

**Before a Board of Inquiry
Northern Corridor Improvements Project**

Under the Resource Management Act 1991 ('the Act')

In the matter of a Board of Inquiry appointed under section 149J of the Act to consider notices of requirement for designations and resource consent applications by the New Zealand Transport Agency for the Northern Corridor Improvements Project

**Rebuttal evidence of Cedric Owen Burn for the New Zealand
Transport Agency (Planning - Designations)**

Dated 15 June 2017

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Table of contents

1	Qualifications and experience	2
2	Scope of evidence	2
3	Waste Management	3
5	Watercare Services Limited	8
6	Auckland Council	8
7	Auckland Transport	12
8	Alexandra Creek underpass	12
	Annexure A – Updated designation conditions	14

STATEMENT OF REBUTTAL EVIDENCE OF CEDRIC OWEN BURN FOR THE NEW ZEALAND TRANSPORT AGENCY

1 Qualifications and experience

- 1.1 My full name is Cedric Owen Burn. I am a director of Green Group Limited. I have the role of Planning Team Leader for the Northern Corridor Improvements Project ('**Project**') with oversight of the environmental assessments, assessment of alternatives as the design was finalised, the preparation of the Assessment of Environmental Effects ('**AEE**'), notices of requirement ('**NoRs**') and consent applications for the Project.
- 1.2 My qualifications and experience are set out in my Evidence in Chief ('**EIC**') dated 20 April 2017.
- 1.3 I repeat the confirmation that I provided in the EIC that I have read, and agree to comply with the Code of Conduct for Expert Witnesses 2014.
- 1.4 My rebuttal evidence relates to the NoR application lodged by the New Zealand Transport Agency ('**Transport Agency**') with the Environmental Protection Authority ('**EPA**') on 14 December 2016 for the Project.

2 Scope of evidence

- 2.1 In this rebuttal evidence, I address matters raised in the evidence of:
- a Andrea Brabant on behalf of Waste Management New Zealand Limited;
 - b Geoff Land on behalf of Kiwi Self Storage Ltd;
 - c Philip Mitchell on behalf of Watercare Services Limited;
 - d Jo Hart on behalf of Auckland Council;
 - e Alastair Lovell on behalf of Auckland Transport; and
 - f Stephen Brown and Maylene Barrett on behalf of Auckland Council, and Kathryn King on behalf of Auckland Transport in relation to the Alexandra Creek underpass.

- 2.2 The fact that this rebuttal statement does not respond to every matter raised in the evidence of submitter witnesses within my area of expertise should not be taken as acceptance of the matters raised.
- 2.3 I have not responded to Craig McGarr due to the fact that his report was only recently released.
- 2.4 A set of updated designation conditions is attached as **Annexure A** of this evidence.

3 Waste Management

- 3.1 As set out in **Mr Moore's** rebuttal evidence, following discussions with Waste Management New Zealand Limited ('**WMNZ**') it is possible to modify the design of the busway and SUP structure in the vicinity of WMNZ's site to avoid an impact on WMNZ's operations.¹ In order to mitigate the loss of the small area required for the bridge support, the Transport Agency has indicated that there is additional space underneath the bridge structure adjacent to Old Rosedale Road available for WMNZ's use. I note that this area is considerably larger than the area that would be lost to the bridge support structure. Discussions are continuing with WMNZ about these options.
- 3.2 I further note that the existing Transport Agency designation (D6750) already extends over part of the western part of the site at 123 Rosedale Road for an area of 250m² (see General Arrangement Sheet 5 at Volume 5 of the AEE). This land is currently used by WMNZ for the storage of bins but could be acquired by the Transport Agency under the Public Works Act 1981 if required for upgrade works even if the Project were not to proceed. The area of this portion of the site is also significantly larger than that which will be required for the bridge support structure described in **Mr Moore's** rebuttal.
- 3.3 As noted above, that discussions between WMNZ and the Transport Agency are continuing, including in relation to a temporary bin storage area during the construction period.

¹ Paragraphs 12.1-12.2 of Mr Moore's rebuttal evidence.

3.4 I note for completeness that I do not agree with Ms Brabant's assertions that:

- a The Rosedale Refuse Transfer Station ('RTS') is 'infrastructure' under the Auckland Unitary Plan (Operative in Part) ('AUP');²
- b The Project adversely affects 'infrastructure' so is contrary to the objectives and policies in the AUP;³
- c There is a shortage of industrial land suitable for relocating the RTS;⁴ and
- d The Project will result in reverse sensitivity effects for the RTS.⁵

3.5 With respect to (a) above, the AUP includes within Section J1.3 of its Definitions Chapter, nesting tables which define various activities. Table J1.3.3, Industry, identifies industrial activities to include WMNZ facilities including refuse transfer stations and recycling facilities. By comparison, Table J1.3.4, Infrastructure, includes activities identified as infrastructure including network utilities and roads but specifically does not include refuse transfer stations. Only municipal landfills are included within the definition of infrastructure in the AUP.

3.6 For this reason I do not agree with Ms Brabant's assertion the RTS facility must be considered to be 'Infrastructure' under the AUP. While I do not disagree with Ms Brabant as to the importance of the objectives and policies of the Regional Policy Statement that she identifies, I consider that in the context of the AUP these apply to the Project, (being infrastructure as defined under the AUP) rather the RTS which is an industrial activity.

3.7 Accordingly, I consider that Ms Brabant is incorrect in concluding that the RPS objectives and policies relating to infrastructure are relevant to consideration of the effects of the Project on the RTS.

² Paragraphs 6.7 – 6.12 of Ms Brabant's evidence.

³ Paragraphs 7.10 to 7.14 of Ms Brabant's evidence.

⁴ Paragraphs 6.15 to 6.20 of Ms Brabant's evidence.

⁵ Paragraphs 9.1 to 9.8 of Ms Brabant's evidence.

- 3.8 The RTS is located across two sites, being the complementary component functions of RTS and depot, located on 117 Rosedale Road, and 123 Rosedale Road respectively as described by Mr Kennedy.
- 3.9 Only 117 Rosedale Road, is zoned for industrial activity. There is at least a further 400 hectares of industrial land zoned, mainly in Albany and Wairau, excluding the area associated with the Watercare Waste Water Treatment Plant.
- 3.10 The utilisation of 123 Rosedale Road, which Mr Kennedy describes as the North Shore Truck and Bin Depot ('**Depot**') was established without resource consents. As I understand it, in his evidence Mr Kennedy considers this to be a permitted activity.
- 3.11 Under the AUP, 123 Rosedale Road has a General Business rather than an Industrial zoning so any future expansion of the RTS activity (as identified at paragraph 5.9 of Mr Kennedy's evidence) on this site would not be practical, in accordance with Ms Brabant's statement that the establishment of an RTS is limited to industrial zones.
- 3.12 I note that this arguably creates limitation to the expansion of the RTS at this location, as there are no sites contiguous to 117 Rosebank Road zoned for Light Industry, although this zone covers multiple sites at other locations on the North Shore.
- 3.13 I have addressed the matter of reverse sensitivity in my EIC but would like to make the following additional points.⁶
- 3.14 I agree with Ms Brabant that the provisions of the AUP favour the establishment of a RTS within the industrial zones.⁷ The RTS is defined as an industrial activity, but this does not provide for unchecked air quality effects. Ms Brabant states at paragraph 9.4 of her evidence that the current consent contains a standard odour condition preventing noxious or offensive air quality effects beyond the site boundary.
- 3.15 The General Business Zone also applies to the site at 121 Rosedale Road which abuts the RTS facility at 117 Rosedale Road. Chapter E14,

⁶ Paragraph 16.10-16.12 of my EIC.

⁷ Paragraph 6.19 of Ms Brabant's evidence.

Air Quality of the AUP tabulates at E14.4 the range of air quality areas that apply to the zones within the district. The High Air Quality - Dust and Odour Area applies to the General Business Zone. This zone also provides, for example, for the establishment of restaurants and outdoor dining, and for walking and cycling facilities as permitted activities. Clearly there can be no lesser expectation with respect to air quality for such activities within the General Business Zone than there will be for the SUP. I do not see that the SUP and its usage would generate a greater amenity expectation than the permitted activities that I have listed.

- 3.16 Ms Brabant suggests that a condition requiring screening along the boundary of the 123 and 117 Rosebank Road would assist in mitigating the potential reverse sensitivity effects by screening the RTS from views from the SUP. I concur with her suggestion and a suitable condition to this effect is included in the suite of amended designation conditions in **Annexure A** to my rebuttal evidence (see new proposed condition UDL.4 (e)(iv)). In addition to this, the plan at page 46 of the UDLF has been amended by the addition of a notation which requires the installation of a solid 2.0 m high wall on the edge of the SUP to eliminate views from the SUP into the WMNZ site (see Annexure A of **Mr Bray's** rebuttal evidence).

4 Kiwi Self Storage

- 4.1 Mr Land provides evidence and photo simulations intended to demonstrate the level of visibility from the existing SH1 motorway enjoyed by Kiwi Self Storage Limited (**KSS**) and how this might be reduced by the Project.
- 4.2 Mr Land fails to take account of the permitted baseline of effects that I have already addressed in my EIC. In my view, a permitted baseline should be applied in relation to the effects described by Mr Land. There are a number of elements that could be established within the motorway corridor, including the landscaping described in **Mr Bray's** evidence,⁸ which is permitted within the Strategic Transport Corridor Zone and certainly not fanciful in this context.

⁸ Paragraph 3.7 of Mr Bray's rebuttal evidence.

- 4.3 The Strategic Transport Corridor Zone provides for buildings up to 20m in height as a permitted activity pursuant to Rule H22.4.1(A1210) of the AUP where located at least 50m from a residential zone (which is the case for the section of SH1 abutting the KSS site).
- 4.4 Similarly, noise attenuation walls or fences up to a height of 3m are provided for as a permitted activity pursuant to Rule H22.4.1(A12) and Standard H22.6.4(2) of the AUP.
- 4.5 Further Rule H22.4.1(A14) and Rule H22.4.1(A16) provide for any other activity not listed but provided for within an adjoining zone as permitted activity and as a restricted discretionary respectively. I further note that the matters over which discretion is restricted as set out at H14.8.1(4) take no cognisance of matters of advertising and visibility relative to adjoining sites.
- 4.6 Thus, I consider that the extent of the Project works envelope will have no greater effect on the visibility of KSS site than buildings or structure permitted in the Strategic Transport Corridor (such as motorway signage gantries and noise walls) and Business-General Business zones.
- 4.7 The provisions of the AUP do not seek to protect visibility to the KSS site from the State highway. Moreover, the majority of the works proposed at this location are within the existing motorway designation and Strategic Transport Corridor Zone within the AUP.
- 4.8 In addition, structures such as safety barriers, large gantry structures containing directional signage and/or variable messaging signage may be established adjacent to the KSS facility within the existing State highway designation. In my experience the Transport Agency also frequently utilises planting within State highway designations to screen motorways from adjacent activities and commercial signage for the purpose of maintaining and enhancing amenity whilst providing for visibility of road signage and sight lines for vehicles. The Transport Agency could establish structures for the operation of the motorway or carry out amenity planting adjacent to the KSS site as permitted activities in accordance with the provisions for the Strategic Transport Corridor Zone of the AUP, or by way of the outline plan process under section 176A of the Act.

5 Watercare Services Limited

- 5.1 I agree with the amendments to the conditions agreed by Watercare and the Transport Agency, and included in the memorandum lodged with the EPA by Watercare on 14 June 2017. The agreed amendments are contained in the revised conditions contained in **Annexure A** of this evidence.

6 Auckland Council

- 6.1 Ms Hart suggests amendments to a number of the conditions relating to the designations. I have reviewed the rebuttal evidence of **Mr Bray**⁹ and **Mr Greenaway**¹⁰ which respond in detail to the suggested amendments to the conditions. I agree with their recommendations on the proposed amendments and new conditions proposed by Ms Hart and make the following additional comments, set out below.
- 6.2 Conditions IHF.1 and IHF.2 – design and construct a replacement hockey facility to the satisfaction of the Auckland Council, the Harbour Hockey Charitable Trust and the Upper Harbour Local Board prior to any Project works commencing. The list of matters to be provided under IHF.2 has been amended to align with the agreement reached with the Harbour Hockey Charitable Trust and is in line with the resource consent application lodged for the new facility. In addition, this condition has been reworded to delete reference to approval being required from Council, the Harbour Hockey Charitable Trust and the Upper Harbour Local Board for the design of the facility. I do not consider that it is consistent with sound resource management principles for a consent to require a third party approval in the manner suggested in Ms Hart's draft condition. I consider that the requirement to consult with the Harbour Hockey Charitable Trust, along with the list of facilities that must be constructed provides sufficient certainty that a replacement hockey facility will be provided.
- 6.3 Conditions UDL.4 and UDL.6A – these conditions have been amended to reflect **Mr Bray's** recommendation in relation to the fence along the WMNZ boundary and the Rook Reserve Reinstatement Plan.

⁹ Paragraphs 6.13-6.19 of Mr Bray's rebuttal evidence.

¹⁰ Paragraph 7.2 of Mr Greenaway's rebuttal evidence.

- 6.4 Condition SCP.1 to SCP.10 – the Stakeholder and Communications Plan conditions have also been included as designation conditions for the reasons set out in **Mr McGahan’s** evidence.¹¹ I agree with this approach.
- 6.5 **Mr Greenaway** states in his rebuttal evidence that the loss of the land earmarked for future sports fields will not adversely affect the ability to meet the demand for future sports fields in the area.¹² Based on **Mr Greenaway’s** evidence, I do not consider that Ms Hart’s suggested conditions CR1 and CR2 are necessary.
- 6.6 I note that in his rebuttal evidence, **Mr Bray** has commented on the matters set out in the additional condition SUP.1 suggested by Ms Hart.¹³ Based on **Mr Bray’s** evidence, these matters are adequately covered by proposed conditions UDL.1 and UDL 4 and the additional condition sought by Ms Hart is unnecessary.
- 6.7 I do not consider Ms Hart’s suggested additional condition AC.1 to provide a *carte blanche* s176 approval to Auckland Council (Healthy Waters) to access the designation appropriate or necessary. The National Code of Practice for Utility Operators’ Access to Transport Corridors (**‘the Code’**) applies to all transport corridor managers and utility operators throughout New Zealand. The implementation of the Code is the responsibility of the New Zealand Utilities Advisory Group (**‘NZUAG’**) of which the NZ Transport Agency, Auckland Transport, Watercare Services Ltd and many Councils are members.
- 6.8 The Code sets out mechanisms to gain access to transport corridors which are called Corridor Access Requests (**‘CARs’**). The objective of the CAR is the provision of a Works Access Permit (**‘WAP’**). To access the motorway, prior written approval must be obtained and each maintenance activity is treated as a separate application. Further, the Code states that there will be circumstances where urgent access to the motorway will be unable to be approved by the Transport Agency. There are also further limitations that are or may be imposed on access to motorways and access may be rejected.

¹¹ Paragraph 10.6 of Mr McGahan’s rebuttal evidence.

¹² Paragraph 6.9 of Mr Greenaway’s rebuttal evidence.

¹³ Paragraph 6.19 of Mr Bray’s rebuttal evidence.

- 6.9 The Auckland Motorway Alliance (**'AMA'**) manages the Auckland Motorway network on behalf of the Transport Agency and sets out its procedures relating to accepting and processing CARs, which it describes as a 'Network Access Application'. A successful CAR involves a Service Agreement that will include conditions relating to the access and work proposed, location and other matters considered relevant by the AMA. On this basis, the condition sought is at odds with the existing mechanisms that provide for access to the motorway.
- 6.10 In paragraph 10.20 of her evidence, Ms Hart notes that it is unclear which designation conditions apply to the individual NoRs for the SUP, busway and State highway. In my view, it is appropriate for all the designation conditions apply to each component of the Project. Of necessity the proposed designation conditions apply to the Project as a whole and the conditions have been framed on the assumption that the Project will be constructed and operated as an integrated transport network. While it may be theoretically possible, for example to remove the operational noise conditions from the SUP, given the manner in which the pre-construction elements of these conditions apply to the Project in its totality, this is not practical, nor do I consider that it is necessary.
- 6.11 At paragraph 11.3 of her evidence Ms Hart identifies a number of objectives and policies within the AUP that she considers are relevant to the Project but which have not been specifically detailed in the AEE or in evidence in chief. I address each of these objectives and policies in the order raised by Ms Hart.
- 6.12 Objective B3.2.1(7) relates to the National Grid. The definition of the National Grid in the AUP states that it relates to assets owned or operated by Transpower. The objective does not therefore relate to Vector's assets. Nevertheless, I agree with Ms Hart that the Project is consistent with this objective as the Project design has taken both the Vector and Transpower designations adjacent SH18 into account. Amendments to the condition relating to Transpower's 220kV line have been agreed with Transpower and have been incorporated into resource consent conditions NU.2 to NU.7 in Annexure A of **Mr McGahan's** evidence.

- 6.13 Objective B7.5.1(1) relates to air quality and I agree with Ms Hart that the Project is consistent with this objective. I also note that resource consent conditions DMP.1 to DMP.4 require the preparation of a dust management plan.
- 6.14 Objective E36.2.2 and Policy E36.3.4 relate to reducing natural hazards where practicable. This is a matter raised by Mr Turner in his evidence and is addressed in the rebuttal of **Mr McGahan**.¹⁴
- 6.15 Objective D9.2.2 and policy D9.3(8) relate to the enhancement of indigenous values of SEAs and the recognition that it is not always practicable in locating and designing infrastructure to avoid SEAs. I agree with Ms Hart that the Project is consistent with the objective and policy relating to SEAs.
- 6.16 Policy E11.3(3) relates to the potential cultural impacts of land disturbance. Again, I agree with Ms Hart's conclusion (paragraph 11.18) that the Project is consistent with this policy.
- 6.17 Ms Barrett makes a number of recommendations that have not been carried through to the conditions. These include:
- a A new SUP around Pond 2 as potential mitigation for the Project;¹⁵
 - b A new SUP link across SH18 between Bluebird Reserve and William Pickering Drive;¹⁶
 - c Work on the SUP connections to Unsworth Heights;¹⁷
 - d A missing connection to include a future proofed link from Greville Road interchange to future open space at the landfill;¹⁸ and
 - e Connections from the SH18 SUP to Cabello Place.¹⁹
- 6.18 Ms Barrett does not explain why she considers these connections are necessary to achieve the objectives of the Project, nor whether she

¹⁴ Paragraph 4.7 of Mr McGahan's rebuttal evidence.

¹⁵ Paragraph 7.51 of Ms Barrett's evidence.

¹⁶ Paragraph 7.53 of Ms Barrett's evidence.

¹⁷ Paragraph 7.57 of Ms Barrett's evidence.

¹⁸ Paragraph 7.58 of Ms Barrett's evidence.

¹⁹ Paragraph 7.59 of Ms Barrett's evidence.

considers they are necessary to mitigate adverse effects. In most cases Ms Barrett's recommendations seek works to be undertaken which are outside the scope of the Project. In my view her recommendations must be viewed as enhancements that are not necessary elements of the Project or required to mitigate its effects. Having said that, I do note that **Mr Moore** concludes that the Project does not foreclose the opportunity to provide these connections in the future.²⁰

7 Auckland Transport

7.1 Mr Lovell requests a number of new designation conditions and amendments to the existing conditions. **Mr McGahan** addresses amendments and new conditions relating to the resource consent conditions in Annexure A of his evidence. With regard to the designation conditions requested by Mr Lovell, I note that these have been the subject of preliminary discussions between the planning witnesses for the Transport Agency and for Auckland Transport. It has been agreed that a number of Mr Lovell's requested designation conditions may be better addressed in other Project specific arrangements made between the Agency and Auckland Transport and I anticipate that these matters will be the subject of further discussion and resolution at expert caucusing.

8 Alexandra Creek underpass

8.1 Mr Brown and Ms Barrett for Auckland Council and Ms King for Auckland Transport suggest that the Alexandra Creek underpass should be upgraded as a part of the Project.

8.2 **Mr Clark** has analysed both the existing use of the underpass and the projected use of the underpass once the Project is constructed. His analysis confirms that current usage is very low and that usage is not expected to increase significantly following the construction of the Project. Moreover **Mr Clark** notes it is not necessary to upgrade this underpass to reduce severance effects as the net effect of the Project will be to reduce these effects not increase them.²¹

²⁰ Paragraph 7.3 of Mr Moore's rebuttal evidence.

²¹ Paragraphs 3.4 and 3.5 of Mr Clark's rebuttal evidence

- 8.3 In terms of upgrading this underpass in order to provide a net benefit from the Project, **Mr Bray**, in his rebuttal evidence considers that while it may be desirable to upgrade this underpass to do so would not resolve CPTED issues with the paths which approach the underpass from the north and south and which are outside the Project footprint.²²
- 8.4 Based on the rebuttal evidence of **Messrs Clark and Bray**, I therefore do not consider that the upgrade of this underpass is necessary to mitigate any measurable adverse effects associated with the Project.

9 Conclusion

- 9.1 I concluded in my EIC that the Project is consistent with the relevant statutory policy framework and will have positive effects on the environment. I remain of this view. I consider that the matters raised in the evidence of submitters relevant to the designation have been appropriately addressed in evidence and that the amended conditions annexed to this statement will ensure that any adverse effects are appropriately avoided or mitigated.



Cedric Owen Burn

15 June 2017

²² Paragraph 6.8 of Mr Bray's rebuttal evidence.

Annexure A – Updated designation conditions NOR CONDITIONS

Changes lodged as part of evidence in chief (20 April 2017) shown in [blue tracked changes](#)

Changes lodged as part of rebuttal evidence (15 June 2017) shown in [red tracked changes](#)

General Conditions

DC.1 Except as modified by the conditions below, and subject to final design, the Northern Corridor Improvements Project ('**NCI Project**') shall be carried out in general accordance with the General Arrangements Sheets 1 – [2 \(Revised Albany Busway Bridge – Rev I\)](#) and [3 – 10 \(Consent Issue – Rev H250310-3PRE-3DES-DRG-0201-G\)](#).

[DC.2](#) Where there is inconsistency between the General Arrangements referred to in Condition DC.1 above and these conditions, these conditions shall prevail.

[DC.32](#) For the avoidance of doubt, none of these conditions prevent or apply to works required for the ongoing operation or maintenance of the NCI Project following construction such as changes to street furniture or signage over time. Depending on the nature of such works, outline plans or outline plan waivers may be required for such works.

[DC.43](#) The designation shall lapse if not given effect to within seven years from the date on which it is included in the Auckland Unitary Plan ('**AUP**').

[DC.54](#) As soon as practicable following completion of the construction of the NCI Project, the Requiring Authority shall give notice in accordance with Section 182 of the [Resource Management Act 1991](#) to the [Manager Regional and Local Planning, Auckland Council \(Manger Regional and Local Planning\)](#), for the removal of those parts of the designation that are not required for the long term operation, maintenance and mitigation of effects of the NCI Project [including from land within the Watercare Services Ltd Designations 9310 and 9311.](#)

[For the purpose of this condition as it relates to land within the Watercare Services Ltd Designations 9310 and 9311, the Requiring Authority shall remove the parts of its designation in general accordance with areas of land identified as 'Occupation During Construction' in the Aurecon Design Drawings:](#)

- [Auckland Northern Corridor Improvements SH1 and SH18 Land Requirement Plan #36, Drawing No. 250310-5DOC-1PRP-DRG-1855-A.](#)

[Any changes to the operational boundaries of the 'Land Required' and the 'Occupation during Construction' identified in Drawing No. 250310-5DOC-1PRP-DRG-1855-A shall be made following consultation with Watercare Services Limited prior to any such change being implemented.](#)

Traffic noise (operation) (ON)

- ON.1 For the purposes of conditions ON.2 to ON.14:
- a. BPO – means the Best Practicable Option;
 - b. Building-Modification Mitigation – has the same meaning as in NZS 6806:2010 *Acoustics – Road-traffic noise – New and altered roads*;
 - c. Habitable Space – has the same meaning as in NZS 6806;
 - d. Noise Assessment – Means the *Traffic Noise and Vibration Assessment Report* submitted with the NoR;
 - e. Noise Criteria Categories – means the groups of preference for sound levels established in accordance with NZS 6806 when determining the BPO for noise mitigation (i.e. Categories A, B and C);
 - f. NZS 6806 – means New Zealand Standard NZS 6806:2010 *Acoustics – Road-traffic noise – New and altered roads*;
 - g. P40 – means the [NZ](#) Transport Agency's NZTA *P40:2014 Specification for noise mitigation*;
 - h. PPFs – means only the premises and facilities identified in green, orange or red in the Noise Assessment; and
 - i. Structural Mitigation – has the same meaning as in NZS 6806.

Structural mitigation

- ON.2 The road-traffic noise mitigation measures identified as the 'Preferred Traffic Noise Mitigation' in Chapter 6 of the *Noise Assessment* must be implemented to achieve the Noise Criteria Categories indicated in the *Noise Assessment* (**Identified Categories**), where practicable and subject to conditions ON.3 to ON.14.
- ON.3 Prior to construction of the Project, a suitably qualified acoustics specialist must undertake the detailed design of the Structural Mitigation measures in the Noise Assessment (the 'Detailed Mitigation Options'), which, subject to Condition ON.4, must include at least:
- a. Noise barriers with location, length and height in general accordance with the Noise Assessment; and
 - b. Low-noise road surfaces with location in general accordance with the Noise Assessment.
- ON.4 If it is not practicable to implement a particular Structural Mitigation measure in the location or the length or height included in the Noise Assessment, a changed design can be included in the Detailed Mitigation Options if either:
- a. ~~T~~The changed design would result in the same Identified Category at all PPFs, and a suitably qualified person certifies to the [Council](#) (Team Leader [Northern Monitoring](#)) that the changed Structural Mitigation would be consistent with adopting the BPO in accordance with NZS 6806; or
 - b. ~~T~~The changed design would result in the Identified Category changing to a less stringent Category, e.g. from Category A to B or Category B to C at

any PPF, and the [Council \(Team Leader Northern Monitoring\)](#) confirms that the changed Structural Mitigation would be consistent with adopting the BPO in accordance with NZS 6806.

- ON.5 Prior to construction of the Project, a **Noise Mitigation Plan** prepared in accordance with [NZ Transport Agency's P40 Specification for Noise Mitigation 2014](#) must be provided to the [Council \(Team Leader Northern Monitoring\)](#).
- The purpose of the Noise Mitigation Plan is to confirm that the Detailed Mitigation Options meet the requirements of ON.2-ON.4. The Noise Mitigation Plan shall include confirmation that consultation has been undertaken with affected property owners for site specific design requirements and the implementation programme.
- ON.6 The Detailed Mitigation Options must be implemented prior to completion of construction of the Project.
- ON.7 Within twelve months of completion of construction of the Project, a post-construction review report written in accordance with [NZ Transport Agency P40 Specification for Noise Mitigation 2014](#) must be provided to the [Council \(Team Leader Northern Monitoring\)](#).
- [The review shall include field measurements at a minimum of six representative PPFs within the Project. Monitoring shall be in accordance with the requirements of NZS 6806:2010 "Acoustics – Road-traffic noise – New and altered roads".](#)
- ON.8 The Detailed Mitigation Options must be maintained so they retain their noise reduction performance as far as practicable.

Building-Modification Mitigation

- ON.9 Prior to construction of the [NCI](#) Project, a suitably qualified acoustics specialist must identify those PPFs which, following implementation of all the Detailed Mitigation Options, will receive noise levels above Noise Criteria Category B and where Building-Modification Mitigation might be required to achieve 40 dB $L_{Aeq(24h)}$ inside habitable spaces (**Category C Buildings**).
- ON.10 Prior to construction of the [NCI](#) Project in the vicinity of each Category C Building, the Requiring Authority must write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within twelve months of the date of the Requiring Authority's letter, the Requiring Authority must instruct a suitably qualified acoustics specialist to visit the building and assess the noise reduction performance of the existing building envelope.
- ON.11 For each Category C Building identified, the Requiring Authority is deemed to have complied with condition ON.10 if:
- The Requiring Authority's acoustics specialist has visited the building; or
 - The building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or
 - The building owner did not agree to entry within twelve months of the date of the Requiring Authority's letter sent in accordance with condition ON.10 (including where the owner did not respond within that period); or

- d. The building owner cannot, after reasonable enquiry, be found prior to completion of construction of the [NCI Project](#).

If any of (b) to (d) above apply to a Category C Building, the Requiring Authority is not required to implement Building-Modification Mitigation to that building.

- ON.12 Subject to condition ON.11, within six months of the assessment required by condition ON.10, the Requiring Authority must write to the owner of each Category C Building advising:
- a. If Building-Modification Mitigation is required to achieve 40 dB $L_{Aeq(24h)}$ inside habitable spaces; and
 - b. The proposal for Building-Modification Mitigation to the building, if required; and
 - c. That the owner has three months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than one option is available.
- ON.13 Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of a Category C Building, the mitigation must be implemented, including any third party authorisations required, in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.
- ON.14 Subject to condition ON.11, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with condition ON.13 if:
- a. The Requiring Authority has completed Building-Modification Mitigation to the building; or
 - b. An alternative agreement for mitigation is reached between the Requiring Authority and the building owner; or
 - c. The building owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within three months of the date of the Requiring Authority's letter sent in accordance with condition ON.12 (including where the owner did not respond within that period); or
 - d. The building owner cannot, after reasonable enquiry, be found prior to completion of construction of the [NCI Project](#).

Urban Design and Landscape

- UDL.1 The ~~Transport Agency~~ [Requiring Authority](#) shall submit an Urban Design and Landscape Plan (UDLP) to the Council ([Team Leader Northern Monitoring](#)) as part of the outline plan required under section 176A of the Resource Management Act 1991.
- UDL.2 The purpose of the UDLP is to outline:
- a. The methods and measures to avoid, remedy and mitigate adverse effects on landscape amenity during the construction phase of the [NCI Project](#);
 - b. The requirements for the [NCI Project](#)'s permanent landscape mitigation works; and
 - c. The maintenance and monitoring requirements.

- UDL.3 The UDLP shall be prepared in accordance with:
- a. The NZ Transport Agency's Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version; and
 - b. The NZ Transport Agency's P39 Standard Specification for Highway Landscape Treatments, 2013.
- UDL.4 The ~~Corridor Requirements~~ Outcomes Sought set out in ~~Chapter 5~~ Chapters 5 and 6 of the ~~draft~~ Urban Design and Landscape Framework ('UDLF') shall be given effect to through the UDLP in relation to the following matters:
- ~~a. Earthworks contouring including cut and fill batters, benching, and spoil disposal sites, median treatment and roadside treatment;~~
 - a.b. Architectural Urban design and landscape treatment of all major structures, including bridges, underpasses, retaining walls and noise walls and barriers;
 - b.e. Architectural Urban design and landscape treatment of the new structures at Constellation and Albany Bus Stations;
 - c.d. Integrated Landscape treatment of permanent stormwater management ponds, wetlands and swales; ~~and~~
 - d.e. Pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses; and-
 - e. Design and treatment options on or adjacent the following properties:
 - i. The western most residences at 60B Masons Road that overlook the proposed Albany Busway overbridge;
 - ii. Lots 25, 26, 27 and 28 in Colliston Rise, directly adjacent to the proposed retaining walls; ~~and~~
 - iii. 33, 35, 37, 39, 41B, 43, 45 and 47 Barbados Drive, directly adjacent to the proposed Paul Matthews Road overbridge- ~~and~~
 - iv. The solid 2m high wall on the edge of the SUP adjacent to the Waste Management Ltd facility at 117 and 123 Rosedale Road.
- UDL.5 The UDLP shall include mitigation planting in general accordance with the requirements of ~~Section 6~~ Sections 5 and 6 of the ~~draft~~ UDLF and shall include the following planting details:
- a. Identification of vegetation to be retained, protection measures, and planting to be established along cleared edges;
 - b. Proposed planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods;
 - c. The staging of planting in relation to the construction programme shall, as far as practicable, include provision for planting within each planting season following completion of works in each stage of the NCI Project and detailed specifications relating to (but not limited to) the following:
 - i. Weed control and clearance;
 - ii. Pest animal management;
 - iii. Ground preparation (topsoiling and decompaction);
 - iv. Mulching;

- v. Plant sourcing and planting, including hydroseeding and grassing; and
- vi. A maintenance regime including monitoring and reporting requirements, which is to apply for a minimum 2 year period following that planting being undertaken.

UDL.6 The UDLP shall include a Reserve Reinstatement Plan for the following reserves (or parts thereof) directly impacted by the construction works:

- a. Rook Reserve;
- b. Bluebird Reserve;
- c. Arrenway Reserve; and
- d. Meadowood Reserve.

UDL.6A The Reserve Reinstatement Plans shall be prepared in consultation with Auckland Council Parks and shall include the following details (as appropriate to the subject reserve):

- a. Removal of structures, plant and materials associated with construction;
- b. Replacement of boundary fences to the same or similar type to that removed;
- c. Reinstatement of grassed areas to a similar condition as existed prior to construction;
- d. Replacement of trees and other planting removed for construction on a one-for-one basis (or as otherwise agreed with Auckland Council Parks); and
- e. Details of way finding interpretation signage within and adjacent to the reserve.

UDL.6B In relation to the Rook Reserve Reinstatement Plan, the following shall be included:

- a. A level grassed area minimum dimensions of 30m by 20m suitable for informal ball games;
- b. A level concrete surface located adjacent to the stormwater pond with a single basketball hoop located at the opposite end of the surface to the ponds (noting that this surface will be used occasionally for the maintenance of the stormwater pond);
- c. Amenity and screen planting along the boundary of the reserve with State highway 18;
- d. A pathway connection between Rook Reserve and Wren Place (noting that part of this path will be used occasionally for maintenance of the stormwater pond);
- e. An appropriate pedestrian link showing dimensions and gradients between Wren Place and Alexander Stream underpass;
- f. Details of the proposed access around the stormwater pond for maintenance, including any additional necessary hard stand areas;
- g. Grassed slopes (where possible) at the upper levels of the reserve to allow passive surveillance from neighbouring residential properties (with scattered amenity trees); and
- h. All grassed areas are to have a slope of no more than 1:5 to allow for mowing.

ULD.6C In addition to the Reserve Reinstatement Plans above, the UDLP shall in relation to the Rosedale Closed Landfill provide boundary fencing, replace any trees and landscaping equivalent to those removed or affected by the construction of the retaining wall, provided that any landscaping does not compromise sightlines required for the new motorway and / or busway.

UDL.7 A draft of the UDLP shall be submitted to the Council Urban Design Advisory Panel for comment before finalisation and submission with any outline plan in accordance with Condition UDL.1.

UDL.86 All work shall be carried out in accordance with the UDLP.

UDL.97 For the purpose of staging works, the ~~Transport Agency~~ Requiring Authority may prepare staged or site specific UDLPs. The ~~Transport Agency~~ Requiring Authority shall consult with the Council (Team Leader Northern Monitoring) about the need and timing for any site-specific or staged UDLPs.

UDL.108 The ~~Transport Agency~~ Requiring Authority may submit amendments to the UDLP to the Council (~~Team Leader Northern Monitoring~~). Any works in accordance with the amended UDLP shall not commence until the process under section 176A of the Resource Management Act 1991 has been completed in relation to those aspects of the UDLP that are being amended.

UDL.119 The UDLPs shall be prepared in partnership with the NZ Transport Agency Central Northern Iwi Integration Group. This consultation shall commence at least 30 working days prior to submission of each UDLP to Council (~~Team Leader Northern Monitoring~~). Any comments and inputs received from the Central Northern Iwi Integration Group shall be clearly documented within the UDLP, along with a clear explanation of where any comments or suggestions have not been incorporated and the reasons why.

UDL.12 Any UDLP that includes land within the Watercare Services Ltd Designations 9310 and 9311 shall be prepared in consultation with Watercare Services Ltd.

Stakeholder and Communications Plan

SCP.1 At least two months prior to the commencement of construction works, the Requiring Authority shall submit a Stakeholder and Communications Plan ('SCP') to the Council (Team Leader Northern Monitoring).

SCP.2 The purpose of the SCP is to set out the procedures for communicating with the public and stakeholders throughout the construction period and the methods proposed to avoid, remedy or mitigate, as far as practicable, disruption to businesses and schools as a result of construction activities.

SCP.3 The SCP shall contain the following:

- a. Methods for informing the community of construction progress, including proposed hours of operation outside normal working hours and Project contact details;

b. Identification of key stakeholders such as community groups, business groups, residents organisations, Auckland Council, Watercare Services Limited, Ministry of Education, the IIG and the local boards;

c. The requirement to establish consultation processes involving:

- i. Briefings for key stakeholders (including emergency services, business associations, local boards and road user groups) at least quarterly, ahead of all major milestones or road closures;
- ii. Regular consultation events or information days, held as appropriate, to provide the opportunity for the community to have input into the NCI Project and construction impact strategies, and to also be informed in advance of upcoming works including closures and traffic management plans;
- iii. The establishment of a Charter in accordance with the IAP2 guidelines to guide the role, timings and structure of the consultation events and information days;
- iv. Notification of consultation events and information days to the public and community groups;
- v. A requirement to publish and circulate records of consultation events and information days; and
- vi. A requirement for the Requiring Authority to ensure that appropriate personnel attend both the stakeholder and community events to explain the NCI Project programme and staging, how the effects are proposed to be managed and to respond to any questions.
- vii. A requirement to produce a report summarising the main points arising from each consultation event, reporting on any social impacts of the Project, along with recommendations on the measures to mitigate those effects. The Requiring Authority shall ensure that a copy of the report is provided to the Council and to meeting attendees within 10 working days of the event.

d. Details of the Community Liaison Manager to be appointed by the Requiring Authority; and

e. Details of the proposed engagement with the community in order to foster good relationships and to provide opportunities for learning about the NCI Project.

SCP.4 The SCP shall include details of the measures to be implemented to avoid, remedy or mitigate, as far as reasonably practicable, disruption to businesses as a result of construction activities including:

- a. Measures to maximise opportunities for customer and service access to businesses that will be maintained during construction;
- b. Measures to mitigate potential severance and loss of business visibility issues by way-finding and supporting signage for pedestrian detours required during construction; and
- c. Other measures to assist businesses to maintain client/customer accessibility, including but not limited to client/customer information on temporary parking or parking options for access and delivery.

SCP.5 The Requiring Authority shall provide a draft SCP to the Council (Team Leader Northern Monitoring) for comment at least three months prior to the commencement of construction. The Requiring Authority shall consider any comments received from the Council (Team Leader Northern Monitoring) when finalising the SCP.

SCP.6 The Requiring Authority shall implement the SCP for the duration of the construction works and for six months following construction.

SCP.7 At all times during construction work, the Requiring Authority shall maintain a permanent register of any complaints received relating to the construction works.

SCP.8 The Requiring Authority shall respond to any complaint within 48 hours of the complaint, except where an immediate hazard is present, in which case the Requiring Authority shall use its best endeavours to respond within 2 hours.

SCP.9 The Requiring Authority shall also maintain a record of its responses and any remedial actions undertaken, such record to also contain the responses and actions taken.

SCP.10 This record (to be included in the register) shall be maintained on site and shall be made available to the Council (Team Leader Northern Monitoring), upon request. The Requiring Authority shall provide the Council (Team Leader Northern Monitoring) with a copy of the complaints register every month.

International Hockey Facility

IHF.1 Prior to any works commencing within any part of the North Harbour Hockey facility area, the Requiring Authority shall, in consultation with Harbour Hockey Charitable Trust, relocate the affected part of the North Harbour Hockey Facility in general accordance with condition IHF.2.

IHF.2 The Requiring Authority shall construct a new hockey facility on a like for like basis. Notwithstanding the above, the overall relocation of the North Harbour Hockey facility may be undertaken in a staged manner.

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