



08 November 2021

Environmental Protection Authority
Private Bag 63002
Wellington

Attention: Gen Hewett

By email: gen.hewett@epa.govt.nz

Dear Gen

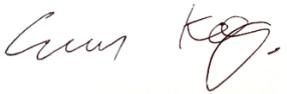
Waka Kotahi further response to Auckland Council comments on draft conditions in respect of LP15 Papakura to Drury South State Highway 1 Improvements Stage 1B1 application (the 'Project')

1. This letter provides feedback on Auckland Council's comments on the draft conditions circulated by the Panel in Minute 7, in respect of the Project. Waka Kotahi is providing this feedback to assist the Panel, particularly as the comments provided by Auckland Council (**'the Council'**) relate to conditions in the application as lodged, rather than the changes proposed by the Panel. In these circumstances, and to the extent it is helpful to the Panel, Waka Kotahi has set out its view on the Council's comments and its position on key matters raised by the Council.
2. In providing this feedback, Waka Kotahi has only commented on the Council's comments on the conditions. Waka Kotahi are not seeking to use this as an opportunity to respond to all comments received on the conditions, notwithstanding that it does not necessarily agree with, or support the comments made by other parties.
3. Waka Kotahi do not wish to comment on the detail of the changes to the conditions proposed but wish to record that it does not support the changes that Council has proposed to the conditions. Some of the comments on the conditions do not align with comments made by the Council in response to Minute 1 of the Panel, which has made it difficult to understand the Council's current position on the proposed conditions.
4. However, the following proposed amendments would cause significant delay and uncertainty to the Project:
 - a. **Removal of 'deemed certification'** – deemed certification is required because there may be circumstances where Council is unable to, or has not provided feedback within the necessary timeframes, and as a fast-track project, there is a need to ensure that in such circumstances, there is a mechanism within the consent conditions for the work to proceed, notwithstanding such delays. Furthermore, it is noted that other listed projects approved under the FTA (such as the P2P Project, and the Te Ara Tupua Project), included conditions that provided for a deemed certification process.
 - b. **Requirements for additional management plans to be certified** – the condition set has been drafted on the assumption that management plans may be required for some activities where the detail of how effects will be managed may be provided in future. Those which relate to resource consents have a requirement for certification while those which relate to designations and subsequent outline plan of works processes do not require this.

c. **Additional vibration condition** – the construction noise and vibration conditions have been agreed with the Council following an extensive pre-application process and the lodged conditions are supported by the Council's specialist as confirmed in the comments received. The changes suggested by the Council are therefore not considered necessary.

5. Waka Kotahi also note the extension of timeframe to issue the decision on the Project in Minute 8, circulated on 5 November and in providing this feedback, do not wish to delay the issue of the Panel's decision on the Project.
6. Please let us know if you have any queries regarding this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Evan Keating', is enclosed in a thin black rectangular border.

Evan Keating

Principal Planner, Environmental Planning