

**NOTICE OF REQUIREMENT FOR A DESIGNATION UNDER SECTION 168(2) OF THE RESOURCE  
MANAGEMENT ACT 1991 (RMA)**

TO: Auckland Council

FROM: Auckland Transport  
6 Henderson Valley Road  
Henderson  
Private Bag 92250  
Auckland

**Auckland Transport (an Auckland Council Controlled Organisation) as Requiring Authority under Section 167 of the Resource Management Act 1991 (RMA) gives notice of a requirement (Notice) for a designation in the Auckland Operative District Plan (Auckland City Isthmus Section) and Proposed Auckland Unitary Plan for the Newmarket Level Crossing Project (the “Project”) being the construction operation and maintenance of a new road connecting Laxon Terrace to Cowie Street including construction of a bridge over the Newmarket Branch Line and the closure of the road connections between Sarawia Street and Laxon Terrace. The activities to be enabled by the designation include the relocation of services, environmental mitigation, temporary construction areas, ancillary structures and other activities associated with the Project. The extent of designation is set out in Attachment 1 to this Notice.**

**1. SUMMARY**

This Notice of Requirement (Notice) for a designation relates to land between Sarawia Street, Laxon Terrace, Youngs Lane and Cowie Street, Newmarket. The proposed designation boundary is shown on the Land Requirement Plans contained in Appendix A.

Under section 47(1) of the Local Government (Auckland Council) Act 2009 Auckland Transport (AT) is deemed to be approved as a requiring authority under section 167 of the RMA and may designate land to construct, operate and maintain roads. This Notice relates to the construction, operation and maintenance of the Newmarket Level Crossing Project (the Project).

AT is proposing to close the at-grade level railway crossing connecting Sarawia Street to Laxon Terrace and Youngs Lane in Newmarket (Crossing) to improve pedestrian and traffic safety and allow improvements to rail frequency resulting from the introduction of more efficient electric trains. Following an analysis of the options for providing alternative access to Laxon Terrace and Youngs Lane, AT has identified a new road between Cowie Street and Laxon Terrace and Youngs Lane, including a bridge over the electrified Newmarket Branch Line as being the preferred option.

## 2. THE SITES WHICH THE NOTICE OF REQUIREMENT APPLIES TO ARE AS FOLLOWS:

This Notice relates to land within the Auckland Council Operative District Plan (Isthmus Section) and the Auckland Council Proposed Unitary Plan (PAUP). The full extent of the area to which the requirement applies, and the ownership of this land, is shown on the plans referenced Auckland Transport Newmarket Level Crossing, Notice of Requirement Land Requirement Plans', and attached in Appendix A

The detailed information about the properties to which the requirement applies is tabulated in Tables 1 and 2 below.

Table 1 details those properties not owned by the Council where works are required (also refer to 'Land Information Designation' Plans contained in, Appendix A).

**Table 1.**

Address	Legal Description	Site Area	Area Required	Property Owner
9 Cowie Street	Lot 1 DP 57235	1543m <sup>2</sup>	200m <sup>2</sup>	Cowie Street Investments Ltd
Newmarket Branch Railway	PT DP 23351 Lot 1 DP 206508	9000m <sup>2</sup> 6503m <sup>2</sup>	800m <sup>2</sup>	KiwiRail Group Holdings Limited

Auckland Transport has been engaging with these parties with a view to acquiring an interest in these properties sufficient for undertaking the Project.

Table 2 details those properties that Auckland Council does own and on which works are proposed to be undertaken (also refer to 'Land Information Designation' Plans contained in, Appendix A).

**Table 2.**

Address	Legal Description	Site Area	Area Required
11R and 51R Ayr Street, Parnell (Newmarket Park)	Pt Allotment 35 SBRBS of Auckland Pt Allotment 36 SBRBS of Auckland Lot 1 DP 53284 Lot 4 DP 28796 Lot 5 DP 28796, PT ALLOT 18 SEC 4 Suburbs AUCKLAND PT ALLOT 19 SEC 4 Suburbs AUCKLAND, PT ALLOT 35 SEC 4 Suburbs AUCKLAND ALLOT 37 SEC 4 Suburbs AUCKLAND 4843m <sup>2</sup> , ALLOT 37 SEC 4 Suburbs AUCKLAND	30.67ha	1450m <sup>2</sup>

### **3. THE NATURE OF THE PROPOSED WORK IS AS FOLLOWS:**

This Notice seeks to designate land for the construction operation and maintenance of a new road connecting Laxon Terrace to Cowie Street including construction of a bridge over the Newmarket Branch Line and the closure of the road connections between Sarawia Street and Laxon Terrace. It will enable the safe and efficient operation of the local road network, public transport network and active transport network.

The nature of the work in relation to this Notice is detailed in the Newmarket Level Crossing Project Assessment of Environmental Effects (AEE) (particularly section 2) and shown on the Plans contained in Appendix A to this Notice. In summary, to maintain the local road access following the closure of the Crossing a new road will be constructed between Cowie Street Laxon Terrace and Youngs Lane. The new road will run parallel to the existing Newmarket Branch Line and includes a road bridge (spanning approximately 20 m) over the electrified rail line. The new road also provides KiwiRail access to the eastern end of the rail line and Parnell Tunnel for maintenance purposes via an access road (approximately 50 m in length) that is controlled by a security gate. It is proposed to close and remove the Crossing and turn Sarawia Street into a cul-de-sac.

The proposed road will be approximately 260 m in length and a total of 7.4 m in width, consisting of two 2.5 m wide traffic lanes, two 0.3 m wide drainage channels, and a 1.8 m wide footpath on one side.

The proposed road will be designed as a low speed environment, with traffic calming measures implemented at several locations including a pedestrian refuge outside 4 Cowie Street and a single-direction chicane near Laxon Terrace.

Retaining walls will be required at several locations along the new road, up to a retained height of 4 m.

The existing pedestrian and cycling access from Newmarket Park to Laxon Terrace and Youngs Lane will be re-located as part of the Project to maintain access into the Park. This will include re-location of the existing Pou and seating area currently located at the entrance to Newmarket from Laxon Terrace.

Stormwater treatment measures include a vegetated swale adjacent to the KiwiRail access road and rain gardens to be located within the traffic calming chicane and adjacent Newmarket Park land.

### **4. THE NATURE OF THE PROPOSED CONDITIONS THAT WOULD APPLY ARE:**

The land required will be used for the designation purpose (i.e. the construction, operation, and maintenance of the new road). Upon completion of the construction of the Project this designation will be drawn back (pursuant to section 182 of the RMA) to operational requirements.

The Project will be designed and implemented in a way which recognises and responds to the actual and potential adverse effects of the Project on the environment. With the proposed mitigation measures and methodology outlined in the proposed conditions these effects will be adequately avoided, remedied or mitigated.

The proposed designation would be subject to conditions addressing the following:

- Works to be undertaken in general accordance with the information provided to support the Notice for the Project including the suite of Project documents and any relevant further information including evidence provided through the public process associated with confirming this Notice;
- A requirement to continue the existing forum for engagement with mana whenua or where no longer in existence an alternative mana whenua engagement forum will need to be established. The role of the mana whenua forum may include input into the following:
  - The Project's design elements to reflect cultural values using Te Aranga principles;
  - Undertaking Kaitiakitanga responsibilities associated with the Project including ceremonial, monitoring/surveying of native flora and fauna, pest and weed control, and assisting with accidental discovery procedures.
- Requirements to prepare and implement Management Plans including a Pre-Construction Communication and Consultation Plan, Construction Environmental Management Plan, a Construction Noise and Vibration Management Plan, Contaminated Land Site Management Plan, a Herpetofauna Management Plan, a Tree Management Plan, and Erosion and Sediment Control Plan;
- The preparation and implementation of other plans such as an Urban Design and Landscape Management Plan,
- Objectives and standards relating to construction noise and vibration;
- Objectives and standards relating to operational traffic noise;
- Outline Plan requirements; and
- Monitoring of construction and operational conditions.

A comprehensive list of the proposed conditions is attached to this Notice as Appendix B.

Section 176 of the RMA provides that once a designation is included in a District Plan, land owners or occupiers may not, without AT written consent, do anything on their land that would prevent or hinder the Project to which this Notice relates. This protection also applies in the interim once the Notice is given to the Council pursuant to section 178.

Once the Project is operational, this restriction will continue to apply to that land that remains designated.

## **5. THE EFFECTS THAT THE PROPOSED WORK WILL HAVE ON THE ENVIRONMENT AND THE WAYS IN WHICH ANY ADVERSE EFFECTS WILL BE MITIGATED ARE:**

An assessment of the actual and potential effects and a summary of the proposed measures to avoid, remedy or mitigate adverse effects are outlined in Section 7 of the AEE which supports this Notice.

The Project generates positive effects, both locally and regionally, including:

- Removal of the Sarawia Street level crossing, which exposes road users, pedestrians and cyclists to the rail corridor hazard;
- Improvements to train efficiency on the Auckland metro rail network;
- The Project maintains access to Broadway and Parnell Road for residents on Laxon Terrace and Youngs Lane;
- The proposed stormwater management system treats an area of Cowie Street that is currently untreated;
- Improved sightlines and visibility into Newmarket Park which will have a positive effect on the safety of park users; and
- Removes the existing signal alarm bells.

In summary, actual and potential adverse effects on the environment likely as a result of the Project include:

- Increased traffic on Cowie Street;
- Urban Design, Landscape, Open Space and Visual effects relating to the closure of the existing Sarawia Street level crossing and replacement with a new road connection and bridge;
- Ecological effects associated with the removal of vegetation within Newmarket Park;
- Ecological effects associated with the removal of lizard habitat;
- Loss of parking spaces at 9 Cowie Street and loss of on-street parking spaces on Cowie Street;
- Construction Noise and Vibration effects and operational traffic noise effects;
- Archaeology and heritage effects as a result of construction of the Project;
- Effects of stormwater runoff and earthworks associated with the Project; and
- Land Contamination effects from construction.

A full summary and outline of the actual and potential adverse effects is contained in Section 7 of the AEE. Mitigation of these effects can be achieved through the proposed design and the conditions contained in the Notice suite of documents.

The Project will be designed and implemented in a way which recognises and responds to the actual and potential adverse effects of the Project on the environment. With the proposed mitigation measures and methodology outlined in the proposed conditions, these effects will be adequately avoided, remedied or mitigated. Any remaining potential adverse effects of the operational designation will be outweighed by the long term significant benefits of the Project relating to safety for the road users, pedestrians and cyclists and the improvements to train efficiency on the Auckland metro rail network.

## **6. ALTERNATIVE SITES AND METHODS HAVE BEEN CONSIDERED TO THE FOLLOWING EXTENT:**

As part of the preparation of this Notice, consideration has been given to alternative routes and alternative methods to achieve the objectives of AT (set out below). The detailed consideration is set out in Section 5 of the AEE.

Over the last 10 years, AT has undertaken a robust consideration of alternative sites, routes and methods in relation to the Newmarket Level Crossing proposal. The options have been narrowed down to four options that were considered by AT to feasibly allow for the closure of the Crossing. These four options were the subject to more detailed analysis taking into account a range of relevant matters including economic efficiency, safety, environmental considerations, social consideration and provision of access through Multiple Criteria Analyses (MCA) undertaken by both by Auckland Transport and an independent party (AECOM). In both MCA analyses, the new road between Cowie Street and Laxon Terrace and Youngs Lane proved to be the preferred option. AT also considered options at the request of the community.

## **7. THE PROPOSED WORK AND ALTERATION TO THE DESIGNATIONS ARE REASONABLY NECESSARY FOR ACHIEVING THE OBJECTIVES OF THE REQUIRING AUTHORITY:**

AT's Statement of Intent 2015/16 – 2018/19 (SOI) outlines the three year work plan (2015/16 to 2018/19) to continue delivering to the strategic direction for transport in Auckland, the key actions required for achievement and the consequential key performance measures. AT's Board of Directors have reframed the underlying strategic themes to transform transport in Auckland as follows:

- Prioritise rapid, high frequency public transport;
- Transform and elevate customer experience;
- Build network optimisation and resilience;
- Ensure a sustainable funding model; and
- Develop creative, adaptive, innovative implementation.

These themes also align with AT's legislative purpose set out in section 39 of the Local Government (Auckland Council) Act 2009 that "the purpose of Auckland Transport is to contribute to an effective, efficient and safe Auckland land transport system in the public interest"....

AT's objective in serving this Notice is to enable the construction, operation and maintenance of the Project. In achieving this, AT will also achieve the Project Objectives, as follows:

1. To improve the operation of the Auckland rail network by removing the potential safety issue with trains and the rail level crossing.
2. Provide an alternative vehicle access to/from Laxon Terrace and Youngs Lane, which would otherwise be cut off from the surrounding area if the level crossing were to be removed.
3. Retain a pedestrian and cycle connectivity between Parnell Road and the Newmarket Park area.
4. Manage these solutions to take into account the interests and preferences of stakeholders, including the Local Board, community groups, park users, Mana Whenua and local residents.

5. To have a compatible urban design that is safe and environmentally sensitive.

The proposed works are reasonably necessary for achieving these objectives, as per the following:

- The removal of the Crossing will improve the safety of the rail and road network at Newmarket, provide service headways, resilience and capacity of the Auckland rail network and will provide long-term reliable train services via Newmarket Station;
- The removal of the Crossing will improve the operation of the Auckland Rail network by removing the potential safety issues with trains and the rail level crossing;
- The new road between Cowie Street and Newmarket Park, Laxon Terrace and Youngs Lane will enable continued access for residents in, Laxon Street and Young's Lane to Parnell Road;
- Pedestrian and cycle connections between Parnell Road and Newmarket Park will be retained;
- AT has undertaken consultation and engagement with stakeholders (including the Local Board, community groups, park users), Mana Whenua and local residents; and
- The new Road between Cowie Street and Newmarket Park, Laxon Terrace and Youngs Lane, has been assessed by AT as having a compatible urban design that is safe and environmentally sensitive.

The proposed designation is reasonably necessary for achieving these objectives because:

- It enables AT to have the flexibility and ability to construct, operate and maintain the Project in accordance with the designation notwithstanding anything contrary with the District Plan and PAUP;
- It enables the work to be undertaken in a comprehensive and integrated manner;
- It achieves certainty through identifying in the District Plan and PAUP the location, nature and extent of the Project and AT's clearly intended use of that land; and
- It enables AT to avoid, remedy and mitigate any adverse effects of the Project.

## **8. OTHER RESOURCE CONSENTS NEEDED FOR THE PROPOSED ACTIVITY:**

As detailed in Section 5 of the AEE, which supports (and is part of) this Notice, a number of resource consents in accordance with sections 9, 12, 13, and 15 of the RMA are required and being sought from Auckland Council for the following:

- Earthworks within a Significant Ecological Area (PAUP);
- Permanent and temporary stormwater discharges (Auckland Operative Regional Plan: Air; Land and Water);
- Vegetation Removal within a Significant Ecological Area (PAUP);
- The Discharge of Contaminants to land from land containing elevated levels of contaminants (Auckland Operative Regional Plan: Air; Land and Water and PAUP);
- Contaminated land (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health).

These resource consents have been assessed in the AEE.

The following consents and approvals will also be applied for:

- Archaeological approvals under the Heritage New Zealand Pouhere Taonga Act 2014.

**9. THE FOLLOWING CONSULTATION HAS BEEN UNDERTAKEN WITH PARTIES THAT ARE LIKELY TO BE AFFECTED:**

The consultation undertaken with parties likely to have particular interest in the Project is detailed in Section 8 of the AEE which supports this Notice. Discussions will be continuous and on-going throughout the project.

A Communication and Engagement Plan was prepared and affected parties and key stakeholders were identified and a database of these was compiled. A community liaison group was established in order to keep these stakeholders informed (Cowie Street Bridge Community Liaison Group). The group was also used as a mechanism for seeking feedback, in order to foster collaboration between stakeholders, affected parties and the project team in relation to the design and development of the Project. In summary, AT has consulted with:

- Mana whenua – six hui and two site walkovers were held with mana whenua kaitiaki. Key discussion items have been the treatment of stormwater, impact on Newmarket Park, landscaping and effects on native trees and plantings and opportunities for aesthetic or artistic input into design. AT have engaged with Ngāti Maru, Ngāti Paoa, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Te Ata Waiohua, Ngāti Whātua Ōrākei, Te Akitai Waiohua and Ngāti Whātua Runanga.
- Auckland Council - Various departments of Auckland Council have been consulted. These include meetings with the Major Infrastructure Projects team, the Plans and Policy team, the Manager Local and Sports Parks Central, the Parks Adviser – Waitemata and the Parks and Open Space Specialist.
- Utility Operators.
- Directly affected landowners including KiwiRail Group, the Waitemata Local Board and the owner of 9 Cowie Street. Community and resident interest groups, including the Cowie Street Residents Association, Laxon Terrace and Youngs Lane Residents Group, Newmarket Community Association, Parnell Community Committee and Broadway Park Residents Society.
- The general public (including communities of Parnell, Newmarket and Remuera and broader Auckland) through public open days, a Project link on the AT website, Project newsletters, media releases and feedback forms.



**10. AUCKLAND TRANSPORT ATTACHES THE FOLLOWING INFORMATION REQUIRED TO BE INCLUDED IN THIS NOTICE BY THE DISTRICT PLAN, REGIONAL PLAN, OR ANY REGULATIONS MADE UNDER THE RESOURCE MANAGEMENT ACT 1991:**

This Notice is contained within Volume 1 of the full suite of documents that comprise the “Newmarket Level Crossing Project Notice of Requirement and supporting information”. AT also attaches the following information as part of the overall suite of documents supporting this application:

- Attachment 1 – Designation Plans;
- Appendix A – Land Requirement Plans;
- Appendix B – Conditions proposed for the new Designation;
- Assessment of Environmental Effects;
- Supporting Plans; and
- Specialist reports to support the AEE.

**11. EXTENDED LAPSE PERIOD SOUGHT:**

Pursuant to section 184(1)(c) of the RMA, AT proposes a lapse period of 10 years for the implementation of the proposed designation.

This period provides sufficient time for AT to secure construction funding based on the priorities of funding allocation in the Auckland Transport Integrated Transport Programme (2012-2041). This time frame is also consistent with the Mayor’s Proposed Long-Term Plan 2015-2025.

Signed for AT by Deborah Godinet, Group Manager Property & Planning pursuant to an authority by Auckland Transport

Signature:



Date: 08/09/2015

Address for Service:

Auckland Transport  
1 Queen Street, Auckland Central, Auckland 1010  
Private Bag 922250, Auckland 1142  
Attention: Nesh Pillay  
Ph: 09 448 7104 021 989 579  
Email: [nesh.pillay@aucklandtransport.govt.nz](mailto:nesh.pillay@aucklandtransport.govt.nz)

## Attachment 1 – Designation Plan



 Designation

Revision	Amendment	Approved	Revision Date
RI	ISSUED FOR CONSENT	MA	31.08.2015



PO Box 5848  
Auckland 1141  
New Zealand

Project  
AUCKLAND TRANSPORT  
NEWMARKET  
NEWMARKET LEVEL CROSSING

Sheet  
**NOTICE OF REQUIREMENT  
DESIGNATION**

Designed	Approved	Approved Date
M.A.	MA	31.08.2015
Drawn	Scales	
MA	1:500 @ A1 1:1000 @ A3	

Project No.  
1-C1135.00

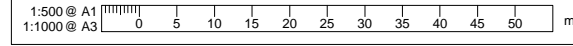
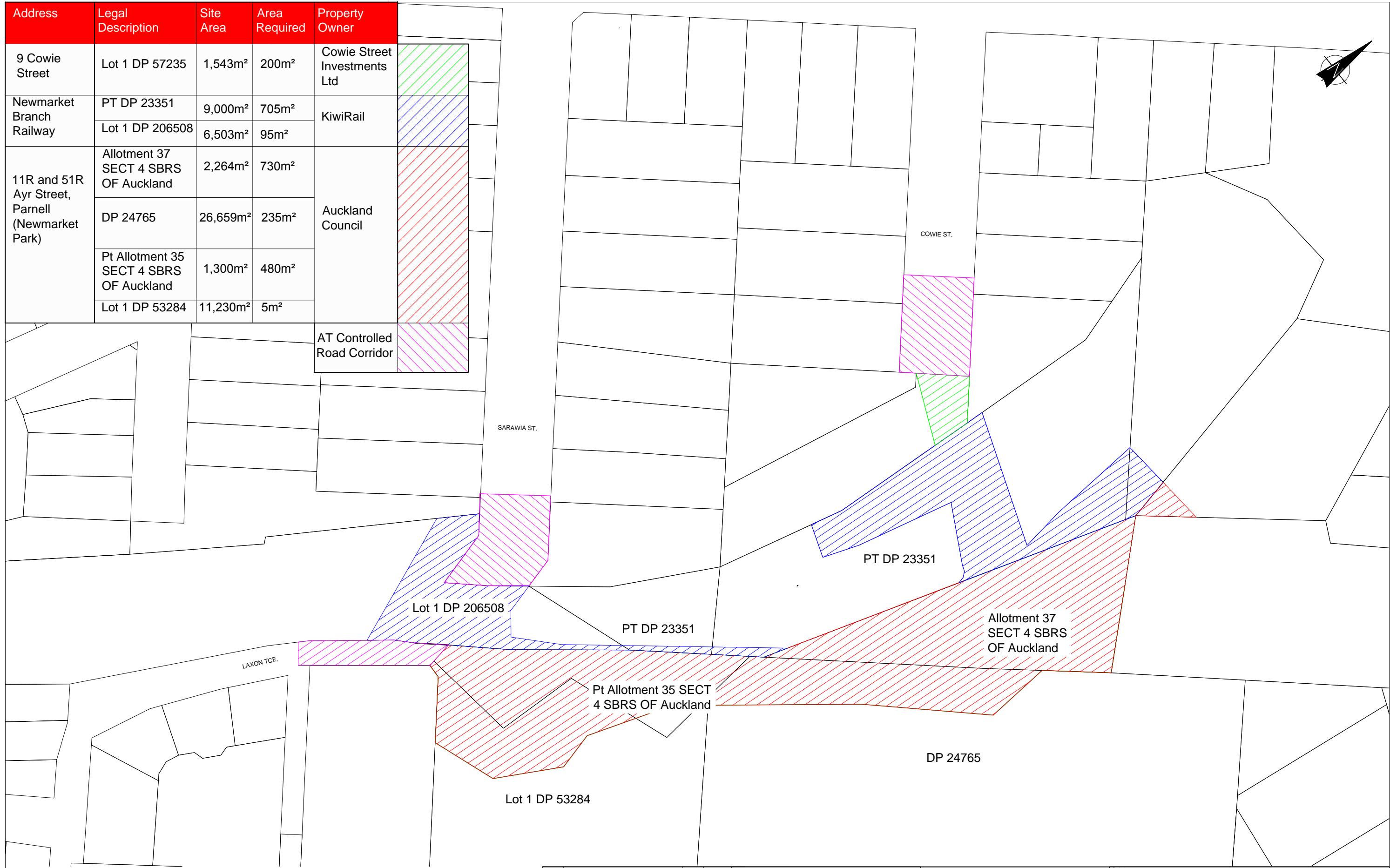
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2	RI

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1:1000 @ A3  
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## Appendix A – Land Requirement Plan

Address	Legal Description	Site Area	Area Required	Property Owner
9 Cowie Street	Lot 1 DP 57235	1,543m <sup>2</sup>	200m <sup>2</sup>	Cowie Street Investments Ltd
Newmarket Branch Railway	PT DP 23351	9,000m <sup>2</sup>	705m <sup>2</sup>	KiwiRail
	Lot 1 DP 206508	6,503m <sup>2</sup>	95m <sup>2</sup>	
11R and 51R Ayr Street, Parnell (Newmarket Park)	Allotment 37 SECT 4 SBRS OF Auckland	2,264m <sup>2</sup>	730m <sup>2</sup>	Auckland Council
	DP 24765	26,659m <sup>2</sup>	235m <sup>2</sup>	
	Pt Allotment 35 SECT 4 SBRS OF Auckland	1,300m <sup>2</sup>	480m <sup>2</sup>	
	Lot 1 DP 53284	11,230m <sup>2</sup>	5m <sup>2</sup>	

AT Controlled Road Corridor



Revision	Amendment	Approved	Revision Date
RA	ISSUED FOR REVIEW	M.A.	
RI	ISSUED FOR CONSENT	M.A.	31.08.15



PO Box 5848  
Auckland 1141  
New Zealand

Project			Sheet	
AUCKLAND TRANSPORT NEWMARKET NEWMARKET LEVEL CROSSING			NOTICE OF REQUIREMENT LAND REQUIREMENT PLAN	
Designed	Approved	Approved Date	Project No.	Sheet No.
M.A.	J.S.		1-C1135.00	1
Drawn	Scales			Revision
MA	1:500 @ A1 1:1000 @ A3			RI

## Appendix B – Conditions proposed for the new Designation

AT proposes that the designation be subject to the following conditions or conditions to similar effect:

### Designation Conditions

Condition Number	Condition
1	<p><b>Designation Lapse Date</b></p> <p>1.1 In accordance with section 184(1)(c) of the Resource Management Act 1991 (the RMA), this designation shall lapse if not given effect to within 10 years from the date on which it is included in the district plan under section 175 of the RMA.</p>
2	<p>2.1 As soon as reasonably practicable, and no later than 12 months from the date of the Newmarket Level Crossing Project becoming operational, the Requiring Authority shall:</p> <ul style="list-style-type: none"> <li>a) Identify any areas of the designation that are no longer necessary for the on-going maintenance of the Newmarket Level Crossing Project or for on-going mitigation measures; and</li> <li>b) Give notice to the Auckland Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in (a) above.</li> <li>c) The Newmarket Level Crossing Project shall be carried out in accordance with the Notice of Requirement Plans referenced as follows: <ul style="list-style-type: none"> <li>Notice of Requirement and Resource Consent - Assessment of Environmental Effects prepared by Opus International Consultants Ltd, August 2105;</li> <li>1-C1135.00 Notice of Requirement Preliminary Design Plan, Sheet 1, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Preliminary Design - Longsection, Sheet 1A, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Bridge – General Arrangement, Sheet 1B, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Designation, Sheet 2, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Land Acquisition – 9 Cowie Street, Sheet 4, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Land Acquisition – Auckland Council Parks, Sheet 5, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Land Acquisition – KiwiRail, Sheet 6, Revision RI;</li> <li>Newmarket Level Crossing Tree Identification Plan;</li> <li>1-C1135.00 Notice of Requirement Cowie St Affected Trees – 1, Sheet 8, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Cowie St Affected Trees – 2, Sheet 9, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Mitigation Planting Concept Plan, Sheet 10, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Stormwater Drainage Plan – Sht 1 of 2, Sheet 11, Revision RI;</li> <li>1-C1135.00 Notice of Requirement Stormwater Drainage Plan – Sht 2 of 2, Sheet 12, Revision RI; and</li> <li>1-C1135.00 Notice of Requirement Specimen Erosion &amp; Sediment Control Plan, Sheet 13, Revision RI.</li> </ul> </li> </ul>
3	<p><b>Pre-Construction Communication and Consultation Plan</b></p> <p>3.1 The objective of the Pre-Construction Communication and Consultation Plan is to set out a framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders, affected parties and affected in proximity parties prior to the commencement of construction of the Newmarket Level Crossing Project.</p> <p>3.2 The Requiring Authority shall prepare a Pre-Construction Communication and Consultation Plan. This Plan shall be submitted to Auckland Council’s Major Infrastructure Projects Team Manager, three months prior to construction commencing to certify that the Plan has been prepared in accordance with this condition.</p>

Condition Number	Condition
	<p>3.3 This Plan shall set out recommendations and requirements (as applicable) that should be adopted by and/or inform the CEMP and subsidiary Management Plans.</p> <p>3.4 The Pre-Construction Communication and Consultation Plan shall set out how the Requiring Authority will:</p> <ul style="list-style-type: none"> <li>a) Inform the community of Project progress and likely commencement of construction works and programme;</li> <li>b) Engage with the community in order to foster good relationships and to provide opportunities for learning about the Project;</li> <li>c) Respond to queries and complaints. Information shall include but not be limited to: <ul style="list-style-type: none"> <li>i. Who is responsible for responding;</li> <li>ii. How responses will be provided; and</li> <li>iii. The timeframes that the responses will be provided within.</li> </ul> </li> </ul> <p>3.5 The Pre-Construction Communication and Consultation Plan shall be prepared for:</p> <ul style="list-style-type: none"> <li>a) All property owners and occupiers identified within the designation footprint;</li> <li>b) All owners and occupiers immediately adjacent to construction sites;</li> <li>c) Heritage New Zealand Pouhere Taonga (HNZPT); and</li> <li>d) Network Utility Operators.</li> </ul> <p>3.6 The Pre-Construction Communication and Consultation Plan shall, as a minimum, include:</p> <ul style="list-style-type: none"> <li>a) A communications framework that details the Requiring Authority's communication strategies, the accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including any modern and relevant communication methods, newsletters or similar, advertising etc.) and any other relevant communication matters;</li> <li>b) Details of the Communication and Consultation Manager for the pre-construction period including their contact details (phone, email and postal address);</li> <li>c) The methods for identifying, communicating and consulting with stakeholders, directly affected parties and affected parties in proximity to the Project area and other interested parties. Such methods shall include but not be limited to: <ul style="list-style-type: none"> <li>i. Newsletters;</li> <li>ii. Newspaper advertising;</li> <li>iii. Notification and targeted consultation with stakeholders, affected parties and affected in proximity parties; and</li> <li>iv. The use of the Project website for public information.</li> </ul> </li> <li>d) The methods for communicating and consulting with Mana Whenua for the implementation of Mana Whenua principles for the Project (refer to Condition 4); and</li> <li>e) How communication and consultation activity will be recorded.</li> </ul> <p>3.7 The Pre-Construction Communication and Consultation Plan will be publicly available once certified by Auckland Councils Major Infrastructure Projects team manager and for the duration of construction.</p>
4	<p><b>Mana Whenua Engagement</b></p> <p>4.1 Within three months of the designation being included in the District Plan under section 175 of the RMA the Requiring Authority shall establish a kaitiaki Mana Whenua forum (or similar) to</p>



Condition Number	Condition
	<p>provide for an on-going role in the design and construction of the Newmarket Level Crossing Project and maintain this forum through until completion of the construction period.</p> <p>4.2 The Requiring Authority shall extend an invitation for membership on the kaitiaki forum to (but not limited to) representatives of:</p> <ul style="list-style-type: none"> <li>a) Ngāi Tai ki Tāmaki Tribal Trust;</li> <li>b) Ngāti Maru Runanga;</li> <li>c) Ngāti Pāoa Trust Board;</li> <li>d) Ngāti Tamaoho Trust;</li> <li>e) Ngāti Te Ata Waiohua;</li> <li>f) Ngāti Whātua Ōrākei;</li> <li>g) Te Ākitai Waiohua; and</li> <li>h) Ngati Whatua Runanga.</li> </ul> <p><i>Note: It is anticipated that the existing forum for engagement with Mana Whenua that Auckland Transport has will continue and will thereby satisfy Condition 4. Should this forum for engagement cease to continue, an alternative forum for engagement will need to be established in order to satisfy Condition 4.</i></p> <p>4.3 The role of the kaitiaki forum may include (but is not limited to) the following:</p> <ul style="list-style-type: none"> <li>a) Input into, where practicable, the preparation of the following plans as required by these conditions:</li> <li>b) Urban Design and Landscape Plan;</li> <li>c) Herpetofauna Management Plan (HMP);</li> <li>d) Construction Environmental Management Plan (CEMP).</li> <li>e) Input into the Project’s structural design elements to reflect cultural values using Te Aranga principles;</li> <li>f) Involvement of Mana Whenua in the removal and or replanting of any native tree species, or any on-going maintenance that may be required, and provision for use of any removed native vegetation for customary purposes;</li> <li>g) Working collaboratively with the Requiring Authority on archaeological matters; and</li> <li>h) Undertaking Kaitiakitanga responsibilities associated with the Project, including ceremonial, monitoring/surveying of native flora and fauna, pest and weed control, assisting with discovery procedures, and providing mātauranga Māori input in the relevant stages of the Project.</li> </ul> <p>4.4 The kaitiaki forum may provide written advice to the Requiring Authority in relation to any of the above matters. The Requiring Authority must consider this advice and the means by which any suggestions may be incorporated in the Project.</p>
5	<p><b>Outline Plan Requirements</b></p> <p>5.1 Before construction is commenced, the Requiring Authority shall submit an Outline Plan to Auckland Council for the construction of the Newmarket Level Crossing Project in accordance with section 176A of the RMA. The Outline Plan may be submitted in stages to reflect any proposed staging of the physical works.</p> <p>The Outline Plan shall include:</p>

Condition Number	Condition
	<ul style="list-style-type: none"> <li>a) The Communication and Consultation Plan (Condition 8);</li> <li>b) The CEMP (Condition 10);</li> <li>c) Other Management Plans required for any particular stage, including; Construction Noise and Vibration Management Plan; Urban Design and Landscape Management Plan; Site Validation and Contaminated Land Management Plan; Tree Protection Plan; and Herpetofauna Management Plan;</li> <li>d) Any other information required by the conditions of this designation associated with the construction of the Project; and</li> <li>e) A statement outlining how residents, businesses, community and facilities who are directly affected or affected by proximity have been communicated with regarding: <ul style="list-style-type: none"> <li>i. The nature and timing of Project works; and</li> <li>ii. Access and operational requirements.</li> </ul> </li> </ul> <p>5.2 The plans listed in Condition 5.1 above must clearly document the comments and inputs received by the Requiring Authority during its further discussion and consultation undertaken in accordance with Conditions 3 and 4.</p> <p>5.3 The Requiring Authority may choose to give effect to the designation conditions associated with the construction of the Newmarket Level Crossing Project:</p> <ul style="list-style-type: none"> <li>a) Either at the same time or in parts;</li> <li>b) By submitting one or more: <ul style="list-style-type: none"> <li>i. Outline Plans;</li> <li>ii. Communication and Consultation Plan;</li> <li>iii. CEMP; and</li> <li>iv. Other subsidiary Management Plans required for any particularly stage.</li> </ul> </li> </ul> <p>5.4 Early engagement by the Requiring Authority shall be undertaken with Auckland Council in relation to preparation and submission of the Outline Plan(s), Communication and Consultation Plan, CEMP and Management Plans to establish a programme to ensure achievable timeframes for both parties.</p> <p>5.5 All works shall be carried out in accordance with the Outline Plan(s), Communications and Consultation Plan, CEMP and other Management Plans required by this condition.</p>
6	<p><b>Outline Plan of Work(s) and subsidiary Management Plan Review Process</b></p> <p>6.1 If there is a material change to either the Outline Plan of Work(s) or subsidiary Management Plans, the Requiring Authority shall submit the updated or revised document to Council for certification at least 20 working days prior to or during construction, of the stage of the Project commencing (whichever is relevant) or as soon as reasonably practicable following identification of the need for the material change.</p>
7	<p><b>Contact Person</b></p> <p>7.1 The Requiring Authority shall make available a contact person during standard working hours and a 24 hour phone contact for the duration of the construction period to answer and follow-up on public enquiries and concerns about the Project and construction works.</p>
8	<p><b>Communication and Consultation Plan</b></p> <p>8.1 The objective of the Communications and Consultation Plan is to set out a framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders,</p>

Condition Number	Condition
	<p>directly affected parties and affected parties in proximity during the construction of the Newmarket Level Crossing Project.</p> <p>8.2 The Requiring Authority shall prepare a Communication and Consultation Plan which shall be implemented and complied with for the duration of the construction of the Newmarket Level Crossing Project.</p> <p>8.3 The Communication Plan shall set out how the Requiring Authority will:</p> <ul style="list-style-type: none"> <li>a) Inform the community of construction progress and future construction activities and constraints that could affect them (including activities that will cause noise, vibration and dust effects, information on temporary traffic disruptions and suggested alternative routes to avoid traffic disruption);</li> <li>b) Provide early information on key Project milestones;</li> <li>c) Obtain and specify a reasonable timeframe (being not less than 10 working days), for feedback and inputs from directly affected and affected in proximity parties regarding the construction of the Project (as part of the review process provided by Condition 6) and implementation of the CEMP or other subsidiary Management Plans; and</li> <li>d) Respond to queries and complaints including but not limited to: <ul style="list-style-type: none"> <li>i) Who is responsible for responding;</li> <li>ii) How responses will be provided; and</li> <li>iii) The timeframes that responses will be provided within.</li> </ul> </li> </ul> <p>8.4 The Communication and Consultation Plan shall as a minimum include:</p> <ul style="list-style-type: none"> <li>a) A communications framework that details the Requiring Authority's communication strategies, the accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including any modern and relevant communication methods, newsletters or similar, advertising etc.), and any other relevant communication matters;</li> <li>b) The Communication and Consultation Manager for the Project including their contact details (phone, email and postal address);</li> <li>c) The methods for identifying, communicating and consulting with people affected by the Project including but not limited to: <ul style="list-style-type: none"> <li>i. All residential and business property owners and occupiers directly affected or affected by proximity to the Project;</li> <li>ii. All community and education facilities directly affected or affected by proximity to the Project;</li> <li>iii. Key stakeholders;</li> <li>iv. The wider community; and</li> <li>v. Network utility operators.</li> </ul> </li> <li>d) Methods for communication and consulting in advance of proposed hours of construction activities outside of normal working hours and on weekends and public holidays, to directly affected and affected by proximity parties (including surrounding communities);</li> <li>e) Methods for communicating with directly affected and affected by proximity parties (including surrounding communities), bus (public and private) operators, taxi operators, bus users and the general public in advance of temporary traffic management measures and permanent changes to road networks and layouts;</li> </ul>

Condition Number	Condition
	<p>f) Methods for communicating and consulting in advance of construction works with emergency services (Police, Fire, Ambulance) on the location, timing and duration of construction works, and particularly in relation to temporary road lane reductions and/or closures and the alternative routes or detours to be used; and</p> <p>g) The process for Concerns and Complaints Management (receiving, acknowledging, responding and reporting to the community on actions taken) required by Condition 8.3.</p> <p>8.5 The Communication and Consultation Plan shall also include (as relevant) linkages and cross-references to the CEMP and Management Plans (including any subsidiary Management Plans).</p> <p>8.6 If, in the course of amendments undertaken as part of the review process, a material change to the Communication and Consultation Plan is made, those parties affected by the change shall be notified within one month of the material change occurring.</p>
9	<p><b>Contractors' Environmental Management Plan (CEMP)</b></p> <p><i>Preparation Compliance and Monitoring</i></p> <p>9.1 The objective of the CEMP and other subsidiary Management Plans is to so far as is reasonably practicable, avoid, remedy or mitigate any adverse effects associated with the Newmarket Level Crossing Project construction.</p> <p>9.2 All works shall be carried out in accordance with the CEMP and subsidiary Management Plans required by these conditions and in accordance with any changes to plans made under Condition 6.</p> <p>9.3 The CEMP and other subsidiary Management Plans shall be prepared, complied with and monitored by the Requiring Authority throughout the duration of construction of the Newmarket Level Crossing Project.</p> <p>9.4 The subsidiary Management Plans shall give effect to any specific requirements and objectives set out in these designation conditions.</p> <p>9.5 The CEMP shall include measures to give effect to any specific requirements and objectives set out in these designation conditions that are not addressed by the subsidiary Management Plans.</p> <p>9.6 The CEMP and other subsidiary Management Plans shall be reviewed as a result of a material change to the Newmarket Level Crossing Project or to address unforeseen adverse effects arising from construction or unresolved complaints. Such a review may be initiated by either Auckland Council or the Requiring Authority.</p> <p>9.7 A summary of the review process shall be kept by the Requiring Authority, provided to the Auckland Council, and made available to the Auckland Council upon request.</p> <p>9.8 Modifications to the CEMP and other subsidiary Management Plans as a result of such a review can be made through the Outline Plan process outlined in Condition 5.</p>
10	<p><b>Contractors Environmental Management Plan (CEMP)</b></p> <p><i>Information Requirements</i></p> <p>10.1 To give effect to the objective in Condition 9.1, the CEMP must provide for the following:</p> <p>a) Information boards that clearly identify the Requiring Authority and the Project name, together with the name, telephone number and email address of the Site or Project Manager and the Communication and Consultation Manager;</p> <p>b) Training requirements for employees, sub-contractors and visitors on construction procedures, environment management and monitoring; and</p> <p>c) Where a complaint is received, the complaint must be recorded and responded in accordance with Condition 8.3.</p>

Condition Number	Condition
	<ul style="list-style-type: none"> <li>d) The document management system for administering the CEMP, including review and Requiring Authority / Constructor / Auckland Council requirements;</li> <li>e) Environmental incident and emergency management procedures (including spills);</li> <li>f) Environmental complaint management procedures ;</li> <li>g) An outline of the construction programme of the work, including construction hours of operation, indicating linkages to the other Management Plans which address the management of adverse effects during construction;</li> <li>h) Construction Traffic Management Plan</li> <li>i) An outline of the location of the Construction Yard and how the Construction Yard is to be managed and maintained during the Project.</li> <li>j) Specific details on demolition to be undertaken during the construction period;</li> <li>k) How construction methods and processes will achieve waste minimisation and energy efficiency;</li> <li>l) Methods to provide for the safety of the general public; and</li> <li>m) Specific details on the environmental monitoring to be undertaken throughout construction, as required by the designation conditions.</li> </ul>
11	<p><b>Project Standards – Construction Noise</b></p> <p>11.1 Construction noise shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 “<i>Acoustics – Construction Noise</i>”, subject to condition 12 comply with the guideline limits of that Standard. Methods to manage construction noise shall be implemented as required by Condition 12.</p>
12	<p><b>Construction Noise and Vibration Management Plan</b></p> <p>12.1 No later than ten working days prior to the commencement of work on the Project, the Requiring Authority must submit a Construction Noise and Vibration Management Plan (CNVMP) to Auckland Council for certification. The certified CNVMP must be implemented and maintained throughout the construction periods of the works.</p> <p>12.2 The CNVMP must describe the measures to be adopted, as far as practicable, to meet the requirements of NZS6803:1999 <i>Acoustics – Construction Noise</i>. The CNVMP must refer to the noise management measures set out in Annexure E of the NZS6803:1999 and as a minimum must address:</p> <ul style="list-style-type: none"> <li>a) Construction sequencing;</li> <li>b) Machinery and equipment to be used, including the use of non-percussive machinery where practicable;</li> <li>c) Hours of operation, including times and days when noisy construction work will occur;</li> <li>d) The design of noise mitigation measures such as temporary barriers or enclosures;</li> <li>e) Construction noise limits for specific areas;</li> <li>f) Development of alternative strategies where full compliance with NZS6803:1999 cannot be achieved, including consultation with residents and other occupiers to achieve acceptance outcomes;</li> <li>g) Methods for monitoring and reporting on construction noise; and</li> <li>h) Methods for receiving and responding to complaints about construction noise.</li> </ul>

Condition Number	Condition
	<p>12.3 The CNVMP must refer to vibration management measures set out in the vibration standards of the German Standard D1N4150-3:1999 and must address the following aspects:</p> <ul style="list-style-type: none"> <li>a) Vibration monitoring measures;</li> <li>b) Vibration criteria;</li> <li>c) Possible mitigation measures;</li> <li>d) Complaint response;</li> <li>e) Reporting procedures;</li> <li>f) Notification and information for the community of the proposed work;</li> <li>g) Vibration testing of equipment to confirm vibration predictions;</li> <li>h) Location for vibration monitoring when construction activities are adjacent to buildings identified for settlement monitoring;</li> <li>i) Working hours;</li> <li>j) Preparation of building condition survey reports where it is assessed that there is potential for damage to buildings or structures arising from construction as determined by an independent suitably qualified person appointed by the Requiring Authority.</li> </ul>
13	<p><b>Urban Design and Landscape Plan</b></p> <p>13.1 The Requiring Authority shall prepare and submit an Urban Design and Landscape Plan to Auckland Council with the Outline Plan. This Plan shall provide details of how the following design elements have been incorporated into the Detailed Design of the Project:</p> <ul style="list-style-type: none"> <li>a) Simple linear detail of all structures, with the alignment graded to follow the existing ground contour as far as possible</li> <li>b) Low level directional lighting along the bridge and road;</li> <li>c) Enhancement of the entrance to Newmarket Park, with realignment and reconnection of the pathway network, taking account of the sculpture, identity and stormwater treatment required;</li> <li>d) Design of hand railing to reflect the character and identity of the place, with possible seating;</li> <li>e) Modelled surface of retaining wall panelling to minimise risk of graffiti and provide visual interest where planting is not possible;</li> <li>f) Additional access to the Park from the end of the overbridge, to prevent short cutting via the proposed service road, and provide a more direct link to Cowie Street and Parnell Road;</li> <li>g) Signage on Parnell Road at both street entrances to identify the linkage route from the Domain to the Park and to the Shore for pedestrians and support the City Centre Master Plan for walking and cycling routes.</li> <li>h) Planting of trees in front of 9 Cowie Street, between the building and the new road. This will in the long term filter views of the overbridge from properties to the south.</li> <li>i) Reinstatement of planting in Newmarket Park at the base of the retaining wall; shrub planting at the eastern bridge abutments between the road and the railway.</li> <li>j) Earth mounding and tree planting at the sides of the service access road to the park.</li> </ul>

Condition Number	Condition
	<p>13.2 The Requiring Authority shall prepare and submit a CPTED Safety Strategy and submit to Auckland Council with the Urban Design and Landscape Plan. This Strategy shall include details of the following:</p> <ul style="list-style-type: none"> <li>a) A review of the layout and entrances to Newmarket Park against CPTED principles;</li> <li>b) A review of the detailed lighting design for the project – including integration with existing lighting;</li> <li>c) Graffiti (zero tolerance) and litter eradication plan; and</li> <li>d) Other security initiatives such as monitoring and reporting.</li> </ul>
14	<p><b>Site Validation and Contaminated Land Site Management Plan</b></p> <p>The Requiring Authority shall prepare a Contaminated Site Land Management Plan. This Plan shall be submitted to Auckland Council’s Major Infrastructure Projects Team Manager, three months prior to construction commencing to confirm that the Plan has been prepared in accordance with this condition. The Contaminated Land Site Management Plan shall include procedures for Site Validation.</p>

Condition Number	Condition
15	<p><b>Tree Protection</b></p> <p>15.1 The Requiring Authority shall employ a suitably experienced arborist ('works arborist') for the duration of the works to monitor, direct and supervise all tree removals and all works within the dripline of protected trees / street trees adjacent to the works site. The name of the works arborist shall be submitted to Council prior to the commencement of any site works.</p> <p>15.2 Prior to any site works commencing, a pre-commencement site meeting shall be held so that all vegetation protection measures are explained by the works arborist to a representative of all contractors or sub-contractors and work site supervisory staff who will be carrying out Project works within the dripline of all scheduled vegetation adjacent to the site. The pre-commencement site meeting shall also be attended by the relevant Council arborist (or representative) responsible for the street tree asset.</p> <p>15.3 The Requiring Authority shall prepare and submit a Tree Management Plan (TMP) to Auckland Council with the Outline Plan. The objective of the TMP is to so far as is reasonably practicable, avoid, remedy or mitigate any adverse construction effects on those trees to be retained as part of the Project.</p> <p>The TMP should include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>a) The locations and detail of the proposed protective fencing around retained trees should be discussed and agreed upon at the pre-commencement meeting;</li> <li>b) Prior to works commencing, protective fences of day-glo mesh attached tautly to closely spaced Waratah standards should be erected to enclose as much of the dripline areas of affected trees as practicable;</li> <li>c) The required pruning of some of the trees should be carried out prior to works commencing on the project. The pruning should be carried out by a qualified arborist;</li> <li>d) There should be no passage of machinery, or emplacement of materials, equipment, fuels and oils, and spoil, within the dripline of any tree in the vicinity of the works;</li> <li>e) An arborist should be present to directly supervise the commencement of any excavation cut that takes place through the dripline of any retained tree;</li> <li>f) The edges of any new roading hard surface that is to be established within the driplines of any of the retained trees should be reviewed and agreed by the arborist, prior to any excavation by machine. Any tree roots encountered within the required complete depth of excavation should be severed cleanly by the arborist;</li> <li>g) All care should be taken to avoid striking any part of any tree with machinery during the course of the project; and</li> <li>h) Compliance with the recommended tree protection would be monitored by the appointed works arborist and logged. The log sheet shall be provided to the consent holder at the completion of the project to serve as a compliance report.</li> </ul>
16	<p><b>Herpetofauna Management Plan</b></p> <p>16.1 The Requiring Authority shall prepare and submit with the appropriate stage of Outline Plan a Herpetofauna Management Plan (HMP) to Auckland Council prepared by an experienced field herpetologist in advance of construction works.</p>

#### Advice Notes



AN1	<p>The Requiring Authority will require an application is made to Heritage New Zealand Pouhere Taonga (HNZPT) for an archaeological authority to modify or destroy the whole or any part of any archaeological site or sites within a specified area of land, whether or not a site is a recorded archaeological site (Heritage New Zealand Pouhere Taonga Act 2014 Section 44(a)) in advance of earthworks commencing in the area where the archaeological site is located within the proposed corridor. An Authority would establish procedures to ensure that for any archaeological remains affected by the project would be investigated or recorded to recover information relating to the history of the area.</p> <p>In the event of unanticipated archaeological sites or koiwi being uncovered the Requiring Authority shall cease activity in the vicinity until it has the relevant approvals, and consult with the HNZPT and relevant Mana Whenua interests.</p>
AN2	<p>Approval is required from HNZPT for the specified Archaeologist to undertake any mitigation investigation. No sites can be investigated, modified or destroyed unless an authority has first been issued by HNZPT under the Heritage New Zealand Pouhere Taonga Act 2014.</p>
AN3	<p>Prior to construction if Network Utility Operators are carrying out works that do not require prior written consent of the Requiring Authority in accordance with Condition 5 of this designation, they must carry out those works in accordance with the Corridor Access Request (CAR) Process (as set out in Part 4 of the National Code of Practice for Utility Operators' Access to Transport Corridors 2011) where that process applies to the works being carried out.</p>
AN4	<p>Under section 176 of the RMA no person may do anything in relation to the land subject to the designation that would prevent or hinder the Newmarket Level Crossing Project without the written approval of the Requiring Authority.</p>
AN5	<p>Some of the land is subject to existing designations. Nothing in these designation conditions negates the need for the Requiring Authority to adhere to the provisions of section 177 of the RMA.</p>