

Recommendations following a hearing of Notices of Requirement under the Resource Management Act 1991



These Notices of Requirements are accepted in whole, subject to the recommended conditions, for the reasons set out below.

Application:	Northern Interceptor Stages 3 -6
Site Address:	Various sites in Waitakere, Hobsonville, Greenhithe and the North Shore of Auckland
Requiring Authority:	Watercare Services Limited
Hearing Commenced:	23 March 2017, 9.30am
Hearing Commissioners:	Leigh McGregor (chair) Mark Farnsworth Les Simmons
Appearances:	<p><u>For the Requiring Authority:</u> Watercare Services Limited represented by: Bronwyn Carruthers with Simon Pilkinton (legal counsel) Tim Barry - corporate Chris Povey - engineer John Cottle – acoustics engineer Donald McKenzie – traffic engineer John Goodwin – landscape architect Craig Webb – arborist Chris Wedding – terrestrial ecologist Charlotte Judge – archaeologist Graeme Twose – geotechnical engineer Chris Scrafton – planning consultant</p> <p><u>For the submitters:</u> <i>CDL Land NZ Limited</i> Douglas Allan (legal counsel) and Jason Adams General Manager</p> <p><i>Auckland Transport</i> Evan Keating (planning) Johan Swanepoel (Road Corridor Delivery Manager)</p>

Tabled Materials	<p><i>Donald Webster</i> on his own behalf</p> <p><u>For the Council:</u> Christopher Turbott, reporting planner Jo Hart, reporting planner Jon Styles, acoustics engineer Gavin Donaldson, arborist James Hendra, Parks Helen Preston-Jones, landscape architect Rebecca Ramsay, archaeologist</p> <p>Emma Petrenas, Hearings Advisor (23 March) Thomas Erikson, Hearings Advisor (24 March)</p> <p><i>Transpower NZ Ltd</i> Jenna McFarlane, environmental planner</p> <p><i>Radio New Zealand</i> Chapman Tripp, barristers and solicitors</p> <p><i>North Shore Golf Club</i> Rowland Griffiths, Board Member</p>
Hearing adjourned	Friday 24 March 2017
Commissioners' route inspection	Wednesday 15 March 2017
Hearing closed:	9 May 2017

RECOMMENDATIONS OF THE INDEPENDENT HEARING COMMISSIONERS

1.0 INTRODUCTION

- 1.1 Pursuant to section 168 of the Resource Management Act 1991 ("RMA"), Watercare Services Limited ("Watercare") as a requiring authority has issued Notices of Requirement ("NoRs") for phases 3 to 6 of its Northern Interceptor project ("NI"). The designations will provide for major wastewater pipeline infrastructure which is required for future growth anticipated in the north western sectors of Auckland.

- 1.2 Watercare is the wastewater service provider for the Auckland region and is a 'Council Controlled Organisation' which is wholly owned by the Auckland Council. Forecasts have indicated that the population of the northern Waitakere area, including Massey North, Whenuapai, Hobsonville, and southern Rodney will increase significantly over the next 50 years. Essential infrastructure such as that constructed and operated by Watercare will be required to service the developments to accommodate it. The current project forms part of its long-term planning for wastewater servicing for these areas and will also relieve pressure on existing capacity elsewhere in the region.
- 1.3 The designations Watercare is seeking in this case are:
- a) "NoR NI – (Waitakere)" - a designation for construction, operation and maintenance of wastewater infrastructure to transfer wastewater flows from the Concourse storage tank in Henderson to Hobsonville Road;
 - b) "NoR NI – (North Shore)" - a designation for construction, operation and maintenance of wastewater infrastructure to transfer wastewater flows from the eastern abutment of the Greenhithe Bridge to the Rosedale Wastewater Treatment Plant ("WWTP").
- 1.4 Both of the NoRs were publicly notified at Watercare's request and 11 submissions were subsequently received by the Council. There were no late submissions. Reports and recommendations on each of the NoRs were then prepared on the Council's behalf. These reports are being referred to generically as "the Council's report(s)", and were circulated prior to the hearing and then taken as read. The evidence presented at the hearing responded to the issues and concerns identified in the Council's report, the NoRs and submissions made on the NoRs. Expert evidence on behalf of all parties who appeared was also circulated prior to the hearing and was taken as read.
- 1.5 The hearing of the NoRs was conducted in the Takapuna Local Board meeting room in Takapuna by three Independent Hearing Commissioners, who were appointed and act under delegated authority from the Council under sections 34 and 34A of the RMA. Only three submitters were represented at the hearing – Auckland Transport, CDL Limited, and Donald Webster. The hearing tended to concentrate on conditions of the NoRs which would mitigate the concerns of the submitters.
- 1.6 To justify NoRs of this nature fully a considerable volume of paper was produced and is referred to as necessary to explain the points being made in text below. However, we have not summarised all the evidence provided. Not only were the materials pre-circulated to all parties but they were also uploaded to the Council's website and may be read there should that be required.
- 1.7 The recommendations in this document follow the deliberations and findings made by the Commissioners after considering each of the NoRs, inspecting the proposed

routes for each designation, the submissions lodged, the Council's reports, and the submissions and evidence presented at the hearing, including final comments made by Council officers and consultants, and a written Reply which was provided on behalf of the requiring authority on 3 May 2017.

2.0 THE PROPOSED DESIGNATIONS

2..1 The rationale for the Northern Inceptor project as a whole was explained in sections 2 and 3 of the Assessments of Environmental Effects ("AEEs") which accompanied the NORs. Briefly summarised, the AEEs recorded:

- The northern Waitakere area, including what is known as the 'North West Transformation Area', Kumeu, Huapai and Riverhead (together termed as the "Service Catchment") is projected to grow in population by 250,000 people by 2070; giving an ultimate population of 350,000 people. This was described as a significant amount of growth.
- The Mangere and Rosedale wastewater treatment plants have been identified as the best medium to long term options for servicing Auckland's future wastewater needs overall.
- Wastewater flows from the Service Catchment, Central Auckland and South Auckland are all currently directed to the Mangere WWTP, with the Rosedale WWTP taking flows from North Shore. The phased implementation of the Northern Interceptor project will redirect flows from the Service Catchment to the Rosedale WWTP.

2.2 Watercare's objectives for the NI project are:

- To provide additional capacity in the wastewater network for growth and development in the west and north-west of Auckland that:
 - (i) protects public health;
 - (ii) is consistent with Watercare's strategic objective of being a minimum cost service provider;
 - (iii) avoids, remedies or mitigates adverse environmental, cultural and social effects to the greatest extent practicable; and
 - (iv) provides for flexibility of construction phasing to recognise the uncertainties of projected growth.
- To provide statutory protection for the Northern Interceptor and to enable its future construction, operation and maintenance.

2.3 The AEEs (and associated documentation) and the Council's reports contain detailed descriptions of each phase of the designation proposals and should be referred to for

greater detail than needs to be supplied for the purposes of these recommendations. In summary, the designations envisaged by these NoRs are:

NoR – NI (Waitakere)

The works involved in NoR – NI (Waitakere) will transfer wastewater flows from a pump station at The Concourse (relatively close to the Lincoln Road off ramp in Henderson), through Massey and West Harbour to a point a little north of Hobsonville Road where it will connect with a pipeline being constructed in a shared corridor with the North Harbour 2 watermain.

[The pump station will be constructed on an existing designated site at 56 The Concourse and is the subject of a separate NoR issued by Watercare for an alteration to a designation process pursuant to section 181 of the RMA. That NoR was not notified on either a public or limited basis. Recommendations to Watercare on the s.181 NoR were delayed until the current hearing had been concluded in order for there to be consistency in terms of the designation conditions being recommended, along with other matters.]

NoR – NI (North Shore)

The works in NoR – NI (North Shore) will transfer wastewater from the eastern abutment of the Greenhithe Bridge (from the edge of the Upper Waitemata Harbour) through Greenhithe to the Rosedale WWTP, and include construction of pump stations, pipeline and other associated structures.

- 2.4 The intention overall is for the Northern Interceptor to be constructed in six phases which correspond to actual growth demand in its catchment areas. Stages 1 and 2 have already been approved. Phase 3 runs from the eastern end of Fred Taylor Drive to the western end of the Greenhithe Bridge causeway and also includes a pipeline new booster pump station in South Wainoni Park in Greenhithe which will nearly double the capacity of Phase 1. Phase 4 involves duplicating and increasing the size of that pipeline between Hobsonville and the Rosedale WWTP. It also involves capacity expansion works at the Hobsonville pump station, a new intermediate pump station at North Wainoni Park, and a new harbour crossing adjacent to the Greenhithe Bridge which in part will utilise a causeway being constructed as part of Phase 1.
- 2.5 A section of Phase 5 is subject to the current NoR process, being a component involving the new pump station adjacent to Watercare's existing 'Concourse' storage tank in Henderson and also a rising main and gravity tunnel to transfer flows to the head of a Phase 2 gravity tunnel at Westgate. The new pump station aspect is the alteration which was outlined earlier while the new pipeline section is an aspect of NoR – NI (Waitakere). Phase 6 is envisaged to be the final stage of the Northern Interceptor project and will duplicate the rising main sections of Phase 4 along with increasing the mechanical capacity of an intermediate pump station at the North Wainoni Park.
- 2.6 A number of associated resource consents have yet to be applied for. These will be

sought when detailed design work has been undertaken, closer to the time when construction is needed. None of the NoRs involve any works in the Coastal Marine Area (“CMA”), partly because areas in the CMA cannot be designated and also because the construction methodology to be employed in those CMA areas required for the project has yet to be ascertained. It is anticipated that there might be technological advances in the meantime which could prove beneficial in environmental terms.

- 2.7 Mr Povey’s evidence for Watercare outlined the construction methods which are under consideration for the project. He advised that the future phases of the Northern Interceptor are expected to be constructed by a combination of conventional trenching and trenchless techniques. Trenched construction is normally used for construction of the shallow sections of pipelines and it is anticipated that more than half of the Northern Interceptor phases will be constructed using conventional open trenching methods. Trenchless technologies (such as micro-tunnelling and/or bored tunnelling) are often used where a pipeline needs to be located at depth, or where open trenching may result in an unacceptable level of adverse effects. For the future phases, trenchless technology is anticipated to be required for the pressure pipeline sections, for crossing creeks and coastal inlet areas, and for the gravity sections where the pipeline will be deep and/or located in narrow residential streets.
- 2.8 Mr Povey advised that the gravity sections which are proposed to be constructed using trenchless methods have been developed as straight drives between construction shafts, with a typical shaft spacing up to 250 metres for a 1,350 mm diameter pipe and 400 metres for 2,100 mm diameter pipe, based on the current limitations for this technology in New Zealand. However, as trenching technology continues to evolve it was his expectation that by the time Phases 4 and 5 are required it may be possible to adopt longer drive lengths between shafts and to use gently curved alignments. If that is the case, it has potential to reduce the number of shafts that will be required along the pipeline route.
- 2.9 A pipebridge will be required to span the Manutewhau Reserve in the Massey area and is likely to be approximately 20 metres long. It will be designed as a lightweight steel structure with a central pier, or multiple piers if required, to avoid any construction close to the bed and banks of the stream. The Local Board for this area has expressed an interest in the design making allowance for a cycleway or path to be established over the pipebridge.

3.0 STATUTORY FRAMEWORK

- 3.1 Part 8 of the RMA deals with designations and heritage orders, including notices of requirement for designations. Section 168 provides simply that a requiring authority may give notice of its requirement for a designation for a project or work. Watercare has been gazetted as a requiring authority and has held that status for a considerable time. A NoR is required to be considered under section 171 which provides when considering a requirement and any submissions received, and subject to a broad overall judgement to be made under Part 2 of the Act, we must 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) the 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 we consider reasonably necessary in order to make a recommendation on the NOR.

3.2 Each recommendation made to the requiring authority following those considerations is required to be one of the following:

- that the requiring authority confirms the requirement; or
- that it modifies the requirement;
- that conditions are imposed; or
- that the requirement be withdrawn.

3.3 Later in these recommendations we address the evidence, including the content of the Council's reports, in terms of the section 171 criteria and make findings as we do that. We have found it convenient to vary the order of the criteria set out in section 171 as that allows us to work toward reaching overall conclusions in terms of the effects on the environment of allowing each of the designations that Watercare has sought.

4.0 SUBMISSIONS

4.1 Watercare requested that the NoRs be notified to the public, and this occurred on 10 November 2016. Eleven submissions were then lodged with the Council. These were received from: CDL Land New Zealand Limited, Gavin Bennett, Vector Limited, Maria Harrison, the Ministry of Education, Auckland Transport, the North Shore Golf Club, Donald Webster, Radio New Zealand Limited, Transpower New Zealand Limited and the Hobsonville Bowling Club. The Council's reports include a detailed summary of each of the submissions and accordingly it is not necessary for us to repeat or paraphrase the information provided.

4.2 Of the 11 submissions received four were in support; two were neutral, one opposed the NoRs in part, and four submissions were made in opposition.

- 4.3 In respect of a submission in opposition lodged on behalf of the Hobsonville Bowling Club the Council's report points out that the Club is located approximately 3 kilometres to the east of the project route at Ockleston Road, Hobsonville (off Hobsonville Road) and would therefore not be affected by either of the proposed designations. Regardless of that, Watercare advised that ongoing consultation will be undertaken with the Bowling Club as part of its earlier notice of requirement for the North Harbour 2 Watermain/Northern Interceptor shared corridor project.

5.0 PRINCIPAL ISSUES IN CONTENTION FOR THE HEARING

- 5.1 The proposed designations raised a number of issues for consideration. The principal issues remaining in contention by the time the hearing was conducted were.

- The width of proposed designation;
- The alignment of the designation;
- The lapse periods for the designations;
- Vegetation disturbance and clearances;
- Ground settlement; and
- The conditions recommended to be imposed on the designations by the Council; Watercare's representatives and consultants and submitters.

- 5.2 These are discussed in the course of covering the section 171 criteria.

Section 171 (b) - Adequacy of consideration of alternative sites, routes or methods of undertaking the works

- 5.3 The question of adequacy of consideration arises when a requiring authority does not have a sufficient interest in the land sufficient for undertaking the work proposed, or if there will be significant adverse effects on the environment. Caselaw addressing section 171(1) (b) - an example being *Meridian Energy Ltd v Central Otago District Council and Ors* (High Court, Dunedin, CIV 2009412 000980) - makes it clear we are required to consider whether alternative sites, routes or methods have been properly considered, rather than whether every possible alternative has been considered and then excluded or whether the best alternative has been selected. The focus is required to be on the process and not on the outcome.
- 5.4 In a direct response to projected population growth, coupled with projected wastewater infrastructural needs, Watercare has undertaken an iterative process of considering alternatives over a number of years to understand the network capacity and performance of wastewater infrastructure in the service catchment; and to investigate potential options for responding to the issues that the service catchment currently faces and can expect to face in the future. A proposed solution to the wastewater needs of the service catchment has been in development since 2008. Since then, a wide variety of alternative options have been considered and summarised through numerous reports.

- 5.5 It was explained that detailed consideration was given to alignment options and the design and construction configurations had confirmed the NI - Waitakere alignment was to be preferred. The route must connect two fixed points: the existing storage tanks site (which will include a pump station as a result of the alteration to its designation) at The Concourse in Henderson and the Hobsonville Pump Station. The route envelope was established using these as the start and end points in the context of which 13 different options were then examined.
- 5.6 For the northern sector, there is one fixed point at the Rosedale WWTP. Other considerations included the location of a booster pump station and an intermediate pump station. Six options were considered. Mr Povey advised that the key factors considered in determining the final alignment for the NI - North Shore included:
- (a) A need to avoid the high ridgelines along Upper Harbour Drive, Glenfield Road, Albany Highway and Schnapper Rock Road, to reduce the overall pumping requirements and the depths of the sections of gravity pipeline;
 - (b) Wastewater being transferred from the Hobsonville Pump Station (approximately five metres above sea level) needs to be pumped across the Upper Waitemata Harbour to a break pressure chamber with sufficient height to allow gravity flows to an intermediate pump station located in North Wainoni Park. A vacant site at 15 The Knoll was identified as being close to the edge of the harbour and also at a suitable elevation for a break pressure chamber. Alternatives to this site (at this level) would have required acquiring multiple private properties. We were advised during the hearing that Watercare now has an unconditional agreement to purchase this site;
 - (c) The alignment from the break pressure chamber was primarily determined based on accessibility for construction shafts, and minimising overall depths for the gravity section through to the pump station in North Wainoni Park;
 - (d) From that pump station to the Rosedale WWTP the pipeline will be fully pressurised over its entire length, and will follow the terrain at shallow depths. Because of this, open space and road corridors were preferred for the alignment as much as possible.

North Shore Golf Club

- 5.7 Mr Barry addressed the concerns expressed by the North Shore Golf Club ("NSGC") in its submission about the need for an alternative route across its land. Watercare had proposed to align the pipeline through the NSGC's accessway and carpark. At that time, it considered this would result in the least disruption to the Club's golf course activities and would also minimise adverse visual and landscape, arboricultural and ecological effects. After the submission period had closed Watercare had engaged in further discussions with the NSGC regarding realignment of the pipeline and an agreement on an altered alignment was reached. A statement of evidence for NSGC was tabled in which Mr Rowland Griffiths confirmed that the NSGC was comfortable with an updated

plan that showed a varied route through the Club's land. We sought clarification on the potential impact of the works on access to the NSGC clubhouse. We were reassured that the works will be temporary and a suitable arrangement can be made to establish to facilitate ongoing access to the Club's facilities.

16 The Knoll (Donald Webster)

- 5.8 In addressing his submission Mr Donald Webster expressed his concern over the indicated route through his property at 16 The Knoll, Greenhithe, and the destruction of vegetation that could result from the route indicated on the NoR – North Shore plans. It quickly became apparent that a notation for “alternative route” on one of the sheets for the concept design had been shown in the wrong location. The preferred route is through an esplanade reserve adjacent to the motorway, along the eastern edge of 16 The Knoll, and then up through 15 The Knoll to a proposed pressure break chamber, rather than directly over Mr Webster's land. Mr Webster acknowledged that this change influenced his view. He accepted that the NI – North Shore would proceed and advised that he would continue to liaise with Watercare so that the outline plan of works process would address his residual concerns.
- 5.9 Given our finding later that the potential adverse effects of the phased construction of the NI pipeline will be appropriately avoided, remedied or mitigated, we have been satisfied that Watercare has undertaken an adequate assessment of alternatives for each of these NoRs.

Section 171 (c) - Whether the works and designations are reasonably necessary for achieving the requiring authority's objectives for the designations

- 5.10 The objectives for the NoRs have been set out earlier in section 2 of these recommendations and are not repeated.
- 5.11 The Council's report suggested that the designations were ‘not absolutely essential’ as Watercare has other statutory mechanisms available to enter and construct the project, either through the provisions of the Local Government Act 2002 or the Public Works Act (via easements). In addition, the Utilities Access Act 2011 provides a process for access to roads. A Watercare bylaw would also enable Watercare to protect the works once constructed. Resource consents can also be applied for to obtain planning permissions to the extent required. However, the Council's report went on to conclude that the notice of requirement process is the most appropriate mechanism currently available under the RMA to seek resource management approval for long linear works such as this and that the works and designations were reasonably necessary to achieve the requiring authority's objectives as stated above.
- 5.12 In the opening submissions on behalf of Watercare, Ms Carruthers submitted it would not be appropriate for the Commissioners to consider whether the proposed designations were ‘absolutely necessary’ to achieve Watercare's objectives as that is not a correct legal test under section 171(1)(c). We agree.

- 5.13 CDL Land New Zealand Ltd ("CDL") was concerned about the potential for 'planning blight' to result from a lack of certainty over the timing of the proposed works, and the final alignment of the pipeline under its property in Massey/Hobsonville. CDL's land is zoned Future Urban and is located north of Hobsonville Road, between State Highway 16 and Trig Road. Through an offer-back process under section 40 of the Public Works Act, CDL also hopes to obtain a further parcel located between SH16 and its current land holdings from the New Zealand Transport Agency. We were told this land is surplus to the requirements of the SH16 – SH18 project which is now completed. That land is not affected by the current designations.
- 5.14 CDL does not oppose the NI - Waitakere pipeline passing under its land but wants certainty about the depth of the pipeline and its actual location. Its submission was the current uncertainty has potential to inhibit CDL's comprehensive development planning for its landholding. CDL supports implementation of NI – Waitakere and would like it constructed as soon as possible. CDL asked the Commissioners to consider imposing a condition that would require Watercare to provide greater certainty with respect to the extent of land it requires within a specified time period, namely that a lapse period of 5 years be applied expressly to CDL's land only, while retaining the 20-year lapse period for the balance of this proposed designation. It acknowledged that the Council is unlikely to impose a 5-year lapse period in this case given the lapse period being recommended by the Council was 10 years.
- 5.15 Watercare recorded through the statements of evidence by both Mr Barry and Mr Povey that the gravity pipeline in this location will be at a 28 metre depth at least. Its view was the pipeline is unlikely to hinder the development of residential and commercial structures that are founded on shallow foundations such as those for existing developments occurring in and around the Hobsonville/Whenuapai area. Watercare also indicated that it will work with land developers and will not unreasonably inhibit land use planning and subdivision design, by providing approvals under section 176 of the RMA for development in the designated corridors
- 5.16 CDL indicated that the uncertainty with regards to depth had been resolved, and that was reflected in the revised recommended conditions that were provided with the Reply, but the matter of the extent of designation remained. It maintained its stance that the section 176 RMA process would not adequately address the uncertainty because that process is subject to Watercare's discretion, and is also subject to Watercare adequately advancing its project design in a timely manner.
- 5.17 After considering the matters advanced on behalf of CDL and Watercare's response, we have been satisfied that the proposed widths for the designations, and in particular the section of NI - Waitakere which will pass beneath CDL's land, is reasonably necessary to achieve the project and the objectives for this NoR. We accept that uncertainty as to the exact location of the shaft and the pipe alignments is not ideal for a developer, however given the extent of the designation on CDL's land and the facts that the minimum depth and maximum width of the designation are known, it should not prevent CDL's forward planning or from providing Watercare with ground data that may assist in narrowing the width of the designation when the planning buy both parties has proceeded further.

- 5.18 We accept that the final designation width will be reduced significantly once the pipelines have been installed, or perhaps even earlier once the detailed design has been completed. Similarly, we accept that the designation width, as currently proposed, is wider than will finally prove necessary to construct the pipelines but many years' notice of the proposed route will be available to anyone who wishes to develop in the area once the designation has been included in the Auckland Unitary Plan. We are not prepared to recommend that this designation be withdrawn on the grounds that it is not reasonably necessary.

Section 171 (a) – Relevant provisions of planning instruments

- 5.19 Pursuant to section 171(1)(a), when considering each requirement and subject to Part 2 of the Act, we are required to consider the effects on the environment of allowing the requirements, having particular regard to any relevant provisions of a national policy statement, the New Zealand Coastal Policy Statement, the regional policy statement, the proposed regional policy statement and the relevant regional and district plans and proposed plans.
- 5.20 Collectively Watercare's NoRs and the Council's reports provided a comprehensive analysis of, and commentaries on, the relevant national policy statements, the Auckland Unitary Plan: Operative in Part; those provisions of the Auckland Unitary Plan which are subject to appeal, and the legacy provisions in the district and regional plans. We do not intend to repeat this analysis, rather we rely on the NoR documents and the Council's reports in this regard, except to indicate that the following documents were considered of particular relevance in formulating our recommendations:
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES Soil");
 - National Policy Statement for Freshwater Management ("NPSFM");
 - National Policy Statement on Urban Development Capacity ("NPSUDC");
 - National Policy Statement on Electricity Transmission ("NPSET")
 - New Zealand Coastal Policy Statement ("NZCPS");
 - Auckland Unitary Plan: Operative in Part (November 2016) ("AUP: OP");
 - Auckland Regional Policy Statement ("RPS");
 - Auckland Regional Plan: Air, Land and Water ("ARP: ALW")
 - Auckland Regional Plan: Sediment Control ("ARP: SC")
 - Auckland District Plan: Waitakere and North Shore Sections ("District Plan");
 - Hauraki Gulf Marine Park Act 2000 ("HGMPA"), sections 7 and 8.

We also considered the following materials to be relevant and reasonably necessary when reaching our recommendations:

- The Auckland Plan
- The Henderson-Massey Local Board Plan 2014 -17
- The Upper Harbour Local Board Plan 2014 -17
- The Low Carbon Auckland Plan
- The National Infrastructure Plan 2011.

Section 171(d) – Other matters considered reasonably necessary in order to make a recommendation on each NoR

Lapse periods

- 5.21 An extended lapse period of 20 years has been proposed for each of these designations. This was promoted for a number of reasons including budgetary considerations, a desire to protect each route from the development that may occur before the works authorised by the designations are implemented, and serving long term notice on the public of the intended works by way of inclusion of each of the designations in the Auckland Unitary Plan (“AUP”). The Council’s reports recommended that 10-year lapse periods be applied in each case.
- 5.22 The designated routes proposed at this stage are relatively wide but in the case of most affected sites will be narrowed once detailed design of each phase or section of the works has been undertaken and approved. The extent of these projects is such that a considerable amount of further technical work has yet to be undertaken, the results of which will be incorporated in ‘Outline Plans of Work’ (“OPW”s) to be submitted to the Council for various segments or stages of each project.
- 5.23 We disagree with the Council’s recommended 10-year lapse period. The evidence was that some phases of these works may not be required for 15 to 20 years because they have to match the actual rate and timing of growth in the catchment area, being matters beyond Watercare’s control. It will need to stage construction of the projects to respond to the actual population uptake, rather than to pay for and to build potentially over-sized infrastructure which might then be under-utilised and/or might not be required for many years. The extended lapse period of 20 years will enable the requiring authority to time its projects in tandem with the actual population growth required to support it.
- 5.24 CDL’s position was an unfettered 20-year lapse date would impose an unreasonable constraint in terms of planning and integrated development of its existing and potential future land holdings. As noted earlier, CDL requested that a 5-year lapse period apply to its land (only) in order for some certainty to apply in circumstances where it wishes to proceed with designing a detailed development (subject however to a Public Works Act offer-back process it is expecting to enter into with the New Zealand Transport Agency

for a parcel that is not affected by NI -Waitakere) and also to its land being rezoned from its current Future Urban status in the AUP: OP. Reducing the lapse period for the designation on CLD's land does not strike us as an effective means of addressing the uncertainty it described, particularly as it has yet to have its land rezoned and to obtain any of the resource consents it may require for its future development. In any event, the effect of section 178 (2) of the RMA is that from the time the requirement was first issued CDL has been unable to do anything that would prevent or hinder the works to which the proposed designation relates without having Watercare's written consent. As a matter of principle our view is that agreeing to a site-specific lapse period would be inappropriate (and possibly confusing for lay readers of the AUP).

- 5.25 We also gained the impression from the Reply filed on behalf of Watercare that CDL may now have gained some reassurances following discussions with Watercare after the hearing as to the depth and width of the proposed designation affecting its land and therefore is aware of the extent of the envelope it can apply to the design of its development, both vertically (underground) and horizontally. We record that Watercare indicated at this and the other Northern Interceptor hearings that it fully intends to work with land developers and will not unreasonably inhibit land use planning and subdivision design, by providing approvals under section 176 of the RMA for development in the designated corridors.
- 5.26 For the reasons traversed we do not regard the proposed NI- Waitakere designation on the CDL land as presenting a material 'planning blight' such that a shorter lapse period should be imposed in respect of that particular site.

Designation conditions

- 5.27 The conditions recommended to be imposed on the designations involved an iterative process, with those recommended in the Council's reports then discussed in Watercare's evidence during the hearing. The conditions were addressed again in the final comments delivered on behalf of the Council after the hearing and then subject to final comments in the written Reply on behalf of the requiring authority which was received a few weeks after the hearing had concluded.
- 5.28 The outstanding issues so far as the conditions were concerned, including queries raised by the Commissioners, were:
- Condition 1 - use of the expression "in general accordance with"
 - Condition 3 - lapse period
 - Conditions addressing matters requested by the Council's parks, sports and recreation division ("PSR")
 - Conditions addressing an ecological management plan
 - Conditions addressing construction noise and vibration
 - Conditions addressing trees and vegetation
 - Conditions addressing archaeological matters
 - Conditions addressing effects on landscape values and
 - Conditions addressing ground settlement effects.

- 5.29 On behalf of the Council its lead reporting planner Mr Turbott provided written comments which addressed each of these conditions and those comments were later addressed in the Reply on behalf of Watercare.

Condition 1 – “In general accordance with ...”

- 5.30 In the final comments Mr Turbott noted that caselaw deciding resource consents had indicated that “*in general accordance with...*” conditions were acceptable provided that the plans and documents to be complied with were specifically listed. However, he advised that the Auckland Council resource consents department’s practice and templates do not include this expression, and added that its use is not encouraged in individual cases either. The Council’s preference is for an applicant to proceed with a development “in accordance” with the materials lodged. If the obligation is “in general accordance” with those materials this then makes it difficult for the Council to monitor a consent and to enforce compliance with the documents that are referenced in the condition. In the absence of any other comment we have adopted “*in accordance*” in condition 1 for the reasons that this is the Council’s policy, its use confers a degree of certainty and sets the parameters for the pipeline projects. However, in the case of the pump station plans some flexibility needs to be maintained for the internal arrangements and the exterior cladding, being matters which should have no adverse effects on the environment, and we are recommending that ‘general accordance’ be applied in the case of those particular drawings.
- 5.31 The Reply recorded that the reporting planner disagreed with the inclusion of “*and subject to final design*” in condition 1. Watercare had removed this wording in its final version of the proposed conditions. Other amendments to condition 1 were made, such that the wording is now consistent with the conditions on the designations for the Northern Interceptor in the shared corridor.

Condition 3 - lapse period

- 5.32 We have addressed the lapse period issues earlier. Mr Turbott informed us that he was satisfied that the following properties listed in the Council’s report are not “blighted” by a 20-year lapse period:

- 2-12 Selwood Road, Henderson
- 35 Kopi Place, Massey
- 16 Kopi Place, Massey
- 55 Tauhinu Road, Greenhithe
- 51 Appleby Road, Albany
- 14 John Glen Avenue, Rosedale
- 169 Bush Road, Rosedale.

He said also that use of the CDL land is not significantly affected by the 20-year lapse period. Mr Turbott also pointed out that the following properties remain potentially

directly affected by the NoRs:

- 15 Berkshire Terrace, Massey
- 33 Jaedwyn Drive, Massey
- 35 Jaedwyn Drive, Massey
- 15 The Knoll, Greenhithe.

- 5.33 Counsel for Watercare disagreed with the reporting planner that the status of Watercare's interests in these properties is relevant to the extended lapse date sought for the designations. They submitted that where a landowner is concerned about any perceived uncertainty resulting from a designation, that owner can request that Watercare acquires that property and Watercare will do so under the Public Works Act. Landowners also have the benefit of the protections provided by section 185 of the RMA where a designation affects their land. That provision recognises that the Environment Court may make an order obliging a requiring authority to acquire the land under the PWA.

Ecological Management Plan

- 5.34 Mr Turbott recorded in the final comments that he could understand Watercare's preference for more certainty about the locations where ecological mitigation will occur. He said insufficient flexibility might in practice waste more public money than it conserves if the EMP is not responsive to the ecological values that exist at the relevant time. New wording has been provided which will give some additional flexibility. Watercare included these amendments in its final version of the proposed designation conditions and we have adopted them.

Construction noise and vibration conditions

- 5.35 Mr Turbott reminded us that a site-specific construction noise and vibration management plan process ("SSCNVMP") requires the most oversight by the Council, as those documents authorise and manage those parts of the project which will generate the highest level of noise and vibration effects. He considered that the proposed condition requiring SSCNVMPs should be strengthened to provide for considerably more Council oversight and to allow for the Council to reject or require alterations to an SSNCMVP where it has been prepared incorrectly or when it attempts to justify infringements of the project standards for no good reason.
- 5.36 Watercare included two of the three amendments agreed by the acoustics engineers, Mr Styles and Mr Cottle, in its final version of the proposed conditions. However, a condition which was agreed between Mr Cottle and Mr Styles concerning works at the North Shore Memorial Park was not included as Watercare considered that the effects of works in the Memorial Park will be appropriately managed through other conditions to be imposed and a specific condition was not necessary as a result of that. Being familiar with the proposed conditions, and having inspected the Memorial Park and surrounding area, the Commissioners accept that.

- 5.37 In addressing the issue of more oversight by the Council being required, Watercare noted that one of the conditions had been amended prior to the hearing in order to adopt a consistent approach with the conditions recommended by the Commissioners for the Northern Interceptor project in the shared corridor notice of requirement. Watercare's preference is to have consistency between the two sets of conditions and we agree with that approach.

Tree and vegetation conditions

- 5.38 The Council disagreed with parts of the proposed conditions dealing with trees and vegetation, and in particular with use of the word "protected" and the objective for vegetation management plan which was stated to be to '*...provide a framework for the management of adverse arboricultural effects*' on the basis that it was too vague to form a meaningful objective.
- 5.39 In response Watercare proposed an amendment to the conditions to include an advice note defining "protected tree". It was otherwise satisfied that the objective of the tree and vegetation management plan as set out in the proposed conditions was appropriate. The revised drafting has been included in the conditions being recommended to the requiring authority.

Auckland Council Parks ("PSR") conditions

- 5.40 In his final comments Mr Turbott explained why the matters a management plan covering the Council's parks (described as a "SRMP") would be required to address should be covered in more detail in accordance with the original recommendations in the Council's reports. Watercare's view was his suggested amendments were unnecessary as the conditions being proposed by Watercare provided for ongoing consultation with Parks, Sport and Recreation in order to manage the construction activities in a manner that would minimise adverse effects on recreational amenity. Watercare maintained its view that this approach to the management of adverse effects on recreational amenity was appropriate. Having considered both viewpoints and the reasons for them we agree with Watercare. The main reason for doing so is the lengthy implementation period that is required for the project and the fact that the detailed design work has yet to undertaken. Undertaking those tasks in consultation with PSR at the relevant times is a pragmatic and realistic approach in our view.

Archaeological conditions

- 5.41 Watercare repeated advice given during the hearing that the Auckland Unitary Plan: Operative in Part contains regional rules that control the archaeological effects of construction (i.e. land disturbance) of the Northern Interceptor's future phases and other developments. As such, Watercare's submission, with which we agree, was that it is neither appropriate nor necessary to include archaeological conditions on the notices of requirement, which if confirmed will be included as designations in the district plan section of the Auckland Unitary Plan. As there is only one 'archaeological' site which might be affected by either of these designations we pointed out during the hearing that a

proposal to required Watercare to produce an archaeological management plan for NoR - NI would be 'overkill' in the circumstances.

Landscape conditions

- 5.42 Mr Turbott considered it important that landscape conditions provide for effects on landscape values to be considered the early in the design stage before specific designs with significant effects have become committed and difficult to remedy, and that this should be explicitly required by the conditions imposed on the designations.
- 5.43 Against that Watercare's view was it is unnecessary to require landscape effects to be considered early in the detailed design stage as the landscape and visual effects of the Northern Interceptor future phases had been thoroughly assessed in a landscape and visual effects assessment provided as part of the Assessment of Effects on the Environment ("AEE") and covered in the evidence presented at the hearing. Watercare considered that its final version of the proposed conditions appropriately addressed effects on the landscape. We are recommending those conditions, again because of the very lengthy timeframe in which the project is to be implemented and the inevitability of changes that may occur to the landscape in the meantime.

Ground settlement

- 5.44 The Council's preference is to retain proposed designation conditions which deal with potential ground settlement even though that issue would be a relevant matter for the later resource consents that will be required for the project. It did so on the basis that the agreed draft conditions were relatively simple and reflected accepted practice. On the other hand, Watercare agreed with comments made by the Commissioners during the hearing that settlement effects are more appropriately controlled through the regional plan rules in the AUP rather than by conditions on the designations. As that reflects our own view, no settlement conditions were included in Watercare's final version of the proposed conditions.

Transpower New Zealand Ltd

- 5.45 A written statement table on behalf of Transpower New Zealand Ltd set out an agreed set of conditions that resolved the concerns expressed by Transpower in its submission. Initially it was concerned as to how the designations and associated construction effects may adversely affect the operation, maintenance and upgrading of specified assets namely:
- Its Henderson- Otahuhu ("HEN-OTA") 220kV overhead transmission line; and
 - The Albany- Wairau Road C ("ALB-WRD C") 220kV underground cable in the existing Rosedale Treatment Plant designation area.
- 5.46 Transpower sought a number of changes to the proposed conditions and these were supported by the Council's report. The statement confirmed that an agreed position had

been reached with Watercare and supplied the condition wording that was agreed between them. These amended conditions have been adopted.

Radio New Zealand

- 5.47 Radio New Zealand's solicitors forwarded a written statement advising of the broadcaster's position. This recorded that RNZ has a designation over its site at Henderson (close to the motorway interchange) for telecommunications and radiocommunication facilities. It stated that the aerial mast and ancillary building on the site are notable features in their own right. RNZ was concerned that two of the conditions which had been proposed in NoR-Waitakere as notified would require RNZ to seek Watercare's written approval for matters outside a list of approved activities despite RNZ having an existing and long-term designation.
- 5.48 Following discussions between Watercare and RNZ a new advice note was agreed to be added to the proposed conditions which should provide RNZ with more certainty as to its position.

6.0 PART 2 OF THE ACT

- 6.1 Part 2 of the Resource Management Act sets out the purpose and principles of the RMA in sections 5 to 8, with the overall purpose being sustainable management as defined in section 5.
- 6.2 In terms of section 5, we accept that the works will provide for the community's social, cultural and economic wellbeing by enabling the development of the water and wastewater infrastructure proposed by each of the NoRs. The restrictions we are recommending to be imposed by way of conditions on the designations will remedy or mitigate any potential adverse environmental effects as far as practicable, including the temporary effects of constructing the proposed works.
- 6.3 We have had regard to the matters of national importance listed in section 6, as well as the 'other matters' in section 7 relevant to the proposed designations, and in particular to
- (b) The efficient use and development of natural and physical resources;
 - (c) The maintenance and enhancement of amenity values;
 - (f) Maintenance and enhancement of the quality of the environment

and found that each of the designation proposals is consistent with those provisions.

- 6.4 No adverse issues directly associated with section 8, which requires all persons exercising functions and powers under the Act to take the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) into account, were drawn to our attention. In this context, it is recorded that Watercare has established and maintains a Mana Whenua Kaitiaki Forum which involves all iwi groups in the Auckland region and which meets monthly. Forum members are provided with details of, and updates for, all of Watercare's upcoming and existing projects and are invited to participate in particular projects should

they wish to do so. A Cultural Impact Assessment was prepared for the Northern Interceptor project as a whole, and some individual iwi groups had expressed an interest in the project. The recommended conditions for each of the designations provide for issues of concern to iwi, such as an ability to undertake cultural monitoring and a protocol to apply in the case of the accidental discovery of heritage items.

- 6.5 We recognise the proposals will generate adverse environmental effects, but subject to compliance with the conditions we are recommending to Watercare that those effects will be no more than minor and will be outweighed by the positive benefits of providing major infrastructure for the growing needs of these parts of Auckland on a long-term basis. The conditions recommended to imposed on the designations, if agreed to by Watercare, will ensure that adverse effects are avoided or mitigated to the extent that is practicable, and will address the maintenance and enhancement of amenity values and quality of the environment, such as traffic and access, noise, infrastructure and potential site contamination effects.

7.0 CONCLUSION

- 7.1 Section 171 of the Act provides the means by which the NoRs can be recommended to be confirmed or otherwise by Watercare. In terms of section 171 we consider that each of the NoRs is appropriate subject to the conditions we are recommending to be adopted by the requiring authority and should be confirmed.
- 7.2 We have concluded that the 20-year lapse period sought by Watercare for each of the designations is appropriate given the long planning horizon anticipated for the Northern Interceptor project and the fact that it must marry with the actual population and its demands at the relevant times.
- 7.3 Many of the issues raised by submissions are appropriately dealt with at the Outline Plan of Works stage, which must occur before work commences and is subject to overview by the Council. For other issues, both actively in contention and otherwise, specific conditions have been crafted for the designations and/or will be imposed through the resource consents that will be required for the project.

8.0 RECOMMENDATIONS TO WATERCARE SERVICES LIMITED

- 8.1 In accordance with section 171(2) of the Resource Management Act 1991, on behalf of the Auckland Council the Commissioners recommend to Watercare Services Limited that each of the Notices of Requirement for:
- a) “NoR NI – (Waitakere)” - a designation for construction, operation and maintenance of wastewater infrastructure to transfer wastewater flows from the Concourse storage tank in Henderson to Hobsonville Road;
 - b) “NoR NI – (North Shore)” - a designation for construction, operation and maintenance of wastewater infrastructure to transfer wastewater flows from the eastern abutment of the Greenhithe Bridge to the Rosedale Wastewater Treatment Plant (“WWTP”).

be **CONFIRMED** subject to the conditions recommended below.

8.2 The reasons for these recommendations are:

- (a) The NoRs satisfy section 171 of the Act as the designations are reasonably necessary for achieving the objectives of the requiring authority; alternative sites, routes or methods of undertaking the works were adequately considered (over a lengthy period); each of the proposed designation is consistent with the relevant planning instruments; and the adverse effects on the environment of each proposed designation can be appropriately avoided, remedied or mitigated through compliance with the conditions being recommended to the requiring authority;
- (b) A 20-year lapse period for each designation is appropriate given the long planning horizon anticipated for each of these projects and the fact that each must marry with the actual population and its demands at the relevant times. The Commissioners were not persuaded that development of the CLD landholding will be fundamentally undermined by recommending that longer period in which to implement the designations in terms of its landholding;
- (c) The works proposed for the designations are consistent with Part 2 of the Act in that they represent the sustainable management of natural and physical resources as defined in section 5;
- (d) The proposed designations generally accord with the relevant objectives, policies of:
 - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Urban Design Capacity
 - The New Zealand Coastal Policy Statement
 - The Auckland Regional Policy Statement
 - The Auckland Regional Plan: Air, Land and Water
 - The Auckland Regional Plan: Sediment Control
 - The Auckland District Plan: Waitakere and North Shore Sections
 - Auckland Unitary Plan: Operative in Part
 - The Hauraki Gulf Marine Park Act 2000.
- (e) Subject to adoption of the recommended conditions the designations will avoid, remedy or mitigate adverse environmental effects.

A handwritten signature in blue ink, appearing to read 'Leigh McGregor', enclosed within a thin black rectangular border.

Leigh McGregor (Chair)

7 June 2017

RECOMMENDED PURPOSE AND CONDITIONS FOR EACH DESIGNATION

PURPOSE OF DESIGNATIONS

Wastewater purposes – Northern Interceptor wastewater pipelines, pumping stations, and associated infrastructure.

CONDITIONS OF DESIGNATIONS

Note: The following terms and acronyms are used in these conditions:

Term	Definition
Cultural Monitor	Nominated Kaitiaki
Directly affected parties	All property owners and occupiers identified in the designation footprint
Northern Interceptor	The Northern Interceptor is comprised of Phases 1 to 6
Project stage	"Project stage" means a separable part of the project, for instance by contract area or by geographical extent.
Stakeholder(s)	The parties as listed in Appendix A
The project	The project is comprised the part of Phase 2 where Phase 2 connects with Phase 5 and Phases 3 to 6 of the Northern Interceptor project

Acronym	Description
AT	Auckland Transport
CCP	Construction Communications Plan
CLMP	Contaminated Land Management Plan
CoPTTM	Code of Practice for Temporary Traffic Management
The Council	The Auckland Council
CMP	Construction Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CPTED	Crime Prevention Through Environmental Design
EMP	Ecological Management Plan
LVMP	Landscape and Visual Management Plan
MOI	Agreement for Movement of Infrastructure
NoR 1	Notice of Requirement – NI (North Shore)

NoR 2	Notice of Requirement – NI (Waitakere)
OPW	Outline Plan of Works
PCCP	Pre-construction consultation plan
PSR	The Auckland Council's Parks, Sports and Recreation department
RMA	Resource Management Act 1991
SRMP	Auckland Council Parks, Sports and Recreation Management Plan
SRP	Site Reinstatement Plan
SSCNVMP	Site Specific Construction Noise and Vibration Management Plan
TCMP	Transpower Construction Management Plan
TMP	Traffic Management Plan
TVMP	Tree and Vegetation Management Plan

PERMANENT CONDITIONS

General conditions

1. The activity is to be carried out in accordance with the plans and all information submitted with the Notices of Requirement, including the documents listed below:

Volume 1

Northern Interceptor Wastewater Project, Volume 1: Assessment of Effects on the Environment and Appendices A-G. Prepared by MWH (now part of Stantec) on behalf of Watercare. Dated 5 May 2016.

Volume 2

Technical Report A: (Assessment of Arboricultural Effects) "Arboricultural Assessment - Northern Interceptor Project: Notices of Requirement," Rev. 4. Prepared by GreensceneNZ. Dated 8 August 2016.

Technical Report B (Archaeological Assessment) "Preliminary Archaeological Assessment – Northern Interceptor Project: Notices of Requirement." Prepared by Clough & Associates. Dated July 2016.

Technical Report C (Ground Contamination Assessment) "Ground Contamination Assessment – Northern Interceptor Project: Notices of Requirement." Prepared by Tonkin + Taylor. Dated July 2016.

Technical Report D (Ecological Assessment) "Ecological Assessment – Northern Interceptor Project." Prepared by Bioresearches. Dated 10 June 2016.

Technical Report E (Assessment of Ground Settlement Effects) "Assessment of Settlement Effects – Northern Interceptor Project: Notices of Requirement." Prepared by Tonkin + Taylor. Dated June 2016.

Technical Report F (Assessment of Landscape and Visual Effects) "Northern Interceptor Project: Notices of Requirement – Assessment of Natural Character Landscape and Visual Effects." Prepared by Boffa Miskell. Dated 5 October 2016.

Technical Report G (Assessment of Noise and Vibration Effects) "Assessment of Noise & Vibration Effects – Northern Interceptor Project: NOR" Rp 001 2015801A. Prepared by Marshall Day Acoustics. Dated 5 August 2016.

Technical Report H (Traffic Assessment for Construction and Operation) "Watercare Northern Interceptor Project – Traffic Assessment for Construction and Operation of Northern Interceptor, NoR – Waitakere and North Shore. Prepared by Traffic Design Group. Dated July 2016.

Volume 3

Drawing Set:

Northern Interceptor Concept Design, NoR – NI (Waitakere):

- Designation Plan 1 of 6, plot date Jun 17, 2016
- Designation Plan 2 of 6, plot date Jun 17, 2016
- Designation Plan 3 of 6, plot date Jun 17 2016
- Designation Plan 4 of 6, plot date Jun 17, 2016
- Designation Plan 5 of 6, plot date Jun 17, 2016
- Designation Plan 6 of 6, plot date Jun 17, 2016

Typical drawings: (**Note:** the project is to be carried out in general accordance with the typical pump station drawings listed)

- Northern Interceptor Concept Design Typical Pump Station Layout, DWG No. 80502292-01-001-D002
- Northern Interceptor Concept Design General Pump Station Layout, DWG No. 80502292-01-001-D001

Drawing Set:

- Northern Interceptor Concept Design, NoR – NI (North Shore):
- Designation Plan 1 of 10, plot date Mar 24, 2017
- Designation Plan 2 of 10, plot date Jun 17, 2016
- Designation Plan 3 of 10, plot date Jun 17, 2016
- Designation Plan 4 of 10, plot date Oct 05, 2016
- Designation Plan 5 of 10, plot date Mar 07, 2017
- Designation Plan 6 of 10, plot date Mar 16, 2017
- Designation Plan 7 of 10, plot date Mar 16 2017
- Designation Plan 8 of 10, plot date Jun 27, 2016
- Designation Plan 9 of 10, plot date Jun 17, 2016
- Designation Plan 10 of 10, plot date Jun 17, 2016

prepared by MWH (now part of Stantec) on behalf of Watercare.

Response to section 92 request

Section 92 request dated 21 November 2016. Responses to matters relating to landscape and visual amenity and natural character, heritage and archaeology, traffic and transportation, trees, operational air quality and hydraulic noise, parks and statutory

planning. Prepared by MWH with support from technical specialists on behalf of Watercare. Dated 23 December 2016.

Where there is inconsistency between:

- (a) The documents provided by the requiring authority and listed above and these conditions, these conditions prevail.
- (b) The information and plans lodged with the Notices of Requirement and presented in evidence on behalf of the requiring authority at the Council hearing, the most recent information and plans prevail.
- (c) The evidence presented at the Council hearing and the management plans required by the conditions of this designation and submitted through the Outline Plan of Works, the requirements of the management plans prevail.

Lapse

- 2. Subject to section 184(1) of the RMA each of these designations will lapse on 31 December 2038.

4 – 6 Hobsonville Road

- 3. The top of any pipeline enabled by this project is required to be at a maximum RL level of 25 within the boundaries of 4–6 Hobsonville Road, West Harbour (Section 6 SO 445955) CT-579283.

Advice Note:

For clarity, “maximum RL level” means that the pipeline is to be at a depth no shallower than the RL level expressed in this condition.

Note: refer also to conditions 75 and 76 which address operational noise.

PRE-CONSTRUCTION CONDITIONS

Network Utility Operators

- 4. The requiring authority must:
 - (a) Work collaboratively with network utility operators during development of the design for the project to provide for the ongoing operation of and access to their networks;
 - (b) Work collaboratively with network utility operators during preparation and implementation of the CMP in relation to the management of adverse effects on the assets of network utility operations;
 - (c) Undertake communication and consultation with network utility operators as soon as reasonably practicable, and at least once prior to construction timing being confirmed and construction methodology, and the duration being known.

Management plans

- 5. An Outline Plan of Works (“OPW”) is to be submitted to the Council prior to commencement of construction works. As part of any OPW required for the project

the requiring authority must prepare and submit the following management plans to the Council:

- a. Construction Management Plan (“CMP”)
 - b. Construction Communications Plan (“CCP”)
 - c. Auckland Council Parks, Sports and Recreation Management Plan (“SRMP”)
 - d. Site Reinstatement Plan (“SRP”)
 - e. Ecological Management Plan (“EMP”) for works located in the areas listed in condition 29
 - f. Construction Noise and Vibration Management Plan (“CNVMP”)
 - g. Traffic Management Plan (“TMP”)
 - h. Tree and Vegetation Management Plan (“TVMP”)
 - i. Landscape and Visual Management Plan (“LVMP”) where the works addressed by the OPW include development of above-ground structures and buildings
 - j. Contaminated Land Management Plan (“CLMP”)
6. The management plans are to be implemented and maintained throughout the entire construction period.
 7. A Pre-Construction Consultation Plan (“PCCP”) is to be submitted to the Council within 12 months of these designations being confirmed.
 8. Site specific Construction Noise and Vibration Management Plans (“SSCNVMP”s) are to be submitted to the Council at least five days prior to commencement of the relevant activity.
 9. Any substantive change to any of the management plans, except for the PCCP, must:
 - a. continue to achieve the objective or purpose of the management plan; and
 - b. not result in non-compliance with other conditions of the designations.
 10. Any management plan updated as a result of a substantive change is to be submitted to the Council (Team Leader – Specialist Integration Compliance) for certification at least ten working days prior to any such substantive change taking effect.

Section 176 approval

11. In the period before construction begins on the project, the following activities undertaken by network utility operators will not prevent or hinder the project, and can be undertaken without seeking the requiring authority’s written approval under section 176(1)(b) of the RMA:
 - (a) Operation, maintenance and urgent repair works of existing network utilities;
 - (b) Minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility operations;
 - (c) Minor works such as new service connections;
 - (d) Upgrade and replacement of existing network utilities in the same location with the same or similar effects as the existing utility.

For the avoidance of doubt, in this condition an “existing network utility” includes infrastructure operated by a network utility operator which was:

- (i) In place at the time the Notice of Requirement for the project was served on the Council on 10 October 2016; or
- (ii) Undertaken in accordance with this condition, or the section 176(1)(b) RMA process.

Advice Note:

Nothing in this condition affects the application of section 177 of the RMA, which applies where land designated for the project is the subject of an earlier designation or heritage order.

12. In the period before construction begins on the project, the following activities undertaken by PSR will not prevent or hinder the project, and may be undertaken without seeking the requiring authority's written approval under section 176(1)(b) of the RMA:
- (a) Operation, maintenance and urgent repair works;
 - (b) Minor renewal works;
 - (c) Upgrade and replacement of existing facilities in the same location and with the same or similar effects as the existing facility.

Pre-construction Consultation Plan

13. The requiring authority is to prepare a PCCP for the pre-construction phase of the project which must be submitted to the Council (Team Leader Specialist Integration Compliance) for comment (if any) within 12 months of the designation being confirmed. The PCCP must include:
- (a) The method(s) of consultation and liaison with key stakeholders and the owners/occupiers of neighbouring properties regarding project progress, likely commencement dates of construction works, and works programming and staging; and
 - (b) Full contact details of a nominated liaison person to manage the public information system and to be the point of contact for related enquiries.
14. The PCCP is to be implemented, complied with and publicly available from the date which the PCCP is submitted to the Council until the date on which a CCP is submitted to the Council.

Detailed design

15. During the design phase of the project, the requiring authority, in consultation with Auckland Transport ("AT"), is to consider the position of the proposed pipe in the road corridor for the purpose of ensuring that the project can be undertaken in a manner that will minimise adverse effects on the operation and maintenance of the affected road assets. To achieve this, the requiring authority is to take account of the following matters:
- (a) Alignment and depth of pipes. Particular consideration must be given to the depth of the pipe to provide for maintenance and renewal of road assets and for other utility services to cross the pipe;
 - (b) Location of air and scour valves (where practicable, these are to be located outside of the carriageway);
 - (c) Location of manholes; and

(d) Future access, operation and maintenance of the proposed assets.

Walkways/cycleways

16. If requested to do so in writing by either AT or the relevant Local Board, the requiring authority is to design the supports of the identified pipebridge so as to not preclude the future potential for shared use of its supports for a walkway/ cycleway facility. The requiring authority must advise both AT and the relevant Local Board of this opportunity prior to starting any design work on the pipebridge.

Project arborist

17. Prior to the commencement of design, the requiring authority is to appoint a qualified arborist ("Project Arborist"(s)) for the duration of both the design and the construction of the project works. The role of the Project Arborist(s) is to:
- a. Provide advice to the requiring authority during the design phase on how the design and location of works can avoid, remedy or mitigate effects on protected trees.
 - b. Supervise all works within the dripline of protected trees.

Advice Note:

For clarity, a "protected tree" is defined as either a) any tree greater than 4m in height or greater than 400mm in girth, or b) any tree which is scheduled in the Auckland Unitary Plan.

Vector Limited

18. There are assets owned by Vector Limited in the designated corridor, namely electricity distribution assets (including 110kV overhead lines) in vicinity of the Rosedale Wastewater Treatment Plant 33kV overhead and underground; 11kV overhead and underground; and LV overhead and underground), gas distribution assets (up to and including the IP20 pipeline); and communications assets. The requiring authority is to consult with Vector Limited and to enter into an infrastructure agreement ("MOI") describing how the assets are to be relocated, and how the costs are to be apportioned. That agreement is to be consistent with Vector's standard "Agreement for Movement of Infrastructure", and must be in place prior to any works taking place pursuant to the designation that might affect Vector's assets.

Management Plans

Construction Management Plan – preparation, compliance and monitoring

19. As part of the OPW to be submitted to the Council (Team Leader Specialist Integration Compliance) prior to commencement of construction works, the requiring authority must prepare a Construction Management Plan or Plans ("CMP") for the relevant project stage. The purpose of the CMP is to confirm final project details and staging of works to illustrate that the works remain within the limits and standards required by these conditions and that the construction and operation activities will avoid, remedy or mitigate adverse effects on the environment.

On request, the requiring authority is to provide a copy of the CMP(s) to interested mana whenua entities.

Construction Management Plan

20. The CMP must include sufficient details relating to the management of all construction activities associated with the relevant project stage to which it relates, including:
- (a) Details of the site or project manager and the construction liaison person, including their contact details (phone, postal address, email address);
 - (b) An outline construction programme;
 - (c) The proposed hours of work;
 - (d) The measures to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal / storage of rubbish, storage and unloading of construction materials and similar construction activities;
 - (e) Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean-up;
 - (f) Location(s) of the site infrastructure including site offices, site amenities, contractors' yards, site access, equipment unloading and storage areas, contractor car parking, and security;
 - (g) Procedures for controlling sediment run-off, dust and removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site(s);
 - (h) Means of providing for the health and safety of the general public;
 - (i) Procedures for responding to complaints about construction activities;
 - (j) Measures to address CPTED issues at and around any construction site(s);
 - (k) Procedures for refuelling plant and/or equipment;
 - (l) Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean-up;
 - (m) Methods and systems to inform and train all persons working on the sites of potential environmental issues and how to avoid remedy or mitigate any potential adverse effects;
 - (n) Details of information signage to inform members of the public about construction activities in parks and reserves. The details are to include, but not be limited to, works durations, impacts on recreational use of reserves and information about the project.

Traffic Management Plan

21. A detailed TMP is to be prepared for the project and or specific project site/s by an appropriately qualified person. A draft TMP must be provided to the relevant road controlling authority for certification at least twenty working days prior to submission to the Council. A copy of the TMP certified by the relevant road controlling authority is to be provided to the Council (Team Leader Specialist Integration Compliance) as part of any OPW required. The objective of the TMP is to provide a framework for the management of adverse traffic effects resulting from the project to the greatest extent practicable.
22. The TMP is to be updated as necessary to reflect any substantive change, including any substantive change agreed to by the road controlling authority.
23. The TMP must describe the measures that will be taken to avoid, remedy or mitigate the traffic effects associated with construction of the project. In particular, the TMP must

include:

- a. The traffic management measures to maintain traffic capacity and safety or to minimise the impact on traffic capacity including any restrictions (for instance limited hours of operation);
- b. Methods to manage the effects of access and egress from construction sites including delivery of construction material, plant and machinery and associated noise effects;
- c. Measures to maintain existing vehicle access to property where practicable, or to provide alternative access arrangements when it will not be;
- d. Measures to maintain pedestrian and cyclist movements and to reduce the impact on mobility impaired users on roads, cycleways and footpaths adjacent to the construction works. Such access must be safe, clearly identifiable and seek to minimise significant detours; and to maintain a cycle route where it exists, unless it is not practicable to do so for short periods in order to maintain public health and safety;
- e. Any road, footpath, or cycleway closures and removal of kerbside parking that will be required and the nature and the duration of any traffic management measures that will result, including any temporary restrictions, detours or diversions for general traffic and buses. In the event of any closures, the TMP is to describe the communications plan for local residents, the signage to pre-warn of closures and the organisations to be advised of the proposed footpath closures (including but not limited to the Blind Foundation);
- f. Any proposed monitoring to measure the impact of the works on traffic and vice versa. If safety or operational issues are evident, the methodology for measures to be implemented to address those issues;
- g. Measures to manage the proposed access to the site should access be unable to cater for two-way traffic passing at the same time, and in particular to minimise reverse movements and blocking the road;
- h. The availability of on-street and off-street parking if the project sites are unable to accommodate all contractor parking. This is to include an assessment of available parking (if any) for contractors on the street and to identify measures to meet and/or reduce contractor parking demand should it be found that there is insufficient on-street parking to meet that demand; and
- i. Any proposed traffic assessments, including modelling where appropriate undertaken in consultation with the relevant road controlling authority which addresses intersection performance, capacity of affected road corridors and sites with existing high traffic and/or pedestrian movements.

Construction Noise and Vibration Management Plan

24. A CNVMP is to be prepared by an appropriately qualified person. The objective of the CNVMP is to set out the management procedures and methods to be taken in order to avoid, remedy or mitigate potential noise and vibration effects arising from construction activities on adjacent landowners and occupiers. The CNVMP is to be submitted to the Council (Team Leader Specialist Integration Compliance) as part of any OPW required and is to be updated when necessary to ensure it is consistent with the project, plant and construction methodologies should they evolve during the project. Any change to the CNVMP that may result in a higher level of noise or vibration effects for any receiver than is otherwise authorised by the project noise and vibration standards must be submitted to the Auckland Council for certification (Team Leader Specialist Integration Compliance).

25. The CNVMP must be prepared in accordance with the Noise Management Plan requirements of Annex E2 of NZS 6803:1999 Acoustics - Construction Noise and is to describe the measures adopted to, as far as practicable, meet the noise limits in these conditions.
26. For predicted exceedances of less than 5 decibels, monitoring is to be undertaken by the requiring authority to confirm the actual noise levels. If the exceedance is shown to be more than 5 decibels, or the period exceeds that detailed in condition 47, then a Site-Specific Construction Noise Management Plan must be prepared.
27. The CNVMP must also describe measures to be adopted to meet the requirements of the German Standard DIN 4150-3:1999, and as a minimum is required to address the following aspects with regard to construction vibration:
 - (a) Vibration sources, including machinery, equipment and construction techniques to be used;
 - (b) Provision for determining the buildings and structures that will require pre- and post-condition surveys;
 - (c) Preparation of building and structure condition surveys on 'at risk' buildings and structures prior to, during and after completion of works, where for the purposes of this condition an 'at risk' building or structure is one at which the levels in the German Standard DIN 4150-3:1999 are likely to be approached or exceeded;
 - (d) Use of building and structure condition surveys to determine the sensitivity of the building(s) and structure(s) on the adjacent sites to ground movement in terms of the Line 1-3 criteria of the German Standard DIN 4150 – 3:1999;
 - (e) Identification of any particularly sensitive activities in the vicinity of the proposed works (for instance commercial activity using sensitive equipment such as radiography or mass-spectrometry) along with the details of consultation with the landowners and occupiers of the sites where the sensitive activities are located and any management measures that will be adopted based on this consultation;
 - (f) The consultation undertaken by the requiring authority with affected parties to develop the proposed vibration management measures and any feedback received from those parties, along with the vibration management measures based on this consultation that will be adopted;
 - (g) Methods for monitoring and reporting on construction vibration; and
 - (h) Methods for receiving and responding to complaints about construction vibration.

Auckland Council Parks, Sports and Recreation Management Plan

28. Prior to commencement of the works authorised by these designations, the requiring authority must submit a SRMP for the relevant project stage to the Auckland Council (Team Leader Specialist Integration Compliance) as part of any required OPW. The objective of the SRMP is to minimise adverse effects on the recreation amenity of public parks and reserves resulting from the project as far as practicable.
29. To achieve the objective of the SRMP, the SRMP must include:

- (a) Details of consultation undertaken by the requiring authority with Auckland Council Parks, Sports and Recreation during development of the detailed design and during construction in parks and reserves;
- (b) Details of measures proposed to provide, where practicable, for the ongoing operation of and access to PSR maintained parks and reserves during construction;
- (c) Measures to ensure suitable alternatives to the carparking that may be lost during construction activities in parks or reserves;
- (d) Measures to coordinate future works around PSR projects in parks and reserves as far as practicable;
- (e) A record of all consultation undertaken in relation to development of the SRMP, how feedback has been incorporated, and where feedback has not been incorporated, the reasons why.

Advice Note:

More information on the process can be found in the agreement titled Watercare and PSR "Watercare works on Auckland Council's Parks and Reserves Standard Approval Procedure" dated 23 March 2017 or any updated version that supersedes that document.

Ecological Management Plan

30. An EMP developed by an appropriately qualified ecologist ("Project Ecologist") is to be submitted to the Auckland Council (Team Leader Specialist Integration Compliance) as part of any required OPW for surface works in the following locations:

- (a) Taitapu Park;
- (b) Lowtherhurst Reserve;
- (c) Tinema Stream Riparian Corridor;
- (d) The eastern abutment of the Greenhithe Bridge;
- (e) North Wainoni Park;
- (f) North Shore Golf Course (coastal edges); and
- (g) Any other public areas within the designation boundary deemed significant by the Project Ecologist that have become so since the designation was confirmed and that are of equivalent value as (a) to (f).

The objective of the EMP is to minimise adverse ecological effects resulting from the project as far as practicable. The EMP is to be implemented and maintained throughout the entire construction period.

31. To achieve its objective the EMP must include the following:
- (h) Confirmation by the Project Ecologist that the SRP and TVMP have been reviewed and certified as providing adequate ecological mitigation to achieve the objective of the EMP;
 - (i) Methods of lizard and nesting bird pre-clearance surveying;
 - (j) Details of capture-relocation methodologies and timeframes where required;
 - (k) Details of habitat enhancement/protection measures;
 - (l) Details of predator control programmes including methodologies and timeframes; and

- (m) Details of monitoring to assess the effectiveness of the above mitigation and habitat enhancement measures.

Tree and Vegetation Management Plan

- 32. Prior to commencement of construction, the requiring authority is to prepare a TVMP. The objective of the TVMP is to provide a framework for management of adverse arboricultural effects. The TVMP is to be provided to the Auckland Council (Team Leader Specialist Integration Compliance) as part of any required OPW.
- 33. To achieve its objective the TVMP must include:
 - (a) Details (species, size, location, age class) of the trees identified for removal by the Project Arborist;
 - (b) Contact details for the Project Arborist;
 - (c) Details of site-specific areas where arboricultural supervision monitoring and/or direction are required;
 - (d) Details of areas of continuous vegetation that will be required to be removed for the project and that require replacement re-vegetation;
 - (e) Details of site-specific re-vegetation including plant species, ground preparation, weed control measures and planting methodologies;
 - (f) Details of re-vegetation maintenance measures;
 - (g) Details of where, in the opinion of the Project Arborist:
 - (i) tree protection fencing is required;
 - (ii) hand digging, probing and exploratory excavation is required;
 - (h) Details of how the removal of protected trees shall be avoided where practicable; and
 - (i) Details of where the removal of protected trees has been identified as being necessary and details of measures to be adopted to mitigate or remedy associated adverse arboricultural effects.

Landscape and Visual Management Plan

- 34. A LVMP is to be prepared for the project by a registered landscape architect. A copy of the LVMP must be provided to the Auckland Council (Team Leader Specialist Integration Compliance) as part of any required OPW that includes development of above-ground structures and buildings and/or works in the coastal environment. The objective of the LVMP is to provide a framework to avoid, remedy or mitigate the adverse landscape, natural character and visual effects of the project's above ground structures and buildings, and/or works in the coastal environment.
- 35. The LVMP must describe the measures that will be taken to achieve its objective. In particular, the LVMP must describe:
 - (a) The location of above-ground structures and buildings, the landscape setting and surrounding land uses;
 - (b) The layout, architectural form and detail of proposed buildings and above-ground structures;
 - (c) Measures to be adopted to ensure that above-ground structures and buildings are appropriate to their context and to minimise adverse effects on the amenity of the surroundings (including neighbouring properties) as far as practicable having regard to their functional nature;

- (d) How proposed materials are sufficiently robust and minimise the potential for graffiti and vandalism;
- (e) The extent to which the buildings are visually recessive through (for example) use of appropriate colours, textures and modulation;
- (f) The extent to which buildings have been designed to achieve appropriate visual amenity and scale with their surroundings through such aspects as modulation of building form, articulation of building components, and use of architectural detail;
- (g) The extent to which any planting will mitigate the effects of above-ground structures, vegetation loss and enhance amenity and/or natural values of the surroundings;
- (h) How the site configuration, landscaping and planting maximises the use of CPTED principles;
- (i) How comments from PSR have been incorporated, and where feedback has not been incorporated, the reasons why; and
- (j) How mitigation measures proposed in any SRP, TVMP and EMP contribute to achievement of the LVMP objective.

Site Reinstatement Plan

36. Prior to commencement of works at all surface construction sites (including but not limited to areas within private property, roads, and Auckland Council parks and reserves), the requiring authority must prepare a SRP for the site in consultation with the affected landowner(s). The objective of the SRP is to provide for the reinstatement of property and assets directly affected by the project to the standard that existed prior to the works being undertaken. The SRP is to be submitted to the Auckland Council (Team Leader Specialist Integration Compliance) as part of any required OPW and is to be progressively implemented following completion of each project stage(s).
37. To achieve its objective, the SRP must:
 - (a) Identify any existing structures, vegetation, landscape (including soil) and other features on the site to be protected during works or reinstated on completion of the works;
 - (b) Identify any existing traffic control devices (including signs, street furniture and road markings) affected by the works and to be reinstated on completion of the works;
 - (c) Provide details of the measure to be adopted to ensure the protection of any existing structures, vegetation, landscape (including soil) and other features on the site identified to be protected during works;
 - (d) Provide details of the measures to be adopted for the reinstatement on completion of works of any existing structures, vegetation, landscape (including soil) and other features on the site identified to be reinstated on completion of works;
 - (e) Include a summary of all consultation undertaken in relation to the development of the SRP (including comments received from PSR), how feedback has been incorporated, and where feedback has not been incorporated, the reasons why; and
 - (f) Identify the location and type of all physical works on the site(s).

Contaminated Land Management Plan

38. A CLMP is to be prepared and submitted to the Council (Team Leader Specialist Integration Compliance) as part of any required OPW to set out the framework for the

management of the adverse effects relating to contaminated land during the construction of the project. The objective of the CLMP is to avoid, remedy or mitigate the adverse effects of construction on human health which may result from the disturbance of contaminated material during construction.

39. To achieve its objective the CLMP is to record the procedures for earthworks that will be followed during the works, and how those procedures will be implemented. The procedures must include (but not necessarily be limited to):
- (a) Excavation, handling and storage requirements;
 - (b) Dust and erosion control measures to prevent the discharge of contaminants;
 - (c) Health and safety procedures;
 - (d) Disposal of contaminated soils to a landfill approved to take the material;
 - (e) Procedures for identifying and managing unexpected discovery of contaminated soils or hazardous materials; and
 - (f) Appointment of a contaminated land specialist who meets the requirements of an appropriately qualified and experienced practitioner as set out in the “National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Users’ Guide (2012)” Ministry for the Environment.

Construction Communications Plan

40. The requiring authority is to prepare a CCP for the construction phase of the project or for each project stage, and to submit the plan to the Auckland Council (Team Leader Specialist Integration Compliance) as part of any required OPW. The CCP must set out:
- (a) The method(s) of consultation and liaison with key stakeholders and the owners/occupiers of neighbouring properties regarding the likely commencement, duration and effects of works;
 - (b) Measures for consulting with mana whenua to identify any culturally sensitive sites that may require cultural monitors;
 - (c) Details of prior consultation or community liaison undertaken with the parties referred to in (a) above, including outlining any measures developed with such persons or groups to manage or to mitigate any adverse effects or inconvenience that may arise;
 - (d) Full contact details for a nominated liaison person who will manage the public information system and be the point of contact for related enquiries

Transpower NZ Construction Management Plan

41. The requiring authority must prepare a TCMP for the sections of the Northern Interceptor where the pipeline or any site works are to be undertaken within 12 metres of the centreline of the HEN-OTA A 220kV transmission line in the span between Towers 88 and 89, to ensure the protection of these transmission assets. The TCMP is to demonstrate that the design and construction methodology complies with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) and will not compromise the ongoing operation, maintenance and upgrading of the HEN-OTA A transmission assets.
42. The TCMP is to be prepared in consultation with Transpower NZ Limited and a draft must be provided to Transpower NZ for its review and comment at least 6 months prior to

being submitted to the Council. A record of consultation and any comments provided by Transpower on the final draft must be included with the final TCMP. The TCMP is to be provided to the Auckland Council (Team Leader Specialist Integration Compliance) as part of any required OPW. All works/activities are to be undertaken in accordance with the TCMP.

43. The TCMP must include (but not necessarily be limited to) the following:
- a. The name, experience and qualifications of the person/s nominated by the requiring authority to supervise the implementation of, and adherence to, the TCMP;
 - b. Construction drawings, plans, procedures, methods and measures to demonstrate that all construction activities undertaken on the site will meet the safe distances set out in 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 within which additional management measures are required, such as fencing off, entry and exit hurdles and the minimum height for any hurdles. Where a safety observer is required, this is to be at the requiring authority’s cost;
 - d. Details of contractor training for those working near the HEN-OTA A transmission line.

Pre-commencement Meeting

44. Prior to commencement of the works authorised by these designations, the requiring authority is to arrange and conduct a pre-start meeting that:
- (a) Is held at a location on the designated route;
 - (b) Is scheduled not less than five days before the anticipated commencement of works;
 - (c) Includes relevant and appropriate Council and Auckland Transport representatives;
 - (d) Includes representation from the contractors who will undertake the works; and
 - (e) Is attended by the Project Arborist. The Council’s project arborist is also to be invited to attend the pre-commencement meeting.
45. The requiring authority is to invite representatives from interested mana whenua entities to attend the pre-start meeting to undertake tikanga.

Advice note

A list of self-identified mana whenua is contained in Appendix A of these conditions.

46. The following information is to be made available by the requiring authority at the pre-start meeting:

- (a) Timeframes for key stages of the works authorised by the designation;
- (b) The designation conditions and the conditions of any resource consent approved for the relevant phase(s) of the project;
- (c) The OPW, including all necessary management plans;
- (d) The contact details for key contractors.

CONSTRUCTION CONDITIONS

Consultation with network utility operators

47. The requiring authority must undertake ongoing communication and consultation with network utility operators affected by the project throughout the duration of construction, including in relation to design and implementation stages to co-ordinate works and to manage effects of the project on their respective networks.

Construction noise and vibration standards

48. Noise arising from construction activities on land is to be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise and, unless otherwise provided for in a SSCNVMP certified by the Council, must comply with the noise limits set out in the following table:

Day	Time	L _{Aeq}	L _{Amax}
Residential Receivers			
Weekdays	0630h – 0730h	55 dB	75 dB
	0730h – 1800h	70 dB	85 dB
	1800h – 2000h	65 dB	80 dB
	2000h – 0630h	45 dB	75 dB
Saturday	0630h – 0730h	45 dB	75 dB
	0730h – 1800h	70 dB	85 dB
	1800h – 2000h	45 dB	75 dB
	2000h – 0630h	45 dB	75 dB
Sundays and Public Holidays	0630h – 0730h	45 dB	75 dB
	0730h – 1800h	55 dB	85 dB
	1800h – 2000h	45 dB	75 dB
	2000h – 0630h	45 dB	75 dB
Commercial and Industrial receivers			
All	0730h – 1800h	70 dB	
	1800h – 0730h	75 dB	

49. Construction activities are to comply with the guideline vibration limits set out in the German Standard DIN 4150 – 3:1999 unless varied pursuant to these conditions.

50. In addition to the requirements of these conditions and, subject to any variation, vibration from construction must also comply with the following vibration limits for the management of amenity effects:
- a. A limit of 2mm/s PPV when measured on the foundation of any building occupied (at the time of the works being undertaken) at any office, meeting room, retail space, dwelling, visitor accommodation, retirement village, care centre, classrooms in education facilities and healthcare facilities between the hours of 7am and 10pm on any day.
 - b. A limit of 0.3mm/s PPV when measured on the foundation of any building containing a bedroom or overnight stay where sleep protection is required that is occupied (at the time of the works being undertaken) facility between the hours of 10pm and 7am on any day.

The limits above may be exceeded only where a certified SSCNVMP provides for exceedances for the specific activity and affected receiver(s).

51. Regenerated noise from tunnelling works are not to exceed a level of 35 dBL_{Aeq(15 min)} when measured in any occupied bedroom or sleeping area between the hours of 10pm and 7am on any day. The application of these limits will be investigated only on receipt of a complaint from the occupier(s).
52. The guideline vibration limits set out in the German Standard DIN 4150 – 3:1999 must not be exceeded except where the requiring authority can demonstrate to the satisfaction of the Council in advance that:
- a. The receiving building(s) are capable of withstanding higher levels of vibration and what the new vibration limit is. The investigation required to demonstrate this must include an assessment of the building(s) by a chartered professional engineer or otherwise appropriately qualified person and a full pre-condition survey; and
 - b. The requiring authority has obtained the written agreement of the building owner(s) and occupier(s) that a higher limit may be applied.

Site Specific Construction Noise and Vibration Management Plan

53. A SSCNVMP is to be prepared for any receiver or activity for which construction noise and/or vibration is predicted or measured to exceed any of the limits set out in conditions 48-52 or when construction noise is either predicted or measured to exceed any of the limits set out in those conditions, except where the exceedance of the standards in condition 47 is less than 5 decibels and does not exceed:
- (a) 0700-2200: 1 period of up to 2 consecutive weeks in any 2 months; or
 - (b) 2200-0700: 1 period of up to 2 consecutive nights in any 10 days.
54. The SSCNVMP must establish the best practicable for noise mitigation to be implemented for the construction activity at a specific site/area and must include:
- (a) a description of the works which will generate noise and or vibration levels which cannot be practicably mitigated to achieve compliance with the project noise and vibration standards;

- (b) the days and times when the activity will be permitted to exceed the project noise and / or vibration controls;
- (c) the proposed noise and / or vibration limits for the specific activity;
- (d) a record of all consultation and communication specific to the reasons for and development of the SSNCMVP with the affected receiver(s);
- (e) noise and/ or vibration monitoring to be undertaken during the specific activity; and
- (f) a short description of alternative methods or options to complete the works or mitigate the effects that have been discounted and why.

55. Every SSCNVMP is to be submitted to the Auckland Council (Team Leader Specialist Integration Compliance) for certification at least 5 days prior to the commencement of the activity at the specific site/area. If no response is received from the Council within three working days, the SSCVNP will be deemed to have been certified and work in the relevant area may commence.

Time restrictions for construction works

- 56. The hours of work for surface activities are to be from 0730 to 1800 on weekdays and Saturdays unless surface activities that are planned to be undertaken outside these hours at night or on Sundays or public holidays are specified in terms of their location, duration, timing and predicted noise and vibration levels in the CNVMP.
- 57. During school terms, the requiring authority must manage construction activities in the vicinity of Greenhithe Road between Sunnyview Road and Wainoni Heights, and on Churchouse Road to minimise the number of construction vehicle movements as far as practicable during the peak morning hours of 8:30am and 9:15am and the afternoon peak period of between 2:45pm and 3:30pm in the proximity of the schools in those locations.
- 58. Construction activities on Appleby Road are to be timed so they occur during school holiday periods.

Traffic management

- 59. All site access locations are to achieve minimum sight distance standards. Where acceptable sight distances cannot be achieved, movements relating to the deficient sight distances are not permitted and / or temporary speed limit measures must be imposed in order to reduce traffic operating speeds.
- 60. The TMP(s) are to be consistent with the CoPTTM applying at the time of construction, taking account of any temporary speed limit or additional traffic controls that may be imposed as part of the works.
- 61. Any damage in the road corridor or shared paths directly caused by construction traffic is to be repaired by the requiring authority as soon as practicable.

Tree and vegetation management

- 62. Any tree pruning required must be carried out in accordance with recognised arboricultural practices by a competent arboricultural contractor.
- 63. Re-vegetation required by these conditions must:

- (a) Be undertaken during the first planting season (typically May to September) following completion of the construction activities;
 - (b) Comprise plant species appropriate to the area, chosen for site-specific conditions and eco-sourced where possible; and
 - (c) Be an equal mix of grade sizes between root trainer and PB12 and spaced no greater than one metre apart or as appropriate to the grade, species, type and specific location on the site being planted.
64. Tree removals must be carried out in accordance with correct arboricultural standards and practice by an appropriately qualified and experienced arborist.
65. Where stand-alone trees greater than 4 metres in height are to be removed, replacement trees must be established on a two-for-one basis. The species, size and location of the replacement trees is to be determined in consultation with the relevant asset manager or property owner.

Kauri die back

66. The requiring authority must ensure that any works within 30 metres of any Kauri will be undertaken in accordance with best practice procedures to prevent the introduction or spread of Kauri dieback disease. Best practice procedures are to be developed in conjunction with the Auckland Council (Manager Biosecurity).

Transpower Transmission Line (HEN-OTA A)

67. The requiring authority must ensure that access to the "HEN-OTA A" transmission line for maintenance work (at all reasonable times) and for emergency works (at all times) is not adversely affected by the works.
68. Should conductive material need to be used within 12 metres of HEN-OTA A Tower 88, the requiring authority must undertake a risk assessment and implement any necessary mitigation measures to control induction and transferred voltages, Earth Potential Rise and cathodic protection.
69. Unless Transpower NZ agrees otherwise, excavation or disturbance of the land around HENOTA A Tower 88 must not:
- a. exceed a depth greater than 300mm within 6 metres of the outer edge of the visible foundations of the tower; or
 - b. exceed a depth greater than 3 metres between 6 metres and 12 metres of the outer edge of the visible foundation of the tower; or
 - c. destabilise the tower.
70. No excavated material, fill or construction material is to be stockpiled or deposited under the HENOTA A transmission line that reduces the conductor to ground clearance to less than 7.5 metres vertically.
71. All machinery and mobile plant operated in association with the works must maintain a minimum clearance distance of 4 metres from the HEN-OTA A transmission line at all times.
72. A warning sign is to be clearly displayed by the requiring authority at the operator position on any mobile plant - "WARNING, KEEP 4M MINIMUM CLEARANCE FROM

TRANSMISSION LINES AT ALL TIMES" at any location where the mobile plant might reasonably traverse under the HEN-OTA A transmission line.

POST-CONSTRUCTION

Section 176 approvals

73. Following construction of the project (or a section thereof), the following activities undertaken by network utility operators that will not prevent or hinder the project, and can be undertaken no closer than 500mm to any below ground infrastructure, may be undertaken without seeking the requiring authority's written approval under section 176(1)(b) of the RMA:

- (a) Maintenance and urgent repair works of exiting Network Utilities;
- (b) Minor renewal works to existing Network Utilities necessary for the on-going provision or security of supply of Network Utility Operations;
- (c) Minor works such as new service connections; and
- (d) Upgrade and replacement of existing Network Utilities within the same location with the same or similar effects as the existing utility;

Works greater than those described above are subject to the approval by the requiring authority under section 176 but approval is not to be unreasonably withheld.

Designation boundaries

74. As soon as reasonably practicable, and no later than the point at which any part or parts of the project becomes operational, the requiring authority is to:

- (a) Review the extent of the area designated for the project. This review must include consultation with:
 - (i) AT to enable the efficient operation of the road network; and
 - (ii) PSR in relation to parks included in the designation.
- (b) Identify any areas of designated land that are no longer necessary for construction of the project, or no longer necessary from the on-going operation and/or maintenance of the project or for on-going mitigation measures;
- (c) Give notice to the Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified in (b) above.

Operational noise standards

75. Operational noise must not exceed the following project criteria when measured from inside the boundary of a site in a residential zone or when measured from any area of a park or reserve used for active recreation:

Time	Noise Level
Monday to Saturday 7am – 10pm	50dB L _{Aeq}
Sunday 9am - 6pm	
All other times	40dB L _{Aeq} 75dB L _{AFmax}

76. Operational noise is to be measured in accordance with New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and assessed in accordance with New Zealand Standard NZS 6802:2008 "Acoustics – Environmental Noise".

Appendix A: List of Stakeholders

Northern Interceptor NoR – NI (North Shore) and NoR – NI (Waitakere)

The following listed parties constitute stakeholder(s) for the purposes of the Pre-Construction Consultation Plan and the Construction Communications Plan.

- ☐ The Ministry of Education
- ☐ Greenhithe School
- ☐ Albany Junior High School
- ☐ Auckland Council Parks, Sports and Recreation where works are proposed in the following locations:
 - ☐ *Taitapu Park*
 - ☐ *Lowtherhurst Reserve*
 - ☐ *Makora Park*
 - ☐ *Holmes Reserve*
 - ☐ *Manutewhau Reserve*
 - ☐ *St Margarets Park*
 - ☐ *Esplanade Reserve (Upper Harbour Highway)*
 - ☐ *Collins Park*
 - ☐ *Wainoni Park*
 - ☐ *Wharepapa Reserve*
 - ☐ *Rosedale Park*
- ☐ North Harbour Air Gun Club
 - ☐ The North Shore Golf Club
- ☐ Greenhithe Pony Club
- ☐ Greenhithe Riding for the Disabled
- ☐ North Shore Dog Training Club
- ☐ Greenhithe Residents' Association
- ☐ The owner and occupier of any private land for which entry and/or physical works is required.
- ☐ The owner of 15 and 16 The Knoll
- ☐ The eight mana whenua entities who have indicated ongoing interest in the Project being:
 - ☐ Ngāti Manuhiri
 - ☐ Ngāti Whātua o Ōrākei
 - ☐ Te Kawerau a Maki
 - ☐ Ngāti Maru
 - ☐ Te Akitai
 - ☐ Te Rūnanga o Ngāti Whātua;
 - ☐ Ngaati Whanaunga
 - ☐ Ngāti Paoa
- ☐ The owner and occupier of 4 – 6 Hobsonville Road

- ☐ Network utility operators with assets in or adjacent to the designation, including but not limited to:
 - ☐ Radio New Zealand
 - ☐ Auckland Transport
 - ☐ New Zealand Transport Agency
 - ☐ Transpower NZ
 - ☐ Vector Ltd