

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Planning, Regional, North, West and Islands Unit

FROM Jo Hart, Senior Policy Planner, Regional, North, West and Islands Unit



DATE 15 December 2020

SUBJECT *Designation in accordance with s180 of the Resource Management Act 1991 Amendment to Chapter K of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)*



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Transfer of designation from Auckland Transport to New Zealand Transport Agency	
Chapter	Chapter K Designations AUP GIS Viewer
Section	Schedules and Designations - Auckland Transport Scheduled and Designations – New Zealand Transport Agency
Designation only	
Designation # 1402	Weiti Crossing
Locations:	East Coast Road, Redvale (crossing Weiti River) to corner Whangaparaoa Road and Cedar Road, Whangaparaoa
Lapse Date	31 December 2035 unless given effect to prior
Purpose	Weiti Crossing
Changes to text	Change Requiring Authority name from Auckland Transport to New Zealand Transport Agency New designation number required for new designation
Changes to diagrams	N/A
Changes to spatial data	Change Requiring Authority name from Auckland Transport to New Zealand Transport Authority New designation number required
Attachments	Attachment 1: Letter from RA requesting change Attachment 2: Letter to Minister from RA Attachment 3: Updated NZTA Text

Prepared by: Jo Hart Senior Policy Planner	Text Entered by: Bronnie Styles Planning Technician
Signature: 	Signature: 

Reviewed by:

Eryn Shields
Team Leader, Planning, Regional, North,
West and Islands Unit

Signed off by:

Warren MacLennan
Manager Planning, Regional, North, West and
Islands Unit

Signature:**Signature:**

Attachment 1: Letter from RA requesting
change

5 November 2020

Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Attention: Peter Vari

Dear Peter

Transfer of Responsibility for Penlink (formerly referred to as Weiti Crossing) from Auckland Transport to Waka Kotahi New Zealand Transport Agency under section 180 of the Resource Management Act 1991

Under section 180 of the Resource Management Act 1991 (RMA), Auckland Transport (AT) is transferring responsibility for the Penlink (previously referred to as Weiti Crossing) designation (Auckland Unitary Plan (Operative in Part) 2016 reference 1402) to Waka Kotahi New Zealand Transport Agency.

The Penlink project has previously been an AT project but is now being delivered by the New Zealand Transport Agency as a State Highway as part of the recent New Zealand Upgrade Programme announcements. AT has transferred financial responsibility for the Penlink project to the New Zealand Transport Agency. The land interests for the project were transferred to the Crown on 30 October 2020

The New Zealand Transport Agency is a Requiring Authority for the construction, use, operation and maintenance of State Highways and walking/cycling infrastructure. Under section 47(3)(b) of the Local Government (Auckland Council) Act 2009, AT can transfer designations to the New Zealand Transport Agency. In accordance with section 180(2) of the RMA, AT requests that the designation transfer to the New Zealand Transport Agency be noted in the Auckland Unitary Plan.

AT will also advise The Minister for the Environment of the transfer of responsibility of the Penlink project and designation.

Yours sincerely



Jane Small

Group Manager Property and Planning

Attachment 2: Letter to Minister from
RA

5 November 2020

The Minister for the Environment
Ministry for the Environment
PO Box 10362
Wellington 6143

Attention: Hon David Parker

Dear Minister,

Transfer of Responsibility for Penlink (formerly referred to as Weiti Crossing) from Auckland Transport to Waka Kotahi (New Zealand Transport Agency) under section 180 of the Resource Management Act 1991

Under section 180 of the Resource Management Act 1991, Auckland Transport (AT) is transferring responsibility for the Penlink (previously referred to as Weiti Crossing) designation (Auckland Unitary Plan (Operative in Part) 2016 reference 1402) to Waka Kotahi (New Zealand Transport Agency).

The Penlink project has been an AT project but is now being delivered by Waka Kotahi as a State Highway as part of the recent New Zealand Upgrade Programme announcements. AT has transferred financial responsibility for the Penlink project to Waka Kotahi.

Waka Kotahi is a Requiring Authority for the construction, use, operation and maintenance of State Highways and walking/cycling infrastructure. Under section 47(3)(b) of the Local Government (Auckland Council) Act 2009, AT can transfer designations to Waka Kotahi.

AT will also advise Auckland Council (being the relevant territorial authority) of the transfer of responsibility, and the Council will amend the Auckland Unitary Plan (Operative in Part) 2016 to identify Waka Kotahi as the Requiring Authority.

Yours sincerely



Jane Small

Group Manager Property and Planning

Attachment 3: Updated NZTA Text

6777 Road - Weiti Crossing

Designation Number	6777
Requiring Authority	New Zealand Transport Agency
Location	Lot 2 DP 51692, Lots 6 and 7 DP 44059, Lots 8, 9, 10 and 11 DP 57749, Lot 1 DP 100141, Lot 3 DP 95982, Pt Lot 1 DP 95984, Lot 1 DP 182168, Lot 2 DP 182168, Lot 1 DP 60949, Lot 2 DP 116105, Lot 1 DP 116105, Lot 1 DP 147767, Lot 1 DP 81653, Lot 2 DP 147767, Lot 2 DP 81388, Lots 3 and 4 DP 81388, Pt Lot 67 DP 40314, Lot 2 DP 117373, Lot 1 DP 184859, Lot 1 DP 29403, Lot 3 DP 29403, Lot 4 DP 26549, Lot 87 DP 40314, Lot 87 DP 40314, Lot 87 DP 40314, Flat 1 DP 100320, Flat 2 DP 100320, Flat 3 DP 100320, Flat 4 DP 100320, Lot 88 DP 48734, Flat 1 DP 111394, Lot 90 DP 40315, Lot 91 DP 40315, Lot 7 DP 64380, Lot 6 DP 64380 and Flats 1, 2, 3, 4 and 5 DP 85315, 1/3 Lot 1 DP 138956 and Lease Flat 1 and Glasshouse 1, 1/3 Lot 1 DP 138956 and Lease Flat 2 and Glasshouses 2 and 3 and Packing Shed 2, 1/3 Lot DP 138956, Lot 2 DP 29403, Pt Lot 3 DP 26549, Lot 3 DP 179955, Pt Lot 1 DP 51511, Section 2 SO 317214, Section 4 SO 317214, Pt Lot 1 DP 50475, Section 3 SO 317214, Section 11 SO 317214, Pt Allotment 87 Okura PSH
Rollover Designation	Yes
Legacy Reference	Designation 167, Auckland Council District Plan (Rodney Section) 2011
Lapse Date	31 December 2035 unless given effect to prior

Purpose

Weiti crossing.

Conditions

Conditions	<u>Applies to Access Road (AR) or Main Works (MW)</u>
Definitions	
Access Road - A road that may be constructed under this designation between State highway one and/or East Coast Road and from Chainage 60 to 1380 to provide access to Lot 4 DP 465984.	
Main Works - All works required for Penlink which do not relate to the construction of the Access Road.	
1. General Conditions	
1.1 The scope and extent of the works (including the horizontal and vertical alignment of the carriageway) within the designation shall be generally in accordance with the plans contained in Volume 3 of the Notice of Requirement dated 21 October 2014. If the Access Road is constructed prior to the main works then updated plans will be submitted as part of the Outline Plan of Works.	<u>AR & MW</u>
1.2 The designation and proposed works on the area of land subject to the designation shall permit electronic toll gantry structures and associated infrastructure.	<u>MW</u>

<p>1.3 Before any construction is commenced an Outline Plan shall be submitted in terms of s.176A of the Resource Management Act 1991. The outline plan may be submitted in stages to reflect any proposed staging of the physical works. The outline plan(s) shall show those matters required to be included by s.176A(3) of the Act. Any outline plan shall be prepared in consultation with at least the following parties with the record of consultation being documented in the outline plan:</p> <ul style="list-style-type: none"> (a) Hugh Green Limited; (b) Green & McCahill Holdings Limited; (c) Weiti Development LP; (d) The NZ Transport Agency (or equivalent); (e) Mana whenua (refer condition 17); (f) Affected utility providers; (g) The Queen Elizabeth II National Trust (QEII); (h) The Bakers at 307 Duck Creek Road; (i) The Websters at 236 and 266 Duck Creek Road; and (j) Bore owners at 165 and 236 Duck Creek Road. <p>If the Access Road is constructed prior to the main works then consultation must be undertaken with parties (a), (b), (c), (e) and (f) in relation to those works.</p>	<p><u>AR & MW</u></p>
<p>1.4 The Requiring Authority (or its agents) shall physically peg, or similarly mark, the key points showing the extent of the roading earthworks and the designation for the Weiti Crossing, on Lot 3 DP 95982 and Lot 1 DP 100141 as part of the Outline Plan process.</p>	<p><u>MW</u></p>
<p>2 Design Consideration Conditions</p>	
<p>2.1 The Requiring Authority (or its agents) shall permit vehicle access from the Weiti Crossing road alignment to the following parcels of land in consultation with the landowners and in accordance with the provisions of the Local Government Act 1974:</p> <ul style="list-style-type: none"> (a) Part Lot 3 DP 95982 and Section 6 SO Plan 70765 and Lot 1 DP 100141 owned by Kilmacrennan Farm Limited and Kerrykeel Farm Limited which are farmed as one unit known as Weiti Station (b) Lot 4 DP 465984 and also separately to Lots 1 and 2 DP 405498, both being the land owned by Green & McCahill Holdings Limited. 	<p><u>MW & AR</u></p>
<p>2.2 The two local access points serving Part Lot 3 DP 95982 and Section 6 SO Plan 70765, Lot 1 DP 100141 and Lot 4 DP 465984 shall be fully constructed at the time that the main alignment of Penlink is constructed, unless otherwise agreed with the landowners of these properties.</p>	<p><u>MW</u></p>
<p>2.3 Prior to finalising the design of the interchange with Whangaparaoa Road, the Requiring Authority shall take all practicable steps to consult with Stanmore Investments Ltd (or any subsequent owner) of the New World supermarket and retail activity at the corner of Whangaparaoa and Beverley Roads ('the retail site'). The purpose of the consultation will be to enable the interchange design to minimise effects on the safe and efficient operation of the retail site, particularly in relation to maintaining pedestrian and vehicle access. The Outline Plan of Works shall detail what consultation has been undertaken and how any matters raised in this consultation has been taken into consideration in finalising the Whangaparaoa Road interchange design.</p>	<p><u>MW</u></p>
<p>3 Noise and Vibration Conditions</p>	

Construction Noise					
3.1 During construction the guideline noise limits contained in New Zealand Standard 6803:1999, The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work shall be complied with and the principles for managing noise set out within that document shall be formally adopted. Where compliance is not practicable 3.4(e) shall apply.					<u>MW & AR</u>
Construction Vibration					
3.2 Construction Vibration shall comply with the criteria in Table A.					<u>MW & AR</u>
Table A – Construction Vibration Limits					
Receiver	Location	Detail	Category A	Category B	
Occupied PPFs*	Inside the building	Night-time 2000h-0630h	0.3mm/s PPV	1mm/s PPV	
		Daytime 0630h-2000h	1mm/s PPV	5mm/s PPV	
		Blasting-vibration	5mm/s PPV	10mm/s PPV	
Other occupied buildings	Inside the building	Daytime 0630h - 2000h	2mm/s PPV	5mm/s PPV	
All other buildings	Building Foundation	Vibration – transient (including blasting)	5mm/s PPV	BS 5228-2 Table B.2	
		Vibration – continuous		BS 5228-2 50% of Table B.2 values	
Notes: Measurements of construction vibration shall be undertaken in accordance with German Standard DIN 4150-3:1999 Structural Vibration Part 3: Effects of vibration on structures. *For vibration, protected premises and facilities (PPFs) are dwellings, educational facilities, boarding facilities, homes for the elderly and retirement villages, marae, accommodation hospitals that contain in-house patient facilities and buildings used as temporary (e.g. motels and hotels).					
3.3 If measured or predicted vibration levels exceed the criteria in Table A above then: (a) If measured or predicted vibration levels exceed the Category A criteria a suitably qualified expert shall be engaged to assess and manage construction vibration to comply with the Category A criteria as far as practicable. (b) If measured or predicted vibration levels exceed the Category B criteria then, where agreement with the land owner can practicably be obtained, a building condition survey and monitoring of vibration levels at those buildings shall be undertaken by a suitably qualified expert. (c) If any exceedance of the criteria in Table A is measured or predicted, then any vibration effects on those buildings shall be identified, assessed and managed in accordance with Conditions 3.4(f) (Category A) and (g) (Category B).					<u>MW & AR</u>
Construction Noise and Vibration Management Plan					
3.4 Prior to construction works commencing, the Requiring Authority shall prepare and submit for the approval of the Council a Construction Noise and Vibration Management Plan (CNVMP). The CNVMP and any management schedules prepared in accordance with 3.4(e) shall be implemented throughout the construction process and may be updated where necessary with the approval of the Council. The objective of the CNVMP shall be to describe and require the implementation of the Best Practicable Option (BPO) for the management and					<u>MW & AR</u>

mitigation of construction noise and vibration effects from all works, including those works that comply with the standards set in these conditions.		
<p>The CNVMP shall, as a minimum, address the information required by NZS 6803:1999, Annex E2, and in particular the following aspects with regard to managing the adverse effects of construction noise and vibration:</p> <p>(a) Noise and/or vibration sources, including machinery, equipment and construction techniques to be used and their scheduled durations and hours of operation including times and days when work causing construction noise and/or vibration would occur;</p> <p>(b) The construction noise and vibration criteria for the project;</p> <p>(c) Affected houses and other sensitive locations where noise and/or vibration criteria apply;</p> <p>(d) Predicted noise levels set out as minimum compliance distances for key activities and items of plant and identification of any dwellings or other sensitive locations where works will be required within those minimum compliance distances;</p> <p>(e) Mitigation and management measures, including alternative strategies where full compliance with the noise criteria from NZS 6803: 1999 and the vibration criteria in Table A above cannot practicably be achieved, including the requirement for management schedules requiring the following content:</p> <p>i. Describe the activity (including duration), plant and machinery that is expected not to comply with the noise and/or vibration limits in conditions 3.1 and 3.2;</p> <p>ii. Provide predicted levels for all receivers where the levels will not be compliant with the limits in conditions 3.1 and 3.2;</p> <p>iii. Describe the mitigation measures proposed to reduce the noise and/or vibration levels as far as practicable, including any options that have been discounted due to cost or any other reason;</p> <p>iv. Describe alternative mitigation of the impacts that is acceptable to affected parties e.g. temporary accommodation during the specific activity;</p> <p>v. Describe the measures adopted to ensure that building damage will not arise where non-compliance with the Category B vibration limits occurs.</p> <p>(f) Procedures for management of vibrations where measured or predicted vibration levels exceed the Category A criteria;</p> <p>(g) Procedures for continuous monitoring of vibration and pre-activity building condition surveys where noncompliance with the Category B vibration limits is predicted;</p> <p>(h) Methods and frequency for monitoring and reporting on construction noise and vibration</p> <p>(i) Contact numbers for key construction staff, staff responsible for noise and/or vibration assessment and council officers; and</p> <p>(j) Procedures for maintaining contact with stakeholders, notifying of proposed construction activities and handling complaints about construction noise and/or vibration.</p>		
Operational Noise		
<p>3.5 The road alignment shall be designed to achieve the following noise standards:</p> <p>(a) For the properties identified in Table B - the relevant traffic noise design limit contained in Table B.</p> <p>(b) For all other dwellings, the relevant noise standards contained in Transit New Zealand's Draft Guidelines for the Management of Traffic Noise for State Highway Improvements, December 1999.</p>		<u>MR & AR</u>
Table B – Traffic Noise Design Limits		<u>MR & AR</u>
Location	Traffic Noise Design Limits Leq (24 hours)	

Dwelling A (at the western end of the proposed road as indicated on the AEE document) (1695 East Coast Road)	65 dBA		
All other existing* dwellings west of the Weiti River	55 dBA		
Dwelling 1 on Lot 1 DP 138956 (43 Cedar Tce) Dwelling 2 on Lot 4 DP 64380 (45 Cedar Tce) Dwelling 3 on Lot 6 DP 64380 (41 Cedar Tce) Dwelling 4 on Lot 7 DP 64380 (39 Cedar Tce)	55 dBA		
Dwellings at 7 to 37 Cedar Terrace inclusive	62 dBA		
Dwellings at 39A – 39H Cedar Terrace inclusive	57 dBA		
All existing* dwellings on Whangaparaoa Rd	65 dBA or ambient (whichever is greater)		
*Existing at 22 September 2015			
Note: The assessment point for Table B is 1m in front of the most exposed point on the facades of the dwellings.			
3.6 In addition to the standards in Table B above, the road alignment shall be designed with the appropriate noise mitigation measures to achieve compliance with a single event noise limit of 78 dBA Lmax at the facade of any residential building situated within 12 metres from the new road carriageway. This shall not apply to residential buildings currently located within 12 metres of the existing road carriageway. Explanation: This is in accordance with the Transit New Zealand Draft Guidelines for the Management of Road Traffic Noise, 1994.			<u>MW & AR</u>
3.7 If the adoption of the BPO for noise mitigation within the road corridor is insufficient to meet the Design Limits in condition 3.5, then prior to completion of the road, the Requiring Authority (or its agents) shall: (a) With the agreement of the owner of the dwelling and if so required by them, provide insulation (and, if required mechanical ventilation and provision for adequate thermal comfort where windows must be closed) to all living rooms (including kitchens) and bedrooms, to ensure that an internal criterion of 40 dBA Leq (24 hours) is not exceeded. This offer and mitigation shall be applied in conjunction with the adoption of the BPO for minimisation of noise in the road corridor; or (b) If it is impracticable to design mitigation to achieve this internal criterion then the Requiring Authority (or its agents) shall, with the agreement of the owner, and at a price not exceeding market value, purchase the property.			<u>MW & AR</u>
3.8 Without limiting the requirements for consultation imposed under condition 3.7, the Requiring Authority shall consult with the owners of 236 Duck Creek Road, being Part Lot 3 DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403 ("the Webster properties") in relation to the location, nature and extent of any proposed noise mitigation measures.			<u>MW</u>
3.9			<u>MW</u>

<p>In undertaking this consultation the Requiring Authority shall give special consideration to the need for additional or alternative noise mitigation measures which mitigate to the greatest extent practicable the acoustic and amenity effects of the designation upon the Webster properties within the noise limit set out in condition 3.5.</p>	
<p>3.10 In undertaking consultation with the owners of the Webster properties the Requiring Authority shall:</p> <ul style="list-style-type: none"> (a) provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed noise mitigation measures; and (b) ensure that the owners have at least two weeks to peruse this material and respond to the Requiring Authority with their position; and (c) the Requiring Authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties to identify other mitigation measures which may be cost effective and meet the noise limits set out in condition 3.5 and shall give special consideration to the findings of any peer review in deciding what noise mitigation measures it implements for the Webster properties. 	<u>MW</u>
<p>3.11 The Requiring Authority shall at an appropriate location install signs advising motorists to avoid using engine braking in residential areas.</p>	<u>MW</u>
4. Ecological Impact Mitigation Conditions	
<p>4.1 The Requiring Authority (or its agents) shall, in conjunction with the Auckland Council and in consultation with directly affected property owners, occupiers, Mana Whenua listed in Condition 17, and the QEII Trust, produce an Ecological Mitigation Plan and a Restoration Planting Plan. The objective of these plans is to support the present-day biodiversity values of the local area, the resilience of the area's biodiversity habitat, and contributing to the North West Wildlife Link through the planting of connective corridors, while allowing for the construction and operation of a four-lane transport corridor. Both plans shall be submitted as part of the outline plan, or as appropriate having regard to 4.5.</p>	<u>MW</u>
<p>4.2 The Ecological Mitigation Plan shall outline the survey methods and implementation and monitoring processes to be used to avoid, remedy or mitigate adverse ecological effects within the designation, particularly in relation to indigenous vegetation; ecosystem processes, native species (with specific regard to lizards, birds and bats); and areas of wildlife habitat. The mitigation proposed shall be calculated using current best ecological practices. The Ecological Mitigation Plan may be comprised of individual management plans for flora and groups of indigenous fauna, to better reflect seasonal restrictions and considerations (i.e. wildlife).</p>	<u>MW</u>
<p>4.3 The Restoration Planting Plan (consistent with the local biodiversity and wildlife habitat) shall outlines the intended species, density of planting, the methods, the locations, implementation and monitoring processes for the restorative planting of indigenous vegetation that is damaged or destroyed by construction works. The restoration plan shall detail any necessary management of the planting, including weed and animal pest control and replacement of plants, on an ongoing basis. All plants used within the restoration process shall be eco-sourced from the local area.</p>	<u>MW</u>
<p>4.4 To fully realise possible staging requirements and/or seasonal considerations pertaining to appropriate management plans and/or mitigation, the Ecological Mitigation plan and/or Restoration Planting plans will be submitted no less than six</p>	<u>MW</u>

<p>(6) months prior to the start of any enabling earthworks or bulk earthworks and reflect best-practice methodologies current at that time.</p> <p>For avoidance of doubt, and where appropriate, such preparatory works which could include vegetation removal, can be considered in the autumn immediately preceding start of any enabling earthworks or bulk earthworks, where an acknowledged start of construction has been agreed (i.e. signed contracts).</p> <p>Advice Note: The Requiring Authority shall ensure that the necessary Department of Conservation permits have been obtained prior to the start of work.</p>	
<p>4.5 In relation to the QEII covenant area at 307 Duck Creek Road the outline plan shall:</p> <ul style="list-style-type: none"> (a) Demonstrate how the final design has minimised to the extent practicable works within the QEII covenant area at 307 Duck Creek Road; (b) Detail any offer of additional land, plantings or other mitigation to offset any residual loss of QEII covenant area; and (c) Include any response from the QEII National Trust regarding whether or not it considers the residual loss has been adequately mitigated and if not why not. <p>Advice note: Any residual effect of the removal of the covenant area that is unable to be mitigated or offset may be eligible for compensation under the Public Works Act 1981.</p>	<u>MW</u>
<p>4.6 Without limiting the requirements for consultation imposed under condition 4.1, the Requiring Authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed ecological mitigation measures.</p>	<u>MW</u>
<p>4.7 In undertaking this consultation the Requiring Authority shall give special consideration to the need for mitigation measures which mitigate to the greatest extent practicable adverse effects of the designation and related works have upon existing trees and vegetation on the Webster properties.</p>	<u>MW</u>
<p>4.8 In undertaking consultation with the owners of the Webster properties the Requiring Authority shall:</p> <ul style="list-style-type: none"> (a) provide copies to the owners of all relevant reports and plans prepared by it in relation to the proposed ecological mitigation measures; and (b) ensure that the owners have at least two weeks to peruse this material and respond to the Requiring Authority with their position; and (c) the Requiring Authority shall obtain (at its reasonable cost) a peer review of the proposed ecological mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what ecological mitigation measures it implements for the Webster properties. 	<u>MW</u>
5. Visual Impact Mitigation Conditions	
<p>5.1. A Detailed Landscape Plan shall be prepared by the Requiring Authority (or its agents) in consultation with directly affected property owners and occupiers, Mana Whenua listed in Condition 17, and the Queen Elizabeth II National Trust. The plan shall incorporate, where relevant, the recommendations of the Conceptual Landscape Mitigation Plan (CLMP), the ecological mitigation plan programme and the restoration planting plan programme and be submitted as part of the Outline Plan.</p>	<u>MW</u>

<p>The Detailed Landscape Plan shall include, but not be limited to, details of all proposed planting (including species, species sizes, densities and locations), the planting programme and the required maintenance programme. Existing trees and vegetation on the properties are to be included in any maintenance programme. Attention shall also be paid to the angle and extent of cut and batter slopes through highly visible ridgelines, for example where cut and batter slopes and the proposed roadway would be viewed from properties in Duck Creek Road. In the event that noise mitigation measures such as bunds or barriers are to be employed then these are also to be incorporated in to the Detailed Landscape Plan also.</p>	
<p>5.2. Without limiting the requirements for consultation imposed under condition 5.1, the Requiring Authority shall consult with the owners of the Webster properties in relation to the location, nature and extent of any proposed visual mitigation measures proposed.</p>	<p><u>MW</u></p>
<p>5.3. Prior to finalising the design of the route from the proposed Weiti Bridge to the interchange with Whangaparaoa Road, the Requiring Authority shall reconsider the alignment of the road so as to achieve the greatest possible separation distance between the road and the adjacent properties on Cedar Terrace. The best practicable alignment shall take into account:</p> <ul style="list-style-type: none"> (a) The extent of earthworks and vegetative clearance; (b) The length and height of retaining walls and noise attenuation devices from both a cost and visual appearance perspective; (c) The minimisation of adverse visual effects, in both the short and long term. 	<p><u>MW</u></p>
<p>5.4. In undertaking consultation on the Detailed Landscape Plan the Requiring Authority shall give special consideration to the need for measures which mitigate the greatest extent practicable adverse effects of the designation on the Webster properties. When undertaking consultation in respect of this issue any noise mitigation measures (such as bunds or barriers) that are employed to address the noise effects of the designation on the Webster properties are also to be considered by the Requiring Authority terms of their visual effects.</p>	<p><u>MW</u></p>
<p>5.5. In undertaking consultation with the parties in condition 5.1, 5.2 and the owners of the Webster properties the Requiring Authority shall:</p> <ul style="list-style-type: none"> (a) provide the consulted parties all relevant reports and plans prepared by it in relation to the proposed Detailed Landscape Plan; and (b) ensure that the owners have at least two weeks to peruse this material and respond to the Requiring Authority with their positions; and (c) the Requiring Authority shall obtain (at its reasonable cost) a peer review of the proposed mitigation measures and consequential effects on the Webster properties and shall give special consideration to the findings of any peer review in deciding what visual mitigation measures it implements for the Webster properties. 	<p><u>MW</u></p>
<p>5.6. The Weiti Crossing bridge concrete shall incorporate the use of red oxide.</p>	<p><u>MW</u></p>
<p>5.7. If the bridge is to be lit then low level lighting on the bridge and directional LED lighting on the shared path below the level of the bridge barrier shall be used.</p>	<p><u>MW</u></p>
<p>5.8. The Outline Plan shall demonstrate how the design of the toll gantry, in addition to primary functional and safety requirements of the structure, has considered the following principles:</p> <ul style="list-style-type: none"> (a) An artistic or sculptural form that integrates the structure with the surrounding landscape; 	<p><u>MW</u></p>

<p>(b) Colouring and materiality to achieve low reflectivity and recessive visibility of the structure;</p> <p>(c) Screening of lighting, cameras, cabling and other ancillary equipment No signage to be attached to the gantry.</p> <p>Advice Notes: Street lighting design should be in accordance with ATCoP street lighting requirements. The construction standards shall reference ATCoP requirements.</p>	
6. Archaeological Conditions	
<p>6.1 The Requiring Authority (or its agents) shall ensure that prior to and/or during construction a qualified archaeologist is present to monitor all initial earthworks in Area 4 and investigate and record sites R10/929, R10/941, R10/942, R10/943, R10/944 and R10/945, if these sites are affected by the proposed works.</p> <p>Advice Note: the sites cannot be investigated, modified or destroyed unless an authority has first been issued by Heritage NZ under the HNZPTA.</p>	<u>MW</u>
<p>6.2 The archaeological sites recorded in the immediate vicinity of the proposed works (meaning outside the affected works footprint) shall be clearly marked on construction plans to be provided to the Council and pegged out/fenced off prior to, and during the period of, construction.</p>	<u>MW</u>
<p>6.3 The Requiring Authority shall develop comprehensive accidental discovery protocols in consultation with Heritage NZ, mana whenua and the Auckland Council Heritage Unit, which set out appropriate procedures in the event that unrecorded archaeological remains, koiwi tangata (human remains) or taonga (Maori artefacts) are exposed during construction (consistent with the relevant provisions of the HNZPTA and Protected Objects Act 1975). These shall be provided to the Council with the Outline Plan of Works.</p>	<u>MW & AR</u>
<p>6.4 At least 6 months prior to works commencing the Requiring Authority shall complete an Archaeological Survey of all identified potential archaeological sites within the designation and on the additional areas of land to be designated as identified on the Land Requirement Plans GIS-4214919-01-NOR-21-1 to 21-4. The purpose of the survey shall be to confirm the Archaeological status of these sites and areas (except for those archaeological sites already identified in condition 6.1) and to inform the project design. A summary report of the survey will be provided to the Auckland Council Heritage Unit within 20 working days of survey completion. If any potential Archaeological sites are confirmed then the Requiring Authority shall provide to Auckland Council details of how the project design has sought to avoid effects on any Archaeological site(s) identified by the survey. If avoidance cannot be achieved then the requirements of condition 6.1 shall also apply to all works in the vicinity of any newly identified Archaeological site(s).</p>	<u>MW</u>
7. Physical Works Contract Conditions	
<p>7.1 All contract documentation for physical works shall include the designation conditions, the approved outline plan and any other resource consents (including conditions) held for the project at that time.</p>	<u>MW & AR</u>
<p>7.2 Construction shall be limited to the following hours: Weekdays: 7.00am to 6.00pm Saturdays 8.00am to 4.00pm</p>	<u>MW & AR</u>

Sundays and Public Holidays:	No work.	
7.3	Construction can be extended to the hours of 7.00 a.m. to 6.00 p.m. every day (with the specific consent of the Consents Manager from the Council) between East Coast Road and the northern boundary of the Weiti Forest with the agreement of Green and McCahill Ltd and Green and McCahill Holdings Ltd or any successors in title. Construction hours for the Redvale interchange may be varied from those above (with the specific consent of the Consents Manager from the Council), where required to minimise any impact on the operation of SH1.	<u>MW & AR</u>
7.4	At all times reasonable access shall be maintained to properties directly affected by the construction and operation of the Weiti Crossing and the Whangaparaoa Road widening unless agreement is reached with the property occupier that access can be temporarily stopped.	<u>MW & AR</u>
8.	Communications Conditions	
8.1	A Communications Plan shall be prepared and submitted with the Outline Plan. The plan shall include, but not be limited to, the following: (a) Dates for the release of newsletters to directly affected and adjoining property occupiers. These letters shall include details of the construction programme and a single point of contact for the Requiring Authority (or its agents) for any concerns or enquiries relating to the project, including a contact person name and a telephone and facsimile number. (b) Details of proposed signage to advise motorists of periods of likely traffic delays.	<u>MW</u>
9.	Duration of the Designation	
(a)	In accordance with s.184A(2)(c) of the Resource Management Act 1991, this designation will lapse on 31 December 2035 unless it is given effect to before the end of that period; or	<u>MW & AR</u>
(b)	The territorial authority resolves that it has made, and is continuing to make, substantial progress or effort towards giving effect to the designation and fixes a longer period to give effect to the designation.	
Advice Note: The extension of lapse date was made through an alteration to the existing designation. Therefore, the new lapse date is specified rather than linking it to the time that the designation was originally included in the District Plan.		
10.	Local Access to the Stillwater Community	
10.1	Safe and efficient two-way access to the Stillwater community (on both sides of the Penlink route) shall be provided, including throughout the construction period. Such access shall include provision for public transport (including bus stops) and for the safe and efficient movement of school buses and boat trailers. The design of any such access shall be undertaken in full consultation with the Stillwater Ratepayers and Residents Association, the owners of the Webster properties and directly affected members of the Stillwater community.	<u>MW</u>
10.2	Following such consultation, the Requiring Authority will submit the proposed access design to an independent auditor for a safety audit prior to construction. The cost of this audit is to be met by the Requiring Authority.	<u>MW</u>
11.	Water Supply	
11.1	During construction season the Requiring Authority shall periodically check and wash down any residences (including the roof) which are located along the	<u>MW</u>

designation route and which are affected by the construction of the bridge and its approaches. The cost of this cleaning will be met by the Requiring Authority.	
11.2 During construction the Requiring Authority will test the water quality of the bores in the vicinity of 165 Duck Creek Road, being the land described in 1138/679 (North Auckland Registry), and 236 Duck Creek Road, being the land described in certificates of title 682/218 and 1020/274 (North Auckland Registry), on a monthly basis. Prior to construction a baseline test will be undertaken and subsequent monthly tests will check for deterioration.	<u>MW</u>
11.3 In the event that either of the bores at 165 or 236 Duck Creek Road becomes contaminated (contamination means deterioration against the baseline as a result of construction works) as indicated by our test results, the Requiring Authority will provide an equivalent alternative free water supply.	<u>MW</u>
11.4 In response to a complaint about domestic water tank quality, as result of the construction of the bridge and its approaches, the Requiring Authority will test the water quality of the complainants domestic water tank located along the designation route, including the Webster properties, affected by construction of the bridge and its approaches on a monthly basis during the construction season and for one month following (1 October- 31 May) of each year of the construction period. If the water in any such tank is contaminated, the Requiring Authority will immediately, and at its cost entirely, have any such tank cleaned out and refilled.	<u>MW</u>
11.5 The Requiring Authority shall ensure that during construction and operation of the Weiti Crossing Road, a water supply is maintained for the purpose of watering livestock located at 236 Duck Creek Road, being Part Lot 3, DP 26549 and 266 Duck Creek Road, being Lot 2 DP 29403.	<u>MW</u>
12. Condition Survey	
12.1 The Requiring Authority will conduct a "before and after" condition survey of the properties (including the interiors of buildings) located within 200m of the Duck Creek Road Bridge and, including the Webster properties where owners agree to entry, to assess any effects as a result of construction of the bridge and its approaches.	<u>MW</u>
12.2 In any agreements entered into with any third party to carry out construction of the road and bridge, the Requiring Authority will require that party to accept liability for any damage or instability to land or buildings caused by construction and will also require that party to monitor slope stability throughout the duration of construction and for a period of 12 months following completion of the project. In the event that the Requiring Authority undertakes construction itself, it will accept such liability and conduct such monitoring.	<u>MW</u>
13 Stillwater Community Hall	
13.1 The Requiring Authority will use its best endeavours to provide a building (which is surplus to roading requirements) to be used as the Stillwater community hall. The Requiring Authority shall arrange for the transport at its cost of any such building to the agreed site.	<u>MW</u>
14. Stock Underpass	
14.1 The Requiring Authority shall enter into an agreement with the owners of the Webster properties to provide them with a stock underpass (under the new	<u>MW</u>

carriageway provided for by the designation) to agreed specifications and with agreed rights of access or tenure, to provide the owners of the properties access between the two parts of the property which will be bisected by the new carriageway.	
14.2 During the period of construction of the Weiti Link, while the Webster properties are bisected by works, but before the stock underpass is completed, the Requiring Authority shall provide reasonable stock access across the carriageway so owners of the properties can utilise all parts of their property.	<u>MW</u>
15 Duck Creek Intersection	
15.1 No part of the realigned Duck Creek Road, including its intersection on the eastern side of the Weiti link will be positioned further north than indicated on the plan annexed as Appendix A.	<u>MW</u>
16 Construction Traffic Management Plan	
16.1 The Requiring Authority shall manage construction traffic and construction parking to: (a) Protect public safety including the safe passage of pedestrians and cyclists; (b) Minimise delays to road users; (c) Minimise interruption to property access; and (d) Inform the public about any potential impacts on the road network.	<u>MW & AR</u>
16.2 The Requiring Authority shall prepare a Construction Traffic Management Plan (CTMP) for the Project to identify how Condition 16.1 will be met. The CTMP shall include the following: (a) Details of traffic management activities and sequencing proposed for the Project; (b) Methods for managing construction related traffic movements; (c) A process for preparing Site Specific Traffic Management Plans (SSTMP(s)); (d) Provisions to minimise delays to local traffic by construction activities for an unreasonable period (such time period to be specified); and (e) Provisions for emergency services to have access along all local road 24 hours per day, unless construction requires the temporary closure of a road, in which case, as part of the relevant SSTMP, an emergency action plan shall be developed and agreed with emergency services prior to any temporary closure so that an agreed access via an alternative route is available for the duration of that closure.	<u>MW & AR</u>
16.3 The Requiring Authority shall submit the CTMP to the Council for comment. The Requiring Authority shall consider any comments received from Auckland Council when finalising the CTMP. If the Requiring Authority has not received comments from Auckland Council within 20 working days of providing the CTMP, the Requiring Authority may consider that Auckland Council has no comments.	<u>MW & AR</u>
16.4 The Requiring Authority shall implement the CTMP for the duration of the Construction Works.	<u>MW & AR</u>
Site Specific Traffic Management Plans	
16.5 In compliance with the CTMP, the Requiring Authority shall prepare a SSTMP(s) where any Project construction activity varies the normal traffic conditions of any public road. The purpose of the SSTMP(s) is to identify specific construction methods to address the particular circumstances, local traffic and community travel demands within the area covered by the SSTMP(s).	<u>MW & AR</u>

<p>16.6</p> <p>The SSTMP(s) shall comply with the version of the NZ Transport Agency Code of Practice for Temporary Traffic Management (COPTTM) which applies at the time the relevant SSTMP is prepared. Where it is not possible to adhere to this Code, the COPTTM's prescribed Engineering Exception Decision (EED) process shall be followed.</p>	<p><u>MW & AR</u></p>
<p>16.7</p> <p>SSTMP(s) shall be prepared in accordance with Conditions 16.5 and 16.6 for Project access connections including:</p> <ul style="list-style-type: none"> (a) State Highway 1 (b) East Coast Road; (c) The Weiti Access Road; (d) Duck Creek Road; and (e) Whangaparaoa Road. 	<p><u>MW & AR</u></p>
<p>16.8</p> <p>Prior to finalising the SSTMP required for Whangaparaoa Road under condition 16.7(e), the Requiring Authority shall take all practicable steps to consult with Stanmore Investments Ltd (or any subsequent owner) of the New World supermarket and retail activity at the corner of Whangaparaoa and Beverley Roads ('the retail site'). The purpose of the consultation will be to enable the proposed traffic management approach to minimise effects on the safe and efficient operation of the retail site, particularly in relation to maintaining pedestrian and vehicle access during operational hours. The Whangaparaoa Road SSTMP shall detail what consultation has been undertaken and how any matters raised in this consultation has been taken into consideration in finalising the SSTMP.</p>	<p><u>MW</u></p>
<p>16.9</p> <p>At least 5 days prior to the applicable construction traffic commencing, the Requiring Authority shall provide the SSTMP to the relevant Road Controlling Authority for approval.</p>	<p><u>MW & AR</u></p>
<p>16.10</p> <p>The Requiring Authority shall implement each SSTMP for the duration of the Construction Works to which the particular SSTMP applies.</p>	<p><u>MW & AR</u></p>
<p>17 Mana Whenua Engagement</p>	
<p>17.1</p> <p>The Outline Plan of Works shall demonstrate how the Requiring Authority has engaged with at least the following mana whenua in accordance with the AT Māori engagement framework (or equivalent):</p> <ul style="list-style-type: none"> (a) Te Kawerau a Maki; (b) Ngati Whatua o Kaipara; (c) Ngati Manuhiri; and (d) Te Runanga o Ngati Whatua. <p>The purpose of the Mana Whenua engagement shall include (but is not limited to) the following:</p> <ul style="list-style-type: none"> (a) Input into the preparation of the Ecological Mitigation Plan, Restoration Planting Plan, and Visual Mitigation Plan to identify how Te Aranga principles (or similar) can be applied to reflect the cultural landscape, including but not limited to: <ul style="list-style-type: none"> i. Bridge and underpass structures; ii. Safety panels, noise walls and retaining structures; iii. The Toll Gantry; iv. Stormwater wetland ponds; v. Selection of re-vegetation species. (b) Identification of any removed native vegetation suitable for customary purposes; 	<p><u>MW & AR</u></p>

<p>(c) Development of a protocol between Mana Whenua and the Requiring Authority around implementation of archaeological conditions 6.1-6.4, including management and mitigation for disturbance of any waahi tapu sites (if any);</p> <p>(d) Undertaking kaitiakitanga responsibilities associated with the Penlink Project, including ceremonial, assisting with discovery procedures, and providing mātauranga Māori input in the relevant stages of the Project;</p> <p>(e) Naming of the Weiti Crossing bridge and shared path; and</p> <p>(f) Input to any matters requiring consultation with Mana Whenua under these NoR conditions.</p> <p>If the Access Road is constructed prior to the main works then mana whenua engagement shall include those matters listed in (d) and (f) in relation to those works only.</p>	
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Attachments

No attachments.