

## DESIGNATION CONDITIONS – EB2

### General Conditions

1. Except as modified by the conditions below, or by any outline plan, the scope and extent of the works within the designation are to be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement and supporting documents as follows:

Table 1: Application Documents

Document Title	Author	Revision	Date

Table 2: Drawings

Drawing Title	Designer	Revision	Date

Table 3: Management Plans

Management Plans	Author	Revision	Date

2. In accordance with section 184(1)(c) of the Resource Management Act 1991 (the “RMA”), this designation will lapse if not given effect to within 10 years from the date on which it is included in the Auckland Unitary Plan (Operative in Part).
3. As soon as practicable, and no later than [X] months from the date the Eastern Busway Package EB2 becomes operational, the Requiring Authority must:
  - a) Identify any areas of the designation that are no longer necessary for the long-term development, operation, maintenance and mitigation effects of the Eastern Busway Project; and
  - b) Give notice to the Auckland Council in accordance with section 182 of the RMA for removal of those parts of the designation identified above

### **Site Access**

4. Subject to compliance with the Requiring Authority's health and safety requirements and provision of reasonable notice, servants or agents of Council are permitted to have access to relevant parts of the construction site(s) at reasonable times for the purpose of carrying out inspections, surveys, investigations and/or to take samples.

### **PRE-CONSTRUCTION CONDITIONS**

#### **Mana Whenua Engagement**

5. At least 10 working days prior to the commencement of construction, the Requiring Authority shall confirm and submit to Council a framework to ensure appropriate engagement with mana whenua during the construction of the Eastern Busway Project (Package EB2).
6. The framework shall include:
  - a) The methods for identifying and engaging with mana whenua
  - b) The process for involvement of mana whenua in reviewing and the implementation of the management and environmental management plans as they relate to:
    - i. Recognising and providing for the cultural values and interests of mana whenua;
    - ii. Implementing and applying tikanga;
    - iii. Managing and monitoring sediment quality; and
    - iv. Promoting ecology and biodiversity, including the use of native vegetation.
  - c) As a minimum the matters identified in (b) above shall be addressed in the preparation of the following management plans:
    - i. Construction Environmental Management Plan
    - ii. Urban Design and Landscape Plan
    - iii. Habitat Restoration Plan.

### **MANAGEMENT PLANS – CERTIFICATION AND REVIEW**

**Advice Note:** *Conditions 7 to 11 below, apply to all Management Plans that require certification unless otherwise specified in these conditions or finalised through the Notice of Requirement process. Management Plans listed in Condition 1 are deemed certified.*

7. Unless listed in Condition 1 above or otherwise stated, all Management Plans required by conditions of this designation shall be submitted to Council for certification at least 10 working days prior to commencement of the related construction works (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing). All works shall be carried out in accordance with the approved Management Plans. No related construction works shall commence until written approval or certification of all relevant Management Plans for those works have been received, unless otherwise approved in writing by the Council.

8. If the Requiring Authority does not receive a written response from Council within 10 working days of the Management Plan(s) being submitted for certification, the Management Plan(s) will be deemed to have certification and the Requiring Authority can commence the related construction works.

**Advice Note:** *The Council will acknowledge receipt of any Management Plan submitted for certification within 2 working days. The Council will confirm if any information required for certification is missing from any submitted Management Plan within 5 working days. Where no further information is required, the Council will provide certification to the Requiring Authority within 10 working days of submission of the Management Plan. If further information has been requested, the Council will provide confirmation of certification to the Requiring Authority within 5 working days of the requested information being provided.*

9. Any certified Management Plan may be amended, if necessary, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of designation. Any amendments are to be agreed by the Council in writing prior to implementation of any changes. Re-certification is not required in accordance with Conditions 7 if the Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified.
10. Any amendments to a certified Management Plan that may result in a materially different outcome shall be submitted to the Council in accordance with Condition 7 to certify these amendments are consistent with the relevant designation condition(s) prior to implementation of any changes. Where a Management Plan was prepared in consultation with interested or affected parties, any material changes to that Plan shall be prepared in consultation with those same parties.
11. Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project. If submitted in part, Management Plans shall clearly show the linkage with the Management Plans for adjacent stages and interrelated activities.

## **STAKEHOLDER COMMUNICATION AND ENGAGEMENT**

12. The Requiring Authority is required to implement and comply with the Communication and Consultation Plan (CCP) listed in Condition 1, unless otherwise amended by the process in Condition 9. The objective of the CCP is to set out a framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders, affected parties and interest groups during construction of the Eastern Busway Project (Package EB2).
13. Any amendments to the CCP listed in Condition 1 that may result in a materially different outcome or to address unforeseen adverse effects arising from construction must comply with Condition 14 and 15.
14. The Requiring Authority shall submit the updated or revised CCP to Council for comment. The Requiring Authority shall consider any comments received from Council when finalising the CCP. If

the Requiring Authority has not received any comments from Council within 10 working days of submitting the CCP, the Requiring Authority will consider Council has no comments.

**Advice Note:** *The CCP does not require certification from Council.*

15. The CCP shall set out how the Requiring Authority will for the Eastern Busway Project (Package EB2):
- a) Inform the community and businesses of construction progress, future construction activities and constraints that could affect them;
  - b) Provide information on key project milestones;
  - c) Provide a process for responding to queries and complaints including, but not limited to:
    - i. Who is responsible for responding;
    - ii. How responses will be provided;
    - iii. The timeframes for responses to be provided; and
    - iv. How complaints will be reviewed and monitored to ensure mitigation is effective.

The CCP shall include:

- a) A communications framework that details the Requiring Authority's communication strategies, the accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including any modern and relevant communication methods, community noticeboard, local paper, newsletters or similar, advertising etc.) and any other relevant communication matters;
- b) Details of the Communication and Consultation Manager for the Eastern Busway project, including their contact details (phone, email, project website and postal address);
- c) Methods for identifying, communicating and engaging with people affected by the construction works for the project, including but not limited to:
  - i. All residential and business property owners and occupiers directly affected by construction works;
  - ii. All community and education facilities directly affected to construction works for the project, including methods to assist these facilities to consult with their customers/stakeholders;
  - iii. Key stakeholders (including the Council's Parks Department); and
  - iv. Network utility operators.
- d) Methods for communicating with and notifying directly affected parties in advance where practicable of:
  - i. proposed construction activities outside normal working hours (including night works); and
  - ii. Temporary traffic management measures and permanent changes to road networks and layouts.
- b) Details of specific communications proposed for updating stakeholders including affected parties on construction timeframes; and
- c) A list of the stakeholders directly affected to be communicated with.

## **CONSTRUCTION ENVIRONMENTAL MANAGEMENT**

16. The Requiring Authority is required to carry out all works in accordance with the Construction Environmental Management Plan (CEMP) listed in Condition 1, unless otherwise amended by the process in Condition 9. The objective of the CEMP is to set out an overarching framework and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with the construction of the Eastern Busway Project (Package EB2) so far as is reasonably practicable.
17. Any amendments to the CEMP listed in Condition 1 that may result in a materially different outcome or to address unforeseen adverse effects arising from construction must comply with Conditions 18 and 19.
18. The Requiring Authority must submit the updated or revised CEMP to Council for certification in accordance with Conditions 7 to 11 as soon as practicable following identification of the need for an update as a result of a material change. The purpose of the CEMP is to set out an overarching framework and construction methods to be undertaken to avoid, remedy or mitigate any adverse effects associated with the construction of Eastern Busway Project (Package EB2) so far as is reasonably practicable.
19. The CEMP shall include details of:
  - a) An outline of the construction programme of the work, including construction hours, indicating linkages to the other subsidiary plans which address management of adverse effects during construction;
  - b) The document management system for administering the CEMP and compliance, including review and Requiring Authority / constructor / Council requirements;
  - c) Training requirements for employees, sub-contractors and visitors for cultural induction, construction procedures, environmental management and monitoring;
  - d) Roles and responsibilities for the implementation of the CEMP;
  - e) Environmental incident and emergency management procedures (including spills);
  - f) Environmental complaint management procedures;
  - g) Specific details of demolition and site clearance works to be undertaken;
  - h) The location of construction compounds and measures adopted to keep them secure;
  - i) Methods to provide for the safety of the general public;
  - j) Measures to be adopted to keep the construction areas in a tidy condition in terms of disposal / storage of rubbish and storage, unloading construction materials (including equipment). All storage of materials and equipment associated with the construction works must take place inside the designation boundaries; and
  - k) Site reinstatement measures upon completion of the activities including the removal of any temporary structures used during the construction period.

**Advice note:** *The CEMP may be prepared as a combined document that also addresses the matters required under the associated resource consents for the Eastern Busway Project (Package EB3R).*

### TRANSPORT, ACCESS AND PARKING

20. The Requiring Authority is required to carry out all works in accordance with the Construction Traffic Management Plan (CTMP) listed in Condition 1, unless otherwise amended by the process in Condition 21. The objective of the CTMP is to identify the means to be used to avoid, remedy or mitigate the adverse effects of construction of the Eastern Busway Project (Package EB2) on transport, parking and property access, so far as it is reasonably practicable.
21. Any amendments to the CTMP listed in Condition 1 that may result in a materially different outcome or to address unforeseen adverse effects arising from construction must comply with Condition 22.
22. The Requiring Authority shall submit the updated or revised CTMP to Council for comment. The Requiring Authority shall consider any comments received from Council when finalising the CTMP. If the Requiring Authority has not received any comments from Council within 10 working days of submitting the CTMP, the Requiring Authority will consider Council has no comments.

**Advice Note:** *The CTMP does not require certification from Council.*

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

23. Construction noise shall be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 'Acoustics - Construction Noise' (NZS6803:1999) and comply with the noise standards set out in the Tables 3 and 4 as far as practicable.

Table 3 Construction Noise Criteria – Residential Receivers (Irrespective of Zoning)

Time of week	Time Period	Maximum noise level (dBA) > 20 weeks	
		L <sub>eq</sub>	L <sub>max</sub>
Weekdays	0630 – 0730	55	75
	0730 – 1800	70	85
	1800 – 2000	65	80
	2000 - 0630	45	75
Saturdays	0630 – 0730	45	75
	0730 – 1800	70	85
	1800 – 2000	45	75
	2000 - 0630	45	75
Sundays and public holidays	0630 – 0730	45	75
	0730 – 1800	55	85

	1800 – 2000	45	75
	2000 - 0630	45	75

Table 4 Construction Noise Criteria - Commercial and Industrial Receivers

Time period	Maximum noise level $L_{Aeq}$ dB > 20
07:30 – 18:00	70
18:00 – 07:30	75

24. Where compliance with the noise standards set out in Table 3 and Table 4 above is not practicable, and unless provided for in the Construction Noise Vibration Management Plan (CNVMP) as required by Condition 28, then the methodology in Condition 31 shall apply.
25. Construction vibration shall be measured in accordance with German Standard DIN 4150-3:1999 “Structural Vibration Part 3: Effects of vibration on structures”, and shall comply with the vibration standards set out in Table 5 as far as practicable:

Table 5 Construction Vibration Criteria

Vibration Level	Time	Category A	Category B
Occupied activities sensitive to noise	Night-time 2000h – 0700h	0.3mm/s ppv	2mm/s ppv
	Daytime 0700h – 2000h.	2mm/s ppv	5mm/s ppv
Other occupied buildings	All other times	2mm/s ppv	5mm/s ppv
All other buildings	Daytime 0630h – 2000h	Tables 1 and 3 of DIN4150-3:1999	

26. The Category A criteria may be exceeded if the works generating vibration take place for three days or less between the hours of 7am to 6pm, provided that the Category B criteria are complied with, and:
- All occupied buildings within 50m of the extent of the works generating vibration are advised in writing no less than three days prior to the vibration-generating works commencing; and
  - The written advice must include details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.
27. Where compliance with the vibration standards set out in Table 5 above is not practicable, and unless otherwise provided for in the CNVMP as required by Condition 28, then the methodology in Condition 31 shall apply.

28. The Requiring Authority is required to implement and comply with the CNVMP listed in Condition 1, unless otherwise amended by the process in Conditions 9 to 10. The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option (BPO) to avoid, remedy or mitigate the adverse effects on receivers of noise and vibration resulting during construction of the Eastern Busway Project (Package EB2).
29. Any amendments to the CNVMP listed in Condition 1 that may result in a materially different outcome or to address unforeseen adverse effects arising from construction must comply with Conditions 30 and 31.
30. The Requiring Authority must submit the updated or revised CNVMP to Council for certification in accordance with Conditions 7 to 11 as soon as practicable following identification of the need for an update as a result of a material change.
31. The purpose of the CNVMP is to set out a framework to avoid, remedy or mitigate the adverse effects on receivers of noise and vibration resulting during construction of the Eastern Busway Project (Package EB2). To achieve this objective, the CNVMP shall be prepared in accordance with Annex E2 of (NZS6803:1999) and shall as a minimum, address the following:
  - a) Description of the works, machinery and equipment to be used;
  - b) Hours of operation, including times and days when construction activities would occur;
  - c) The construction noise and vibration standards;
  - d) Identification of receivers where noise and vibration standards apply;
  - e) Management and mitigation options, and identification of the Best Practicable Option;
  - f) Methods and frequency for monitoring and reporting on construction noise and vibration;
  - g) Procedures for communication as set out in the CCP with nearby residents and stakeholders, including:
    - i. Notification of proposed construction activities,
    - ii. The period of construction activities; and
    - iii. Management of noise and vibration complaints.
  - h) Contact details for the Communication and Consultation Manager;
  - i) Procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers;
  - j) Identification of areas where compliance with the noise (Condition 23) and/or vibration standards (Condition 25 Category A or Category B) will not be practicable.
  - k) Procedures for:
    - i. Communicating with affected receivers in accordance with the CCP, where measured or predicted noise or vibration from construction activities exceeds the noise criteria of Condition 23 or the vibration criteria of Condition 25; and
    - ii. Assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category B vibration criteria of Condition 25, including the requirement to undertake building consent surveys



before and after works to determine whether any damage has occurred as a result of construction vibration; and

iii. Requirements for review and update of the CNVMP.

32. Unless otherwise provided for in the CNVMP, a Schedule to the CNVMP (Schedule) shall be prepared in consultation with the owners and occupiers of sites subject to the Schedule, when:
- a) Construction noise is either predicted or measured to exceed the noise standards in Condition 23, except where the exceedance of the LAeq criteria is no greater than 5 decibels and does not exceed:
    - i. 0630 – 2000: 2 periods of up to 2 consecutive weeks in any 2 months; or
    - ii. 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days;
  - b) Construction vibration is either predicted or measured to exceed the Category B standard set out in Condition 25 at the receivers;
33. The objective of the Schedule is to set out the BPO for the management of noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP. The Schedule must include but not be limited to details such as:
- a) Construction activity and location plan, start and finish dates;
  - b) the nearest owners and occupiers of the sites to the construction activity;
  - c) the predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards in Conditions 23 and/or 25
  - d) the proposed site-specific noise mitigation
  - e) the consultation and outcomes with owners and/or occupiers of properties identified in the Schedule; and
  - f) location, times, and types of monitoring.
34. The Schedule shall be submitted to the Council for certification at least 5 working days, except in unforeseen circumstances, in advance of construction works that are covered by the Schedule and shall form part of the CNVMP. If no response is provided from the Council, prior to the planned work date, the Schedule shall be deemed to be certified.

**Building condition surveys [in the event environmental specialists identify building condition surveys are necessary]**

35. Prior to construction, a building condition survey must be undertaken of any building or structure that has been identified and assessed as potentially affected by vibration damage arising from construction. The identification and assessment requirement must be determined by an independent and suitability qualified person appointed by the Requiring Authority, and based on the criteria below, unless the relevant industry criteria applied at the time or heightened building sensitivity or other inherent building vulnerability requires it. Factors which may be considered in determining whether a building condition survey must be undertaken include:
- a) Age of the building;
  - b) Construction types;
  - c) Foundation types;

- d) General building condition;
- e) Proximity to any excavation;
- f) Whether the building is earthquake prone or where there is pre-existing damage; and
- g) Whether any basements are present in the building.

36. Where it is determined by an independent and appropriately qualified person appointed by the Requiring Authority prior to construction that a building condition survey is required:

- a) The Requiring Authority must employ an appropriately qualified person to undertake the building condition surveys and that person is required to be identified in the CEMP;
- b) The Requiring Authority must contact owners of those buildings and structures where a building condition survey is to be undertaken to confirm the timing and methodology for undertaking a pre-construction condition assessment;
- c) Should written agreement from owners and occupiers to enter property and undertake a condition assessment not be obtained within three months from first contact, then the Requiring Authority is not required to undertake these assessments;
- d) Prior to the building condition survey, the Requiring Authority must determine whether the building is classified as a vibration sensitive structure;
- e) The Requiring Authority must provide the building condition survey report to the relevant property owner within 15 working days of the survey being undertaken, and additionally it must notify and provide Council with a copy of the completed survey report within 15 working days;
- f) The Requiring Authority must record all contact, correspondence and communication with owners and occupiers and this record is to be available on request for the Council; and
- g) The Requiring Authority must undertake a visual inspection when undertaking construction activities likely to generate high levels of vibration if requested by the building owner where a pre-construction condition assessment has been undertaken.

37. During construction:

- a) The Requiring Authority must implement procedures that will appropriately respond to the information received from any vibration monitors deployed by the acoustic specialist in accordance with the CNVMP. Where necessary this may include temporary cessation of works in close proximity to the relevant building until measures have been implemented to avoid further damage and/or compromising the structural integrity of the building; and
- b) Any damage to buildings and structures resulting from the works must be recorded and repaired by the Requiring Authority and costs associated with the repair will be met by the Requiring Authority. Such repairs, and/or works to repair damage, are limited to what is reasonably required to restore the general condition of the building as described in the building condition survey. Such repairs must be undertaken as soon as reasonably practicable and in consultation with the owner and occupiers of the building.

38. Following construction:

- a) Within three months of the commencement of operation of the Eastern Busway Project (Package EB2), the Requiring Authority must contact owners of those buildings and

- structures where a building condition survey was undertaken to confirm the need to undertake a post-construction condition assessment; and
- b) Where a post-construction building condition survey confirms that the building has deteriorated as a direct result of construction works relating to the project, the Requiring Authority must rectify the damage at its own cost. Such repairs, and/or works to repair damage, are limited to what is reasonably required to restore the general condition of the building as described in the building pre-condition survey.

#### **Urban Design and Landscaping Mitigation**

- 39. At least 10 working days prior to the commencement of any construction activity the Requiring Authority shall submit an Urban Design and Landscape Plan (UDLP) to Council for certification in accordance with Conditions 7 to 11 above. The objective of the UDLP is to mitigate any landscape and visual effects of the Eastern Busway Project (Package EB2).
- 40. The UDLP shall include:
  - a) Urban design details for works:
    - i. The Reeves Road Flyover;
    - ii. Pakuranga Bus Station;
    - iii. Ti Rakau Drive widening between Pakuranga Road and Reeves Road
  - b) Landscape design details for works at:
    - i. Paul Place Reserve;
    - ii. Bus Stop Reserve;
    - iii. Within Ti Rakau Drive; and
    - iv. SEART.
  - c) A maintenance plan and establishment requirements over a three-year period for landscaping and five years for specimen trees following planting.
  - d) Lighting, signage and street furniture details for Eastern Busway Project (Package EB2);
  - e) Measures to achieve a safe level of transition for cycling and walking modes, including providing advanced warning and signage to cyclists and pedestrians, and safe and convenient cycling transitions at the ends of the project;
  - f) Design features and methods for cultural expression; and
  - g) Design features associated with the management of stormwater, including both hard and soft landscaping.
- 41. The Requiring Authority is required to carry out all works out in accordance with the certified UDLP, unless otherwise amended by the process in Conditions 9 to 10.
- 42. At least 1 month prior to the final handover to the Council for future care and maintenance of landscaping on Council land and reserves, the Requiring Authority's representative is to arrange a site walkover with the Council to inspect the new planting areas, and to document any areas of plant health and maintenance that need to be rectified prior to handover.
- 43. The UDLP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB2) being operational. If the weather in that planting season is

unsuitable for planting, as determined by the Council, the landscaping must instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity must be agreed to by the Council.

### **Tree Works**

44. The Requiring Authority is required to carry out all works in accordance with the Tree Protection and Management Plan (TPMP) listed in Condition 1, unless otherwise amended by the process in Conditions 7 to 11 above. The objective of the TPMP is to avoid, remedy or mitigate any adverse construction effects of Eastern Busway Project (Package EB2) on those trees to be retained, as far as reasonably practicable.
45. Any amendments to the TPMP listed in Condition 1 that may result in a materially different outcome or to address unforeseen adverse effects arising from construction must comply with Conditions 46 and 47.
46. The Requiring Authority must submit the updated or revised TPMP to Council for certification in accordance with Conditions 7 to 11 as soon as practicable following identification of the need for an update as a result of a material change. The purpose of the TPMP is to avoid, remedy or mitigate any adverse construction effects on those trees to be retained as part of the Eastern Busway Project (Package EB2), as far as reasonably practicable.
47. To achieve its objective, the TPMP is to include:
  - a) Tree protection measures for trees to be retained;
  - b) Tree pruning measures;
  - c) Demarcation of temporary construction access and storage areas, outside the permeable dripline and / or rootzone areas of retained trees;
  - d) Use of protective barrier fencing;  
Procedures for working within the dripline/rootzone of any retained tree, including appointment of a qualified Council approved arborist (“appointed arborist”) to oversee directly all works within the dripline and rootzone of the trees located in the designated areas of work for the duration of the site works, until the route is considered completed, and including any reinstatement works that fall outside the area of the designation;
  - e) Specific bio-security removal restrictions that will apply to all elms (*Ulmus* sp.) and kauri (*Agathis australis*), to avoid the risk of spread of Dutch Elm Disease or kauri dieback, including vetting and approving the methodology and treatment of the Elm and kauri material by the Council’s arboricultural specialist responsible for handling and treatment of all Elm/kauri material controlled under the Biosecurity Act, prior to any works taking place; and
  - f) Measures to provide for clear marking of all tree removals prior to implementation of each stage of the works, with verification of the removals by the Requiring Authority’s arborist in consultation with the Council’s arboricultural specialist.
48. If the design of the project is modified so that it becomes apparent that trees protected by the provisions of the AUP(OP) identified as being retained in the approved Tree Plans appended to the

Arboricultural Effects Assessment in Condition 1 are required to be removed, then the removal of the trees is appropriate if:

- a) The design modification results in retention of a tree that was identified to be removed (i.e. no net loss of protected trees); or
- b) If the design modification will result in a net loss of protected trees, a suitable replacement specimen tree is provided in the project corridor (in addition to the proposed planting shown on the approved Tree Plans appended to the Arboricultural Effects Assessment in Condition 1).

**Advice Note:** *Protected trees refers to trees within the road reserve and Council reserves that more than 4m in height and/or more than 400mm in girth. It also includes any trees listed in Schedule 10 "Notable Trees" in the AUP(OP).*

## **HERITAGE**

49. In the event that any unrecorded historic heritage sites are identified as a result of the Eastern Busway Project (Package EB2), then these sites must be recorded by the Requiring Authority for inclusion in the Council's Cultural Heritage Inventory. The Requiring Authority's historic heritage expert must prepare documentation suitable for inclusion in the Inventory and forward that information to the Manager: Heritage Unit, (heritageconsents@aucklandcouncil.govt.nz) within one calendar month of completion of work on the route.
50. Electronic copies of all historic heritage reports relating to historic heritage investigations of whatever form (i.e., evaluation, monitoring and excavation) in regard to the designation, are to be submitted by the Requiring Authority's project historic heritage expert to the Monitoring officer(s) within 12 months of completion of the Eastern Busway Project (Package EB2).

## **OPERATIONAL CONDITIONS**

### **Operational Traffic Noise**

51. Noise walls of 1.8m in height above ground level constructed from materials compliant with the mitigation requirements of New Zealand Standard NZS 6806:2010 - 'Acoustics – Road traffic noise - New and altered roads, as shown on the approved designation plans listed in Condition 1, shall be installed at 2 and 23B Dale Crescent, Pakuranga prior to Eastern Busway Project (Package EB2) being operational, so far as is reasonably practicable.

## RESOURCE CONSENT CONDITIONS EB2

### GENERAL ACCORDANCE

1. Except as modified by the conditions below, the activity must be carried out in general accordance with the plans and information submitted with the application, as detailed in Table 1 and Table 2:

Table 1: Application Documents

Document Title	Author	Revision	Date

Table 2: Drawings

Drawing Title	Designer	Revision	Date

Table 3: Management Plans

Management Plans	Author	Revision	Date

Where there may be an inconsistency between the documents listed in condition 1 above and the requirements of the following conditions, the following conditions prevail.

**Advice note:** *The reports, Management Plans and drawings listed above may be updated in accordance with the processes listed in Condition 9-13, subject to the effects of the consented activities remaining within the nature and scale of effects considered by the listed document. Where effects change in nature or increase in scale, the Consent Holder must consult with Council to determine whether a change of conditions is required under s 127 of the RMA.*

### MONITORING CHARGE

2. The Consent Holder must pay the Council an initial consent compliance monitoring charge of \$X (GST inclusive) plus any further monitoring charge(s) to recover the actual and reasonable costs incurred to ensure compliance with the conditions of these consents.

**Advice Note:** *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work that ensures compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, will be charged at the relevant hourly rate applicable at the time. The Consent Holder will be advised of the further monitoring charge(s). Only after all conditions of the resource consent have been met, will the Council issue a letter confirming compliance at request by the Consent Holder.*

#### **LAPSE DATE**

3. Under section 125 of the RMA, these consents will lapse ten years after the date it commences unless:
  - a) These consent re given effect to; or
  - b) On application, the Council determines to extend the period after which the consent will lapse.

#### **EXPIRY DATE – LAND USE**

4. The land use consent shall expire 5 years after consent has been given effect to.

#### **EXPIRY DATE – COASTAL (OCCUPATION)**

5. The coastal permit associated with the occupation of the coastal marine area by stormwater outfalls shall expire 35 years after consent has been given effect to.

#### **EXPIRY DATE – COASTAL (OCCUPTATION)**

6. The coastal permit associated with the disturbance of the coastal marine area by stormwater outfalls shall expire 35 years after consent has been given effect to.

#### **EXPIRY DATE – DISCHARGE OF CONTAMINANTS**

7. The discharge permit associated with the construction of the Eastern Busway Project (EB2) shall expire 5 years after consent has been given effect to.

#### **EXPIRY DATE – DISCHARGE OF STORMWATER (NES-FW)**

8. The discharge permit associated with the discharge of stormwater within 100 m of wetland shall expire 35 years after consent has been given effect to.

#### **MANAGEMENT PLANS – CERTIFICATION AND REVIEW**

**Advice Note:** *Conditions 9 to 13 below, apply to all Management Plans that require certification unless otherwise specified in these conditions or finalised through the resource consent process. Management Plans listed in Condition 1 are deemed certified.*

9. Unless listed in Condition 1 above or otherwise stated, all Management Plans required by the conditions of this consent shall be submitted to the Council for certification at least 10 working days prior to commencement of construction works (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing). All works shall be carried out in accordance with the approved Management Plans. No related construction works shall commence until written approval or certification of all

relevant Management Plans for those works have been received, unless otherwise approved in writing by the Council.

10. If the consent holder does not receive a written response from Council within 10 working days of the Management Plan(s) being submitted for certification, the Management Plan(s) will be deemed to have certification and the consent holder can commence the related construction works.

**Advice Note:** *The Council will acknowledge receipt of any Management Plan submitted for certification within 2 working days. The Council will confirm if any information required for certification is missing from any submitted management plan within 5 working days. Where no further information is required, the Council will provide certification to the consent holder within 10 working days of submission of the Management Plan. If further information has been requested, the Council will provide confirmation of certification to the consent holder within 5 working days of the requested information being provided.*

11. Any certified Management Plan may be amended, if necessary, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of consent. Any amendments are to be agreed by the Council in writing prior to implementation of any changes. Re-certification is not required in accordance with Condition 9, if Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified.
12. Any amendments to a certified Management Plan that may result in a materially different outcome shall be submitted to the Council in accordance with Condition 9 to certify these amendments are consistent with the relevant condition(s) prior to implementation of any changes. Where a Management Plan was prepared in consultation with interested or affected parties, any material changes to that Plan shall be prepared in consultation with those same parties.
13. Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project. If submitted in part, management plans shall clearly show the linkage with the Management Plans for adjacent stages and interrelated activities.

#### **LAND DISTURBANCE (LUCX)**

14. All works must be in accordance with the Erosion and Sediment Control Plan (ESCP) listed in Condition 1, unless otherwise modified by the process in Conditions 9 to 13 above. The purpose of the ESCP is to provide overarching principles and procedures to manage the environmental impacts associated with erosion and sediment control (ESC) during construction of the Eastern Busway Project (Package EB2).
15. Prior to the commencement of earthworks within a given area or stage, a Site Specific Erosion and Sediment Control Plan (SSESCP) must be prepared in accordance with Auckland Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Guideline Document 2016/005 ("GD05") and submitted to Council for certification in accordance with



Condition 9. No earthworks activity within the specific area or stage must commence until the Council has certified that the SSES CP satisfactorily meets the requirements of GD05.

The SSES CPs must contain sufficient detail to address the following matters:

- a) Contour information
  - b) ESC measures for the works being undertaken within a particular construction area
  - c) Chemical treatment design and details
  - d) Catchment boundaries of works and devices installed
  - e) Location of the work
  - f) Details of construction methods
  - g) Design criteria, typical and site-specific details of erosion and sediment control
  - h) Design details for managing the treatment, disposal and/or discharge of contaminants (e.g. concrete wash water).
16. The erosion and sediment control measures must be constructed and maintained in general accordance with the Council's GD05 and any amendments to that document, except where a higher standard is detailed in the documents listed in these consent conditions, in which case the higher standard is to apply.
17. Within 10 working days following implementation and completion of the specific erosion and sediment control works referred to in a SSES CP required by Condition 15, and prior to the commencement of earthworks activity within the subject area or stage referred to in the SSES CP, a suitably qualified and experienced person must provide written certification that the erosion and sediment controls have been constructed and completed in accordance with the SSES CP for that particular area of stage.
- Advice note:** *The certified controls are to include the decanting earth bunds, sediment retention ponds, clean and dirty water diversions, silt fences, and stabilised construction should contain sufficient details to address the following matters:*
- a) *Details on the contributing catchment area;*
  - b) *Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);*
  - c) *Dimensions and shape of structure(s);*
  - d) *Position of inlets/outlets; and*
  - e) *Stabilisation of the structure(s).*
18. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required in Condition 14 to 15 must be maintained throughout the duration / each stage of earthworks activity, or until the site is permanently stabilised against erosion.
19. The consent holder shall take all practical measures to prevent deposition of soil on roads and footpaths outside the works area of Eastern Busway Project (Package EB2). In the event that

deposition of earth, mud, dirt or other debris on any road or footpath outside the works area resulting from earthworks activity on the project area occurs, it is to be removed immediately. In no instance are roads and/or footpaths to be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses and/or receiving waters.

**Advice Note:** *The following methods may be adopted to prevent or address discharges should they occur:*

- a) *Provision of a stabilised entry and exit(s) point for vehicles*
- b) *Provision of wheel wash facilities*
- c) *Ceasing vehicle movements until materials are removed*
- d) *Cleaning road surfaces using street-sweepers*
- e) *Silt and sediment traps; and*
- f) *Catchpits.*

*In no circumstances should washing deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Council for more details. Alternatively, please refer to GD05.*

20. On completion or abandonment of earthworks, all areas of bare earth must be permanently stabilised against erosion as defined by GD05.

**Advice Note:** *Stabilisation measures may include:*

- a) *Use of mulch*
- b) *Top-soiling and grassing otherwise bare areas of earth*
- c) *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

21. The sediment and erosion controls at the site of the works are to be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record is to be maintained of the date, time and any maintenance undertaken in association with this condition which is to be forwarded to the Council on request.

#### **CONTAMINATED LAND (LUCX & DISX)**

22. Discharges from disturbance of contaminated soil must be carried out in accordance with the Contaminated Land Management Plan (CLMP) listed in Condition 1 unless otherwise modified by the conditions below or in accordance with Conditions 9 to 13 above.
23. An appropriately qualified and experienced contaminated land specialist must be engaged to oversee the earthworks in areas of potential contamination. All sampling and testing of contamination on the site must be overseen by the appropriately qualified and experienced contaminated land practitioner. All sampling is to be undertaken in accordance with the

Contaminated Land Management Guidelines, No-5 - Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2021.

**Advice Note:** *All testing and analysis should be undertaken in a laboratory with appropriate experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5*

24. The Council is to be informed in writing about the commencement of the Eastern Busway Project (Package EB2) works at least 2 working days prior to commencement.

**Advice Note:** *Discharge from the site includes the disposal of water (e.g. perched groundwater or collected surface water) from the remediation area.*

25. Any soils and/or fill material identified as contaminated and requiring off-site disposal are to be loaded directly into trucks and covered during transportation off site in accordance with the CLMP. All soil removed from the land disturbance area must be deposited at a suitably certified facility.

26. All imported fill must comply with the definition of 'cleanfill', in accordance with 'A Guide to the Management of Cleanfills', Ministry for the Environment (2002).

**Advice Note:** *Background levels for the Auckland region can be found in the Council's technical publication TP153 "Background concentrations of inorganic elements in soils from the Auckland Region" (2001).*

27. Within three months of the completion of the soil disturbance activities within the project area, a *Site Completion Report (SCR)* must be provided to the Council.

28. The SCR must contain sufficient detail to address the following matters:

- a) A summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the CLMP
- b) A summary of inspections and oversight completed by the SQEP.
- c) The location and dimensions of the excavations carried out, including a site plan.
- d) A summary of testing undertaken (if applicable) including tabulated analytical results.
- e) Records of any unexpected contamination encountered during the works and contingency measures undertaken (if applicable).
- f) Details of any validation soil sampling completed in areas of unexpected soil contamination and vicinity of fill material previously identified as exceeding the adopted soil acceptance criteria (if applicable).
- g) Copies of the disposal dockets for the contaminated fill and 'cleanfill' material removed from the site.
- h) Copies of the SQEP site inspection documentation.
- i) Details regarding any complaints and/or breaches of the procedures set out in the certified CLMP, and how any incidents or complaints were addressed.

- j) Results of testing, if required, of any spoil disposed offsite.
  - k) Results of testing of any imported fill material.
  - l) Identification of any areas which need on-going monitoring and management.
29. Where contaminants are identified that have not been anticipated by the application, the unexpected discovery procedures in the CLMP as identified in Condition 1 must be employed, including notifying the Council. Any unexpected contamination and contingency measures must be documented in the SCR.

**Advice Note:** *Unexpected contamination may include contaminated soil, perched water or groundwater. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated by the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Council as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent.*

#### **CONTAMINATED LAND – ENVIRONMENTAL HEALTH (LUCX)**

30. All works are to be in accordance with the CLMP listed in Condition 1, unless otherwise amended by the process in Conditions 9 to 13 above. The CLMP must be prepared, implemented and reported in accordance with Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES: Soil') by an appropriately qualified and experienced professional.
31. An appropriately qualified and experienced contaminated land specialist must be engaged to oversee the earthworks in areas of potential contamination.
32. Works must cease in the vicinity of any contamination not previously identified and the Council must be advised immediately. Works can recommence once the unexpected discovery protocols noted in the section for 'Unexpected Discovery of Land Contamination' in the certified CLMP have been satisfied.

#### **ECOLOGY (LUC xx)**

33. The Consent Holder shall implement the Lizard Management Plan (LMP) listed in Condition 1, unless otherwise amended by the process in Conditions 9 to 13 above. The purpose of the LMP is to avoid, remedy or mitigate adverse effects on native lizards associated with vegetation and site clearance, as far as is reasonably practicable.

**Advice note:** *A permit under the Wildlife Act 1953 will be required from the Department of Conservation to enable lizard salvage to occur.*

34. Any amendments to the LMP listed in Condition 1 that may result in a materially different outcome or to address unforeseen adverse effects arising from construction must comply with Conditions 35 and 36.
35. The Requiring Authority must submit the updated or revised LMP to Council for certification in accordance with Conditions 9 to 13 as soon as practicable following identification of the need for an update as a result of a material change.
36. The LMP must address the following (as appropriate):
- a) Credentials and contact details of the ecologist/herpetologist who will implement the plan;
  - b) Timing of the implementation of the LMP.
  - c) A description of methodology for survey, salvaging and relocation of lizards rescued including but not limited to:
    - i. Salvage protocols;
    - ii. Relocation protocols (including method used to identify suitable relocation site(s));
    - iii. Diurnal capture protocols;
    - iv. Supervised habitat clearance/transfer protocols;
    - v. Artificial cover object protocols; and
    - vi. Opportunistic relocation protocols.
  - d) A description of the relocation site(s) (refer also Condition 38) including discussion of:
    - i. Provision for additional refugia, if required (e.g. depositing salvaged logs, wood or debris for newly released skinks that have been rescued);
    - ii. Any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc; and
    - iii. Any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
  - e) Monitoring methods, including but not limited to the following:
    - i. Ongoing surveys to evaluate translocation success pre- and post-translocation surveys for 3 years; and
    - ii. Monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control.
  - f) A post vegetation clearance for remaining lizards;
  - g) A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the LMP must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works; and
  - h) Upon completion of works, all findings resulting from the implementation of the LMP must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the Council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council.

37. At least 10 working days prior to the commencement of any construction activity, the consent holder shall submit a Habitat Restoration Plan (HRP) to Council for certification in accordance with Conditions 9 to 13.

**Advice Note:** *Riparian and coastal margins are defined by Chapter E26 (Infrastructure) and Chapter J (Definitions) of the AUP(OP).*

38. The purpose of the HRP is to detail the site specific lizard habitat restoration measures which addresses the impacts of the Eastern Busway Project (Package EB2) on lizard habitat as identified within the '*Eastern Busway: Ecological Impact Assessment report*'.
- a) The HRP should be developed in accordance with the conditions of the LMP (Condition 33), in order to ensure the habitat(s) that lizards are relocated to will support viable native lizard populations for all species present pre-development.
  - b) The HRP should include:
    - i. Identification of areas to be restored as lizard habitat to the quantum of 1.15 ha as identified in '*Eastern Busway: Ecological Impact Assessment report*';
    - ii. Detail of the restoration required at each site to replace and enhance lizard habitat including the planting design (including vegetation to be retained), and supplementary refuges;
    - iii. All plantings shall be demarcated and protected by fencing (where appropriate);
    - iv. A programme of establishment and post establishment protection and maintenance of plants (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, maintenance programme). All plantings shall be maintained for a minimum of the 3 years; and
    - v. Details of the proposed plant species, plant sourcing (locally EcoSourced native pioneer species that are adapted to the Auckland environment are preferred in the first instance), plant sizes at time of planting, plan of the planted area within the planting area required, density of planting, and timing of planting
39. The HRP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB2) being operational. If the weather in that planting season is unsuitable for planting, as determined by the Council, the landscaping must instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity must be agreed to by the Council.

#### **COASTAL PERMIT (CST xx)**

40. Prior to any works in the Coastal Marine Area (CMA) commencing, a final construction methodology should be included within the relevant SSERP required in accordance with Condition 15. Details to be provided should include, but should not be limited to timing, staging and sequencing of coastal works, and the erosion sediment control measures to be employed to mitigate the effects on the receiving environment

## **Advice Notes**

1. *Any reference to a number of days in this decision refers to working days as defined in section 2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the Council” refers to the Team Leader Compliance Monitoring – Southern or their delegated representative unless otherwise specified.*
3. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those required under the Building Act 2004 and the Heritage New Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable statutes (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant bylaws, and rules of law. This consent does not constitute a building consent approval. Please check whether a building consent is required under the Building Act.*
4. *An Accidental Discovery Protocol for areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014 shall be developed in consultation with mana whenua.*
5. *The Accidental Discovery Protocol for areas of the Project not covered by an Archaeological Authority granted under the Heritage New Zealand Pouhere Taonga Act 2014 shall be consistent with the Accidental Discovery rules (Chapter E11) of the Auckland Unitary Plan Operative in Part or any subsequent version.*