

PART 7 - DESIGNATIONS»Schedules and Designations»New Zealand Transport Agency»

**6720 State Highway 1 - Newmarket - OPERATIVE**

Designation Number	6720
Requiring Authority	New Zealand Transport Agency
Location	State Highway 1 from Gillies Avenue to St Marks Road off-ramp, Newmarket
Rollover Designation	Yes
Legacy Reference	Designation A07-01B, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	Unless lapsed prior to 15 June 2010, the expiry date of this designation was extended to 1 November 2015, by S78 of the Local Government (Auckland Transitional Provisions) Act 2010.

**Purpose**

Motorway - Newmarket Viaduct improvement project.

**Conditions**

**1. General**

1.1 Except as modified by the conditions below and subject to final design, the works shall be undertaken in general accordance with the information provided at the hearing by the Requiring Authority, being Transit New Zealand, the Notice of Requirement and supporting documents, as follows:

- a. 'Newmarket Viaduct Improvement Project (Viaduct Section) - Overview, Notice of Requirement, Assessment of Environmental Effects and Attachments - Volume 1', prepared for Transit New Zealand Limited by Beca Infrastructure Ltd, dated November 2005;
- b. 'Newmarket Viaduct Improvement Project (Viaduct Section) - Specialist Technical Reports - Volume 2', prepared for Transit New Zealand Limited by Beca Infrastructure Ltd, dated November 2005;
- c. 'Newmarket Viaduct Improvement Project (Viaduct Section) - A3 Plans - Volume 3', prepared for Transit New Zealand Limited by Beca Infrastructure Ltd, dated November 2005; and
- d. Further information and updated plans provided with the section 92 response (dated 13 January 2006) and post notification material (dated 7 June 2006) including:
  - i. Drawings C110 - C113 (Revision B);
  - ii. Drawings C102 - C106 (Revision B);
  - iii. Schedule of Affected Properties (Revision B);
  - iv. Drawing S211 (Revision B); and
  - v. Revised Urban Design/Visual Assessment (Brewer Davidson, May 2006).

1.2 As soon as practicable, and within 12 months following completion of construction of the Project, the Requiring Authority shall give notice to Auckland City Council in accordance with Section 182 of the RMA for removal of those parts of the designation which are not required for the long term operation, maintenance and mitigation of effects of the State highway.

Note that Condition 1.2 is specific to land no longer required for construction purposes once the Project is completed.

1.3 A stakeholder manager shall be appointed by the Requiring Authority for the duration of the Project to be the main and readily accessible point of contact for persons affected by the designation and construction work. The stakeholder manager's name and contact details shall be advised to affected parties by the Requiring Authority. This person must be reasonably available for on-going consultation on all matters of concern to affected persons, including being available at all times during active construction.

1.4 Where requested by the owners, the Requiring Authority shall physically peg out the extent of the alignment on individually affected properties once the designation has been confirmed or all appeals have been determined, whichever is later.

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1.5 The period within which this designation shall lapse if not given effect to shall be 5 years from the date on which it is confirmed in accordance with Section 184(1) of the Resource Management Act 1991.

1.6 The works the subject to this designation, including demolition and construction, shall be completed as one continuous project, within 5-years of commencement of the works, with the exception of any enabling works (including enabling works above or nearby the rail corridor required to be undertaken in sequence with any work undertaken by Ontrack).

1.7 The boundary of the designation shall not encroach into the Mt Hobson Road Carriageway.

1.8 The Requiring Authority shall pay the Council a compliance monitoring charge of \$10,000.00 (inclusive of GST) plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance. This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files and all work to ensure compliance with the conditions on the designation. This monitoring charge shall be paid one month prior to commencement of construction.

### **2. Project Management Plans (PMP) and Outline Plans**

2.1 The Requiring Authority shall prepare a PMP which shall include mitigation/management plans as referred to in conditions 3, 4, 7, 8 and 9 below.

2.2 No works shall be undertaken in any particular location(s) until:

- a. The PMP, or such part(s) of the PMP as are relevant to the location(s), are submitted to and approved by the Auckland City Council; and
- b. Any outline plan(s) required by section 176A of the Resource Management Act 1991 (RMA) in relation to the works in the location(s), are submitted to Auckland City Council.

2.3 Where an outline plan or plans are required by section 176A of the RMA for works in any particular location(s) and Auckland City Council agrees that the PMP or relevant part(s) of the PMP contains adequate details to satisfy section 176 RMA, then the Auckland City Council may waive the requirement for an outline plan in respect of the works in the particular location(s), as provided for in section 176(2)(c) RMA.

2.4 The works shall be undertaken in accordance with the submitted and approved PMP and outline plan of works (where required), unless otherwise altered with the approval of the Auckland City Council (under condition 2.5 below).

2.5 The Requiring Authority shall require its contractor implementing the works to prepare a Contractor's Project Management Plan (CPMP) which shall include mitigation/management plans specified in conditions 3, 4, 7, 8 and 9 (referred to in condition 2.1 above). Where the CPMP is inconsistent with the PMP in relation to these mitigation/management plans, the Requiring Authority shall seek the approval from the Auckland City Council to the changes.

### **3. Environmental**

3.1 The PMP shall include an Environmental Management Plan (EMP) to be provided to Auckland City Council prior to commencement of works. The purpose of the EMP is to manage and mitigate, where practicable, identified adverse environmental effects.

3.2 The EMP shall also address the implementation of suitable arrangements for stormwater treatment and detention in accordance with Auckland Regional Council (ARC) guidelines and/or consent requirements.

### **4. Construction**

4.1 The PMP shall include a Construction Management Plan (CMP) to be provided to Auckland City Council prior to commencement of works. The CMP shall be prepared in consultation with directly affected parties and parties affected by proximity as defined on the Newmarket Viaduct Consultation Map (June 2006).

4.2 The CMP shall include specific details relating to the demolition, construction and management of all works associated with the Project, including:

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### *General:*

- a. Details of the stakeholder manager, including their contact details (phone, facsimile, postal address, email address);
- b. The location of large notice boards that clearly identify the name, telephone number and address for service of the site or project manager;
- c. An outline construction programme of the works indicating in particular likely time periods for road closures and anticipated traffic diversion effects.
- d. Any means to ensure that no damage occurs to street trees that are otherwise unaffected by the Project throughout the construction period;
- e. Any means of protection of services such as pipes and water mains within the road reserve;
- f. Measures to be adopted to maintain the land in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- g. Location of workers offices and conveniences (e.g. portaloos);
- h. Procedures for controlling sediment run-off, dust and the removal of soil, debris and demolition and construction materials from public roads or places. A Dust Management Plan shall be submitted to Council. It shall specify methods to be used to control dust from earthworks and demolition. Dust mitigation measures should include use of water sprays to control dust nuisance on dry or windy days;
- i. Procedures for ensuring that residents in the immediate vicinity of construction areas are given prior notice of the commencement of construction activities and are informed about the expected duration of the works;
- j. Means of ensuring the safety of the general public;

### *Noise:*

- k. The CMP shall include a Construction Noise Management Plan (CNMP) describing the measures adopted to as far as practicable meet the requirements of the NZS6803:1999 Acoustics - Construction Noise. The CNMP shall refer to noise management measures set out in Annex E of NZS6803:1999, and as a minimum shall address the following:
- i. Construction sequence;
  - ii. Machinery and equipment to be used, including the use of non percussive machinery where practicable;
  - iii. Hours of operation, including times and days when noisy construction work would occur;
  - iv. The design of noise mitigation measures such as temporary barriers or enclosures;
  - v. Construction noise limits for specific areas;
  - vi. Development of alternative strategies where full compliance with NZS6803:1999 cannot be achieved, including consultation with residents and other occupiers to achieve acceptable outcomes; and
  - vii. Methods for monitoring and reporting on construction noise.

### *Traffic:*

- l. Methods of mitigating the local and network wide effects of both construction of individual elements of the Project, and the use of staging to allow sections of the Project to be opened to traffic while other sections are still under construction. In particular, the CMP shall describe:
- i. Traffic management measures to address and maintain, where practicable, traffic capacities at peak hours in Broadway, Gillies Avenue and St Marks Road, and any road closures that will be required;
  - ii. Methods to manage the effects of the delivery of construction material, plant and machinery (including cranes and oversized trucks); and
  - iii. The numbers, frequencies and timing of construction traffic movements.
- m. Methods to manage the effects of traffic that is required to detour or be diverted during construction, in particular seeking to minimise effects on residential areas such as Orakei Road and Market Road at night.
- n. Contingencies for traffic diversion in the case of extended road closures, emergency works or structure failure.
- o. Consultation with Auckland City Council, the Auckland Regional Transport Authority and the Bus and Coach Association with regard to the traffic management measures during construction to address and maintain, where practicable, traffic capacity at peak hours to provide for passenger transport services on both the roading and rail networks;
- p. Consultation with Auckland City Council with regard to the most appropriate means for providing access on Council roads within and adjacent to the designation;
- q. Identification of any existing on-site parking and manoeuvring areas which are affected by the works. Then, as far as practicable, and in consultation with Auckland City Council and the affected landowner, how the affected areas

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- will be relocated or reinstated to achieve compliance with the District Plan or to a similar standard to that existing;
- r. Where necessary, provision of alternative access arrangements as far as practicable, and in consultation with the Auckland City Council and the affected landowner, where the existing property access is to be removed or becomes unsafe as a result of the works;
- s. Details on the maintenance of pedestrian access and thoroughfare shall be maintained on all roads and footpaths adjacent to the construction works where practicable. Such access shall be safe and clearly identifiable. Pedestrian access across the Dilworth Avenue footbridge shall be maintained at all times, except where it is required to be temporarily closed for construction purposes; and
- t. Consistency with the Transit New Zealand 'Code of Practice for Temporary Traffic Management' (COPTTM).

### *Vibration:*

- u. The CMP shall as far as practicable meet the vibration standards of the German Standard DIN 4150, and shall address the following aspects:
- i. Vibration monitoring measures;
- ii. Criteria;
- iii. Possible mitigation measures;
- iv. Complaint response;
- v. Reporting procedures;
- vi. Notification and information for the community of the proposed works;
- vii. Vibration testing of equipment to confirm that the vibration limits will not be exceeded;
- viii. Location for vibration monitoring when construction activities are adjacent to critical buildings;
- ix. Operational times; and
- x Preparation of dilapidation reports on critical dwellings prior to, during and after completion of works.

4.3 The CMP shall be implemented and maintained throughout the entire demolition and construction periods.

4.4 Any commercial earthmoving equipment or similar shall be stored or parked within the boundaries of this designation at all times and not on surrounding streets.

4.5 All storage of materials and equipment associated with the construction works shall take place within the boundaries of this designation.

4.6 Temporary protection shall be installed to prevent vehicles damaging drains, footpaths, berms, kerbs, vehicle crossings and the roads during the site preparation and construction phase of development. Any damage to the drains, footpaths, berms, kerbs, vehicle crossings and the road attributable to any vehicle associated with construction activities shall be repaired to the same or similar standard as existed prior to such damage at no cost to Auckland City Council.

4.7 Pedestrian access and thoroughfare shall be maintained on all roads and footpaths adjacent to the construction works where practicable. Such access shall be safe and clearly identifiable.

4.8 All local temporary road closures shall be subject to prior approval of the Council.

4.9 The CMP shall, where practicable, provide priority for buses at peak hours along Broadway.

### *Blasting:*

4.10 If any blasting is required during construction, it shall be so controlled as to ensure that any ground vibration as a result of any blasting will not adversely affect the structural stability of any building or structure including electrical equipment (that is not connected with the site covered by this designation) or cause any reduction in its utility value. Peak particle velocities measured on any foundation or uppermost full storey of any building not related to the site, which do not exceed the limits set out in Table 1 of German Standard DIN 4150 Part 3:1986 'Structural Vibration in Buildings - Effect on Structures', will be deemed to meet these requirements. Peak particle velocity means the maximum particle velocity in any of the three mutually perpendicular direction. The units are millimetre per second (mm/s).

4.11 The noise created by the use of explosives for blasting shall not exceed a peak overall sound pressure of

128dB (i.e. peak over pressure of 0.05kPa) or alternatively the noise shall not exceed a peak sound level of 122dBC. The measurement shall be made in either case at 1m from the most exposed window or door of any occupied building (that is not subject to this designation).

## 5. Archaeological Heritage

5.1 An archaeologist or some other person approved by the New Zealand Historic Places Trust shall be present to monitor initial earthworks for the Project, including works that affect the stonewall under the present viaduct at Gillies Ave (the edge of the lava flow).

5.2 Detailed protocols for the management of archaeological and waahi tapu discoveries shall be developed in conjunction with tangata whenua prior to construction.

5.3 If any archaeological sites, including human remains are exposed during site works then the following procedures shall apply:

- a. Immediately after it becomes apparent that an archaeological or traditional site has been exposed, all site works in the immediate vicinity shall cease;
- b. The Requiring Authority shall immediately secure the area so that any artefacts or remains are untouched; and
- c. The Requiring Authority shall notify tangata whenua, the New Zealand Historic Places Trust, Auckland City Council within 24 hours that an archaeological site has been exposed so that appropriate action can be taken. Works shall not commence in the immediate vicinity of the archaeological site until any approval required from the NZ Historic Places Trust is obtained.

## 6. Protected Trees

6.1 This condition applies to trees within the designation area that would be subject to Tree Protection rules under the provisions of the underlying zoning of the District Plan ("Protected Trees").

6.2 Removal, trimming/pruning or works within the drip line of Protected Trees, shall be limited to those trees identified in the Landscape Report November 2005 and includes trees located on road reserve greater than 6 metres in height and trees subject to general tree protection greater than 6 metres in height.

6.3 A suitably experienced, Council approved arborist ('nominated arborist') shall be employed by the Requiring Authority, at the Requiring Authority's expense, to monitor, supervise and direct all works within the drip line or in the vicinity of those protected trees to be retained, for the duration of the works.

6.4 Prior to any site works commencing, a pre-commencement site meeting shall be held so that the conditions of the designation that pertain to the retained vegetation can be explained by the nominated arborist to all contractors or sub-contractors who will be working on site within the drip-line of, or adjacent to, any protected vegetation that is covered by the designation.

6.5 A copy of the conditions of the designation pertaining to the protected trees shall be held on site at all times.

6.6 The following measures shall be taken in respect of the remaining Protected Trees within the designation area:

- a. Temporary protective fencing shall be erected around the Protected Trees to be retained prior to the commencement of construction activity and shall remain in place for the duration of the Project. The purpose of the temporary protective fencing is to provide an area around the retained trees that will facilitate their successful retention during the construction process. The parameters of the enclosure shall be as directed by the Requiring Authority's arborist;
- b. Except as provided for in Conditions 6.7 and 6.8, the area within the temporary protective fencing shall be considered a total exclusion zone. The Requiring Authority and its agents shall not:
  - i. Enter into the delineated area without prior consultation and agreement from the nominated arborist;
  - ii. Alter the dimensions of the delineated area without prior consultation and agreement from the nominated arborist;
  - iii. Store diesel, cement, building materials, site huts, spoil, equipment, or machinery within the delineated area; and
  - iv. Spill substances likely to be injurious to tree health within seepage distance of the delineated area.
- c. The temporary protective fencing shall be constructed from a solid face (i.e. plywood or corrugated iron) attached to a sturdy framework of freestanding scaffolding or posts. It must be constructed to a minimum height of 1.8m and must remain in place for the duration of the Project.

6.7 The nominated arborist shall undertake all necessary trimming and pruning works, including the pruning of tree roots uncovered during excavations. Exposed roots shall be covered and kept moist.

6.8 The nominated arborist shall undertake a tree-monitoring programme throughout the construction phase, including monitoring of:

- a. The condition repair and location of the temporary protective fencing;
  - b. Any excavation within the drip line of protected trees;
  - c. General tree health; and
  - d. Compliance with the conditions of the designation by way of fortnightly inspections during the construction period.
- A copy of the monitoring results from each visit shall be sent to the Auckland City Environments' arborist, with one copy being retained on site by the Project Manager, while a further copy is to be retained by the nominated arborist.

6.9 During the construction process the nominated arborist may make recommendations on the installation of irrigation systems, mulch, or remedial pruning works, if they are required to improve tree health.

## 7. Landscape Mitigation

7.1 The PMP shall include a Landscape Mitigation Plan (LMP) to be provided to Auckland City Council prior to or with the outline plan of works for the project or project stage. The LMP shall be prepared by a suitably qualified landscape architect, and shall address the following matters:

- a. Transit New Zealand's "Guidelines for Highway Landscaping" (dated September 2002);
- b. Consistency with Transit New Zealand's "Central Motorway Improvements: Urban Design Framework" (dated 6 September 2001); and
- c. Consistency with Transit New Zealand's "Urban Design Implementation Principles (2006)".

7.2 The Landscape Mitigation Plan (LMP) for the Project area shall provide for:

- a. The integration of the permanent works into the surrounding landscape;
- b. Mitigation of effects on properties in the vicinity of the alignment;
- c. Integration, and continuation of significant elements of consistency with recently established planting themes in the CMJ Core area, established desirable coastal vegetation, and the vegetative character of Newmarket;
- d. Retention or relocation of existing trees where practicable; and
- e. Replacement planting or mitigation for loss of protected or scheduled trees.

7.3 The Landscape Mitigation Plan (LMP) shall include the following:

- a. Concept Plan/Report - this shall depict the overall landscape concept, and provide a framework for the design intent, layout and mitigation proposals;
- b. Landscape Design Details - these shall include the following details:
  - i. Identification of vegetation to be retained;
  - ii. Proposed planting including - plant species, mixes, spacing/densities, sizes (at time of planting) and layout;
  - iii. Planting programme - the staging of planting in relation to the construction programme;
  - iv. Detailed specifications relating to (but not limited to) the following:
  - v. Vegetation protection (for desirable vegetation to be retained);
  - vi. Weed control and clearance;
  - vii. Ground preparation (topsoiling and decompaction to ensure rapid plant establishment and ongoing vigour);
  - viii. Mulching;
  - ix. Plant supply and planting;
  - x. Maintenance regime (requirements and programme);
  - xi. Performance standards
  - xii. The restorative landscape treatment for the areas within the designation surrounding all road reserves affected by the Project, including Gillies Ave, St Marks Road, Mauranui Ave, Mahuru Street and Clovernook Street;
  - xiii. Landscape treatment for both sides of the Mt Hobson noise wall;
  - xiv. Consideration of views to volcanic cones; and
  - xv. Consideration of:
    - The landscape character of the area;
    - The relationship of the works to the pedestrian environment;

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- Integrated planting, as appropriate, to promote a "gateway" concept at St Marks Rd and Gillies Ave and to include treatment of the on-off ramp edges and under-bridge areas; and
- Designs that will strengthen Newmarket's "sense of place".

7.4 In areas where shrub mixes are used, densities shall ensure that low canopy coverage has been attained by the end of the contract maintenance period.

7.5 Prior to planting and throughout the ensuing maintenance period, all weed species declared as plant pests in the Auckland region by the ARC (including Total Control/Containment Pests/Surveillance Pests & Research Organisms) shall be controlled and removed from the site.

7.6 Where native plants are used, the composition shall reflect the natural plant associations of the area, and the mixes (where relevant) shall be of suitable richness and diversity to encourage self-sustainability once established.

7.7 Where practicable, any planting utilising native plants shall use plants genetically sourced from the Ecological District.

7.8 Planting areas shall be mulched using suitable weed-free, granular organic mulch. The only exceptions to this shall be where the slopes are too steep to allow for its retention. In such cases a neutral or black coloured biodegradable or photodegradable geotextile shall be used.

7.9 Landscape mitigation proposals outside the designation boundary shall be agreed with the appropriate landowner and subsequently implemented.

7.10 The LMP shall be prepared in consultation with Auckland City Council and iwi.

7.11 The landscaping shall be implemented in accordance with the LMP within the first planting season following the completion of the construction works providing climatic conditions are suitable, otherwise at the first practicable opportunity thereafter, and shall be maintained for the next 3 years thereafter. Should the landscaping be implemented in stages (depending on construction phases), landscaping may be implemented after the first planting season of each stage.

7.12 When planning or implementing changes to signage on the Newmarket Viaduct, the Requiring Authority shall, where safe and practicable, avoid locating additional signage where it will encroach on the viewshaft to Mt Hobson, as described in the Auckland City District Plan: Isthmus Section.

### **8. Urban Design**

8.1 The PMP shall include an Urban Design Plan (UDP) to be provided to Auckland City Council prior to or with the outline plan of works for the project or project stage. The UDP shall be prepared by a suitably qualified person (including an artist where appropriate), and shall address the following matters:

- a. Transit New Zealand's "Central Motorway Improvements: Urban Design Framework" (dated 6 September 2001); and
- b. Transit New Zealand's "Urban Design Implementation Principles (2006)".

8.2 The UDP and urban design measures shall include:

- a. Concept Plan/Report - this shall depict the overall urban design concept and provide a framework for the design intent, layout and urban design measures, which shall:
  - i. Be determined in consultation with Auckland City Council and iwi (by way of a joint working party);
  - ii. Consider further comments from the Auckland City Urban Design Panel;
  - iii. Not preclude access to any future pedestrian linkage identified by Auckland City Council (including Gillies Ave/Clovernook Place).
- b. Urban design details and appropriate design measures in respect of:
  - i. Treatment of noise attenuation barriers;
  - ii. Road safety barriers;
  - iii. Retaining walls;

- iv. Pedestrian areas or facilities;
- v. Methods to visually screen sections under the Newmarket Viaduct (where considered appropriate), such as beneath the Gillies Ave bridge section;
- vi. The area beneath the viaduct at Gillies Ave, which shall be designed to promote a positive pedestrian experience;
- vii. Stakeholder funded art works;
- viii. Design of the Mt Hobson Road noise wall; and
- ix. Restoring all road reserves beneath the designation affected by the Project, including Gillies Ave, St Marks Road, Mauranui Ave, Mahuru Street and Clovernook Street.

8.3 The Requiring Authority shall commission a peer review of barrier options for the Newmarket Viaduct. The peer reviewer shall be selected by agreement with Auckland City Council.

- a. The purpose of the review of barrier options shall be to ascertain whether there are any alternative barrier options to that proposed by Transit in the NOR documentation, that would better maintain the protected views from the Viaduct to the Waitemata Harbour or Rangitoto as identified in the operative District Plan (as at July 2006). The alternative barrier options shall meet each of the following criteria:
  - i. The barrier is approved by the Requiring Authority as meeting its operational and safety requirements (including its debris and noise screen functions); and
  - ii. The barrier is of a height or design that could maintain protected views from the Viaduct to the Waitemata Harbour or Rangitoto as identified in the operative District Plan (as at 7 July 2006); and
  - iii. The barrier provides the same or better acoustic performance required under condition 9.2(a).
- b. The peer review report shall include details of each barrier option (if more than one), including a view protection assessment, the cost, maintenance requirements and the extent to which each option meets Transit's required operational and functional requirements (including its debris and noise screening functions). The report shall be provided to Auckland City Council and the Auckland Regional Council;
- c. The view protection assessment shall use photomontages or computer modelling techniques, to demonstrate the impact of each option on protected views. The view protection assessment shall show a representative range of views along the viewshaft's origin from the level of a typical motorcar; and
- d. Following the completion of the peer review, where significant additional protection to the views from the Viaduct to the Waitemata Harbour or Rangitoto can be practicably achieved, the Requiring Authority will determine the final barrier design in consultation with Auckland City Council and the Auckland Regional Council.

8.4 The above ground Viaduct pier elements shall not be located in the pier restriction zone shown on Transit plan 9101314-S211, titled "Pier Restriction Zones", Revision B dated 13 January 2006 and submitted with the section 92 response. Piers located within the local road reserve will be minimized and will require the prior written approval of the Auckland City Council. The Council will assess the position and design of the pier in terms of its impact on amenity, public safety and pedestrian and traffic movement, and Council approval shall not be unreasonably withheld.

## 9. Operational Noise

9.1 The PMP shall include a Noise Management Plan (NMP) to be provided to Auckland City Council prior to commencement of works. The NMP shall be prepared by a suitably qualified acoustic expert for the purposes of avoiding, mitigating or remedying any adverse noise effects from the operation of the project following its construction.

9.2 The NMP shall include:

- a. General measures (e.g. noise attenuation barriers), to achieve at a minimum, compliance with the Transit New Zealand 'Guidelines for the Management of Road Traffic Noise - State Highway Improvements' (December 1999), these shall include (but are not limited to) the following mitigation measures:
  - i. A noise barrier, no less than 2 metres high from the level of the carriageway, between Mt Hobson Road and the motorway (extending from approximately 28 Dilworth Avenue to 34 Mt Hobson Road) in accordance with the Newmarket Viaduct Improvement Project - Assessment of Noise Effects for Viaduct Section Report (Marshall Day) dated 15 November 2005;
  - ii. The use of Open Graded Porous Asphalt "OGPA" or equivalent material to surface the new viaduct; and
  - iii. The use of solid barriers and a median on the new viaduct.
- b. Specific measures for existing dwellings, where these are necessary in addition to the general measures under 9.2.a. above to achieve at a minimum, compliance with the Transit New Zealand 'Guidelines for the Management of



Road Traffic Noise - State Highway Improvements' (December 1999).

9.3 The NMP shall identify the existing dwellings for which specific measures are required in accordance with condition 9.2.b above. Those dwellings shall be referred to as 'affected dwelling(s)'.

9.4 Not less than three months prior to the completion of construction of the Project, the Requiring Authority shall give written notice to the owner of each affected dwelling:

a. Advising the options available for mitigation treatment to the affected dwelling and the predicted benefits of implementation of such options in term of noise levels;

b. Advising that the owner has six months within which to decide whether or not to accept mitigation treatment to the dwelling; and

c. Once an agreement on mitigation is reached between the Requiring Authority and the owner, the mitigation shall be implemented in an accepted timeframe between the Requiring Authority and the owner.

9.5 The Requiring Authority shall advise the Auckland City Council of:

a. All written notices served in accordance with condition 9.4;

b. Any responses received to those written notices; and

c. Those affected dwellings in respect of which no response has been received.

9.6 Where specific measures are required for an affected dwelling, the Requiring Authority shall be deemed to have complied with condition 9.1 above where:

a. The Requiring Authority has completed noise mitigation treatment to an affected dwelling; or

b. The owner of the affected dwelling has refused to accept the Requiring Authority's offer to implement noise mitigation treatment to the dwelling prior to the expiry of six months after the practical completion of the Project; or

c. The owner of the affected dwelling cannot after reasonable enquiry be found prior to the expiry of six months after the completion of the State highway construction.

9.7 Subject to condition 9.6, all noise mitigation measures identified by the NMP shall be implemented prior to the completion of construction of the Project.

9.8 As required by the Transit New Zealand 'Guidelines for the Management of Road Traffic Noise - State Highway Improvements' (December 1999) measurements of noise levels existing prior to construction shall be used to establish ambient noise levels. The results of 24 hour ambient noise measurements at no less than a total of six (6) positions within 50 m of the northbound and southbound lanes, together with site maps and photographs detailing measurement positions and key data on measurement conditions shall be forward to the Council prior to the commencement of construction.

9.9 Compliance Monitoring: Following completion of the work, the requiring authority shall arrange for an appropriately qualified person to undertake monitoring of the level of traffic noise at the above six (6) sites for which ambient noise level data has been previously recorded, within a period between of between 2 and 3 years following completion of construction of the Work and shall report the findings of monitoring to the Council, within one month of the monitoring being undertaken.

## **10. Operational Vibration**

10.1 Vibration levels of the existing State Highway 1 operations shall be measured at critical locations, and submitted to the Council, prior to the commencement of works. These baseline measurements will provide levels for current use and for comparison with future levels.

## **11. Lighting**

11.1 Lighting shall be designed and screened to minimise the amount of lighting overspill and illumination of residential areas.

## **12. Parking**

12.1 Prior to commencing works pursuant to the designation, the Requiring Authority shall ensure that it has provided approved alternative parking for staff of Westfield, which is currently provided at 10 Mahuru Street, pursuant to Westfield's existing consent LUC no. 5700210401.

### 13. Lapse Date

Unless lapsed prior to 15 June 2010, the expiry date of this designation was extended to 1 November 2015, by S78 of the Local Government (Auckland Transitional Provisions) Act 2010.

### Advice Notes

1. The Requiring Authority shall obtain all other necessary consents and permits and comply with all relevant Council bylaws.
2. The Requiring Authority shall obtain all other necessary resource consents and permits in relation to sediment and stormwater discharges from the Auckland Regional Council.
3. Under the Historic Places Act an Authority to Modify an Archaeological Site is required from the NZ Historic Places Trust before any work takes place on an archaeological site.
4. Some of the land is subject to existing designations. The provisions of Section 177 of the Resource Management Act 1991 apply accordingly.
5. A separate Transit designation, being D09-32, affects land adjoining the Viaduct. That designation imposes a 12.2 metre height restriction on land within 76.2 metres of the centreline of the existing Newmarket Viaduct. The Requiring Authority advises that it will review the ongoing need for and/or extent of designation D09-32 as part of detailed design for the Newmarket Viaduct Project and, once a decision is made, an alteration to designation D09-32 may be sought pursuant to the relevant RMA provisions. In the interim, the height designation D09-32 will remain in its existing position and will not automatically move to align with the new Viaduct alignment.

### Attachments

No attachments.