Decision following the hearing of an application for resource consent under the Resource Management Act 1991

Proposal

Eastern Busway Stage 3 Commercial (EB3C - RC):

To provide for a new busway between the Eastern Busway 3 Residential (EB3R) package and Guys Reserve, associated cycleway infrastructure and a new bus station at Burswood.

These resource consents are **GRANTED**. The reasons are set out below:

Application:	Resource Consents for Eastern Busway Stage 3 Commercial (EB3C)
Site Address:	254 Ti Rakau Drive, Pakuranga
Applicant:	Auckland Transport in conjunction with Eastern Busway Alliance
Hearing Commenced:	13 May 2024, 9:30am
Hearing Panel:	Sarah Shaw (Chairperson) Ian Munro Matthew Byrne
Appearances:	For the Applicant: Sarah Mitchell, Felicity Wach and Liam Stevens - Legal Murray Burt - Corporate Thomas Willets – Project Overview Simon Jones – Design Sonja Lister – Consultation and Engagement Jarrod Snowsill – Options Assessment Christopher Bentley – Urban Design / Natural Character / Landscape / Visual Andrew Gibbard – Construction Methodology Shane Doran – Construction Traffic / Transport Planning and Operations Claire Drewery – Noise and Vibration Campbell Stewart – Erosion and Sediment Control Tracy Freeman – Air Quality Paul May and Conrad Kuhn – Stormwater Dr Sharon De Luca – Marine Ecology Dr Lee Shapiro – Coastal Avifauna Derek Todd – Coastal Processes Fiona Davies and Dr Morgan Witton - Freshwater and Terrestrial Ecology Arden Cruickshank - Archaeology Terry Widdowson – Contaminated Land Anthony Hart – Open Space

	Katelyn Symington – Social Impacts Timothy Hegarty – Planning (Effects and Statutory Assessment) Lydia Smith – Planning (Conditions) <u>For the Submitters:</u> Terry McMillan: - Terry McMillan and Emma McMillan Enid Wardle and the Wardle Family: - Enid Wardle Lim Chhour Ltd and Lim Chhour Supermarket 2013 Ltd: - Peter Smith, Legal - Vann Neang Mao, Corporate <u>For the Howick Local Board:</u> Damian Light, Chairperson <u>For Council:</u> Warwick Pascoe, Principal Project Lead Celia Wong, Senior Planner Claire Webb, Consultant Ecologist Dr Arsini Hanna, Senior Specialist - Stormwater and Industrial & Trade Activities Maria Baring, Development Engineer Samantha Langdon, Specialist - Earth & Stream Works Dr Kala Sivaguru, Senior Specialist - Coastal Fiona Rudsits, Senior Specialist - Contamination Pat Shorten, Consultant Groundwater Engineer Myfanwy Eaves, Senior Specialist - Archaeology Rob Pryor, Consultant Landscape Architect Regine Leung, Senior Specialist - Arboriculture Marie Meredith, Specialist – Air Quality Tylo Schuster, Hearings Advisor Patrice Baillargeon, Senior Hearings Advisor
Hearing adjourned	2 July 2024
Commissioners' site visit	28 April 2024
Hearing Closed:	1 August 2024

Eastern Busway – EB3C and EB4L
Recommendations and Decisions of the Hearing Panel

Introduction

1. This report of recommendations and decisions relates to the Notices of Requirement (**"NOR"**) for Eastern Busway Stage 3C (**"EB3C"**) and Stage 4L (**"EB4L"**) and applications for resource consent (**"RC"**) for EB3C and EB4L by the Requiring Authority and Applicant, Auckland Transport (**"AT"**). Where the NORs and the two applications for resource consent are referred to collectively in this report, they are referred to as "the Applications" or "the Project".

2. This recommendation and these decisions are made on behalf of Auckland Council ("**the Council**") by Independent Hearing Commissioners Sarah Shaw (Chairperson), Ian Munro and Matthew Byrne ("**the Panel**"), appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 ("**RMA**"). The RMA's requirements and the Panel's Council delegations allow us to make a decision on the resource consent applications, but only recommendations on the NOR applications. As the Requiring Authority, AT will make its own decision on the NORs once it has considered our recommendations.

3. This report contains the findings from the Panel's deliberations on the Applications and has been prepared in accordance with sections 171 (for the NORs) and 104 and 113 (for the RCs) of the RMA. The Panel have indicated throughout this report where we are separately discussing:

    - EB3C NOR;
    - EB3C RC;
    - EB4L NOR;
    - EB4L RC; or
    - The Applications collectively.

4. Section 113(3) of the RMA states that our report may instead of repeating material adopt all or part or cross-refer to the assessment of environment effects ("**the AEE**") provided by AT, or the combined report prepared for the Council by Peter Reaburn (Planning Consultant – Notices of Requirement) (for EB3C NOR and EB4L NOR) and Celia Wong (Senior Planner – Resource Consents) (for EB3C RC and EB4L RC) under section 42A of the RMA ("**the s42A report**") for the hearing.

5. The Panel have indicated in our report where we have adopted information or summaries from the AEE or from the s42A report.

Context: Eastern Busway Project

6. The Applications form part of the wider Eastern Busway Project (**"Eastern Busway"**), a package of works focusing on promoting an integrated, multi-modal transport system to support population and economic growth in south-east Auckland. The Eastern Busway involves the provision of a greater number of improved public transport choices and aims to enhance the safety, quality and attractiveness of public transport, and walking and cycling environments, and proposes:

- 5km of two-lane busway;
- A "flyover" over Reeves Road connecting Pakuranga Road with the South-Eastern Highway (**"SEART"**);
- A new bridge for buses across Pakuranga Creek;
- Improved active mode infrastructure (walking and cycling) along the length of the busway;
- Three intermediate bus stations; and
- Two major interchange bus stations.

7. Figure 1 below (from the AEE) shows the extent of the wider project from Pakuranga to Botany:

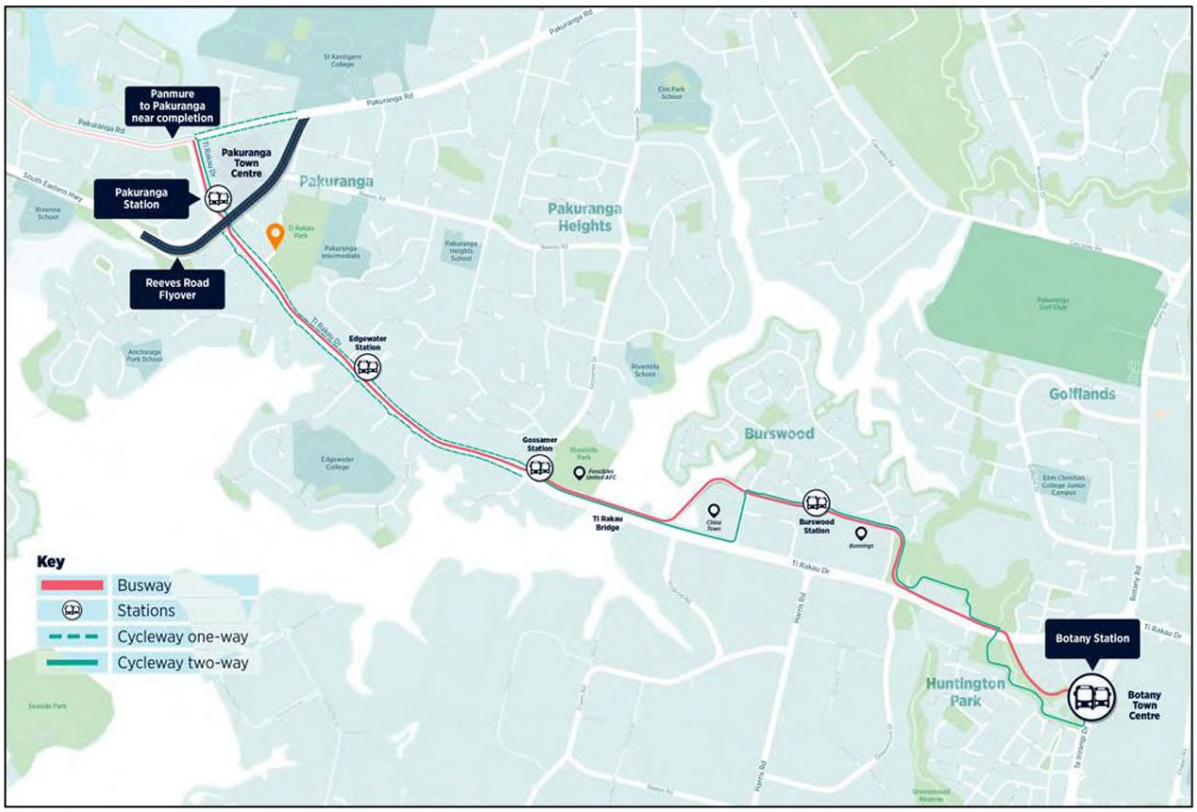


Figure 1: Eastern Busway route from Pakuranga to Botany

8. Stage 1 of the Eastern Busway ("**EB1**") is complete and the busway is operational between Panmure Station and Pakuranga town centre.

9. The Notices of Requirement and resource consents for Stage 2 ("**EB2**") (including the Reeves Road Flyover – now known formally as Rā hihi - and Pakuranga Bus Station) and Stage 3 Residential ("**EB3R**") (along Tī Rākau Drive from Pakuranga Town Centre to Pakuranga Creek) were heard together in May 2023 by independent commissioners appointed by the Council. Recommendations to accept the NORs and decisions to grant the RCs were made in September 2023. Construction of EB2 and EB3R has commenced.

10. The aspects of the Eastern Busway remaining to be designated, consented and constructed are:

- Stage 3 Commercial (EB3C): Pakuranga Creek to Guys Reserve, including two new bridges, a bus route through Burswood, and a new station at Burswood.

- Stage 4 Interim (EB4i): Road corridor works in the vicinity of the Tī Rākau Drive/Te Irirangi Drive intersection and the existing Botany Town Centre bus station.

- Stage 4 Link (EB4L): Guys Reserve to a new bus station in the Botany Town Centre, including a link road through Guys Reserve.

11. EB4i works will be undertaken within the current road corridor as permitted activities and therefore do not form part of the Applications.

12. EB3C and EB4L are the stages of the Eastern Busway which are the subject of the Applications and this hearing and report.

13. AT has worked in conjunction with its delivery partner, Eastern Busway Alliance, in preparation of the applications for the NORs and resource consents.

Lodgement, Notification and Submissions

14. The s42A report records that the Applications were all lodged with the Council on 29 September 2023, and all publicly notified on 8 December 2023 at the request of AT, with submissions closing on 30 January 2024. The total number of submissions received was: 21 on EB3C NOR, 6 on EB3C RC, 12 on EB4L NOR, and 2 on EB4L RC.

15. The submitters and which of the Applications those submissions addressed (sourced from the s42A report) are listed in Table 1 below where "O" denotes opposition, "OIP" denotes opposition in part, "S" marks support, "SIP" denotes support in part, "N" denotes a neutral submission, and "N/A" denotes decision not specified:

Table 1: Submitters

Submitter	**EB3C NOR**	**EB3C RC**	**EB4L NOR**	**EB4L RC**
Abhishek ([redacted])	S		S	
Stanley Heber and Cynthia Stanley ([redacted])	O	O		
Sail Al-Malaika ([redacted])	O	O	O	O
Argosy Property No. 1 Ltd (320 Tī Rākau Drive)	OIP			
PSPIB/CPPIB Waiheke Inc ("**Waiheke Inc**") (Botany Town Centre)	SIP		OIP	
Z Energy Ltd (284 Tī Rākau Drive)	OIP			
Z Energy Ltd (550 Te Irirangi Drive)			OIP	
Terry McMillan ([redacted])	O	O		
Enid Wardle and the Wardle Family ([redacted]) ("**Enid Wardle**")	O	O		
Body Corporate 333345 (28 Torrens Road) ("**Torrens Road Body Corporate**")	O			
Seafood Harbour (Botany) Ltd (Chinatown Shop 5)	N			
Lee Hong BBQ (Zhi Feng Ltd) (Chinatown Shop 15)	S			
PJG2 Limited (Chinatown Shop 10)	N / S			
Lim Chhour Limited (Chinatown)	S			
Lim Chhour Supermarket 2013 Limited (Chinatown)	S			
Truong Nguyen ([redacted])	S			
Mobil Oil New Zealand Ltd (242 Tī Rākau Drive)	O			
Bunnings Ltd (320 Tī Rākau Drive)	SIP			
Watercare Services Ltd	N		N	
Kāinga Ora - Homes and Communities ("**Kāinga Ora**")	N		N	
Heritage New Zealand Pouhere Taonga	SIP	S	SIP	
Transpower New Zealand Ltd ("Transpower")	N	N	N	N
Wei Hou			N/A	
Ramez Rowhani (13 Cottesmore Place)			O	
Huntington Estate (47A Huntington Drive: 36 units)			O	
Foodstuffs North Island (501 Tī Rākau Drive and 588 Chapel Road - Botany Town Centre) (Pak 'n Save and New World)			S	
Total submissions:	**21**	**6**	**12**	**2**

16. The submissions are summarised at pages 37 to 46 of the s42A report.

17. In broad summary, submissions addressed the following issues with respect to effects during construction and effects following completion:

- Benefits of the Eastern Busway
- Alternative sites, routes and methods
- For residents:
  i. Residential amenity
  ii. Traffic, parking, & pedestrians
  iii. Safety and security
  iv. Land acquisition
- For businesses:
  i. Safe, visible and unrestricted ingress and egress to businesses on Tī Rākau Drive (including Chinatown), Burswood Drive, and Botany Town Centre
  ii. Parking, manoeuvring, and access for deliveries and loading
  iii. Economic and trading effects
  iv. Fencing and security
  v. Land acquisition
- Noise and vibration
- Dust, litter and pollution
- Lighting
- Location of bus stations and cycle connections
- Urban design, landscape and planting
- Vegetation removal
- Historic heritage
- Open space
- Stormwater and flooding
- Infrastructure assets and operations
- Management plan consultation
- Complaints handling

Summary of the Applications, proposals and activity status

EB3C NOR

18. EB3C is proposed to continue the Eastern Busway from the termination of the previously designated and consented EB3R package at Riverhills Park, and involves the construction of a dedicated two-lane busway and segregated two-lane cycleway from Riverhills Park to Guys Reserve, Tī Rākau Drive.

19. Figure 2 below (from the AEE) shows the EB3C route, with blue depicting permanent designation and orange depicting temporary designation (although there will be some permanent features in some of the orange areas, in relation to the cycleway in particular).

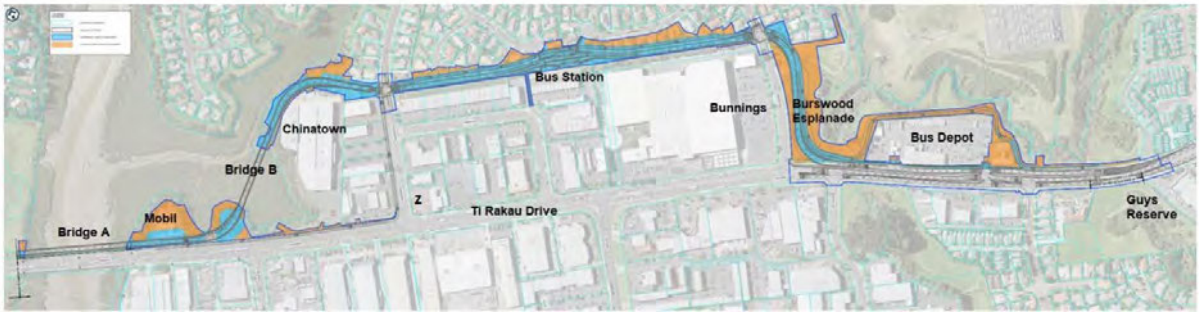


Figure 2: EB3C route

20. Two bridges are proposed to take the busway and cycleway across Pakuranga Creek:[1]

- Tī Rākau (formerly Bridge A), to be constructed adjacent to the existing Pakuranga Creek traffic and pedestrian bridge.

- Taupaepae (formerly Bridge B), a bridge and embankment striking out across the estuary behind the commercial site known as Chinatown.

21. From Chinatown, the busway and shared (cycleway and pedestrian) path loops between the industrial area and adjoining residential area in Burswood via Pōhatu Station, a new two-bay intermediate bus station. A pedestrian accessway from Torrens Road will connect Tī Rākau Drive north to Pōhatu Station, and pedestrian and cycle access will connect Burswood residential area to the active path and Pōhatu Station from Dulwich Place and Heathridge Place.

22. The busway and cycleway then join Burswood Drive East before turning onto Tī Rākau Drive, where the cycleway separates from the busway for a section – with the cycleway crossing Burswood Esplanade Reserve to loop behind the Howick and Eastern bus depot at 380 Tī Rākau Drive – where the busway and cycleway merge again before crossing Tī Rākau Drive to a terminus point adjacent to Guys Reserve.

23. Construction support areas, short-term satellite yards, relocation of existing utility services, the provision of new or upgraded stormwater infrastructure and open space upgrades are proposed. Stormwater works will involve new outfalls discharging to Pakuranga Creek (and its tributaries) and rain gardens.

EB3C RC

24. AT sought regional resource consents required in accordance with the Auckland Unitary Plan: Operative in Part ("**AUP:OP**")[2], National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**"NES-CS"**) and National Environmental Standards for Freshwater (**"NES-F"**).

[1] As the bridges cross the CMA they are not part of the (land-based) NoR, but are described as part of the NOR route.
[2] Resource consent for district land use activities has not been sought as those activities will be authorised by the NoR.

25. The aspects of EB3C which trigger the requirement for resource consent and the relevant activity status are summarised in the s42A report at pages 25 to 29.

26. In summary, resource consent was sought for the following activities and activity statuses, derived from the s42A report. (RDA denotes restricted discretionary activity, DA denotes discretionary activity, and NCA denotes non-complying activity):

Table 2: EB3C RCs

AUP:OP		
Land use consent	Vegetation clearance	RDA
	Earthworks	RDA
Coastal permit	Reclamation	NCA
	Mangrove removal	NCA
	Temporary piles	RDA
	Temporary structures	NCA
	Stormwater structures	DA
Streamworks consent	Stormwater outfalls	DA
Discharge permit	Land disturbance	DA
NES-CS	Contaminated land	DA
NES-F	Vegetation clearance	DA
	Earthworks	DA

27. Overall, the activity status of the EB3C RC applications is **non-complying**.

EB4L NOR

28. EB4L is proposed to continue the EB3C busway and cycleway route from Guys Reserve to the Botany Town Centre, bypassing the Tī Rākau Drive / Te Irirangi Drive intersection.

29. Figure 3 below (from the AEE) shows the EB4L route, with blue depicting permanent designation and yellow depicting temporary designation (although, as for EB3C, there will be some permanent features in some parts of the yellow areas, including a proposed shared path on the eastern side of Guys Reserve). Purple depicts an unformed legal (“paper”) road:

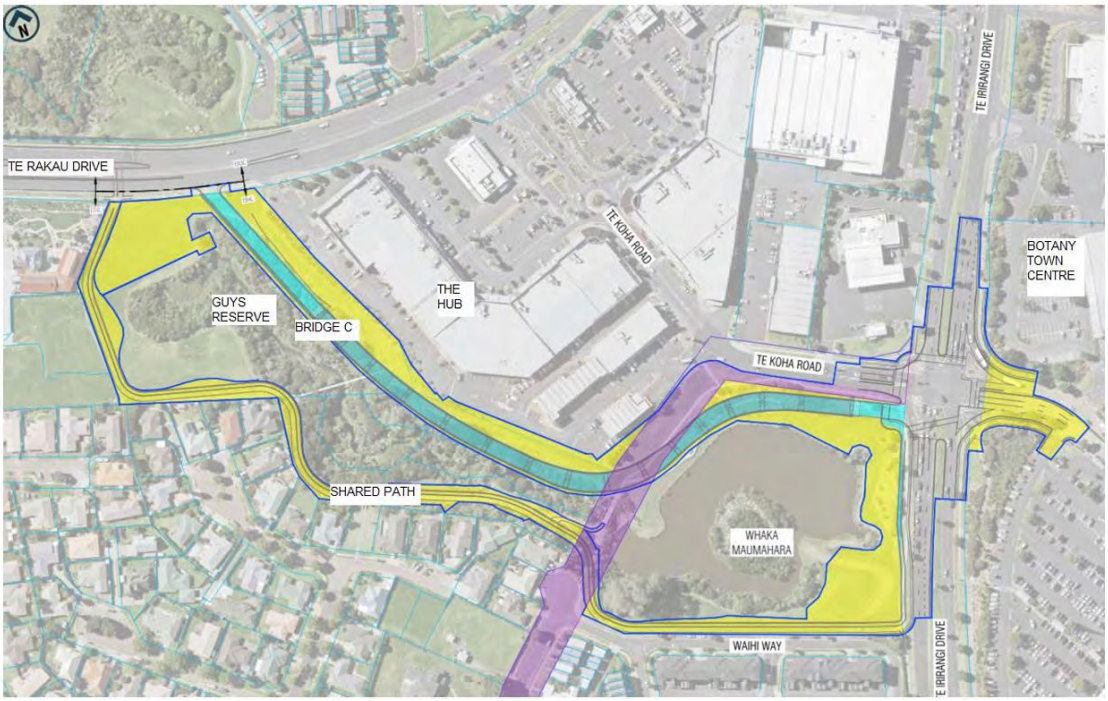


Figure 3: EB4L route

30. A 350m long cross-land bridge (Bridge C) is proposed for the busway within Guys Reserve and Whaka Maumahara adjacent to The Hub retail park. The existing shared path (cycleway and pedestrian path) through the reserve is proposed to be relocated to the Huntington Park side of the reserve.

31. A new stormwater outfall within Guys Reserve will discharge stormwater into a tributary of Pakuranga Creek, and a new stormwater connection in Whaka Maumahara Reserve will discharge into the existing stormwater pond within the Reserve.

32. Construction laydown areas will be established within Guys Reserve and in Whaka Maumahara Reserve. Construction access will also be gained from Te Koha Road beside the VTNZ site at 451 Tī Rākau Drive.

EB4L RC

33. AT sought regional resource consents required in accordance with the AUP:OP, NES-CS and NES-FW.

34. The aspects of EB4L which trigger the requirement for resource consent and the relevant activity status are summarised in the s42A report at pages 30 to 31.

35. In summary, resource consent was sought for the following activities and activity statuses, derived from the s42A report. (In addition to RDA, DA and NCA, CA denotes controlled activity):

Table 3: EB4L RCs

AUP:OP		
Land use consent	Vegetation clearance	RDA
	Earthworks	CA
Discharge permit	Land disturbance	DA
NES-CS	Contaminated land	DA
NES-FW	Vegetation clearance	DA
	Earthworks	DA

36. Overall, the activity status of the EB3C RC applications is **discretionary**.

Procedural matters

37. We undertook our site visit on Sunday 28 April 2024, on foot and by car – following the EB3C and EB4L routes from Riverhills Park eastward to Guys Reserve / Whaka Maumahara Reserve.

38. The hearing for the Applications was held in two parts. The initial hearing days took place on 13 to 15 May 2024. The Panel then adjourned the hearing for additional evidence from AT (and response from the Council and any submitters), with respect to EB3C RC, on any alternative sites, routes, locations or methods of undertaking the EB3C works that would "avoid" reclamation and the practicability of those options. The Panel then reconvened the hearing on 2 July 2024. After consideration of AT's reply the hearing was closed on 1 August 2024.

39. The combined scale of the NOR and RC applications documentation, submitter material, and expert evidence, is collectively significant. Having carefully considered each of the matters set out in section 37A of the RMA, the Panel resolved under section 37 to double the statutory timeframe within which our decision must be given under section 115 of the RMA. The principal reason for this was that the Panel required additional time to properly evaluate the merits of each aspect of the Applications, and their overall interactions with one another.

Relevant statutory provisions considered

EB3C and EB4L NORs

40. AT is a Requiring Authority in terms of s166 of the Act. Pursuant to section 168 of the RMA, AT lodged the EB3C and EB4L NORs for designations in the AUP:OP for a public work, being the construction, operation, and maintenance of the Eastern Busway Stages 3C and 4L on land between Riverhills Park, Pakuranga, and Guys Reserve, Botany (Stage 3C) and between Guys Reserve and Te Irirangi Drive, Botany (Stage 4L) as per Figures 4 and 5:

Figure 4: EB3C Land Requirement Plan

Figure 5: EB4L Land Requirement Plan

41. Section 171 of the Act sets out the matters to which a territorial authority must have regard when considering a requirement and any submissions received, and in making its recommendations to the requiring authority.

42. Section 171(1) requires:

> *(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -*
> *(a) any relevant provisions of -*
> *(i) a national policy statement:*
> *(ii) a New Zealand coastal policy statement:*
> *(iii) a regional policy statement or proposed regional policy statement:*
> *(iv) a plan or proposed plan; and*
> *(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
> *(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

EB3C and EB4L RC

43. As required, we have considered the resource consent applications in terms of sections 104, 105 and 107 of the RMA. For EB3C RC, a non-complying activity, we have also considered section 104D.

44. Section 104 sets out the matters to which we must have regard, subject to Part 2 of the Act, when considering the applications and submissions received. These matters include:

- Any actual and potential effects on the environment of allowing the activity;
- Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;
- Any relevant provisions of:
  - a national environmental standard
  - other regulations
  - a national policy statement
  - a New Zealand coastal policy statement
  - a regional policy statement or proposed regional policy statement
  - a plan or proposed plan
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

45. Section 104D (known as the “gateway test”) states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment (other than any effect on a person who has given written approval to the application) will be minor; or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan and/or proposed plan.

46. Sections 105 and 107 address certain matters (in addition to the matters in s104(1)), relating to discharge permits and coastal permits where the proposal would otherwise contravene sections 15, 15A or 15B of the RMA (discharges of contaminants and

harmful substances). We note that the RCs include discretionary activity consent for land disturbance within likely contaminated sites.[3]

47. Section 105 requires us to have regard to, in addition to section 104:

- The nature of the discharge and the sensitivity of the receiving environment to adverse effects
- The applicant's reasons for the proposed choice; and
- Any possible alternative methods of discharge, including discharge into any other receiving environment.

48. Section 107 precludes the grant of consent (except in certain circumstances) for the discharge of a contaminant or water into water or discharge of a contaminant onto or into land in circumstances which may result in contaminants entering water if, after reasonable mixing, the discharge is likely to give rise to the following effects in the receiving waters:

- The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- Any conspicuous change in the colour or visual clarity;
- Any emission of objectionable odour;
- The rendering of fresh water unsuitable for consumption by farm animals; or
- Any significant adverse effects on aquatic life.

Relevant standards, policy statements and plan provisions considered

49. In accordance with section 104(1)(b)(i)-(vi) and section 171(1) of the RMA, we have had regard to the relevant policy statements, standards and plan provisions of the following documents:

- New Zealand Coastal Policy Statement 2010 ("**NZCPS**")
- National Policy Statement on Urban Development ("**NPS-UD**")
- National Policy Statement on Freshwater Management ("**NPS-FM**")
- National Policy Statement – Electricity Transmission ("**NPS-ET**")
- National Environment Standard for Freshwater ("**NES-F**")
- National Environment Standard Assessing and Managing Contaminants in Soil to Protect Human Health ("**NES-CS**")
- AUP:OP - Regional Policy Statement ("**RPS**")
- AUP:OP – District Plan provisions.

50. We also considered the following "other matters" to be relevant and reasonably necessary to determine the application in accordance with sections 104(1)(c) and 171(1)(d) of the RMA:

[3] EB3C: 242 Tī Rākau Drive and 386 Tī Rākau Drive, which are occupied by service stations. EB4L: 550 Ti Irirangi Drive is occupied by a service station, while 21/451 Tī Rākau Drive, 22/451 Tī Rākau Drive, and 24/451 Tī Rākau Drive are occupied by vehicle repair / vehicle testing facilities.

- Distinct from the legal concept of the existing environment, growth in south-east Auckland and the associated predicted future traffic environment; and
- The effects of a reduction in the discharge of greenhouse gases.

Submitters

51. No written approvals were provided with the Applications.

52. One submission lodged – Watercare - was subsequently withdrawn.

53. Those submitters who tabled statements or presented at the hearing are recorded on the cover page for each NOR recommendation and each RC decision.

Local Board comments

54. Comments were received on the Applications from the Howick Local Board. The Local Board continues to support the Eastern Busway project as critical transport infrastructure for East Auckland, noting the significant potential benefits to public transport, private vehicles, walking and cycling; with specific issues and concerns summarised as follows:

EB3C

- The Local Board does not support the EB3C route over the estuary and via the Burwood residential community due to:

  i. Community impact, property acquisitions, routing public transport off the main arterial route

  ii. Land buffer between the Burswood residential and business zones not part of the designation

  iii. Potential negative ecological/environmental impact on the CMA of reclamation for the bridge structures

- Traffic effects including priority to buses over general traffic, traffic flow on Burswood Drive and Tī Rākau Drive, and safety improvements for the Huntington Drive and Tī Rākau Drive intersection.

- Request all reasonable steps taken to mitigate noise and vibration effects on the community and businesses during construction and operation.

EB4L

- The Local Board supports the proposed route on the basis that there is no acquisition or impact on private land and minimal long-term impact on public reserves through the use of a raised bridge.

- The location and delivery of the Botany station is a critical component that will significantly impact the success of the project.

- Request all reasonable steps taken to mitigate noise and vibration effects on the community and businesses during construction and operation.

55. The Local Board chairperson Damian Light presented at the hearing.

56. The hearing panel have taken the views of the Local Board into consideration.

Summary of s42A reporting

57. The Council's reporting planners Mr Reaburn for the NORs and Ms Wong for the RCs, with input from the Council's technical specialists:

- Jointly prepared the s42A report (dated 4 April 2024) addressing all of the Applications. The s42A report assessed the relevant statutory requirements, responded to the submissions, and assessed the environmental effects, with input from a number of technical specialists (listed on the cover page for each NOR and each RC).

- Each prepared an Addendum to the s42A report (dated 6 May 2024) in advance of the hearing to indicate where any issues had been narrowed by AT or submitter evidence on the NORs and RCs respectively.

- Jointly prepared a further Addendum to the s42A report (dated 24 June 2024) in advance of the reconvened hearing to address AT and submitter additional evidence with respect to EB3C extent of reclamation.

- Each prepared closing comments (dated 1 July 2024) at the conclusion of the hearing, prior to AT's reply, on the NORs and RCs.

NORs

58. In the April s42A report Mr Reaburn's recommendation was that the NoRs were capable of being recommended to be confirmed, subject to further consideration of matters raised by Council specialists and amendments to conditions. Mr Reaburn considered that all matters (other than the displacement of the Mobil site in Tī Rākau Drive, fundamental to the EB3C route) were capable of resolution including:

- Matters relating noise and vibration effects (particularly operational noise in the Burswood section of EB3C); and

- Urban design issues in respect of the footprint of the EB3C designation at the Burswood Section and the shared path at Guys Reserve in EB4L.

59. In the May Addendum to the s42A report Mr Reaburn maintained his view that the NORs could be recommended to be confirmed subject to amendments to conditions,

including matters relating to urban design, transport, and noise and vibration (particularly operational noise in the Burswood section of EB3C).

60. In the June Addendum to the s42A report Mr Reaburn considered that the sole issue to be resolved with respect to EB3C extent of reclamation was to determine appropriate mitigation of effects on landward historic heritage which primarily falls for consideration under the EB3C NOR.

61. In his July closing comments Mr Reaburn noted that noise conditions, transport conditions and urban design conditions were understood to be agreed. Mr Reaburn considered that the historic heritage mitigation matter was for us to determine on the evidence and supported a recommendation to confirm the NORs.

RCs

62. In the April s42A report Ms Wong's recommendation was that the RCs be granted, subject to appropriate conditions. With respect to the non-complying activity status "gateway test" for EB3C, Ms Wong considered that adverse effects could be managed to a no more than minor degree, and that EB3C is consistent with the objectives and policies of the AUP:OP. Subject to clarification of vegetation loss, Ms Wong considered EB3C and EB4L to be consistent with the relevant provisions of the national and regional planning documents and that any adverse effects had been appropriately avoided, remedied or mitigated.

63. In the May Addendum to the s42A report Ms Wong advised that clarification of vegetation loss had been resolved. There were minor issues of conditions amendments still at issue, together with clarification of whether a construction laydown area in EB3C had been established as a permitted activity.

64. In the June Addendum to the s42A report Ms Wong considered with respect to EB3C extent of reclamation that determining appropriate mitigation of effects on historic heritage was fundamentally linked to the EB3C NOR, and the effects of EB3C RC were otherwise acceptable.

65. In her July closing comments Ms Wong noted that conditions relating to the relationship between management plans and the permitted activity status of the EB3C construction laydown were resolved. Conditions with respect to reinstatement and effects on streams and wetlands (EB4L) remained unresolved. Appropriate historic heritage mitigation (linked to EB3C NOR) remained to be determined, and Ms Wong recommended that the RCs be granted subject to appropriate conditions.

Evidence heard

66. We note at the outset that - while extensive expert, corporate and lay evidence and legal submissions were presented to us - there were relatively limited matters in contention (and particularly between the experts). These narrowed substantially before and during the hearing, and up to closure of the hearing following AT's reply.

67. The s42A report and addenda, evidence and legal submissions were all pre-circulated. We read all of that material prior to the two phases of the hearing and have referred back to it in our deliberations.

68. We have recorded on the cover page for each NOR recommendation and each RC decision a list of all of those who presented evidence (including the area of expertise for expert witnesses) or legal submissions. For matters in contention, we address the evidence and legal submissions in the separate topics below.

69. A matter addressed in the EB2/EB3R hearing and therefore addressed by AT in this hearing relates to witnesses employed by the entities that form the Eastern Busway Alliance (comprising AT, AECOM, Jacobs, Fletcher Construction and Acciona Construction) giving evidence as expert witnesses for AT. As for the EB2/EB3R hearing, AT addressed for this hearing that:

- None of the Eastern Busway Alliance partners are employee-owned companies which would derive dividends for shareholders who may be witnesses.

- All of AT's expert witnesses have disclosed their employment and confirmed that they have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses (which includes a requirement to declare any relationship with the party calling them or any interest they may have in the outcome of the proceeding including under any conditional fee agreement which depends on the outcome of the proceeding).

70. Consistent with the position of the Panel in the EB2/EB3R hearing, we record that we are satisfied that all of AT's expert witnesses were made aware of their obligations and were giving evidence in an expert capacity.

Principal issues in contention

71. After analysis of the Applications; undertaking our site visit; reviewing the submissions, s42A report, evidence and legal submissions, and proposed mitigation measures, there were relatively confined issues remaining for the Panel's consideration.

72. As seen from the summary of the s42A reports above the issues narrowed through the pre-circulation of evidence and legal submissions, during the hearing, following the adjournment of the hearing, and in AT's reply. This is to the credit of all parties and their experts, who focused on resolving issues and effective condition wording.

73. AT provided three sets of comprehensive legal submissions prepared by Ms Mitchell and Ms Wach, which helpfully record the matters in contention throughout the hearing:

- Opening legal submissions dated 9 May 2024, presented by Ms Mitchell at the commencement of the initial hearing days.

- Legal submissions in reply dated 10 July 2024, filed after the final hearing day.

- Supplementary legal submissions dated 26 July 2024, filed in response to a clarification question from the Panel prior to closing the hearing.

Issues as at commencement of the hearing

74. AT's opening legal submissions recorded that amendments had been made to the proposed conditions prior to hearing in response to matters raised in submissions and by the Council.

75. The s42A report and AT's opening legal submissions provide a helpful overview of issues resolved or at issue at commencement of the hearing. We have summarised these at a high level in table form below. (Where the table records "Conditions resolved" this indicates agreement between AT and the Council as to appropriate conditions to address effects, not that the conditions were agreed by submitters).

Table 4: Summary of issues at commencement of hearing

Effect or Issue	**Resolved / Remains at issue**
Alternatives / Route	Remains at issue
Positive effects	*Not disputed*
Urban design / Amenity	Conditions not yet resolved
Natural character / landscape / visual effects	*Conditions resolved*
Traffic effects	Conditions not yet resolved
Noise & vibration	Remains at issue
Erosion & sediment control	*Conditions resolved (no submitters)*
Air quality / Dust	*Conditions resolved*
Flooding	*Conditions resolved*
Stormwater	*Conditions resolved (no submitters)*
Marine ecology	Conditions not yet resolved (no submitters)
Coastal processes	*Conditions resolved (no submitters)*
Freshwater & terrestrial ecology	*Conditions resolved*
Arboriculture (trees)	Conditions not yet resolved
Historic heritage & archaeology	*Conditions resolved*
Contaminated land	*Conditions resolved (no submitters)*
Groundwater	*Conditions resolved (no submitters)*
Open space	*Conditions resolved*
Social impacts	*Conditions resolved*
Cultural effects	*Conditions resolved (no submitters)*

76. AT's opening legal submissions identified the key outstanding areas remaining in contention as between AT and the Council at commencement of the hearing as:

- Construction noise and vibration effects with respect to [redacted] (EB3C) and VTNZ (EB4L).
- Operational noise effects in the Burswood section of the busway.
- Traffic effects in the Tī Rākau Drive section of the busway.

- The level of urban design in the development and implementation of the Applications.
- Marine ecology (one condition).

Issues as at close of the hearing

77. The Council's closing comments and AT's legal submissions in reply provided updates on further matters agreed as between AT and the Council and matters resolved with submitters. We have summarised these updates at a high level in table form below. (Where the table records "Conditions resolved", as above, this indicates agreement between AT and the Council as to appropriate conditions to address effects, not that the conditions were agreed by submitters, unless indicated otherwise):

Table 5: Summary of AT's update on issues as at reply

Effect or Issue	**Resolved / Remains at issue**
Urban design / Amenity	*Conditions resolved*
Traffic effects	*Conditions resolved, and understood to address concerns of submitters Argosy, Bunnings and Waiheke Inc*
Noise & vibration	*Conditions resolved*
Marine ecology	*Conditions resolved (no submitters)*
Historic heritage & archaeology	Conditions previously resolved but mitigation now unresolved
Reinstatement conditions	Conditions previously resolved but now unresolved
Arboriculture	Conditions not yet resolved

78. The nature of the remaining unresolved conditions as between AT and the Council were summarised in AT's legal submissions in reply as follows:

Table 6: AT's identification of unresolved conditions at close of hearing

Topic	**Matter not agreed**
Heritage	How effects on Donnelly's Quarry should be mitigated (EB3C)
Reinstatement	Proposed conditions 27C and 27D for EB4L RC relating to stabilisation and reinstatement works at Guys Reserve and Whaka Maumahara Reserve
Arboriculture	Condition 37 for EB3R NOR Condition 26 for EB4L NOR

Panel's identification of principal issues in contention

79. We have identified in the s42A report and AT's legal submissions seven matters where conditions are agreed with the Council and there are no relevant submissions, identified in Tables 4 and 5 above (erosion & sediment control, stormwater, marine

ecology, coastal processes, contaminated land, groundwater, and cultural effects). We do not comment further on those matters in our report as they are not issues in contention.

80. After closing the hearing the Panel considers that the principal issues in contention are:

- Positive effects (NORs and RCs)

- Statutory considerations:
  - Alternatives / Route (NORs and RCs)
  - Objectives and reasonable necessity (NORs)

- Effects of concern to submitters:
  - Noise and vibration (NORs)
  - Transportation / Traffic (NORs)
  - Urban design / Amenity (NORs)
  - Air quality / Dust (NORs and RCs)
  - Social impacts (NORs)
  - Natural character, landscape & visual effects (NORs)
  - Flooding (NORs)
  - Freshwater & terrestrial ecology (NORs and RCs)

- Issues specific to particular submitters:
  - Chinatown (EB3C NOR)
  - Enid Wardle ([redacted]) (EB3C)

- Matters identified by the Panel:
  - Practicability of options to “avoid reclamation” (EB3C)
  - Open space effects mitigation / offset (NORs)
  - New front yards and “planning burden” (EB3C NOR)

- Conditions:
  - Maintenance “in perpetuity” (NORs)
  - Heritage mitigation (EB3C)
  - Reinstatement (EB4L)
  - Arboriculture (NORs)

- Procedural matters:
  - Waiver of Outline Plan of Works (EB3C NOR)
  - Lapse period (NORs and RCs)

81. We address each matter in the following section of our report.

Main findings on the principal issues in contention

82. The Panel's main findings on the principal issues in contention follow. Where we refer to "agreed conditions", as stated earlier in our report, that is the conditions agreed as between AT and the Council as at the close of the hearing.

Positive effects

83. AT's opening legal submissions summarised the positive effects of EB3C and EB4L as:

- A frequent, fast and reliable bus service.
- Improved access to public transport, by placing Pōhatu Station in the residential community.
- High-quality pedestrian and cycle facilities.
- Improved stormwater treatment and enhanced resilience against the flooding effects of climate change.
- Social benefits associated with improved access and mode choice, including increased access to opportunities for employment, study, recreation and social connection.
- Reduction in greenhouse gas emissions.
- Support for the urban intensification of southeast Auckland.
- Improved habitat quality as a result of the planting of native revegetation.
- Open space improvements.

84. The s42A report summarised the positive effects of EB3C and EB4L and stated that, overall, the Applications will have positive effects in respect of transportation improvements, improvements to habitat quality proximate to and within riparian and natural inland wetland areas, and a reduction in greenhouse gas emissions.

85. We understand that the positive effects of EB3C and EB4L were not the focus of submissions, and no expert evidence challenged the positive effects asserted by AT and accepted by the Council.

86. We agree that, subject to appropriate management of adverse effects by conditions, EB3C and EB4L will enable these benefits.

Alternatives / Route (NORs and RCs)

87. For EB3C NOR and EB4L NOR, section 171(1)(b) requires us to have particular regard to whether adequate consideration has been given to "alternative sites, routes, or methods of undertaking the work" (triggered because AT does not have an interest in the land sufficient for undertaking the work).

88. This matter was particularly raised by the Local Board and by submitters with respect to the EB3C alignment through Burswood.

89. AT's legal submissions addressed this and pointed us to case law setting out the approach to this statutory assessment: the focus is on the process not the outcome; the question is not whether the best, most appropriate or most suitable alternative has been chosen; responsibility for selecting the site remains with the requiring authority; and the assessment does not require every alternative to have been fully developed to the level of a detailed alternative proposal.

90. The legal submissions for Mobil stated that AT must be able to show that its assessment of alternatives was adequate, and must make sufficient investigations of alternatives, rather than acting arbitrarily or only giving cursory consideration to alternatives. A more careful consideration of alternatives is required where adverse effects are significant (as Mobil say they are here). Mobil says that inadequate consideration has been given to alternative routes for EB3C which would avoid the Mobil Tī Rākau Drive site.

91. The Applications included an Eastern Busway EB3 Options Report, an Eastern Busway EB4L Options Report, and a Tī Rākau Drive Bridge Options Report.

92. Jarrod Snowsill (Associate Director - Planning at AECOM NZ) presented expert evidence for AT with respect to options assessment.

93. Mr Snowsill's evidence addressed the long history of assessment of transport options in East Auckland, and from approximately 2018 onwards the progression of options analysis for this stretch of Tī Rākau Drive. In summary the options assessed have included:

EB3C options

- Central running at-grade busway on Tī Rākau Drive, with segregated and bi-directional cycleway options.
- Central running elevated viaduct busway and bidirectional cycleway, and a shorter viaduct option.
- In 2020, a long list of 12 options.
- Two short list alternative options: "online" (at-grade centre running busway along Tī Rākau Drive) and "offline" (busway behind commercial area).
- Alignment refinements within the Burswood Esplanade Reserve (east).
- Alternatives assessed for Burswood station locations (two stations or one).
- Three alternatives for a single station option.
- Shifting the alignment slightly north into the residential area.

Tī Rākau Bridge options

- Northern lanes addition to existing bridge.
- Freestanding northern bridge.
- Earlier deviation to Burswood.
- Assessment of three alternative designs which would require partial acquisition of the back of the Mobil site, or no acquisition at all.

- Eight variations developed to address walking, cycling and connectivity.
- Taupaepae design options: Bridge, Causeway, Bridge & Embankment.
- Reconsideration of eight options in response to the Panel's request for additional evidence on the practicability of "avoiding reclamation" (discussed later in our report).

EB4L

- Three link road options (connecting Botany Town Centre and the EB3C busway on Tī Rākau Drive):
  i. Tī Rākau Drive/Te Irirangi Drive
  ii. Te Koha Road
  iii. Guys Reserve

94. Mr Snowsill also described the factors taken into consideration in assessing options including construction traffic effects, property acquisitions, network utility services, affordability, reliability, public transport catchment, effects and consenting risks, and mana whenua engagement.

95. Mr Snowsill's evidence also responded to the submissions:

- Mobil (242 Tī Rākau Drive): Mr Snowswill referred to 5 scheme options and 8 walking and cycling variations assessed with respect to 242 Tī Rākau Drive for the Tī Rākau Bridge.

- Huntingdon Estate (47A Huntington Drive): Mr Snowsill referred to three alignments assessed for EB4L.

- Torrens Road Body Corporate (28 Torrens Road): Mr Snowsill referred to 5 options assessed for a shared path to connect Pōhatu Station to the Burswood commercial area.

96. Mr Snowsill considered that AT's consideration of alternative sites, routes and methods meets the requirements of section 171(1)(b).

97. Mr Reaburn for the Council considered that AT had adequately identified and assessed alternatives.

98. AT's reply provided an update confirming that an agreement for Public Works Act acquisition of Mobil's site had been agreed in principle.

99. Having considered the legal submissions, Mr Snowsill's evidence and the s42A report we are satisfied that adequate consideration has been given to alternative sites, routes, or methods of undertaking EB3C and EB4L. We find that alternatives were assessed over a long period of time in several iterations, this consideration was not arbitrary or cursory, and the various options considered included different acquisition requirements including with respect to Mobil.

100. An applicant for a resource consent must include “a description of any possible alternative locations or methods for undertaking the activity” if it is likely that an activity will result in any significant adverse effect on the environment. AT says this section does not apply to the Applications because the adverse effects are not significant. In light of the agreed conditions, we agree.

Objectives and reasonable necessity (NORs)

101. Section 171(1)(c) requires us to have particular regard to whether EB3C NOR and EB4L NOR are “reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought”.

102. Thomas Willetts (Programme Director at Auckland Transport) presented corporate evidence for AT setting out the specific project objectives, which are:

1. Provide a multimodal transport corridor that connects Pakuranga and Botany to the wider network and increases choice of transport options.

2. Provide transport infrastructure that integrates with existing land use and supports a quality, compact urban form.

3. Contribute to accessibility and place shaping by providing better transport connections between, within, and to the town centres.

4. Provide transport infrastructure that improves linkages, journey time and reliability of the public transport network.

5. Provide transport infrastructure that is safe for everyone.

6. "Provide or Safeguard future" transport infrastructure at (or in the vicinity of) Botany Town Centre to support the development of strategic public transport connection to Auckland Airport.

103. No submitters challenged this matter.

104. Mr Reaburn for the Council was satisfied that EB3C NOR and EB4L NOR are reasonably necessary for achieving the Eastern Busway objectives.

105. Having considered the legal submissions, evidence and the s42A report the Panel is satisfied that the work and designations are reasonably necessary for achieving the Eastern Busway objectives.

Noise and vibration (NORs)

106. The Applications included a Construction Noise and Vibration Effects Assessment and an Operational Noise and Vibration Effects Assessment.

107. Submissions in relation to the effects of construction noise and vibration include:

- EB3C: Wei Hou, Ramez Rowhani, Lee Hong BBQ (Chinatown Shop 15), [redacted] (Chinatown), Bunnings, Waiheke Inc (Botany Town Centre), and Enid Wardle.
- EB4L: Heritage NZ.

108. Submissions in relation to the effects of operational noise include:

- EB4L: Kāinga Ora, and Huntington Estate (47A Huntington Drive).

109. Claire Drewery (Technical Director – Acoustics at AECOM) presented evidence for AT addressing noise and vibration.

110. Jon Styles (Principal of Styles Group Acoustics and Vibration Consultants) reviewed the Applications, the Assessments and submissions for the Council.

111. At the commencement of the hearing Ms Drewery considered that:

- Construction noise and vibration can be mitigated and managed to generally comply with relevant limits. There is potential for exceedances if noisy or high vibration generating works occur in close proximity to the construction boundary. Where an exceedance is predicted, the effects will be appropriately mitigated and managed through a Construction Noise and Vibration Management Plan ("**CNVMP**") and Schedules, which in most instances will require consultation with affected receivers.
- With respect to busway operational noise:
  i. Effects along the EB3C Tī Rākau Drive section will generally be negligible.
  ii. Effects through the EB3C Burswood Section and EB4L will be reasonable in the context of the existing noise environment, and internal noise levels during the night-time period should not result in sleep disturbance.

112. Mr Styles considered that:

- Overall, the construction noise and vibration assessment and conditions are comprehensive and appropriate. The construction noise and vibration effects are still likely to cause considerable disruption at receivers close to the works. The only remaining concerns are that the effects on the VTNZ site at 451 Tī Rākau Drive and Ms Wardle's property at [redacted] may be unreasonable, and further certainty on the implementation of practicable mitigation methods is required.

- With respect to busway operational noise:

    i. Noise from early morning bus movements along the Burswood Section will be likely to wake most people from sleep and result in a poor level of amenity for many of the houses.

    ii. There remains an issue to ensure that future (permitted activity) development is designed to be compatible with the effects of the Busway.

    iii. Noise from any public address system, alarm or alert system at Pōhatu Station should be managed to comply with a noise level 15dB below the zone standards.

113. Submitters who presented at the hearing with respect to noise and vibration were:

- Wei Hou: Tabled statement
- Enid Wardle: Statement
- Chinatown: Legal submissions and corporate evidence
- Kāinga Ora: Corporate evidence

114. Wei Hou tabled a statement at the hearing with respect to having experienced high levels of construction noise and vibration effects at a property in Gossamer Drive from the construction of Eastern Busway. This statement appears to relate to EB2/EB3R rather than this hearing.

115. We address the following matters in separate sections later in our report:

- Noise and vibration effects on Chinatown, and proposed conditions to manage those effects.
- Noise and vibration effects on Ms Wardle's property, and proposed conditions to manage those effects.
- Matters relating to the submission from Kāinga Ora seeking conditions for maintenance of noise barriers and low-noise road surfaces "in perpetuity" in a separate section later our report.

116. No submitters produced expert evidence on noise and vibration issues.

117. At the close of the hearing Ms Drewery and Mr Styles had reached agreement on all matters relating to noise and vibration:

- With respect to construction noise and vibration the following are agreed:

    i. An amendment to the CNVMP condition restricting works at night and on Sundays and public holidays.

    ii. A new advice note has been agreed to address concerns regarding construction noise and vibration effects of EB4L on the VTNZ site.

- With respect to busway operational noise the following conditions are agreed:

    i. Requiring acoustic fences to be erected to address operational noise effects on Ms Wardle's property [redacted] and on 25 Burswood Drive.

    ii. Imposing a noise limit on the outdoor Public Information Display unit at Pōhatu Station and that it may only be activated on-demand by the public (not used as an automated public address).

    iii. Requiring that an Adjacent Area Noise Mitigation Guidance note be published on the Eastern Busway website and AT website providing guidance on acoustic design measures for multi storey dwellings that may be developed in the future.

118. We agree with the experts Ms Drewery and Mr Styles that the agreed conditions appropriately manage the construction and operational noise and vibration effects of EB3C and EB4L.

Transportation / Traffic (NORs)

119. The Applications included an Integrated Transport Assessment which set out an assessment methodology, described the existing traffic environment, outlined the proposed approach to design and construction, and assessed construction and operational effects and mitigation responses.

120. Submissions in relation to traffic effects include:

- EB3C

    i. Stanley Heber and Cynthia Stanley ([redacted])

    ii. Argosy Property No. 1 Ltd - comprising Bunnings, Target, Masport and Supercheap Auto - and Bunnings Ltd (320 Tī Rākau Drive)

    iii. Waiheke Inc (Botany Town Centre)

    iv. Z Energy Ltd (284 Tī Rākau Drive)

    v. Terry McMillan ([redacted])

vi. Seafood Harbour (Botany) Ltd, Lee Hong BBQ, PJG2 Ltd, Lim Chhour Ltd, Lim Chhour Supermarket 2013 Ltd and [redacted] (Chinatown)

vii. Mobil Oil NZ Ltd (242 Tī Rākau Drive)

viii. Kāinga Ora.

- EB4L:

  i. Abishek ([redacted])

  ii. Sail Al-Malaika ([redacted])

  iii. Waiheke Inc (Botany Town Centre)

  iv. Z Energy Ltd (550 Te Irirangi Drive)

  v. Kāinga Ora.

121. Shane Doran (Industry Director – Transportation at AECOM Australia) presented evidence for AT addressing construction traffic, transport planning and operational effects.

122. Don McKenzie (Director of Don McKenzie Consulting Ltd traffic engineering and transportation services consultancy) reviewed the Applications, the ITA and submissions for the Council.

123. At the commencement of the hearing Mr Doran considered that:

- With respect to <u>construction</u> effects:

  i. Effects on traffic operations during the construction of EB3C and EB4L will be minor as most construction works will be off-line with limited interaction with the local road network. The exception is the construction of the section of the EB3C along Tī Rākau Drive between Burswood Drive east and just east of the Howick and Eastern bus depot which requires reconfiguring of the current road layout and will have the largest impact on general traffic operations.

  ii. The construction of EB3C and EB4L has been considered extensively in the planning of the CTMP, and the proposed construction phasing and mitigation measures will minimise any likely traffic effects occurring in a comprehensive manner and will be proactive rather than reactionary.

- With respect to <u>operational</u> effects:

  i. The overall effect of EB3C and EB4L on the transport network will be positive as there will be significant improvement to public transport, improved general traffic performance as well as improvements to walking

and cycling facilities in the area, offering improved connectivity and enhanced safety.

ii. The Tī Rākau / Burswood and Tī Rākau /Greenmount intersections are within acceptable levels of performance for a major arterial road.

iii. Additional modelling has refined the signal phasing to better accommodate the demand for Burswood / Tī Rākau Drive and Greenmount / Tī Rākau Drive intersection.

iv. The performance of the road network with EB3C and EB4L performs equal to or better than the performance of the road network with the Do-Minimum. While EB3C and EB4L may not improve the performance of every intersection along Tī Rākau Drive, the overall benefit is demonstrated by the reduction in travel times between Botany and SEART.

v. EB3C and EB4L perform better than Do-Minimum and provide a long-term solution to the existing and forecast travel demand growth of southeast Auckland.

vi. Design solutions can address right turn movements into Burswood Drive.

vii. A new condition should require that prior to the operation of the busway, provision is made for vehicles to complete all movements into and out of the Bunnings service access through the provision of a signalised intersection including the service access between the busway and Burswood Drive.

124. Mr McKenzie considered that matters requiring clarification and further conditions or amendments to conditions included:

- Cumulative effects of EB3C and EB4L construction
- Construction vehicles and staff / contractor parking
- Exclusion of heavy vehicles from local roads
- Communication with Chinatown
- Incorporation of landowner / business feedback into the Construction Traffic Management Plan
- Requiring access to operate not just safely but also efficiently and effectively
- Chinatown parking requirements.

125. Submitters who presented at the hearing were:

- Terry & Emma McMillan: Statement
- Chinatown: Legal submissions and corporate evidence
- Mobil: Legal submissions and corporate evidence
- Z Energy: Tabled statement
- Kāinga Ora: Corporate evidence
- Argosy: Legal submissions, corporate evidence, traffic evidence and planning evidence
- Bunnings: Legal submissions, corporate evidence, traffic evidence and planning evidence
- Waiheke Inc: Legal submissions and corporate evidence

126. Terry and Emma McMillan addressed us at the hearing with respect to their concerns about additional traffic and pedestrian activity that is expected to occur in close proximity to their property in Heathridge Place as a result of the establishment of the EB3C busway. The McMillans consider that increased pedestrian and parking activity along Heathridge Place (generated by the connection through to the proposed Pōhatu Station) will create a busier and less safe traffic environment compared to the existing cul de sac environment.

127. We address traffic effects on Chinatown, and proposed conditions to manage those effects, in a separate section later in our report.

128. We have addressed the Mobil submission earlier in the report in the section on the EB3C route.

129. Z Energy tabled a statement at the hearing supporting the Applications subject to AT accepting Z Energy's conditions amendments, which AT has done.

130. Corporate evidence from Brendon Liggett for Kāinga Ora addressed three aspects of the submission relating to traffic effects which sought:

- At least two additional direct access points to the cycleway in the Burswood section to provide convenient access and maximise the usage of the cycleway for residents in the areas north of the cycleway - one access point from Tullis Place to the west and one access point from Heathridge Place to the east.
- Consideration of a more direct cycleway route adjacent to the proposed pedestrian pathway along the southern boundary of the Howick and Eastern

Bus Depot on Tī Rākau Drive, providing for a more convenient route for cyclists alongside pedestrians.

- Provide for an additional bus stop along the EB4L route to cater to the existing residents within Huntington Park and anticipated residential growth in this area.

131. AT has not agreed to amendments to EB3C or EB4L to address the three issues raised by Kāinga Ora. AT's evidence is that:

- Sufficient cycleway connections are provided. Additional access points to the cycleway in the Burswood Section, while not provided as part of EB3C, are not precluded and could be designed and delivered at the time of any future intensification.

- The current alignment of the cycleway behind the Howick & Eastern Bus Depot is appropriate. That option will not increase travel times (because it requires no road crossings, whereas a Tī Rākau Drive alignment would require two), and would be safer and cater for all abilities and confidence levels.

- The ability to provide additional bus stops within EB4L is restricted due to the Transpower high voltage cables that run along the edge of Guys Reserve and Whaka Maumahara Reserve. Further, maintenance access is required to the stormwater pond by the Council and Healthy Waters.

132. With respect to these matters Mr McKenzie considered:

- AT has provided an appropriate level of consideration in terms of the combination of direct and indirect routes (via existing footpath and roadway connections) that will enable the surrounding community to access the proposed cycleway and busway connections within the Burswood section.

- The EB4L bus stops are appropriately spaced. EB4L NOR does not preclude AT as the public transport operator introducing further bus stops in the future should there be identified demand for additional bus stops.

133. John Parlane (Traffic Engineer and Director of Parlane and Associates Ltd) presented expert traffic engineering evidence jointly for Argosy and Bunnings. Mr Parlane's evidence was the only expert traffic evidence presented for submitters. Mr Parlane considered that the Argosy / Bunnings site at 320 Tī Rākau Drive will be affected by the proposed busway in three ways:

- The reduction from three to two westbound traffic lanes on Tī Rākau Drive will create traffic congestion effects that will be severe at side roads such as Burswood Drive. AT's modelling indicates severe delays.

- The reduction in length of the right turn lanes at the Burswood Drive and Greenmount Drive intersections with Tī Rākau Drive will create adverse effects, particularly on Saturdays when the site is busy. Both problems appear to stem

from AT not including any part of the existing bus depot at 380 Tī Rākau Drive, or any intervening land, in the designation. This will result in a need to reduce the number of through lanes on Tī Rākau Drive which will lead to significant congestion.

- The busway will be built very close to the existing service access to the site. The only way this can operate safely is if the service access is signalised and permitted to operate with both left turns and right turns in and out as it currently operates.

134. A matter relating to Condition 6 of EB4L NOR dealing with management plan certification was addressed in the expert planning evidence of Ms Santos (Senior Associate, Barker & Associates) for Argosy and Bunnings and in the legal submissions for Argosy, Bunnings, and Waiheke Inc.

135. AT's condition required AT to adopt recommendations from Argosy, Bunnings and Waiheke Inc "where practicable". Planning evidence and legal submissions for Bunnings and Argosy sought amendment to "unless impractical". Legal submissions for Waiheke Inc sought amendment to "unless impracticable". At the hearing counsel for Argosy (Mr Sadlier) and for Bunnings and Waiheke Inc (Mr Minhinnick) each assured us that their clients' primary concern was replacing the word "where" with "unless" rather than a strong preference for "impracticable" or "impractical".

136. At the close of the hearing agreement had been reached between AT and the Council on all matters relating to traffic effects including the following conditions:

- Commuter parking restrictions on certain streets in Burswood.

- Staff parking to be avoided on residential streets and sites.

- A signalised intersection that provides all movements access from the Bunnings service access once EB3C is operational. This condition was agreed by Argosy and Bunnings.

- Addressing the right turn lane from Tī Rākau Drive / Burswood Drive (east) intersection and the Argosy / Bunnings customer carpark access on Burswood Drive (east). These conditions were developed in discussions with Argosy and Bunnings.

- Adopting the "unless impracticable" wording sought by Waiheke Inc for the management plan certification condition. This amendment incorporates the "unless" that was also of primary importance to Argosy and Bunnings.

137. We understand that the agreed conditions address all concerns raised by Z Energy, Argosy, Bunnings and Waiheke Inc. We consider that the agreed conditions also address the concerns about construction traffic and commuter parking raised by residential submitters. We agree with AT's experts and Mr McKenzie that no

amendments or additional conditions are necessary to address the matters raised by Kainga Ora with respect to additional cycleway connections, the cycleway route and additional bus stops.

138. We consider that the agreed conditions appropriately manage the construction and operational traffic effects of EB3C and EB4L.

Urban design / Amenity (NORs)

139. The Applications did not include a separate urban design assessment but did include a Natural Character, Landscape and Visual Effects Assessment Effects Assessment.

140. The Assessment described for EB3C and EB4L:

- The existing landscape and visual environment.
- Construction effects on Pakuranga Creek (construction of the bridge abutments, walls, piling, temporary staging structures and bridge structures), removal of terrestrial, estuarine and riparian vegetation, and construction effects on open space.
- Operational effects including bridge structures, widened portions of Tī Rākau Drive to accommodate the busway and cycleway, tree planting and landscaping, and busway and cycleway infrastructure including Pōhatu Station, bus stops and noise walls.

141. Submissions in relation to urban design and amenity effects include:

EB3C

- Terry McMillan: Concerns about effects on their amenity values from the proposed Pōhatu Station.
- Torrens Road Body Corporate: Concerns about security of property and privacy associated with the proposed pedestrian access to Pōhatu Station.
- Kāinga Ora: Changes sought to the Urban Design Landscaping Plan ("**UDLP**") conditions.

EB4L

- Huntingdon Estate: Concerns about lighting on the path along the adjacent boundary with Guys Reserve.

142. We address matters relating to the submission from Kāinga Ora seeking conditions for maintenance of landscaping "in perpetuity" in a separate section of our report.

143. Chris Bentley (Partner and Landscape Architect at Boffa Miskell) presented expert evidence on urban design effects for AT.

144. Andrew Henderson (Principal Urban Designer, Auckland Council) reviewed the Applications and submissions for the Council.

145. At the commencement of the hearing Mr Henderson maintained a neutral position on the NORs but had concerns about the need for additional urban design information on which to assess effects.

146. At the close of the hearing agreement had been reached between AT and the Council on new and revised NOR conditions which require early submission to Council for review of a draft UDLP. The draft UDLP is to include a review of the design of the cycleway (including whether it should be a shared pathway) between Burswood Drive (east) and Burswood Drive (west), and a CPTED Assessment. Any recommendations from the Council then need to be considered in the final UDLP. Changes to the timeframes for the lodgement of the final UDLP have also been agreed.

147. Mr Reaburn recorded that these new and revised conditions have been agreed as being as far as the conditions can go to address concerns that have been expressed by Mr Henderson in relation to detailed urban design information not having been made available through the NoR process. Mr Henderson supports the conditions remains neutral on the NORs.

148. We consider that the requirement for a draft UDLP to be submitted to the Council, early submission of the final UDLP (before design decisions are locked in), and the requirement for CPTED assessment will mitigate the amenity and security issues raised by submitters.

149. We agree that the agreed conditions appropriately manage the urban design and amenity effects of EB3C and EB4L.

Air quality / Dust (NORs and RCs)

150. The NOR applications included an Air Quality Effects Assessment.

151. Tracy Freeman (Principal Air Quality Consultant, Jacobs New Zealand) presented expert evidence for AT addressing air quality and dust effects.

152. The Assessment concluded that the NORs pose negligible risks to air quality during the construction and operational phases of the project as potential discharges of dust from the construction and operational activities would likely to comply with AUP:OP permitted activity standard E14.6.1.1.

153. Three submissions raised specific concerns regarding air quality effects, all with respect to EB3C: Stanely Heber & Cynthia Stanley ([redacted]), Terry McMillan ([redacted]), and Enid Wardle ([redacted]). These submitters

[4] Ms Wardle's submission records her address as 203B Burswood Drive. AT refer to it as 2/203 Burswood Drive, and confirmed both numbering versions relate to the same property.

raised concerns about dust effects to the Burswood residential area to the north of the EB3C construction areas.

- Stanley Heber and Cynthia Stanley submitted that the that project would increase dust pollution around the area in which they live, and that the increased dust pollution may adversely affect their health.

- Terry McMillan submitted that the project would affect the amenity of his home by increasing air pollution as a result of increased vehicle movements, including buses.

- Enid Wardle submitted that the project's proposed route would create dust which would become a nuisance to the households' occupants.

154. Paul Crimmins (Senior Specialist, Contamination, Air & Noise Team, Specialist Input Unit, Auckland Council) reviewed the Applications, the Air Quality Effects Assessment and the submissions for the Council.

155. Mr Crimmins's review concluded that the Assessment included an extensive assessment of the potential for air discharges and resulting effects to amenity and human health, that the potential discharges of dust from the construction activities posed negligible risks to air quality, and that the construction and operational activities would likely to comply with AUP:OP permitted activity standard E14.6.1.1.

156. We agree with the opinions of the experts Ms Freeman and Mr Crimmins that the potential discharges of dust from construction and operation of the busway pose negligible risks to air quality and consider that matters relating to air quality and dust emissions are appropriately managed by the agreed conditions.

157. As we discuss further below, prior to closing the hearing agreement had been reached between AT and Ms Wardle for AT to purchase her property. However, Ms Wardle may still be in residence at the time construction of EB3C commences (but not once EB3C is operational). Should Ms Wardle still be in residence during construction of EB3C, we consider that dust effects during construction will be appropriately managed as the agreed conditions require the implementation of a Site Specific Construction Management Plan (**SSCMP**) specifically for this property including consultation with Ms Wardle.

Social impacts (NORs)

158. The Applications were accompanied by a Social Impact Assessment prepared by Katelyn Symington (Principal Environmental and Urban Planner, AECOM). Ms Symington presented expert evidence for AT on social impacts.

159. Dr Gillian Stewart (Director, Co-Creationz Ltd) provided specialist assessment for the Council.

160. The s42A report identified a large number of the NOR submissions as relevant to social impacts, with Dr Stewart summarising the submissions into the following themes:

- Way of life and community impacts
- Effects on quality of life of residents
- Effects on businesses
- Personal & property rights and socio-economic impacts
- Consultation and engagement

161. The only theme not already addressed directly in assessment of other effects is that relating to consultation and engagement. Sonja Lister presented corporate evidence on consultation and engagement for AT.

162. No submitters presented expert evidence on social impacts more broadly, or evidence relating to consultation and engagement.

163. The agreed conditions address consultation and engagement, including with respect to a Communication and Consultation Plan and the preparation of management plans (largely drawn from the suite of management plans already implemented for EB2/EB3R).

164. We are satisfied that the conditions are appropriate.

Natural character, landscape & visual effects (NORs)

165. The Applications were accompanied by a Natural Character, Landscape and Visual Effects Assessment.

166. Chris Bentley (Partner and Landscape Architect at Boffa Miskell) presented expert evidence on natural character, landscape and visual effects for AT.

167. Rob Pryor (Consultant Landscape Architect, LA4) reviewed the Applications, Assessment and submissions for the Council.

168. The s42A report identified submissions from Kāinga Ora and Z Energy – on both EB3C and EB4L - as relevant to landscape and visual effects. Both submissions related to appropriate conditions.

169. We address the issue raised by Kāinga Ora – whether a number of conditions should require maintenance “in perpetuity” – in a separate discussion on conditions below.

170. Z Energy tabled a statement at the hearing supporting the Applications subject to AT accepting Z Energy’s conditions amendments, which AT has done.

171. The agreed conditions (including amendments sought by Z Energy) address natural character, landscaping and visual effects.

172. We are satisfied that the agreed conditions are appropriate.

Flooding (NORs)

173. The Applications were accompanied by a Stormwater Effects Assessment.

174. For EB3C, the assessment contained details of flood modelling that was carried out for pre-construction (base case) and post-construction with and without proposed mitigation. The assessment indicated that the flood modelling results indicated that without mitigation there would be flooding effects and reduced overland flow path capacities, however with mitigation (pipe size increase and geometric design change) these effects could be fully mitigated. The assessment stated that overall, EB3C will have significant positive flood effects with the proposed works predicted to reduce the flooding frequency, extents, and depths over large parts of EB3C, thereby improving the capacity of the networks and resilience against flooding.

175. For EB4L, the assessment stated that further assessment is intended to be provided during the EPA assessment; however, noting that the function of the stream in Guys Reserve is not affected, and the increase in impervious area at the intersection of Te Irirangi Drive and Town Centre Drive can be managed within the existing public stormwater network.

176. A submission from Kāinga Ora on the NORs requested that further information be provided around flood hazards in order to assess flooding conditions onto neighbouring properties; and how effects of the construction activities would be managed. Kāinga Ora requested a condition ensuring that works did not worsen any flooding effects onto neighbouring properties and that the effects of construction activities would be appropriately avoided, remedied and/or mitigated.

177. Huntington Estate's submission in opposition to EB4L NOR included reference to increased flooding effects. The submission sought modification of existing infrastructure to protect neighbouring properties from future flooding.

178. Lee Te (Senior Healthy Waters Specialist) and Zheng Qian (Senior Healthy Waters Specialist) prepared a technical memorandum on behalf of Healthy Waters for the two NORs, which concluded that the Council's network discharge consent ("**NDC**") includes measures to ensure flooding effects are managed, and that EB3C and EB4L will need to meet the requirements of the NDC to authorise connection to the existing public stormwater network. The s42A report also notes that both EB3C and EB4L will be designed to meet the connection requirements of the NDC.

179. Paul May (Principal Stormwater and Technical Leader – Transportation Stormwater at Jacobs) and Conrad Kuhn (Senior Associate Civil Engineer – Transport Stormwater at Jacobs) presented expert evidence for AT addressing flooding. Mr May and Mr Kuhn concluded that EB3C and EB4L represent a large overall improvement in flood risk with mitigation measures implemented, and will reduce flooding frequency, extents and depths over large parts of EB3C and EB4L.

180. Flooding matters were not pursued in the corporate evidence for Kāinga Ora and Huntingdon Estate did not present at the hearing.

181. We agree with the opinions of the experts for AT and the Council that potential flooding effects are appropriately managed by the NDC and the agreed conditions.

Freshwater & terrestrial ecology (NORs and RCs)

182. The Applications were accompanied by a Terrestrial and Freshwater Ecological Effects Assessment.

183. Fiona Davies (Technical Director – Environment and Team Leader Natural Resources, AECOM) and Dr Morgan Witton (Senior Ecologist, AECOM) presented expert evidence on freshwater and terrestrial ecological effects for AT.

184. Claire Webb (Senior Associate Ecologist, Beca) provided specialist assessment for the Council.

185. The s42A report identified the submission from Enid Wardle – with respect to wildlife utilising reserves - as relevant to terrestrial ecological effects.

186. No submitters presented expert evidence on freshwater and terrestrial ecological effects.

187. Conditions have been agreed as between AT and the Council with respect to lizards, native fish, and birds.

188. We are satisfied that the conditions are appropriate.

Chinatown (262 Tī Rākau Drive) (EB3C NOR)

189. Six submissions were received from the owner (Lim Chhour Ltd) and several tenants (Seafood Harbour, Lee Hong BBQ, PJG2 / Pora Ly, [redacted], and Lim Chhour Supermarket 2013 Ltd) of a commercial complex at 262 Tī Rākau Drive branded as Chinatown.

190. The EB3C alignment skirts the western (estuarine) and northern (Burswood) boundaries of the Chinatown site, and includes areas of temporary occupation and of partial acquisition.

191. In summary, the Chinatown submissions raised issues such as:

- Communication to Chinese businesses in Mandarin
- Location and type of landscaping
- Screening to rear of Chinatown
- Maintain access from Tī Rākau Drive and Burswood Drive
- Construction noise
- Construction damage to the carpark and building

- Minimise land take from Chinatown access and carpark
- Address rubbish dumping in mangroves

192. Vann Neang Mao, director and shareholder of Lim Chhour Ltd and Lim Chhour Supermarket 2013 Ltd, presented corporate evidence at the hearing and Peter Smith presented legal submissions. Chinatown did not present any expert evidence.

193. AT has incorporated a number of conditions addressing the issues raised with respect to Chinatown, including requirements to:

- Remove rubbish within the mangrove area;
- Instal a chain link fence in the part of the carpark near Tī Rākau Drive to prevent further dumping of rubbish;
- Ensuring that the Tī Rākau Drive entrance remains open through the construction period;
- Consult during the preparation of the Traffic Management Plan;
- Set out in the Communication and Consultation Plan (CCP) how Chinatown will be engaged with;
- Include methods in the Construction Traffic Management Plan to ensure the safety and efficiency of access to and from Burswood Drive (west) for Chinatown;
- Use best endeavours to implement an efficient revised layout of the Chinatown carpark, in consultation with Chinatown;
- Mitigate construction to a reasonable level within the retail area of Chinatown through use of temporary noise barriers when works facing the northern façade take place, and consult on the Construction Noise and Vibration Management Plan to understand any particular sensitivities with regard to construction noise and vibration; and
- Undertake a building condition survey and a carpark condition survey of Chinatown's premises prior to the commencement of the construction of EB3C, and to rectify any damage caused by the EB3C construction works and to restore them to the condition described in the pre-construction survey.

194. AT's experts also addressed matters raised in the Chinatown submissions where the experts say effects will be low:

- Ms Drewery considered that there is no requirement to mitigate operational noise with a permanent noise wall because noise from the busway during peak hour will meet the zone noise criterion in the AUP:OP.

- Mr Bentley considered that a wall is not required to mitigate visual effects because these will only be short term views from a back of house location.

- Ms Freeman considered that the risk of offensive or objectionable dust impacting the Chinatown site was low.

195. All of the conditions addressing issues raised by Chinatown have been agreed by the Council.

196. We consider that the matters raised in the Chinatown submissions and in the corporate evidence of Ms Mao have been addressed by the relevant experts from AT and the Council, and we are satisfied that the agreed conditions appropriately avoid, remedy and mitigate effects on Chinatown.

Enid Wardle ([redacted]) (EB3C)

197. Enid Wardle submitted in opposition to EB3C NOR and EB3C RC. Ms Wardle's submission refers to social and medical considerations, the demolition of homes at 207 – 213 Burswood Drive, construction dust, construction noise and vibration, operational bus noise, stormwater / wet and steep ground, and native wildlife.

198. The submission raises particular concerns relating to:

- Demolition and construction noise and vibration effects, including potential effects on the occupiers that have health conditions. The submission states that the proposed construction area is 2m from the dwelling.
- Operational noise, stating that the busway when completed will be less than 15 metres from the dwelling.
- Construction and operational traffic effects including access to the driveway, the proposed permanent set of traffic lights at the end of the dwelling's driveway less than 15 metres from the dwelling.

199. Ms Wardle presented to the hearing. She did not present any expert evidence.

200. With respect to construction noise and vibration, Mr Styles for the Council considered that while night works in this area will generally be minimal, Ms Wardle's property is likely to be one of the residential properties that is worst affected by construction noise and vibration during the day. With respect to operational noise, Mr Styles noted that this property is predicted to receive some of the highest noise levels from the busway.

201. At the commencement of the hearing, effects on [redacted] was one of only two outstanding construction noise and vibration issues identified by Mr Styles, and he maintained concerns about early morning operational noise from the busway along the Burswood section.

202. Ms Drewery for AT considered that a Site Specific Construction Management Plan ("**SSCMP**") condition proposed for [redacted] would be sufficient to address construction noise and vibration effects.

203. In relation to dust effects, Ms Freeman for AT identified Ms Wardle's property as having a relatively high risk of dust impacts because it is located close to the

construction area for Taupaepae, because of the construction duration, the extent of earthworks, and the downward direction under prevailing wind. Ms Freeman considered that the potential dust effects could be managed through the range of mitigation tools in the Erosion Sediment Control Plan, and the SSCMP.

204. In relation to access during construction, Mr Gibbard for AT confirm that the driveway at [redacted] will be required for access to drainage works and the construction of the noise walls but would be limited to specified windows of use communicated and agreed with Ms Wardle. Mr Gibbard confirmed that the driveway would not be required for any other construction activity and that a separate Site Access Point for this area of works would be constructed adjacent to this driveway. Mr Gibbard considered that the Construction Traffic Management Plan will ensure disruption to the driveway during construction will be minimised.

205. In relation to access once the busway is operational, Mr Doran for AT considered the proximity of [redacted] access to the proposed busway / Burswood Drive, for cars as well as trucks (such as removalist trucks, delivery trucks). Given the very low number of vehicles entering and exiting the driveway, the low number of vehicles on Burswood Drive, the slow speed environment, and the proposed traffic management measures, Mr Doran considered that access into and out of the driveway would be able to be made safely and with minimal delay.

206. At the commencement of the hearing AT had also offered to install an acoustic fence, offered alternative residential and working premises, and had commenced land acquisition discussions at Ms Wardle's request.

207. By the close of the hearing Mr Styles and Ms Drewery had reached agreement on all matters relating to construction and operational noise and vibration conditions, including an acoustic fence condition for [redacted].

208. The SSCMP for [redacted] had been revised to address the management of staging, dust, noise, and driveway access during construction.

209. AT's reply confirmed that an agreement for sale and purchase for [redacted] Drive has been agreed between Ms Wardle and AT. Because a long settlement date allows Ms Wardle time to find an alternative property, it is possible that Ms Wardle will still be in residence at the time construction of EB3C commences (but not once EB3C is operational), in which case the SSCMP will address construction effects.

210. AT has also retained the acoustic fence condition despite the acquisition of the property. AT intends to install the acoustic fence early in the construction period, which may be while Ms Wardle is still in residence.

211. Following the Panel's site visit we considered that Ms Wardle's property – previously entirely surrounded by dwellings down a short right of way, but proposed to directly front the construction area and then the operational busway - would be one of the most significantly impacted by construction and operation of EB3C. The variety and

magnitude of those potential effects resulted in detailed consideration of effects on 2/203 Burswood Drive in the expert evidence and at the hearing.

212. Having considered Ms Wardle's submission and the evidence from the experts for AT and the Council, we are satisfied that effects on [redacted] are appropriately avoided, remedied or mitigated by the combination of the agreed conditions and AT's acquisition of the property.

Practicability of options to "avoid reclamation" (EB3C)

213. As notified EB3C proposed total reclamation of 549m^2 (later re-calculated to be 385m^2) for three areas within Pakuranga Creek:

- 10m^2 for a retaining wall between the Mobil service station (242 Tī Rākau Drive) and the Petstop site (254 Tī Rākau Drive) ("Reclamation A").
- North of Chinatown on the northern approach to Taupaepae where the CMA extends beneath the busway ("Reclamation B").
- North east of Chinatown on the northern approach to Taupaepae on the bend of the embankment ("Reclamation C").

214. Later refinement of the design (described below) eliminated the need for Reclamation A and reduced the reclamation area for Reclamations B and C to a total of 146m^2.

215. The initial hearing days took place on 13 to 15 May 2024. The Panel then adjourned the hearing for additional evidence from AT (and response from the Council and any submitters) on any alternative sites, routes, locations or methods of undertaking the EB3C works that would "avoid" reclamation, and the practicability of those options. The Panel reconvened the hearing on 2 July 2024 to hear that evidence and to complete the hearing.

216. The context for the Panel's request was NZCPS policy 10 and the AUP:OP policies which give effect to it, and the release of the Supreme Court decision *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC 26 ("**the *East West Link* decision**") on 11 April 2024, days before the pre-circulation of AT's evidence in chief for this hearing and only one month before the hearing commenced. The "avoid reclamation" issue was compounded by EB3C RC's non-complying activity status and the section 104D gateway test.

217. Policy 10(1) of the NZCPS states (emphasis added):

Avoid reclamation of land in the coastal marine area, unless:
(a) land outside the coastal marine area is not available for the proposed activity;
(b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;
(c) there are no practicable alternative methods of providing the activity; and
(d) the reclamation will provide significant regional or national benefit.

218. The *East West Link* decision considered reclamation for a regional transport project in Auckland with respect to policy 10 of the NZCPS and the AUP:OP policies which give effect to it. AT agreed that the decision was highly relevant to our decision on EB3C.

219. We are grateful to Ms Mitchell and Ms Wach for engaging with the findings of the *East West Link* decision during the hearing and comprehensively in AT's reply.

220. AT's additional evidence for the resumed hearing was from ten witnesses (only one of whom – Mr Burt – had not previously prepared evidence for the hearing):

- Murray Birt (Corporate)
- Andrew Gibbard (Construction Methodology)
- Arden Cruickshank (Archaeology)
- Chris Bentley (Urban Design & Natural Character)
- Derek Todd (Coastal Processes)
- Dr Lee Shapiro (Coastal Avifauna)
- Dr Sharon De Luca (Marine Ecology)
- Fiona Davies and Dr Morgan Witton (Ecology)
- Simon Jones (Design)
- Timothy Hegarty (Planning)

221. The evidence addressed our request for consideration of alternative sites, routes, locations or methods of undertaking the EB3C works that would "avoid reclamation" and the practicability of those alternatives by assessing (or re-assessing) seven options for EB3C described as:

- Option A: Small bridge with longer embankment within the CMA (the previously considered "causeway" option).

- Option B: Four span bridge (Taupaepae) and embankment extending into the CMA to support the busway with reclamation required for Locations B and C refined by steepening the slope of the embankment to 70 degrees. (EB3C).

- Option C: Four span bridge with retaining walls to support the busway embankment to minimise the reclamation required at Location B and eliminate the need for reclamation at Location C.

- Option D(a): Six span bridge to span the CMA at Location B with a retaining wall to eliminate the need for reclamation at Location C.

- Option D(b): Six span bridge as per Option D(a) spanning Location B and the embankment solution at Location C.

- Option E: Eight span bridge extending from the Petstop embankment around the bend past Chinatown to the current 207 Burswood Drive (west) section.

The full bridge option would span across the CMA in both Locations B and C and not require any reclamation (the previously considered “bridge” option).

- Option F: A cantilevered structure to avoid reclamation at Locations B and C.

222. An eighth option was subsequently assessed in additional supplementary evidence from Mr Burt, Mr Jones and Mr Hegarty in response to a question AT received from the Council as to whether it would be a practicable alternative to shift the alignment further landward, encroaching further into Chinatown’s site (“the landward option”).

223. The evidence addressed the design considerations and constraints, constructability and cost of the eight options, together with assessments of their relative effects.

224. The only submitter who responded to the additional evidence was Chinatown, who strongly opposed the landward option as not practicable due to increased effects on Chinatown. Mr McKenzie for the Council confirmed that the landward option was likely to result in full acquisition of the Chinatown site due to impacts on parking, loading and access.

225. The only issue raised by the Council in response to the additional evidence was with respect to the relative merits of Option E compared to EB3C (Option B) in relation to historic heritage mitigation, which we discuss later in our report.

226. Ms Wong for the Council had previously confirmed that she was satisfied that EB3C RC passed both elements of the section 104D gateway test and was appropriate to consent under section 104. She maintained that view.

227. AT’s reply first put the East West Link decision in context:

- EB3C involves 146m^2 of reclamation whereas the EWL application sought approvals for 18.4 ha of reclamation.
- Much of the EWL works were proposed to take place in an SEA-M1 overlay which is more protective than the SEA-M2 overlay in which EB3C will take place.
- The level of effects for EB3C (particularly effects that trigger assessment under NZCPS policy 11) are minor, whereas it was accepted that the effects of the EWL works were more than minor (with some significant).

228. AT contended that:

- In the *East West Link* decision the Court concluded that large scale infrastructure located in the CMA is not prohibited by the objectives and policies of the AUP or the NZCPS.

- The relevant NZCPS and AUP:OP policies in essence require a proponent seeking to locate significant infrastructure requiring reclamation in an SEA to show that the following three elements are met:

i. It is a necessary (not just desirable) solution by reference to functional or operational need, the regional or national benefit obtained, and the absence of any practicable alternative locations or solutions.

ii. Adverse effects that cannot be avoided have been remedied or mitigated to a standard that corresponds with the significance of the environment, ecosystem and/or species that ought to have been protected to an avoid standard.

iii. The benefits of the solution plainly justify the environmental cost of granting consent.

- To establish the first element that there is "no practicable alternative" location:

  i. An applicant is not required to establish that it is physically impossible to locate the proposal anywhere except in the SEA, as such a standard could never be satisfied.

  ii. A practicable alternative is one that is "reasonably available".

  iii. Examples of a situation in which there is "no practicable alternative" include where an inland option might be incapable of solving the problem that must be solved, or is unreasonably expensive in light of the environmental benefit of avoiding the SEA.

  iv. The best option and the only practicable option will not always be the same thing.

  v. The powerful shaping effect of "avoid" requires a scrupulously disciplined approach to determining whether it is appropriate to make an exception. The starting point must be that the answer is no.

  vi. The assessment is different to that required under s 171 which requires adequate consideration of alternatives *by the requiring authority*. Here *the Panel* must reach its own view on the availability of practicable alternatives and the necessity of the proposal.

229. AT said that the evidence demonstrated that the Supreme Court's "three element" test to locate significant infrastructure requiring reclamation in an SEA was met:

- While it is physically possible to locate EB3C on Tī Rākau Drive, it is not a practicable alternative to Taupaepae because of complex space constraints on Tī Rākau Drive, the presence of significant infrastructure, and the level of traffic disruption to Tī Rākau Drive. (Mr Snowsill's evidence on alternatives assessment, discussed earlier in our report).

- AT's ecology experts have identified that during construction the level of effects on marine ecology and on coastal avifauna will be very low to low. Mitigation (in

the form of rubbish and pest plant removal and native planting) to address cumulative construction effects is required by the conditions. Once operational, the level of effect for marine ecology and coastal ecology is very low and mitigation is not required. (Avifauna and ecology evidence of Dr Shapiro, Dr De Luca, and Ms Davies and Dr Witton).

- Given the now extremely limited extent of reclamation, the low ecological value of the area and the very low to low levels of effects, the benefits of the busway occupying the CMA justify the environmental cost of granting consent.

230. Mr Hegarty's opinion – having evaluated all of AT's corporate and expert evidence on alternatives and practicability - was that:

- There are no practicable alternatives to EB3C (as modified and assessed as Option B), including the landward option, due to acquisition or construction costs, geotechnical constraints, construction complexities, and environmental risks.

- There is inadequate land located outside the CMA, primarily due to EB3C's brownfield location which means that the busway corridor must be accommodated within a built-up urban environment.

- Reclamation has been reduced as far as practicable by steepening the batters from 45 degrees to 70 degrees, reducing reclamation to 146m^2.

- The effects associated with the reclamation are minor.

231. In approaching the issue of reclamation in an SEA for EB3C, it is evident from our decision to adjourn the hearing and request additional evidence that our starting point (as the Supreme Court has described it) was "no".

232. Having regard to the extensive additional corporate and expert evidence presented by AT with respect to analysis of the practicability of eight options to "avoid reclamation", and analysis of the *East West Link* decision, we are now satisfied that there are no practicable alternatives that will avoid the revised 146m^2 reclamation required by EB3C.

Open space effects mitigation / offset (NORs)

233. During the hearing the Panel identified an issue with respect to mitigation or offset of construction and operational impacts on open space.

234. Anthony Hart (Principal Consultant for the Community Infrastructure – Civil & Transport Business Unit at Jacobs NZ) presented evidence for AT on open space.

235. Mr Hart's evidence described construction and operational effects on open space as follows:

EB3C - Burswood Esplanade Reserve (east) and Bards Reserve

- Construction: Land is needed for temporary occupation during construction over a 3.5-year period, and open space will be fragmented during construction as the existing open space will be split by construction.

- Operation: Land will be permanently acquired for EB3C, and open space will be fragmented during operation as the existing open space will be split by the busway.

EB4L - Guys Reserve and Whaka Maumahara

- Construction: Land is needed for temporary occupation during construction. Given the extent of construction activity, the whole of Guys Reserve and Whaka Maumahara will be closed to the public.

- Operation: Land will be permanently acquired for EB4L, and open space will be fragmented during operation as the existing open space will be divided by the busway.

236. Mr Hart described mitigation of these effects:

- Because improvements to Burswood Esplanade Reserve (east) cannot be completed until EB3C is operational, “offset mitigation” will be required to address the residual effects on open space. Given the limited availability of open space during the construction period of approximately 3.5 years, AT has agreed that nearby Burswood Park should benefit from improvements in terms of play elements, to be implemented before construction commences on EB3C.

- Given the loss of capacity for recreation in Guys Reserve and Whaka Maumahara during the construction period of approximately 3.5 years, AT has agreed that improvements to nearby parks be implemented before construction commences on EB4L:

    i. Haven Park: improvements in terms of passive elements for quiet enjoyment for local residents.

    ii. Huntington Park: improvements in terms of play elements.

237. Mr Hart considers that the mitigation measures proposed for the open spaces will enhance the existing assets, providing additional passive and active recreation opportunities for the community, leaving the community better off than before EB3C and EB4L and improving existing open space values.

238. Andrew Miller (Consultant Parks Consent Planner, CoLab Planning) undertook the specialist review of open space effects for the Council. Mr Miller concluded that EB3C and EB4L would likely generate a net-benefit for open space and recreation in the locale.

239. Mr Hegarty's planning evidence for AT included a helpful table summarising the open space mitigation measures:

Table 7: AT's summary of open space mitigation measures

LOCATION	PACKAGE	WORKS PROPOSED	TIMING
Burswood Park	EB3C	Improved shade and or shelter; Improved play space elements to cater for all abilities and ages; A better planned space for the community.	Pre construction
Burswood Esplanade Reserve	EB3C	Area 1: Wayfinding, mahi toi, (public art), storytelling, landscaping; Area 2: Outdoor seating/tables, passive recreation; Area 3: Pump Track, Mara hupara (traditional Māori play), Parkour elements (using existing basalt stones).	Post construction
Guys Reserve	EB4L	Extension of walking cycling path from Tī Rākau Drive through to Whaka Maumahara to Te Irirangi Drive	Post construction
Whaka Maumahara	EB4L	Inclusion of walking cycling path from Guys reserve	Post construction
Huntington Park	EB4L	Improved play elements to cater for all abilities and ages; A better planned, welcoming space for the community; Upgrading of the 3 on 3 basketball court; and Wayfinding	Pre construction
Haven Park	EB4L	Seating and tables.	Pre construction

240. Mr Hegarty described the open space improvements at Burswood Park, Huntington Park and Haven Park as having "a temporal aspect" which he characterised as "mitigation during construction, followed by off setting post-construction", because these will be permanent improvements remaining in-situ and providing long term benefits once construction is complete.

241. After receiving AT's reply we asked AT to provide us with further legal submissions addressing whether:

- Mitigation is required to be of the effect at source; and
- Once construction is complete and all of the open spaces are in their improved from, it is 'double counting' to (re) classify the enduring improvements to Burswood Park, Huntington Park and Haven Park as offsets during operation.

242. AT provided helpful supplementary legal submissions addressing these issues.

243. The supplementary submissions provided us with caselaw clarifying that:

- "Mitigation" alleviates or moderates the severity of an effect, while an "offset" is a positive new effect that did not exist before; and

- Mitigation of effects, particularly open space effects, is not required to be "at source" or at the point of impact provided that it "alleviates" the adverse effects by providing improvements to open space within and accessible to the same local community.

244. With regard to Mr Hart's expert evidence, we agree that the open space improvements at Burswood Park, Huntington Park and Haven Park mitigate the effects on open space during construction of EB3C and EB4L, as the improved open spaces will serve the same local community.

245. The supplementary submissions state that there is no caselaw directly on the concept of double counting as it relates to open space effects, although the issue has been raised in other contexts (such as whether landscaping to mitigate ecological or other effects can also be counted as a positive effect). AT say that what is proposed in this case is not that the improvements mitigate more than one type of effect concurrently, but that they mitigate and then offset the same effect at different times (construction and operation) and there is no double counting in such a scenario.

246. The permanent open space improvements at Burswood Park, Huntington Park and Haven Park are described by Mr Hart as mitigating adverse effects of temporary and permanent land occupation, and temporary and permanent open space severance. We do not agree that those improvements can qualify as mitigation during construction and then convert into offset for operation of the busway. The caselaw says that an offset is a new positive effect that did not exist before: these positive effects will exist during construction so will not be new positive effects during operation.

247. We agree that the permanent improvements are an enduring benefit, but we would characterise them as mitigation of the operational effects which endure as a permanent legacy of the busway, not as offsets of operational effects.

New front yards and "planning burden" (EB3C NOR)

248. During the hearing the Panel identified an issue with respect to the EB3C NOR Burswood alignment and a consequent change of boundary status for residential sites adjoining EB3C.

249. It was common ground that EB3C would create a specialised transport facility and that it would not be a 'normal' public road. As such, it was not intended that development adjoining the facility should adhere to the form of development that is normally expected along roads. But in terms of the toolbox available to AT and the

Council, the intent was that on completion EB3C would be vested in Council as public road.

250. It occurred to us that a technicality of the AUP:OP is that a boundary with a road is compulsorily classified as a 'front boundary', and this would trigger zone standards relating to fence height, landscaping, and yard setbacks on properties adjoining EB3C between the two north-south arms of Burswood Drive. For the affected properties the boundary that will adjoin EB3C is currently a rear or side boundary, subject to lesser planning restrictions than road boundaries.

251. In summary, in the operative Residential: Mixed Housing Suburban zone:

- Side and rear yards require a 1m building setback and a height in relation to boundary control. Solid fences up to 2m can be erected as a permitted activity.

- For front yards, a 3m setback applies of which at least 50% must be landscaped. Boundary fences may be either 1.4m or 1.8m (subject to visual permeability requirements) height. There is no height in relation to boundary control.

252. AT indicated that most of the properties adjacent to the EB3C Burswood section will not adjoin the future public road as there will be a strip of residual land between the residential property and EB3C that will be returned to Auckland Council under the development arm of Eke Panuku. AT identified however that seven residential properties may adjoin the future public road (although the final number will be subject to the EB3C final design):

- 1/203 Burswood Drive;
- [redacted] (Ms Wardle's property, which AT is acquiring);
- 200 Burswood Drive;
- 21 Dulwich Place;
- 38 Heathridge Place;
- 28 Burswood Drive; and
- 7 Midvale Place.

253. The issue identified by the Panel was considered by the parties. Both Mr Hegarty and Mr Reaburn agreed that a consequence of EB3C NOR, and a relevant potential adverse effect on adjoining landowners and site occupants, would be the additional burden that vesting of the alignment as public road would give rise to on affected property owners. This would be unavoidable – the mechanics of the AUP:OP would change the planning enablement on adjoining land without any means to 'opt out', other than by not vesting the alignment as public road (or part of it, which we will return to later). Adverse effects could include less available land to develop permitted activities on; additional costs and uncertainties related to requiring land use consent for activities that are currently permitted; or other additional costs arising from compliance with front boundary standards (such as compulsory landscaping, and

limitations on fencing height which could affect residential privacy relative to users of the proposed new cycleway north of the busway).

254. After considering the significance of this matter, both Mr Reaburn and Mr Hegarty concluded that the issue would not be of concern. Mr Hegarty provided a boundary-length breakdown of the properties to the Panel. Both he and Mr Reaburn expressed optimism that common-sense would prevail in the event that future development of land adjoining EB3C triggered a need for a resource consent to infringe aspects of the future front yard setback. It was the view of Mr Reaburn and Mr Hegarty that adjoining landowners being required to seek resource consent (at the landowners' cost) was an acceptable outcome and not adverse.

255. We find that the change in planning status of land adjoining EB3C is a valid potential adverse effect and that, unless trivial or insignificant, it must be avoided, remedied or mitigated. We do not agree that the merits conclusions arrived at by either Mr Reaburn or Mr Hegarty have addressed this.

256. We are also not satisfied that the impacts of the change in planning status have been demonstrated as being trivial or insignificant on adjoining landowners. This is particularly so where allotments will require on-site vehicular manoeuvring on the north side of the allotment, pushing buildings closer to the southern boundary adjoining EB3C, and increasing the likelihood of a planning infringement that would not have arisen were it not for EB3C's vesting as road changing the boundary status.

257. We have considered what options might be available for AT to avoid, remedy or mitigate these potential adverse effects and have determined that there are several options. We considered these and concluded that there is no specific basis for any particular option to be imposed ahead of others, and that it would be appropriate for AT (in consultation with affected landowners as the case may be) to identify what is the most suitable. In summary the options we identified for AT – which we do not suggest cover all potential options that may be available - are:

- Electing to not vest EB3C as road. The Panel is aware of several instances where road has not been vested in full or in part (an example being Maritime Terrace as it crosses Little Shoal Bay);

- Electing to retain a very narrow strip of Local Purpose Reserve between the vested road and the affected property boundaries, which would be sufficient to retain existing boundary classifications;

- Acquire the affected land;

- Obtain land use consents or applying consent notices (or similar) for the benefit of the affected land, in consultation with and with the approval of affected landowners; or

- Meet the costs of land use consents required by affected landowners in the future.

258. We recommend an additional condition requiring AT to address this matter, and to provide suitable notification of its solution to the Council, prior to any application to vest EB3C as public road being made. We consider that this is the most practical way to address the issue and ensure that this potential adverse effect is appropriately avoided, remedied or mitigated.

Maintenance "in perpetuity" conditions (NORs)

259. The submission from Kāinga Ora and corporate evidence from Brendon Liggett for Kāinga Ora sought amendments to conditions for noise and vibration, transportation and traffic, and landscaping to require structures and planting to be maintained "in perpetuity".

260. The s42A report recommended conditions included proposed amendments to require maintenance "in perpetuity" as sought by Kāinga Ora.

261. AT does not accept that it is necessary or appropriate to stipulate this in the conditions. Sonja Lister's corporate evidence for AT stated that AT and the Council are responsible for the maintenance of pavement surfaces, street trees and vegetation within urban public spaces as part of their statutory responsibilities, and the on-going maintenance of noise barriers, low noise road surfaces and landscaping will be achieved without the need for maintenance "in perpetuity" to be specified in the conditions.

262. Mr Reaburn's May Addendum to the s42A report indicates that AT's position was accepted by the Council. The agreed conditions do not include the amendment sought by Kāinga Ora.

263. Having regard to Ms Lister's evidence we are satisfied that the agreed conditions are appropriate, without the amendment sought by Kāinga Ora.

Heritage mitigation conditions (EB3C)

264. The Applications included an Archaeological Effects Assessment.

265. The only submission in relation to historic heritage and archaeology was from Heritage New Zealand Pouhere Taonga ("**HNZPT**") on EB3C NOR, EB3C RC and EB4L NOR which sought amendments to conditions so that the conditions are aligned with other projects of a similar nature. AT accepted those recommendations. HNZPT did not table or present evidence at the hearing.

266. Arden Cruickshank (Senior Archaeologist at CFG Heritage Ltd) presented evidence for AT addressing historic heritage and archaeology.

267. Myfanwy Eaves (Senior Specialist Archaeology, Cultural Heritage Implementation Team, Heritage Unit, Auckland Council) reviewed the Applications, the Assessment and submissions for the Council.

268. At the commencement of the hearing Mr Cruickshank's evidence stated that there is one recorded archaeological site in the extent of works of the Applications, R11/1263 Donnelly's Quarry, which is subject to an AUP Historic Heritage and Special Character overlay extent of place. The Donnelly's Quarry site is partially within the CMA and partially on land.

269. At the time of the Assessment works had been designed to avoid the known features of this archaeological site, although the Assessment noted the potential that associated (unknown) features may be encountered during the proposed works.

270. AT has subsequently undertaken vegetation clearance for geotechnical investigation in February 2024 which has revealed that the site is much larger than originally recorded. Figure 4 from Mr Cruickshank's evidence is reproduced below showing the previously recorded extent of place in purple hatching and the full extent of features identified following vegetation clearance.

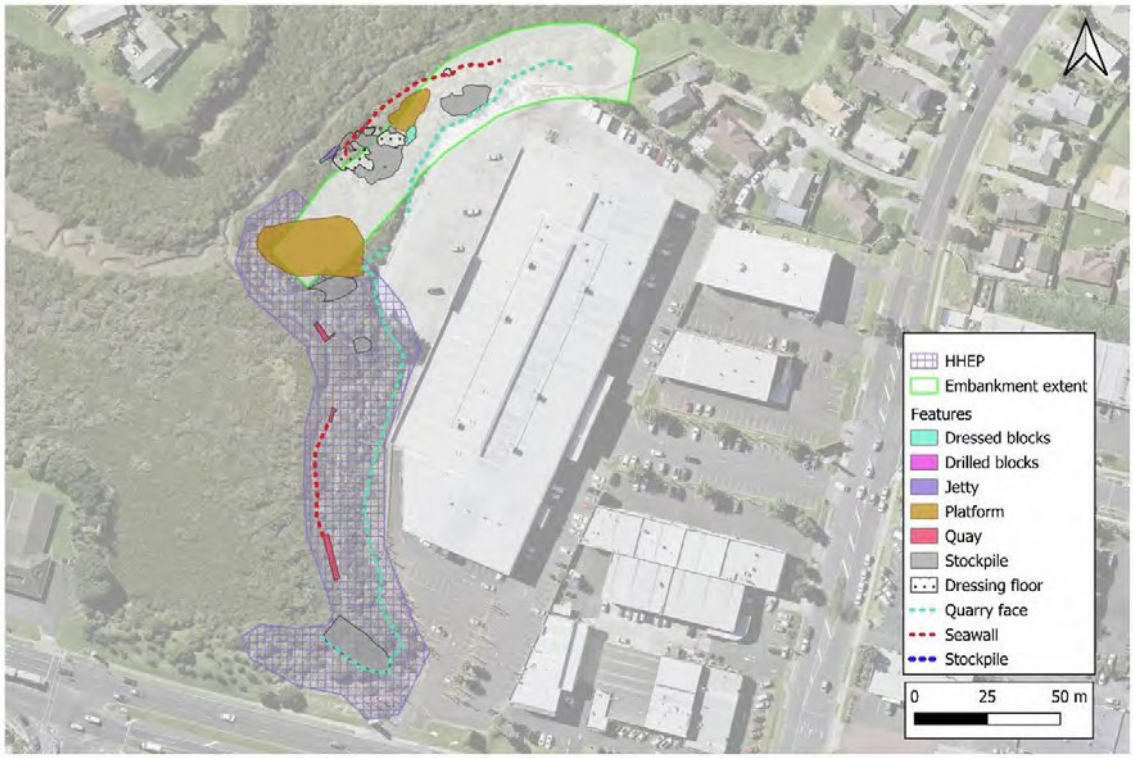


Figure 6: Donnelly's Quarry site

271. With respect to mitigation of effects on historic heritage and archaeology Mr Cruickshank stated that:

- AT is preparing an application to HNZPT for an Archaeological Authority to modify or destroy R11/1263 and any previously unrecorded archaeological sites that may be encountered within the extent of the EB3C and EB4L.

- A Historic Heritage Management Plan ("**HHMP**") will be prepared for EB3C and EB4L and implemented for the duration of the construction works. The objective of the HHMP is to protect historic heritage and to remedy and mitigate and residual effects on historic heritage values in the EB3C and EB4L works area as far as reasonably practicable.

272. Mr Cruickshank stated that with the Archaeological Authority and HHMP in place, any earthworks undertaken near to previously recorded archaeological sites, inlets or previous coastline obscured by reclaimed land will be closely monitored by an archaeologist. Any archaeological material encountered within the EB3C and EB4L site areas during construction that cannot be avoided will be mitigated by undertaking archaeological investigation and recording utilising standard archaeological practice. This would include detailed notes and photographic recording, as well as stratigraphic drawings, maps, and sampling of artefacts / material to be retained for analysis where necessary.

273. In assessing the Applications for the s42A report Myfanwy Eaves for the Council sought specific mitigation of effects on the Donnelly's Quarry through conditions providing for public access and interpretation of the site.

274. Mr Cruickshank agreed with the inclusion of a condition providing for interpretation of Donnelly's Quarry (included in the conditions relating to the HHMP and the UDLP) but disagreed with a condition requiring provision of public access because the remaining portion of the site is located on private land outside the EB3C designation.

275. Mr Reaburn for the Council acknowledged the absence of public land access to the site (except via the CMA).

276. Mr Cruickshank stated in his supplementary evidence that:

- EB3C will avoid approximately 70% of the known extent of Donnelly's Quarry. There is an impact on the archaeological features in the northern portion of the site, but four features are avoided (14, 15, 16 and 25) and four features are partially avoided (12, 13, 21, and 26), shown in Figure 1 to Mr Cruickshank's 1 July 2024 supplementary evidence below:

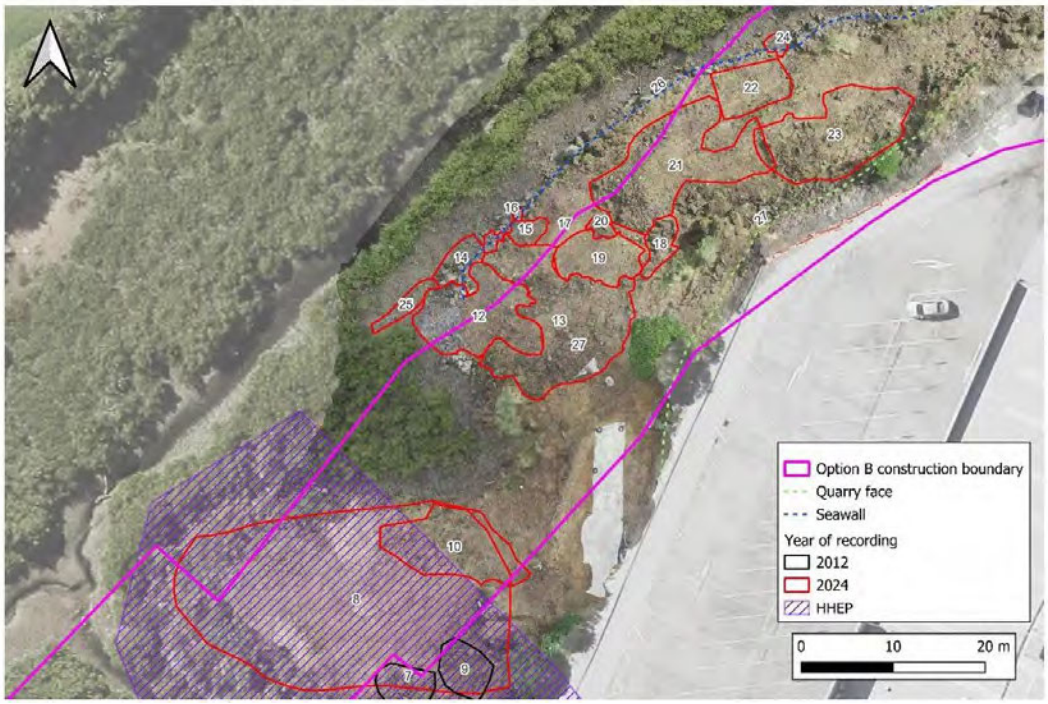


Figure 7. Features avoided and partially avoided by EB3C extent of works.

- Although individual features may be destroyed through construction, the effect on the site as a whole would be considered "modification" under the Heritage New Zealand Pouhere Taonga Act 2014 and can be appropriately mitigated through the HHMP through archaeological investigation and recording prior to construction. Very little information is available on historic New Zealand quarries, and the information that can be gained through archaeological investigation and recording prior to site modification can be used to better understand the methods used, how the separate features interacted, and the role this quarry played in Auckland's development.

277. As the Donnelly's Quarry site is partially within the CMA and partially on land, effects on the site fall partly to be considered under the EB3C NOR and partly under the EB3C RC. Ms Wong considered that as the outstanding issues relate to the newly exposed landward (NOR) components of the proposal, the appropriateness of adverse heritage effects in relation to the EB3C RC is dependent on resolution of conditions under the NOR. Mr Reaburn stated that he considered the outstanding issues as a matter for the Panel on the evidence.

278. At the close of the hearing, the sole outstanding issue with respect to historic heritage and archaeology was a residual concern from Ms Eaves for the Council with respect to sufficient mitigation for effects on the greater known extent of the Donnelly's Quarry site. Ms Eaves presented at the July resumed hearing and told us that this is the largest and most extensive basalt quarry in the area and that she would prefer an outcome that retained it. Ms Eaves acknowledged that the features in the CMA are likely to disappear with sea level rise and that the recently cleared mangroves will grow back and obscure the landward features again. Ms Eaves considered that

EB3C is “reasonable with good mitigation”, which she considered to consist of telling the story of the quarry.

279. Mr Cruickshank told us that in his opinion AT’s proposed conditions are appropriate and represent best practice for modification of archaeological sites which is to record the features before modifying them. Mr Cruickshank stated that no-one has recorded a heritage quarry in New Zealand before, and he was confident that the combination of the HHMP and the Archaeological Authority would enable AT, HNZPT and the Council to collaboratively develop a methodology for this site.

280. AT’s reply stated that the effects on the larger extent of the Donnelly’s Quarry site are not new issues: Mr Cruickshank first advised the Council in February 2024 of the new archaeological features that had been discovered at the site as a result of vegetation clearance geotechnical testing, he identified the features in his evidence in April 2024, and took those additional features into account in the assessment he undertook in that evidence. AT has also met with the Council’s heritage and planning specialists on a number of occasions to discuss the Council’s heritage concerns.

281. While we understand that Ms Eaves would prefer to retain the entire extent of the Donnelly’s Quarry site, EB3C proposes to modify the site and we must make our recommendation and decision on the proposal. We agree with Mr Cruickshank that the combination of the Archaeological Authority and the HHMP (which includes a requirement for site interpretation) appropriately mitigate the effects of modification of the Donnelly’s Quarry site.

282. We consider that AT’s proposed conditions appropriately manage the historic heritage and archaeological effects of EB3C.

Reinstatement conditions (EB4L)

283. AT and the Council have not reached agreement on whether “reinstatement conditions” are necessary for EB4L RC.

284. The Council seeks the following additional EB4L RC conditions:

> *Stabilisation and Reinstatement Works*
>
> *27C At least 40 days prior to completion of Bridge C, a reinstatement and stabilisation plan for the Guys and Whaka Maumahara Reserves must be prepared by an appropriately qualified and experienced person and submitted to Council for certification. The reinstatement and stabilisation plan must contain sufficient detail to address the following matters:*
> - *(a) confirmation that all aggregate associated with temporary construction access and laydown / compound areas will be removed from the reserves;*
> - *(b) proposed final contour plan that demonstrates the contours within the reserves, following removal of temporary construction areas, will be reinstated to pre-development condition to ensure the contributing*

catchments to the stream and natural inland wetlands will be reinstated; and

(c) stabilisation of the reserves using vegetative measures.

27D Within 10 working days following completion of Bridge C and the busway associated with EB4L, the temporary stabilisation areas, including the laydown area and access track, must be removed, and the Guys Reserve and Whaka Maumahara Reserve be reinstated in accordance with the certified reinstatement and stabilisation plan required by condition 27C.

285. Samantha Langdon (Specialist (Earth and Stream Works), Earth, Stream & Trees Team, Specialist Input Unit, Auckland Council) stated that the reasons for seeking the conditions were that they relate to regional RC matters and were recommended to ensure that the temporary material used for the bridge construction and laydown area is removed on completion of works, pre-development contours reinstated, and area vegetated. Ms Langdon did not agree that the NOR conditions address regional RC effects.

286. Mr Hegarty's planning reasons for opposing the amendments were:

- Works within reserves will be governed by landowner approval from Auckland Council Parks. Auckland Council therefore retains decision making as to the reserves at the completion of works as landowner.

- AT has not sought resource consent to permanently alter the hydraulic function of wetlands or streams. It is inappropriate to impose a condition controlling an activity for which AT has not sought consent or to impose permitted activity standards on a consent by way of conditions.

- Proposed condition 25C duplicates other EB4L conditions:

  i. EB4L RC condition 25 already requires stabilisation of all earthworks at their completion or abandonment. The earthworks will also be subject to both the project wide Erosion and Sediment Control Plan (ESCP) and site-specific ESCPs, which would also include stabilisation measures.

  ii. EB4L NoR conditions require an UDLP. The earthworks under EB4L RC are fundamentally linked to EB4L NOR, and the UDLP is a more appropriate mechanism to address any vegetative stabilisation given its overarching and holistic role for delivering landscaping across EB4L's footprint.

287. Having considered the reasons supporting and opposing the additional conditions given by Ms Langdon and Mr Hegarty and after reviewing the conditions as a whole we do not consider that the additional conditions are necessary for the reasons given by Mr Hegarty.

Arboriculture conditions (NORs)

288. AT and the Council have not reached agreement on the wording of one arboricultural condition (replicated as condition 37 for EB3C NOR and condition 26 for EB4L NOR).

289. AT's proposed condition states:

> *37. If the design of the Project (Package EB3C) 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 planting scheme is to be reviewed and approved by Council and 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).*

290. Mr Reaburn's closing comments noted that Regine Leung (Arborist, Earth, Streams and Trees Team, Specialist Input Unit, Auckland Council) for the Council seeks to "clarify and streamline" the condition so that it states:

> *37. If the design modification will result in a loss of protected trees, a suitable replacement specimen tree planting scheme is to be reviewed and approved by Council and 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).*

291. AT opposes the amendment on the basis that:

- The conditions had previously been identified by the Council as agreed;
- It is not clear what the substantial amendment is intended to achieve; and
- AT does not agree that the amendment is necessary or appropriate.

292. With respect to AT's first point, the s42A report records that Ms Leung requested amendments to the conditions "to ensure all the changes during construction that resulted in additional tree removal can be fully assessed by Council and mitigated with sufficient replacement planting". The May addendum to the s42A report identified that AT had incorporated the minor amendments to the condition wording recommended in the s42A report, and the condition was recorded as agreed by the Council.

293. With respect to AT's second point, we agree that the amended condition wording proposed by Ms Leung in Mr Reaburn's closing comments is unclear due to deletion of the chapeau to the condition. However having regard to Ms Leung's original

reasoning for amendment to the conditions stated in the s42A report, we infer that the amendment now sought by Ms Leung is in effect to delete (a) from the conditions which authorises AT to substitute removal of any protected tree for removal of any other without mitigation by replacement planting.

294. We consider that AT's proposed conditions would authorise the removal of potentially large, rare or otherwise significant protected trees in lieu of retaining other protected trees that may be of lesser significance, without mitigation. We do not consider that appropriate. Design modification that results in removal of any protected tree that has not already been assessed through this hearing should be mitigated by suitable replacement planting.

295. We therefore recommend amendment of condition 37 of EB3C NOR and condition 26 for EB4L NOR as follows, to retain the condition chapeau but delete clause (a) and consolidate clause (b) into the chapeau. We also recommend amendment to the former clause (b) which currently refers to Council "approval" of the 'suitable replacement planting scheme'. The Council's role should be one of certification, not approval. Our recommended amended condition wording is:

> *If the design of the Project (Package EB3C) 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 planting scheme <u>to mitigate the additional protected tree removal</u> is to be ~~reviewed and approved by Council~~ <u>submitted to the Council for certification</u> and ~~provided~~ <u>implemented</u> 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).*

Waiver of Outline Plan of Works (EB3C NOR)

296. AT has sought a waiver of the requirement for an Outline Plan of Works ("**OPW**") for EB3C pursuant to section 176A(2)(c).

297. Mr Hegarty for AT considers that a waiver is appropriate, and an OPW not necessary, because:

- Detailed information about EB3C is available now in the AEE and evidence for AT;

- Management plans for EB3C have been based off those for EB2/EB3R, which have already been certified by the Council, indicating that they are adequate to address effects; and

- All EB3C management plans are required to be certified by the Council.

298. Mr Reaburn for the Council agrees that a waiver is appropriate.

299. The effects of EB3C are well understood and the project is funded and ready to construct. We agree that requiring an OPW would be inefficient and an unnecessary duplication and agree that a waiver of the OPW for EB3C NOR is appropriate.

Lapse period (NORs and RCs)

300. AT is seeking two different lapse dates for EB3C and EB4L:

- The standard 5 year lapse date for EB3C. EB3C is planned and funded and its construction is expected to commence without delay.

- A 10 year lapse date for EB4L, to provide route protection while funding is secured.

301. The only submission relevant to lapse date is Z Energy.

302. Z Energy tabled a statement that it generally supports the Applications subject to AT acceptance of amendments to conditions (which has occurred). On that basis there does not appear to be any opposition to the lapse dates proposed.

303. Mr Willetts' corporate evidence for AT explained that funding is not yet in place for EB4L. Mr Hegarty's planning evidence for AT stated that 10 year lapse dates are common for the route protection of large infrastructure projects.

304. Mr Reaburn and Ms Wong agree that a 5 year lapse date for EB3C NOR and EB3C RC, and a 10 year lapse date for EB4L NOR and EB4L RC, are appropriate.

305. We agree.

Conditions generally

306. Given the very high degree of agreement between AT and the Council by the close of the hearing, we have not discussed all conditions in this report. We have focused on those where matters remained in contention – as between AT and submitters, or as between AT and the Council – at the close of the hearing.

307. We acknowledge that all experts for AT, submitters and the Council have contributed to review and refinement of the conditions.

308. We have reviewed all of the conditions. We have identified in this report our recommendations for one new condition (to address new front yards) and one

amendment to conditions (to address protected tree removal). We otherwise consider that the agreed conditions presented with AT's reply appropriately avoid, remedy, mitigate or offset the effects of EB3C and EB4L.

309. We note that AT called expert evidence from two planners - Timothy Hegarty and Lydia Smith. Mr Hegarty's evidence was described as addressing "Planning (Effects and Statutory Assessment)", and Ms Smith's evidence was described as addressing "Planning (Conditions)". We asked Mr Hegarty and Ms Smith about their roles. Ms Smith confirmed that she had relied on Mr Hegarty to assess whether proposed conditions appropriately addressed effects, and that her role was to maintain oversight of all conditions collectively and to systematically record agreed and not agreed amendments to the conditions. In highlighting this difference in roles we do not diminish the importance of the role Ms Smith has played in this hearing. Her conscientious attention to "version control" has assisted us to trace agreed and not agreed amendments to conditions throughout the hearing, and the condition sets received by us at the close of the hearing have clearly been edited and cross-checked to a very high standard.

Part 2

310. Both sections 104 and 171 are expressed as "subject to Part 2". AT's opening legal submissions and reply set out that:

- An assessment against Part 2 is always necessary for NORs in accordance with s171(1).
- An assessment against Part 2 must be undertaken "when it is appropriate to do so" in accordance with s104(1) and *Davidson*, which is generally considered to be when a Plan has not been competently prepared to give effect to the higher documents.

311. The recommendations and decision for EB2 / EB3R concluded that a consideration of that NOR and RCs against Part 2 was appropriate for a number of reasons, two of which AT accepts are also relevant to EB3C and EB4L: interlinked elements of NOR and RC which have different statutory tests, and the project scale and location including a major town centre (for EB3C and EB4L that is Botany) and several major transport junctions.

312. The AEE included an assessment against Part 2, which was accepted by the 42A authors Mr Reaburn and Ms Wong.

313. The Panel agrees with the Part 2 summary in AT's reply and finds that:

- Section 5: EB3C and EB4L will enhance Auckland's social and economic wellbeing and physical environment through improved transport networks and urban intensification, and improve the health and safety of the community through safer active transport infrastructure and open space improvements.

The adverse effects of EB3C and EB4L will be appropriately avoided, remedied or mitigated by conditions.

- Section 6: EB3C has minimised the footprint of regionally significant infrastructure within the coastal environment and carefully managed effects. Effects on historic heritage that cannot be avoided will be appropriately mitigated. EB3C and EB4L stormwater and bridge design addresses natural hazards and future sea level rise. EB3C and EB4L have addressed the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga through early and ongoing engagement (secured by conditions).

- Section 7: The exercise of kaitiakitanga by mana whenua has been facilitated through early and ongoing engagement (secured by conditions). The Project represents an efficient use of resources, upgrading key infrastructure to respond to and support urban growth in south-east Auckland through improved public transport links and active transport networks, and reduced traffic congestion. In the context of a large public infrastructure project, adverse effects on local amenity values will be appropriately managed by conditions. Infrastructure design (including the three bridges and the station), landscaping and tree planting maintain and enhance amenity values. The effects of climate change are addressed through stormwater infrastructure capacity improvements and bridges designed to address the effects of sea level rise and erosion.

- Section 8: Early and ongoing engagement with mana whenua takes into account the principles of Te Tiriti o Waitangi.

Conclusion

314. EB3C and EB4L seek to extend significant transportation infrastructure to support population and economic growth in south-east Auckland.

315. The evidence has established that EB3C and EB4L will have extensive positive effects on the existing environment and significant public transport benefits, and are likely to have potential future benefits on the predicted future traffic environment.

316. The Panel's focus in this report - our findings on adverse effects and fine details of proposed conditions - should not be taken as disregarding the benefits of EB3C and EB4L. The Panel has followed the submissions and evidence to determine whether appropriate conditions will effectively avoid, remedy, mitigate, or offset adverse effects on the existing environment.

317. It is evident from our report that the Burswood section of EB3C was a significant issue for submitters and the Local Board. Submitters told us of their strong opposition to the existing quiet residential cul de sac community character being transformed by the busway, Pōhatu Station, and consequent transformation of the local streets into a

public transport commuter hub. We accept and understand their concerns. For a designation however, we have set out that the role of assessing alternatives and selecting the EB3C route sits with AT not with the Panel. We are satisfied that AT met the statutory test for assessing alternatives when they selected the route for the busway, and there were clear reasons why the "offline" route via the Burswood section was preferred over the "online" route straight down Tī Rākau Drive. Our role is to focus on the effects of the selected route. Our evaluation of the concerns raised about the effects of the Burswood section is found across several topics in our report (for example urban design, noise and vibration, traffic). We are satisfied however that the expert evidence has addressed the issues in contention, extensive additional conditions have been developed in response to those issues (including one new condition recommended by us), and that the final conditions appropriately manage the effects of EB3C's route through the Burswood section.

318. We have concluded that EB3C NOR and EB4L NOR should be confirmed and EB3C RC and EB4L RC granted, enabling the benefits of EB3C and EB4L to be realised.

319. We record that our recommended and approved conditions are drawn from AT's reply conditions with one new condition and amendments to one condition as indicated in our report.

Recommendation and Decisions

EB3C NOR

320. In exercising our delegation under section 34A of the RMA and in accordance with section 171(2) of the Resource Management Act 1991, the Panel **recommends** to Auckland Transport that the Notice of Requirement for the construction, operation, and maintenance of EB3C on land between Riverhills Park, Pakuranga, and Guys Reserve, Botany (Stage 3C) as shown in Attachment A: Eastern Busway 3C – Land Requirement Plans be **confirmed** and be subject to the conditions set out in Attachment C for the reasons set out below.

EB4L NOR

321. In exercising our delegation under section 34A of the RMA and in accordance with section 171(2) of the Resource Management Act 1991, the Panel **recommends** to Auckland Transport that the Notice of Requirement for the construction, operation, and maintenance of EB4L on land between Guys Reserve and Te Irirangi Drive, Botany (Stage 4L) as shown in Attachment B: Eastern Busway EB4L – Land Requirement Plans be **confirmed** and be subject to the conditions set out in Attachment D for the reasons set out below.

EB3C RC

322. In exercising our delegation under section 34A of the RMA and having regard to the foregoing matters, sections 104, 104D, 105 and 107 and Part 2 of the RMA, the Panel **determines** that resource consent to construct, operate and maintain the

Eastern Busway Stage 3 Commercial (EB3C) on land between the intersection of Tī Rākau Drive / South-Eastern Highway (SEART) and Pakuranga Road / William Roberts Road / Reeves Road, Pakuranga is **granted** for the reasons set out below and subject to the conditions set out in Attachment E.

EB4L RC

323. In exercising our delegation under section 34A of the RMA and having regard to the foregoing matters, sections 104, 104B, 105 and 107 and Part 2 of the RMA, the Panel **determines** that resource consent to construct, operate and maintain the Eastern Busway Stage 4 Link (EB4L) between Guys Reserve and Te Irirangi Drive, Botany is **granted** for the reasons set out below and subject to the conditions set out in Attachment F.

Reasons for the Recommendation and Decisions

EB3C NOR and EB4L NOR

324. Under section 171(3) of the Act the reasons for our recommendations are set out in the body of our report and are summarised as follows:

- EB3C NoR and EB4L satisfy section 171 of the Act as:

  i. Adequate consideration has been given to alternative sites, routes, or methods of undertaking the work - s171(1)(b).

  ii. The works and designations are reasonably necessary for achieving the objectives of the Requiring Authority - s171(1)(c).

  iii. The works and designations respond to and support growth in south-east Auckland and the predicted future traffic environment - s171(1)(d).

  iv. The works and designations support a reduction in the discharge of greenhouse gases through promotion of public transport - s171(1)(d).

- The works proposed by the designations are consistent with Part 2 of the Act in that the works represent the sustainable management of natural and physical resources consistent with sections 5, 6, 7 and 8 through the promotion of an integrated, multi-modal transport system to support population and economic growth in south-east Auckland.

- The EB3C designation is in general accordance with relevant objectives and policies of the New Zealand Coastal Policy Statement.

- The designations are consistent with relevant objectives and policies of the National Policy Statement on Urban Development, National Policy Statement on Freshwater Management, National Policy Statement – Electricity Transmission, National Policy Statement on Indigenous Biodiversity, National

Environment Standard for Freshwater, National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, and AUP:OP.

- Subject to the recommended conditions, set out in Attachments C and D, the designations will avoid, remedy, mitigate or offset adverse environmental effects.

EB3C RC and EB4L RC

325. Under section 104(1) of the Act the reasons for our decisions are set out in the body of our report and are summarised as follows:

- EB3C RC satisfies section 104D of the Act as:

  i. Subject to the decision conditions, the adverse effects of the activities will be minor.

  ii. The activity will not be contrary to the objectives and policies of the AUP:OP.

- EB3C RC and EB4L RC will have positive effects on the existing environment, and the conditions of consent avoid, remedy, mitigate or offset adverse effects on the existing environment.

- EB3C RC and EB4L RC respond to and support growth in south-east Auckland and the predicted future traffic environment.

- EB3C RC and EB4L RC are consistent with Part 2 of the Act in that the resource consents represent the sustainable management of natural and physical resources consistent with sections 5, 6, 7 and 8 through the promotion of an integrated, multi-modal transport system to support population and economic growth in south-east Auckland.

- EB3C RC is in general accordance with relevant objectives and policies of the New Zealand Coastal Policy Statement.

- EB3C RC and EB4L RC are consistent with relevant objectives and policies of the National Policy Statement on Urban Development, National Policy Statement on Freshwater Management, National Policy Statement – Electricity Transmission, National Environment Standard for Freshwater, National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, and AUP:OP.

326. We are satisfied that the proposal appropriately addresses the matters set out in section 105(1) with respect to discharge permits and coastal permits.

327. We are satisfied that no esplanade reserve or esplanade strip is appropriate with respect to section 105(2) and the EB3C reclamation.

328. We are satisfied that section 107 with respect to discharge permits does not preclude the grant of consents.

Amendments to the Auckland Unitary Plan

EB3C NOR

329. That the Auckland Unitary Plan be amended as set out in:

- Attachment A: Eastern Busway 3C – Land Requirement Plans (Drawing Number: EB-2-R-4-PL-DG-000620), Eastern Busway Alliance, Revision A1, dated 05.09.2023.
- Attachment C: Eastern Busway 3C – Recommendation - Notice of Requirement conditions.

EB4L NOR

330. That the Auckland Unitary Plan be amended as set out in:

- Attachment B: Eastern Busway 4L – Land Requirement Plans (Drawing Number: EB-2-R-5-PL-DG-000610), Eastern Busway Alliance, Revision A, dated 05.09.2023.
- Attachment D: Eastern Busway 4L – Recommendation - Notice of Requirement conditions.

Conditions

Attachment C: Eastern Busway 3C – Recommended Notice of Requirement conditions

Attachment D: Eastern Busway 4L – Recommended Notice of Requirement conditions

Attachment E: Eastern Busway 3C – Resource Consent conditions

Attachment F: Eastern Busway 4L – Resource Consent conditions

Sarah Shaw

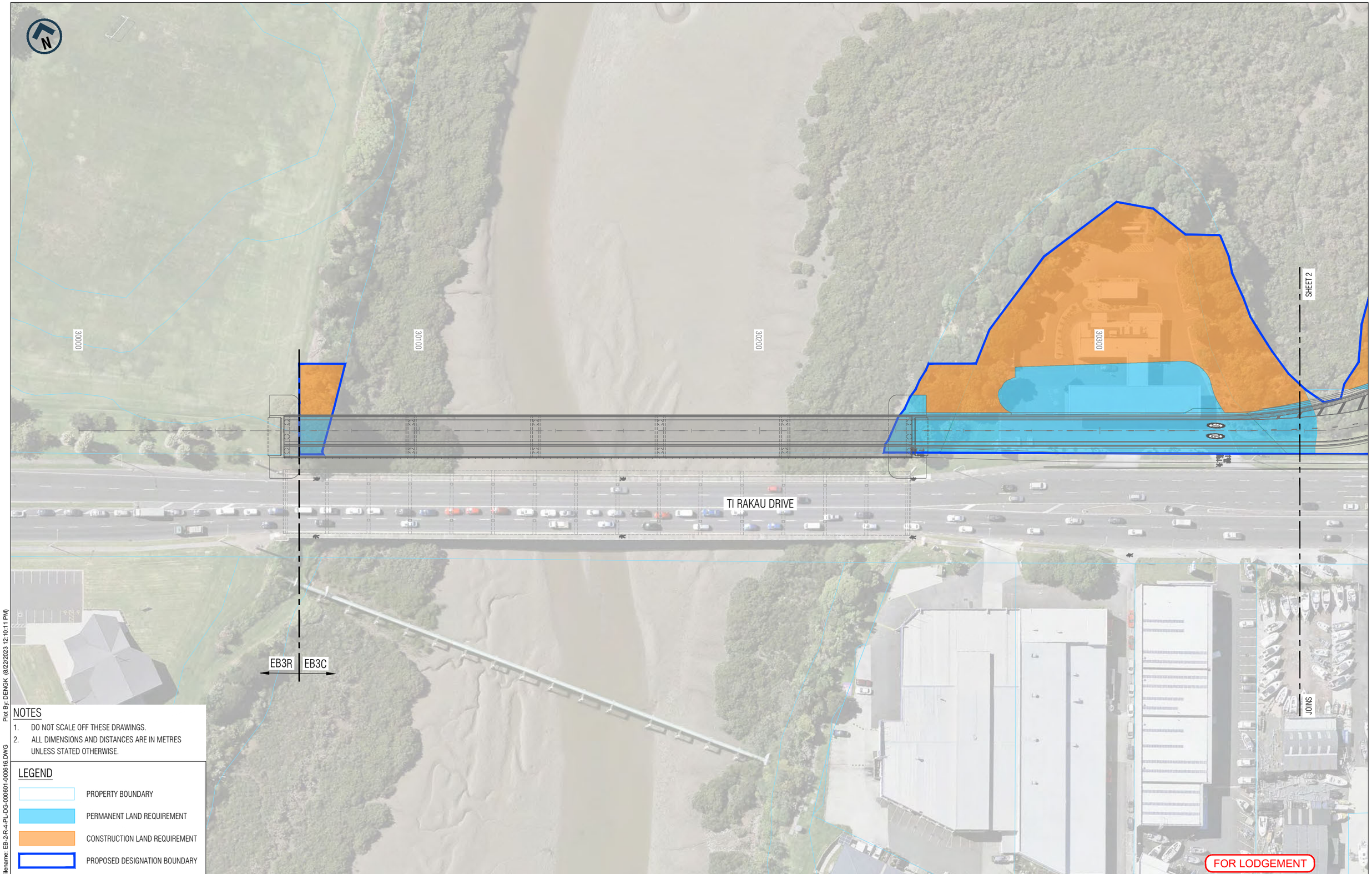
Chairperson

11 September 2024

ATTACHMENT A

EASTERN BUSWAY 3C
LAND REQUIREMENT PLANS
(DRAWING NUMBER: EB-2-R-4-PL-DG-000620), EASTERN BUSWAY ALLIANCE, REVISION A1, DATED 05.09.2023

LEGEND
PROPERTY BOUNDARY
DESIGN FOOTPRINT
PERMANENT LAND REQUIREMENT
CONSTRUCTION LAND REQUIREMENT
N
DEVEREUX PLACE
HEATHROSE PLACE
TORRISI ROAD
TORRISI ROAD
T-WAY DRIVE
T-WAY DRIVE
T-WAY DRIVE



NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.

LEGEND

- PROPERTY BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PROPOSED DESIGNATION BOUNDARY

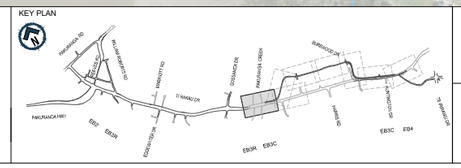
FOR LODGEMENT

REV	DATE	DRAWN	REVISION DESCRIPTION
A	16/08/2023	K. Deng	ISSUED FOR LODGEMENT

Designed	J. Aldridge	Checked	A. Hirani
Drawn	K. Deng	Checked	A. Kanaris
Approved	D. Coutts		
Date	16/08/2023		Approver Signature

Scale Bar: 0 12.5 25 m — A1 1:500 — A3 1:1000

KEY PLAN

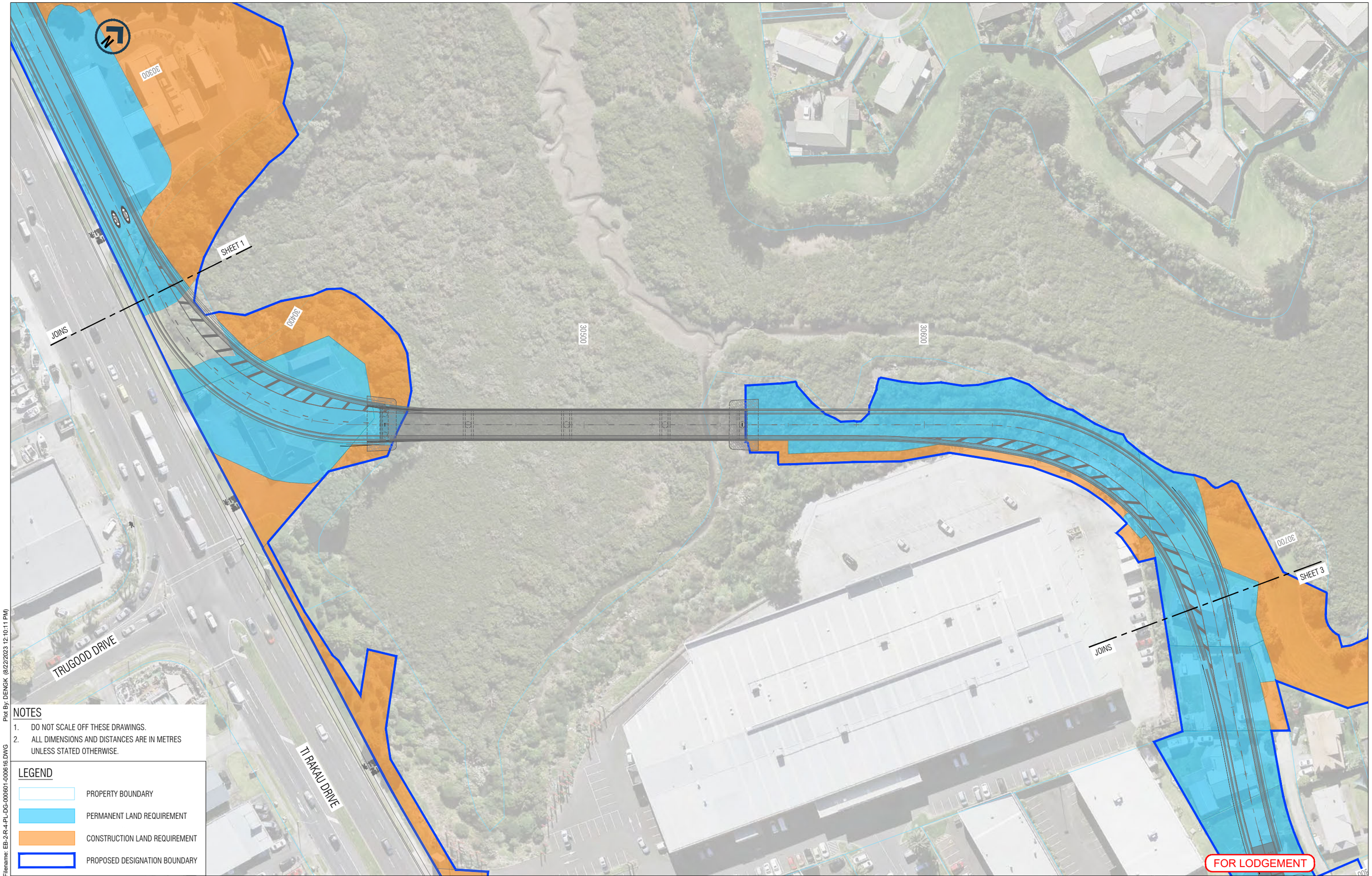


EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 3 COMMERCIAL
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status	FOR LODGEMENT
Horizontal Datum	NZGD 2000 MOUNT EDEN CIRCUIT
Vertical Datum	2016 NEW ZEALAND
A1 SCALE	1:500
A3 SCALE	1:1000
Design Package	**CONSENTING**
Drawing Title	EB3C PROPOSED DESIGNATION BOUNDARY SHEET 1 OF 8
Drawing Number	EB-2-R-4-PL-DG-000601
Revision	A

Plot By: DENGK (8/22/2023 12:10:11 PM)
Filename: EB-2-R-4-PL-DG-000601-000816.DWG
A1
ORIGINAL SIZE
ORIGINAL IN COLOUR



NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.

LEGEND

- PROPERTY BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PROPOSED DESIGNATION BOUNDARY

Plot By: DENGK (8/22/2023 12:10:11 PM)

Filename: EB-2-R-4-PL-DG-000601-000616.DWG

A1 ORIGINAL SIZE

ORIGINAL IN COLOUR

REV	DATE	DRAWN	REVISION DESCRIPTION
A	16/08/2023	K. Deng	ISSUED FOR LODGEMENT

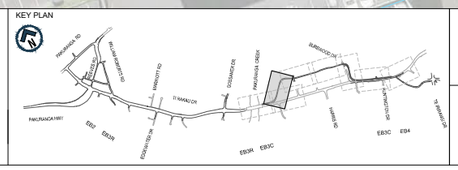
Designed	J. Aldridge	Checked	A. Hirani
Drawn	K. Deng	Checked	A. Kanaris
Approved	D. Coutts		
Date	16/08/2023		Approver Signature

Scale Bar

0 12.5 25 m

A1 1:500 A3 1:1000

KEY PLAN



EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 3 COMMERCIAL
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status: FOR LODGEMENT

Horizontal Datum: NZGD 2000 MOUNT EDEN CIRCUIT

Vertical Datum: 2016 NEW ZEALAND

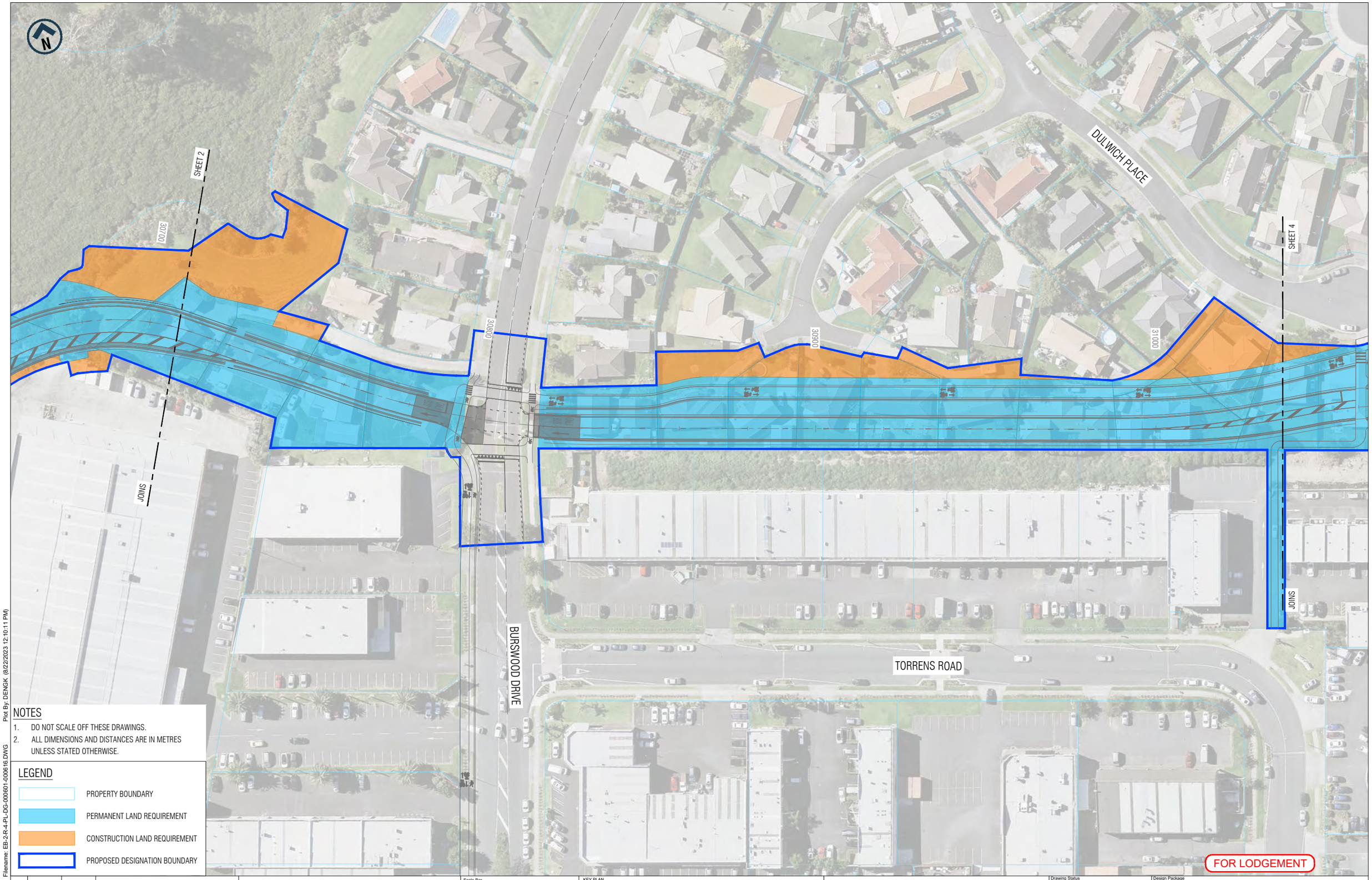
A1 SCALE 1:500 A3 SCALE 1:1000

Design Package: **CONSENTING**

Drawing Title: EB3C
PROPOSED DESIGNATION BOUNDARY
SHEET 2 OF 8

Drawing Number: EB-2-R-4-PL-DG-000602

Revision: A



NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.

LEGEND

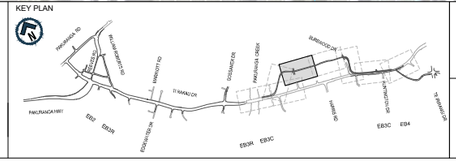
- PROPERTY BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PROPOSED DESIGNATION BOUNDARY

REV	DATE	DRAWN	REVISION DESCRIPTION
A	16/08/2023	K. Deng	ISSUED FOR LODGEMENT

Designed	J. Aldridge	Checked	A. Hirani
Drawn	K. Deng	Checked	A. Kanaris
Approved	D. Coutts		Approver Signature
Date	16/08/2023		

Scale Bar: 0 12.5 25 m — A1 1:500 — A3 1:1000

KEY PLAN



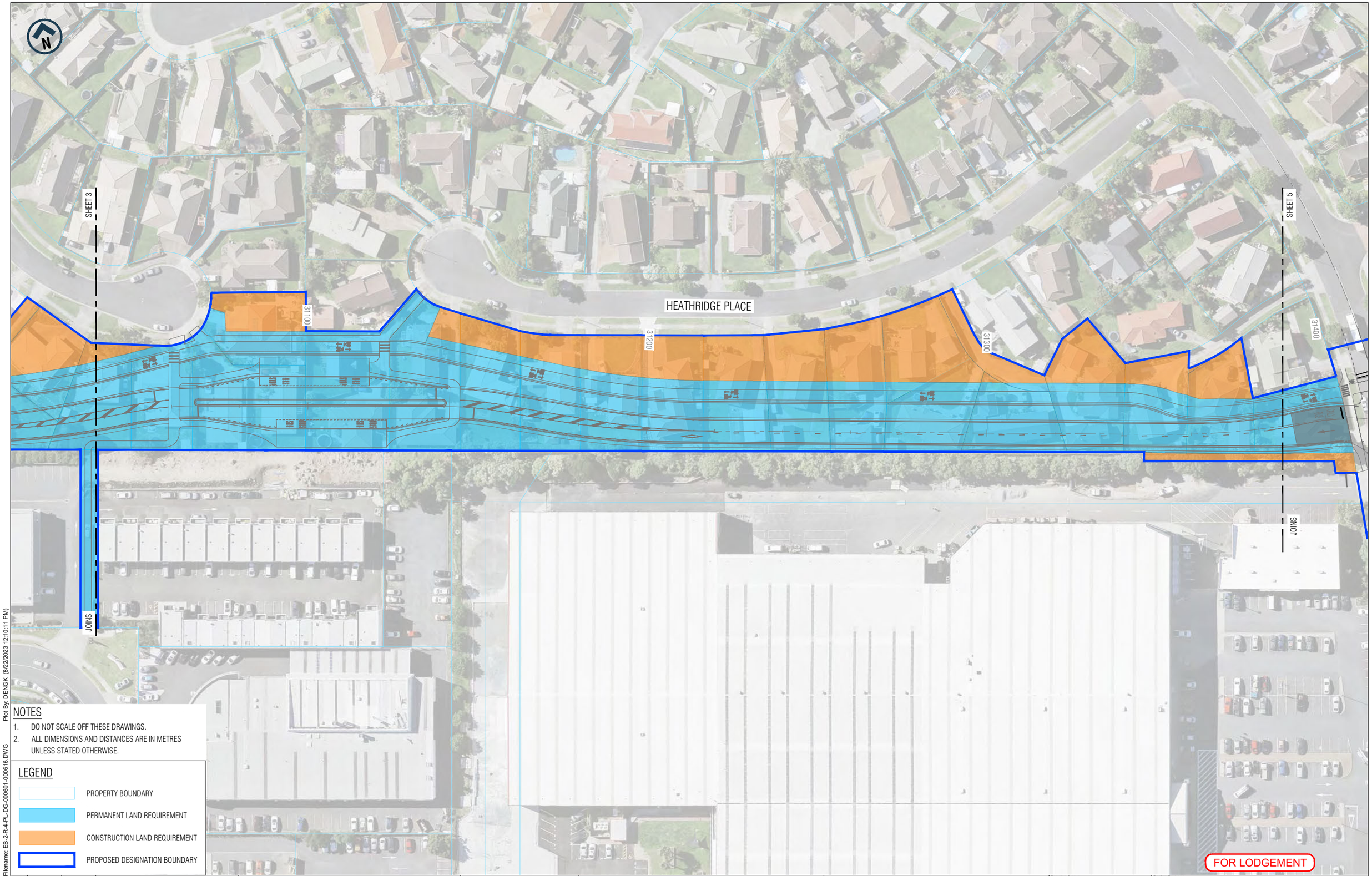
EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 3 COMMERCIAL
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status	FOR LODGEMENT		
Horizontal Datum	NZGD 2000 MOUNT EDEN CIRCUIT		
Vertical Datum	2016 NEW ZEALAND		
A1 SCALE	1:500	A3 SCALE	1:1000

Design Package	**CONSENTING**
Drawing Title	EB3C PROPOSED DESIGNATION BOUNDARY SHEET 3 OF 8
Drawing Number	EB-2-R-4-PL-DG-000611
Revision	A

Plot By: DENGK (8/22/2023 12:10:11 PM)
Filename: EB-2-R-4-PL-DG-000601-000616.DWG
ORIGINAL SIZE A1
ORIGINAL IN COLOUR



NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.

LEGEND

- PROPERTY BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PROPOSED DESIGNATION BOUNDARY

FOR LODGEMENT

Plot By: DENGK (8/22/2023 12:10:11 PM)

Filename: EB-2-R-4-PL-DG-000601-000616.DWG

ORIGINAL SIZE A1

ORIGINAL IN COLOUR

REV	DATE	DRAWN	REVISION DESCRIPTION
A	16/08/2023	K. Deng	ISSUED FOR LODGEMENT

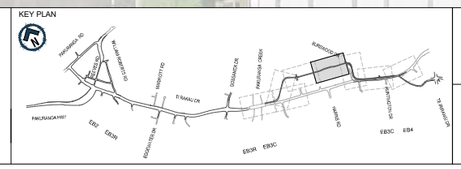
Designed	J. Aldridge	Checked	A. Hirani
Drawn	K. Deng	Checked	A. Kanaris
Approved	D. Coutts		
Date	16/08/2023		Approver Signature

Scale Bar

0 12.5 25 m

A1 1:500 A3 1:1000

KEY PLAN



EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 3 COMMERCIAL
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status	FOR LODGEMENT
Horizontal Datum	NZGD 2000 MOUNT EDEN CIRCUIT
Vertical Datum	2016 NEW ZEALAND
A1 SCALE	1:500
A3 SCALE	1:1000
Design Package	**CONSENTING**
Drawing Title	EB3C PROPOSED DESIGNATION BOUNDARY SHEET 4 OF 8
Drawing Number	EB-2-R-4-PL-DG-000612
Revision	A

Plot By: DENGK (8/22/2023 12:10:11 PM)

Filename: EB-2-R-4-PL-DG-000601-000616.DWG

A1

ORIGINAL SIZE

REV	DATE	DRAWN	REVISION DESCRIPTION
A	16/08/2023	K. Deng	ISSUED FOR LODGEMENT

Designed	J. Aldridge	Checked	A. Hirani
Drawn	K. Deng	Checked	A. Kanaris
Approved	D. Coutts	Approver Signature	
Date	16/08/2023		

Scale Bar
0 12.5 25 m
A1 1:500 A3 1:1000

KEY PLAN

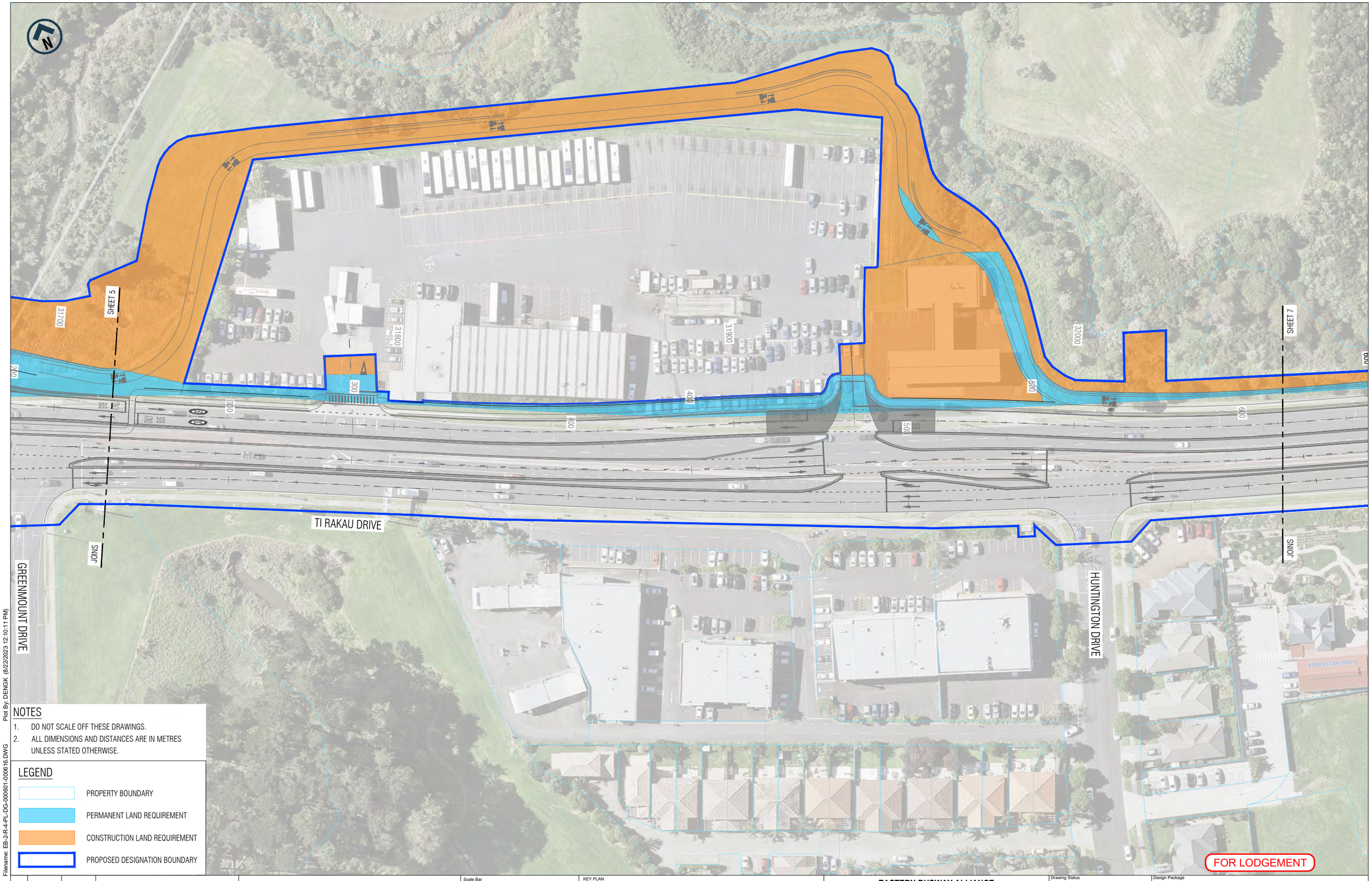
EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 3 COMMERCIAL
(PAKURANGA TO BOTANY)

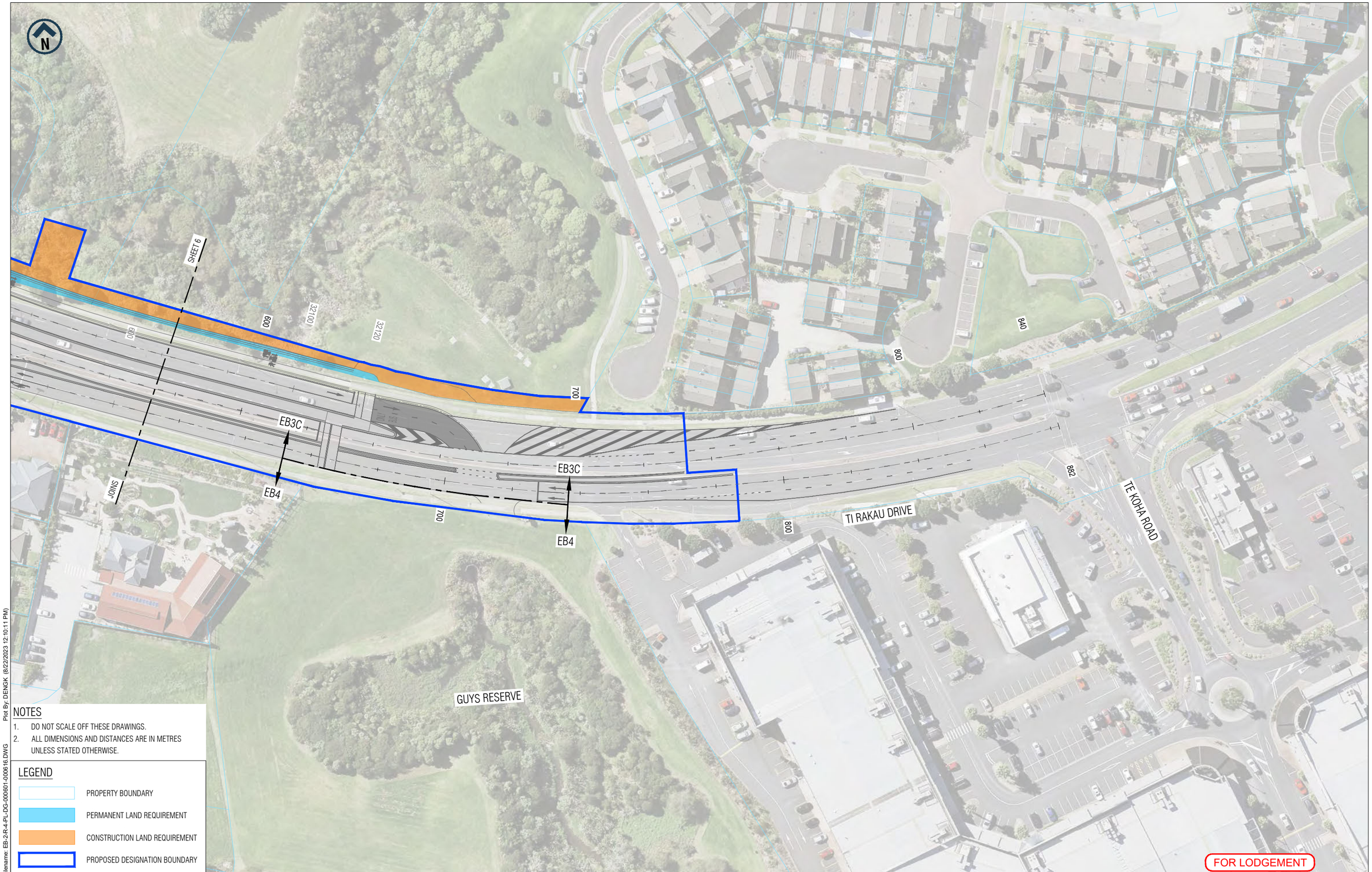
Eastern Busway

Drawing Status: FOR LODGEMENT
Horizontal Datum: NZGD 2000 MOUNT EDEN CIRCUIT
Vertical Datum: 2016 NEW ZEALAND
A1 SCALE 1:500 A3 SCALE 1:1000

Design Package: CONSENTING
Drawing Title: EB3C PROPOSED DESIGNATION BOUNDARY SHEET 5 OF 8
Drawing Number: EB-2-R-4-PL-DG-000613
Revision: A

ORIGINAL IN COLOUR


SHEET 5
SHEET 7
JOINS
JOINS
TI RAKAU DRIVE
GREENMOUNT DRIVE
HUNTINGTON DRIVE
31700
31800
31900
32000
200
300
400
500
600
700
800
900
1000
1100
1200
1300
1400
1500
1600
1700
1800
1900
2000
2100
2200
2300
2400
2500
2600
2700
2800
2900
3000
3100
3200
3300
3400
3500
3600
3700
3800
3900
4000
4100



NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.

LEGEND

- PROPERTY BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PROPOSED DESIGNATION BOUNDARY

FOR LODGEMENT

Plot By: DENGK (8/22/2023 12:10:11 PM)

Filename: EB-2-R-4-PL-DG-000601-000616.DWG

A1 ORIGINAL SIZE

ORIGINAL IN COLOUR

REV	DATE	DRAWN	REVISION DESCRIPTION
A	16/08/2023	K. Deng	ISSUED FOR LODGEMENT

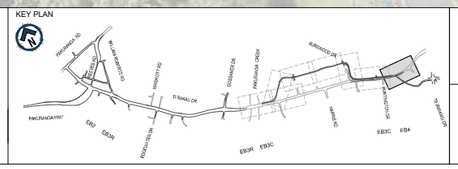
Designed	J. Aldridge	Checked	A. Hirani
Drawn	K. Deng	Checked	A. Kanaris
Approved	D. Coutts		Approver Signature
Date	16/08/2023		

Scale Bar

0 12.5 25 m

A1 1:500 A3 1:1000

KEY PLAN



EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 3 COMMERCIAL
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status	FOR LODGEMENT
Horizontal Datum	NZGD 2000 MOUNT EDEN CIRCUIT
Vertical Datum	2016 NEW ZEALAND
A1 SCALE	1:500
A3 SCALE	1:1000
Design Package	CONSENTING
Drawing Title	EB3C PROPOSED DESIGNATION BOUNDARY SHEET 7 OF 8
Drawing Number	EB-2-R-4-PL-DG-000615
Revision	A

NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.

LEGEND

- PROPERTY BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PROPOSED DESIGNATION BOUNDARY

FOR LODGEMENT

Plot By: DENGK (8/22/2023 12:10:11 PM)

Filename: EB-2-R-4-PL-DG-000601-000616.DWG

A1 ORIGINAL SIZE

ORIGINAL IN COLOUR

REV	DATE	DRAWN	REVISION DESCRIPTION
A	16/08/2023	K. Deng	ISSUED FOR LODGEMENT

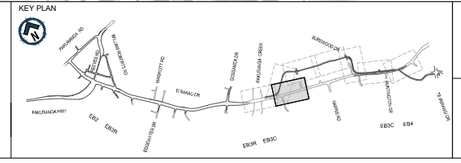
Designed	J. Aldridge	Checked	A. Hirani
Drawn	K. Deng	Checked	A. Kanaris
Approved	D. Coutts		
Date	16/08/2023		Approver Signature

Scale Bar

0 12.5 25 m

A1 1:500 A3 1:1000

KEY PLAN



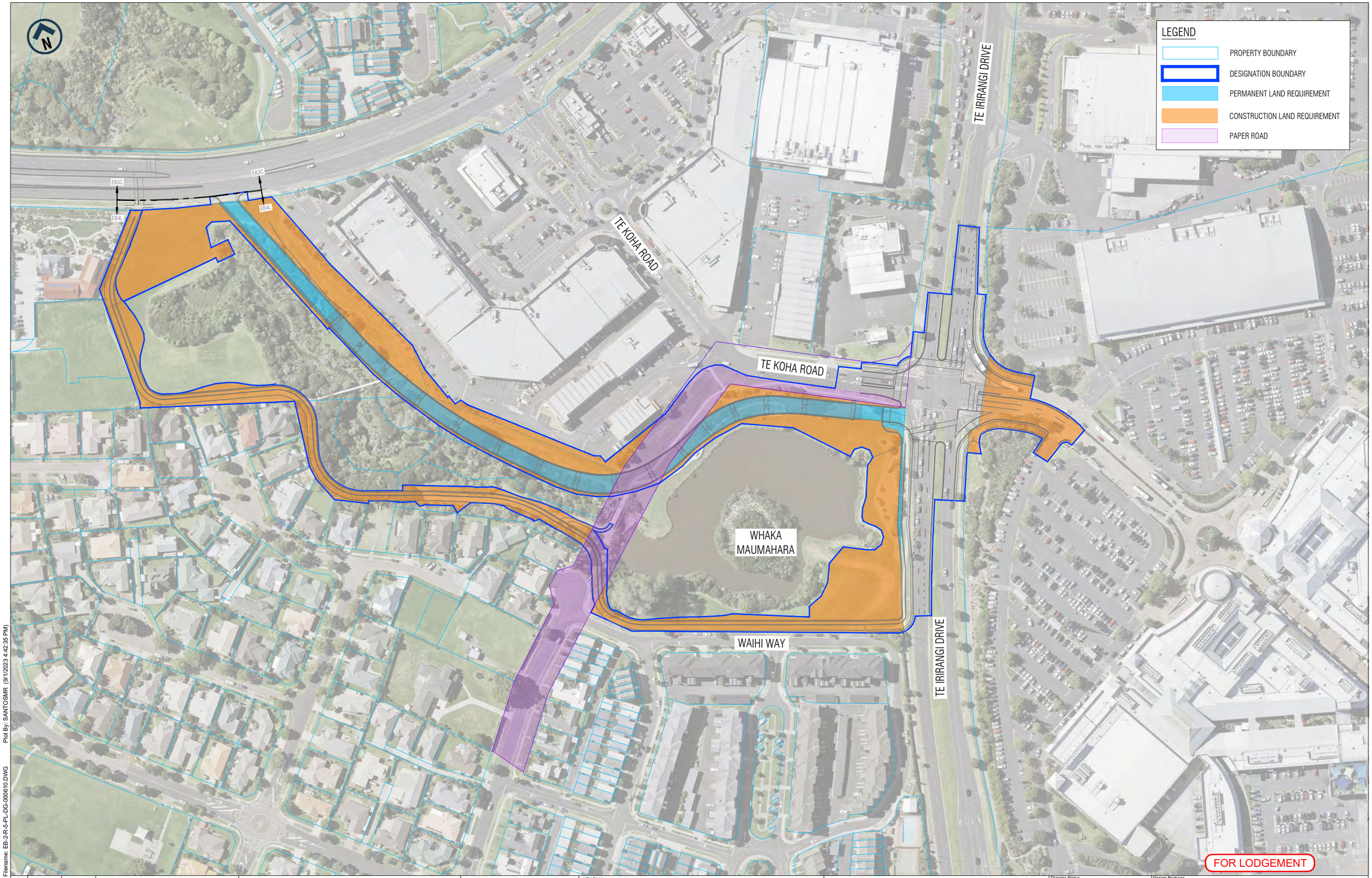
EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 3 COMMERCIAL
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status	FOR LODGEMENT
Horizontal Datum	NZGD 2000 MOUNT EDEN CIRCUIT
Vertical Datum	2016 NEW ZEALAND
A1 SCALE	1:500
A3 SCALE	1:1000
Design Package	**CONSENTING**
Drawing Title	EB3C PROPOSED DESIGNATION BOUNDARY SHEET 8 OF 8
Drawing Number	EB-2-R-4-PL-DG-000616
Revision	A

ATTACHMENT B

EASTERN BUSWAY 4L
LAND REQUIREMENT PLANS
(DRAWING NUMBER: EB-2-R-5-PL-DG-000610), EASTERN BUSWAY ALLIANCE, REVISION A, DATED 05.09.2023



Plot By: SANTOSMR (9/1/2023 4:42:35 PM)

Filename: EB-2-R-5-PL-DG-000610.DWG

A1

ORIGINAL SIZE

REV	DATE	DRAWN	REVISION DESCRIPTION

ORIGINAL IN COLOUR

Designed	A.Hirani	Checked	A.Hirani
Drawn		Checked	
Approved	J. Snowsill		Approver Signature
Date	05.09.2023		

Scale Bar

0 25 50 m

A1 1:1000 A3 1:2000

KEY PLAN

EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 4 LINK ROAD
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status	FOR LODGMENT			
Horizontal Datum	NZGD 2000 MOUNT EDEN CIRCUIT			
Vertical Datum	2016 NEW ZEALAND			
A1 SCALE	1:1000	A3 SCALE	1:2000	

Design Package: **CONSENTING**

Drawing Title: EB4L DESIGN FOOTPRINT, LAND REQUIREMENT AND PROPOSED DESIGNATION BOUNDARY

Drawing Number: EB-2-R-5-PL-DG-000610 | Revision: A

NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.
3. THE AERIALS DO NOT REFLECT POST 2017 DEVELOPMENT.

LEGEND

- PROPERTY BOUNDARY
- DESIGNATION BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PAPER ROAD

REV	DATE	DRAWN	REVISION DESCRIPTION
A	17/08/2023	M. Santos	ISSUED FOR LODGEMENT

Designed	J. Aldridge	Checked	A. Hirani
Drawn	M. Santos	Checked	A. Kanaris
Approved	D. Coutts		
Date	17/08/2023		Approver Signature

Scale Bar: 0 12.5 25 m — A1 1:500 — A3 1:1000

KEY PLAN

EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 4 LINK ROAD
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status	FOR LODGEMENT
Horizontal Datum	NZGD 2000 MOUNT EDEN CIRCUIT
Vertical Datum	2016 NEW ZEALAND
A1 SCALE	1:500
A3 SCALE	1:1000
Design Package	CONSENTING
Drawing Title	EB4L PROPOSED DESIGNATION BOUNDARY SHEET 1 OF 2
Drawing Number	EB-2-R-5-PL-DG-000601
Revision	A

Plot By: DENGK (8/22/2023 10:57:17 am)
Filename: EB-2-R-5-PL-DG-000601-000602.DWG
A1 ORIGINAL SIZE
ORIGINAL IN COLOUR

NOTES

1. DO NOT SCALE OFF THESE DRAWINGS.
2. ALL DIMENSIONS AND DISTANCES ARE IN METRES UNLESS STATED OTHERWISE.
3. THE AERIALS DO NOT REFLECT POST 2017 DEVELOPMENT.

LEGEND

- PROPERTY BOUNDARY
- DESIGNATION BOUNDARY
- PERMANENT LAND REQUIREMENT
- CONSTRUCTION LAND REQUIREMENT
- PAPER ROAD

TE KOHA ROAD

TE KOHA ROAD

TE IRIRANGI DRIVE

SHEET 1

SNOR

WHAKA MAUMAHARA

TE IRIRANGI DRIVE

WAIHI WAY

FOR LODGEMENT

Plot By: DENGK (8/22/2023 10:57:17 am)

Filename: EB-2-R-5-PL-DG-000601-000602.DWG

A1 ORIGINAL SIZE

ORIGINAL IN COLOUR

REV	DATE	DRAWN	REVISION DESCRIPTION
A	17/08/2023	M. Santos	ISSUED FOR LODGEMENT

Designed	J. Aldridge	Checked	A. Hirani
Drawn	M. Santos	Checked	A. Kanaris
Approved	D. Coutts		Approver Signature
Date	17/08/2023		

Scale Bar

0 12.5 25 m

A1 1:500 A3 1:1000

KEY PLAN

EASTERN BUSWAY ALLIANCE
EASTERN BUSWAY 4 LINK ROAD
(PAKURANGA TO BOTANY)

Eastern Busway

Drawing Status: FOR LODGEMENT

Horizontal Datum: NZGD 2000 MOUNT EDEN CIRCUIT

Vertical Datum: 2016 NEW ZEALAND

A1 SCALE 1:500 A3 SCALE 1:1000

Design Package: **CONSENTING**

Drawing Title: EB4L PROPOSED DESIGNATION BOUNDARY SHEET 2 OF 2

Drawing Number: EB-2-R-5-PL-DG-000602

Revision: A

ATTACHMENT C

EASTERN BUSWAY 3C
RECOMMENDATION
NOTICE OF REQUIREMENT CONDITIONS

Designation XXXX – Eastern Busway 3 Commercial (EB3C)

Designation Number	XXXX
Requiring Authority	Auckland Transport
Location	EB3C is located in Pakūranga, Burswood and East Tāmaki, from Riverhills Park, through Burswood Drive (west) to Burswood Drive (east), Burswood Esplanade Reserve to Ti Rakau Drive, East Tāmaki.
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 5 years from the date on which it is included in the AUP.

Purpose

Construction, operation and maintenance of the Eastern Busway Stage 3 Commercial (EB3C).

Conditions

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
CCP	Communication and Consultation Plan
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
HHMP	Historic Heritage Management Plan
EB3C	Eastern Busway Stage 3 Commercial
ESCP	Erosion and Sediment Control Plan
LEAM Plan (s)	Landscape, Ecology and Arboricultural Management Plan(s)
SSCMP	Site Specific Construction Management Plan (at 2/203 Burswood Drive)
TPMP	Tree Protection and Management Plan

UDLP	Urban Design and Landscape Plan
AANMG	Adjacent Area Noise Mitigation Guidance
GD05	Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05), incorporating any amendments
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	The Heritage New Zealand Pouhere Taonga Act 2014

General Conditions

General Accordance

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 detailed in Tables 1 and 2.

   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.

   Table 1: Application Documents

Document Title	Author	Revision	Date
EB3C and EB4L Assessment of Effects on Environment (AEE) and appended technical effects assessment Document Number EB-RP-3C4L-000001	Eastern Busway Alliance	A	28/8/2023

   Table 2: Drawings

Drawing Title	Author	Revision	Date
Land Requirement Plan			
EB3C Land Requirement Plan and Proposed Designation Boundary Drawing Number (EB-2-R-4-PL-DG-000601, EB-2-R-4-PL-DG-000602, EB-2-R-4-PL-DG-000611, EB-2-R-4-PL-DG-000612, EB-2-R-4-PL-DG-000613, EB-2-R-4-PL-DG-	Eastern Busway Alliance	A	16/08/2023

000614, EB-2-R-4-PL-DG-000615, EB-2-R-4-PL-DG-000616)			
Combined Plans			
EB3C Consent Plans (Drawing Number EB-2-R-4-PL-DG-000101, EB-2-R-4-PL-DG-000102, EB-2-R-4-PL-DG-000111, EB-2-R-4-PL-DG-000112, EB-2-R-4-PL-DG-000113, EB-2-R-4-PL-DG-000114, EB-2-R-4-PL-DG-000115, EB-2-R-4-PL-DG-000116)	Eastern Busway Alliance	B	31/10/2023
EB3C Option B-Current Bridge Arrangement with Embankments at 70 Degree (Drawing Number EB-2-D-4-PL-SK-000002) ***Advice Note:*** *The (reduced) area of reclamation in this plan supersedes that shown in EB-2-4-PL-DG-000102 above.*	Eastern Busway Alliance	B	29/05/2024
EB3C Longitudinal Section (Drawing Number EB-2-R-4-PL-DG-000201, EB-2-R-4-PL-DG-000202, EB-2-R-4-PL-DG-000203, EB-2-R-4-PL-DG-000204, EB-2-R-4-PL-DG-000205)	Eastern Busway Alliance	A	25/08/2023
EB3C Typical Cross Sections (Drawing Number EB-2-R-4-PL-DG-000301, EB-2-R-4-PL-DG-000302)	Eastern Busway Alliance	A	25/08/2023
EB3C Structures (Drawing Number EB-2-R-4-PL-DG-000901, EB-2-R-4-PL-DG-000902, EB-2-R-4-PL-DG-000903, EB-2-R-4-PL-DG-000911, EB-2-R-4-PL-DG-000912, EB-2-R-4-PL-DG-000913)	Eastern Busway Alliance	A	25/08/2023
Landscape, Ecological and Arboricultural Plans			
EB3C-EB4L Landscape Ecological and Arboricultural Mitigation Planting Schedule (Drawing Number EB-2-R-3-PL-DG-101002)	Eastern Busway Alliance	3	06/5/2024
Landscape, Ecological and Arboricultural Mitigation Plans (Drawing Number EB-2-R-3-PL-DG-101101, EB-2-R-3-PL-DG-101104, EB-2-R-3-PL-DG-101105, EB-2-R-3-PL-DG-101106, EB-2-R-3-PL-DG-101107)	Eastern Busway Alliance	2	19/4/2024

Landscape, Ecological and Arboricultural Mitigation Plans (EB-2-R-3-PL-DG-101102, EB-2-R-3-PL-DG-101103)	Eastern Busway Alliance	3	06/5/2024
Erosion and Sediment Control Drawings			
EB3C Concept Erosion and Sediment Control Drawing Number (ESCP – EB3C-1, ESCP – EB3C-2, ESCP – EB3C-3, ESCP – EB3C-4, ESCP – EB3C-5, ESCP – EB3C-6, ESCP – EB3C-7)	Eastern Busway Alliance	B	20.12.2023

Monitoring

2. The Landscape, Ecological and Arboricultural Mitigation (LEAM) Plans listed in Condition 1 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 this designation. Any amendments are to be agreed by the Council in writing prior to implementation of any changes.

   ***Advice Note**: Where amendments to the LEAM Plans are not within scope of the plans listed in Condition 1, the Requiring Authority will be required to make an alteration to the relevant designation conditions.*

Site Access

3. 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.

Lapse Date

4. 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 5 (five) years from the date on which it is included in the Auckland Unitary Plan (Operative in Part).

Uplift of Designation

5. As soon as practicable, and no later than 12 (twelve) months from the date the Eastern Busway Project (Package EB3C) 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.

   ***Advice Note:** The uplifting of the designation may occur in stages, depending on construction staging and commissioning of new infrastructure assets.*

Management Plan Certification

6. The following general provisions relate to all Management Plans:

a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:

i. At least forty (40) working days prior to the start of works, the Requiring Authority must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage;

ii. During the preparation of the draft Management Plans listed in Table 3 below the Requiring Authority must provide to Argosy Property No 1 Limited, Bunnings Limited, Z Energy Limited (“Z Energy”) and PSPIB/CPPIB Waiheke Inc ("Waiheke Inc") copies of those listed plans for comment;

iii. Unless impracticable, the Requiring Authority must adopt recommendations received from Argosy Property No 1 Limited, Bunnings Limited, Z Energy, and Waiheke Inc;

iv. The following information must be provided with the Draft Management Plans listed in Table 3 at their lodgement:

- The submitted records of the consultation undertaken with Argosy Property No 1 Limited, Bunnings Limited, Z Energy and Waiheke Inc;

- A summary of changes to sought by Argosy Property No 1 Limited, Bunnings Limited, Z Energy and Waiheke Inc. This summary must also include commentary from the Requiring Authority in regard to the changes sought by these parties, whether the Requiring Authority has or has not adopted these changes and the reason(s) for adoption/non-adoption of the changes.

v. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing) unless otherwise specified in the conditions. The Requiring Authority must ensure that any changes from the draft Management Plans are clearly identified.

b) 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 the implementation of any changes. Re- certification is not required in accordance with Condition 6 if the Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified;

c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify these amendments are consistent with the relevant designation condition(s) prior to the implementation of any

changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of the designation. Where a Management Plan was prepared in consultation with interested or affected parties, any changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties;

d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities;

e) All works must be carried out in accordance with the certified Management Plans. Works must not commence until written approval or certification of all the relevant Management Plans for that stage have been received unless otherwise approved in writing by the Council.

Table 3: Management Plans Subject to Consultation under condition 6

Argosy Property No 1 Limited	Bunnings Limited	Z Energy Limited	Waiheke Inc
• Construction Traffic Management Plan; • Communication and Consultation Plan; • Construction Noise and Vibration Management Plan; and • Construction Environmental Management Plan.	• Construction Traffic Management Plan; • Communication and Consultation Plan; • Construction Noise and Vibration Management Plan; and • Construction Environmental Management Plan.	• Construction Traffic Management Plan; • Communication and Consultation Plan; • Construction Environmental Management Plan; • Tree Protection Management Plan; • Construction Noise and Vibration Management Plan; and • Urban Design Landscape Plan.	• Construction Traffic Management Plan; • Communication and Consultation Plan; • Construction Environmental Management Plan; • Tree Protection Management Plan; and • Construction Noise and Vibration Management Plan; and • Urban Design Landscape Plan.

Advice Note: *Condition 6 applies to all Management Plans*

Site Specific Construction Management Plan – [redacted]

6A. During the preparation of the Site Specific Construction Management Plan (SSCMP), the Requiring Authority:

a) Must undertake consultation with the owner/s of [redacted] on the content and controls detailed in the SSCMP; and

b) Where practicable must adopt recommendations received from the owner/s of [redacted].

6B. The Requiring Authority must lodge the SSCMP for certification with Auckland Council at least 10 (ten) working days prior to construction commencing for EB3C. The following information must be provided with the SSCMP at its lodgement:

a) The submitted SSCMP records of the consultation undertaken with [redacted]; and

b) A summary of changes to the SSCMP sought by the owner/s of [redacted] Drive. This summary must also include commentary from the Requiring Authority in regard to the changes sought by these parties, whether the Requiring Authority has or has not adopted these changes and the reason(s) for adoption/non-adoption of the changes.

6C. The SSCMP shall include, but not be limited to, the following:

a) Details as to how the Requiring Authority will manage the staging of all work within the vicinity of [redacted];

b) The means by which construction related dust will be controlled to mitigate any adverse effects on [redacted];

c) The means by which noise generated by construction activities in the vicinity [redacted] will be controlled to mitigate any adverse effects on the owner/s and occupiers of the property;

d) The means by which appropriate driveway access to [redacted] will be maintained; and

e) Provision for additional measures, such as construction staging, to minimise disruption on the owner/s and occupiers of [redacted].

6D. The SSCMP shall take precedence where there is conflict between the SSCMP and any other management plans required for the Project. This includes the Project's CTMP(s), ESCP and CNVMP.

Advice Note: *Conflicts may include the SSCMP requiring more restrictions or information requirements than those that apply to the Project's other management plans.*

Mana Whenua Engagement

7. At least 10 working days prior to the commencement of construction, the Requiring Authority must confirm and submit to Council a Mana Whenua Engagement framework to ensure appropriate engagement with mana whenua during the construction of the Eastern Busway Project (Package EB3C).

8. The framework must 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 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;

        iv. Incorporating te aranga design principles in open space mitigation works; and

        v. Promoting ecology and biodiversity, including the use of native vegetation.

    c) As a minimum the matters identified in (b) above must be addressed in the preparation of the following management plans:

        i. Construction Environmental Management Plan;

        ii. Urban Design and Landscape Plan;

        iii. Historic Heritage Management Plan; and

        iv. Habitat Restoration Plan.

9. The Requiring Authority must carry out the construction of the Project (Package EB3C) in accordance with the Mana Whenua Engagement framework submitted under Condition 7.

Stakeholder Communication and Engagement

10. The Requiring Authority must submit a final Communication and Consultation Plan (CCP) for certification in accordance with Condition 6. The objectives of the CCP are 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 EB3C), as well as to manage the development response by the Requiring Authority to address the Project's adverse construction effects.

11. The CCP must set out how the Requiring Authority will for the Eastern Busway Project (Package EB3C):

    a) Inform the community stakeholders and businesses of construction progress and future construction activities;

b) Provide information on key project milestones;

c) Identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be proactively engaged with prior to and throughout the Construction Works;

d) Develop, maintain and build relationships with the wider public and diverse stakeholders (including directly affected and adjacent landowners including business, community organisations, householders and their tenants);

e) Identify the measures that will provide for input into open space mitigation works;

f) 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 must include:

g) 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;

h) Contact details of the person responsible for communication and consultation for the Eastern Busway Project, including their phone, email, project website and postal address. These details shall be on the Project website, and prominently displayed at the main entrance(s) to the site(s);

i) The procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;

j) A complaints register which shall record the date, time and nature of the complaint; and the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous);

k) A list of the stakeholders affected to be communicated with and methods for identifying, communicating and engaging with people affected by the construction works for the project, including but not limited to:

   i. All residential owners and occupiers affected by construction works for the Project;

   ii. All business property owners and occupiers affected by construction works for the Project;

iii. All social services/facilities including community, medical and education facilities affected by the construction works for the project, including methods to assist these facilities to consult with their customers/stakeholders/students;

iv. Key stakeholders (including the Council's Parks Department, Chinatown and submitters); and

v. Network utility operators;

l) Methods for communicating with and notifying directly affected parties in advance of:

i. Proposed construction activities outside normal working hours (including night works);

ii. Temporary traffic management measures for vehicles, cyclists and pedestrians during construction;

iii. Permanent changes to road networks and layouts;

iv. Use of languages other than New Zealand English to enable communication with all communities; and

v. A record of the consultation undertaken with the community including specific access requirements for businesses and residents;

m) Details of specific communications proposed for updating stakeholders including affected parties on construction timeframes key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified in k) iv. above;

n) A list of the stakeholders affected to be communicated with;

o) Methods for consulting with the local community in regard to open space mitigation works at Burswood Reserve and Burswood Esplanade Reserve;

p) Linkages and cross references to the Eastern Busway Project's management plans where relevant;

q) A Development Response Addendum. The purpose of the development response addendum is to provide a framework and suite of strategies and measures in consultation with local business and community stakeholders that assist those directly affected by the Project (including directly affected and adjacent owners (e.g. businesses, community organisations, households, and their tenants) to manage the impacts of construction and to maximise the opportunities the Project presents. The addendum must be reviewed, and if necessary updated, prior to the commencement of each stage of works and must include:

i. A list of those likely to be affected by the Project;

ii. Measures to maximise existing opportunities for pedestrian and service access to businesses, residents and social services/facilities that will be maintained during construction, within the practical requirements of the CTMP;

iii. The measures to mitigate potential severance and loss of business visibility issues by wayfinding and supporting signage for pedestrian detours required during construction;

iv. Recommended measures to mitigate impacts on those identified as affected by the Project associated with construction effects such as the potential reduction in accessibility and severance loss of amenity, mental and physical health effects and relocation. Such mitigation measures may include business support, business relocation, temporary placemaking and place activation measures and temporary wayfinding and signage, and mental health support and advice;

v. The measures to promote a safe environment during construction;

vi. How loss of amenity for residents, community services and businesses as a result of construction activities will be or has been mitigated through the Eastern Busway Project's management plans; and

vii. Identification of opportunities to coordinate the forward work programmes, where appropriate with infrastructure providers, development agencies, Council and Local Board planning;

viii. Measures to achieve positive social outcomes, which may include supply chain opportunities, education, training and employment opportunities including partnerships with local business associations and community organisations, and by working with local organisations repurposing and recycling of demolition materials;

ix. Identification of any other development response measures designed to support those businesses, residents and community services/facilities during construction;

x. A record of the activities and assistance provided as a result of the measures listed in (ii)-(ix).

r) Details of engagement with the community to identify opportunities to minimise construction impacts;

s) Details of the monitoring of the implementation of the CCP including, but not limited to:

i. Community feedback on the management of construction related impacts and the Requiring Authority's response to that feedback;

ii. Any feedback and complaints received on matters other than addressed by s)(i);

iii. Any outcomes or actions undertaken in response to feedback and complaints; and

iv. Any development response outcomes.

t) Details of engagement with body corporate of 28 Torrens Road on the design treatment for pedestrian access to the Pōhatu Station, including design responses to any feedback received.

The CCP must be reviewed at least annually and updated with reference to the outcomes of the monitoring listed in s) above.

Project Information

11A. A project website, or equivalent virtual information source, shall be provided and updated regularly, using relevant media sources and languages to communicate the project to the local community, on an ongoing basis throughout the project until completion. The project website shall include these designation conditions and shall provide information on:

a) The status of the Project, including ongoing engagement and activities in relation to implementation of the management plans;

b) Anticipated construction timeframes;

c) Contact details for enquiries;

d) The implications of the designation for landowners, occupiers, and business owners and operators within the designation, and where they can receive additional support; and

e) A subscription service to enable receipt of project updates by email.

11B. No less than one month prior to the commencement of construction of any new stage, the project website shall be updated to provide information on the likely date for Start of Construction, and any staging of works.

11C. The project website shall be updated to provide a copy of all the CCP(s) and Management Plans outlined in the Conditions as they are developed to a new stage.

Construction Environmental Management Plan

12. The Requiring Authority must submit a Construction Environmental Management Plan (CEMP) for certification in accordance with Condition 6. 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 EB3C).

13. The CEMP must 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, heavy rain and storm events);

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 and not increase flood hazards by ensuring consideration is given to locations of floodplains and overland flow paths;

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;

k) Site reinstatement measures upon completion of the activities including the removal of any temporary structures used during the construction period;

l) Construction hoardings, including their location, materials and the inclusion of any interpretive panels; and

m) Training requirements and inductions for all construction workers on expectations associated with ensuring that the surrounding community (landowners, occupiers, businesses, and social organisations) feel safe and respected. The training shall be undertaken prior to the commencement of construction.

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 (e.g. Package EB3C).*

Construction Traffic Management

14. Prior to the commencement of any construction activity the Requiring Authority must prepare and submit a Construction Traffic Management Plan (CTMP) to Council for certification in accordance with Condition 6.

15. 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 EB3C) on transport, parking and property access, so far as it is reasonably practicable.

    To achieve this objective, the CTMP must include:

    a) Methods to manage the effects of temporary traffic management activities on traffic;

    b) Measures to ensure the safety of all transport users;

c) The estimated numbers, frequencies, routes and timing of construction traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near educational facilities and childcare facilities or to manage traffic congestion;

d) Details of public transport route detours, temporary relocation of bus stops, temporary replacement bus stops and consultation with nearby educational facilities and Ministry of Education;

e) Details on temporary facilities for pedestrians to ensure connectivity if the existing facilities cannot be safely and reasonably maintained;

f) Details of wayfinding signage for motor vehicle users, public transport users, cyclists and pedestrians;

g) Site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;

h) Identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including pedestrians and cyclists on existing roads;

i) Methods to maintain vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements when it will not be;

j) Methods to provide for access to commercial sites, including access to those sites' loading/unloading areas;

k) The management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads outside active construction areas;

l) Methods that will be undertaken to communicate traffic management measures to affected road users (e.g., residents/public/stakeholders/emergency services) as required by the CCP in Condition 11;

m) Records of CTMP-related consultation with residents/public /stakeholders /emergency services, including any changes to the CTMP undertaken in response to that consultation and as detailed in the CCP in Condition 11;

n) Auditing, monitoring and reporting requirements relating to traffic management activities must be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management or any subsequent version;

o) Details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters;

p) Details of any Travel Demand Management (TDM) measures proposed to be implemented in the event of thresholds identified in Condition 15 o) being exceeded;

q) Measures to avoid Project staff parking on residential streets and residential sites, including monitoring of on-street parking use and communications to Project staff educating them on parking management measures;

r) Methods to avoid construction-related traffic associated with the Project using the Elderberry Road connection between the two limbs of Burswood Drive;

s) Methods to maintain safe and efficient vehicle access at all times at the Z Energy Service Station at 284 Ti Rakau Drive;

t) Methods to ensure the safety and efficiency of access to and from Burswood Drive (west) for the Chinatown site (262 Ti Rakau Drive);

u) Methods to identify and develop traffic controls or other mechanisms will be communicated with the owners and tenants of Chinatown including appropriate feedback and communication with the owners and tenants of Chinatown.

16. Prior to construction, the Requiring Authority must undertake engagement with Edgewater College, Farm Cove Intermediate, St Marks School and Wakaaranga School to confirm a temporary bus route(s) and bus stops for Bus Services S013 and S421. The outcome of this engagement and any changes must be recorded in the final Construction Traffic Management Plan which must be submitted to Auckland Council for review before construction commences.

16A. Prior to construction, the Requiring Authority must provide for certification by Auckland Council, a design of the Ti Rakau Drive / Burswood Drive (east) intersection and Ti Rakau Drive/Greenmount Drive Intersection that provides at a minimum, a level of service E in the morning commuter peak hour, evening commuter peak hour and Saturday noon peak hour.

16B. The Requiring Authority must maintain the existing length of the right turn turning bays on Ti Rakau Drive between Greenmount Drive and Burswood Drive (east).

16C. The Requiring Authority must implement method(s) to ensure access to and from the Burswood Drive customer carpark entrance/exit to 320 Ti Rakau Drive is not impeded by queueing of traffic on Burswood Drive. This may involve implementing measures such as keep clear marking(s) that comply with Manual of Traffic Signs and Marking Standards on Burswood Drive across the customer carpark entrance/exit, a queue sensor linked to the signals at the Ti Rakau Drive and Burswood Drive intersection or other traffic devices or traffic management interventions as appropriate.

17. The Requiring Authority must restrict the movement of heavy construction vehicles in the immediate areas surrounding the local schools detailed in the Table 4 below during pickup and drop-off hours.

Table 4: Schools Subject to heavy construction vehicles Restrictions under condition 17

School Name	Address	Associated no travel route	Times heavy vehicles must avoid the schools
Pakuranga Intermediate	43/49 Reeves Road, Pakuranga, Auckland 2010	Reeves Road spanning from Williams Roberts Road to Gossamer Drive	8.10am-9.00am

			2.55pm-3.30pm
Pakuranga Heights School	77 Udys Road, Pakuranga, Auckland 2010	Udys Road spanning from Marriott Road to Reeves Road	8.25am-9.00am 2.55pm-3.30pm
Saint Kentigern College	130 Pakuranga Road, Pakuranga, Auckland 2010	Non-signalised access off main arterial considered low risk	NA
Edgewater College	32 Edgewater Drive, Pakuranga, Auckland 2010	Edgewater Drive spanning from Snell Place to Raewyn Place.	8.25am-9.00am 2.55pm-3.30pm
Anchorage School	16 Swan Crescent, Pakuranga, Auckland 2010	Tiraumea Drive and side streets south-west of Jan Place.	8.25am-9.00am 2.55pm-3.30pm
Elm Park School	46 Gossamer Drive, Pakuranga Heights, Auckland 2010	Gossamer Drive spanning from Beechdale Crescent to Pakuranga Road	8.25am-9.00am 2.55pm-3.30pm
Riverhills School	13 Waikaremoana Place, Pakuranga Heights, Auckland 2010	Gossamer Drive spanning from Riverhills Avenue to Reeves Road	8.25am-9.00am 2.55pm-3.30pm
Botany Downs Secondary College	575 Chapel Road, East Tāmaki, Auckland 2016	Chapel Road spanning from Ti Rakau Drive to Carlingford Drive	8.25am-9.00am 2.55pm-3.30pm
Point View School	25 Kilkenny Drive, Dannemora, Auckland 2016	Kilkenny Drive spanning from Chapel Road to Dannemora Drive	8.25am-9.00am 2.55pm-3.30pm

18. The Requiring Authority must ensure that light vehicles associated with the Project (e.g. delivery vehicles and staff private vehicles) are used with care and caution when traversing past schools. This must include briefing construction staff on the safe use of vehicles, the location of local schools and any road hazards at those locations.

19. The Requiring Authority must use best endeavors to implement an efficient revised layout of the Chinatown car park (262 Ti Rakau Drive) to best utilise the area for car parking and vehicle maneuvering during the construction of the Eastern Busway Project (Package EB3C). The objective of the revised layout is to address the temporary loss of car parking at 262 Ti Rakau Drive during the construction of the Eastern Busway Project (Package EB3C).

20. The revised layout;

    a) In respect of new or relocated parking areas, should maximise compliance with Standards E27.6.3 of the AUP(OP) subject to maintaining total car parking numbers to no less than 290 spaces at 262 Ti Rakau Drive;

    b) Should include modifications to line markings and signage; and

    c) Is not required to include any other physical works to the car park, including installation of new pavement or construction of drainage works.

21. The Requiring Authority must:

    a) Consult with the owners of the Chinatown site (262 Ti Rakau Drive) when preparing the revised layout required by Condition 19 and in particular must provide them with drawing(s) showing the revised layout for their comment at least 40 (forty) working days prior to construction activities commencing at the Chinatown site; and

    b) Provide the final revised layout to the owners of the Chinatown site for approval to undertake the work at least 10 (ten) working days prior to construction activities for the Eastern Busway Project (Package EB3C) commencing at the site (262 Ti Rakau Drive). That final revised layout must adopt the reasonable recommendations received from the owners of the Chinatown site during the consultation referred to in Condition 21(a), where practicable.

22. The Requiring Authority must implement the final approved revised layout within 30 working days of receiving approval from the owners of the Chinatown site. In the event that the owners of Chinatown do not provide approval to implement the final revised layout within 30 working days of the final revised layout being submitted to them under Condition 21(a), Conditions 19 to 24 are deemed to be met.

23. The Requiring Authority must maintain at least one ingress and egress point at Chinatown (262 Ti Rakau Drive) during the Project's (EB3C Package) construction period. Any temporary closures to these access points must only be for the purpose of construction of the cycleway along Burswood Drive (west) and Ti Rakau Drive. The Requiring Authority must advise the owners of the Chinatown site at least 10 (ten) days prior to any temporary closures to these access points.

24. The Requiring Authority must ensure that at least one access point for each of the following properties is provided during construction of the Project (EB3C Package) to enable related ingress and egress movements, unless otherwise agreed with these parties:

a) 219 Burswood Drive;

b) 225 Burswood Drive;

c) 239 Burswood Drive; and

d) 245 Burswood Drive.

The Requiring Authority must notify the affected parties listed above of the temporary access arrangements at least 10 (ten) working days prior to related construction activities commencing.

25. The Requiring Authority must maintain all turning movements to the service access/egress at all times at 320 Ti Rakau Drive onto Burswood Drive (east) for the duration of EB3C's construction.

The Requiring Authority must notify the affected parties at least 10 (ten) working days prior to related construction activities commencing.

25A. Prior to the operation of the busway, provision must be made for vehicles (including heavy vehicles) to complete all movements into and out of the Burswood Drive service access at 320 Ti Rakau Drive through the provision of a signalised intersection including the service access, Burswood Drive and busway approaches.

All movements into and out of the Burswood Drive service access must be maintained at all times.

26. The Requiring Authority must use best endeavors to implement an efficient revised layout of the Howick and Eastern Limited Bus Depot (380 Ti Rakau Drive) to best utilise the area for car parking and vehicle maneuvering during the construction of the Eastern Busway Project (Package EB3C). The objective of the revised layout is to address the temporary loss of car parking at 380 Ti Rakau Drive during the construction of the Eastern Busway Project (Package EB3C).

27. The revised layout:

a) Must provide parking spaces and aisle widths with dimensions that are generally consistent with the dimensions of the parking spaces and aisle widths at the existing carpark at 380 Ti Rakau Drive and where possible maximise compliance with Standards E27.6.3 of the AUP(OP);

b) Should include modifications to line markings and signage; and

c) Is not required to include any other physical works to the car park, including installation of new pavement or construction of drainage works.

28. The Requiring Authority must:

a) Consult with the owners and occupiers of the Howick and Eastern Limited Bus Depot (380 Ti Rakau Drive) when preparing the revised layout required by Condition 26 and in particular must provide them with drawing(s) showing the revised layout for their comment at least 40 (forty) working days prior to construction activities commencing at 380 Ti Rakau Drive; and

b) Provide the final revised layout to the owners and occupiers of 380 Ti Rakau Drive for approval to undertake the work at least 10 (ten) working days prior to construction activities for the Eastern Busway Project (Package EB3C) commencing at the site (380 Ti Rakau Drive). That final revised layout must adopt the reasonable recommendations received from the owners and occupiers of the Howick and Eastern Limited Bus Depot during the consultation referred to in Condition 28(a), where practicable.

29. The Requiring Authority must implement the final approved revised layout within 30 working days of receiving approval from the owners and occupiers of the Howick and Eastern Limited Bus Depot site (380 Ti Rakau Drive). In the event that the owners and occupiers of the Howick and Eastern Limited Bus Depot do not provide approval to implement the final revised layout within 30 working days of the final revised layout being submitted to them under Condition 28(a), Conditions 26 to 29 are deemed to be met.

30. The Requiring Authority must maintain property access from Huntington Drive to the following affected properties during construction of the Eastern Busway Project (EB3C Package):

a) 347 Ti Rakau Drive;

b) 371 Ti Rakau Drive;

c) 2 Amera Place; and

d) 12 Amera Place.

The Requiring Authority must notify the affected parties listed above of the temporary access arrangements at least 10 (ten) working days prior to related construction activities commencing.

Draft Urban Design and Landscape Plan

31. The Requiring Authority shall provide a draft Urban Design and Landscape Plan (UDLP) for the Eastern Busway Project (EB3C Package) to Council for review and comment within 20 working days of the confirmation of the designation.

The objective of the UDLP is to address and mitigate any urban design, landscape and visual effects of the Eastern Busway Project (EB3C Package).

The draft UDLP for the Eastern Busway Project (EB3C Package) must include:

a) Urban design and landscape reference design plans for the Eastern Busway Project (EB3C Package);

b) The rationale to explain the Project's design principles;

c) Details of any property agreements or noise mitigation measures in respect to boundary fencing;

d) A review of the design of the cycleway (including whether it should include a shared pathway) in the Burswood Section between Burswood Drive East and Burswood Drive West by a suitably qualified and experienced person appointed by the Requiring Authority;

e) Details of how the interface and edge treatment with adjoining properties has been treated;

f) Measures to provide appropriate heritage research and interpretation associated with McCallum's Wharf and Quarry R11_1263 under the AUP(OP) reference (ID 02114) which may include the use of digital tools, suitable display / interpretation materials at bus station(s) and physically marking the extent of the heritage site, such as on busway barriers;

g) A CPTED Assessment; and

h) Details of engagement with the Council urban design team and the heritage team. The draft UDLP must include commentary from the Requiring Authority in regard to any changes sought by the Council and whether the Requiring Authority has or has not adopted these changes and the reason(s) for adoption/non-adoption of the changes. Where the recommendations are not adopted, the Requiring Authority shall invite the feedback from the Council prior to submitting the Final UDLP to Council for certification.

Where practicable, the Requiring Authority must adopt the recommendations received from Council that are received within 20 working days of Council receipt of the draft UDLP and these will be incorporated into the final UDLP submitted to Council for certification prior to commencement of construction in accordance with Condition 31A.

Final Urban Design and Landscape Plan

31A. At least thirty (30) working days prior to the Commencement of Construction, the Requiring Authority shall submit a Final Urban Design and Landscape Plan (UDLP) to Council for certification in accordance with Condition 6 above.

In addition to those matters outlined in Condition 31 above, the final UDLP for the Eastern Busway Project (EB3C Package) must include:

a) Urban design details for the following works:

i. Bridge A-Ti Rākau;

ii. Bridge B-Taupaepae

iii. Pōhatu Station;

iv. The interface with adjoining properties; and

v. New walking and cycling facilities and connections.

b) Landscape design details for works at:

   i. Burswood Esplanade Reserve;

   ii. Bard Place Reserve; and

   iii. Burswood Reserve.

c) Measures to provide appropriate heritage research and interpretation associated with McCallum's Wharf and Quarry R11_1263 under the AUP (OP) reference (ID 02114) which may include the use of digital tools, suitable display / interpretation materials at bus station(s) and physically marking the extent of the heritage site, such as on busway barriers;

d) Drawings that show the full extent of the designation;

e) A maintenance plan and establishment requirements over a (3) three-year period for landscaping and (5) five years for specimen trees following planting;

f) Removal/treat exotic pest vegetation species and replacement with native species (including repeating annually for (3) three years post construction);

g) Lighting, fencing, signage and street furniture design and location details for Eastern Busway Project (Package EB3C);

h) 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 Eastern Busway Project (Package EB3C);

i) Design features and methods for cultural expression;

j) A Crime Prevention Through Environmental Design Assessment prepared by a Suitably Qualified and Experienced Practitioner including but not limited to the Pōhatu Station and the new walking and cycling networks;

k) Design features associated with the management of stormwater, including both hard and soft landscaping;

l) Detailed streetscape landscaping plan(s) for all swales, street trees and street gardens that have been submitted for certification or certified by the Parks Planning Team Leader. In particular, the plans must have the following information to obtain the Parks Planning Team Leader certification:

   i. Be prepared by a suitably qualified landscape architect;

   ii. Show all planting including details of intended species, location, plant sizes at time of planting, the overall material palette, location of streetlights and other service access points;

iii. Ensure that selected species can maintain appropriate separation distances from paths, roads, streetlights and vehicle crossings in accordance with the Auckland Transport Code of Practice; and

iv. Include planting methodology.

m) Details of how the interface and edge treatment with adjoining properties has been treated;

n) Measures to minimise/simplify future maintenance requirements in relation to the noise wall adjacent to Dulwich Place and Heathridge Place; and

o) Details of the staging of mitigation measures, including implementing mitigation in advance of construction where that is feasible.

***Advice Note**: In the event that the UDLP requires updating, the recertification process detailed in condition 6 will apply. Where relevant, the UDLP should be consistent with the Auckland Transport Design Manual.*

32. The UDLP must use the LEAM Plans detailed in Condition 1 and the Habitat Restoration Plan and be consistent with the landscaping, tree replacement and urban design interventions required by Condition 31.

33. 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.

34. The UDLP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB3C) 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.

Lighting

34A. At least twenty (20) working days prior to the Commencement of Construction, the Requiring Authority must submit a Lighting Plan and certification/ specifications prepared by a suitably qualified Lighting Engineer to Council for certification. Lighting is required to address pedestrian and cycle access which will be used during the hours of darkness. Lighting for pedestrian and vehicle areas must be calculated in accordance with the methods described in the AS/NZS1158 series of standards and certified in a statement by a suitably qualified Lighting Engineer. The lighting design must demonstrate compliance with the following:

a) Lighting must comply fully with the requirements of AS/NZS1158.3.1.

b) Lighting must as a minimum provide the lighting subcategory performance determined in accordance with AS/NZS1158.3.1, but not less than the following minimums lighting subcategories:

i. PR2 minimum for pedestrian access adjacent to vehicle access.

ii. PP3 minimum for pedestrian only access paths.

iii. PA3 minimum for connecting elements, steps, stairways and ramps.

c) Plans must include proposed locations, lux levels and types of lighting (i.e., manufacturer's specifications once a lighting style has been determined) and any light support structures required to control timing, level of lighting, or to minimise light spill, glare, and loss of nighttime viewing.

d) Detail compliance of the design as required by AS/NZS1158.3.1.

e) All light fittings when installed must be in accordance with AS/NZS1158, which allows for 1% light spill above the height of the light source;

f) All light emitted from light fittings must have a correlated colour temperature of 4000K (Kelvin) or less as required by the AT TDM for street lighting;

g) Spill light and glare from the lighting must comply with E24.6.1(8) of the AUP(OP);

h) The lighting is to have automatic daylight controls such that the lights are on during the hours of darkness. Automatic presence detection or sensor lighting is to be avoided and where proposed must be supported by a CPTED assessment to determine if it is appropriate;

i) Lighting must be supplied from a common supply which cannot be disabled by general public;

j) Where solar lighting is proposed, such lighting will require clear written confirmation of their quality, performance, design, unshaded PV panel locations and maintenance plan; and

k) The lighting installation must be maintained in accordance with AS/NZS1158.3.1.

Advice Notes:

As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Tāmaki Makaurau Design Ope (Urban Design Unit) to provide confirmation of urban design compliance in relation to lighting plans and specifications under this condition.

The purpose of this condition is to ensure that adequate lighting is provided to frequently used areas within the proposed development for the safety of users. Adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least a 15-metre distance.

Tree Protection and Management Plan

35. Prior to the commencement of any construction activity, the Requiring Authority must submit a Tree Protection and Management Plan (TPMP) for certification in accordance with Condition 6. The objective of the TPMP is to avoid, remedy or mitigate any adverse construction effects of the Eastern Busway Project (Package EB3C) on those trees to be retained.

36. To achieve its objective, the TPMP must include:

a) A process whereby the Requiring Authority's arborist and the construction team confirm via a site walkover(s) those trees that can be retained rather than removed;

b) Tree protection measures for trees to be retained;

c) Tree pruning measures;

d) Demarcation of temporary construction access and storage areas, outside the permeable dripline and / or rootzone areas of retained trees;

e) Use of protective barrier fencing;

f) 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;

g) 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

h) 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.

Advice Note: *In the event that the TPMP requires updating, the recertification process detailed in Condition 6 will apply.*

37. If the design of the Project (Package EB3C) is modified so that it becomes apparent that trees protected by the provisions of the AUP(OP) identified as being retained in the certified Tree Plans appended to the Arboricultural Effects Assessment in Condition 1 are required to be removed,

a)

b) a suitable replacement planting scheme to mitigate the additional protected tree removal is to be submitted to the Council for certification and implemented in the project corridor (in addition to the proposed planting shown on the certified Tree Plans appended to the Arboricultural Effects Assessment in Condition 1).

Historic Heritage Management Plan

38. Prior to the commencement of any construction activity the Requiring Authority must submit a Historic Heritage Management Plan (HHMP) to Council for certification in accordance with Condition 6 above.

a) The HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua; and

b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as reasonably practicable.

39. To achieve the objective, the HHMP shall identify:

a) The management of construction works within the historic heritage extent of place associated with McCallum's Wharf and Quarry (listed in the Schedule 14.1 "Schedule of Historic Heritage" ID 02114 in the AUP (OP) including measures and methods to;

i. Appropriately avoid, remedy, or mitigate adverse construction effects within the historic heritage extent of place;

ii. Any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures;

b) Methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design;

c) Known historic heritage places and potential archaeological sites within the Designation, including identifying any Archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted;

d) Any unrecorded archaeological sites or post-1900 heritage sites within the Designation shall be documented and recorded;

e) Roles and responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with the AUP(OP) accidental discovery rule, and monitoring of conditions;

f) Specific areas to be investigated, monitored, and recorded to the extent these are directly affected by the Project;

g) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version;

h) Methods to acknowledge cultural values identified through Condition 8 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; and

i) Methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the Designation during Construction Works as far as practicable. These methods shall include, but are not limited to:

i. Security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access;

ii. Measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and

iii. Training requirements and inductions for all contractors and subcontractors on historic heritage places within the Designation, legal obligations relating to unexpected discoveries, Accidental Discovery Rule (E11.6.1 of the AUP(OP)). The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 8).

Advice Notes:

In the event that the HHMP requires updating, the recertification process detailed in Condition 6 will apply.

The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP (OP) or any subsequent version.

40. In the event that any previously unrecorded archaeological or historic heritage sites are identified as a result of the Eastern Busway Project (Package EB3C), 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.

41. Electronic copies of all reports relating to historic heritage monitoring or investigations 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 (twelve) months of completion of the Eastern Busway Project (Package EB3C).

Noise and Vibration (Construction)

42. Construction noise must 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 Tables 5 and 6 as far as practicable.

Table 5 Construction Noise Criteria – Residential Receivers (Irrespective of Zoning)

Time of week	Time Period	Maximum noise level (dBA) > 20 weeks	
		L_{eq}	L_{max}
Weekdays	0630 – 0730	55	75
	0730 – 1800	70	85

Time of week	Time Period	Maximum noise level (dBA) > 20 weeks	
		L_{eq}	L_{max}
	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 6 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

43. Where compliance with the noise standards set out in Condition 42 is not practicable, then the methodology in Condition 49 must apply.

44. Construction vibration must be measured in accordance with German Standard DIN 4150-3:1999 “Structural Vibration Part 3: Effects of vibration on structures” and must comply with the vibration standards set out in Table 7 as far as practicable.

Table 7 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	

Advice Note: *Activities sensitive to noise are defined in Chapter J of the AUP(OP).*

45. 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:

    a) 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

    b) 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.

46. Where compliance with the vibration standards set out in Table 7 above is not practicable, then the methodology in Condition 49 must apply.

47. Prior to the commencement of construction, the Requiring Authority must submit a Construction Noise and Vibration Management Plan (CNVMP) for certification in accordance with Condition 6. The objectives of the CNVMP are to:

    a) Identify and implement the Best Practicable Option (BPO) for the management of all construction noise and vibration effects;

    b) Define the procedures to be followed where the noise and vibration standards (Conditions 42 and 44) are not met (following the implementation of the BPO);

    c) Set out the methods for scheduling works to minimise disruption; and

    d) Provide records of CNVMP-related consultation with residents /public /stakeholders /emergency services, including any changes to the CNVMP undertaken in response to that consultation and as detailed in the CCP (Condition 10).

48. The CNVMP must be prepared in accordance with Annex E2 of (NZS6803:1999) and must as a minimum, address the following:

    a) Description of the works, machinery and equipment to be used;

    b) Hours of works, including a specific section on works at night (2230h -0700h), incorporating clear definitions of the works undertaken at night (if any);

    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 regular construction noise and vibration monitoring and reporting of all monitoring results and outcomes;

g) Procedures for communication as set out in the CCP with nearby businesses, residents, and stakeholders, including:

i. Notification of proposed construction activities,

ii. The period of construction activities; and

iii. Effective management of noise and vibration complaints.

h) Contact details for the person responsible for communication and consultation for the Eastern Busway Project;

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 42) and/or vibration standards (Condition 44 - Category A or Category B) will not be practicable;

k) Outline specific details relating to methods for the control of vibration and airblast associated with blasting activities, which must be formulated to, as far as practicable, comply with the criteria set out in the conditions setting out blasting limits.

l) 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 42 or the vibration criteria of Condition 44; and

ii. Assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category B vibration criteria of Condition 44, 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. Review and update of the CNVMP.

Advice Note: *In the event that the CNVMP requires updating, the recertification process detailed in Condition 6 will apply.*

49. A Schedule to the CNVMP (Schedule) must 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 42, except where the exceedance of the L_{Aeq} 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 44 at the receivers.

50. The objective of the Schedule is to set out the BPO for the minimization of noise and/or vibration effects of the construction activity that are specific to the receiving environment and the activities that the Schedule would authorise beyond those general measures set out in the CNVMP.

To achieve the objective, the Schedule must include but not be limited to details such as:

a) Construction activity and location plan, start and finish dates;

b) The owners and occupiers of the receivers that would be captured by (c) below;

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 42 and/or Condition 44;

d) Work at night and/or on Sundays and Public Holidays that will result in noise levels exceeding the Project Standards in Table 5 Construction Noise Criteria-Residential Receivers may only be authorised by a certified Schedule where it can be demonstrated that the work cannot practicably be undertaken during the daytime or on another day of the week (such as for safety, unreasonable traffic congestion or traffic delays). A Schedule may not seek to authorise such works where the works could normally be conducted during the day or on another day.

e) The proposed site-specific noise and/or vibration mitigation measures that are proposed to be adopted;

f) The mitigation options that have been selected and the options that have been discounted as being impracticable;

g) The consultation undertaken with owners and/or occupiers of properties identified in the Schedule, outcomes of the consultation and how consultation outcomes have and have not been taken into account;

h) Location, times, and types of monitoring and procedures for ensuring that all monitoring results and outcomes are reported on and are made available to the Council and to receivers subject to the Schedules on their reasonable request; and

i) The options that have been selected and the options that have been discounted as being impracticable to mitigate the effects on businesses that are susceptible to significant disruption or damage to equipment or on the occupants of houses that

cannot leave when construction vibration levels cannot comply with the Category B criteria or the limits set out in DIN4150-3 for blasting.

51. The Schedule must be submitted to the Council for certification at least 5 (five) working days, except in unforeseen circumstances, in advance of construction works that are covered by the Schedule and must form part of the CNVMP.

Rock Blasting

52. Prior to commencement of production blasts (i.e., blasting that is undertaken as part of the construction process), trial blasts (i.e. preliminary blasts that occur prior to production blasts for the purpose of data acquisition), must be undertaken to determine how adverse effects will be managed and how compliance with Conditions 53, 54 and 55 will be achieved in production blasting. Trial blasts will determine site-specific attenuation characteristics, air overpressure levels and maximum instantaneous charge weight (MIC) thresholds. Outcomes must be documented in a Trial Blasting Report. This Trial Blasting Report must be used for subsequent design of production blasting.

53. Air overpressure from all blast events must not exceed 120 dB L_{Zpeak} at the facade of any occupied building measured and assessed in accordance with the provisions of the Australian Standard AS 2187.2-2006 Explosives – Storage and use – Use of explosives.

54. Air overpressure from blast events must not exceed 133 dB L_{Zpeak} at the facade of any unoccupied building measured and assessed in accordance with the provisions of Australian Standard AS 2187.2-2006 Explosives – Storage and use – Use of explosives.

55. Unless a Schedule is approved under Condition 49 which sets out mitigation and management measures for blasting at specific buildings, including alternative blasting vibration standards at those buildings, vibration from all blasting activities must not exceed the limits set out in “German Industrial Standard DIN 4150-3:1999 Structural vibration – Part 3 Effects of vibration on structures” when measured in accordance with that Standard on any structure not on the same site as where blasting is occurring.

56. For the purposes of Conditions 53 and 54, a building is deemed to be occupied if there are persons inside only during the blast event (i.e., if the occupants of a dwelling are not inside the dwelling during the blast event then the dwelling is deemed to be unoccupied).

57. Blasts must be performed at set times during the daytime only, between 9am and 5pm, Monday to Saturday only. The set times for blasting must be set out in the CNVMP as per Condition 48.

58. Vibration and air overpressure level predictions must be performed prior to every blast event. If exceedances of the criteria set out in Condition 55 are predicted, then the blasting methodology must be adjusted prior to the blast to ensure the criteria will be complied with. Blasting must not be carried out where overpressure levels are predicted to be above the Project Standards in Conditions 50 and 51 at any building. Blasting must not be carried out where vibration levels are predicted to be above the project standards in Condition 55 at any building.

59. Prior to construction, a building condition survey must be undertaken of the Chinatown Building (262 Ti Rakau Drive) and any other buildings or structure that has been identified and assessed as potentially affected by vibration damage arising from construction vibration,

and in every case where the daytime Category B vibration criteria outlined in Condition 44 may be exceeded. 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.

60. Where 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 (fifteen) 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.

61. 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.

62. Following construction:

a) Within three months of the commencement of operation of the Eastern Busway Project (Package EB3C), 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.

Chinatown Carpark Condition Survey

62A. The Requiring Authority must undertake a carpark condition survey, before construction of Taupaepae is commenced and again within 2 months of the completion of Taupaepae construction, of the temporary occupation area and adjacent carpark area within Chinatown (262 Ti Rakau Drive). The purpose of the pre-construction and post-construction carpark condition surveys is to determine whether any damage has occurred as a result of construction activities related to EB3C.

Where the post-construction carpark condition survey confirms that the carpark has deteriorated as a direct result of the 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 carpark as described in the pre-construction carpark condition survey.

***Advice Note**: Inspections and repairs to the temporary occupation area carpark shall be limited to those portions of the carpark which have been lawfully established.*

Operational Noise

63. Noise barriers of 2.4m in height above ground level, as shown on the approved general arrangement drawings designation plans listed in Condition 1, must be installed between the busway and residential receivers to the north of the Burswood Section prior to Eastern Busway Project (Package EB3C) being operational. The noise barrier required by this condition must be maintained so that it retains its designed noise reduction performance.

Operational Traffic Noise-Acoustic Fence for [redacted]

63A. Prior to the commencement of the operation of EB3C, the Requiring Authority must construct an acoustically effective fence of 2 metres height along the southern boundary of common driveway for [redacted] (Lot 203 DP 151290) and 207-213 Burswood Drive (Lot 308 DP 151290) as shown in Figure 1 below. The fence must have a minimum surface mass of 10 kg/m^2 and no gaps along its length or at the base and shall be erected on and/or within the boundary of the designation. The fence required by this condition must be maintained so that it retains the designed noise reduction performance.

Figure 1: Acoustic Fence (shown by red line) covered by condition 63A above

Operational Traffic Noise Acoustic Fence for 25 Burswood Drive

63B. Prior to the commencement of the operation of EB3C, the Requiring Authority must construct an acoustically effective fence of 2 metres height along the northern boundary of 23 Burswood Drive (Lot 2 DP 144283) as shown in Figure 2 below. The fence must have a minimum surface mass of 10 kg/m^2 and no gaps along its length or at the base and shall be erected on and/or within the boundary of the designation. The fence required by this condition must be maintained so that it retains the designed noise reduction performance.

Figure 2: Acoustic Fence (shown by red line) covered by condition 63B above

64. The Requiring Authority must ensure that all roads are paved with Dense-Graded 14mm asphalt (or other low-noise road surface(s) with equal or better noise reduction performance) on all sections of the Project except where a higher friction (for safety) or stronger surface is required.

65. In the event that the Requiring Authority proposes a different road pavement to that specified in Condition 64 above at any time, the Requiring Authority must provide documentation from a suitably qualified and experienced acoustics specialist to the Council demonstrating that Condition 64 will continue to be complied with.

66. The road surfaces must be maintained so that they retain their noise reduction performance as far as practicable.

Information for developers on the project website (with contour plan) Guidance Condition

66A. Prior to the Commencement of Construction, the Requiring Authority must prepare Adjacent Area Noise Mitigation Guidance (AANMG) note that shall be available on the EBA Project Website and Auckland Transport's Website for the duration of the construction period for EB3C and for 5 years once EB3C is operational, as prepared by a Suitably Qualified Acoustic Expert (SQAE). The purpose of the AANMG is to provide guidance in relation to acoustic design measures that are encouraged to be implemented for the second, third and higher storeys of future development or redevelopment of Activities Sensitive to Noise (including residential buildings). The AANMG is to apply to the residential area within the within the 50dBA noise contour shown on EB3C Burswood Section Noise Contour Plan, dated 02072024 and is to include:

a) An explanation of the reasons for and the purpose of the Guidance;

b) The Noise Contour Plan showing the 50dB L_{Aeq}(15min) predicted noise contour at 4.5m above ground (second storey) and 7m above ground (third storey);

c) Guidance that sets out typical façade design measures that will achieve an internal noise environment not exceeding 35dB L_{Aeq}(15min) in Noise Sensitive Spaces on the second storey or higher;

d) Recommendations to install mechanical cooling and fresh air supply in accordance with E25.6.10 (3) (b), (d), (e) and (f) of the AUP(OP) for the Noise Sensitive Spaces where windows must be closed to achieve the indoor noise levels specified in c);

e) Procedures and methods to ensure that the AANMG is provided to landowners and prospective property purchasers; and

f) Advisory note to users of AANMG that it is provided for information purposes, and they should take specific advice of a SQAE before undertaking any action as a result of information obtained in the AANMG.

Activities Sensitive to Noise and Noise Sensitive Spaces are defined in Chapter J of the AUP(OP).

Outdoor Public Information Display Units at Pōhatu Station

67. The noise (rating) level from any Outdoor Public Information Display units installed at Pōhatu Station must not exceed 35 dB L_{Aeq} when measured 1m from the façade of any existing dwelling at the time of the EB3C Designation's confirmation within the adjoining residentially zoned sites. The announcement feature of Outdoor Public Information Display units can only be activated on-demand by the public, (i.e. they must not be programmed to make announcements automatically).

Open Space Improvements

68. Prior to construction commencing in Burswood Esplanade Reserve (East), the Requiring Authority must implement the following upgrade in Burswood Park subject to obtaining all necessary approvals:

a) A new playground to cater for all abilities and ages; and

b) Improved shade and or shelter.

Advice Notes:

a) The open space upgrades for EB3C are also subject to Conditions 8 (Mana Whenua Framework), 11 (CCP), 31A (UDLP).

b) The Requiring Authority is responsible for the costs associated with the construction of these open space upgrades. Ongoing maintenance/replacement costs are responsibility of Auckland Council Parks.

69. Within six (6) months of the commencement of operation of the EB3C, the Requiring Authority must implement the following upgrades at Burswood Esplanade Reserve (East), subject to obtaining all the necessary approvals:

a) Pump track;

b) Seating;

c) Planting;

d) Natural play;

e) Wayfinding; and

f) Storytelling.

Advice Notes:

a) The open space upgrades for EB3C are also subject to Conditions 8 (Mana Whenua Framework), 11 (CCP), 31A (UDLP).

b) The Requiring Authority is responsible for the costs associated with the construction of these open space upgrades. Ongoing maintenance/replacement costs are responsibility of Auckland Council Parks.

Transpower NZ Limited-Site Specific Conditions

Notice of Works

70. The Requiring Authority shall provide Transpower New Zealand Limited ("Transpower NZ Limited") 10 working days' notice in writing prior to commencing the proposed works.

Advice Note*: Written notice should be sent to: transmission.corridor@transpower.co.nz*

Access

71. All buildings, structures and vegetation must be located to ensure vehicle access is maintained to the National Grid assets, for maintenance at all reasonable times, and emergency works at all times.

Mobile Plant

72. All machinery and mobile plant operated in association with the works shall maintain a minimum clearance distance of 4 metres from the conductors (wires) of the OTA-PAK-A National Grid transmission lines at all times.

Vegetation

73. Any proposed new trees or vegetation within 12 metres either side of the centreline of the OTA- PAK-A National Grid transmission line, must not exceed 2 metres in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

74. Any proposed new trees or vegetation outside of 12 metres either side of the centreline of the OTA-PAK-A National Grid transmission line, must be setback sufficiently to ensure the tree cannot fall within 4 metres of the OTA-PAK-A National Grid transmission lines and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Stockpiling or material storage

75. There shall be no stockpiling of materials or storage of equipment beneath the OTA-PAK-A National Grid transmission lines or within 12 metres of any National Grid support structure.

Construction Environmental Management Plan

76. Prior to the commencement of construction, the Construction Environmental Management Plan (CEMP) shall be updated to include a section on the National Grid. This section shall demonstrate how the works will be undertaken so as to avoid or minimise effects on the National Grid. The National Grid section of the CEMP must be given to Transpower NZ Limited for its certification at least 20 working days prior to being submitted to the Council.

Advice Note: *The CEMP should be sent to Transpower via Patai Form 5 - https://transpower.patai.co.nz/*

77. The National Grid section of the CEMP must include the following (but is not limited to):

a) The name, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the National Grid section of the CEMP.

b) Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001) or any subsequent revision of the code; including (but not limited to) those relating to:

i. Excavation and Construction near Towers (Section 2);

ii. Building to conductor clearances (Section 3);

iii. Ground to conductor clearances (Section 4);

iv. Mobile Plant to conductor clearances (Section 5); and

v. People to conductor clearances (Section 9).

c) Details of any areas that are “out of bounds” during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a safety observer may be required (a safety observer will be at the consent holder’s cost;

d) Demonstrate how the existing transmission lines and support structures will remain accessible during and after construction activities;

e) Demonstrate how the effects of dust (including any other material potentially resulting from construction activities able to cause material damage beyond normal wear and tear) on the transmission lines will be managed;

f) Demonstrate how changes to the drainage patterns, runoff characteristics and stormwater will avoid adverse effects on the foundations of any support structure;

g) Demonstrate how construction activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the transmission lines, including support structures; and

h) Details of training to be given to those working near the transmission lines.

Commuter Parking Restriction related to Pōhatu Station

78. Within six (6) months of the Pōhatu Station becoming operational, the Requiring Authority must implement on-street commuter parking restrictions on the following public roads;

a) Heathridge Place;

b) Dulwich Place; and

c) Tullis Place.

Advice Note: *For clarity, the purpose of this parking restriction condition relates to the management of public parking demand for the Pōhatu Station on the streets listed above. Measures include time restrictions parking. For the avoidance of doubt this condition is not intended to restrict or otherwise limit parking by the owners or occupiers of dwellings on these streets.*

Change in boundary classification

xx. Prior to any vesting of the busway facility as public road, the Requiring Authority shall ensure that the residential properties immediately north of the busway facility between the two north-south arms of Burswood Crescent remain unaffected (and in particular not be subject to any additional net planning burden than would exist were the busway facility to remain not vested as road) by the change in planning classification that vesting would trigger (i.e., side or rear boundaries would become front boundaries subject to greater planning impositions). The step(s) taken by the Requiring Authority to satisfy this condition shall be provided to the Council in writing no less than 10 working days prior to the application to vest being formally made.

Advice note*: This condition provides for the Requiring Authority to undertake a range of possible options, which may include electing not to vest a portion of the busway as road, acquisition of residential properties, retention of a very narrow local purpose reserve running between the existing residential boundary and the future boundary of the busway facility, actions undertaken in partnership with the affected landowners including Existing Use Right certificates or land use consent(s) funded by the Requiring Authority, or other actions that may be identified by the Requiring Authority.*

ATTACHMENT D

EASTERN BUSWAY 4L
RECOMMENDATION
NOTICE OF REQUIREMENT CONDITIONS

Designation XXXX – Eastern Busway 4 Link (EB4L)

Designation Number	XXXX
Requiring Authority	Auckland Transport
Location	EB4L is located in East Tāmaki from Ti Rakau Drive, from Guys Reserve and Whaka Maumahara to Te Irirangi Drive, Botany.
Lapse Date	In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 10 years from the date on which it is included in the AUP.

Purpose

Construction, operation and maintenance of the Eastern Busway Stage 4 Link (EB4L).

Conditions

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
CCP	Communication and Consultation Plan
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
EB4L	Eastern Busway Stage 4 Link
ESCP	Erosion and Sediment Control Plan
HHMP	Historic Heritage Management Plan
LEAM Plan(s)	Landscape, Ecology and Arboricultural Management Plan(s)
TPMP	Tree Protection and Management Plan
UDLP	Urban Design and Landscape Plan
GD05	Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the

	Auckland Region (GD05), incorporating any amendments
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	The Heritage New Zealand Pouhere Taonga Act 2014

General Conditions

General Accordance

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 detailed in Tables 1 and 2.

Table 1: Application Documents

Document Title	Author	Revision	Date
EB3C and EB4L Assessment of Effects on Environment (AEE) and appended technical effects assessment Document Number EB-RP-3C4L-000001	Eastern Busway Alliance	A	28/8/2023

Table 2: Drawings

Drawing Title	Author	Revision	Date
Land Requirement Plan			
EB4L Land Requirement Plan and Proposed Designation Boundary Drawing Number (EB-2-R-5-PL-DG-000610, EB-2-R-5-PL-DG-000601, EB-2-R-5-PL-DG-000602)	Eastern Busway Alliance	A	17/08/2023
Combined Plans			
EB4L Consent Plans (Drawing Number EB-2-R-5-PL-DG-000101, EB-2-R-5-PL-DG-000102)	Eastern Busway Alliance	A	25/08/2023
EB4L Longitudinal Section (Drawing Number EB-2-R-5-PL-DG-000201)	Eastern Busway Alliance	A	25/08/2023

EB4L Typical Cross Sections (Drawing Number EB-2-R-5-PL-DG-000301, EB-2-R-5-PL-DG-000351)	Eastern Busway Alliance	A	25/08/2023
EB4L Structures (Drawing Number EB-2-R-5-PL-DG-000901, EB-2-R-5-PL-DG-000902, EB-2-R-5-PL-DG-000903, EB-2-R-5-PL-DG-000904)	Eastern Busway Alliance	A	25/08/2023
Landscape, Ecological and Arboricultural Plans			
EB3C-EB4L Landscape Ecological and Arboricultural Mitigation Planting Schedule (Drawing Number EB-2-R-3-PL-DG-101002)	Eastern Busway Alliance	3	06/5/2024
Landscape, Ecological and Arboricultural Mitigation Plans (Drawing Number EB-2-R-3-PL-DG-101108, EB-2-R-3-PL-DG-101109)	Eastern Busway Alliance	2	16/4/2024
Erosion and Sediment Control Drawings			
EB4L Concept Erosion and Sediment Control Drawing Number (ESCP – EB4L-1, ESCP – EB4L-2)	Eastern Busway Alliance	B	20.12.2023

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.

Monitoring

2. The Landscape, Ecological and Arboricultural Mitigation (LEAM) Plans listed in Condition 1 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 this designation. Any amendments are to be agreed by the Council in writing prior to implementation of any changes.

***Advice Note**: Where amendments to the LEAM Plans are not within scope of the plans listed in Condition 1, the Requiring Authority will be required to make an alteration to the relevant designation conditions.*

Site Access

3. 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.

Lapse Date

4. 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 (ten) years from the date on which it is included in the Auckland Unitary Plan (Operative in Part).

Uplift of Designation

5. As soon as practicable, and no later than 12 (twelve) months from the date the Eastern Busway Project (Package EB4L) 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.

    Advice Note: *The uplifting of the designation may occur in stages, depending on construction staging and commissioning of new infrastructure assets.*

Outline Plan of Works Requirement

6. Prior to the commencement of construction of the Eastern Busway Project (Package EB4L), the Requiring Authority must submit to Council an Outline Plan of the proposed works.

    Advice Note: *Given the size of the Project and the interrelationship of Package EB4L to the Eastern Busway Project's other packages, more than one outline plan may be submitted for Package EB4L.*

Management Plan Certification

7. The following general provisions relate to all Management Plans:

    a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:

        i. At least forty (40) working days prior to the start of works, the Requiring Authority must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage;

        ii. During the preparation of the draft Management Plans listed in Table 3 below the Requiring Authority must provide to Z Energy Limited ("Z Energy") and PSPIB/CPPIB Waiheke Inc ("Waiheke Inc") copies of those listed plans for comment.

        iii. Unless impracticable, the Requiring Authority must adopt recommendations received from Z Energy and Waiheke Inc.

iv. The following information must be provided with the Draft Management Plans listed in Table 3 at their lodgement:

- The submitted records of the consultation undertaken with Z Energy and Waiheke Inc.

- A summary of changes to sought by Z Energy and Waiheke Inc. This summary must also include commentary from the Requiring Authority in regard to the changes sought by these parties, whether the Requiring Authority has or has not adopted these changes and the reason(s) for adoption/non-adoption of the changes.

v. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing) unless otherwise specified in the conditions. The Requiring Authority must ensure that any changes from the draft Management Plans are clearly identified.

b) 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 the implementation of any changes. Re-certification is not required in accordance with Condition 7 if the Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified.

c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify these amendments are consistent with the relevant designation condition(s) prior to the implementation of any changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of the designation. Where a Management Plan was prepared in consultation with interested or affected parties, any changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties.

d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities.

e) All works must be carried out in accordance with the certified Management Plans. Works must not commence until written approval or certification of all the relevant Management Plans for that stage have been received unless otherwise approved in writing by the Council.

Table 3: Management Plans Subject to Consultation under condition 7

Waiheke Inc	Z Energy Limited
• Construction Traffic Management Plan; • Communication and Consultation Plan; • Construction Environmental Management Plan; • Tree Protection Management Plan; • Construction Noise and Vibration Management Plan; and • Urban Design Landscape Plan.	• Construction Traffic Management Plan; • Communication and Consultation Plan; • Construction Environmental Management Plan; • Tree Protection Management Plan; • Construction Noise and Vibration Management Plan; and • Urban Design Landscape Plan.

Advice Note: *Condition 7 applies to all Management Plans*

Mana Whenua Engagement

8. At least 10 working days prior to the commencement of construction, the Requiring Authority must confirm and submit to Council a Mana Whenua Engagement framework to ensure appropriate engagement with mana whenua during the construction of the Eastern Busway Project (Package EB4L).

9. The framework must 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 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;

      iv. Incorporating te aranga design principles in open space mitigation works; and

      v. Promoting ecology and biodiversity, including the use of native vegetation.

c) As a minimum the matters identified in (b) above must be addressed in the preparation of the following management plans:

i. Construction Environmental Management Plan;

ii. Urban Design and Landscape Plan;

iii. Historic Heritage Management Plan; and

iv. Habitat Restoration Plan.

10. The Requiring Authority must carry out the construction of the Project (Package EB4L) in accordance with the Mana Whenua Engagement framework submitted under Condition 8.

Stakeholder Communication and Engagement

11. The Requiring Authority must submit a final Communication and Consultation Plan (CCP) for certification in accordance with Condition 7. The objectives of the CCP are 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 EB4L), as well as to manage the development response by the Requiring Authority to address the Project's adverse construction effects.

12. The CCP must set out how the Requiring Authority will for the Eastern Busway Project (Package EB4L):

a) Inform the community, stakeholders and businesses of construction progress and future construction activities;

b) Provide information on key project milestones;

c) Identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be proactively engaged with prior to and throughout the Construction Works;

d) Develop, maintain and build relationships with the wider public and diverse stakeholders (including directly affected and adjacent landowners including business, community organisations, householders and their tenants);

e) Identify the measures that will provide for input into open space mitigation works;

f) 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 must include:

g) 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;

h) Contact details of the person responsible for communication and consultation for the Eastern Busway Project, including their phone, email, project website and postal address. These details shall be on the Project website, and prominently displayed at the main entrance(s) to the site(s);

i) The procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works;

j) A complaints register which shall record the date, time and nature of the complaint; and the name, phone number and address of the complainant (unless the complainant wishes to remain anonymous);

k) A list of the stakeholders affected to be communicated with and methods for identifying, communicating and engaging with people affected by the construction works for the project, including but not limited to:

    i. All residential owners and occupiers affected by construction works for the Project;

    ii. All business property owners and occupiers affected by construction works for the Project;

    iii. All social services/facilities including community, medical and education facilities affected by the construction works for the project, including methods to assist these facilities to consult with their customers/stakeholders/students;

    iv. Key stakeholders (including the Council's Parks Department and submitters); and

    v. Network utility operators.

l) Methods for communicating with and notifying directly affected parties in advance of:

    i. Proposed construction activities outside normal working hours (including night works);

    ii. Temporary traffic management measures for vehicles, cyclists and pedestrians during construction;

    iii. Permanent changes to road networks and layouts;

    iv. Use of languages other than New Zealand English to enable communication with all communities; and

v. A record of the consultation undertaken with the community including specific access requirements for businesses and residents.

m) Details of specific communications proposed for updating stakeholders including affected parties on construction timeframes key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified in k) iv above;

n) A list of the stakeholders affected to be communicated with;

o) Methods for consulting with the local community in regard to open space mitigation works at Haven Park and Huntington Park;

p) Linkages and cross references to the Eastern Busway Project's management plans where relevant;

q) A Development Response Addendum. The purpose of the development response addendum is to provide a framework and suite of strategies and measures in consultation with local business and community stakeholders that assist those directly affected by the Project (including directly affected and adjacent owners e.g. businesses, community organisations, households, and their tenants) to manage the impacts of construction and to maximise the opportunities the Project presents. The addendum must be reviewed, and if necessary updated, prior to the commencement of each stage of works and must include:

i. A list of those likely to be affected by the Project;

ii. Measures to maximise existing opportunities for pedestrian and service access to businesses, residents and social services/facilities that will be maintained during construction, within the practical requirements of the CTMP;

iii. The measures to mitigate potential severance and loss of business visibility issues by wayfinding and supporting signage for pedestrian detours required during construction;

iv. Recommended measures to mitigate impacts on those identified as affected by the Project associated with construction effects such as the potential reduction in accessibility and severance loss of amenity, mental and physical health effects and relocation. Such mitigation measures may include business support, business relocation, temporary placemaking and place activation measures and temporary wayfinding and signage, and mental health support and advice;

v. The measures to promote a safe environment during construction;

vi. How loss of amenity for residents, community services and businesses as a result of construction activities will be or has been mitigated through the Eastern Busway Project's management plans; and

vii. Identification of opportunities to coordinate the forward work programmes, where appropriate with infrastructure providers, development agencies, Council and Local Board planning;

viii. Measures to achieve positive social outcomes, which may include supply chain opportunities, education, training and employment opportunities including partnerships with local business associations and community organisations, and by working with local organisations repurposing and recycling of demolition materials;

ix. Identification of any other development response measures designed to support those businesses, residents and community services/facilities during construction;

x. A record of the activities and assistance provided as a result of the measures listed in (ii)-(ix).

r) Details of engagement with the community to identify opportunities to minimise construction impacts;

s) Details of the monitoring of the implementation of the CCP including, but not limited to:

i. Community feedback on the management of construction related impacts and the Requiring Authority's response to that feedback;

ii. Any feedback and complaints received on matters other than addressed by s)(i);

iii. Any outcomes or actions undertaken in response to feedback and complaints; and

iv. Any development response outcomes.

The CCP must be reviewed at least annually and updated with reference to the outcomes of the monitoring listed in s) above.

Project Information

12A. A project website, or equivalent virtual information source, shall be provided and updated regularly, using relevant media sources and languages to communicate the project to the local community, on an ongoing basis throughout the project until completion. The project website shall include these designation conditions and shall provide information on:

a) the status of the Project, including ongoing engagement and activities in relation to implementation of the management plans;

b) anticipated construction timeframes;

c) contact details for enquiries;

d) the implications of the designation for landowners, occupiers, and business owners and operators within the designation, and where they can receive additional support;

e) a subscription service to enable receipt of project updates by email.

12B. No less than one month prior to the commencement of construction of any new stage, the project website shall be updated to provide information on the likely date for Start of Construction, and any staging of works.

12C. The project website shall be updated to provide a copy of all the CCP(s) and Management Plans outlined in the Conditions as they are developed to a new stage.

Construction Environmental Management Plan

13. The Requiring Authority must submit a Construction Environmental Management Plan (CEMP) for certification in accordance with Condition 7. 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 EB4L).

14. The CEMP must 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, heavy rain and storm events);

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 and not increase flood hazards by ensuring consideration is given to locations of floodplains and overland flow paths;

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;

k) Site reinstatement measures upon completion of the activities including the removal of any temporary structures used during the construction period;

l) Construction hoardings, including their location, materials and the inclusion of any interpretive panels; and

m) Training requirements and inductions for all construction workers on expectations associated with ensuring that the surrounding community (landowners, occupiers, businesses, and social organisations) feel safe and respected. The training shall be undertaken prior to the commencement of construction.

***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 (e.g. Package EB4L).*

Construction Traffic Management

15. Prior to the commencement of any construction activity the Requiring Authority must prepare and submit a Construction Traffic Management Plan (CTMP) to Council for certification in accordance with Condition 7.

16. 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 EB4L) on transport, parking and property access, so far as it is reasonably practicable.

To achieve this objective, the CTMP must include:

a) Methods to manage the effects of temporary traffic management activities on traffic;

b) Measures to ensure the safety of all transport users;

c) The estimated numbers, frequencies, routes and timing of construction traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near educational facilities and childcare facilities or to manage traffic congestion;

d) Details of public transport route detours, temporary relocation of bus stops, temporary replacement bus stops and consultation with nearby educational facilities and Ministry of Education;

e) Details on temporary facilities for pedestrians to ensure connectivity if the existing facilities cannot be safely and reasonably maintained;

f) Details of wayfinding signage for motor vehicle users, public transport users, cyclists and pedestrians;

g) Site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;

h) Identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including pedestrians and cyclists on existing roads;

i) Methods to maintain vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements when it will not be;

j) Methods to provide for access to commercial sites, including access to those sites' loading/unloading areas;

k) The management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads outside active construction areas;

l) Methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents/public/stakeholders/emergency services) as required by the CCP in Condition 12;

m) Records of CTMP-related consultation with residents/public/stakeholders/emergency services, including any changes to the CTMP undertaken in response to that consultation and as detailed in the CCP (Condition 12);

n) Auditing, monitoring and reporting requirements relating to traffic management activities must be undertaken in accordance with the New Zealand Guide to Temporary Traffic Management or any subsequent version;

o) Details of minimum network performance parameters during the construction phase, including any measures to monitor compliance with the performance parameters;

p) Details of any Travel Demand Management (TDM) measures proposed to be implemented in the event of thresholds identified in Condition 16 o) being exceeded;

q) Measures to avoid Project staff parking on residential streets and residential sites, including monitoring of on-street parking use and communications to Project staff educating them on parking management measures; and

r) Methods to maintain safe and efficient vehicle access at all times at the Z Energy service station located at 550 Te Irirangi Drive.

17. Prior to construction, the Requiring Authority must undertake engagement with Edgewater College, Farm Cove Intermediate, St Marks School and Wakaaranga School to confirm a temporary bus route(s) and bus stops for Bus Services S013 and S421. The outcome of this engagement and any changes must be recorded in the final Construction Traffic Management Plan which must be submitted to Auckland Council for review before construction commences.

18. The Requiring Authority must restrict the movement of heavy construction vehicles in the immediate areas surrounding the local schools detailed in the Table 4 below during pickup and drop-off hours.

Table 4 Schools Subject to heavy construction vehicles Restrictions under condition 18

School Name	Address	Associated no travel route	Times heavy vehicles must avoid the schools
Pakuranga Intermediate	43/49 Reeves Road, Pakuranga, Auckland 2010	Reeves Road spanning from Williams Roberts Road to Gossamer Drive	8.10am-9.00am

			2.55pm-3.30pm
Pakuranga Heights School	77 Udys Road, Pakuranga, Auckland 2010	Udys Road spanning from Marriott Road to Reeves Road	8.25am-9.00am 2.55pm-3.30pm
Saint Kentigern College	130 Pakuranga Road, Pakuranga, Auckland 2010	Non-signalised access off main arterial considered low risk	NA
Edgewater College	32 Edgewater Drive, Pakuranga, Auckland 2010	Edgewater Drive spanning from Snell Place to Raewyn Place.	8.25am-9.00am 2.55pm-3.30pm
Anchorage School	16 Swan Crescent, Pakuranga, Auckland 2010	Tiraumea Drive and side streets south-west of Jan Place.	8.25am-9.00am 2.55pm-3.30pm
Elm Park School	46 Gossamer Drive, Pakuranga Heights, Auckland 2010	Gossamer Drive spanning from Beechdale Crescent to Pakuranga Road	8.25am-9.00am 2.55pm-3.30pm
Riverhills School	13 Waikaremoana Place, Pakuranga Heights, Auckland 2010	Gossamer Drive spanning from Riverhills Avenue to Reeves Road	8.25am-9.00am 2.55pm-3.30pm
Botany Downs Secondary College	575 Chapel Road, East Tāmaki, Auckland 2016	Chapel Road spanning from Ti Rakau Drive to Carlingford Drive	8.25am-9.00am 2.55pm-3.30pm
Point View School	25 Kilkenny Drive, Dannemora, Auckland 2016	Kilkenny Drive spanning from Chapel Road to Dannemora Drive	8.25am-9.00am 2.55pm-3.30pm

19. The Requiring Authority must ensure that light vehicles associated with the Project (e.g. delivery vehicles and staff private vehicles) are used with care and caution when traversing past schools. This must include briefing construction staff on the safe use of vehicles, the location of local schools and any road hazards at those locations.

Draft Urban Design and Landscape Plan

20. At least six (6) months prior to the completion of detailed design, the Requiring Authority shall provide a draft Urban Design and Landscape Plan (UDLP) for the Eastern Busway Project (EB4L Package) to Council for review and comment.

The objective of the UDLP is to address and mitigate any urban design, landscape and visual effects of the Eastern Busway Project (EB4L Package).

The draft UDLP for the Eastern Busway Project (EB4L Package) must include:

a) Urban design and landscape reference design plans for the Eastern Busway Project (EB4L Package);

b) The rationale to explain the Project's design principles;

c) Details of any property agreements or noise mitigation measures in respect to boundary fencing;

d) Details of how the interface and edge treatment with adjoining properties has been treated;

e) A CPTED Assessment and;

f) Details of engagement with the Council urban design team. The draft UDLP must include commentary from the Requiring Authority in regard to any changes sought by the Council and whether the Requiring Authority has or has not adopted these changes and the reason(s) for adoption/non-adoption of the changes. Where the recommendations are not adopted, the Requiring Authority shall invite the feedback from the Council prior to submitting the final UDLP to Council for certification.

Where practicable, the Requiring Authority must adopt the recommendations received from Council that are received within 20 working days of Council receipt of the draft UDLP and these will be incorporated into the final UDLP submitted to Council for certification prior to commencement of construction in accordance with condition 20A.

Final Urban Design and Landscape Plan

20A. At least thirty (30) working days prior to the commencement of construction, the Requiring Authority shall submit a Final Urban Design and Landscape Plan (UDLP) to Council for certification in accordance with condition 7 above.

In addition to those matters outlined in condition 20 above, the final UDLP for the Eastern Busway Project (EB4L Package) must include:

a) Urban design details for the following works:

i. Bridge C;

ii. The interface with adjoining properties; and

iii. New walking and cycling facilities, and connections.

b) Landscape design details for works at:

i. Guys Reserve;

ii. Whaka Maumahara;

iii. Haven Park; and

iv. Huntington Park.

c) Drawings that show the full extent of the designation;

d) A maintenance plan and establishment requirements over a (3) three-year period for landscaping and (5) five years for specimen trees following planting;

e) Removal/treat exotic pest vegetation species and replacement with native species (including repeating annually for (3) three years post construction);

f) Lighting, fencing, signage and street furniture design and location for Eastern Busway Project (Package EB4L);

g) 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 Eastern Busway Project (Package EB4L);

h) Design features and methods for cultural expression;

i) A Crime Prevention Through Environmental Design Assessment prepared by a Suitably Qualified and Experienced Practitioner, including but not limited to the new walking and cycling networks and the undercroft spaces of Bridge C;

j) Design features associated with the management of stormwater, including both hard and soft landscaping;

k) A Landscape Plan for the intersection of Town Centre Drive/ Te Irirangi Drive developed in collaboration with Botany Town Centre;

l) Detailed streetscape landscaping plan(s) for all swales, street trees and street gardens that have been submitted for certification or certified by the Parks Planning Team Leader. In particular, the plans must have the following information to obtain the Parks Planning Team Leader’s certification:

i. Be prepared by a suitably qualified landscape architect;

ii. Show all planting including details of intended species, location, plant sizes at time of planting, the overall material palette, location of street lights and other service access points;

iii. Ensure that selected species can maintain appropriate separation distances from paths, roads, street lights and vehicle crossings in accordance with the Auckland Transport Code of Practice; and

iv. Include planting methodology.

m) Details of how the interface and edge treatment with adjoining properties has been treated; and

n) Details of the staging of mitigation measures, including implementing mitigation in advance of construction where that is feasible.

***Advice Note**: In the event that the UDLP requires updating, the recertification process detailed in Condition 7 will apply. Where relevant, the UDLP should be consistent with the Auckland Transport Design Manual.*

21. The UDLP must use the LEAM Plans detailed in Condition 1 and the Habitat Restoration Plan and be consistent with the landscaping, tree replacement and urban design interventions required by Condition 20.

22. 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.

23. The UDLP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB4L) 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.

Lighting

23A. At least twenty (20) working days prior to the Commencement of Construction, the Requiring Authority must submit a Lighting Plan and certification/specifications prepared by a suitably qualified Lighting Engineer to Council for certification. Lighting is required to address pedestrian and cycle access which will be used during the hours of darkness. Lighting for pedestrian and vehicle areas must be calculated in accordance with the methods described in the AS/NZS1158 series of standards and certified in a statement by a suitably qualified Lighting Engineer. The lighting design must demonstrate compliance with the following:

a) Lighting must comply fully with the requirements of AS/NZS1158.3.1;

b) Lighting must as a minimum provide the lighting subcategory performance determined in accordance with AS/NZS1158.3.1, but not less than the following minimums lighting subcategories:

i. PR2 minimum for pedestrian access adjacent to vehicle access.

ii. PP3 minimum for pedestrian only access paths.

iii. PA3 minimum for connecting elements, steps, stairways and ramps.

c) Plans must include proposed locations, lux levels and types of lighting (i.e., manufacturer's specifications once a lighting style has been determined) and any light support structures required to control timing, level of lighting or to minimise light spill, glare and loss of nighttime viewing;

d) Detail compliance of the design as required by AS/NZS1158.3.1.

e) All light fittings when installed must be in accordance with AS/NZS1158, which allows for 1% light spill above the height of the light source;

f) All light emitted from light fittings must have a correlated colour temperature of 4000K (Kelvin) or less as required by the AT TDM for street lighting;

g) Spill light and glare from the lighting must comply with E24.6.1(8) of the AUP(OP);

h) The lighting is to have automatic daylight controls such that the lights are on during the hours of darkness. Automatic presence detection or sensor lighting is to be avoided and where proposed must be supported by a CPTED assessment to determine if it is appropriate;

i) Lighting must be supplied from a common supply which cannot be disabled by general public;

j) Where solar lighting is proposed, such lighting will require clear written confirmation of their quality, performance, design, unshaded PV panel locations and maintenance plan; and

k) The lighting installation must be maintained in accordance with AS/NZS1158.3.1.

Advice Notes:

As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Tāmaki Makaurau Design Ope (Urban Design Unit) to provide confirmation of urban design compliance in relation to lighting plans and specifications under this condition.

The purpose of this condition is to ensure that adequate lighting is provided to frequently used areas within the proposed development for the safety of users. Adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least a 15-metre distance.

Tree Protection and Management Plan

24. Prior to the commencement of any construction activity, the Requiring Authority must submit a Tree Protection and Management Plan (TPMP) for certification in accordance with Condition 7. The objective of the TPMP is to avoid, remedy or mitigate any adverse construction effects of the Eastern Busway Project (Package EB4L) on those trees to be retained.

25. To achieve its objective, the TPMP must include:

a) A process whereby the Requiring Authority's arborist and the construction team confirm via a site walkover(s) those trees that can be retained rather than removed;

b) Tree protection measures for trees to be retained;

c) Tree pruning measures;

d) Demarcation of temporary construction access and storage areas, outside the permeable dripline and / or rootzone areas of retained trees;

e) Use of protective barrier fencing;

f) 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;

g) 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

h) 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.

Advice Note: I*n the event that the TPMP requires updating, the recertification process detailed in Condition 7 will apply.*

26. If the design of the Project (Package EB4L) is modified so that it becomes apparent that trees protected by the provisions of the AUP(OP) identified as being retained in the certified Tree Plans appended to the Arboricultural Effects Assessment in Condition 1 are required to be removed,

a) a suitable replacement planting scheme to mitigate the additional protected tree removal is to be submitted to the Council for certification and implemented in the project corridor (in addition to the proposed planting shown on the certified Tree Plans appended to the Arboricultural Effects Assessment in Condition 1).

Historic Heritage Management Plan

27. Prior to the commencement of any construction activity the Requiring Authority must submit a Historic Heritage Management Plan (HHMP) to Council for certification in accordance with Condition 7 above.

a) The HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua and

b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as reasonably practicable.

28. To achieve the objective, the HHMP shall identify:

a) The management of construction works within the historic heritage extent of place associated with McCallum's Wharf and Quarry (listed in the Schedule 14.1 "Schedule of Historic Heritage" ID 02114 in the AUP (OP) including measures and methods to;

i. appropriately avoid, remedy, or mitigate adverse construction effects within the historic heritage extent of place; and

ii. Any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures.

b) Methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design;

c) Known historic heritage places and potential archaeological sites within the Designation, including identifying any Archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted;

d) Any unrecorded archaeological sites or post-1900 heritage sites within the Designation shall be documented and recorded;.

e) Roles and responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with the AUP (OP) accidental discovery rule, and monitoring of conditions;

f) Specific areas to be investigated, monitored, and recorded to the extent these are directly affected by the Project;

g) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018) or any subsequent version;

h) Methods to acknowledge cultural values identified through Condition 9 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; and

i) Methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the Designation during Construction Works as far as practicable. These methods shall include, but are not limited to:

i. Security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access;

ii. Measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage;

iii. Training requirements and inductions for all contractors and subcontractors on historic heritage places within the Designation, legal obligations relating to unexpected discoveries, Accidental Discovery Rule (E11.6.1 of the AUP(OP)). The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 9).

Advice Notes:

In the event that the HHMP requires updating, the recertification process detailed in Condition 7 will apply.

The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP (OP) or any subsequent version.

29. In the event that any previously unrecorded archaeological or historic heritage sites are identified as a result of the Eastern Busway Project (Package EB4L), 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.

30. Electronic copies of all reports relating to historic heritage monitoring or investigations 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 (twelve) months of completion of the Eastern Busway Project (Package EB4L).

Noise and Vibration (Construction)

31. Construction noise must 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 Tables 5 and 6 as far as practicable. Except for 415 Ti Rakau Drive, where the noise standards set out in Table 7 in condition 31A apply.

Table 5 Construction Noise Criteria – Residential Receivers (Irrespective of Zoning)

Time of week	Time Period	Maximum noise level (dBA) > 20 weeks	
		L_{eq}	L_{max}
Weekdays	0630 – 0730	55	75
	0730 – 1800	70	85
	1800 – 2000	65	80

Time of week	Time Period	Maximum noise level (dBA) > 20 weeks	
		L_{eq}	L_{max}
	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 6 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

31A. The Requiring Authority must ensure that the construction noise levels at 415 Ti Rakau Drive (Piccolo Park Botany) do not exceed the noise levels set out in Table 7 below. The Piccolo Park Botany noise criterion in Table 7 below cannot be modified by way of a schedule.

Table 7: Construction Noise Criteria – Piccolo Park Botany

Time period	Maximum noise level in outdoor playing areas, dB L_{Aeq}
Whilst occupied during normal opening hours	65

***Advice Note**: This condition does not apply in the event that a childcare centre is not in operation at the time of construction of EB4L.*

32. Where compliance with the noise standards set out in Condition 31 is not practicable, then the methodology in Condition 38 must apply.

33. Construction vibration must be measured in accordance with German Standard DIN 4150-3:1999 “Structural Vibration Part 3: Effects of vibration on structures” and must comply with the vibration standards set out in Table 8 as far as practicable.

Table 8 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	

Advice Note: *Activities sensitive to noise are defined in Chapter J of the AUP(OP).*

34. 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:

a) 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

b) 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.

35. Where compliance with the vibration standards set out in Table 8 above is not practicable, then the methodology in Condition 38 must apply.

36. Prior to the commencement of construction, the Requiring Authority must submit a Construction Noise and Vibration Management Plan (CNVMP) for certification in accordance with Condition 7. The objectives of the CNVMP are to:

a) Identify and implement the Best Practicable Option (BPO) for the management of all construction noise and vibration effects;

b) Define the procedures to be followed where the noise and vibration standards (Conditions 31 and 33) are not met (following the implementation of the BPO);

c) Set out the methods for scheduling works to minimise disruption; and

d) Provide records of CNVMP-related consultation with residents /public /stakeholders /emergency services, including any changes to the CNVMP undertaken in response to that consultation and as detailed in the CCP (Condition 11).

37. The CNVMP must be prepared in accordance with Annex E2 of (NZS6803:1999) and must as a minimum, address the following:

a) Description of the works, machinery and equipment to be used;

b) Hours of works, including a specific section on works at night (2230h -0700h), incorporating clear definitions of the works undertaken at night (if any);

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 regular construction noise and vibration monitoring and reporting of all monitoring results and outcomes;

g) Procedures for communication as set out in the CCP with nearby businesses, residents, and stakeholders, including:

i. Notification of proposed construction activities,

ii. The period of construction activities; and

iii. Effective management of noise and vibration complaints.

h) Contact details for the person responsible for communication and consultation for the Eastern Busway Project;

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 31) and/or vibration standards (Condition 33 - Category A or Category B) will not be practicable;

k) Outline specific details relating to methods for the control of vibration and airblast associated with blasting activities, which must be formulated to, as far as practicable;

l) 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 31 or the vibration criteria of Condition 33; and

ii. Assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category B vibration criteria of Condition 33, 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. Review and update of the CNVMP.

Advice Note: *In the event that the CNVMP requires updating, the recertification process detailed in Condition 7 will apply.*

38. A Schedule to the CNVMP (Schedule) must 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 31, except where the exceedance of the L_{Aeq} 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 33 at the receivers.

Advice Note: *A schedule cannot be prepared to exceed the noise criterion of Condition 31A where it relates to the operation of the Childcare Centre at 451 Ti Rakau Drive (Piccolo Park Botany).*

Advice Note: *A schedule cannot be prepared to exceed 75 dB L_{Aeq} at the VTNZ site at 451 Ti Rakau Drive during the hours of that site's operations, unless the Requiring Authority provides written approval from the operator of that site to Auckland Council.*

39. The objective of the Schedule is to set out the BPO for the minimization of noise and/or vibration effects of the construction activity that are specific to the receiving environment and the activities that the Schedule would authorise beyond those general measures set out in the CNVMP. To achieve the objective, the Schedule must include but not be limited to details such as:

a) Construction activity and location plan, start and finish dates;

b) The owners and occupiers of the receivers that would be captured by (c) below;

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 31 and/or Condition 33;

d) Work at night and/or on Sundays and Public Holidays that will result in noise levels exceeding the Project Standards in Table 5 Construction Noise Criteria-Residential Receivers may only be authorised by a certified Schedule where it can be demonstrated that the work cannot practicably be undertaken during the daytime or on another day of the week (such as for safety, unreasonable traffic congestion or traffic delays). A Schedule may not seek to authorise such works where the works could normally be conducted during the day or on another day.

e) The proposed site-specific noise and/or vibration mitigation measures that are proposed to be adopted;

f) The mitigation options that have been selected and the options that have been discounted as being impracticable;

g) The consultation undertaken with owners and/or occupiers of properties identified in the Schedule, outcomes of the consultation and how consultation outcomes have and have not been taken into account; and

h) Location, times, and types of monitoring and procedures for ensuring that all monitoring results and outcomes are reported on and are made available to the Council and to receivers subject to the Schedules on their reasonable request.

40. The Schedule must be submitted to the Council for certification at least 5 (five) working days, except in unforeseen circumstances, in advance of construction works that are covered by the Schedule and must form part of the CNVMP.

Building Condition Surveys

41. 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 vibration, and in every case where the daytime Category B vibration criteria outlined in Condition 33 may be exceeded. 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.

42. Where 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 (fifteen) 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.

43. 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.

44. Following construction:

a) Within three months of the commencement of operation of the Eastern Busway Project (Package EB4L), 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.

Operational Noise

45. The Requiring Authority must ensure that all roads are paved with Dense-Graded 14mm asphalt (or other low-noise road surface(s) with equal or better noise reduction performance) on all sections of the Project except where a higher friction (for safety) or stronger surface is required.

46. In the event that the Requiring Authority proposes a different road pavement to that specified in Condition 45 above at any time, the Requiring Authority must provide documentation from a suitably qualified and experienced acoustics specialist to the Council demonstrating that Condition 45 will continue to be complied with.

47. The road surfaces must be maintained so that they retain their noise reduction performance as far as practicable.

Open Space Improvements

48. Prior to the construction commencing in either Guys Reserve and Whaka Maumahara, the Requiring Authority must undertake the following upgrades at Huntington Park and Haven Park, subject to obtaining all necessary approvals:

    a) A playground, and seating and upgrade of the basketball court surface at Huntington Park;

    b) Seating and tables at Haven Park.

    Advice Notes:

    a) The open space upgrades for EB4L are also subject to Conditions 9 (Mana Whenua Framework), 12 (CCP) and 20A (UDLP).

    b) The Requiring Authority is responsible for the costs associated with the construction of these open space upgrades. Ongoing maintenance/replacement costs are responsibility of Auckland Council Parks.

Transpower NZ Limited-Site Specific Conditions

Notice of Works

49. The Requiring Authority shall provide Transpower New Zealand Limited ("Transpower NZ Limited") 10 working days' notice in writing prior to commencing the proposed works.

    Advice Note*: Written notice should be sent to: transmission.corridor@transpower.co.nz*

Access

50. All buildings, structures and vegetation must be located to ensure vehicle access is maintained to the National Grid assets, for maintenance at all reasonable times, and emergency works at all times.

Mobile Plant

51. All machinery and mobile plant operated in association with the works shall maintain a minimum clearance distance of 4 metres from the conductors (wires) of the OTA-PAK-A National Grid transmission lines at all times.

Vegetation

52. Any proposed new trees or vegetation within 12 metres either side of the centreline of the OTA- PAK-A National Grid transmission line, must not exceed 2 metres in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

53. Any proposed new trees or vegetation outside of 12 metres either side of the centreline of the OTA-PAK-A National Grid transmission line, must be setback sufficiently to ensure the tree cannot fall within 4 metres of the OTA-PAK-A National Grid transmission lines and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Stockpiling or material storage

54. There shall be no stockpiling of materials or storage of equipment beneath the OTA-PAK-A National Grid transmission lines or within 12 metres of any National Grid support structure.

Construction Environmental Management Plan

55. Prior to the commencement of construction, the Construction Environmental Management Plan (CEMP) shall be updated to include a section on the National Grid. This section shall demonstrate how the works will be undertaken so as to avoid or minimise effects on the National Grid. The National Grid section of the CEMP must be given to Transpower NZ Limited for its certification at least 20 working days prior to being submitted to the Council.

***Advice Note**: The CEMP should be sent to Transpower via Patai Form 5 - https://transpower.patai.co.nz/*

56. The National Grid section of the CEMP must include the following (but is not limited to):

a) The name, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the National Grid section of the CEMP;

b) Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001) or any subsequent revision of the code; including (but not limited to) those relating to:

i. Excavation and Construction near Towers (Section 2);

ii. Building to conductor clearances (Section 3);

iii. Ground to conductor clearances (Section 4);

iv. Mobile Plant to conductor clearances (Section 5); and

v. People to conductor clearances (Section 9).

c) Details of any areas that are “out of bounds” during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a safety observer may be required (a safety observer will be at the consent holder’s cost;

d) Demonstrate how the existing transmission lines and support structures will remain accessible during and after construction activities;

e) Demonstrate how the effects of dust (including any other material potentially resulting from construction activities able to cause material damage beyond normal wear and tear) on the transmission lines will be managed;

f) Demonstrate how changes to the drainage patterns, runoff characteristics and stormwater will avoid adverse effects on the foundations of any support structure;

g) Demonstrate how construction activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the transmission lines, including support structures; and

h) Details of training to be given to those working near the transmission lines.

ATTACHMENT E

EASTERN BUSWAY 3C
RESOURCE CONSENT CONDITIONS

RESOURCE CONSENT CONDITIONS EB3C

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
ChTMP	Chemical Treatment Management Plan
CLMP	Contaminated Land Management Plan
CMA	Coastal Marine Area
EB3C	Eastern Busway Stage 3 Commercial
ESCP	Erosion and Sediment Control Plan
LEAM Plan (s)	Landscape, Ecology and Arboricultural Management Plan(s)
GD05	Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05), incorporating any amendments
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	The Heritage New Zealand Pouhere Taonga Act 2014
HRP	Habitat Restoration Plan
LMP	Lizard Management Plan
NFCRP	Native Fish Capture and Relocation Plan
RMA	Resource Management Act 1991
SCR	Site Completion Report
SQEP	Suitably Qualified and Experienced Practitioner
SSESCP	Site Specific Erosion and Sediment Control Plan

General Conditions

General Accordance

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

Table 1: Application Documents

Document Title	Author	Revision	Date
EB3C and EB4L Assessment of Effects on Environment (AEE) and appended technical effects assessment Document Number EB-RP-3C4L-000001	Eastern Busway Alliance	A	28/8/2023

Table 2: Drawings

Drawing Title	Author	Revision	Date
Combined Plans			
EB3C Consent Plans (Drawing Number EB-2-R-4-PL-DG-000101, EB-2-R-4-PL-DG-000102, EB-2-R-4-PL-DG-000111, EB-2-R-4-PL-DG-000112, EB-2-R-4-PL-DG-000113, EB-2-R-4-PL-DG-000114, EB-2-R-4-PL-DG-000115, EB-2-R-4-PL-DG-000116)	Eastern Busway Alliance	B	31/10/2023
EB3C Option B-Current Bridge Arrangement with Embankments at 70 Degree (Drawing Number EB-2-D-4-PL-SK-000002) ***Advice Note:*** *The (reduced) area of reclamation in this plan supersedes that shown in EB-2-4-PL-DG-000102 above.*	Eastern Busway Alliance	B	29/05/2024
EB3C Longitudinal Section (Drawing Number EB-2-R-4-PL-DG-000201, EB-2-R-4-PL-DG-000202, EB-2-R-4-PL-DG-	Eastern Busway Alliance	A	25/08/2023

000203, EB-2-R-4-PL-DG-000204, EB-2-R-4-PL-DG-000205)			
EB3C Typical Cross Sections (Drawing Number EB-2-R-4-PL-DG-000301, EB-2-R-4-PL-DG-000302)	Eastern Busway Alliance	A	25/08/2023
EB3C Structures (Drawing Number EB-2-R-4-PL-DG-000901, EB-2-R-4-PL-DG-000902, EB-2-R-4-PL-DG-000903, EB-2-R-4-PL-DG-000911, EB-2-R-4-PL-DG-000912, EB-2-R-4-PL-DG-000913)	Eastern Busway Alliance	A	25/08/2023
Landscape, Ecological and Arboricultural Plans			
EB3C-EB4L Landscape Ecological and Arboricultural Mitigation Planting Schedule (Drawing Number EB-2-R-3-PL-DG-101002)	Eastern Busway Alliance	3	06/5/2024
Landscape, Ecological and Arboricultural Mitigation Plans (Drawing Number EB-2-R-3-PL-DG-101101, EB-2-R-3-PL-DG-101104, EB-2-R-3-PL-DG-101105, EB-2-R-3-PL-DG-101106, EB-2-R-3-PL-DG-101107)	Eastern Busway Alliance	2	19/4/2024
Landscape, Ecological and Arboricultural Mitigation Plans (EB-2-R-3-PL-DG-101102, EB-2-R-3-PL-DG-101103)	Eastern Busway Alliance	3	06/5/2024
Erosion and Sediment Control Drawings			
EB3C Concept Erosion and Sediment Control Drawing Number (ESCP – EB3C-1, ESCP – EB3C-2, ESCP – EB3C-3, ESCP – EB3C-4, ESCP – EB3C-5, ESCP – EB3C-6, ESCP – EB3C-7)	Eastern Busway Alliance	B	20.12.2023

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.

2. The Landscape, Ecological and Arboricultural Mitigation (LEAM) Plans listed in Condition 1 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.

Advice Note: *Where amendments to the LEAM plans are not within scope of the plans listed in Condition 1, alterations to consent conditions can be considered as part of an application made in accordance with Section 127 of the RMA.*

Monitoring All Resource Consents

3. The Consent Holder must pay the Council an initial consent compliance monitoring charge of $10,000 (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.

Site Access

4. Subject to compliance with the Consent Holder'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.

Lapse Date - All Resource Consents

5. Under section 125 of the RMA, these consents will lapse 5 (five) years after the date they commence unless:

    a) These consents are given effect to; or

    b) On application, the Council extends the period after which the consent(s) will lapse.

Expiry Dates-All Resource Consents

6. Resource consent LUC60423931 (earthworks) and LUS60423990 (streamworks) expires five (5) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

7. Resource consent WAT60423930 expires five (5) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

8. The duration to occupy watercourses with stormwater culverts MCC_108481, MCC_108482, MCC_496129 and MCC_988531 (LUS60423990 (streamworks)) expires thirty-five (35 years) from the commencement of the consent, unless it has lapsed, surrendered or been cancelled at an earlier date pursuant to the RMA.

9. Resource consent DIS60423909 (contamination) expires five (5) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

10. The duration to occupy the Coastal Marine Area with Bridge A-Ti Rākau, Bridge B-Taupaepae, stormwater infrastructure structures and use of these structures (CST60423957), expires thirty-five (35 years) from the commencement of the consent, unless it has lapsed, surrendered or been cancelled at an earlier date pursuant to the RMA.

11. Resource consent CST60423908 (vegetation removal) for the removal of mangroves associated with the construction expires five (5) years from the commencement of the consent, unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

11A. The duration of the coastal permit for the reclamation (CST60423956) is unlimited unless it has lapsed, or been surrendered or cancelled at an earlier date pursuant to the RMA.

Management Plan Certification - All Resource Consents

12. The following general provisions relate to all Management Plans:

a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:

i. At least forty (40) working days prior to the start of works, the Consent Holder must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage;

ii. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing).

b) 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 the implementation of any changes. Re- certification is not required in accordance with Condition 12 if the Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified;

c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify these amendments are consistent with the relevant consent condition(s) prior to implementation of any changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of consent. Where a Management Plan was prepared in consultation with interested or affected parties, any changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties;

d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities; and

e) All works must be carried out in accordance with the certified Management Plans. Works must not commence until written approval or certification of all the relevant Management Plans for that stage have been received unless otherwise certified in writing by the Council.

Advice Note: *Condition 12 applies to all Management Plans*

Earthworks (LUC60423931)

13. Prior to the commencement of earthworks the Consent Holder must submit an Erosion and Sediment Control Plan (ESCP) and Chemical Treatment Management Plan (ChTMP) to Council for certification in accordance with Condition 12. The purpose of the ESCP is to provide overarching principles and procedures to manage the environmental impacts associated with erosion and sediment control (ESC) including the management of dust, during construction of the Eastern Busway Project (Package EB3C).

14. 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 12. Earthworks activity within the specific area or stage must not commence until the Council has certified that the SSESCP satisfactorily meets the requirements of GD05.

    The SSESCPs must contain sufficient detail to address the following matters, where applicable:

    a) Contour information (existing and post-earthworks);

    b) Identify the location of any permanent and intermittent streams or inland wetlands within 10m of the proposed earthworks;

    c) Erosion and sediment control measures for the works being undertaken within a particular construction area, including confirmation of (where applicable) decanting earth bund design to meet outcomes of GD05, or a relevant higher standard as referred to through the conditions below;

    d) Chemical treatment design and details, including bench testing results and confirmation of rainfall activated methodology where possible;

    e) Confirmation of/updates to Dewatering Procedures to be used (where applicable) to meet Condition 23;

    f) Catchment boundaries of works and devices installed;

    g) Location of the work;

    h) Details of construction methods;

    i) Design criteria, typical and site-specific details of erosion and sediment control;

j) Design details for managing the treatment, disposal and/or discharge of contaminants (e.g. concrete wash water);

k) Monitoring and maintenance requirements;

l) Details of stabilisation measures;

m) Details of measures to isolate and protect active work areas below Mean Highwater Spring; and

n) Management practices specific to works within riparian margins including:

i. A Plan showing the length of stream works required and to demonstrate stream works will be minimised to the length required to install the structure;

ii. Management of contaminants to water (e.g., hydrocarbons, construction materials);

iii. Methodology for diverting upstream flows during the streamworks, including how sufficient flow will be maintained at all times below the site of the works to maintain in-stream biota;

iv. A detailed methodology for the installation of the structures; and

v. Details of final streambed remediation or stabilisation upon completion of stream works.

o) Proactive and adaptive management of mitigation measures to minimise the risk of dust emissions.

15. The erosion and sediment control measures must be constructed and maintained in accordance with the certified SSESCP and 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.

16. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works referred to in a SSESCP required by Condition 14, and prior to the commencement of earthworks activity within the subject area or stage referred to in the SSESCP, 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 SSESCP for that particular area of stage, the ESCP, GD05 and any higher standard referred to through the conditions below.

Certified controls must include the decanting earth bunds, any other impoundment device, dewatering devices, clean and dirty water diversions, silt fences, and stabilised construction entranceways. Information supplied, if applicable, must include:

a) Details on the contributing catchment area;

b) Size of structure;

c) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);

d) Dimensions and shape of structure;

e) Position of inlets/outlets; and

f) Stabilisation of the structure.

Advice Note: *Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05): Erosion and Sediment Control construction quality checklists.*

17. Prior to the commencement of consented earthworks and streamworks for EB3C, the Consent Holder must hold a pre-start meeting that:

a) Is located on the subject site;

b) Is scheduled not less than 5 (five) days before the anticipated commencement of earthworks;

c) Includes representation from Auckland Council's Compliance Monitoring Team; and

d) Includes representation from the contractors who will undertake the works.

e) The following information must be made available at the pre-start meeting where applicable:

i. s176 Transpower Approval for earthworks;

ii. Timeframes for key stages of the works authorised under this consent;

iii. Resource consent conditions;

iv. The finalised Site Specific Erosion and Sediment Control Plan and methodology (earthworks and streamworks where applicable);

v. The Chemical Treatment Management Plan; and

vi. The Dewatering Procedures.

f) A pre-start meeting must be held prior to the commencement of the earthworks activity in each earthworks season (period between October 1 and April 30) that this consent is exercised.

18. The Consent Holder must ensure that the erosion and sediment control measures, management plans, the earthworks methodology, streamworks methodology and monitoring regime are discussed at the pre-start meeting. The Consent Holder must also ensure that all relevant parties are aware and familiar with the necessary conditions of these consents.

19. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required in Conditions 14 to 16 must be maintained throughout the duration / each stage of earthworks activity, or until the site is permanently stabilised against erosion.

20. All perimeter controls must be operational before earthworks commence. All 'clean water' runoff from stabilised surfaces including catchment areas above the site itself must be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion.

21. Unless otherwise agreed through a SSESCP, all Decanting Earth Bunds utilised during earthworks must be designed and constructed in accordance with GD05, including having a 3:1 length to width ratio (and no greater than 5:1).

22. The decanting earth bunds and any other authorised impoundment device utilised as part of the earthworks must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChTMP) required by Condition 13 and the current certified chemical treatment details.

23. All dewatering from the construction of the Eastern Busway Project (Package EB3C) must be undertaken in accordance with the Dewatering Procedures listed in the SSESCP required by Condition 14 and any updates to this plan certified by the SSESCPs. All related discharges must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.

24. Prior to the removal of any erosion and sediment control device required as a condition of resource consent, written certification must be provided to the Council by a suitably qualified and experienced person to confirm that all areas of bare earth have been permanently stabilised against erosion in accordance with GD05 and can be directed to a Clean Water Diversion.

25. The Consent Holder must take all practical measures to prevent deposition of soil on roads and footpaths outside the works area of Eastern Busway Project (Package EB3C). 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 must be removed immediately. Roads and/or footpaths must not 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.

26. The site must be progressively stabilised against erosion at all stages of the earthworks and streamworks activities and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified ESCP.

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

28. The sediment and erosion controls at the site of the works must 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 must 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.

29. EB3C related earthworks and streamworks must not be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval to Council. All requests must be renewed annually prior to the approval expiring and works must not occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the Consent Holder.

Ensure supervision and certification of geotechnical works

29A. The construction of retaining walls and the placement and compaction of fill material must be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional must ensure that they are constructed and otherwise completed in accordance with the certified plans.

Certification from a suitably qualified engineering professional responsible for supervising the works must be provided to Council, confirming that the works have been completed in accordance with the certified plans, within ten (10) working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the council.

Dust Management and Monitoring (LUC60423931)

30. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the Site, in the opinion of an enforcement officer when assessed in accordance with the "Good Practice Guide for Assessing and Managing Dust" (Ministry for the Environment, 2016).

The Consent Holder must ensure that dust management during the works complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This includes having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures detailed by the ESCP, available as necessary.

Advice Note: *In assessing whether the effects are offensive or objectionable, the following factors will form important considerations:*

- *The frequency of dust nuisance events;*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance;*
- *The duration of each dust nuisance event;*
- *The offensiveness of the discharge, having regard to the nature of the dust; and*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

Advice Note: *It is recommended that potential measures as discussed with the council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring South at monitoring@aucklandcouncil.govt.nz for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions."*

30A. The ESCP and any relevant SSESCPs must detail the methods to be used to ensure compliance with Condition (30) above, including but not limited to:

a) Methods to minimize dust emissions from earthworks, unpaved surfaces, paved surfaces, material stockpiles, and vehicles travelling in, to and from the construction area.

b) Proactive measures to minimize dust emissions during forecast high wind speeds and dry conditions, or when activities with high risk of dust emissions are necessary.

c) Procedures for adaptative management of dust controls in response to monitoring data as required by Conditions 31 and 32 below.

d) Monitoring methods as detailed in Conditions 31 and 32 below.

e) Procedures for reporting of monitoring data.

31. The Consent Holder must undertake targeted community monitoring during all land disturbance activities for the Eastern Busway Project (Package EB3C). This monitoring must include:

    a) Visual monitoring, such as:

        i. Regular checking of internal and external access road surfaces for tracked dust that requires cleaning;

        ii. Checking the effectiveness and maintenance of truck rumble grids and wheel wash;

        iii. Checking the integrity of shelter fences;

        iv. Inspecting surfaces outside the site boundary near sensitive receptors for signs of dust deposition;

        v. Observing whether there is visible dust suspended in air carrying beyond construction site boundary; and

        vi. Using closed-circuit television (CCTV) monitoring (or similar, potentially connected to the boundary instrumental monitoring to start video recording when alert thresholds are exceeded) at the boundaries and/or dust sources of the main construction zones.

    b) Fenceline instrumental monitoring at the northeast boundary of the main construction zones, such as with Dustrak or SiteHive.

32. In order to undertake the above detailed monitoring in Condition 31, the Consent Holder must undertake the following:

    a) Place monitoring equipment downwind of the construction areas under the prevailing wind direction, to the northeast of any construction compounds or construction activities involving earthworks or fill activities with heightened risk of dust emissions;

    b) Move monitoring equipment as the construction programme progresses and the locations of dust-generating activities changes;

    c) Regularly review monitoring data to assess the effectiveness of dust controls and identify any additional mitigation required; and

    d) Ensure the monitor equipment has the capability to send alarms to site managers if dust concentration thresholds are exceeded. These thresholds are to be adjusted and determined on a site-specific basis depending on the sensitivity of the immediate receiving environment.

    Advice Note: *The air quality monitoring required by Conditions 31 and 32 may be incorporated by the Consent Holder in the ESCP (Condition 13)*

Vegetation Clearance (LUC60423931)

33. Prior to the commencement of any construction activity within riparian and/or coastal margins, the Consent Holder must submit a Lizard Management Plan (LMP) as prepared by a suitably qualified expert herpetologist, to Council for certification in accordance with Condition 12 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. 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 36) 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 and reporting, including but not limited to the following:

        i. Ongoing surveys to evaluate translocation success pre- and post-translocation surveys for three (3) years;

ii. Monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control; and

iii. Annual report for three (3) years on translocation success with recommendations for adaptive management measures if required.

f) A post vegetation clearance for remaining lizards;

g) A suitably qualified and experienced ecologist/herpetologist 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 on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council within 14 working days.

Advice note: *Completion of works pertains to each lizard salvage event. If several lizard salvage events are undertaken over a two week period, then all lizard salvage events shall be detailed in a fortnightly report and sent to Council.*

35. Prior to the commencement of any construction activity within riparian and/or coastal margins, the Consent Holder must submit a Habitat Restoration Plan (HRP) to Council for certification in accordance with Condition 12.

36. 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 EB3C) on lizard habitat as identified within the 'Eastern Busway EB3 Commercial and EB4 Link Road: Terrestrial and Freshwater Ecological Assessment':

a) The HRP must be developed to be consistent with the conditions of the LMP (Conditions 33 to 34) and must ensure that lizard relocation sites are complimentary with lizard habitat restoration areas.

b) The LEAM plans must be consistent with the HRP;

c) The HRP must include:

i. Identification of areas to be restored as lizard habitat to the quantum of 1.75 ha as identified in 'Eastern Busway EB3 Commercial and EB4 Link Road: Terrestrial and Freshwater Ecological Assessment';

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. Details of all plantings which must 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 must be maintained for a minimum of five (5) years and a final compliance check after ten (10) years; and

v. Details of the proposed plant species, plant sourcing (locally EcoSourced native pioneer species that are adapted to the Tāmaki Makaurau 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.

37. The HRP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB3C) 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.

38. Vegetation must not be removed between 1 September and 28 February (bird nesting season) unless the matters below have been undertaken:

a) A suitably qualified ecologist (the 'project ecologist') has completed a survey at least one week before any vegetation is to be cleared to ensure that there is no active native bird nesting occurring at the time; and

b) If any active nests of native birds are recorded within the vegetation scheduled for removal, vegetation clearance must not be undertaken until the birds have finished fledging. The project ecologist must monitor the birds until they have finished fledging and provide written confirmation to the clearance contractor when clearance may commence.

39. Prior to the commencement of streamworks, a final construction methodology must be included within the relevant SSESCP required in accordance with Condition 14. Details to be provided must include, but must not be limited to timing, staging and sequencing of stream works, and the erosion sediment control measures to be employed to mitigate the effects on the receiving environment. The related streamworks must be undertaken in accordance with the relevant certified SSESCP and streamworks methodology.

Streamworks (LUS60423990)

39A. Prior to the commencement of earthworks or streamworks within an area where works will extend into the 10m setback from a natural inland wetland, including construction of reticulation and outfalls authorised by this consent, a suitably qualified and experienced ecologist must identify the 5m setback from the natural inland wetland and a sturdy, framed, protection fence must be erected along the 5m setback. The fence must remain in place until the completion of all works on the site and no work must be carried out, or materials stored, within the protected wetland area.

Advice Note: *A 'day-glow' barrier mesh or 'pigtail' fence/wire or rope would be sufficient for this purpose*

39B. Streamworks must be carried out only during periods when all normal flows at the time of the year are diverted around the works area.

40. Any changes to a certified SSESCP must be submitted to the Council demonstrating that the changes to the management plan incorporates best practice methodologies for managing effects from the streamworks and that the adverse effects from the streamworks remain the same or less. Any changes to the certified plan must only be implemented once certified in writing by the Council.

41. Within ten (10) working days prior to commencement of works at each stream works site, a suitably qualified and experienced freshwater ecologist must undertake a survey to identify Fish Spawning Habitat within the area of stream works, including all areas within the extent of any dam and diversion required for stream work construction. The Fish Spawning Habitat must be identified on a drawing of suitable scale and submitted to Auckland Council prior to commencement of works at each stream works site.

42. To protect downstream fish (inanga) spawning habitat, streamworks must not be undertaken within or downstream of any Fish Spawning Habitat areas, as identified in Condition 41 during the spawning season (March to June)).

43. Unless otherwise agreed in writing by the Council, the Consent Holder must complete the construction of the erosion and scour protection and associated streamworks activity to the stage of finalised re-vegetation and / or stabilisation of stream beds within a five (5) day period from the commencement of the activity.

44. The Consent Holder must ensure that all exposed work areas associated with the streamworks, including the bed and banks of the stream and any adjacent overland surface flow paths (for normal flows at the time of year the works are undertaken) are stabilised at the end of each construction day.

45. All water discharged from the streamworks site and associated sediment control devices during the streamworks operation must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.

46. All pumps used to dewater the stream must have a 3mm mesh screen to prevent fish from entering the pump and be elevated to avoid pumping of sediments from the stream bed.

47. Machinery must not enter the wetted cross section of the bed of the stream at any time and machinery associated with the streamworks activity must be operated (including maintenance, lubrication and refuelling) in a way, which ensures no hazardous substances such as fuel, oil or similar contaminants are discharged. In the event that any discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified.

48. The use of construction materials, such as concrete products or grout, must only occur outside the wetted cross section of the bed of the stream. Any mixing of construction materials must occur outside the 100-year floodplain and using methods so that if a spillage does occur it will be contained to avoid it entering the waterbody.

49. Any sediment or material excavated from the bed of the stream must be stockpiled outside the 100-year flood plain area, with appropriate erosion and sediment control measures in accordance with GD05.

50. Prior to any re-diversion of stream flows on the new erosion and scour protection, the stream bed and banks must be stabilised against erosion using best practice methods.

51. At least ten (10) working days prior to the commencement of works on outfalls MCC_108481, MCC_108482, MCC_496129 and MCC_988531, the Consent Holder must submit a Native Fish Capture and Relocation Plan (NFCRP) to Council for certification in accordance with Condition 12.

52. The purpose of the NFCRP is to safely capture and relocate native fish prior to the commencement of works on outfalls MCC_108481, MCC_108482, MCC 496129 and MCC_988531. The NFCRP must be prepared by a suitably qualified and experienced Freshwater Ecologist and must include:

    a) Details on timing of plan implementation;

    b) Methodologies to capture native fish;

    c) Details of the qualified ecologist to undertake the capture and relocation and to be present on-site during dewatering to rescue and relocate any remaining fish present;

    d) Details of the relocation site(s) and confirmation on the habitat availability of the relocation site to support fish at the time of streamworks;

    e) Storage and transport measures including, prevention of predation and death during capture; and

    f) Euthanasia methods for diseased or pest species.

53. Native fish capture and relocation must be undertaken in accordance with the certified NFCRP and must only be undertaken by a suitably qualified and experienced freshwater ecologist. The freshwater ecologist must also be onsite during the dewatering process to ensure that any remaining native fish that are not caught during de-fishing are salvaged.

54. The Consent Holder must provide a Fish Salvage Report detailing the relocation site, the species and number of freshwater fauna relocated prior to and during dewatering, to the Council within five (5) days of completion of the native fish capture and relocation. These results must be uploaded into NIWA's New Zealand native freshwater fish database within ten (10) working days.

54A. Within twenty (20) working days following completion of the installation of the following in-stream structures, the consent holder must provide a certified (signed) as-built plans that confirms that the in-stream structures have been constructed to maintain the pre- development stream dimensions (widths and depths) and not exceed the following erosion and scour protection lengths within the bed of a stream when measured parallel to the flow of water:

- Outfall MCC_108482 – 7.5m
- Outfall MCC_988531 – 8.5m
- All other stormwater outfalls to a stream – less than 5m.

The consent holder must engage at their own expense a suitably qualified professional engineer to prepare and certify these plans.

Advice note: *The extent of appropriate planting as shown on the LEAM plans and HRP****.***

Contaminated Land (LUC60423931 and DIS60423909)

55. Prior to the commencement of earthworks a Contaminated Land Management Plan (CLMP), must be submitted to Council for review and certification in accordance with Condition 12 above.

Advice Note: *The objective of the CLMP is to manage the potential environmental and human health risks associated with the disturbance of contaminated materials*

56. The CLMP required by Condition 55 must be prepared by a suitable qualified and experienced contaminated land practitioner (SQEP), in accordance with the Contaminated Land Management Guidelines No.1 Ministry for the Environment, revised 2021. The CLMP must contain sufficient detail to cover the following:

a) A summary of information and an overview of the proposed alignment construction methodology;

b) A summary of any soil sampling works undertaken;

c) The roles and responsibilities and contact details for the parties involved in the land disturbance activities, including the SQEP;

d) Identify potential and known hazards arising from contamination (if present);

e) Identify specific management procedures developed for construction earthworks including:

i. On-site soil management practices;

ii. Off-site soil transport and disposal;

iii. Erosion and sediment control;

iv. Management of dust and odour;

f) Contingency measures in the event of accidental/unexpected discovery (asbestos, unknown fill, odours, staining etc.); and

g) Post development controls (if required).

57. Discharges from disturbance of soils containing elevated levels of contaminants must be managed in accordance with the Contaminated Land Management Plan (CLMP) required in Condition 55 unless otherwise modified by the conditions below or in accordance with Condition 12 above.

58. All sampling and testing of contamination on the site must be overseen by the appropriately SQEP. 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.

59. The Council must be informed in writing about the commencement of the Eastern Busway Project (Package EB3C) earthworks at least two (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.*

60. The consent holder must engage a SQEP to oversee any works involving the disturbance of potentially contaminated material and ensure the procedures and control measures in the certified CLMP are adhered to throughout these works.

61. 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.

62. All imported fill must comply with the definition of 'cleanfill', in accordance with 'Technical Guidelines for Disposal to Land Revision 3', Waste Management Institute New Zealand (2022).

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).*

63. Within 3 (three) months of the completion of the soil disturbance activities within the Project area (Package EB3C), a Site Completion Report (SCR) must be provided to the Council.

64. 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; and

l) Identification of any areas which need on-going monitoring and management.

65. Where contaminants are identified that have not been anticipated by the application, the unexpected discovery procedures in the CLMP must be employed, including notifying the Council. Any unexpected contamination and contingency measures must be documented in the SCR.

***Advice Notes**:*

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.

If you are demolishing any building/structures that may have asbestos containing materials (ACM) in it:

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- *Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
- *Information on asbestos containing materials and your obligations can be found at* www.worksafe.govt.nz.

- *If ACM is found on site following the demolition or removal of the existing buildings/structure, you may be required to further remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance, a further consent application may be required.*

Coastal Works (CST60423908 (vegetation removal) and CST60423956 (reclamation))

66. Prior to any works within the Coastal Marine Area (CMA) commencing, a final construction methodology must be included within the relevant SSESCP required in accordance with Conditions 14 and 15. Details to be provided must include, but must 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.

67. Prior to the commencement of works within the Coastal Marine Area (CMA), the Consent Holder must submit a Coastal Works Management Plan (CWMP) to Council for certification in accordance with Condition 12 above.

68. The objective of the CWMP is to set out methods to be undertaken to avoid, remedy or mitigate any adverse effects on the CMA associated with the construction of the Eastern Busway Project (Package EB3C) so far as is reasonably practicable.

69. The Consent Holder must carry out all coastal works for the Project (EB3C Package) in accordance with the certified CWMP listed in Condition 67, unless otherwise amended by the process in Condition 12.

70. The CWMP must include details of:

    a) An outline of the construction programme of the work (including mangrove removal) including construction hours;

    b) Confirmation of the final construction methodology, including:

        i. Installation of temporary structures in the CMA;

        ii. Details of the scour modelling undertaken and confirmation if scour protection is required around the piles of any bridge structures (and in particular Bridge A-Ti Rākau);

        iii. Plans and a methodology for scour protection if modelling determines it is required;

        iv. Plans (including dimensioned cross sections, elevations, and site plans) of any temporary structures in the CMA during the construction;

        v. The piling methodology for the bridge;

        vi. A works methodology to upgrade existing and to construct any new stormwater outfalls;

        vii. Methods to remedy any disturbance resulting from works;

viii. Methodology for removal of temporary piles associated with temporary access/support and any existing structures if required;

ix. Methods for the removal and disposal of mangroves;

x. Any nautical route to be used for accessing the site for construction purposes and any mitigation measures to avoid more than minor adverse effects on the environment;

xi. A removal methodology for the temporary platform/staging and sheet piles extraction, mangrove removal, and disposal for cleared mangrove plants, and spoil from drilling for piles; and

xii. Methods to maintain a safe navigation channel past the works site, detailing periods during when there may be restrictions on navigation past the site.

b.1) A construction methodology that minimises mangrove removal/pruning as far as reasonably practicable.

b.2) Identification of all access points to the CMA, and the intended location of stockpiles of cleared vegetation.

c) General Site management, including details of:

i. Site access including methods to identify and delineate all entry and exit points to and from the CMA;

ii. Measures to maintain the construction site in good order for the duration of the construction activities, including the reinstatement/rehabilitation of the site post construction activities;

iii. Measures for spill management;

iv. Measures for minimising discharges to and remobilisation of sediment in the CMA;

v. Site clean-up and remediation following works completion including the replanting of mangroves;

vi. the bunding or containment of fuels and lubricants to prevent the discharge of contaminants;

vii. a spill contingency plan in the event that there is any discharge of contaminants to the coastal marine area;

viii. restrictions and methods necessary to maintain public health and safety, including means for restricting and notifying the public of any restrictions on public access to and along the coastal marine area;

ix. management of public access to and along the coastal marine area while the activities are being carried out;

x. removal of all spoils from the CMA; and

xi. Methods to replant mangrove specimens in areas that were temporally occupied/disturbed during the construction purposes.

d) Marine and banded rail/moho pererū habitat restoration works as shown on the LEAM plans listed in Condition 1, including:

i. Removal of pest plants from within an area of 5,149m^2 within the coastal margins of Pakuranga Creek followed by planting of native coastal edge vegetation that provide suitable habitat for banded rail to nest in, such as rushes and sedges (e.g. oioi (Apodasmia similis), sea rush (Juncus krausii subsp. australiensis, Carex secta, Carex geminata, etc)) and coastal shrubs (e.g. saltmarsh ribbonwood (Plagianthus divaricatus);

ii. Removal of rubbish from the coastal environment of Pakuranga Creek (approximately 1,197m^2 of mangrove habitat and 5,149m^2 of coastal vegetation);

iii. Pest plant removal, native planting and rubbish removal described in this Condition 70(d)(i) and (ii) to occur annually for three years post-construction of Bridge A-Ti Rākau, Bridge B- Taupaepae, and related embankments; and

iv. Following the completion of planting required by Condition 70(d), maintenance measures to occur for a period of three years.

e) Coastal stabilization landscaping, as shown on the LEAM plans in Condition 1, including:

i. 150 m^2 for stormwater outfalls 01-A1 and MCC_108409 (75 m^2 per each coastal outfall); and

ii. 40 m^2 for the temporary works associated with the retaining wall (RW304) supporting the reclamation and outfalls MCC_108479 and 100-02.

f) Coastal stabilization landscaping plantings of 32 m^2 for temporary bridge construction structures (temporary piles for Bridge A-Ti Rākau and Bridge B-Taupaepae,) once those structures' locations have been identified by the Consent Holder;

g) The maintenance measures for coastal stabilization landscaping required by Condition 70(e) and (f) for a period of five years post planting;

h) Measures to minimise the overall quantum of seabed disturbance during construction;

i) Measures to minimise the overall quantum of vegetation, including mangroves, that is required to be removed and/or altered to enable construction activities; and

j) site reinstatement upon completion of the construction activities.

Advice Note: *The matters outlined in Condition 70(c) may be included as part of a standalone SSESCP required in accordance with Conditions 14 and 15 for EB3C.*

Biosecurity

70A. The consent holder must ensure that any piles or structures brought to the site are free of encrusting marine organisms prior to them being taken to the site.

70B. All mangroves removed under this permit must be disposed of outside the Coastal Marine Area (CMA) at the completion of each week of work, or as agreed by the Council.

70C. Any spoil from drilling pile holes etc, must be disposed of outside the CMA.

Underwater noise

70D. The consent holder must implement the following measures where practicable as below to minimise the underwater noise during impact driving and vibratory piling:

a) Use piling methods that minimise underwater noise eg: 'soft starts' (gradually increasing the intensity of impact piling);

b) Use a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet (e.g. plastic or plywood);

c) Not commencing or stopping piling (generation of underwater noise) if a marine mammal or diver is identified within 220m from the site; and

d) Only undertake piling (generation of underwater noise) when marine mammals/divers are not present within 220m from the site.

71. The landscaping required by Condition 70(d), (e) and (f) must be undertaken by the end of the first planting season following construction of the related coastal structures unless otherwise agreed to by Auckland Council.

Historic Heritage Management Plan

72. At least 10 working days prior to the commencement of any construction activity in the CMA the Consent Holder must submit a Historic Heritage Management Plan (HHMP) to Council for certification in accordance with Condition 12 above.

a) The HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua; and

b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as reasonably practicable.

73. To achieve the objective, the HHMP shall identify:

a) The management of construction works within the historic heritage extent of place associated with McCallum's Wharf and Quarry (listed in the Schedule 14.1 "Schedule of Historic Heritage" ID 02114 in the AUP (OP) including measures and methods to;

i. appropriately avoid, remedy, or mitigate adverse construction effects within the historic heritage extent of place;

ii. Any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures;

b) Methods for identification and assessment of potential historic heritage places within the EB3C Construction Footprint to inform detailed design;

c) Known historic heritage places and potential archaeological sites within the EB3C Construction Footprint, including identifying any Archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted;

d) Any unrecorded archaeological sites or post-1900 heritage sites within the EB3C Construction Footprint shall be documented and recorded;

e) Roles and responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with the AUP (OP) accidental discovery rule, and monitoring of conditions;

f) Specific areas to be investigated, monitored, and recorded to the extent these are directly affected by the Project;

g) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version;

h) Methods to acknowledge cultural values identified through Condition 72 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; and

i) Methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the EB3C Construction Footprint during Construction Works as far as practicable. These methods shall include, but are not limited to;

i. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access;

ii. measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage;

iii. Training requirements and inductions for all contractors and subcontractors on historic heritage places within the EB3C Construction Footprint, legal obligations relating to unexpected discoveries, Accidental Discovery Rule (E11.6.1) of the AUP (OP). The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 72).

Advice Note: *In the event that the HHMP requires updating, the recertification process detailed in Condition 12 will apply.*

Advice Note: *The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP (OP) or any subsequent version.*

74. Electronic copies of all reports relating to historic heritage monitoring or investigations in regard to the resource consent are to be submitted by the Consent Holder's Project historic heritage expert to the Monitoring officer(s) within 12 months of completion of the Eastern Busway Project (Package EB3C).

75. The occupation of the CMA by the authorised structures is not an exclusive right of occupancy. The general public or any person(s) must not be excluded from the area(s) or any part of the area(s) to which this consent applies, unless necessary for the primary purpose of the structure(s), and only to the extent necessary to enable the primary purpose of the structure(s).

76. The consent holder must ensure that any structure authorised to occupy the CMA by this consent is maintained in a good and sound condition, and must make any repairs that are necessary, subject to obtaining any necessary resource consents.

77. Within 30 working days of completion of the bridge works a post construction meeting must be arranged and conducted by the consent holder that:

a) Is located at the site of Bridge A-Ti Rākau, Bridge B-Taupaepae, and associated embankments;

b) Includes representation from Council should they wish to attend; and

c) Includes representatives of the site engineer, the contractors who have undertaken the works and any other relevant party.

78. Within one month of the completion of the consented construction activities a complete set of "as built" plans must be supplied to the Council.

78A. As soon as reasonably practicable, in accordance with s245 of the RMA, the consent holder must submit a plan of survey in respect of the area(s) that has been reclaimed to the Council. The survey plan(s) must be prepared in accordance with regulations made under the Cadastral

Survey Act 2002 relating to survey plans within the meaning of that enactment, and must show and define the area reclaimed, including its location and the position of all new boundaries.

79. A copy of the "as built" plans must be provided to the Hydrographic Office (Chief Hydrographer, New Zealand Hydrographic Authority, Land Information New Zealand, Private Box 5501, Wellington) within one month of the completion of the construction activities within the CMA.

79A. The structural integrity of the reclamation must be maintained, subject to current or future resource consent requirements or restrictions.

80. Under section 128 of the RMA the conditions of these coastal permit consents may be reviewed by the Council at the Consent Holder's cost on a five (5) yearly basis to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on coastal environment or surrounding structures.

Ground Dewatering and Groundwater Diversion Consent Conditions

Definitions in the ground dewatering (take) and groundwater diversion consent conditions have specific meanings as outlined in the tables below.	
Acronym	**Full Term**
AUP(OP)	Auckland Unitary Plan (Operative in Part)
Bulk Excavation	Includes all excavation that affects groundwater excluding minor enabling works and piling less than 1.5m in diameter.
Commencement of Construction Phase Dewatering	Means commencement of Bulk Excavation and/or the commencement of the taking or diversion of groundwater from excavations, pile holes or wick drains.
Completion of Construction Phase Dewatering	Means when no further groundwater is being taken from excavations, pile holes or wick drains.
Commencement of Excavation	Means commencement of Bulk Excavation or excavation to create retaining walls.
Completion of Construction	Means when the Code Compliance Certificate (CCC) is issued by Auckland Council
Completion of Excavation	Means the stage when all Bulk Excavation has been completed.
Damage	Includes Aesthetic, Serviceability, Stability, but does not include Negligible Damage. Damage as described in the table below.
Services	Include fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone installations and

	infrastructure, road infrastructure assets such as footpaths, kerbs, catch- pits, pavements and street furniture.
SQEP	Means Suitably Qualified Engineering Professional

Table 1: Building Damage Classification

Advice Note: *Table 1 above the column headed "Description of Typical Damage" applies to masonry buildings only and the column headed "General Category" applies to all buildings.*

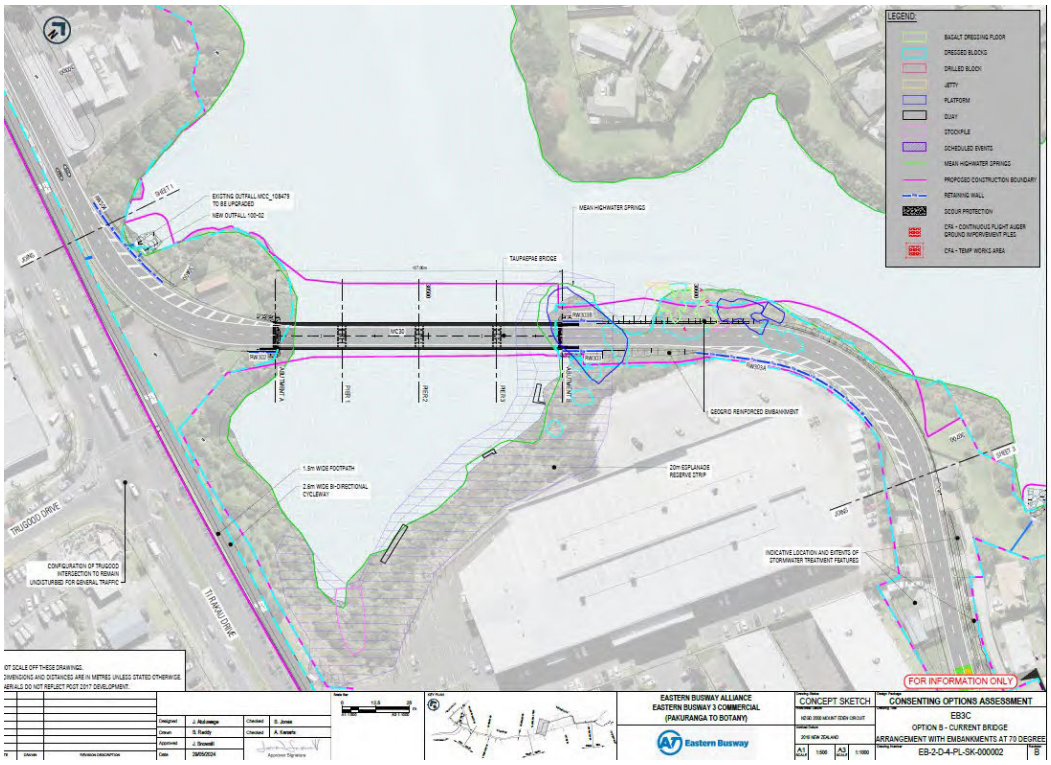
Category of damage	**Normal Degree of Severity**	**Description of Typical Damage** **(Building Damage Classification after Burland (1995), and Mair et al (1996))**	**General Category** **(after Burland – 1995)**
0	Negligible	Hairline cracks	Aesthetic Damage
1	Very Slight	Fine cracks easily treated during normal redecoration. Perhaps isolated slight fracture in building. Cracks in exterior visible upon close inspection. Typical crack widths up to 1mm.	
2	Slight	Cracks easily filled. Redecoration probably required. Several slight fractures inside building. Exterior cracks visible, some repainting may be required for weather-tightness. Doors and windows may stick slightly. Typically crack widths up to 5mm.	
3	Moderate	Cracks may require cutting out and patching. Recurrent cracks can be masked by suitable linings. Brick pointing and possible replacement of a small amount of exterior brickwork may be required. Doors and windows sticking. Utility services may be interrupted. Weather tightness often impaired. Typical crack widths are 5mm to 15mm or several greater than 3mm.	Serviceability Damage
4	Severe	Extensive repair involving removal and replacement of walls especially over door and windows required. Window and door	

		frames distorted. Floor slopes noticeably. Walls lean or bulge noticeably. Some loss of bearing in beams. Utility services disrupted. Typical crack widths are 15mm to 25mm but also depend on the number of cracks.	
5	Very Severe	Major repair required involving partial or complete reconstruction. Beams lose bearing, walls lean badly and require shoring. Windows broken by distortion. Danger of instability. Typical crack widths are greater than 25mm but depend on the number of cracks.	Stability Damage

Activity in accordance with plans

81. The take (dewatering) and diversion of groundwater associated with the ground improvement (operation of wick drains) for the construction of the reinforced embankment and pile construction for Taupaepae, in EB3C identified in Figure One below must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number WAT60423930 including:

Figure One: Reinforced embankment and pile construction for Taupaepae for EB3C



Duration of the consent

82. The take (dewatering) and groundwater diversion consent WAT60423930 expires five years from the commencement of the consent unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Provide for a review under section 128

83. Under section 128 of the RMA the conditions of this consent WAT60423930 may be reviewed by the Council at the Consent Holder's cost within six (6) months after Completion of Construction Phase Dewatering and for a period of up to 2 years (24 months) following the completion of construction of the embankment in order:

    a) To deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

    b) To vary the monitoring and reporting requirements, and performance standards, in order to take account of information, including the results of previous monitoring and changed environmental knowledge on:

        1) ground conditions;

        2) groundwater levels;

        3) ground surface movement; and

        4) historic heritage.

Groundwater Dewatering (Take) and Groundwater Diversion Conditions Notice of Commencement of Construction Phase Dewatering

84. The Council must be advised in writing at least ten (10) working days prior to the date of the Commencement of Construction Phase Dewatering.

Design and Construction of Earthworks, Ground Improvement, Retaining Walls and Bridges

85. The design and construction of the earthworks, ground improvement, retaining walls and bridges (Taupaepae) must be undertaken in accordance with the specifications contained in the report titled "Eastern Busway 3 Commercial and 4 Link Road – Groundwater Effects Assessment", prepared by EBA, dated 31 August 2023, rev 1, ref EB-RP3C4L-PL-000009.

Excavation Limit

86. The Bulk Excavation must not permanently extend below the levels shown on the Engineering drawings titled ""EB3C Cut and Fill Plan, prepared by the EBA, dated 9/1/2024".

    Advice Note: *This condition does not apply to the temporary works associated with any excavations (including trenching) that are open for no more than 10 days and are being undertaken as a permitted activity under the AUP (OP).*

Performance Standards Damage Avoidance

87. All excavation, dewatering systems, retaining structures, and works associated with the diversion or taking of groundwater, must be designed, constructed and maintained so as to minimise damage to historic heritage, land, buildings, structures and Services on the site at 262 Ti Rakau Drive, outside that considered as part of the application process unless otherwise agreed in writing with the asset owner.

Additional Surveys

88. Additional condition surveys of any building, structure, or service at 262 Ti Rakau Drive must be undertaken, if requested by the Council, for the purpose of investigating any Damage potentially caused by ground movement resulting from Construction Phase Dewatering. A written report of the results of the survey must be prepared and/or reviewed by a SQEP and must be submitted to the Council.

    The requirement for any such additional condition survey will cease six (6) months after the Completion of Construction Phase Dewatering unless ground settlement or building deformation monitoring indicates movement is still occurring at a level that may result in Damage to buildings, structures, or Services. In such circumstances the period where additional condition surveys may be required must be extended until monitoring shows that movement has stabilised and the risk of Damage to buildings, structures and Services as a result of the dewatering is no longer present.

Access to Third Party Property

89. Where any monitoring, inspection or condition survey in this consent requires access to 262 Ti Rakau Drive, and the property owner declines access or allows access subject to what the Consent Holder considers to be unreasonable terms, the Consent Holder must provide a report to the Council prepared by a SQEP identifying an alternative monitoring programme. The report must describe how the monitoring will provide sufficient early detection of deformation to enable measures to be implemented to prevent damage to buildings, structures or services. Written approval from the Council must be obtained before an alternative monitoring option is implemented.

Contingency Actions

90. If the Consent Holder becomes aware of any damage to historic heritage, buildings, structures or services at 262 Ti Rakau Drive potentially caused wholly, or in part, by the exercise of this consent, the Consent Holder must:

    a) Notify the Council and the asset owner within two (2) working days of the Consent Holder becoming aware of the Damage.

    b) Provide a report prepared by a SQEP (engaged by the Consent Holder at their cost) that describes the Damage; identifies the cause of the Damage; identifies methods to remedy and/or mitigate the Damage that has been caused; identifies the potential for further Damage to occur, and describes actions that must be taken to avoid further Damage.

c) Provide a copy of the report prepared under (b) above, to the Council and the asset owner within ten (10) working days of notification under (a) above.

Advice Note: *It is anticipated the Consent Holder will seek the permission of the damaged asset to access the property and asset to enable the inspection/investigation. It is understood that if access is denied the report will be of limited extent.*

Advice Note: *Any reference to services does not include the carpark pavement.*

Notice of Completion

91. The Council must be advised in writing within ten (10) working days of when Construction Phase Dewatering has been completed.

Transpower Specific Conditions

Notice of Works

92. The consent holder shall provide Transpower New Zealand Limited ("Transpower NZ Limited") 10 working days' notice in writing prior to commencing the proposed works.

Advice Note: *Written notice should be sent to: transmission.corridor@transpower.co.nz*

Access

93. All buildings, structures and vegetation must be located to ensure vehicle access is maintained to the National Grid assets, for maintenance at all reasonable times, and emergency works at all times.

Mobile Plant

94. All machinery and mobile plant operated in association with the works shall maintain a minimum clearance distance of 4 metres from the conductors (wires) of the OTA-PAK-A National Grid transmission lines at all times.

Vegetation

95. Any proposed new trees or vegetation within 12 metres either side of the centreline of the OTA-PAK-A National Grid transmission line, must not exceed 2 metres in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

96. Any proposed new trees or vegetation outside of 12 metres either side of the centreline of the OTA-PAK-A National Grid transmission line, must be setback sufficiently to ensure the tree cannot fall within 4 metres of the OTA-PAK-A National Grid transmission lines and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Stockpiling or material storage

97. There shall be no stockpiling of materials or storage of equipment beneath the OTA-PAK-A National Grid transmission lines or within 12 metres of any National Grid support structure.

Construction Environmental Management Plan

98. Prior to the commencement of construction, the Construction Environmental Management Plan (CEMP) shall be updated to include a section on the National Grid. This section shall demonstrate how the works will be undertaken so as to avoid or minimise effects on the National Grid. The National Grid section of the CEMP must be given to Transpower NZ Limited for its certification at least 20 working days prior to being submitted to the Council.

Advice Note: *The CEMP should be sent to Transpower via Patai Form 5 - https://transpower.patai.co.nz/*

99. The National Grid section of the CEMP must include the following (but is not limited to):

a) The name, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the National Grid section of the CEMP.

b) Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001) or any subsequent revision of the code; including (but not limited to) those relating to:

i. Excavation and Construction near Towers (Section 2);

ii. Building to conductor clearances (Section 3);

iii. Ground to conductor clearances (Section 4);

iv. Mobile Plant to conductor clearances (Section 5); and

v. People to conductor clearances (Section 9).

c) Details of any areas that are “out of bounds” during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a safety observer may be required (a safety observer will be at the consent holder’s cost;

d) Demonstrate how the existing transmission lines and support structures will remain accessible during and after construction activities;

e) Demonstrate how the effects of dust (including any other material potentially resulting from construction activities able to cause material damage beyond normal wear and tear) on the transmission lines will be managed;

f) Demonstrate how changes to the drainage patterns, runoff characteristics and stormwater will avoid adverse effects on the foundations of any support structure;

g) Demonstrate how construction activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the transmission lines, including support structures; and

h) Details of training to be given to those working near the transmission lines.

ATTACHMENT F

EASTERN BUSWAY 4L
RESOURCE CONSENT CONDITIONS

RESOURCE CONSENT CONDITIONS EB4L

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
ChTMP	Chemical Treatment Management Plan
CEMP	Construction Environmental Management Plan
CLMP	Contaminated Land Management Plan
CMA	Coastal Marine Area
EB4L	Eastern Busway Stage 4 Link
ESCP	Erosion and Sediment Control Plan
LEAM Plan (s)	Landscape, Ecology and Arboricultural Management Plan(s)
GD05	Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05), incorporating any amendments
HHMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPTA	The Heritage New Zealand Pouhere Taonga Act 2014
HRP	Habitat Restoration Plan
LMP	Lizard Management Plan
NFCRP	Native Fish Capture and Relocation Plan
RMA	Resource Management Act 1991
SCR	Site Completion Report
SQEP	Suitably Qualified and Experienced Practitioner
SSESCP	Site Specific Erosion and Sediment Control Plan

General Conditions

General Accordance

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

Table 1: Application Documents

Document Title	Author	Revision	Date
EB3C and EB4L Assessment of Effects on Environment (AEE) and appended technical effects assessment Document Number EB-RP-3C4L-000001	Eastern Busway Alliance	A	28/8/2023

Table 2: Drawings

Drawing Title	Author	Revision	Date
Combined Plans			
EB4L Consent Plans (Drawing Number EB-2-R-5-PL-DG-000101, EB-2-R-5-PL-DG-000102)	Eastern Busway Alliance	A	25/08/2023
EB4L Longitudinal Section (Drawing Number EB-2-R-5-PL-DG-000201)	Eastern Busway Alliance	A	25/08/2023
EB4L Typical Cross Sections (Drawing Number EB-2-R-5-PL-DG-000301, EB-2-R-5-PL-DG-000351)	Eastern Busway Alliance	A	25/08/2023
EB4L Structures (Drawing Number EB-2-R-5-PL-DG-000901, EB-2-R-5-PL-DG-000902, EB-2-R-5-PL-DG-000903, EB-2-R-5-PL-DG-000904)	Eastern Busway Alliance	A	25/08/2023
Landscape, Ecological and Arboricultural Plans			
EB3C-EB4L Landscape Ecological and Arboricultural Mitigation Planting Schedule	Eastern Busway Alliance	3	06/5/2024

(Drawing Number EB-2-R-3-PL-DG-101002)			
Landscape, Ecological and Arboricultural Mitigation Plans (Drawing Number EB-2-R-3-PL-DG-101108, EB-2-R-3-PL-DG-101109)	Eastern Busway Alliance	2	16/4/2024
Erosion and Sediment Control Drawings			
EB4L Concept Erosion and Sediment Control Drawing Number (ESCP – EB4L-1, ESCP – EB4L-2)	Eastern Busway Alliance	B	20.12.2023

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.

2. The Landscape, Ecological and Arboricultural Mitigation (LEAM) Plans listed in Condition 1 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.

Advice Note: *Where amendments to the LEAM plans are not within scope of the plans listed in Condition 1, alterations to consent conditions can be considered as part of an application made in accordance with Section 127 of the RMA.*

Monitoring All Resource Consents

3. The Consent Holder must pay the Council an initial consent compliance monitoring charge of $10,000 (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.

Site Access

4. Subject to compliance with the Consent Holder'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.

Lapse Date - All Resource Consents

5. Under section 125 of the RMA, these consents will lapse 10 (ten) years after the date they commence unless:

    a) These consents are given effect to; or

b) On application, the Council extends the period after which the consent(s) will lapse.

Expiry Dates-All Resource Consents

6. Resource consent LUC60423920 (earthworks) expires ten (10) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

7. Resource consent LUS60423921 (streamworks) expires ten (10) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

8. Resource consent DIS60423878 (contamination) expires ten (10) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

9. The duration to occupy watercourses with stormwater Outfall 1-1 (LUS60423921 (streamworks)) expires on thirty-five (35 years) from the commencement of the consent, unless it has lapsed, surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Management Plan Certification - All Resource Consents

10. The following general provisions relate to all Management Plans:

    a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:

        i. At least forty (40) working days prior to the start of works, the Consent Holder must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage;

        ii. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing).

    b) 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 the relevant consent. Any amendments are to be agreed by the Council in writing prior to the implementation of any changes. Re-certification is not required in accordance with Condition 10 if the Council confirms those amendments are within scope and any changes to the draft Management Plans are clearly identified;

    c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify these amendments are consistent with the relevant consent condition(s) prior to implementation of any changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of consent. Where a Management Plan was prepared in consultation with interested or affected parties, any

changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties;

d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities; and

e) All works must be carried out in accordance with the certified Management Plans. Works must not commence until written approval or certification of all the relevant Management Plans for that stage have been received unless otherwise approved in writing by the Council.

Advice Note: *Condition 10 applies to all Management Plans*

Earthworks (LUC60423920)

11. Prior to the commencement of earthworks the Consent Holder must submit an Erosion and Sediment Control Plan (ESCP) and Chemical Treatment Management Plan (ChTMP) to Council for certification in accordance with Condition 10. The purpose of the ESCP is to provide overarching principles and procedures to manage the environmental impacts associated with erosion and sediment control (ESC) including the management of dust, during construction of the Eastern Busway Project (Package EB4L).

12. 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 10. Earthworks activity within the specific area or stage must not commence until the Council has certified that the SSESCP satisfactorily meets the requirements of GD05.

The SSESCPs must contain sufficient detail to address the following matters, where applicable:

a) Contour information (existing and post-earthworks);

b) Identify the location of any permanent and intermittent streams or inland wetlands within 10m of the proposed earthworks;

c) Erosion and sediment control measures for the works being undertaken within a particular construction area, including confirmation of (where applicable) decanting earth bund design to meet outcomes of GD05, or a relevant higher standard as referred to through the conditions below;

d) Chemical treatment design and details, including bench testing results and confirmation of rainfall activated methodology were possible;

e) Confirmation of/updates to Dewatering Procedures to be used (where applicable) to meet Condition 21;

f) Catchment boundaries of works and devices installed;

g) Location of the work;

h) Details of construction methods;

i) Design criteria, typical and site-specific details of erosion and sediment control;

j) Design details for managing the treatment, disposal and/or discharge of contaminants (e.g. concrete wash water);

k) Monitoring and maintenance requirements;

l) Details of stabilisation measures;

m) Details of measures to isolate and protect active work areas below Mean Highwater Spring;

n) Management practices specific to works within riparian margins including:

i. A Plan showing the length of stream works required and to demonstrate stream works will be minimised to the length required to install the structure;

ii. Management of contaminants to water (e.g., hydrocarbons, construction materials);

iii. Methodology for diverting upstream flows during the streamworks, including how sufficient flow will be maintained at all times below the site of the works to maintain in-stream biota;

iv. A detailed methodology for the installation of the structures and

v. Details of final streambed remediation or stabilisation upon completion of stream works; and

o) Proactive and adaptive management of mitigation measures to minimize the risk of dust emissions.

13. The erosion and sediment control measures must be constructed and maintained in accordance with the certified SSESCP and 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.

14. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works referred to in a SSESCP required by Condition 12, and prior to the commencement of earthworks activity within the subject area or stage referred to in the SSESCP, 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 SSESCP for that

particular area of stage, the ESCP, GD05 and any higher standard referred to through the conditions below.

Certified controls must include the decanting earth bunds, any other impoundment device, dewatering devices, clean and dirty water diversions, silt fences, and stabilised construction entranceways. Information supplied, if applicable, must include:

a) Details on the contributing catchment area;

b) Size of structure;

c) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);

d) Dimensions and shape of structure;

e) Position of inlets/outlets; and

f) Stabilisation of the structure.

Advice Note: *Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05): Erosion and Sediment Control construction quality checklists.*

15. Prior to the commencement of consented earthworks and streamworks for EB4L, the Consent Holder must hold a pre-start meeting that:

a) Is located on the subject site;

b) Is scheduled not less than 5 (five) days before the anticipated commencement of earthworks;

c) Includes representation from Auckland Council's Compliance Monitoring Team; and

d) Includes representation from the contractors who will undertake the works.

e) The following information must be made available at the pre-start meeting where applicable:

i. s176 Transpower Approval for earthworks;

ii. Timeframes for key stages of the works authorised under this consent;

iii. Resource consent conditions;

iv. The finalised Site Specific Erosion and Sediment Control Plan and methodology (earthworks and streamworks where applicable);

v. The Chemical Treatment Management Plan; and

vi. The Dewatering Procedures.

f) A pre-start meeting must be held prior to the commencement of the earthworks activity in each earthworks season (period between October 1 and April 30) that this consent is exercised.

Advice Note: *Watercare approval on 'Works Over'*

This development involves building over Watercare's wastewater network. A 'works over approval' may be required for these works. The consent holder will be responsible for ensuring all necessary approvals are obtained from Watercare. See Watercare's website (www.watercare.co.nz) for more information.

16. The Consent Holder must ensure that the erosion and sediment control measures, management plans, the earthworks methodology, streamworks methodology and monitoring regime are discussed at the pre-start meeting. The Consent Holder must also ensure that all relevant parties are aware and familiar with the necessary conditions of these consents.

17. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required in Conditions 12 to 14 must be maintained throughout the duration / each stage of earthworks activity, or until the site is permanently stabilised against erosion.

18. All perimeter controls must be operational before earthworks commence. All 'clean water' runoff from stabilised surfaces including catchment areas above the site itself must be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion.

19. Unless otherwise agreed through a SSESCP, all Decanting Earth Bunds utilised during earthworks must be designed and constructed in accordance with GD05, including having a 3:1 length to width ratio (and no greater than 5:1).

20. The decanting earth bunds and any other authorised impoundment device utilised as part of the earthworks must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChTMP) required by Condition 11 and the current certified chemical treatment details.

21. All dewatering from the construction of the Eastern Busway Project (Package EB4L) must be undertaken in accordance with the Dewatering Procedures listed in the SSESCP required by Condition 12 and any updates to this plan certified by the SSESCPs. All related discharges must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.

22. Prior to the removal of any erosion and sediment control device required as a condition of resource consent, written certification must be provided to the Council by a suitably qualified and experienced person to confirm that all areas of bare earth have been permanently stabilised against erosion in accordance with GD05 and can be directed to a Clean Water Diversion.

23. The Consent Holder must take all practical measures to prevent deposition of soil on roads and footpaths outside the works area of Eastern Busway Project (Package EB4L). 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 must be removed immediately. Roads and/or footpaths must not 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.

24. The site must be progressively stabilised against erosion at all stages of the earthworks and streamworks activities and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified ESCP.

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

26. The sediment and erosion controls at the site of the works must 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 must 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.

27. EB4L related earthworks and streamworks must not be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval to Council. All requests must be renewed annually prior to the approval expiring and works must not occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the Consent Holder.

Ensure supervision and certification of geotechnical works

27A. The construction of retaining walls and the placement and compaction of fill material must be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional must ensure that they are constructed and otherwise completed in accordance with the certified plans.

27B. Certification from a suitably qualified engineering professional responsible for supervising the works must be provided to Council, confirming that the works have been completed in accordance with the certified plans, within ten (10) working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the council.

Dust Management and Monitoring (LUC60423920)

28. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the Site, in the opinion of an enforcement officer when assessed in accordance with the "Good Practice Guide for Assessing and Managing Dust" (Ministry for the Environment, 2016).

The Consent Holder must ensure that dust management during the works complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This includes having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures detailed by the ESCP, available as necessary.

Advice Note: *In assessing whether the effects are offensive or objectionable, the following factors will form important considerations:*

- *The frequency of dust nuisance events*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*
- *The offensiveness of the discharge, having regard to the nature of the dust and*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

Advice Note: *It is recommended that potential measures as discussed with the council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring South at monitoring@aucklandcouncil.govt.nz for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions."*

28A. The ESCP and any relevant SSESCPs must detail the methods to be used to ensure compliance with Condition 28 above, including but not limited to:

a) Methods to minimize dust emissions from earthworks, unpaved surfaces, paved surfaces, material stockpiles, and vehicles travelling in, to and from the construction area.

b) Proactive measures to minimize dust emissions during forecast high wind speeds and dry conditions, or when activities with high risk of dust emissions are necessary.

c) Procedures for adaptative management of dust controls in response to monitoring data as required by Conditions 29 and 30 below.

d) Monitoring methods as detailed in Conditions 29 and 30 below.

e) Procedures for reporting of monitoring data.

29. The Consent Holder must undertake targeted community monitoring during all land disturbance activities for the Eastern Busway Project (Package EB4L). This monitoring must include:

a) Visual monitoring, such as:

i. Regular checking of internal and external access road surfaces for tracked dust that requires cleaning;

ii. Checking the effectiveness and maintenance of truck rumble grids and wheel wash;

iii. Checking the integrity of shelter fences;

iv. Inspecting surfaces outside the site boundary near sensitive receptors for signs of dust deposition;

v. Observing whether there is visible dust suspended in air carrying beyond construction site boundary; and

vi. Using closed-circuit television (CCTV) monitoring (or similar, potentially connected to the boundary instrumental monitoring to start video recording when alert thresholds are exceeded) at the boundaries and/or dust sources of the main construction zones.

b) Fenceline instrumental monitoring at the northeast boundary of the main construction zones, such as with Dustrak or SiteHive.

30. In order to undertake the above detailed monitoring in Condition 29, the Consent Holder must undertake the following:

a) Place monitoring equipment downwind of the construction areas under the prevailing wind direction, to the northeast of any construction compounds or construction activities involving earthworks or fill activities with heightened risk of dust emissions;

b) Move monitoring equipment as the construction programme progresses and the locations of dust-generating activities changes;

c) Regularly review monitoring data to assess the effectiveness of dust controls and identify any additional mitigation required; and

d) Ensure the monitor equipment has the capability to send alarms to site managers if dust concentration thresholds are exceeded. These thresholds are to be adjusted and determined on a site-specific basis depending on the sensitivity of the immediate receiving environment.

Advice Note: *The air quality monitoring required by Conditions 29 and 30 may be incorporated by the Consent Holder in the ESCP (Condition 11)*

Vegetation Clearance (LUC60423920)

31. Prior to the commencement of any construction activity within riparian and/or coastal margins, the Consent Holder must submit a Lizard Management Plan (LMP) as prepared by a suitably qualified expert herpetologist, to Council for certification in accordance with Condition 10 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.*

32. 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 34) 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 and reporting, including but not limited to the following:

i. Ongoing surveys to evaluate translocation success pre- and post-translocation surveys for three (3) years;

ii. Monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control; and

iii. Annual report for three (3) years on translocation success with recommendations for adaptive management measures if required.

f) A post vegetation clearance for remaining lizards;

g) A suitably qualified and experienced ecologist/herpetologist 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 on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council within 14 working days.

Advice note: *Completion of works pertains to each lizard salvage event. If several lizard salvage events are undertaken over a two week period, then all lizard salvage events shall be detailed in a fortnightly report and sent to Council.*

33. Prior to the commencement of any construction activity within riparian margins, the Consent Holder must submit a Habitat Restoration Plan (HRP) to Council for certification in accordance with Condition 10.

34. 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 EB4L) on lizard habitat as identified within the 'Eastern Busway EB3 Commercial and EB4 Link Road: Terrestrial and Freshwater Ecological Assessment':

a) The HRP must be developed to be consistent with the conditions of the LMP (Conditions 31 to 32) and must ensure that lizard relocation sites are complimentary with lizard habitat restoration areas.

b) The LEAM plans must be consistent with the HRP;

c) The HRP must include:

i. Identification of areas to be restored as lizard habitat to the quantum of 1.75 ha as identified in 'Eastern Busway EB3 Commercial and EB4 Link Road: Terrestrial and Freshwater Ecological Assessment';

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. Details of all plantings which must 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 must be maintained for a minimum of three (3) years and a final compliance check after ten (10) years; and

v. Details of the proposed plant species, plant sourcing (locally EcoSourced native pioneer species that are adapted to the Tāmaki Makaurau 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.

35. The HRP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB4L) 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.

36. Vegetation must not be removed between 1 September and 28 February (bird nesting season) unless the matters below have been undertaken:

a) A suitably qualified ecologist (the 'project ecologist') has completed a survey at least one week before any vegetation is to be cleared to ensure that there is no active native bird nesting occurring at the time and

b) If any active nests of native birds are recorded within the vegetation scheduled for removal, vegetation clearance must not be undertaken until the birds have finished fledging. The project ecologist must monitor the birds until they have finished fledging and provide written confirmation to the clearance contractor when clearance may commence.

Streamworks (LUS60423990)

37. Prior to the commencement of streamworks, a final construction methodology must be included within the relevant SSESCP required in accordance with Condition 12. Details to be provided must include, but must not be limited to timing, staging and sequencing of stream works, and the erosion sediment control measures to be employed to mitigate the effects on the receiving

environment. The related streamworks must be undertaken in accordance with the relevant certified SSESCP and streamworks methodology.

37A. Prior to the commencement of earthworks or streamworks within an area where works will extend into the 10m setback from a natural inland wetland, including construction of reticulation and outfalls authorised by this consent, a suitably qualified and experienced ecologist must identify the 5m setback from the natural inland wetland and a sturdy, framed, protection fence must be erected along the 5m setback. The fence must remain in place until the completion of all works on the site and no work must be carried out, or materials stored, within the protected wetland area.

Advice Note: *A 'day-glow' barrier mesh or 'pigtail' fence/wire or rope would be sufficient for this purpose*

37B. Streamworks must be carried out only during periods when all normal flows at the time of the year are diverted around the works area.

38. Any changes to a certified SSESCP must be submitted to the Council demonstrating that the changes to the management plan incorporates best practice methodologies for managing effects from the streamworks and that the adverse effects from the streamworks remain the same or less. Any changes to the certified plan must only be implemented once certified in writing by the Council.

39. Within ten (10) working days prior to commencement of works at each stream works site, a suitably qualified and experienced freshwater ecologist must undertake a survey to identify Fish Spawning Habitat within the area of stream works, including all areas within the extent of any dam and diversion required for stream work construction. The Fish Spawning Habitat must be identified on a drawing of suitable scale and submitted to Auckland Council prior to commencement of works at each stream works site.

40. To protect downstream fish (inanga) spawning habitat, streamworks must not be undertaken within or downstream of any Fish Spawning Habitat areas, as identified in Condition 39 during the spawning season (March to June)).

41. Unless otherwise agreed in writing by the Council, the Consent Holder must complete the construction of the erosion and scour protection and associated streamworks activity to the stage of finalised re-vegetation and / or stabilisation of stream beds within a five (5) day period from the commencement of the activity.

42. The Consent Holder must ensure that all exposed work areas associated with the streamworks, including the bed and banks of the stream and any adjacent overland surface flow paths (for normal flows at the time of year the works are undertaken) are stabilised at the end of each construction day.

43. All water discharged from the streamworks site and associated sediment control devices during the streamworks operation must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.

44. All pumps used to dewater the stream must have a 3mm mesh screen to prevent fish from entering the pump and be elevated to avoid pumping of sediments from the stream bed.

45. Machinery must not enter the wetted cross section of the bed of the stream at any time and machinery associated with the streamworks activity must be operated (including maintenance, lubrication and refuelling) in a way, which ensures no hazardous substances such as fuel, oil or similar contaminants are discharged. In the event that any discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified.

46. The use of construction materials, such as concrete products or grout, must only occur outside the wetted cross section of the bed of the stream. Any mixing of construction materials must occur outside the 100-year floodplain and using methods so that if a spillage does occur it will be contained to avoid it entering the waterbody.

47. Any sediment or material excavated from the bed of the stream must be stockpiled outside the 100-year flood plain area, with appropriate erosion and sediment control measures in accordance with GD05.

48. Prior to any re-diversion of stream flows on the new erosion and scour protection, the stream bed and banks must be stabilised against erosion using best practice methods.

49. At least ten (10) working days prior to the commencement of works on Outfall 1-1, the Consent Holder must submit a Native Fish Capture and Relocation Plan (NFCRP) to Council for certification in accordance with Condition 10.

50. The purpose of the NFCRP is to safely capture and relocate native fish prior to the commencement of works on outfall 1-1. The NFCRP must be prepared by a suitably qualified and experienced Freshwater Ecologist and must include:

    a) Details on timing of plan implementation;

    b) Methodologies to capture native fish;

    c) Details of the qualified ecologist to undertake the capture and relocation and to be present on-site during dewatering to rescue and relocate any remaining fish present;

    d) Details of the relocation site(s) and confirmation on the habitat availability of the relocation site to support fish at the time of streamworks;

    e) Storage and transport measures including, prevention of predation and death during capture; and

    f) Euthanasia methods for diseased or pest species.

51. Native fish capture and relocation must be undertaken in accordance with the certified NFCRP and must only be undertaken by a suitably qualified and experienced freshwater ecologist. The freshwater ecologist must also be onsite during the dewatering process to ensure that any remaining native fish that are not caught during de-fishing are salvaged.

52. The Consent Holder must provide a Fish Salvage Report detailing the relocation site, the species and number of freshwater fauna relocated prior to and during dewatering, to the Council within five (5) days of completion of the native fish capture and relocation. These results must be uploaded into NIWA's New Zealand native freshwater fish database within 10 working days.

Contaminated Land (LUC60423920 and DIS60423878)

53. Prior to the commencement of earthworks, a Contaminated Land Management Plan (CLMP), must be submitted to Council for review and certification in accordance with Condition 10 above.

Advice Note: *The objective of the CLMP is to manage the potential environmental and human health risks associated with the disturbance of contaminated materials*

54. The CLMP required by Condition 53 must be prepared by a suitable qualified and experienced contaminated land practitioner (SQEP), in accordance with the Contaminated Land Management Guidelines No.1 Ministry for the Environment, revised 2021. The CLMP must contain sufficient detail to cover the following:

a) A summary of information and an overview of the proposed alignment construction methodology;

b) A summary of any soil sampling works undertaken;

c) The roles and responsibilities and contact details for the parties involved in the land disturbance activities, including the SQEP;

d) Identify potential and known hazards arising from contamination (if present);

e) Identify specific management procedures developed for construction earthworks including:

i. On-site soil management practices;

ii. Off-site soil transport and disposal;

iii. Erosion and sediment control;

iv. Management of dust and odour;

f) Contingency measures in the event of accidental/unexpected discovery (asbestos, unknown fill, odours, staining etc.); and

g) Post development controls (if required).

55. Discharges from disturbance of soils containing elevated levels of contaminants must be managed in accordance with the Contaminated Land Management Plan (CLMP) required in Condition 53 unless otherwise modified by the conditions below or in accordance with Condition 10 above.

56. All sampling and testing of contamination on the site must be overseen by the appropriately SQEP. 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.

57. The Council must be informed in writing about the commencement of the Eastern Busway Project (Package EB4L) earthworks at least two (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.*

58. The consent holder must engage a SQEP to oversee any works involving the disturbance of potentially contaminated material and ensure the procedures and control measures in the certified CLMP are adhered to throughout these works.

59. 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.

60. All imported fill must comply with the definition of 'cleanfill', in accordance with 'Technical Guidelines for Disposal to Land Revision 3', Waste Management Institute New Zealand (2022).

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).*

61. Within 3 (three) months of the completion of the soil disturbance activities within the Project area (Package EB4L), a Site Completion Report (SCR) must be provided to the Council.

62. 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; and

l) Identification of any areas which need on-going monitoring and management.

63. Where contaminants are identified that have not been anticipated by the application, the unexpected discovery procedures in the CLMP must be employed, including notifying the Council. Any unexpected contamination and contingency measures must be documented in the SCR.

***Advice Notes**:*

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.

If you are demolishing any building/structures that may have asbestos containing materials (ACM) in it:

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
- *Information on asbestos containing materials and your obligations can be found at* www.worksafe.govt.nz.
- *If ACM is found on site following the demolition or removal of the existing buildings/structure, you may be required to further remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance, a further consent application may be required.*

Historic Heritage Management Plan

64. At least 10 working days prior to the commencement of any construction activity in the CMA the Consent Holder must submit a Historic Heritage Management Plan (HHMP) to Council for certification in accordance with Condition 10 above.

a) The HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua; and

b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as reasonably practicable.

65. To achieve the objective, the HHMP shall identify:

a) the management of construction works within the historic heritage extent of place associated with McCallum's Wharf and Quarry (listed in the Schedule 14.1 "Schedule of Historic Heritage" ID 02114 in the AUP (OP) including measures and methods to;

i. appropriately avoid, remedy, or mitigate adverse construction effects within the historic heritage extent of place;

ii. Any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures;

b) Methods for identification and assessment of potential historic heritage places within the EB4L Construction Footprint to inform detailed design;

c) Known historic heritage places and potential archaeological sites within the EB4L Construction Footprint, including identifying any Archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted;

d) Any unrecorded archaeological sites or post-1900 heritage sites within the EB4L Construction Footprint shall be documented and recorded;

e) Roles and responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with the AUP (OP) accidental discovery rule, and monitoring of conditions;

f) Specific areas to be investigated, monitored, and recorded to the extent these are directly affected by the Project;

g) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version;

h) Methods to acknowledge cultural values identified through Condition 64 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so; and

i) Methods for avoiding, remedying or mitigating adverse effects on historic heritage places and sites within the EB4L Construction Footprint during Construction Works as far as practicable. These methods shall include, but are not limited to;

i. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access;

ii. measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage;

iii. Training requirements and inductions for all contractors and subcontractors on historic heritage places within the Designation, legal obligations relating to unexpected discoveries, Accidental Discovery Rule (E11.6.1) of the AUP (OP). The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 64).

Advice Note: In the event that the HHMP requires updating, the recertification process detailed in Condition 10 *will apply.*

Advice Note: The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP (OP) or any subsequent version.

66. Electronic copies of all reports relating to historic heritage monitoring or investigations in regard to the designation are to be submitted by the Consent Holder's Project historic heritage expert to the Monitoring officer(s) within 12 (twelve) months of completion of the Eastern Busway Project (Package EB4L).

Transpower Specific Conditions

Notice of Works

67. The consent holder shall provide Transpower New Zealand Limited ("Transpower NZ Limited") 10 working days' notice in writing prior to commencing the proposed works.

Advice Note: *Written notice should be sent to: transmission.corridor@transpower.co.nz*

Access

68. All buildings, structures and vegetation must be located to ensure vehicle access is maintained to the National Grid assets, for maintenance at all reasonable times, and emergency works at all times.

Mobile Plant

69. All machinery and mobile plant operated in association with the works shall maintain a minimum clearance distance of 4 metres from the conductors (wires) of the OTA-PAK-A National Grid transmission lines at all times.

Vegetation

70. Any proposed new trees or vegetation within 12 metres either side of the centreline of the OTA-PAK-A National Grid transmission line, must not exceed 2 metres in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

71. Any proposed new trees or vegetation outside of 12 metres either side of the centreline of the OTA-PAK-A National Grid transmission line, must be setback sufficiently to ensure the tree cannot fall within 4 metres of the OTA-PAK-A National Grid transmission lines and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Stockpiling or material storage

72. There shall be no stockpiling of materials or storage of equipment beneath the OTA-PAK-A National Grid transmission lines or within 12 metres of any National Grid support structure.

Construction Environmental Management Plan

73. Prior to the commencement of construction, the Construction Environmental Management Plan (CEMP) shall be updated to include a section on the National Grid. This section shall demonstrate how the works will be undertaken so as to avoid or minimise effects on the National Grid. The National Grid section of the CEMP must be given to Transpower NZ Limited for its certification at least 20 working days prior to being submitted to the Council.

Advice Note: *The CEMP should be sent to Transpower via Patai Form 5 - https://transpower.patai.co.nz/*

74. The National Grid section of the CEMP must include the following (but is not limited to):

a) The name, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the National Grid section of the CEMP.

b) Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001) or any subsequent revision of the code; including (but not limited to) those relating to:

i. Excavation and Construction near Towers (Section 2);

ii. Building to conductor clearances (Section 3);

iii. Ground to conductor clearances (Section 4);

iv. Mobile Plant to conductor clearances (Section 5); and

v. People to conductor clearances (Section 9).

c) Details of any areas that are “out of bounds” during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a safety observer may be required (a safety observer will be at the consent holder’s cost;

d) Demonstrate how the existing transmission lines and support structures will remain accessible during and after construction activities;

e) Demonstrate how the effects of dust (including any other material potentially resulting from construction activities able to cause material damage beyond normal wear and tear) on the transmission lines will be managed;

f) Demonstrate how changes to the drainage patterns, runoff characteristics and stormwater will avoid adverse effects on the foundations of any support structure;

g) Demonstrate how construction activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the transmission lines, including support structures; and

h) Details of training to be given to those working near the transmission lines.