



14 October 2021

Environmental Protection Authority  
Private Bag 63002  
**Wellington**

Attention: Gen Hewett

By email: [gen.hewett@epa.govt.nz](mailto:gen.hewett@epa.govt.nz)

Dear Gen

**Papakura to Drury South State Highway 1 Improvements ("Project") – 168 Flanagan Road**

1. Further to our recent phone conversation, this letter relates to matters arising in respect of 168 Flanagan Road, one of the properties directly affected by the Project.
2. By way of background:
  - a. The Stage 1B1 works for which approvals have been sought include early works around the Drury Interchange that are necessary to enable KiwiRail to undertake works for electrification of the North Island Main Trunk (**NIMT**) railway, and ensure that subsequent Stage 1B1 works can be carried out without impacting the NIMT;
  - b. On the basis that the Panel's decision confirms the designation and grants the consents and is released by December 2021 (and assuming that all relevant consent conditions can be complied with) these early works are programmed to commence in February 2022;
  - c. The early works involve piling for bridge structures that will result in noise and vibration effects on the dwelling at 168 Flanagan Road, owned by a trust company of which Mr Arthur Anae is the sole director with the dwelling on the property currently leased to a residential tenant. This property had initially been identified as requiring full acquisition under the Public Works Act 1981 (**PWA**) and for that reason it was excluded from the noise and vibration effects assessment that accompanied the application lodged with the Panel<sup>1</sup>;
  - d. Indications from engagement with Mr Anae are that the PWA process will not be complete by the time the early works are scheduled to commence. In these circumstances, Waka Kotahi considers that it needs to provide further information to the Panel assessing the potential noise and vibration effects that the Project, particularly the early works, will have on 168 Flanagan Road;
  - e. Waka Kotahi understands from discussions with both the early works contractor and its acoustic expert, Siiri Wilkening, that 168 Flannagan Road is the only property likely to be affected by noise and vibration effects from the early works that are more than minor.
3. Waka Kotahi has now commissioned Ms Wilkening to urgently prepare a supplementary assessment of these effects that will include an assessment of the Best Practicable Option for mitigation of the effects. We expect to be able to provide that information on 15 October 2021, together with any additional information that may be required as a result.

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<sup>1</sup> For completeness, it is noted that following advice from LINZ in relation to PWA notices, a revised Land Requirement Plan reflecting a partial acquisition of the land has been prepared for the property to only reflect only the land required for the project, but this does not impact the matters that Waka Kotahi is raising with the Panel regarding this property.

4. Waka Kotahi has given consideration to what procedural steps might be required to ensure that Mr Anae and his occupiers have an adequate opportunity to review the additional assessment information and to provide comments to the Panel. While some engagement has occurred with Mr Anae to date in relation to the Project generally, the potential for noise and vibration effects on the property has not been discussed, for the reasons set out above. While Mr Anae and the occupier were invited by the Panel to comment on the Project, neither have done so, and Waka Kotahi acknowledges that they may potentially have commented, had they been aware of the full extent of potential effects on the property.
5. Following preparation of the supplementary assessment by Ms Wilkening, Waka Kotahi intends to engage directly with Mr Anae and the occupiers as appropriate, to discuss the potential effects and the mitigation measures that may be required to address those effects. In these circumstances, Waka Kotahi considers that it would be appropriate for the Panel to invite Mr Anae and the occupiers to provide further comment on the application.
6. Waka Kotahi would like to avoid delays in its application being processed, particularly given the need to commence early works. In these circumstances, Waka Kotahi respectfully requests that the additional time provided to Mr Anae and the occupier to comment on the application occur concurrently with the Panel's processing of the application.
7. Please let us know if you or the Panel have any queries regarding the matters set out in this letter.

Yours sincerely



**Evan Keating**

Principal Planner, Environmental Planning