pump station and associated structures	Portage Road (road reserve adjoining No. 4-12), Otahuhu
9456	Water supply purposes - valve chamber and associated structures	13 Cracroft Street, Otahuhu
9457	Wastewater purposes - pump station and associated structures	2 Alten Road and Churchill Street (road reserve) and Constitution Hill (road reserve), Auckland Central
9458	Wastewater purposes - pump station and associated structures	Hardinge Street (road reserve between 120 and 136-142 Fanshaw Street), Auckland Central
9459	Wastewater Purposes, Combined Sewer Overflow (CSO) Collector Sewers.	43 Wingate Street, Avondale
9460	Wastewater Purposes, Combined Sewer Overflow (CSO) Collector Sewers.	11, 11A, 13 and 13A Waterbank Crescent, Waterview(part of) Waterview Reserve
9461	Wastewater Purposes, Combined Sewer Overflow (CSO) Collector Sewers.	Howlett and Waterview Walkway, Waterview (part of) Waterview Reserve
9462	Wastewater Purposes, Combined Sewer Overflow (CSO) Collector Sewers.	Seaside Reserve, Waterview, 21 Seaside Avenue and Seaside Avenue (in part)
9463	Wastewater Purposes, Combined Sewer Overflow (CSO) Collector Sewers.	Alan Wood Reserve, New Windsor
9464	Wastewater Purposes, Combined Sewer Overflow (CSO) Collector Sewers.	Moa Reserve, Point Chevalier
9465	Wastewater purposes - Storage Tank	6 Baddeley Avenue, Kohimarama. Madills Farm Recreation Reserve (in part).
9466	Construction, operation and maintenance of wastewater infrastructure	From Western Springs to Mangere Wastewater Treatment Plan
9467	Wastewater pump station	31-79 Daldy Street, Wynyard and adjacent road reserve of Daldy Street and Pakenham Street West

## Designation Schedule - Watercare Services Ltd (3/3)

### South

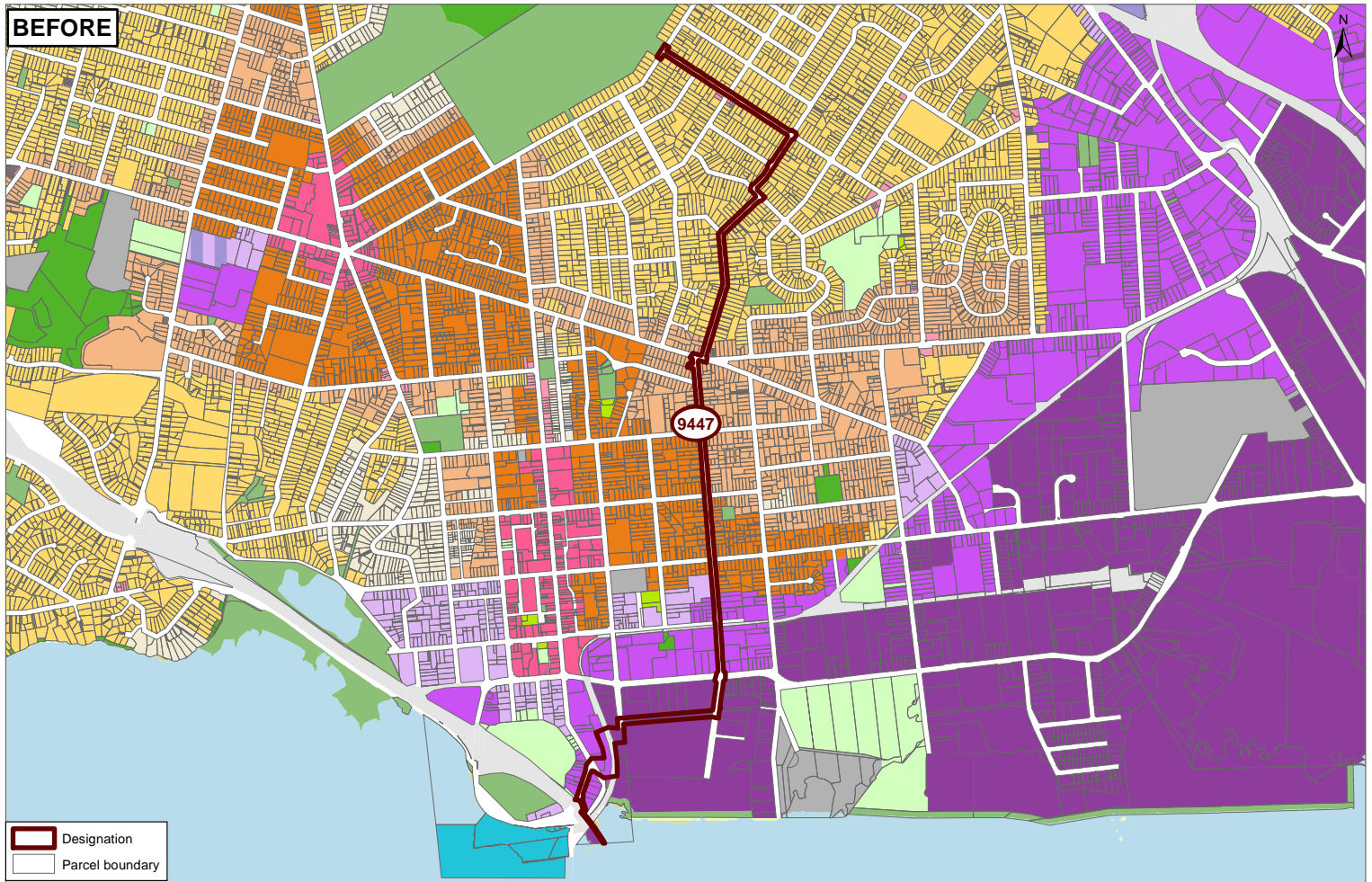
Number	Purpose	Location
9500	Water supply purposes - water catchment headworks land	Cosseys Road and 201 Moumoukai Hill Road, Clevedon
9501	Water supply purposes - headworks service land	201 Moumoukai Hill Road, Clevedon
9502	Wastewater purposes - Mangere Wastewater Treatment Plant	500 Island Road, Mangere Bridge
9503	Wastewater purposes - Area 1A - wastewater treatment purposes; Area 1B and 2 - buffer area and application of biosolids from wastewater treatment plant	Area 1 Ascot Road North; Area 2 Greenwood Road, Mangere
9504	Wastewater purposes - pipelines, chambers and associated structures	4W Wilta Court, Mangere
9505	Water supply purposes - pump station and associated structures	58 Murphys Road, Flat Bush
9506	Water supply purposes - reservoirs, pump station and associated structures	396B, 390V and part of 394B Redoubt Road, Manukau
9507	Water supply purposes - reservoir and associated structures	477A Redoubt Road (Pt Lot 1 DP 24865 and SO 60815), Manukau
9508	Water supply purposes - reservoirs, pump stations and associated structures	38 Mill Road, Alfriston
9509	Water supply purposes - reservoir and associated structures	95 Mill Road, Alfriston
9510	Water supply purposes - pump station, reservoir and associated structures	28 Alfriston Ardmore Road, Alfriston
9511	Wastewater purposes and Ambury Regional Park	66 Wellesley Road (Ambury Regional Park), Mangere Bridge
9512	Water supply purposes - reservoir and associated structures	17A and part of 17R Gracechurch Drive, East Tamaki
9513	Water supply purposes - Ardmore Water Treatment Plant	250 Creightons Road, Clevedon
9514	Wastewater purposes - pump station and associated structures	27 Diversey Lane, Manukau Central
9515	Wastewater purposes - pump station and associated structures	51 Hillside Road, Papatoetoe
9516	Wastewater purposes - pump station and associated structures	4R and 6R Granger Road (Rangitoto View Road Esplanade Reserve), Howick
9517	Wastewater purposes - pump station and associated structures	140 and part of 100 Hospital Road, Otahuhu
9518	Wastewater purposes - pump station and associated structures	39R Wattle Farm Road, Wattle Downs
9519	Wastewater purposes - pump station and associated structures	283R Mahai Road (Pt Lot 1 DP 25887 and SO 46795), Manurewa
9520	Wastewater purposes - pump station and associated structures	51 Ben Lomond Crescent, Pakuranga Heights
9521	Wastewater purposes - pump station and associated structures	2A Vivian Wilson Drive and part of 150 Bucklands Beach Road, Bucklands Beach

9522	Wastewater purposes - pump station and associated structures	207 and part of 201 Highbrook Drive, East Tamaki
9523	Wastewater purposes - pump station and associated structures	137 Gadsby Road and road reserve, Favona
9524	Wastewater purposes - pump station and associated structures	84R Wymondley Road and Allot 295 Parish of Manurewa (Billington Esplanade Reserve), Otara
9525	Wastewater purposes - pump Station and associated structures	103R Prince Regent Drive (Wakaaranga Creek Reserve), Half Moon Bay
9526	Wastewater purposes - pump station and associated structures	13 and 15R Milen Avenue, Pakuranga
9527	Wastewater purposes - pump station and associated structures	7D Kiwi Esplanade, Mangere Bridge
9528	Wastewater purposes - pipeline and associated structures	5 St Leger Close to 30 Matarangi Road, East Tamaki
9529	Wastewater purposes - Southwestern Interceptor	257 Roscommon Road, Manurewa to Jimmy Ward Crescent (400 George Bolt Memorial Drive), Mangere
9530	Wastewater purposes - pump station and associated structures	107 Golfand Drive (Corta Bella Place Reserve), Howick
9531	Wastewater purposes - pump station and associated structures	54R Pitt Avenue, Weymouth
9532	Wastewater purposes - pump station and associated structures	18R Hazards Road and 29R Greers Road, Weymouth
9533	Wastewater purposes - pump station and associated structures	Browns Road (unformed road reserve adjoining 257 Roscommon Road), Clendon Park
9534	Wastewater purposes - pump station and associated structures	2A and 4 Hinau Street, and 6R Walmsley Road (Tarata Creek Reserve), Mangere
9535	Wastewater purposes - pump station and associated structures	Te Puru Park, 954R Whitford-Maraetai Road, Maraetai
9536	Water supply purposes - reservoir and associated structures	37 Walpole Avenue, Manurewa
9537	Wastewater purposes - Beachlands Wastewater Treatment Plant	100 Okaroro Road, Beachlands
9538	Wastewater purposes - Tamaki South East Branch Sewer and wastewater pump stations	Ormiston Road (road reserve adjoining No. 123), East Tamaki to Murphys Road (road reserve adjoining No. 251), Flat Bush
9539	Wastewater purposes - Kawakawa Bay Wastewater Treatment Plant	123 Kawakawa-Orere Road, Kawakawa Bay
9540	Withdrawn <del>Water supply purposes - Hunua No. 4 Watermain</del>	<del>396B Redoubt Road to Mangere Bridge, Hugh Watt Drive, Mangere</del>
9541	Water supply purposes - Cosseys Dam	Hunua Ranges
9542	Water supply purposes - Wairoa Dam	Hunua Ranges
9543	Water supply purposes - headworks service land	Hunua Ranges
9544	Wastewater purposes - Waiuku Wastewater Treatment Plant	Williams Road (Lot 1 DP 73307 and Lot 1 DP 154681), Glenbrook
9545	Wastewater purposes - Clarks Beach Wastewater Treatment Plant	Torkar Road and part of 100 Stevenson Road, Clarks Beach

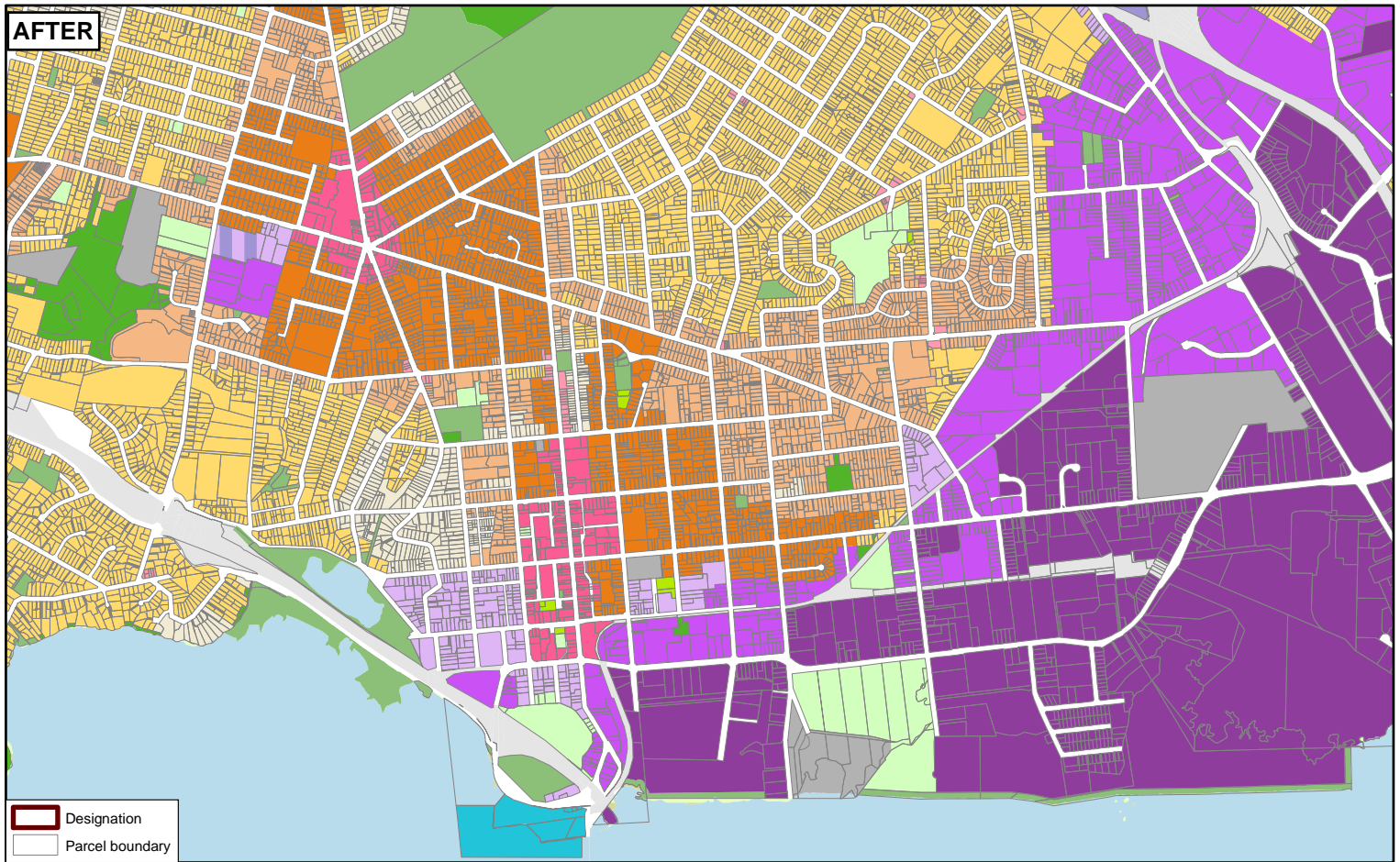
9546	Wastewater purposes - Bombay Wastewater Treatment Plant	Barber Road (Lot 10 DP 134365), Bombay Township
9547	Wastewater purposes - Kingseat Wastewater Treatment Plant	16A Buchanan Road, Kingseat
9548	Water supply purposes - reservoir and associated structures	End of Totara Avenue (Rosesville Park), Pukekohe
9549	Water supply purposes - reservoirs and associated structures	176 Kitchener Road, Pukekohe
9550	Water supply purposes - Pukekohe Water Reservoir	Anzac Road (Lot 1 DP 85420), Pukekohe
9551	Water supply purposes - reservoir and associated structures	327-339 Anzac Road (Pukekohe Hill Reserve), Pukekohe
9552	Water supply purposes - reservoir and associated structures	Leaming Place (Lot 145 DP 90274 and part of Lot 415 DP 90274), Clarks Beach
9553	Water supply purposes - reservoir and associated structures	Part of 129 Wharf Road (lot 2 DP 458020), Waiau Beach
9554	Water supply purposes - reservoir and associated structures	40 Ronald Avenue (Glenbrook Beach Recreation Reserve), Glenbrook
9555	Water supply purposes - reservoir and associated structures	6 Carter Road, Pukekohe
9556	Water supply purposes - reservoir and associated structures	518 Buckland Road, Buckland
9557	Water supply purposes - reservoirs and associated structures	Corner Paparata Road and Barber Road (road reserve), and part of Sec 1 SO 66791, Bombay
9558	Water supply purposes - reservoir and associated structures	83 Victoria Avenue (Lot 2 DP 134302), Waiuku
9559	Water supply purposes - hydraulic balancing tank	Corner Rutherford Road and Runciman Road (part of Lot 1 DP 201876), Pukekohe East
9560	Water supply purposes - Hays Creek Dam	120 Hays Creek Road and 902 Hunua Road, Drury
9561	Water supply purposes - reservoir, pump station and associated structures	279 Kaipara Road, Papakura
9562	Water supply purposes - water treatment plant and associated structures	241 Hunua Road, Drury
9563	Water supply purposes	251 Creightons Road, Ardmore
9564	Water supply purposes	Part of 2 and 9 Jones Road (corner Creighton and Jones Road), Drury
9565	Wastewater purposes - pump station and associated structures	Part of 152 and 158 Park Estate Road, Hingaia
9566	Water supply purposes - pump station and associated structures	103 Flanagan Road, Drury
9567	Wastewater purposes - Puketutu Island rehabilitation	600 Island Road (Puketutu Island), Mangere
9568	Water supply purposes – reservoir and associated structures	108 Runciman Road Pukekohe
9569	Pump station for wastewater purposes	1749 Bucklands Road, Pukekohe



**BEFORE**



**AFTER**



0 210 420 840 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 5/07/2018

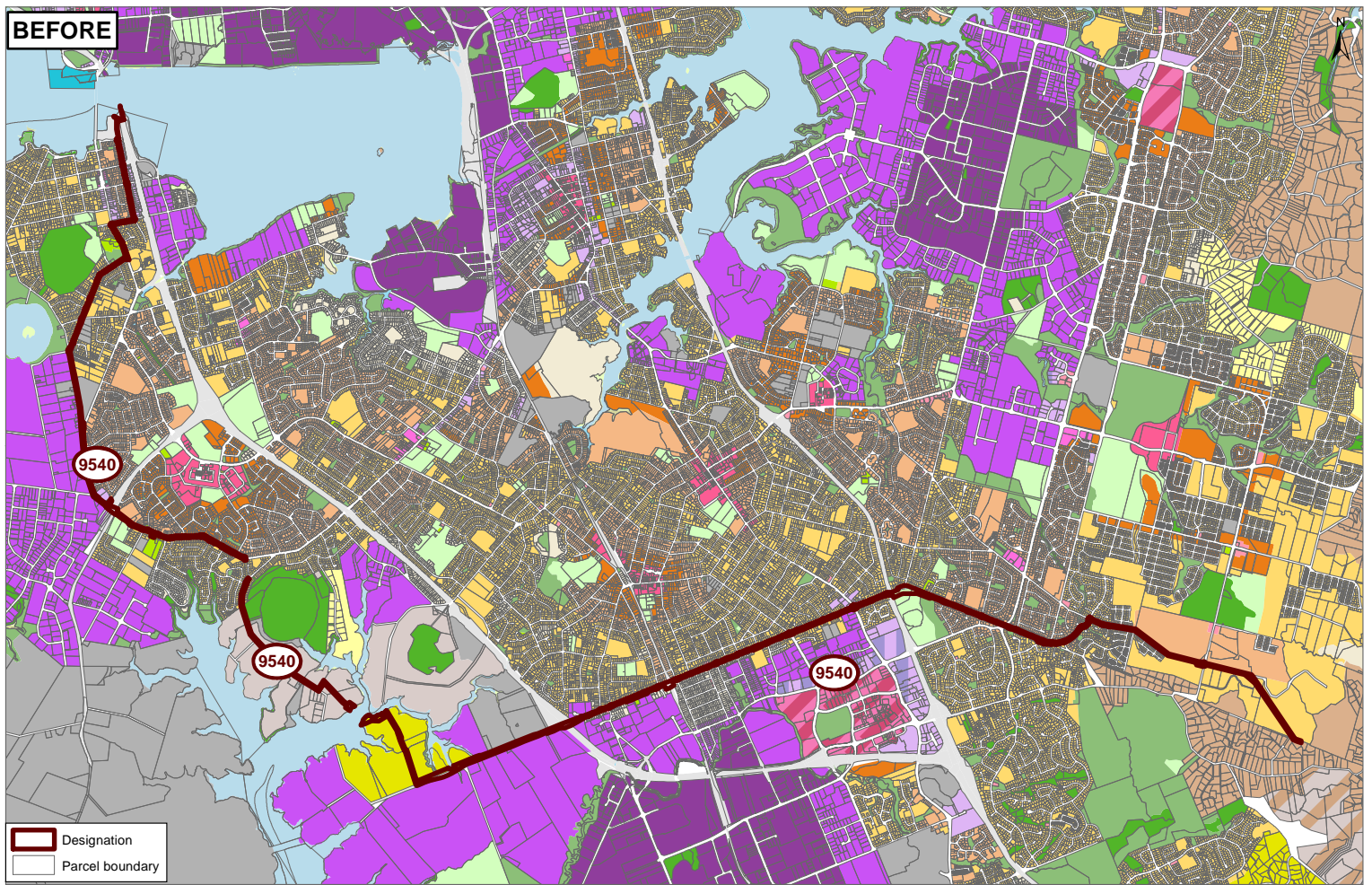
## Full removal of Designation 9447



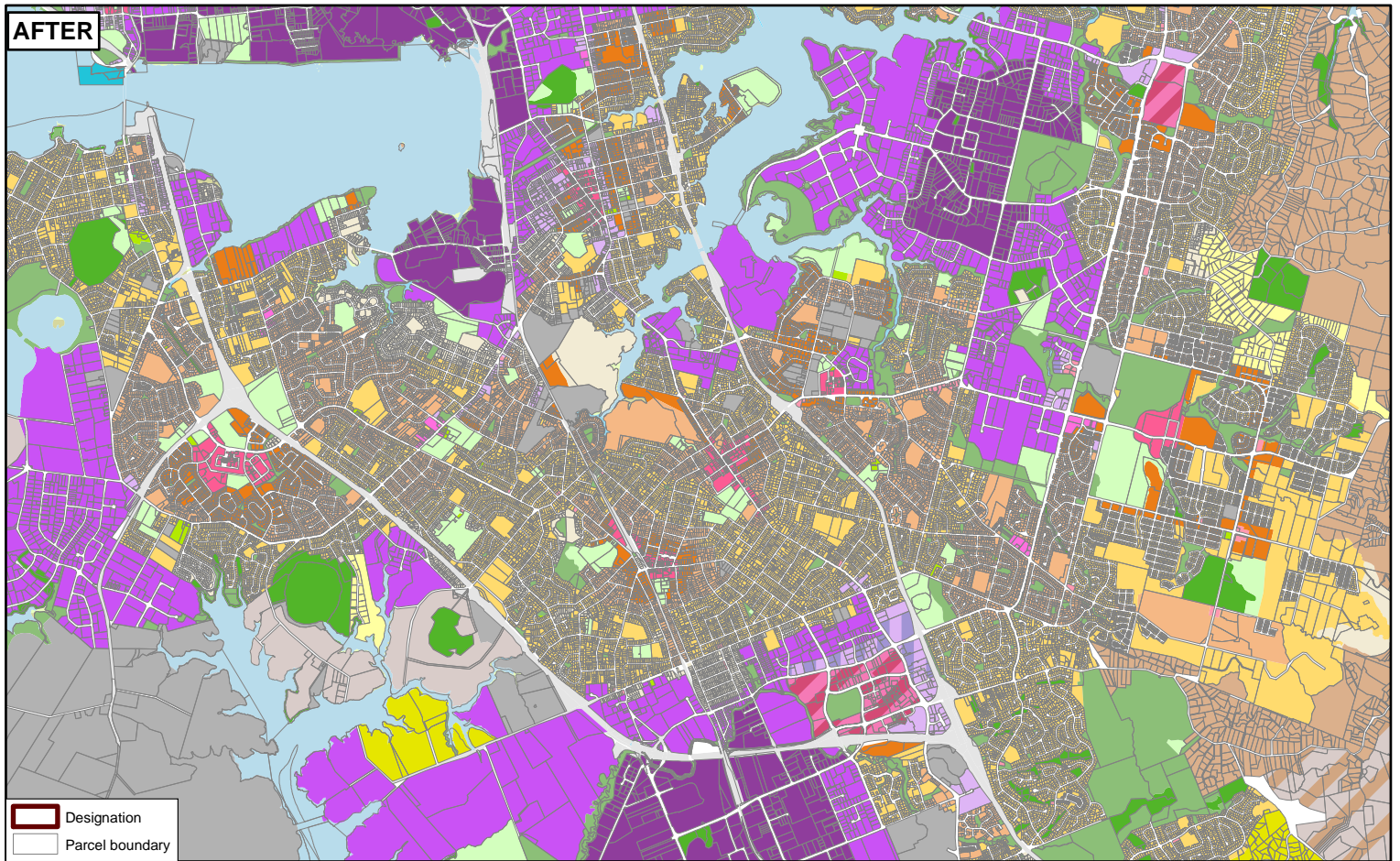
Plans and Places



**BEFORE**



**AFTER**



0 550 1,100 2,200 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 5/07/2018

## Full removal of Designation 9540



Plans and Places