

**BEFORE THE BOARD OF INQUIRY
FOR THE WATERVIEW CONNECTION PROPOSAL**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of a Board of Inquiry
appointed under s 149J of
the Resource Management
Act 1991 to decide notices
of requirement and
resource consent
applications by the New
Zealand Transport Agency
for the Waterview
Connection Proposal

**JOINT MEMORANDUM OF COUNSEL FOR THE AUCKLAND COUNCIL,
AUCKLAND TRANSPORT AND ALBERT-EDEN LOCAL BOARD PROVIDING
COMMENT ON DRAFT REPORT AND DECISION UNDER SECTION 149Q(4) OF THE
RESOURCE MANAGEMENT ACT 1991**

23 JUNE 2011

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MAY IT PLEASE THE BOARD

1. INTRODUCTION

1.1 This memorandum sets out the joint comments of the Auckland Council (**the Council**), Auckland Transport, and Albert-Eden Local Board (**the parties**) on the Board of Inquiry's Draft Report and Decision dated 23 May 2011. These comments are provided in accordance with section 149Q(4) of the Resource Management Act 1991 (**RMA**).

1.2 Firstly, the parties wish to thank the Board for the thorough and comprehensive way in which their concerns have been considered and addressed.

1.3 With one exception, all of the comments relate to the "proposed conditions of consent" provided as Volume 2 of the Draft Report and Decision. The exception is that 'Annexure A – Hearing Appearances' to the Draft Report and Decision should list D Hartley and C Faesenkloet as also appearing with G Lanning for the Auckland Council and Auckland Transport, and K Wilson as also appearing with R Devine for Albert-Eden Local Board. In our submission, therefore, all of the comments relate to "minor or technical aspects of the report" as defined in section 149Q(5)(a) of the RMA.

1.4 The table attached as **Attachment A** to this memorandum sets out the parties comments, along with their recommended amendments to the proposed conditions of consent. In addition to the comments set out in the attached table, this memorandum expands on particular issues relating to the following:

- (a) condition requirements for the provision of information, certification or approval;
- (b) open space mitigation conditions;
- (c) pedestrian and cycleway condition; and
- (d) references to Section C of the ULDF.

1.5 Following receipt of the Draft Report and Decision there have been discussions between counsel and experts for the Council and Auckland Transport, the NZTA,

the Albert-Eden Local Board and Living Communities (Auckland) Incorporated and others¹. A reasonably high level of agreement has been reached in relation to comments on the proposed conditions of consent.

1.6 Counsel understands that the NZTA has lodged an amended set of conditions with its comments on the Draft Report and Decision (including a response to the Board's directions of 17 June 2011). NZTA provided the Council and Auckland Transport with a draft copy of the NZTA's amended conditions on 17 June and 21 June 2011. These were shared with the Local Board. The parties understand that NZTA has made only a few changes to the conditions since the earlier drafts. However, the parties were not provided with a copy of the final set of the NZTA's amended conditions until immediately prior to finalising this memorandum. The parties have included a column in the table attached as Attachment A to indicate whether the NZTA's amended conditions address the changes that are being sought by the parties.

2. **CONDITION REQUIREMENTS FOR THE PROVISION OF INFORMATION, CERTIFICATION OR APPROVAL**

2.1 The conditions contain various requirements for the provision of information, certification or approval. Currently there are many different references to these being to "Auckland Council", "the Council" and "Manager Environmental Services", "the "Manager", "Auckland Council Manager " and "Manager Major Consents".

2.2 With a few exceptions, the Council considers that it is preferable to provide a single point of contact (being the Major Infrastructure Team Manager) for the provision of information, conditions requiring Council approval or certification, and monitoring.

2.3 The exceptions include:

- (a) Where the delegation is with another role in the Council – refer to Condition DC.10 regarding the Manager Regional and Local Planning.
- (b) Where the matter is more appropriately addressed by another role – refer to Condition RC.4 dispute clause where the delegation is with the

¹ These are the other parties represented by Mr Allan, namely: North Western Community Association Inc., Sir Harold Marshall and the Mt Albert Residents Association. Together, with Living Communities (Auckland) Incorporated they will be referred to in this memorandum as "Living Communities".

Manager Resource Consents, which is a senior role to the Major Infrastructure Team Manager.

- (c) Where the condition relates to the Council's role as landowner – refer to the SO set of conditions.
- (d) Where a broad reference to the Auckland Council is preferable, such as when a representative from the Council is required to attend a site meeting – examples are at Conditions SW.5 and SW.8.
- (e) Where the matter is more appropriately referred to a person with specialist expertise. For example, the Heritage Manager, Environmental Services, Auckland Council – refer to Condition Arch.5.(e).

2.4 The Council has provided the NZTA with the amendments that are required to address this matter and understands that with one exception, the NZTA has included these in the suite of conditions to be attached to their comments on the Draft Report and Decision.

2.5 The exception relates to Condition OS.2 and the subsequent amendment to Condition OS.4(i).

2.6 The Council understands that the NZTA prefers to retain the conditions that require the open space restoration plans to be approved by the Council as landowner. The Council preference is that, in line with all other conditions that require the approval of management plans, the exercise of the delegation of the condition is with the Major Infrastructure Team Manager (a regulatory role), following the NZTA consulting and obtaining the written approval of the Council as landowner. This will ensure that there is a level of consistency and co-ordination in the approval of the various plans required across the various consent conditions.

2.7 The Council has set out its preferred wording in Rows 31 and 33 of the table attached as Attachment A.

3. OPEN SPACE MITIGATION CONDITIONS

3.1 The parties wish to comment on the following open space conditions:

- (a) OS.10(d): Improvement of connection to Howlett Reserve – Financial Payment in lieu.

- (b) OS.17: Transfer of 6 Barrymore Road – Financial Payment in lieu.

OS.10(d): Howlett Reserve connection

- 3.2 Condition OS.10² addresses mitigation relating to the Waterview area. Condition OS.10(d) requires the NZTA to improve the existing pathway connections at Howlett Reserve and provide wider and safer access out to either Howlett Street or Oakley Avenue; or an "equivalent financial payment" to the Council if the improved access cannot be achieved prior to the occupation of the construction areas within Waterview Reserve because the required land cannot be acquired by the NZTA. The condition requires the payment to be used by the Council for the "improvement to Howlett Reserve, Waterview Esplanade Reserve or Waterview Reserve".
- 3.3 The parties would prefer to broaden this condition so that the payment may be applied for improvement works or expansion of existing reserves (in addition to those already listed) in the Waterview area. The reasons for this are:
- (a) Condition OS.5, as amended by the Board of Inquiry, requires additional works to mitigate significant adverse effects on open space on the Waterview Esplanade Reserve and Waterview Reserve. As a result, it is unlikely that further improvement works will be necessary in these two reserves. Dependent on the final form of the expanded Open Space Restoration Plan for Waterview Reserve, there may be little scope for further improvements to Howlett Reserve.
- (b) There are other open spaces in the Waterview area that would benefit from improvements that would, in turn, help to mitigate the project's effects. For example, within the Waterview area there is Saxon Reserve, Tutuki Reserve, Heron Park and four esplanade reserves located at Fairlands Avenue, Seaside Avenue, Saxon Street, and Heron Park. These reserves are zoned Open Space 1 or 2 and are within approximately 800m of the tunnel/stack.
- (c) The parties are concerned that, given the additional mitigation the NZTA is required to undertake as a result of the Board of Inquiry's Draft Report

and Decision, the NZTA may not pursue the acquisition and development of the two additional³ properties to enable the full expansion of Saxon Reserve. Should this occur, broadening condition OS.10(d) as proposed will enable the Council to allocate the Howlett Reserve access contribution towards this acquisition and/or subsequent open space improvement works in the Waterview area.

- (d) The parties consider that the proposed amendment could allow the Council to deliver open space improvements in the Waterview area early during the construction of the project, which will assist in mitigating the adverse effects of construction.

- 3.4 We understand that the proposed amendments to Condition OS.10(d) are supported by the NZTA.

OS.17: 6 Barrymore Road

- 3.5 Condition OS.17⁴ requires the NZTA to transfer the property at 6 Barrymore Road to the Council in order to mitigate adverse effects on passive open space in the vicinity of Valonia Reserve and Alan Wood Reserve⁵. If the transfer does not occur within 12 months of "commencement of operation of the motorway in Sector 9" the condition provides that the NZTA shall:

"make a financial payment in lieu of that transfer to Auckland Council in the amount of \$1.13 million, for the same purposes as the payment described in condition SO.14, but not further conditional in the manner provided by SO.14(d)."

- 3.6 The parties understand the Board of Inquiry has used the Auckland Council GIS Viewer database to assign a value of \$1.13 million to 6 Barrymore Road. This value is based on the land's current open space zoning. In the unlikely event the NZTA cannot vest the land in the Council and is required to make a financial payment to the Council, the likely alternative mitigation will involve the Council purchasing residential zoned land for open space in the relevant area, which on a per m2 basis, would have a higher value than the valuation of 6 Barrymore Road.

² Draft Report and Decision, Proposed conditions of consent, Volume 2, page 65, and Attachment A, page 12).

³ ie in addition to the properties already acquired by the NZTA to comply with condition OS.10(c).

⁴ Draft Report and Decision, Proposed conditions of consent, Volume 2, page 67, and Attachment A, page 10).

⁵ Draft Report and Decision, paragraph 355, page 99.

If so, a lesser land area will be able to be purchased, reducing the level of mitigation that would otherwise be provided by the 6 Barrymore Road property.

- 3.7 Accordingly, the parties respectfully request that condition OS.17 is amended so that the financial payment is calculated on the value of the land, assuming that it has a Residential 6A zoning. The parties suggest this zoning as Residential 6A is the common zoning in the vicinity of the Barrymore Road property. The parties understand that NZTA does not agree with the proposed wording of Condition OS.17 set out in Attachment A.

4. PEDESTRIAN AND CYCLEWAY CONDITION

- 4.1 Condition SO.14⁶ requires the NZTA to pay a "financial contribution" of \$8 million to the Council for the construction of a pedestrian and cycleway, including two bridges (at Soljak Place and in the Oakley Reserve in the vicinity of Alford Street). This payment is subject to the Council and Auckland Transport securing the required consents and land owner approvals.
- 4.2 Through its counsel, the NZTA has raised legal issues with this condition relating to the funding provisions under the Land Transport Management Act 2003. To avoid these issues, we understand that the NZTA is now offering to construct the pedestrian and cycleway (including the two bridges), provided that the Council/Auckland Transport can secure the required consents and land owner approvals. The NZTA have advised that the value of the work will be "capped" at \$8 million.
- 4.3 The parties do not agree that the condition proposed by the Board of Inquiry (requiring a financial payment) is unlawful. However, they would also support an alternative condition requiring the NZTA to construct the pedestrian and cycleway facilities.
- 4.4 The parties consider that the condition should also allow for partial construction of the facilities should they, despite reasonable endeavours, not be able to secure all the required land owner approvals.

⁶ Draft Report and Decision, Proposed conditions of consent, Volume 2, page 73, and Attachment A, page 8.

4.5 Accordingly, the parties respectfully propose amendments to the condition that:

- (a) separate the three key elements of the facilities (ie the pedestrian/cycleway, Soljak Place Bridge, and Alford Street Bridge); and
- (b) allow for each of the elements to be constructed separately (when the required consents and approvals have been obtained by the Auckland Council/Auckland Transport).

4.6 The Council/Auckland Transport strongly support the construction of all three elements and will use their best endeavours to achieve this outcome. This intention is recorded in a proposed advice note⁷. However, the proposed amendments will ensure that, in the unlikely event that the Council/Auckland Transport cannot secure the required land owner approvals, at least some of the facilities will be provided to mitigate the Project's effects. It is also possible that any remaining unconstructed elements can be constructed in the future, outside of the Waterview Connection project.

4.7 Other amendments are proposed as follows:

- (a) Clarifying the meaning of "permanent basis" in relation to the crossing of the railway at Soljak Place, as including an approval that may be conditional on future expansion/upgrade of the railway.⁸
- (b) Allowing for the \$8 million "cap" on the NZTA's contribution to be adjusted in accordance with inflation.
- (c) Requiring the pedestrian and cycleway facilities to be completed prior to the opening of the motorway or within 2 years of receiving the Council/Auckland Transport certification (whichever is the later) so that the mitigation to be provided by the facilities is in place within a reasonable timeframe.
- (d) The need for the Council/Auckland Transport to provide "written consent to the NZTA" to construct the facilities has been removed. This is unnecessary because the NZTA's obligations to construct the facilities

⁷

Attachment A, page 8.

⁸

This matter is discussed at paragraph 363 of the Draft Report and Decision.

are subject to the Council/Auckland Transport certifying that the various approvals have been obtained. It is implicit that when providing this certification that the Council/Auckland Transport will be consenting to the NZTA constructing the facilities.

- 4.8 The parties and Living Communities have agreed on the amended wording for condition SO.14, which is set out in Attachment A to this memorandum. Counsel for the NZTA has advised that NZTA agrees with the wording of Condition SO.14, with the exception of any reference to the CPI in subclause (g). While the NZTA's condition SO.14 does not include subclause (h) (as set out in Attachment A), the parties understand that this subclause is not opposed by the NZTA. A copy of the route plan referred to in this condition is attached at **Attachment B** to this memorandum.

5. SECTION C OF THE ULDF

- 5.1 The parties have considered the Board of Inquiry's comments at paragraphs 918 – 920 of the Draft Report and Decision and its revision of LV.2(j).
- 5.2 The parties suggest an alternative approach to that outlined by the Board of Inquiry.
- 5.3 Firstly, the parties' alternative wording to LV.2 strengthens the link between the Urban Landscape and Design Framework June 2010 (ULDF) and the detailed Urban Design Landscape drawings. Reference has not been made to Section C of the Framework as the parties share the NZTA's concern that aspects of this document are not included in the Project or have been superseded. However, should the Board of Inquiry wish to retain this reference, it is suggested that this could be worded as follows:

"The visual mitigation of the infrastructure as detailed in Section B of the Urban Landscape and Design Framework June 2010 (Refer Schedule A, Row 38), and where it forms part of the Project or has not been superseded by other amendments, Section C: ULDF June 2010 – refer Schedule A Row 41"

- 5.4 Secondly, rather than expand LV.2(j) as suggested by the Board of Inquiry, the parties consider that it is more appropriate to require the detailed design of the exterior finishes of motorway structures such as bridges, piers and retaining walls to be provided by way of a new DC condition. This is because these structural elements do not currently form part of the UDL package of drawings and what the Board of Inquiry appears to be concerned with is the lack of detail on the F series

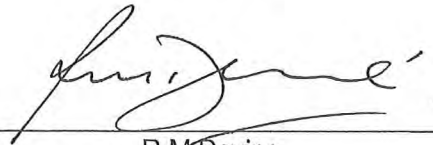
drawings. It is noted that the tunnel portals are not referred to in Condition DC.1B as the parties consider this will be addressed in the two outline plans of works required under Condition DC.7.

- 5.5 Should the Board not support the introduction of DC.1B and the resultant minor amendment to DC.6, the parties suggest the alternative of requiring an outline plan of works for these structures, but that the scope of matters to be considered is the extent to which exterior design and finishes are in accordance with the ULDF.

DATED this 23rd day of June 2011



G C Lanning / C L Faesenkloet
Counsel for Auckland Council and Auckland
Transport



R M Devine
Counsel for Albert-Eden Local Board

Attachment A

Attachment A

Comments on conditions

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
1.	The conditions contain various requirements for the provision of information, certification or approval. With a few exceptions, the Council considers that it is preferable to provide a single point of contact for the provision of information, conditions requiring Council approval or certification, and monitoring. This will be the Major Infrastructure Team Manager. Refer to the memorandum for an explanation for this amendment.	Various	Refer to the NZTA suite of conditions and Rows 31 and 33 below	In part Not OS set
2.	<p>The Council will need to revise the District Plan(s) soon after the decisions are confirmed. This will involve including the designations (including conditions) in the appendices to the planning maps. This will be done by reference to Scheduled B of the conditions.</p> <p>Providing a list of conditions to be attached to each designation up to 3 months after the decision is therefore not of assistance to the Council.</p> <p>However, the Council does not oppose the inclusion of the following words in Condition DC.1A:</p> <p><i>At the same time NZTA shall prepare to the satisfaction of Auckland Council a document for each designation which sets out the designation and have attached to it in text format a comprehensive set of the conditions imposed by the Board of Inquiry in its Final Decision as summarised in Schedule B, inclusive of any standard conditions and advice notes.</i></p>	DC.1A		✓

¹ This column indicates where the parties understand the NZTA has included the proposed change in the conditions submitted with its comments under section 149Q(4).

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
3.	<p>This condition should be subject to Condition DC.7 (the requirement for an outline plan of works for the northern and southern ventilation buildings and stacks).</p> <p>It is noted that this matter was also highlighted in the Board's minute of 17 June 2011.</p> <p>For reasons that are explained in the memorandum, the Council's proposed amendment that creates a new Condition DC.1B requires the advice note in Condition DC.6 to be amended.</p>	DC.6	<p>Amend:</p> <p>Subject to Conditions DC.3 and DC.4, <u>and except where required by DC.7, the NZTA shall be exempt from providing an Outline Plan of Works for the Project, as provided for in Section 176A (2)(a) and (b) of the RMA.</u></p> <p><i>Advice note: The Construction and Operational Management Plans, together with the provision of detailed drawings required by Condition DC.1b are considered sufficient detail in all aspects of the Project, with the exception of proposed works for the Northern and Southern Ventilation Buildings where further details are required.</i></p>	<p>In part</p> <p>✓</p> <p>No</p>
4.	The amendment provides for the Council to recover costs relating to administration, monitoring, and supervision of designation conditions.	New DC.13	<p>Insert new:</p> <p><u>Pursuant to section 36(1)(d) of the RMA, the requiring authority is required to pay to Auckland Council any administrative charge for the carrying out by the local authority of its functions in relation to the administration, monitoring, and supervision of designation conditions.</u></p>	✓
5.	The amendment provides the Council with the right to enter and inspect the Project as part of its monitoring obligations.	New DC.14	<p>Insert new</p> <p><u>The servants or agents of Auckland Council shall be permitted to have access to relevant parts of the Project at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests measurements and/or to take samples.</u></p>	✓
6.	The amendment provides for the Council to recover costs relating to administration, monitoring, and supervision of consent conditions.	New RC.5	<p>Insert new:</p> <p><u>Pursuant to section 36(1)(c) of the RMA, the consent holder is required to pay to Auckland Council any administrative charge for the carrying out by the local authority of its functions in relation to the administration, monitoring, and supervision of resource consents.</u></p>	✓
7.	The amendment provides the Council with the right to enter and inspect the Project as part of its monitoring obligations.	New RC.6	<p>Insert new:</p> <p><u>The servants or agents of Auckland Council shall be permitted to have access to relevant parts of the Project at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests measurements and/or to take samples.</u></p>	✓

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
8.	In specific instances, it is more appropriate to use the word "shall" than "should" as the works to be carried out are a requirement.	Arch 5(e) STW.2 C.12	Amend Arch 5(e): Remedial or limited restoration works should shall be carried out to the basalt walls, wheel pit, boiler and bridge abutment of the mill/tannery/ quarry site (R11/2191), to a specification prepared by a heritage professional, to ensure their long term preservation. The specification shall be prepared in consultation with the Heritage Manager, Environmental Services, Auckland Council;	✓
9.			Amend STW.2: Any future amendments that may affect the performance of the streamworks shall be approved by the Auckland Council in writing, prior to construction. Any amendments to the design should shall be in accordance with the Western Ring Route: Oakley Creek Re-alignment and Rehabilitation Guidelines (Boffa Miskell, 2010), appended to Technical Report G.6 Assessment of Freshwater Ecological Effects.	✓
10.			Amend C.12: On completion of the relevant stage of reclamation, the NZTA shall ensure that stockpiled chenier shell deposits from the northern side of the existing Causeway are reinstated to suitable locations along the northern side of the newly reclaimed Causeway in consultation with the Department of Conservation and the Auckland Council. The placement of the shell bank material shall be to the satisfaction of the Auckland Council. The movement of these reinstated shell deposits should shall be monitored quarterly for the first year after placement to confirm they have been reworked by waves to form a contiguous shell bank by undertaking topographic survey transects at low tide and photographs to document the transition. The monitoring information shall be made available to the Auckland Council.	✓

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
11.	The timeframe for the delivery of monitoring information to the Council should be specified. 20 working days is a reasonable timeframe in these circumstances.	C.12, C.13 and C.14	<p>Amend C.12:</p> <p>On completion of the relevant stage of reclamation, the NZTA shall ensure that stockpiled chenier shell deposits from the northern side of the existing Causeway are reinstated to suitable locations along the northern side of the newly reclaimed Causeway in consultation with the Department of Conservation and the Auckland Council. The placement of the shell bank material shall be to the satisfaction of the Auckland Council. The movement of these reinstated shell deposits should <u>shall</u> be monitored quarterly for the first year after placement to confirm they have been reworked by waves to form a contiguous shell bank by undertaking topographic survey transects at low tide and photographs to document the transition. The monitoring information shall be made available <u>provided</u> to the Auckland Council <u>within 20 working days of completion of each phase of monitoring.</u></p>	✓
12.			<p>Amend C.13:</p> <p>During preparation works in the CMA for ground improvement and reclamation works adjacent to the Rosebank Domain access road, mangroves required to be removed on the southern side of the existing drainage channel are to be extracted together with their root systems and removed from the CMA to facilitate the lateral migration of the channel to the south prior to infilling. The evolution of the channel shall be monitored by a baseline cross-section survey of the channel at two sites prior to construction, then monitoring the same sections every 2 months until 6 months after completion of the reclamation, together with photographs along the affected section, to confirm the natural migration of the channel is proceeding unimpeded by mangrove roots. The monitoring information shall be made available <u>provided</u> to the Auckland Council <u>within 20 working days of completion of each phase of monitoring.</u></p>	✓

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
13.			<p>Amend C.14:</p> <p>Following final excavation of each of the three (3) realigned sections of low-tide channels in Waterview Estuary and Oakley Inlet (two sites), these sites shall be monitored quarterly for one year after completion of the excavation, to confirm that the channel (thalweg and the transition sections with the unmodified channel) has reached a stable configuration. The monitoring can be achieved around low tide (average tide range) by an on-water visual reconnaissance, spot depth soundings and documented with photographs. The monitoring information shall be made available <u>provided</u> to the Auckland Council <u>within 20 working days</u> of completion of each phase of monitoring.</p>	✓
14.	<p>For the avoidance of doubt, greater clarity is sought in the wording of the further seabed erosion control and sediment by-passing methods.</p> <p>As this work may need to occur over a short-period of time, the Council does not wish to impose a requirement to provide information within a defined period (e.g. as proposed with C.12 - C.14), although the Council requests the opportunity to receive the information prior to implementation.</p>	C.16	<p>Amend:C16:</p> <p>Intertidal beach seaward of construction areas in the CMA to the north of the Causeway</p> <p>On the northern side of the Causeway, from just before the commencement of construction in the CMA for each section of works, until 6 months after completion of each section, undertake every two (2) months or after a severe wave-storm, intertidal beach profile surveys down to the spring low-tide mark along offshore-directed transects (one off the centre of the construction section and one either side at 20 m away from the ends of the construction site) and photographs documenting the physical state of the seabed around the perimeter of the cofferdam. The monitoring information shall be made available to the Auckland Council. If the monitoring identifies that <u>excessive erosion or accretion has occurred</u> from corner or end effects of the construction section, as confirmed by a coastal processes expert, then NZTA will ensure further seabed erosion control measures or a sediment by-passing method (for accretion) are implemented to reduce localised effects seaward of the temporary occupation or permanent occupation designation (whichever applies) <u>shall be implemented as soon as practicable</u>. The monitoring information shall be made available to the Auckland Council. Details of the proposed measures or methods shall be made available to the Auckland Council prior to implementation.</p>	✓

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
15.	The amendment clarifies the purpose of the last sentence of the condition.	CL.2	Amend CL.2: Prior to the main construction works commencing, the baseline quality of soils and groundwater within Sector 7 (particularly in relation to works in the vicinity of Great North Road) shall be investigated and established. The investigations shall be carried out in accordance with appropriate MfE and Auckland Council guidelines. The findings of the soil and groundwater investigations shall be used to determine <u>the specific construction methods during work in this area to manage any likely environmental effects in relation to the Project and the need for specific construction methods during work in this area.</u>	✓
16.	As worded the condition requires the removal of the any contaminated soil and the Council's view is that this may not be necessary in every instance. The rewording of first sentence provides for this flexibility. The creation of a new sentence more clearly separates the requirements for contaminated groundwater. This sentence more appropriately refers to the GWMP and ESCP rather than the CSMP.	CL.6	Delete CL.6: The NZTA shall remove contaminated soil and remove and dispose of any contaminated groundwater/surface water from the site in accordance with the CSMP. Replace with: <u>The removal of any excavated contaminated soil from the site shall be in accordance with the CSMP. The removal and disposal of any contaminated groundwater/surface water from the site shall be in accordance with the GWMP and ESCP.</u>	✓
17.	The use of the works "as soon as practicable" is too open ended. The addition of a two week timeframe reduces the risk of potential erosion for un-worked areas.	E.21	Amend E.21: The site shall be stabilised against erosion as soon as practicable, and in a progressive manner, as earthworks are finished over various areas of the site. <u>Areas of bulk earthworks not actively worked for a period of two weeks shall be stabilised.</u>	✓
18.	The addition is suggested as the need for contingency plans and/or remedial measures are referred to in the ECOMP and in Condition F.5.	F1	Add new F.1(e): <u>(e) contingency plans and/or remedial measures in the event monitoring results identify adverse effects.</u>	✓
19.	There is an omission of "pH", which is a standard water quality monitoring measure.	F3 (d)	Amend by adding "pH" to clauses (d) and (e): The freshwater monitoring programme shall, as a minimum, be undertaken in accordance with the following frequency: (a) Prior to construction – two baseline	✓

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
			<p>ecological surveys;</p> <p>(b) During construction – twice per year for fish and macroinvertebrates and cross sectional profiles, within one month prior to the beginning of the earthworks season and within one month either side of the end of the earthworks season;</p> <p>(c) Post construction – on an annual basis for a maximum period of three years, or less if the Auckland Council is satisfied that no adverse effects have occurred or are likely to occur from the Project.</p> <p>(d) Monthly water quality samples at the five existing Oakley Creek sample locations to be analysed for turbidity, suspended solids, metals (Zn, Cu, pH and Pb) and nutrients.</p> <p>(e) Four “event based” samples per annum from each of the current two Oakley Creek sites. The samples are to be analysed for turbidity, suspended solids, metals (Zn, Cu, pH and Pb), hydrocarbons (TPH) and nutrients.</p> <p>(f) Two sediment quality samples per annum (January and July) at the five existing water quality Oakley Creek sites (if there is sufficient sediment to sample). The samples are to be analysed for metals (Zn, Cu, and Pb), polycyclic aromatic hydrocarbons (PAH), hydrocarbons (TPH) and semi-volatile organic compounds.</p> <p><i>Advice note: The sample collection and analysis required under sub-clauses (d) to (f) shall be undertaken following an IANZ accredited methodology by a suitably accredited laboratory (International Accreditation New Zealand)</i></p>	
20.	The Council should be involved in decisions about the contingency plans and or remedial measures.	F5	<p>Amend F.5:</p> <p>The NZTA shall review, every six months, the freshwater monitoring results, provided from Conditions F.2 to F.4, and results in monitoring detailed in earthworks Conditions E.9 and E.19 and Groundwater Condition G.10. In the event that potential adverse effects are identified, including through review of the Condition G.10 monitoring results by the hydrologist and freshwater ecologist required by Condition G.12, the NZTA shall develop and submit for</p>	✓

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
			the approval of the Major Infrastructure Team Manager Council and implement appropriate contingency plans and/or remedial measures in accordance with the measures set out in the ECOMP.	
21.	The amendment clarifies that Condition SW.4 applies after Condition SW.3 has been approved and confirms that minor alterations to the stormwater management system are permitted at any time (subject to Council approval).	SW.4	Amend SW.4: Any <u>subsequent</u> amendments to the final designs required by Condition SW.3, shall be submitted for approval in writing by the Auckland Council at least 20 working days prior to implementation.	
22.	The amendment clarifies that the site meetings are required for each stormwater management system and specifies a notice period for the site meetings. It also clarifies the process for amendments if deemed appropriate following the site meeting.	SW.5	Amend SW.5: The NZTA shall arrange and conduct pre-construction site meetings between the Auckland Council and all relevant parties, including the site stormwater engineer, with regard to each component of the temporary stormwater management works. <u>The Council shall be provided with 5 working days written notice of the date and time of each pre-construction site meeting</u> , prior to construction of these works. Any resulting proposed amendments to the design of the works may be reviewed at that time and shall be approved in accordance with Condition SW.3.	✓
23.	Council's would like to be provided with this information to assist with monitoring and enforcement of the relevant conditions.	SW.7	Amend SW.7: The NZTA shall undertake regular inspections of all stormwater treatment devices installed during construction to ensure they are operating in accordance with the consent conditions and TSMP. <u>All records of these inspections shall be submitted to the Council on a monthly basis.</u>	✓
24.	Consistent with amendments to SW.4, the amendment clarifies that Condition SW.13 applies after Condition SW.14 has been approved and confirms that minor alterations to the stormwater management system are permitted at any time (subject to Council approval).	SW.13 (NZTA edit)	Amend SW.13 (in NZTA edit): Any <u>subsequent</u> amendments to the final designs shall be submitted for approval in writing by the Auckland Council at least 20 working days prior to implementation.	✓
25.	Consistent with amendments to SW.5 the amendment clarifies that the site meetings are required for each stormwater management system and specifies a notice period for the site meetings. It also clarifies the process for amendments if deemed	SW.14 (NZTA edit)	Amend SW.14: The NZTA shall arrange and conduct pre-construction site meetings between the Auckland Council and all relevant parties, including the site stormwater engineer, <u>for the installation of each of</u> with regard to the operational stormwater management works.	✓

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
	appropriate following the site meeting.		<u>The Council shall be provided with 5 working days written notice of the date and time of each pre-construction site meeting prior to construction of the permanent stormwater devices. Any resulting amendments to the design of the works may be reviewed at that time and shall be approved in accordance with Condition SW.12.</u>	
26.	This clarifies that As-Built plans are likely to be provided in stages and the Council's current practice is to have these plans available at the time of the post construction site meeting.	SW.15 (NZTA edit)	Amend SW.15: Within 30 days three months of the practical completion of <u>each part</u> of the stormwater management system, "As Built" plans and documentation of the stormwater system which are certified as a true record of the stormwater management system by a suitably qualified Chartered Professional Engineer shall be supplied to the Auckland Council.	✓
27.	This clarifies that As-Built plans are likely to be provided in stages and the Council's current practice is to have these plans available at the time the post construction site meeting.	SW.18 (NZTA edit)	Amend SW.18: The NZTA shall arrange and conduct a post construction site meeting within 30 days of completion of installation of <u>each part</u> of the stormwater management works between the Auckland Council and all relevant parties, including the site stormwater engineer. <u>The "As-Built" plans and documentation required by Condition SW.15 shall be made available at the site meeting.</u>	✓
28.	The additional wording records the detail that is required to be included in CBCMP. The requirement for certification by the Council is consistent with the wording in CEMP.1.	SW.21 (NZTA edit)	Amend SW.21: The NZTA shall finalise and implement through the CEMP, the Concrete Batching and Crushing Management Plan (CBCMP) submitted with the application. The CBCMP shall include, but not be limited to, details of: (a) Design <u>and location</u> of the stormwater treatment device(s); (b) Monitoring <u>and auditing</u> requirements; (c) Procedures to be undertaken in the event of unexpected discharges, <u>including an emergency spill response plan</u> ; and (d) Complaints, investigation, monitoring and reporting. <u>The operation of any concrete batching plant or rock crushing shall not commence until certification is obtained</u>	✓
29.	This amendment includes a	OS.1	Insert new definition to OS.1:	No

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	definition of "skate park", which is a requirement of the Board's decision (as specified in Conditions OS.5 and OS.6).		<ul style="list-style-type: none"> ✓ Skate-park for the purpose of conditions OS.5(b)(iii) and OS.6(b)(iv) means a skate park with a size of approximately 1,400m² (generally 25m wide x 55m long), incorporating a range of design variations. Suitable for beginners (providing training facilities to develop their skills) but primarily catering for intermediate to advanced level skaters. 	
30.	This amendment includes a definition of "BMX bike track", which is a requirement of the Board's decision (as specified in Condition OS.5).	OS.1	Insert new definition to OS.1: <ul style="list-style-type: none"> ✓ BMX bike track for the purpose of condition OS.5(b)(iii) means a low maintenance, non-competition BMX bike track, incorporating a range of design variations. Primarily catering for beginner and intermediate riders. 	
31.	<p>It is preferable that the Open Space Restoration plans be prepared and agreed before the completion of the project, which could be up to 8 years from the date of the Board's decision.</p> <p>As well utilising the knowledge of staff currently working on the project, this amendment will require identification of mitigation works that may be implemented ahead of practical completion of the Project. For example, works in Waterview Esplanade Reserve (refer to complementary amendment to Condition OS.4(f)).</p>	OS.2, OS.4	<p>Amend OS.2:</p> <p>The NZTA shall prepare Open Space Restoration Plans to outline how the open space replacement for the land, as defined in the Open Space Restoration Plan Areas (Schedule A, Row 30): <u>This includes land occupied during construction that will be reinstated or replaced on completion of construction, for handover to Auckland Council and those areas identified in Condition DC.1A(f) and RC.3(f).</u></p> <p><u>Following the consultation detailed in Condition OS.3 below, the Open Space Restoration Plans (a) to (f) shall be submitted within 12 months of construction commencing in the specific areas affecting the open space or within 12 months of occupation of the open space, whichever is the sooner, to the Major Infrastructure Team Manager, Auckland Council as landowner for approval, at least 12 months prior to practical completion of construction works in the specific areas affecting the reserves.</u></p> <p><i>Advice note: Conditions OS.9 and OS.10 require certain works to be provided prior to occupation of Construction Yards 6 and 7 (Waterview Reserve) and Construction Yards 9-12 (Alan Wood Reserve) and this may impact on the timing of Open Space Restoration Plans for these areas.</i></p>	<p>In part</p> <p>✓</p> <p>No</p>

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32.			Amend OS.4(f): (f) Implementation programme, including sequencing of works and completion dates. <u>This shall include works that could be implemented prior to practical completion of construction works or are outside the Project area (e.g. upgrading of the Waterview Esplanade Reserve set out in Condition OS.5(b)(vii)); and</u>	✓
33.	This amendment makes it clear that the approval of the Council as landowner is required before submitting the Open Space Restoration Plans to the Major Infrastructure Team Manager (refer to Row 1 in this table for further explanation). The amendment regarding the provision of consultation is similar to that required by Conditions DC.8(p) and DC.9(j).	OS.4	Add new clause to OS.4: (i) <u>Documentation of consultation undertaken required by Condition OS.3, the views and concerns expressed by this consultation, and the written approval of the Manager Community and Cultural Policy.</u>	In part ✓ No
34.	To ensure the matter is not overlooked, this amendment requires the pedestrian connection into Eric Armishaw Park to be shown on the Waterview Parks Open Space Restoration Plan.	OS.5(b)	Insert new clause (viii): (viii) <u>The works required in accordance with Condition OS.16(a) in respect of the all weather cycle/pedestrian path into Eric Armishaw Park.</u>	✓
35.	Condition OS.5(b)(vii) specifies that work is required as shown on UDLP 210, however this does not show the full extent of the esplanade reserve network through to Howlett Reserve, (which the Council understands is the Board's intent).	OS.5(b)(vii)	Amend OS.5(b)(vii) (vii) Subject to obtaining necessary resource consents and Auckland Council landowner approvals, upgrading of the Waterview Esplanade Reserve walkway from Waterview Reserve to Oakley Avenue or Howlett Street (to be determined following resolution of Condition OS.10(d) and associated landscaping, identified on the UDL Plan 210 (Refer Schedule A, Row 17). <u>The upgrading shall include items M1 – M4 as detailed on UDP Plan 210, but noting that this geographic area is extended as required by Condition DC.1A(f) and that these works shall be applied to the full extent of the open space restoration plan area as required by Condition DC.1A(f).</u>	In part ✓ No

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36.	By inserting the word "design" this amendment is consistent with clause OS.6(b)(vi).	OS.6(b)(v)	Amend OS.6(b)(v): (v) <u>Design and Provision of the Management Plan elements identified on UDL Plan 218 (Refer Schedule A, Row 17) (with the exception of M3 and M7) and notation M2 on Plan 219, subject to approval from Auckland Council.</u>	✓
37.	This addition provides crossing referencing to the Social conditions for the Harbourview – Orangihina Park pony club works.	New OS.9.c	Insert new condition: <u>Prior to occupation of Construction Yard 1 the NZTA shall develop a Construction Yard Plan as required by Condition SO.12.</u> <i>Note: Conditions SO.8 – SO.13 contain specific requirements relating to the Te Atatu Pony Club who lease land in Harbourview-Orangihina Reserve.</i>	No
38.	It is necessary to expand the scope of open space areas upon which the payment in lieu can be spent. Refer to the memorandum for an explanation for this amendment.	OS.10(d)	Amendment to OS.10(d): Improvements to the existing pathway connections at Howlett Reserve, providing wider and safer access out to either Howlett Street or Oakley Avenue. In the event land purchase requirements deems this unable to be completed prior to occupation of the construction areas within Waterview Reserve, an equivalent financial payment in lieu of the land purchase and improvement works will be made. The financial payment will be based on the Capital Value of the Oakley Avenue site that is nominated by the NZTA in the Proposed Open Space Impacts and Replacement Plan (refer Schedule A, Row 28) and approved by the Auckland Council, with provision for site clearance (meaning works to provide vacant possession clear of any existing improvements), path formation and landscaping). This contribution shall be paid in full to the Auckland Council for improvement to <u>or expansion of existing reserves in the Waterview area. Howlett Reserve, Waterview Esplanade Reserve or Waterview Reserve.</u>	No
39.	Council considers it is more desirable for the path to connect to the playground rather than the existing park entrance on Walker Road. The connection to Maryland Street is still considered desirable.	OS.16	Amend OS.16: The NZTA shall provide: (a) Subject to obtaining necessary resource consents and Auckland Council landowner approval, a 3m all-weather shared cycle/pedestrian path	✓

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	<p>This connection was referred to in paragraph 25 of the second Open Space Caucusing dated 21 March 2011. The Council considers this is an omission.</p> <p>Correction of a typographical error as the street is Alberta, not Albert.</p>		<p>with boardwalks as required, from the Great North Road Interchange through into Eric Armishaw Park. The works shall be sufficient to connect this path to the existing walkways and paths within that park (eg to the playground or the entrance to the park at Walker Read); and</p> <p>(b) The pedestrian connections to Berridge Avenue, Alberta Street, Maryland Street and Montrose Street as shown on the PT and Active Mode Transport Routes (Sheet 109) (Refer Schedule A, Row 22),</p> <p>once these areas are no longer required for construction.</p>	
40.	<p>Amendments are required to ensure that the amount of the payment in lieu is adequate. Refer to the memorandum for an explanation for this amendment.</p>	OS.17	<p>Amend OS.17:</p> <p>(a) The NZTA will facilitate the Crown making the property at 6 Barrymore Road (with the exception of land required for the ongoing operation and maintenance of the State Highway or the future rail corridor land) available to Auckland Council for reserve. Any transfer to Auckland Council would be subject to the agreement of both Land Information New Zealand and Council, and only occur after the designation footprint is withdrawn to the operational requirements of the Project (as per Condition DC.10).</p> <p>(b) If the transfer to Auckland Council does not occur within 12 months of commencement of operations of the motorway in Sector 9, the NZTA shall make a financial payment in lieu of that transfer to Auckland Council in the amount <u>calculated in accordance with clause (c) below</u>, for the same purposes as the payment described in condition SO.14, but not further conditional in the manner provided by SO.14(b), (c) and (d).</p> <p>(c) <u>The financial payment will be the greater amount of either:</u></p> <p>(i) \$1.13 million; or</p> <p>(ii) the value of the land</p>	No

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			<p>determined in accordance Part V of the Public Works Act 1981, assuming the land is zoned Residential 6A under the Auckland City Council District Plan (Isthmus Section) (as those district plan provisions are at 1 July 2011).</p> <p>(d) The purpose of the transfer under (a) or the financial payment under (b) is to mitigate significant adverse effects on passive open space and reserves in Sector 9 (other mitigation having been held by the Board of Inquiry not to be adequate).</p> <p><i>Advice Note: The disposal of surplus Crown land is subject to statutory processes (including the Public Works Act) which are managed by Land Information New Zealand and not the NZTA directly.</i></p>	
41.	<p>This amendment requires the amended Open Space Restoration Plan Areas to be delineated on the drawings and to clearly note that the Open Space Restoration Plan Areas are subject to a further approval process. This is considered important given that the UDP currently include Open Space Restoration Plan Areas. The advice note is no longer necessary as a result of the amendment to this condition.</p>	LV.2(f)	<p>Amend LV.2(f):</p> <p>(f) <u>Delineation of the final areas of the Open Space Restoration Plans in accordance with the Open Space Restoration Plans (Schedule A, Row 30), and reference that all works within the Open Space Restoration Plan Areas are subject to Conditions OS.1 – OS.8;</u></p> <p><i>Advice note: The Open Space Restoration Plans detailed in Conditions OS.1 – OS.8 may be prepared in advance of or subsequent to the implementation of the UDL Plans.</i></p>	✓
42.	<p>Refer to the memorandum for an explanation for this amendment.</p> <p>Note that this wording incorporates the amendment in Row 41 above.</p>	<p>LV.2</p> <p>New DC.1B</p> <p>DC.6</p>	<p>Amendment to LV.2:</p> <p>In certifying the UDL Plans, prepared in accordance with Condition LV.1, the Major Infrastructure Team Manager shall be satisfied the UDL plans include:</p> <p>(a) <u>The visual mitigation of the infrastructure as detailed in Section B of the Urban Landscape and Design Framework June 2010 (Refer Schedule A, Row 38);</u></p> <p>(b) <u>Incorporation of art or art through design of structures, particularly as it</u></p>	In part

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
			<p><u>relates to noise barriers and the Great North Road Interchange piers and ramps (Refer to clauses (g) and (i) below);</u></p> <p>(c) Planting to screen houses and noise walls (including cross section details);</p> <p>(d) Planting along the corridor on Traherne Island, in accordance with these conditions and the Ecological Management Plan;</p> <p>(e) Specimen planting on the Great North Road Interchange and the Te Atatu Road Interchange;</p> <p>(f) Specimen planting at the tunnel portals (except where this is within the OPW area);</p> <p>(g) Finalisation of the noise barriers (as required by Condition ON.3(a)) in accordance with the design principles for noise walls (refer Schedule A, Row 32);</p> <p>(h) <u>Delineation of the final areas of the Open Space Restoration Plans in accordance with the Open Space Restoration Plans (Schedule A, Row 30), and reference that all works within the Open Space Restoration Plan Areas are subject to Conditions OS.1 – OS.8;</u></p> <p><i>Advice note: The Open Space Restoration Plans detailed in Conditions OS.1 – OS.8 may be prepared in advance of or subsequent to the implementation of the UDL Plans.</i></p> <p>(i) Oakley Inlet Heritage Plan, prepared in accordance with Conditions OS.5, and in particular, consideration shall be given to the design treatment of the Great North Road Interchange piers and ramps to take into consideration the impact of the structures on the visual quality of the open space beneath;</p> <p>(j) Ecological Management Plan, prepared in accordance with Conditions V.1, A.1, H.1, F.1 and M1;</p>	

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
			<p>and</p> <p>(k) Western Ring Route: Maioro Street Interchange and Waterview Connection - Oakley Creek Rehabilitation and Restoration Guidelines (Boffa Miskell, 2010).</p> <p>(j) Details of artworks or art through design of structures within the Project (e.g. design detailing of median barriers, bridge railings or safety barriers), in accordance with Section B of the Urban Landscape and Design Framework (ULDF June 2010) (refer Schedule A, Row 38), (also eg bridges, piers, retaining walls and tunnel portals in accordance with Section C: ULDF June 2010 — refer Schedule A Row ????(tbc))</p> <p><u>Construction shall not commence until certification is obtained.</u></p>	
43.			<p>New DC.1B:</p> <p><u>Detailed design drawings for median barriers, bridge railings, safety barriers, bridges, piers and retaining walls prepared in accordance with Condition DC.1(b) shall be submitted to the Major Infrastructure Team Manager for certification. In certifying the drawings for these structures, the Major Infrastructure Team Manager shall be satisfied that the drawings include:</u></p> <p>(i) <u>The visual mitigation of the infrastructure as detailed in Section B of the Urban Landscape and Design Framework June 2010 (Refer Schedule A, Row 38);</u></p> <p>(ii) <u>Incorporation of art or art through design of structures.</u></p> <p><u>Construction shall not commence until certification is obtained.</u></p> <p><i><u>Advice Note: This condition does not apply to structures located in Open Space Restoration Areas that are subject to a separate approval process or to structures that are subject to an Outline Plan of Works.</u></i></p>	No

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44.			<p>Amend advice note in DC.6:</p> <p>Subject to Conditions DC.3 and DC.4, <u>and except where required by DC.7,</u> the NZTA shall be exempt from providing an Outline Plan of Works for the Project, as provided for in Section 176A (2)(a) and (b) of the RMA.</p> <p><i>Advice note: The Construction and Operational Management Plans, together with the provision of detailed drawings required by Condition DC.1b are considered sufficient detail in all aspects of the Project, with the exception of proposed works for the Northern and Southern Ventilation Buildings where further details are required.</i></p>	<p>In part</p> <p>✓</p> <p>No</p>
45.	<p>Amendments are required to address a number of issues in relation to the pedestrian and cycleway, and pedestrian bridges. Refer to the memorandum for an explanation for this amendment.</p>	SO.14	<p>Delete SO.14 and replace with:</p> <p><u>For the purpose of mitigating significant adverse effects on passive open space and reserves in Sectors 5, 7 and 9, both during the construction years and longer term, particularly in the Waterview, Owairaka and New Windsor communities (other mitigation having been held by the Board of Inquiry not to be adequate) the following applies:</u></p> <p>(a) <u>The NZTA shall, subject to conditions (b), (c) and (d) below, construct the following:</u></p> <p>(i) <u>A pedestrian and cycleway to AUSTRROADS standards between Waterview and Owairaka/New Windsor (as generally indicated on drawing labelled as "Indicative SH20 Cycleway Route" (refer to Schedule A, Row 40), subject to any modifications necessary to address design, property or engineering constraints.</u></p> <p>(ii) <u>The "Alford St Bridge".</u></p> <p>(iii) <u>The "Soljak PI Bridge".</u></p> <p>(b) The NZTA's obligations under</p>	<p>In part</p> <p>Not clause (g)</p>

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
			<p><u>condition (a)(i) arise when the NZTA receives certification from the Auckland Council and Auckland Transport that the Auckland Council and Auckland Transport have:</u></p> <p>(i) <u>acquired all necessary land, or obtained all necessary interests and/or landowner approvals on a permanent basis in respect of the facilities described in condition (a)(i); and</u></p> <p>(ii) <u>acquired sufficient land to form a cycle and pedestrian way to AUSTROADS standards between Alan Wood Reserve and Unitec; and</u></p> <p>(iii) <u>obtained all necessary resource consents required for construction and operation of the facilities.</u></p> <p>(c) <u>The NZTA's obligations under condition (a)(ii) arise when the NZTA receives certification from the Auckland Council and Auckland Transport that the Auckland Council and Auckland Transport have:</u></p> <p>(i) <u>acquired all necessary land, or obtained all necessary interests and/or landowner approvals on a permanent basis for the Alford St Bridge; and</u></p> <p>(ii) <u>obtained all necessary resource consents required for construction and operation of the Alford St Bridge.</u></p> <p>(d) <u>The NZTA's obligations under conditions (a)(iii) arise when the NZTA receives certification from the Auckland Council and Auckland Transport that the Auckland Council</u></p>	

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
			<p><u>and Auckland Transport have:</u></p> <p>(i) <u>acquired all necessary land, or obtained all necessary interests and/or landowner approvals for the Soljak PI Bridge either on a permanent basis or on the basis that the Soljak PI Bridge may be constructed and operated unless and until its continued existence and / or operation conflicts with or compromises future works pursuant to the designation for rail purposes; and</u></p> <p>(ii) <u>obtained all necessary resource consents required for construction and operation of the Soljak PI Bridge.</u></p> <p>(e) <u>The certification from Auckland Council required under conditions (b), (c) and (d) above must be received by the NZTA within 8 years of the designations for the Project being confirmed.</u></p> <p>(f) <u>Each of the facilities for which certification has been given must be constructed within 1 year of the opening of the motorway, or two years from when certification is given for the relevant facility, whichever is the latest.</u></p> <p>(g) <u>The value of the construction works to be undertaken by the NZTA pursuant to condition (a) to (d) above shall not exceed a sum equal to \$8 million in June 2011 New Zealand dollars as adjusted annually at a rate equal to the Consumer Price Index (all groups Consumer Price Index) calculated from the date of commencement of this consent to the date of completion of the construction works (with any construction costs above that figure being met by the Council.)</u></p> <p>(h) <u>The pedestrian and cycleway facilities described in condition (a)(i) above are in addition to the cycling and pedestrian facilities required by the</u></p>	

	COMMENTS / EXPLANATION	CONDITION	PROPOSED CHANGE	NZTA EDIT ¹
			<p><u>other conditions.</u></p> <p><u>Advice notes:</u></p> <p><u>The intention of this condition is to construct a continuous pedestrian and cycleway with bridges at Soljak PI and Alford St. To achieve this, the Council and Auckland Transport will use their best endeavours to obtain the necessary consents and landowner approvals, for all three components of the network.</u></p> <p><u>The approvals required for the Soljak PI Bridge reflect the designation for rail purposes of land under the bridge and the possibility that any bridge structure will be approved for a limited length of time only.</u></p> <p><u>In the event that, despite their best endeavours, the Council and Auckland Transport cannot obtain all of the necessary landowner approvals, the condition allows each part of the network to be constructed in isolation from the others. That will provide some mitigation of the significant adverse effects on passive open space and reserves in Sectors 5, 7 and 9 that the condition is intended to address. It will also enable the Council and Auckland Transport to complete the network in the future at their expense when and if they are able to obtain the outstanding approvals.</u></p> <p><u>Subject to landowner approvals, the Council and/or Auckland Transport will be the owner of the pedestrian and cycleway and the bridges described in (a) above and shall have full responsibility for the operation and maintenance of those facilities once they have been constructed by NZTA. Accordingly, NZTA will be under no further obligation in respect of any of the facilities once they have been constructed and, in particular, will have no obligation in terms of the removal, alteration or replacement of the Soljak PI Bridge in the event that it conflicts with or compromises proposed works pursuant to the designation for rail purposes.</u></p>	

Attachment B



