

Attachment 1:

Auckland Council submission

1. Introduction	3
1.1. General comments.....	3
1.2. Structure of this submission	4
2. Topic – Overarching matters of support and overarching concerns	5
2.1. Description of matters submission relates to:.....	5
2.2. Matters of support and agreement:	5
2.3. Matters opposed (partially or in full) or Outstanding matters:	5
2.4. Decision sought from the Board of Inquiry:.....	6
3. Topic – Transport and traffic.....	11
3.1. Description of matters submission relates to:.....	11
3.2. Matters of support and agreement:	11
3.3. Matters opposed (partially or in full) or Outstanding matters:	11
3.4. Decision sought from the Board of Inquiry:.....	12
4. Topic – Landscape and urban design.....	14
4.1. Description of matters submission relates to:.....	14
4.2. Matters of support and agreement:	14
4.3. Matters opposed (partially or in full) or Outstanding matters:	14
4.4. Decision sought from the Board of Inquiry:.....	14
5. Topic - Public open space and community facilities.....	18
5.1. Description of matters submission relates to:.....	18
5.2. Matters of support and agreement:	18
5.3. Matters opposed (partially or in full) or Outstanding matters:	18
5.4. Decision sought from the Board of Inquiry:.....	19
6. Topic – Noise and vibration	24
6.1. Description of matters submission relates to:.....	24
6.2. Matters of support and agreement:	24
6.3. Matters opposed (partially or in full) or Outstanding matters:	24
6.4. Decision sought from the Board of Inquiry:.....	25

7. Topic: Rosedale Closed Landfill	29
7.1. Description of matters submission relates to:.....	29
7.2. Matters of support and agreement:	29
7.3. Matters opposed (partially or in full) or Outstanding matters:	29
7.4. Decision sought from the Board of Inquiry:.....	30
8. Topic – Stormwater and flooding	35
8.1. Description of matters submission relates to:.....	35
8.2. Matters of support and agreement:	35
8.3. Matters opposed (partially or in full) or Outstanding matters:	35
8.4. Decision sought from the Board of Inquiry:.....	36
Attachment 2 – Auckland Urban Design Panel Recommendations	45
Attachment 3 – Rosedale Closed Landfill - comments on conditions	47
Attachment 4 - Stormwater and flooding – comments on conditions	53

1. Introduction

1.1. General comments

This is the submission of Auckland Council ('Council') on the Northern Corridor Improvements applications by New Zealand Transport Agency ("The Agency") to the Environmental Protection Agency ('EPA').

For the purposes of this submission reference to 'the Council' does not include Auckland Transport or Watercare Services Ltd. The Council notes that Watercare Services Ltd and Auckland Transport have prepared separate submissions on this proposal. However, as part of the review of the applications the Council has had held regular discussions with Watercare Services Ltd and Auckland Transport and each organisation is aware of their respective positions and consider that their submissions align.

Council has consulted with the Upper Harbour Local Board, particularly with regard to public open space, connectivity, landscape and the Rosedale Closed Landfill. The Upper Harbour Local Board Chair has been actively involved in the preparation of this submission together with five councillors from the Albany, North Shore and Rodney wards, and a representative of the Independent Maori Statutory Board.

This submission relates to the Notice of Requirements to designate land or to alter designations and resource consent applications to construct and operate the proposed Northern Corridor Improvements.

A large volume of information was supplied with these applications which included an Assessment of Environmental Effects ("AEE"), technical drawings, an Urban and Landscape Design Framework and a number of technical reports. The Council has considered the applications in detail.

Council has actively and constructively been in discussion and negotiation with the Agency leading up to the lodgement of the Notice of Requirements and resource consent applications. This engagement has helped shape the proposal and allowed some elements of the application to be amended in a manner acceptable to Council. It has also narrowed the outstanding issues which are yet to be resolved to the Council's satisfaction.

Council understands that Ngai Tai Ki Tamaki, Ngati Manuhiri and Te Akitai Waiohau have provided Cultural Value Assessments to the Agency. The actual or potential effects that were identified by Mana Whenua as being of concern included:

- avoiding effects on natural areas and waterways. Lucas Creek (located north of the project site) was identified as a culturally significant area
- potential effects on earthworks on downstream water quality and potential opportunities to improve water quality within streams in the existing catchments
- the protection and enhancement of the environment for living taonga (plants, birds and reptiles) within the project area
- the inclusion of a Cultural Values Framework and cultural responsiveness through the project Urban Design landscape Framework and contract documentation.

The Agency is meeting regularly with Mana Whenua representatives in ensuring these matters of concern are addressed, and these matters are also raised in the Council submission. Council supports the on-going liaison of the Agency with Mana Whenua through all stages of the proposal.

The proposal was presented to the Council's Urban Design Panel ("the Panel") on 15 March 2017. This Panel was established by Auckland Council to provide independent design review of significant projects for both private and public developments across the region.

The Panel's recommendations for this proposal are included in Attachment 2 to the Council's submission. In summary, the Panel is concerned that a disconnection exists between the aspirations of the Agency's draft Urban Design Landscape Framework and the details to be presented through

the final Urban Design Landscape Plan. Reconsideration is sought in respect of some aspects of the proposal including the location of shared use pathways, alignment and design of the busway link into Albany Station, treatment of retaining and noise walls and landscaping details.

The Council has had regard to the Panel's recommendations in preparing this submission. A number of the recommendations made by the Panel are reflected in the matters raised in this submission.

The Council acknowledges the benefits of the proposal and supports the proposed highway improvements and the extension of the Busway and shared use path networks, subject to the inclusion of changes, further information, refinements, or conditions that deliver the outcomes sought in the submission.

The Council considers that the matters raised in this submission can be resolved by mutual negotiation and agreement between the Council, the Agency and other parties leading up to and if necessary during the hearing of submissions by the Board of Inquiry.

1.2. Structure of this submission

Topics canvassed in this submission are covered in the following order:

1. Introduction
2. Overarching matters of support and overarching concerns
3. Transport and traffic
4. Landscape and urban design
5. Public open space and community facilities
6. Noise and vibration
7. Rosedale Closed Landfill
8. Stormwater and flooding

Each topic within Attachment 1 identifies the matters of support and agreement, summarises the matters opposed and/or outstanding and provides a detailed discussion of the reasons for the Council's position and the relief sought.

Attachment 2 includes the Urban Design Panel recommendations. Attachments 3 and 4 include suggested amended conditions of consent in relation to stormwater and flooding and the Rosedale Closed Landfill. It is acknowledged that the conditions may be the subject of further refinement through the evidence exchange process and hearing. In addition to the amended conditions attached to this submission, the Council also seeks other such alternative relief or conditions to address the concerns raised in its submission.

2. Topic – Overarching matters of support and overarching concerns

2.1. Description of matters submission relates to:

This part of Council's submission relates to matters which apply across the entire application.

2.2. Matters of support and agreement:

1. The Council supports in principle the Northern Corridor Improvements proposal (the proposal) and recognises that the proposal will complete the Western Ring route – a Road of National Significance.
2. The proposal is considered to align with the transport objectives and policies of the:
 - Auckland Plan 2012
 - Upper Harbour Local Board Plan 2014
 - The Auckland Transport Alignment Project 2016.

It also aligns with Network Discharge consents 31819 and 33076.

3. The Council considers the benefits of the proposal include:
 - greater transport resilience - alternative route to reduce dependency on State Highway 1 ('SH1')
 - supporting economic growth – improving trip reliability and regional access
 - enhanced Public Transport -Northern Busway extension from Constellation to Albany bus station
 - enhanced connectivity - walking and cycling improvements
 - Improvements to the water quality of stormwater discharges.
4. Council supports (although it does not form part of this proposal, but is within the Northern Corridor area) a shared use path (SUP) being incorporated as part of Watercare's proposal for the Spencer Road bridge, as this will provide an invaluable pedestrian connection across SH1 between the Albany Town Centre and the Pinehill residential area.
5. Council also supports (although it does not form part of this proposal, but is within the Northern Corridor area) the development by Auckland Transport of a new Busway station between the Albany and Constellation Stations as this will encourage greater patronage of public transport. Both these proposals are important adjuncts to the Northern Corridor Improvements proposal and will be perceived by the community as part of the wider proposal benefits.
6. While overall, Council supports the proposal, changes are sought in relation to some aspects. Council's support is therefore subject to inclusion of changes, further information, refinements, or conditions that deliver the outcomes sought in Council's submission.

2.3. Matters opposed (partially or in full) or Outstanding matters:

1. The lack of involvement for the Council to certify and/or approve management plans, the lack of detail as to the contents of these plans, and the placement of most land use controls within consent conditions rather than the designation conditions.

2. Insufficient information has been provided to allow Council and the wider community to gauge the full range of potential effects.
3. The misalignment of Urban Design Framework Plan with the draft consent conditions .
4. The lack of provision being made for a Community Liaison Group in the conditions.
5. The need for longer timeframes for the Council to certify and approve management and communications plans.
6. Additional information is sought to enable Council to fully understand the Agency’s consideration of alternative and preferred options for the corridor and key intersections, and modelling and other work used to estimate growth and net economic benefits.
7. Council’s wishes to reserve its position on the adequacy of the draft conditions until the requested information / clarification has been provided to Council’s satisfaction.

2.4. Decision sought from the Board of Inquiry:

Council seeks that the Board of Inquiry approve the proposal subject to the following matters being addressed in accordance with Table 2.1:

Table 2:1

Outstanding matters	Reasons and relief sought
<p>2.1.1 - Council approval of management and communication plans</p>	<p><u>Reasons:</u></p> <p>The Agency proposes to rely on the use of various management plans to manage the effects of the proposal. The Council considers that the use of such plans is generally appropriate.</p> <p>However, it is necessary to ensure that the management plans are prepared to an appropriate level of detail, have input from stakeholders (where required), and that conditions on the designation and resource consent/s provide appropriate objective performance standards and content requirements for the management plans, and that these are then submitted to the Council for certification/approval.</p> <p>In addition, the Council notes that many of the Agency’s proposed plans that seek to address land use effects arising from the designation (e.g. the construction noise and vibration management plan, construction management plan and dust management plan) are proposed to be prepared as part of the Construction Environmental Management Plan which is identified as relating to the resource consents. The effects addressed through these plans more properly relate to effects arising from the designation, and the conditions should reflect this.</p> <p>The Assessment of Environmental Effects (“AEE”) provided by the Agency is by its very nature a general overview of potential effects and one that will be further refined as the proposal progresses.</p> <p>However, given the proposal’s significant information gaps</p>

	<p>identified by the Council and the substantial changes to the proposal likely to come as a result of the Alliance delivery model adopted by the Agency, the Council wishes to ensure that it has a more detailed overview role in the future.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the conditions of the designation and resource consents provide; <ol style="list-style-type: none"> a) for input from stakeholders (where appropriate) in the preparation of management plans, appropriate objective performance standards and content requirements; b) for a process where the plans, once prepared are submitted to the Council for certification/approval; and c) that various management plans are required by either designation/and or resource consent conditions, as appropriate.
<p>2.1.2 - Insufficient information</p>	<p><u>Reasons:</u> The Council considers there is insufficient information to reach a conclusion on the full range of effects associated with the proposal, and that communities potentially affected lack sufficient information to fully gauge the effects of the proposal.</p> <p>Significant information gaps include:</p> <ul style="list-style-type: none"> ▪ lack of detailed design, photo-simulations/cross sections and design narrative ▪ future-proofing operation and resilience for all infrastructure networks, such as future rail and busway ▪ enabling an understanding of the cumulative effects of the project, taking into account the proposal and the ‘future-proofed’ aspects such as a future SH18 (State Highway 18 (“SH18”) to SH1 south connection ▪ proposed mitigation measures ▪ proposed monitoring regimes ▪ construction impacts on council assets before, during and after construction which will need to be agreed through side agreements between the parties. <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. The relief sought is outlined in the specific topics below.
<p>2.1.3 - Misalignment of the Urban Design Landscape Framework plan with the General</p>	<p><u>Reasons:</u> The Council considers that not all the information and mitigation discussed in the application documents is captured in the draft consent conditions or supporting plans.</p>

<p>Arrangements Plans</p>	<p>For example a future connection from the shared use path to the future reserve at the Rosedale Closed Landfill; a new stormwater treatment pond to serve Lucas Creek; a mound between the two earth ramps and lanes that connect SH1 with SH18 at the Constellation Drive / Caribbean Drive interchange and a retaining wall south of Rosedale Road shifted to accommodate planting are referenced in the Urban Design Landscape Framework as key design opportunities but are not shown in the plans.</p> <p>Council is concerned that the lack of detail in the plans and technical documentation result in a lack of certainty that the delivered design outcomes and effects will be as anticipated for the proposal.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. The relief sought is outlined in the specific topics below.
<p>2.1.4 - Communication</p>	<p><u>Reasons:</u></p> <p>Council seeks the establishment of a Community Liaison Group to represent a broad range of community interests. Such a group would result in an open and transparent relationship between the community and the Agency.</p> <p>Council notes that the Agency has adopted this approach in many large infrastructure proposals in Auckland recently, including Victoria Park Tunnel and the Newmarket Connection, and believes this approach would be useful for this proposal.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks new or amended conditions of the designations and the consents requiring that: <ol style="list-style-type: none"> a) a Community Liaison Group be established prior to the proposed works commencing will meet regularly throughout the detailed design and construction phases to monitor effects, provide feedback on the management and consultation plans, and propose potential joint initiatives with the Agency; and b) possible membership of the Community Liaison Group could include, but not be limited to; representatives from the Upper Harbour Local Board, iwi , recreation groups, Council representatives as asset owners and Council controlled organisations, and for input to be provided from relevant specialists as required.
<p>2.1.5 - Time frames for Council certification and approval</p>	<p><u>Reasons:</u></p> <p>The time frames allocated for the Council to certify compliance and consistency of the various management plans and schedules with the draft consent conditions are too short.</p> <p>The management plans requiring certification are complex documents which require the collective response from a range of</p>

	<p>specialists. Experience on other similar proposals has found that such plans can be delivered to the Council with a very short timeframe that does not allow for appropriate council input.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. A 20 working day time frame is sought to allow time to undertake a comprehensive certification and/or approval process.
<p>2.1.6 Options analysis</p>	<p><u>Reasons:</u></p> <p>The Agency has undertaken an alternatives and preferred options analysis for the corridor and key intersections. The preferred overall option provides estimated transport benefits and creates a degree of adverse effects including; recreational, visual, open space, acoustic, urban design, cultural and ecological effects.</p> <p>The Council would like access to the modelling used to estimate the gross and net economic benefits, much of which will likely have followed from the transport benefits estimated. The Council would like confirmation and access to the options analysis which supports the preferred flyovers connecting SH18 to SH1. Further, the Council would like access to any work done on how the estimated gross and net economic benefits may have changed given adjustments since the initial Business Case was completed and for the Agency to confirm the current Benefit Cost Ratio.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks additional information on the following matters: <ol style="list-style-type: none"> a) modelling used to estimate gross and economic benefits; b) options analysis supporting the preferred alignment for the flyovers connecting SH18 and SH1; and c) access to any work done on how the estimated gross and net economic benefits may have changed and confirmation of the current Benefit Cost Ratio.
<p>2.1.7 - Draft consent conditions</p>	<p><u>Reasons:</u></p> <p>To assist in discussions between parties before the hearing, provisional comments have been made on the conditions proposed by the Agency for the stormwater and Rosedale Closed Landfill topics.</p> <p>Council will address any outstanding issues in its evidence to the Board of Inquiry and confirm if the outcomes sought are adequately achieved (or if these or further, other or consequential changes are necessary).</p>

	<p><u>Relief sought:</u></p> <ol style="list-style-type: none">1. As the conditions will change throughout the process as design matters are finalised Council has not provided specific comments on conditions, other than to assist discussions relating to stormwater and the Rosedale Closed Landfill, at this stage.
--	---

3. Topic – Transport and traffic

3.1. Description of matters submission relates to:

This part of Council’s submission relates to the form, function and resulting transport and traffic operational performance and community impacts of the proposal.

3.2. Matters of support and agreement:

1. **Council supports** the overall strategic intent of the project and recognises the network level benefits to local businesses, residents and the wider region.
2. **Council agrees** the proposal is aligned at a strategic level with Auckland Council policy and objectives and specifically, the transport targets of the Auckland Unitary Plan which are:
 - to double public transport use from 70 million trips per annum to 140 million trips by 2022;
 - increase the proportion of trips made by public transport into the city centre during the morning peak;
 - reduce road crash fatalities and serious injuries;
 - reduce congestion levels for vehicles on the strategic freight network; and
 - increase the proportion of people living within walking distance of frequent public transport.
3. **Council agrees and supports** the strategic intent of the proposal.
4. **Council supports** the provision of upgraded links between SH18 and SH1 and capacity increases on SH1 are an integral and important part of the completion of the Western Ring Route.
5. **Council supports** the extension of the Busway and associated public transport infrastructure.
6. **Council supports** the provision of shared use paths to support pedestrian and cycling movements.

3.3. Matters opposed (partially or in full) or Outstanding matters:

1. Council considers the outstanding matters in Table 3.1 below need to be addressed to:
 - a) provide additional information to allow Council (and the Board of Inquiry) to fully consider aspects of the proposal, assess the potential transport effects and evaluate appropriate mitigation (where necessary);
 - b) ascertain the extent to which consideration was given to options that increased the integration of the busway within key population catchments and growth areas;
 - c) provide complete busway (and therefore cycleway drawings);
 - d) demonstrate the future proofing of the busway alignment to ensure future north and westbound links and for future rail conversion;
 - e) provide evidence to support expansion and operational suitability of proposed busway stations; and
 - f) clarify the degree of connectivity of the SH1 and SH18 shared use spine to the wider active mode network.

3.4. Decision sought from the Board of Inquiry:

Council seeks that the Board of Inquiry approve the proposal subject to the following matters being addressed in accordance with Table 3.1.

Table 3.1:

Outstanding Matters	Reasons and Relief Sought
<p>3.1.1- Evidence base for assessment</p>	<p><u>Reasons:</u> Summarised data related to the technical modelling of the traffic and public transport elements of the scheme have been provided in the application documents. However, in order for Council to fully assess the potential transport effects of the project, additional detail is required.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks additional assessment detail, including evidence of the model development, calibration and validation, and details of the forecast changes to the traffic on local roads. Performance of the network for delay, including evidence base of the Busway whilst accessing and egressing stations is also required. 2. Additional evidence of the resilience of the proposal through testing of alternate demand and network scenarios is required to assess the potential effects on the local network, and therefore community.
<p>3.1.2 - Paul Matthews Road/SH18/Caribbean Drive Intersections</p>	<p><u>Reasons:</u> Additional evidence is required to demonstrate that the proposal delivers safe and efficient connections for the key movements in Unsworth Heights and Rosedale areas.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the proposal provides for the alignment and intersections layout which delivers adequate amenity for movements by all modes to Paul Matthews Road, Caribbean Drive and Constellation Drive.
<p>3.1.3 - Weave lengths</p>	<p><u>Reasons:</u> Council notes that the selection of the preferred option was in part driven by issues and concerns related to the weave lengths either side of SH18. However, Council is concerned about efficiency and safety in relation to weaving traffic and whether this may constrain future land use options both locally and at a more strategic level and result in additional traffic using routes that avoid the State Highway Network.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks information / clarification in relation to the weaving performance of the options tested.
<p>3.1.4 - Construction Effects and Management</p>	<p><u>Reasons:</u> The anticipated construction effects and proposed management thereof have not been discussed in sufficient detail in the NoR and</p>

	<p>associated resource consent documentation.</p> <p>In particular, the complexity of the intersection of Paul Matthews Road and limited alternate routes for the community and the importance of specifically providing for the efficiency of the bus network through the construction phase is a particular concern for Council.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks designation conditions to require the Construction Environmental Management Plan (to be certified/approved by the council) and supporting plans to achieve: <ol style="list-style-type: none"> a) acceptable degrees of travel time variability for local road traffic, using only appropriate diversion and haulage routes; and b) safe and efficient temporary routes for pedestrians, cyclists and public transport services during construction.
3.1.5 - Future Proofing	<p><u>Reasons:</u></p> <p>The application mentions that guidance was sought from Auckland Transport on current Mass Rapid Transit design criteria; however it is unclear whether suitable future-proofing of the busway for future rail conversion has been undertaken.</p> <p>It is unclear how the proposal future-proofs busway connections north of Albany station along SH1, and west from Constellation station along SH18.</p> <p>Confirmation is sought that the proposed design of the intersection of SH1 and SH18 provides for future direct south facing connections</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the proposal provide for future-proofing of: <ol style="list-style-type: none"> a) the Busway for future rail conversion, and for future connections to the north and west, to support the development of a long term sustainable transport network; and b) the intersection of SH1 and SH18 to provide future direct south facing connections.
3.1.6 - Busway alignment evaluation process and results	<p>The busway assessment appears to focus on journey time reliability which is unusual.</p> <p>Typically best practice (i.e. Multi-Criteria Analysis) decision making would also consider public transport travel time and travelled distance as key parameters, as well as operating cost and service, greenhouse gas emissions, and disruption to service during construction and under normal service.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the links to the busway, including links to stations, provide efficient and reliable journey times.

4. Topic – Landscape and urban design

4.1. Description of matters submission relates to:

This part of Council’s submission relates to the proposal’s *Urban Design Landscape Framework (UDLF)* report, and proposal-wide matters relating to issues of landscape impacts, urban form, connectivity and other urban design effects.

4.2. Matters of support and agreement:

1. **Council agrees** that the effects for most local residential catchments will be limited (e.g. most of Unsworth Heights) although the effects on some areas are at the time of lodging submission are uncertain due to lack of detailed information.
2. **Council agrees** that the Agency’s proposed Urban Design Landscape Plan is critical to delivery of key urban design and landscape outcomes in terms of the proposal conditions and this is an appropriate method to provide for the delivery of the proposal.
3. **Council supports** the enhanced local and regional connectivity the proposal will provide, both in completing the Western Ring Route and through the provision of shared use pathways, cycleways and pedestrian ways, and considers that these will make a significant contribution to the liveability of the area.
4. **Council supports** the significant area of native planting proposed and the contribution it will make towards reinforcing the North West wild life corridor.
5. **Council supports** the ongoing input of Mana Whenua in refining a design response to their cultural narrative through the Alliance design and build process.

4.3. Matters opposed (partially or in full) or Outstanding matters:

1. Council considers that the outstanding matters in Table 4.1 below need to be addressed to:
 - a) provide certainty that the urban design and landscape effects will be as anticipated in the UDLF and Assessment of Landscape and Visual Effects; and
 - b) achieve the identified key urban design, landscape and proposal objectives; to improve community connectivity, achieve place making, greening of the corridor and to integrate the new structures to reinforce the unique character of the area.

4.4. Decision sought from the Board of Inquiry:

Council seeks that the Board of Inquiry approve the proposal subject to the following matters being addressed in accordance with Table 4.1:

Table 4.1:

Outstanding matters	Reasons and relief sought
4.1.1 - Recommendations of the Urban Design Panel (Attachment 2 – Urban Design Panel recommendations)	<u>Reasons:</u> The Urban Design Panel met with the Agency and its experts, and with Council and considered the urban design and landscape effects of the proposal. A number of the recommendations made by the Urban Design

	<p>Panel are reflected in the matters raised in topics of this submission.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks modifications to the proposal and/or designation conditions to implement the recommendations of the Urban Design Panel as set out in Attachment 2 – Urban Design Panel recommendations.
<p>4.1.2 - Implementing the recommended design opportunities</p> <p>The UDLF identifies the following design opportunities (extract below from pg. 42 UDLF):</p> <ol style="list-style-type: none"> 1. <i>Lucas Creek: Enhance water quality through the addition of a new treatment pond.</i> 2. <i>Retaining wall with planting.(addressed)</i> 3. <i>Watercare/shared path bridge [at Spencer Road] presents a special opportunity due to its elevation, prominence and form to respond to the cultural narrative (not part of this proposal).</i> 4. <i>Future proof to allow shared path connection to Rosedale Landfill open space.</i> 5. <i>Consider cultural narrative in design of bus station.</i> 6. <i>Mound between ramps to integrate with landform. Opportunity to establish an urban forest.</i> 7. <i>Shift wall closer to boundary to enable planting in front of the</i> 	<p><u>Reasons:</u></p> <p>At present only one of the recommended design opportunities has been included in the proposal, namely ‘retaining wall planting’ (with planting proposed on retaining walls near McClymonts Road at the northern end of the Greville Road Interchange, at Rosedale Road near the northern end of the Constellation Drive Interchange, and next to the noise walls west of Paul Matthews Road.)</p> <p>To ensure the outcomes of the UDLF are delivered all of the seven design opportunities identified should be included in the proposal.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the proposal includes all the design opportunities identified in the UDLF. <p>Namely (in addition to retaining wall planting);</p> <ol style="list-style-type: none"> a) <i>A new stormwater pond near the Lucas Creek and Oteha Valley road interchange.</i> b) <i>Confirmation is provided (it is understood to be a separate resource consent proposal to the NOR) that a shared / pedestrian path and bridge across Spencer Road ridge will be provided.</i> c) <i>An SUP connection over Greville Road to the Rosedale Landfill future open space.</i> d) <i>Details of the cultural narrative design for the Constellation Drive bus station.</i> e) <i>A mound between the two earth ramps and lanes that connect SH1 with SH18 at the Constellation Drive / Caribbean Drive interchange.</i> f) <i>The retaining wall south of Rosedale Road shifted to accommodate planting.</i>

<p><i>wall. If this is not possible then add a pattern.</i></p>	
<p>4.1.3 - Design details</p>	<p><u>Reasons:</u></p> <p>It is not apparent from the information provided that a developed design narrative for the proposal that references particular cultural and/or natural environmental themes has been developed.</p> <p>Without details of the materials, theming and design aspects of the proposal there is uncertainty that the anticipated outcomes of the UDLF will be delivered and that the effects will be as minor as anticipated in the AEE.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the Agency provide the Board of Inquiry with detailed elevations and 3 dimensional drawings that provide details of the scale, appearance and design treatment, including materials, and theming for: <ol style="list-style-type: none"> a) <i>retaining walls including railing</i> (which reach a height of 13.3m in places and will have a significant impact on motorists); b) <i>bridges and elevated lanes, including railing, for the Oteha Valley Rd, Greville Road, Constellation Drive / Caribbean Drive and Paul Matthews Interchanges, together with the new McClymonts Road and Rosedale Road (and Spencer Road overbridge)</i> (as they are key landmarks within both motorway corridors); c) <i>noise walls proposed near Barbados Drive, the Greenwich Gardens Retirement Village and parts of Bluebird Crescent</i> (as they will have a significant impact on adjoining residential properties and their location and integration (or not) with existing bunding and planting at the edge of SH18 is not described); d) <i>shared use paths (SUPs) and cycleways, including surface treatments and railings</i> (as these will become increasingly important conduits for both commuters and recreational users over time); e) <i>planting proposed around and between the proposed vehicle lanes, interchanges, SUPs, stormwater ponds and other structures</i> (areas are shown as ‘recommended planting’ when significant reliance is placed on planting to mitigate the effects of the proposed developments and highway); and f) <i>detailing for bus station walling and other key structural elements</i> .

4.1.4 - Assessment of visual effects

Reasons:

Many of the structures proposed are substantial and could have significant visual effects for motorists and residential communities located in close proximity (especially near Paul Matthews Drive & Greville Rd). This is the case particularly for the bridges proposed at:

- Oteha Valley Rd
- Greville Rd
- Constellation Drive
- Paul Matthews Drive

In indicating the visual effects of structures the AEE only provides 'sketches' (for example "Sketch 2", at p.13 of the *Assessment of Visual and Landscape Effects*).

These sketches are not adequate to provide the public with a realistic understanding of the likely visual effects of key proposal components, or for a robust assessment for Council's purposes.

As a result, at the time of lodging this submission only the permanent effects of the proposal on Site Area 2 (Very Low) out of the five site areas assessed in the AEE are agreed. Further Council cannot confirm that it agrees with the conclusion of the AEE that the potential permanent adverse landscape and visual effects can be managed and mitigated to the extent that they will be no more than minor.

Relief sought

1. Council seeks that:
 - a) the proposal is designed and implemented to adequately mitigate adverse landscape and visual effects; and
 - b) survey-accurate photomontages are provided to confirm that the level of effects associated with development and reconfiguration of each intersection will be as concluded in the AEE for Site Areas 1, 3, 4 and 5.

5. Topic - Public open space and community facilities

5.1. Description of matters submission relates to:

This part of Council's submission relates to the proposal's effects on public open space and community facilities.

5.2. Matters of support and agreement:

1. **Council supports** and is a party to the negotiation of agreements by the Agency with the Harbour Hockey Charitable Trust and other recreational clubs, directly or indirectly affected by required land takes at Rosedale Park, to address effects that cannot be adequately addressed by conditions on the designations or resources consent.
2. **Council supports** the enhanced local shared use pathways and considers that these will make a significant contribution to the liveability of the area and activation of parks, and will encourage greater use of the public transport network.
3. **Council supports** the activation of Arrenway Reserve by means of the shared use pathway route particularly as it opens up the north-eastern section of the Rosedale business area.
4. **Council supports** the significant area of native planting proposed and the contribution it will make towards reinforcing the North West Wildlife corridor and to the area's ecological biodiversity.

5.3. Matters opposed (partially or in full) or Outstanding matters:

1. Council considers that the outstanding matters in Table 5.1 below need to be addressed to:
 - a) address the replacement of 12.4 ha of public open space land in a community where it is very difficult to find suitable land;
 - b) provide certainty that the proposed 'reserve reinstatement package' will deliver appropriate remediation, place making and the return of parks and shared path to the public in an effective and efficient manner;
 - c) provide for the replacement of open space functions, particularly the land set aside for future sports fields at Constellation Reserve whilst ensuring that any replacement land is of sufficient quantity, quality and is suitably located;
 - d) ensure that recreational groups that lease council owned sports fields and park land that are directly or consequently affected by the proposal are permanently relocated to their reasonable satisfaction within an agreed timeframe;
 - e) provide additional information for council to fully assess the potential effects and proposed mitigation measures on Rook Reserve and the adjacent Alexander Stream, following the confirmation by the Agency post notification that Rook Reserve is the preferred site for a stormwater treatment pond;
 - f) secure the delivery of key components of the Upper Harbour Greenways Plan within the proposed project area;

- g) provide a safe and attractive alternative shared use pathway bridge over SH18 to supplement the existing underpass between Omega and Alexander Stream reserves; and
- h) provide additional information on the development and evaluation of alternative options to the location of the shared pathway on the northern side of SH18 between the proposed Paul Matthews Drive interchange and Unsworth Road .

5.4. Decision sought from the Board of Inquiry:

Council seeks that the Board of Inquiry approve the proposal subject to the following matters being addressed in accordance with Table 5.1:

Table 5.1:

Outstanding matters	Reasons and relief sought
<p>5.1.1 - Agreement between AC Parks and the Agency on reserve remediation plan</p>	<p><u>Reasons:</u></p> <p>The AEE envisages that the construction impacts on public open space will be agreed as a part of a reserve reinstatement plan with Council, to ensure remediation and a return to public use in an effective and efficient manner.</p> <p>Council agrees the involvement of relevant council specialists will assist in the development of the reserve remediation package or plan. However, Council considers that the documentation is insufficient to assess the potential impacts on public open space and to evaluate appropriate mitigation.</p> <p>Reserves that could be upgraded as part of mitigation packages include the balance of Rook Reserve, Barbados Reserve and Unsworth Heights.</p> <p>Improvements to the provision for recreational use would offset the space lost at Rook Reserve, Alexander Reserve and Bluebird Reserve, and help to address overall effects on the loss of open space in this community.</p> <p><u>Relief sought</u></p> <ol style="list-style-type: none"> 1. Council seeks, in order for Council and the community to fully assess the proposal, that additional details be required to: <ul style="list-style-type: none"> a) identify the type and quality of remediation anticipated; b) demonstrate how the UDLF will be implemented through the ‘parks remediation plan’; c) identify the reserves subject to this plan; d) clarify the timing and delivery of remediation works and transition of assets back to the Council; and e) provide landscaping concept plans.

	<ol style="list-style-type: none"> 2. Council seeks, in the event that replacement land to compensate for the loss of open space cannot be achieved, that upgrades to the Unsworth Heights reserves be provided as compensation. 3. Council seeks designation conditions to require the development of an appropriate and adequate Public Open Space Remediation Management Plan, to be submitted to the Council for approval.
<p>5.1.2 - Temporary and permanent displacement or relocation of recreational groups</p>	<p><u>Reasons:</u></p> <p>Council considers that the construction impacts and required land take will have a significant impact on recreational facilities at Rosedale Park and consequential impacts on other recreational facilities and public open space land.</p> <p>At time of this writing this submission, council is actively working with the Agency and the seven affected recreational clubs that are lessees to land affected by the proposal, either directly or indirectly. Agreements are being sought to a complex relocation arrangement of recreational clubs to new public open space areas either within Rosedale Park or elsewhere in the catchment.</p> <p>As the proposed relocation plan is complicated and depends upon the agreement of 10 parties (including Council, the Upper Harbour Local Board (as the land owner) and the Agency) , agreement may not be achieved prior to the Board of Inquiry hearing.</p> <p>Council undertakes to inform the Board of Inquiry of progress as part of its evidence.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that information be provided by the Agency on alternative measures to mitigate the impacts on the recreational users, should the proposed relocation strategy not be able to be achieved.
<p>5.1.3 - Constellation Reserve – area affected by new road</p>	<p><u>Reasons:</u></p> <p>No agreement has been reached between the Agency and Council on the balance of the hockey field land.</p> <p>Clarity is needed on the effects and proposed mitigation proposed for Constellation Reserve in the area affected by the new road.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks designation conditions that require mitigation and reinstatement measures for Constellation Reserve in the area affected by the new road, including the design and landscape details for the road frontage with the new Paul Matthews Drive.
<p>5.1.4 - Loss of future sports fields</p>	<p><u>Reasons:</u></p> <p>In terms of active open space, there is projected shortage of sports fields across Auckland including on the North Shore.</p>

	<p>Council considers the provision of sports fields to be of great importance to the health and wellbeing of this community.</p> <p>The proposal affects two sports fields associated with the Hockey Stadium at Rosedale Park and future sports fields proposed for Constellation Reserve (potentially five fields).</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks, as a first preference, that compensation for the loss of the Constellation Reserve land for sports fields are replacement of land located in the Rosedale area, and that if this is not possible then replacement land should be investigated elsewhere in the Upper Harbour Local Board area at Whenuapai, Albany or Paremoremo.
<p>5.1.5 - Design narrative</p>	<p><u>Reasons:</u></p> <p>Council wishes to ensure that the design treatment of retaining walls and other structures on public open space or shared use pathways reduces their visual impacts and contributes to the overall experience of visitors or users.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks conditions requiring that retaining walls and other structures on public open space or shared use pathways be designed to mitigate adverse visual and amenity effects, including through the use of; <ol style="list-style-type: none"> a) landscape planting, use of Mechanical Stabilised Earthen living walls , art patterns on walls and other similar treatment devices; and b) the implementation of an integrated art work programme on public open space land to engage the community; with the art plans to be submitted to the Advisory Panel for Art in Public Places Auckland and the Community Liaison Group as sought by the Council.
<p>5.1.6 Additional assessment required for Rook Reserve</p>	<p><u>Reasons:</u></p> <p>Council understands that the Agency has now selected Rook Reserve as the preferred site for a stormwater management pond. Additional information is required to enable the Council to fully assess the potential effects and agree the proposed mitigation measures.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that; <ol style="list-style-type: none"> a) the Agency provides an assessment of effects, including mitigation measures, for the Rook Reserve stormwater treatment pond and the adjacent Alexander Stream; and b) conditions of consent are required to address any adverse environmental effects and to ensure appropriate mitigation is provided.

5.1.7 - Provision of additional shared use paths

Reasons:

Further opportunities to enhance connectivity, the overall shared use pathway experience, and to future proof opportunities, should be included in the proposal.

Addressing long- standing community severance issues resulting from the existing alignments of SH1 and SH18 is welcomed by council, particularly in the Unsworth Heights and Rosedale areas where connectivity is very poor.

Council is concerned that without appropriately extending the network into the local road network, there could be safety issues when people try to cross roads without safe crossing facilities to the shared use path.

Council considers further improving the extent of the shared use pathway and access to it will increase the recreational value of the public open space network and considers that this contributes towards partially mitigating the adverse effects generated by the loss of over 12 ha of public open space land and the local amenity effects during construction.

Relief sought:

1. Council seeks modifications to the proposal and/or designation conditions that will require:
 - a) that a shared use path be provided on both sides of SH18 to future-proof access for residential and business communities, and to public open space access in this area, or, at least that the shared use path be relocated to the south side of SH18 to provide better access to residential areas and parks within Unsworth Heights;
 - b) the shared use path network is extended and appropriate safety features incorporated as follows:
 - i) from the Greville Road Interchange to the open space on the current Rosedale Closed Landfill (to future proof access to what will become a future park this proposed mitigation measure has not been recognised in the Notice of Requirement plans;
 - ii) from the Constellation Drive Interchange to Rosedale Park South on the eastern side of SH1 linked to Vega Place or Atlas Place;
 - iii) to supplement the existing sub-standard underpass under SH18 connecting Rook Reserve and the upgraded Alexander Stream walkway with an easy and safe pedestrian bridge. Potential locations include Bluebird Reserve to William Pickering Reserve or from the head of Unsworth Drive to

	<p>William Pickering Drive;</p> <ul style="list-style-type: none">iv) around the periphery of Pond 2 at the Rosedale Wastewater Treatment Plant and into Centorian Reserve;v) into the local road network to enhance local connections including Oteha Valley Road, Elliot Rose Avenue, Caribbean Drive, Albany Highway and Greville Road, and through Constellation Station to Sunset Road; andvi) separated cycle facilities on the McClymonts Road bridge.
--	---

6. Topic – Noise and vibration

6.1. Description of matters submission relates to:

This part of the Council's submission relates to construction and operational noise and vibration effects of the proposal.

6.2. Matters of support and agreement:

1. **Council agrees** that the existing noise environment is significantly affected by high traffic noise levels from SH1 and SH18, and that overall change to the noise environment as a result of the proposal will be generally small (≤ 4 dB).
2. **Council agrees** that the application of the following noise standards is generally appropriate:
 - New Zealand Standard 6803: 1999 – Acoustics – Construction Noise
 - New Zealand Transport Agency Guide Vibration Criteria
 - New Zealand NZS 6806: 2010 Acoustics Road traffic noise – New and Altered Roads.
3. **Council agrees** that the proposal involves major construction works that have potential to generate significant construction effects on residential dwellings and activities.
4. **Council agrees** that operational noise can be generally managed by permanent noise barriers, building façade mitigation and the use of low noise road surfaces on the alignment.
5. **Council agrees** that operational vibration effects do not result in adverse effects to those nearby when state highways are properly maintained.
6. **Council agrees** it is appropriate that Construction Noise and Vibration Management Plan is deployed to manage construction noise. This is an acceptable technique which has been successfully implemented in a range of large infrastructure projects throughout New Zealand. Council supports its inclusion within the overall Construction Management Plan, as it enables a comprehensive evaluation of appropriate management techniques to address noise effects.

However, there are some details of the construction and operational noise assessment that are currently unclear. The Council seeks to clarify and confirm these matters with the Agency in order to fully consider and assess the potential construction noise effects of the proposal.

6.3. Matters opposed (partially or in full) or Outstanding matters:

1. To broadly summarise the outstanding matters identified in Table 6.1 and in order to understand the relevant aspects of the proposed scheme and AEE conclusions, clarification is sought in relation to the following matters:
 - a) additional information including evidence of model development, calibration and validation;
 - b) additional information to determine the potential adverse effects on people in dwellings and commercial properties exposed to high levels of construction noise and vibration during the day and at night time; and

- c) additional measures to future proof the community to on-going change in the operating environment and to improve the amenity of the affected communities.

The outstanding matters are explained in more detail in Table 6.1 below.

6.4. Decision sought from the Board of Inquiry:

Council seeks that the Board of Inquiry approve the proposal subject to the following matters being addressed in accordance with Table 6.1:

Table 6.1:

Outstanding Matters	Reasons and Relief Sought
General Procedural Comments	
<p>6.1.1 - Calculation of activity sound power levels for construction activities</p>	<p><u>Reasons:</u></p> <p>In the description of activity sound level power levels it is noted that there are instances where the loudest equipment has a sound power level higher than the combined level used to describe a construction activity. As an example pavement construction activity has an activity level of 110dBA and operating a bulldozer has a sound level of 114dBA.</p> <p>Given activity sound power levels are used to determine the distance at which the 70dB L_{Aeq} daytime noise criterion can be complied with, without mitigation by noise barriers, it is important to clarify the sound power levels relied upon by the Agency in its calculations.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks clarification of discrepancies in the assessment of activity sound power levels and compliance distances.
<p>6.1.2 - Evidence base for assessment of construction noise</p>	<p><u>Reasons:</u></p> <p>Additional detail is required for Council to ascertain how often and to what levels, it is anticipated that people in residential and commercial buildings will be exposed to noise levels in excess of the proposed criteria for daytime and night time noise limits.</p> <p>Council notes that section 6.2 (page 21) of the technical assessment states there is a potential for a significant number of dwellings to be affected by night works in the immediate vicinity of bridge construction. However, no indication as to degree to which the standard is exceeded, or the number of properties affected is provided.</p> <p>Council notes L_{AFmax} noise levels are used for the assessment of construction noise have not provided.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks conditions that: <ol style="list-style-type: none"> a) require assessment of the estimated quantum and frequency of exceedance to the maximum 70dB L_{Aeq} criterion used to determine daytime effects on residential and commercial buildings and also the 45 dB

	<p>L_{Aeq} for residential buildings at night-time and to provide detail within the Construction Noise and Vibration Management Plan of how any non-compliance will be managed;</p> <p>b) require all dwellings and other noise sensitive receivers likely to be exposed to noise levels of 45dB L_{Aeq} at night time to be protected by temporary or permanent noise barriers, or have double glazing and /or ventilation installed by the contractor before construction noise begins.</p> <p>2. Council seeks that an explanation be provided by the Agency for its reasons for omitting from the adopted assessment the L_{AFmax} noise levels to fully understand the construction effects of the proposal .</p>
<p>6.1.3 - Effects of Construction vibration</p>	<p><u>Reasons:</u></p> <p>Council considers that little information has been provided on actual magnitude and effects of construction vibration. No anticipated vibration levels are provided so it cannot be determined if properties classified as high risk would experience vibration just above the 5mm/s peak particle velocity (ppv) threshold or significantly above and what the effects of that vibration would be.</p> <p>It is also unclear as to which party is responsible for repairing damage caused by vibration.</p> <p>As no qualitative assessment has been included in the proposal documentation, the council is of the view that the AEE conclusion that vibration can be appropriately managed is difficult to justify.</p> <p><u>Relief sought:</u></p> <p>1. Council seeks that the Construction Environmental Management Plan and supporting plans be approved by Council.</p>
<p>Operational noise</p>	
<p>6.1.4 - Evidence base for assessment</p>	<p><u>Reasons:</u></p> <p>In order for council to fully assess the potential effects of operational noise, additional detail is required in relation to the performance of road surface types. Council wishes to be confident that such surfaces will be applied in the most suitable locations and to confirm the acoustic performance of the road surfaces the Agency is using for their modelling.</p> <p><u>Relief sought:</u></p> <p>1. Council seeks conditions to ensure that the operational noise will meet a particular level of performance and that the roads will be designed and constructed to achieve this.</p>
<p>6.1.5 - Child care centres</p>	<p><u>Reasons:</u></p> <p>Council notes that 2.4m noise barriers are proposed to control</p>

	<p>noise levels for the two child care centres that are both of two storey construction.</p> <p>It is unclear whether the mitigated noise levels are for the outdoor play area or for the upper floors. Council is unable to fully assess the potential noise effects on the centres.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks conditions to control noise levels for both the outdoor play areas and the upper floors of the two child care centres.
<p>6.1.6 - Improvements to the existing noise environment</p>	<p><u>Reasons:</u></p> <p>Council is concerned that the Agency has made no attempt to address traffic noise for dwellings where no mitigation is required under the assessment method adopted. Many properties in close proximity to the carriageway already receive high levels of noise and would certainly benefit from mitigation.</p> <p>Section 16 of the RMA requires that every land owner adopt the best practical option to control noise from their site regardless of whether the noise complies with the agreed limits or not. In this proposal no such consideration is given.</p> <p>Council also notes there are currently no noise barriers installed to reduce noise on parks and reserves adjacent to the alignment and that these parks are in a high noise environment.</p> <p>The land take required by the Agency from council's reserve assets will have potential adverse social and recreational impacts on local communities in built up suburban residential areas where it is difficult to find suitable replacement land.</p> <p>Council considers it is important that the amenity values parks are not adversely affected by the proposal and that attractively designed noise barriers be provided for the Unsworth Heights reserves.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that attractively designed noise barriers be required for all residential dwellings abutting the alignment and for the Unsworth Heights reserves (Bluebird, Rook and Meadowood Reserves).
<p>6.1.7 - Monitoring</p>	<p><u>Reasons:</u></p> <p>The Agency is proposing to prepare a post construction noise report in accordance with its standard P40 Specification for Noise Mitigation 2014. Council is concerned with the appropriateness of using this document for post construction certification of the proposal.</p> <p>Rather than using field measurements of road traffic noise, P40 requires detailed modelling of the completed project to demonstrate its compliance with the suggested conditions. This modelling would be based on field measurements of the as-built carriageway and noise barriers and actual counts of traffic speeds, volumes and the percentage of heavy commercial</p>

	<p>vehicles.</p> <p>However, without field noise measurements Council is not confident that any errors within the original noise modelling will not be repeated in the compliance modelling. Field monitoring would, in effect, calibrate the noise model.</p> <p>Further, post construction noise modelling should also factor in the topography of the surrounding area. For example, extensive earthworks at the newly developing residential subdivision north of Greville Road are re-contouring the site and this may impact on the ability of the mitigation to comply with noise standards.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none">1. Council seeks that, in addition to the modelling of the completed project, a requirement to monitor post construction performance, as described in P40, field measurements, be incorporated into the determination of compliance.
--	---

7. Topic: Rosedale Closed Landfill

7.1. Description of matters submission relates to:

This part of Council's submission relates to the proposed works that affect the Rosedale Closed Landfill.

7.2. Matters of support and agreement:

1. **Council supports** the measures proposed to reduce the adverse impacts of the proposal, during and post construction, on:
 - a) the landfill assets and their management; and
 - b) health and safety.
2. **Council supports** a detailed design process that involves Council in regarding impacts, changes and management of Council-owned closed landfill infrastructure and consents, in providing for health and safety and safety in design.
3. **Council supports** the extent of the designation being reduced to the extent necessary for the operation and maintenance of the roading network on completion of the works so that all landfill infrastructure is not subject to constraints.

7.3. Matters opposed (partially or in full) or Outstanding matters:

In considering the effects of the proposal on the Rosedale Closed Landfill Council's primary concerns are:

- a) to ensure that construction of the proposal, and once complete, its on-going operation and maintenance, will not change the existing environment in a way that affects discharges from the landfill, and the Council's ability to meet its obligations under its discharge consent;
- b) that the health and safety of staff, contractors and members of the public are not compromised, either during and/or post construction;
- c) that the overall risks to Council are not increased including those to the closed landfill infrastructure and the stability of the landfill; and
- d) that ratepayers are not disadvantaged now, or in the future through increased capital and/or operational costs.

The proposal will impact on the on-going operation of the Rosedale Closed Landfill, both during and post construction. The proposed works will affect the following Council assets on the site:

- the landfill toe bund;
- the landfill liner (in the north west area), cap and cover;
- perimeter gas migration wells and monitoring well networks;
- gas ring main;
- leachate collection trench and associated network and discharge connections;
- stormwater, cut-off drains, swales and pond; and
- a site periphery access road.

1. Council considers that the outstanding matters in Table 7.1 below need to be addressed to:
 - a) recover costs to Council, that result from:
 - i) impacts on the site management of the Rosedale Closed Landfill; and
 - ii) the proposal not resulting in any additional operational or capital costs to Council pre, during, or post construction.
 - b) enable Council to continue to meet its consent obligations during and post construction;
 - c) ensure the impact of the construction works does not adversely affect the closed landfill infrastructure integrity and operation;
 - d) ensure safety in relation to access and operation of infrastructure including public safety in the vicinity of the gas interception trench and access along the top of the retaining wall;
 - e) enable the operational management of the landfill during and post construction, including access along the top of the proposed new bund adjacent to the retaining wall edge, and to ensure no constraints are placed on Council to access or undertake works on infrastructure and on site gas management and gas risk assessment;
 - f) ensure that the proposal does not result in additional operational or capital expenditure by Council for the ongoing operation of the closed landfill, which is not currently provided for in the LTP;
 - g) ensure that the potential impacts on the gas management plant and flares from the nearby elevated carriageway and shared use pathway, and any potential safety impacts on these assets due to their proximity to the gas management plant and flares, are appropriately provided for;
 - h) ensure that the extent of the designation required during construction, versus that required for the operation of the Agency’s network provides for all landfill infrastructure, including monitoring points, to be within Council owned/controlled land and is not subject to access constraints to land along the north, and western boundaries; and
 - i) ensure that the proposed access stub off the shared use pathway at grade into the closed landfill will be adequately secured from unauthorised access into or across the closed landfill and its infrastructure until such time that it is safe for the public to have access to this area of the closed landfill.

7.4. Decision sought from the Board of Inquiry:

Council seeks that the Board of Inquiry approve the proposal subject to the following matters being addressed in accordance with Table 7.1:

Table 7.1:

Outstanding matters	Reasons and relief sought
7.1.1 - Operational and Capital cost considerations	<u>Reasons:</u> The proposal may result in additional operational and capital expenditure by Council for the ongoing operation of Rosedale

	<p>Closed Landfill, which is not currently in the Council’s Long Term Plan.</p> <p>Council, as asset owner of the closed landfill, has yet to receive sufficient information in relation to the full impacts of the proposal to determine the scope and scale of recompense (compensation, offset or restoration) that will be required to adequately address effects on the landfill.</p> <p>There are a number of potential adverse effects, such as land instability or changed environmental conditions affecting gas and leachate discharges and associated management or monitoring regimes that may not be evident in the short to medium term.</p> <p>Detailed design will inform the operational scenario for landfill consents monitoring and management, plus leachate and landfill gas system modifications will assist lifecycle analysis for determining the impacts on operational and capital expenditure, where recompense may be required.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that inclusion of appropriate conditions to avoid, remedy and mitigate the effects of the proposal, including effects that have cost implications for the Council, relating to the ongoing management of the Rosedale Closed Landfill by Council. Such conditions may include a bond.
<p>7.1.2 - Impact on existing consents</p>	<p><u>Reasons:</u></p> <p>The proposal will impact on the existing discharge consents for the closed landfill held by Council.</p> <p>How these impacts will be managed has not been clearly articulated. Construction over some areas plus the removal of control and monitoring assets will mean Council will be unable to give effect to various consent conditions.</p> <p>The Agency needs to demonstrate how it intends to vary or transfer any consents to itself, or apply for any new consents to ensure Council is in a position to comply during and post construction for land owned/controlled by Council.</p> <p>During construction any monitoring required by consents to be undertaken in the construction zone should be undertaken by the Agency as this will better manage health and safety issues that would arise from Council staff and contractors entering the area.</p> <p>Access for closed landfill maintenance and operational checks would however require access to be provided to Council staff and contractors.</p> <p>Council requires a consenting strategy outlining what consents will be applied for, transferred or assumed control of, and how the Agency team will work with the Council to manage variations to existing Council held discharge consents and renewals impacted by the proposal.</p>

	<p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the Agency provide to the Board of Inquiry a consenting strategy for works affecting the Rosedale Closed Landfill for consent variations, transition of monitoring and liability arrangements during and post construction (to be agreed by the Agency & Council) for approval.
<p>7.1.3 - Extent of designation during and post construction</p>	<p><u>Reasons:</u></p> <p>All landfill infrastructure, including monitoring points, need to be within Council owned/controlled land and not subject to any constraints.</p> <p>This can be achieved by paying specific attention to the location of the landfill infrastructure as part of the detailed design process and by reducing the designation extent to the minimum area necessary for the operation and maintenance of the Agency’s network once construction is complete.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the Agency be required to; <ol style="list-style-type: none"> a) take into account the location of landfill infrastructure in the detailed design process; and b) reduce the extent of the designation post construction to the minimum area necessary to operate and maintain the Agency’s Infrastructure and to avoid landfill infrastructure being subject to the Agency’s designation.
<p>7.1.4 - Responsibility for consent monitoring and landfill risk management</p>	<p><u>Reasons:</u></p> <p>The proposal will result in changes to the environment in which the current monitoring regime is based, this includes:</p> <ol style="list-style-type: none"> a) changes to the current monitoring programmes as a result of the proposal altering the environment; b) changes to existing landfill gas management during and post construction; c) changes to infrastructure due to mass loading/unloading, vibration, settlement or other damage effects including blockage or sedimentation associated with construction works; d) access to perimeter gas migration monitoring wells, gas ring main and associated collection system, leachate system including terminal manhole and pipe connecting to trade waste, groundwater monitoring wells and stormwater Pond 7 during construction; e) access to pipe connecting to trade waste system post construction (Tawa Reserve); f) potential changes to gas/leachate/groundwater levels as a result of bund construction;

	<ul style="list-style-type: none"> g) potential instability of toe bund and waste as a result of the excavation then construction of the retaining infrastructure/toe bund/retaining wall; h) potential increase in operational costs due to the construction of additional infrastructure (gas interception trench) and changes to existing infrastructure; i) potential increase in capital costs relating to gas interception trench and any changes to current gas and leachate systems; and j) location of landfill infrastructure, including monitoring points (gas, groundwater, leachate), within Council owned/controlled land. <p>Access to the western area (i.e. within the designation) of the site during construction is a significant health and safety risk.</p> <p>Consideration needs to be given to the benefit of moving the gas ring main to eastern side of the access road to minimise disruption to operation of the landfill gas management system during and post construction.</p> <p>The discharge consents for Rosedale landfill will expire at the end of December 2025. Council will need to lodge new consent applications by the end of June 2025.</p> <p>In the event that the construction is delayed and overlaps with the renewal period, consenting outcomes will need to be sufficiently flexible so as not to adversely affect the ability of either consent holder (the Agency and Council) to meet their consent requirements.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the addition of conditions that require: <ul style="list-style-type: none"> a) for all areas within the construction zone, the Agency is to assume responsibility of the Council's existing consents in relation to the Rosedale Closed Landfill, including consent monitoring, variation of our existing consents where monitoring is not possible due to construction activities and for obtaining consents relating to their construction impacts; b) the Agency to undertake all required consent monitoring (stormwater, groundwater and leachate discharge, air discharge and trade waste consent requirements) in the construction zone during construction, including instantaneous surface gas monitoring (ISM) if required; c) the Agency, with Council agreement, to undertake inspections during construction to mitigate the potential health and safety risk; d) the Agency to allow for Council access post construction for monitoring points and where possible relocate them within Council Land;
--	--

	<ul style="list-style-type: none"> e) the Agency to provide for access for Council, or their Agent, during construction, to any equipment required to be inspected, maintained or adjusted for the purposes of managing gas risk on or off-site; f) the Agency to provide for access for Council, or their Agent, to monitoring / inspection points in the detailed design; g) the Agency to undertake pre, during and post-construction settlement monitoring of the western landfill slopes, CCTV of underground infrastructure (including terminal manhole and leachate discharge pipe under the motorway; stormwater Pond 7; above ground channel and underground box culvert assets); h) the Agency obtain Council certification for the location and design of, including access to: the replacement gas ring main, leachate collection system, gas interception trench; the access road running along the bund edge and alongside the retaining wall; any replacement monitoring points required; i) the detailed design to mitigate the impact of the works on upstream groundwater and leachate levels and potential increase in risk of future seeps, and the impacts on waste stability; j) enable the consent holder (either the Agency and Council) to meet their consent requirements if there are overlaps with the proposal and the consent renewal period; and k) the Agency to be responsible for disposal of all refuse materials excavated during construction works.
<p>7.1.5 Resource consent conditions (refer to Attachment 3)</p>	<p>The Council seeks conditions, or amendments to conditions such as those set out in Attachment 3, or conditions to like effect.</p> <p>In addition, the Council seeks any further amended conditions necessary to adequately address its concerns identified above.</p>

8. Topic – Stormwater and flooding

8.1. Description of matters submission relates to:

This part of Council's submission relates to:

- the actual and potential environmental effects of stormwater discharges arising from the constructed road and the stormwater management methods proposed;
- the existing key Council stormwater assets affected by the project that have to be replaced and the adequacy of the proposed replacements;
- areas where flood levels have been predicted to increase; and
- designation and resource consent conditions.

8.2. Matters of support and agreement:

1. **Council supports** the project enabling stormwater treatment from previously untreated existing high use roads and the overall improvement in the quality of stormwater discharged on completion of the proposal, while noting this improvement is likely to be minor given the larger existing loads from the wider catchments.
2. **Council supports** the intent of the project and overall stormwater design and management approach as outlined in the Assessment of Stormwater Management, subject to the outstanding matters outlined in Table 8.1 below being addressed.
3. **Council agrees** that the impacts on areas where flood level have been predicted to increase are generally acceptable, apart from the areas identified in Table 8.1 below.

8.3. Matters opposed (partially or in full) or Outstanding matters:

1. A summary of the outstanding matters are:
 - a) the need to ensure good environmental outcomes in the management and planning of the stormwater networks within the Oteha Valley and Lucas Creek catchments that are affected by the proposal;
 - b) that works to reduce the impact of flood levels in areas where there are known flooding issues could be included as part of the project works as a means of 'offsetting' adverse effects;
 - c) amendments and additions are required to the proposed conditions to ensure appropriate stormwater outcomes are delivered in accordance with the proposal and additional changes sought by Council;
 - d) the design of the replacement Constellation pond and the ARC Refuse pond should be amended, or conditions applied, as necessary to ensure the project does not foreclose the Council's ability to undertake planned upgrade works to maximise detention for flow

attenuation for the future growth scenario in the wider catchment and to meet treatment standards;

- e) the project should be amended or appropriate conditions applied to ensure appropriate design, construction and operation of Council assets affected by the project, including continuity of stormwater services where assets are to be replaced or relocated; and
- f) how consents associated with new or replacement council assets, as opposed to the Agency’s assets, will be managed in the long term and if this can, in part, be addressed through the structure of any consents granted for the current proposal.

These matters are discussed in detail in Table 8.1 below.

8.4. Decision sought from the Board of Inquiry:

Council seeks that the Board of Inquiry approve the proposal subject to the following matters being addressed in accordance with Table 8.1:

Table 8.1

Outstanding matters to be addressed	Reasons and relief sought
<p>8.1.1 - Effect of designation on Council stormwater assets</p>	<p><u>Reasons:</u> It is uncertain what maintenance, repair or upgrading works of Council assets can be undertaken by Council where they are located on the Agency’s designated land without necessitating the Agency’s approval as the Requiring Authority.</p> <p>This will impact on the nature and degree of effect that the designation has on Council’s stormwater assets.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the Agency provides its requiring authority approval (re-worded in conditions) to enable the Council to undertake maintenance, repair or upgrading works of Council’s stormwater assets without further Agency approval.
<p>8.1.2 - Timing of network discharge consent</p>	<p><u>Reasons:</u> Some stormwater from the project is proposed to discharge through Council’s assets and some works are proposed to elements of Council’s existing consented network.</p> <p>The AEE identifies that discharges from the proposal that utilise Council stormwater outfalls will comply with the conditions of the existing Network Discharge Consent (NDC), specifically Condition 9(c), which requires that stormwater discharges from developments with more than 1,000m² of impervious areas are to incorporate mitigation including source control initiatives and a treatment level of 75% TSS removal on a long term average basis.</p> <p>Council anticipates that compliance with the NDC will be able to be</p>

	<p>achieved. However, given the potential for further alteration to the proposal through the Board of Inquiry process, Council considers it would be premature to issue a NDC approval at this time.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks a condition requiring the Agency to comply with the requirements of the Auckland Council Network Discharge Consent.
<p>8.1.3 - Future operation of Pond 1 and 2</p>	<p><u>Reasons:</u></p> <p>The proposed new Constellation pond will result in a reduction of overtopping of the downstream channel flow into Watercare Services Ltd Pond 1 (Western pond), but an increase in the overtopping flow into Pond 2 (Eastern pond) (refer to Section 5.3.4 of the Assessment of Stormwater Report).</p> <p>This will severely restrict the potential for future improvements of peak flow attenuation to reduce overflows into Pond 1 as well as Pond 2 if it remains as a wastewater treatment pond.</p> <p>Confirmation is required that the predicted overflows take into consideration future plans for the wastewater treatment plant, in which case no further reduction in overflows will be required.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks: <ol style="list-style-type: none"> a) a condition requiring that the predicted overflow volumes take into consideration future plans for the wastewater treatment plant, in which case no further reduction in overflows will be required; and a) that in the event that the above condition is not met, the proposed reduction in the Constellation pond volume is opposed by Council.
<p>8.1.4 - New stormwater pond at Lucas Creek</p>	<p><u>Reasons:</u></p> <p>The UDLF identifies as a key design opportunity; <i>Lucas Creek: enhance water quality through the addition of a new treatment pond</i> (pg. 42 - 6.1)</p> <p>However, no new stormwater pond at Lucas Creek is discussed or shown in any of the documents relating to stormwater management.</p> <p>On the basis of further discussions with the Agency, the Council understands this stormwater pond does not form part of the current proposal.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the application is amended / corrected to clarify that it does not include a new stormwater pond at Lucas Creek, noting that the Council considers this would be outside the scope of the current application as

	no plans or details relating to such a pond have been provided.
8.1.5 – Effects of stormwater quality effects on downstream receiving environment	<p><u>Reasons:</u> Stormwater discharges from the project area have the potential to have adverse effects on the water quality of the downstream receiving environment.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that a condition of consent require that stormwater treatment devices are designed and constructed in accordance with the Auckland Unitary Plan requirements, Council’s TP10 and TR2013/035.
8.1.6 - Erosion and sediment effects from construction	<p><u>Reasons:</u> Erosion and sediment runoff resulting from the construction phase has the potential to result in adverse effects on water quality and the ecological values of the Oteha Stream.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that appropriate conditions of consent be included to require: <ol style="list-style-type: none"> a) that the construction phase effects, in particular erosion and sediment effects, be managed to avoid, remedy or mitigate the effects of the project; b) that relevant construction management plans, including an erosion and sediment control plan, be submitted for approval by Council prior to works commencing; and c) water quality monitoring during construction to assess the actual effects on the receiving environment from sediment discharges.
8.1.7 - Flooding issues along Greville Road	<p><u>Reasons:</u> Modelling by Council has predicted that the section of Greville Road near, and including the Greville Road underpass across the motorway, will be flooded during the 5-year ARI storm event in the future maximum probable development (MPD) landuse and climate change scenario.</p> <p>The flooding will impact on access to the underpass and the on-ramps and off-ramps connecting the motorway to Greville Road.</p> <p>Council has provided the base modelling and mitigation options modelling data to the Agency’s consultants for their consideration.</p> <p>Council is also concerned that flooding exacerbated on the Rosedale Closed Landfill from any proposal to reduce flooding on the road does not negatively impact on closed landfill assets.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that appropriate mitigation measures be incorporated in the project to adequately manage the risk

	<p>of road flooding at the Greville Road underpass including demonstrating that:</p> <ul style="list-style-type: none"> a) western slope stability of the Rosedale Closed Landfill is within the accepted factors of safety due to inundation of the toe; b) the leachate, gas management and monitoring systems are protected for inundation and infiltration; c) the road is protected from the stormwater network channel and inlet structures overflows; and d) any overflows from the stormwater network in to the stormwater pond No.7 are directed via engineered structures.
<p>8.1.8 - Downstream effects from Outfall OF12</p>	<p><u>Reasons:</u> Section 5.7 - Assessment of Stormwater Quantity Effects states that this is the only location where the hydrological regime is impacted to a noticeable degree.</p> <p>OF12 discharges flow to the channel at the toe of the existing spillway for WSL's Pond 1. Modelling carried out so far based on the current operational level of WSL's Pond 1 and 2 shows that the spillway does not operate up to the 100-year event.</p> <p>Future operational levels of Pond 1 and Pond 2, may or may not result in flows overtopping the spillway in events smaller or equal to the 100-year ARI event.</p> <p>In the event the spillway does overtop, the impact of the spill frequency and magnitude on the downstream channel and properties should be assessed.</p> <p>Until the future operation of the spillway is better understood, it would be prudent that flows from OF12 should not be increased and it is considered that more can be done with peak flow attenuation to achieve hydraulic neutrality.</p> <p><u>Relief sought:</u></p> <ul style="list-style-type: none"> 1. Council seeks: <ul style="list-style-type: none"> a) that an assessment be provided on the impact from the project on the frequency, duration and magnitude of flows on the downstream channel and properties with existing flood risks; and b) that a condition of consent require that flows from OF12 are not increased and that further means of peak flow attenuation be required to retain flows at pre-NCI project levels or better.

<p>8.1.9 – Meadowood Reserve - reduction of flood risks and co-ordination with Council works</p>	<p><u>Reasons:</u> The Meadowood Reserve – Caribbean Road / Upper Harbour Highway area has existing flooding issues and Council has planned mitigation works in this area.</p> <p>Council would like to work closely with the Agency in the design and detailing of the new culvert with regards to invert levels and inletting details to further reduce the flood risks, to co-ordinate respective projects and to ensure works undertaken by the Agency do not foreclose the opportunity for Council to undertake further flood mitigation works within the reserve.</p> <p><u>Relief sought</u></p> <ol style="list-style-type: none"> 1. Council seeks a condition that requires: <ol style="list-style-type: none"> a) detailed design of the new culvert, including invert levels and inletting details, be provided to Council’s regulatory team for certification at least 20 working days (e.g.) prior to the commencement of construction; and b) that the detailed design be prepared in consultation with Council to ensure a comprehensive and co-ordinated approach is taken to managing flood issues within Meadowood Reserve and that the works proposed by the Agency do not limit the opportunity for Council to undertake planned flood mitigation works within the reserve
<p>8.1.10 - Flooding assessment – Underpass SH18</p>	<p><u>Reasons:</u> The assessment of the effects of flooding on the shared underpass linking the Rook reserve to the Omega reserve does not adequately address the increase in the frequency of flooding, in addition to the depth of flooding, at which the underpass becomes inaccessible.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that conditions of consent ensure that the effects, and risk to users, from flooding of the underpass are not further increased, taking into account: <ol style="list-style-type: none"> a) the increase in flow magnitude, depth, frequency and duration of flooding; and b) more frequent storms events such as the 5-year ARI event in terms of flood depth and flow velocities.
<p>8.1.11 - Enabling upgrading and access to Constellation dry detention pond</p>	<p><u>Reasons:</u> Council has plans for upgrading the existing Constellation dry detention pond to maximise detention for flow attenuation for the future growth scenario in the wider catchment, to construct forebays, maintenance access, sediment drying areas and enhance ecology and habitats.</p>

	<p>Plans for the upgrade works were put on-hold in view of the project.</p> <p>Council’s existing Constellation dry detention pond has a volume of approximately 19,100m³. In comparison, the replacement pond proposed by the Agency has a detention volume of only 8,500m³.</p> <p>Amendments need to be made to the proposed new pond to enable Council to undertake comparable upgrade works in future to maximise detention for flow attenuation for the future growth scenario in the wider catchment.</p> <p>A direct access way from a public road to the new assets must be provided to enable quick and unfettered access, including in case of emergency inspections, repairs or cleaning during or just before storm events.</p> <p>Council’s ability to utilise these access ways unrestricted should be protected by an appropriate legal mechanism such as vesting to Council or an easement or right of way in favour of the Council.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that: <ol style="list-style-type: none"> a) the design of the proposed new pond be amended to ensure the project does not limit the Council’s ability to undertake planned upgrade works to maximise detention for flow attenuation for the future growth scenario in the wider catchment ; and b) that a direct access way from a public road to the new Council assets be provided on an unrestricted basis. This could be achieved by requiring the access way to be vested to Council or by way of an easement or right of way in favour of the Council.
<p>8.1.12 - Impact on existing consents</p>	<p><u>Reasons:</u></p> <p>Auckland Council holds Dam consents for the existing ARC Refuse pond (#34463) and the existing Constellation dry detention pond (#34471).</p> <p>NZTA proposes to replace both ponds, which will affect the existing dam consents, including in terms of changes to dam parameters such as height, volume, location.</p> <p>These existing consents and the need to either vary them (under s127 RMA) or apply for new replacement dam consents have not been identified or addressed in the application. This is necessary to ensure that the public stormwater system can continue to operate.</p> <p>The Agency needs to demonstrate how it intends to:</p>

	<ul style="list-style-type: none"> a) vary these existing Council consents noting that there are restrictions under s127 in terms of who is able to apply to change an existing consent; or b) obtain and transfer any new dam consents to the Council, noting that Council is not the land owner and there are restrictions under s136 of the RMA in terms of the transfer of water permits. <p>In addition, the Agency needs to demonstrate how it will ensure any ongoing operational consent conditions for the dams will be met during the construction period.</p> <p>The Agency, in consultation with the Council, needs to develop a consenting strategy outlining what consents will be applied for and/or transferred to Council.</p> <p><u>Relief sought:</u></p> <ul style="list-style-type: none"> 1. Council seeks designation conditions providing: <ul style="list-style-type: none"> a) that the Agency provide a consenting strategy (to be agreed by the Agency & the Council) for works affecting the existing ARC Refuse pond (#34463) and the existing Constellation dry detention pond (#34471) including for consent variations, replacement consents, transition of monitoring and liability arrangements during and post construction, and/or transfer of consents to Council as relevant, for approval; and b) the replacement ponds for existing ARC Refuse pond (#34463) and the existing Constellation dry detention pond (#34471) be consented and operational prior to any construction under the designation commencing.
<p>8.1.13 - Overtopping flows – Pond 1</p>	<p><u>Reasons:</u></p> <p>Clarity is needed on whether Watercare Services Limited intends to further reduce overtopping flows from the western channel into Pond 1, or wishes to convey more stormwater flows from the western catchment to Watercare Services Limited’s Pond 2 (to be converted to a stormwater pond in future).</p> <p>These options impact on the required conveyance capacity of the existing channels and 1.8m diameter culvert. If upgrading of this culvert is required, it should ideally be carried out at the same time as the project.</p> <p><u>Relief sought:</u></p> <ul style="list-style-type: none"> 1. Council seeks that: <ul style="list-style-type: none"> a) clarity is provided on the function of Pond 1 and 2; b) if upgrading of the existing culvert is required that this be carried out at the same time as the other project works; and c) the funding of the proposed culvert upgrade and the other works associated with the increased conveyance of flows

	<p>from Pond 1 to Pond 2 are agreed to by the beneficiaries of the proposed works.</p>
<p>8.1.14 – ARC refuse pond - enabling upgrade works by Council</p>	<p><u>Reasons:</u> The existing ARC Refuse pond does not meet TP10 treatment standards. Council plans to upgrade this pond to meet TP 10 requirements and construct a forebay, maintenance access and silt drying bed. These plans were placed on hold in view of the project.</p> <p>The proposed new pond does not retain the ability for Council to carry out these upgrade works in the future. The ability to upgrade needs to be carried through to the proposed new pond.</p> <p>A direct access way from a public road to the new assets must be provided to enable quick and unfettered access to the assets, including in case of emergency repairs or cleaning during or just before storm events.</p> <p>Council’s ability to utilise these access ways unrestricted should be protected by an appropriate legal mechanism such as vesting to Council or an easement or right of way in favour of the Council.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that: <ol style="list-style-type: none"> a) the design of the proposed new pond does not limit Council’s ability to undertake the planned upgrade works on the ARC refuse pond nor result in the cost of upgrading to be unduly and significantly increased; and b) that a direct access way from a public road to the new assets be provided on an unrestricted basis. This could be achieved by requiring the access way to be vested to Council or by way of an easement or right of way in favour of the Council.
<p>8.1.15 - Consent structure</p>	<p><u>Reasons:</u> The proposal involves works to a number of council assets, including replacement of certain assets.</p> <p>Consideration should be given to how consents associated with new or replacement council assets, as opposed to the Agency’s assets, will be managed in the long term and if this can, in part, be addressed through the structure of any consents granted for the current proposal.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that any consents granted to the NCI proposal are structured in such a way that any ongoing consent matters related to council assets can be easily distinguished to enable transfer of consents to Council in future.

<p>8.1.16 Resource consent conditions (refer to Attachment 4)</p>	<p>The Council seeks conditions, or amendments to conditions such as those set out in Attachment 4, or conditions to like effect.</p> <p>In addition, the Council seeks any further amended conditions necessary to adequately address its concerns identified above.</p>
--	---

Attachment 2 – Auckland Urban Design Panel Recommendations

Fundamental issues

The Panel is concerned that a disconnection exists between the aspirations of the draft UDLF and the detail to be presented through the UDLP after confirmation of the NOR. In the Panel's view a final UDLF should be prepared and provided for Council approval.

The Panel draws particular attention to the urban design principles listed in the draft UDLF (section 4.1.1, page 26) which need to be convincingly translated into the concept plans within the UDLF and related details in the UDLP:

- *Design for context;*
- *Contributing to good urban form;*
- *Integrating all modes of transport;*
- *Supporting community cohesion; and*
- *Maintaining local connectivity.*

In respect to achieving key urban design outcomes as described by the principles in the UDLF, the Panel considers the following aspects need to be reconsidered:

- *The Shared Use Path (SUP) should be relocated to the south side of SH18 in order to provide better access to residential areas and parks within Unsworth Heights.*
- *Alignment and design of the busway link into Albany Bus Station to address the following:*
 - *Restrictions on future development opportunities in that part of the centre;*
 - *Visual impacts of the overpass particularly on Lucas Creek escarpment;*
 - *Opportunities to be used by pedestrians and cyclists; and*
 - *Possible access to future light rail alignment on the eastern side of SH1.*

Other issues

The Panel was unable to fully assess the urban design merits of some aspects of the proposals such as retaining walls and new bridge structures because of the absence of key details of materials, scale and appearance.

In respect to achieving key urban design outcomes described by the principles set out in the UDLF, the Panel considers the following aspects require further design development and appropriate expression in the UDLF and UDLP.

- *Treatment of the retaining walls including:*
 - *Height of the retaining walls relative to both the motorway and residential environs is a significant issue that requires specific recognition;*
 - *Different design treatments are required in relation to the different design speeds and design environments that will be experienced by those using the corridor as well as those adjacent to the corridor; and*

- *Scale of retaining walls where they face residential properties and impact on outlook, sunlight and amenity.*
- *Noise walls:*
 - *The Panel supports the use of translucent noise walls where they are beside public spaces or reserves to maintain their visual and perceptual amenity.*
 - *Further resolution of noise wall design and materiality is required to ensure that what is proposed in the draft UDLF appears in the final UDLF and UDLP.*
- *Pedestrian and cycle connections:*

While the proposal has included provision for pedestrians and cyclists through the SUP, there is both discontinuity and missed opportunity in relation to the current SUP proposal, which results in the SUP failing to provide adequate connections with its various catchments. These include:

 - *The detail design of under passages and overbridges to ensure continuous high quality connections for cyclists and pedestrians;*
 - *Application of the UDLF's principles (section 5.6) to the Alexandra Stream through at least a replacement underpass. The opportunity also exists in this location for a bridge connection to daylight the stream and provide connectivity;*
 - *Futureproofing of potential connections to open space areas such as Rosedale Landfill, Watercare Ponds and Rosedale South Reserve; and*
 - *Provision of additional crossing points over SH18.*
- *Loss of recreation facilities and open space:*
 - *The Panel notes the loss of the hockey fields and other open space within Rosedale South Reserve and supports the replacement of these facilities on a like-for-like basis.*
 - *The loss of the local amenity value of the open space land with motorway-related infrastructure should be offset through improvements to other open spaces within the corridor to provide the same level of lost amenity.*
- *Planting and vegetation:*
 - *The Panel supports the general planting proposals. The related outcomes need to be specified in relation to supporting the wildlife corridor, greater visual screening of the motorway infrastructure from residential properties and providing amenity for both motorway users and local residents.*
 - *The Panel is concerned that the extent of mitigation and enhancement planting as currently proposed is ambiguous.*
- *Iwi engagement*
 - *The Panel was heartened to learn of engagement undertaken with iwi and supports constructive engagement to be reflected in the final UDLF and in the project's detailed design.*

Attachment 3 – Rosedale Closed Landfill - comments on conditions

Council seeks conditions, or amendment to conditions, to address the Council’s concerns described above, such as those set out in Attachment 3, or conditions to like effect.	
Outstanding matters	Reasons and relief sought
<p>1. Council’s input into detailed design of CEMP</p>	<p><u>Reasons:</u> The Detailed Design of the CEMP will impact on protection of landfill infrastructure and ensure the functioning of replacement and new infrastructure. Council input into Safety in Design is required. Input into Detailed Design considerations by Council for access, groundwater and leachate levels, waste stability and the gas ring main need to be provided for.</p> <p>The CEMP needs to provide for early and fundamental engagement of Council during detailed design phase as ultimate owner of relocated and new landfill control assets.</p> <p>Vesting of infrastructure to Council will need to include any requirements of the Asset Owner and be in line with Council policy on vesting assets.</p> <p>Note: currently, there is no agreement for protection of Council assets or approval by the asset owner.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that conditions of consent require that: <ol style="list-style-type: none"> a) Council to be a key party within the detailed design process of the CEMP and to approve the vesting of Rosedale Closed Landfill related assets to Council; b) the draft CEMP to be provided to Council’s Closed Landfills and Contaminated Land Response team (CLCLR) as asset owner of the Rosedale Closed Landfill, for comment and input, prior to the CEMP being submitted to the Council, as regulator, for approval, and that the CEMP be required to demonstrate how effects on the landfill will be avoided, remedied or mitigated, including effects on the ongoing operation and management of the closed landfill; c) the conditions must require any comment from the CLCLR to be provided with the draft CEMP when it is submitted to the council for approval; d) the detailed design mitigate the impact of the works on upstream groundwater and leachate levels and potential increase in risk of future seeps; e) the detailed design mitigate the impact of the works on waste stability; f) the detailed design process is to include consideration of

	<p>the benefit of moving the gas ring main to the eastern side of the access road; and</p> <p>g) the Agency provide for access for Council, or their Agent, to monitoring / inspection points in the detailed design.</p>
2. Emergency response procedures in CEMP	<p><u>Reasons:</u> Emergency response procedures and contacts for matters relating to potential impacts on the Rosedale Closed Landfill (operation, assets and consents) need to include Council’s CLCLR Site Manager and Gas Plant Manager as emergency contacts.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that CEMP.7(g) LW.4(e) include Council CLCLR Site Manager and Gas Plant Manager as emergency contacts as Emergency Response contacts.
Contaminated land	
3. Integrating management plans	<p><u>Reasons:</u> It is important that the Contaminated Site Management Plan and the Landfill Management Plan are not contradictory and as a result difficult to implement.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the Landfill Management Plan be referenced in the Contaminated Site Management Plan and that the Contaminated Site Management Plan be required to take the Landfill Management Plan into account.
4. Responsibility for contaminated materials	<p><u>Reasons</u> The Rosedale site is unable to accommodate any contaminated materials that have been excavated and Council does not take responsibility for any contamination that may occur as a result of the works.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks a condition be added to require the Agency to take responsibility for all wastes and contaminated soils disturbed as part of the works.
Landfill Construction Method Statements	
5. Consenting strategy	<p><u>Reasons:</u> A consenting strategy is to cover matters including consent variations, transition of monitoring and liability arrangements during and post construction, and the process under which the designation will be altered following completion of construction is required.</p> <p>Council does not take responsibility for any wastes or discharges from land not owned by Council nor allow other agencies to use its consents.</p> <p>The discharge consents for Rosedale Closed Landfill will expire at the end of December 2025 which will require lodgement of new</p>

	<p>consent applications by the end of June 2025. In the event that the construction is delayed and overlaps the renewal period, consenting outcomes will need to be sufficiently flexible so as not to adversely affect the ability of either consent holder (the Agency and Council) to meet their consent requirements.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that a consenting strategy be part of the CEMP covering both the Landfill Reinstatement Works Plan and Landfill Construction Method Statements and that the consenting Strategy cover: <ol style="list-style-type: none"> a) consent variations; b) transition of monitoring and liability during and post construction; c) the strategy for altering the Agency’s designation following completion of construction; d) the Agency’s designation to only include the minimum extent required to operate and maintain the NCI works; and e) a strategy for delays that overlap Rosedale Closed Landfill consent renewals.
<p>6. Design and construction methods</p>	<p><u>Reasons:</u> The methodology of the works in the landfill and the design of the relocated control infrastructure will potentially have significant effects on the Rosedale Closed Landfill operational management and control of risks including landfill gas, leachate and stability.</p> <p>As asset owner the Closed Landfills and Contaminated Land Response team must be assured that closed landfill site management during construction and then long-term post construction is not negatively impacted.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the addition of a condition that requires that the CLCLR approve the location and design of: <ol style="list-style-type: none"> a) the access to and replacement gas ring main, leachate collection system, gas interception and trench; b) access road running along the bund edge and alongside the retaining wall; and c) the access to and replacement monitoring points.
<p>7. Health and safety within the construction zone</p>	<p><u>Reasons:</u> The ongoing operation of the Rosedale Closed landfill requires monitoring for consent compliance and management of the site controls to manage a range of risks.</p>

	<p>Due to health and safety risk for non-construction related personnel including Council staff and contractors, the Agency should be responsible for all Rosedale Closed Landfill consent monitoring (stormwater, leachate, groundwater diversion, air, trade waste) activities required to occur in the construction zone.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the Agency assume responsibility for all Rosedale Closed Landfill consent monitoring (stormwater, leachate, groundwater diversion, air, trade waste) activities required to occur in the construction zone.
<p>8. Access for operational requirements during construction</p>	<p><u>Reasons:</u> Operational requirements for the Rosedale Closed Landfill may require access to equipment required to be inspected, maintained or adjusted for the purposes of managing gas or other risks on or off-site.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the Agency provide access for Council, or their Agent, during construction for Rosedale Closed Landfill operational requirements.
<p>9. Post-construction access to monitoring and inspection points</p>	<p><u>Reasons:</u> The post-construction access to monitoring and inspection points, which are to be relocated as a result of the construction works, should be provided where possible on/within Council land to avoid health and safety issues or entry requiring other agency approvals.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the Agency provide post-construction access to relocated monitoring and inspection points within Council land.
<p>10. Monitoring the effects of construction activities on landfill infrastructure</p>	<p><u>Reasons:</u> Construction may impact critical infrastructure used for controlling risks on and from the Rosedale Closed Landfill.</p> <p>The project must demonstrate that it is not having a detrimental impact on the function, security and condition of the infrastructure.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the addition of a condition requiring the Agency to undertake pre, during and post-construction settlement monitoring of the western landfill slopes, CCTV of underground infrastructure (including terminal manhole and leachate discharge pipe under the motorway; stormwater Pond 7; above ground channel and underground box culvert assets).

<p>11. Disposal of refuse material</p>	<p><u>Reasons:</u> The site is closed to the acceptance of any wastes and is not able to accommodate further deposits having a consented contour.</p> <p>Council has no responsibility for any discharges resulting from the project works.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the addition of a condition requiring the Agency to be responsible for disposal of all refuse materials excavated during the project.
<p>12. Reinstatement of landfill and temporary reconfiguration of infrastructure</p>	<p><u>Reasons:</u> The reinstatement needs to include details relating to the landfill monitoring infrastructure.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the Landfill Construction Method Statements include: <ol style="list-style-type: none"> a) details on how the landfill will be reinstated once the works are complete; and b) details including temporary reconfiguration of leachate, gas and stormwater infrastructure.
<p>13. Security of public access onto site</p>	<p><u>Reasons:</u> Provision of any access stubs off the Shared Use Pathway into the closed landfill site needs to be adequately secured to prevent unauthorised access onto the site.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that any access stubs into the closed landfill site are secure to prevent any unauthorised access onto the closed landfill.
<p>14. Landfill Construction Method Statements to be subject to Council approval</p>	<p><u>Reasons:</u> The construction methods will potentially have significant effects on the Rosedale Closed Landfill operational management and control of risks including landfill gas, leachate and stability. CLCLR being the asset owner on behalf of Council must be assured that site management during construction and then long-term post construction is not negatively impacted.</p> <p>The Landfill Construction Method Statements will need to be subject to a detailed review and approval process by CLCLR rather than just consultation.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks a condition requiring approval of the Landfill Construction Method Statements by CLCLR as asset owner on behalf of Council.
<p>15. Bond to protect Council assets</p>	<p><u>Reasons:</u> There is no agreement between Council and the Agency protecting Council assets or risk managing potential impacts on operational aspects of the Rosedale Closed Landfill.</p>

	<p>A Bond or similar instrument could assist in protecting Council’s interests.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the addition of a condition requiring a Bond or similar instrument to cover the risks to Council assets or for managing potential impacts on the operational aspect of the Rosedale Closed Landfill.
<p>16. Odour Management</p>	<p><u>Reasons:</u></p> <p>Council is concerned about the adverse effects of odour from works on the Rosedale Closed Landfill when excavating wastes under certain atmospheric and other conditions. Taking into account the close proximity of businesses and dwellings a condition requiring a performance measure for odour is sought at boundary which allows a variable approach for changing wastes uncovered, atmospheric conditions, wind direction etc.</p> <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that a condition to the designation or consent require that there is no noxious, dangerous, offensive or objectionable odour beyond the site boundary where the construction works take place.

Attachment 4 - Stormwater and flooding – comments on conditions

Council seeks conditions, or amendments to conditions, to address the Council’s concerns described above, such as those set out in Attachment 4, or conditions to like effect.	
Outstanding matters	Reasons and relief sought
<p>1. Stormwater management devices – link to application documents (proposed condition SW.1)</p>	<p><u>Reasons:</u> Council supports proposed Conditions SW.1 to the extent that it requires that stormwater management devices be designed and constructed to achieve the design requirements set out in the table included in the condition. However, the condition should provide a clearer link to the application documents.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that proposed Condition SW.1 be amended to specify that stormwater management should be undertaken in accordance with the plans and information submitted with the application, including the technical stormwater report.
<p>2. Clarifying responsibility for service relocations (proposed condition SW.2)</p>	<p><u>Reasons:</u> The replacement stormwater assets proposed by the Agency need to take into account Council’s planned upgrade works for the effective management of the stormwater catchments as a whole.</p> <p>It will not necessarily be appropriate to require these planned upgrade works to be built together with the project but provision, in terms of space and configuration, must be made for Council to carry out these upgrade works in the future.</p> <p>The current requirement in proposed conditions SW.2 for replacement on a like for like basis (in terms of water quality volume and detention volume) is, therefore, inadequate.</p> <p>In addition, the operation of these existing assets should not be disabled without the approved replacement devices being completed, commissioned and an agreed monitoring programme put in place, in order to ensure continuous stormwater services are maintained during the construction process.</p> <p>These devices, whether temporary or permanent, must also be kept accessible to Council’s personnel for inspection and urgent maintenance if required at all times, both during the construction phase and on an ongoing basis.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that a condition be included to:

	<p>a) clarify that the consent holder will be responsible for all service relocations required for construction of the project; and</p> <p>b) that liaison with service providers will be required to ensure the following matters are addressed:</p> <ul style="list-style-type: none"> i) methods that the Consent Holder / Requiring Authority will use to enable infrastructure providers to access existing network utilities for maintenance at all reasonable times, and to access existing network utilities for emergency works at all times, during construction and the ongoing activities associated with the designation; ii) measures for the protection, relocation and/or reinstatement of existing network utilities; iii) measures to ensure the continued operation and supply of essential infrastructure services; and iv) measures to provide for the safe operation of plant and equipment, and the safety of workers, in proximity to existing network utilities. <p>2. Council also seeks a condition clarifying what approach will be taken where separate consents are required for service relocations and / or that an operating agreement may be needed between the Agency and Council to address appropriate notification and access protocols where works are to be undertaken by either party within the designation area.</p>
<p>3. Flow magnitude and frequency of flooding (proposed condition SW.3)</p>	<p><u>Reasons:</u></p> <p>In order to clearly understand the actual and potential effects of the proposal on flooding, the impact assessment needs to consider flow magnitude and frequency of flooding, rather than flood levels only.</p> <p>The impact of flow magnitude and frequency of flooding, rather than flood levels only, need to be reflected in condition SW.3.</p> <p>Examples of where an assessment of the impact on flood levels only is inadequate (discussed above) are;</p> <ul style="list-style-type: none"> a) Downstream of Outfall OF12 and along the channel to Oteha Creek; and b) the underpass under SH18 linking the Rook reserve to the Omega reserve.

	<p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the impact of flow magnitude and frequency of flooding, in addition to flood levels, be reflected in condition SW.3.
<p>4. Continuity of stormwater management (proposed condition SW.4)</p>	<p><u>Reasons:</u> While the intent of the condition is supported, as discussed in relation to condition SW.2 above, Council expects appropriate stormwater management measures to be in place during both the construction and operation phase to ensure continuity of stormwater management at all times, not just in association with the 'use' of the impervious areas.</p> <p>An additional condition is required to clarify that appropriate stormwater management measures are in place during both the construction and operation phase to ensure continuity of stormwater management at all times.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that a condition be included requiring that appropriate stormwater management measures are in place during both the construction and operation phase to ensure continuity of stormwater management at all times.
<p>5. Clarifying the purpose of the condition and matters to be addressed (proposed condition SW.5)</p>	<p><u>Reasons:</u> This condition needs to be amended to identify that the purpose of the condition is to confirm that the final design meets condition SW.1 and to also identify the specific matters that should be addressed, including:</p> <ol style="list-style-type: none"> (a) Design calculations for the following: <ol style="list-style-type: none"> (i) flow attenuation devices, (ii) stormwater treatment device sizing, (iii) bypass device design, (iv) stormwater treatment device efficiency; (b) Design drawings, including all structures, outfalls, treatment devices, bypass devices, wetlands and ponds, swales and overland flow paths; (c) Catchment plans detailing the area draining to each device; and d) Outfall locations. <p>Council does not support the 'deemed certification' approach if a response is not received from Council. Further, there is a need to ensure timeframes around the submission of documents are adequate and consistent with Council practice.</p>

	<p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seek that condition SW.5 is amended to identify that the purpose of the condition is to confirm that the final design meets condition SW.1 and to identify the specific matters that should be addressed, including: <ol style="list-style-type: none"> (a) design calculations for the following: <ol style="list-style-type: none"> (i) flow attenuation devices, (ii) stormwater treatment device sizing, (iii) bypass device design, (iv) stormwater treatment device efficiency; (b) Design drawings, including all structures, outfalls, treatment devices, bypass devices, wetlands and ponds, swales and overland flow paths; (c) Catchment plans detailing the area draining to each device; and d) Outfall locations. 2. Council also seeks that the 'deemed certification' approach be deleted and adequate timeframes are provided for council review of post-consent documents.
<p>6. Reference to detailed design and modifications (proposed condition SW.6)</p>	<p><u>Reasons:</u></p> <p>This condition currently refers to the stormwater management system shown on General Arrangement Sheets 1-10. These sheets are not referenced in any other stormwater conditions and may potentially be subject to modification / variation through the detailed design process. For consistency, SW.6 should relate to the final detailed design as required by SW.5.</p> <p>SW.6 essentially provides the Consent Holder with the discretion to substitute alternative stormwater management devices, where it deems these will achieve the outcomes required by condition SW.1. This is inappropriate. Any modifications should be discussed with and certified by Council and / or new approvals sought where required.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that condition SW.6: <ol style="list-style-type: none"> a) refer to the final detailed design as required by SW.5; and b) be amended so that any modifications are required to be discussed with and certified by Council and / or new approvals sought where required. This could be worded

	<p>along the following lines:</p> <p><i>Any subsequent amendments to the final designs required by Condition SW.5 shall be submitted for approval in writing to the Auckland Council [specify relevant role] at least 20 working days prior to implementation.</i></p>
<p>7. Requirement for consents (proposed conditions SW.7 & SW.8)</p>	<p><u>Reasons:</u> It is uncertain whether consent is being sought for modifications to overland flow paths.</p> <p>At a minimum an advice note should be included to draw attention to the requirement for necessary consents to be obtained for any modifications to overland flow paths.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that conditions SW.7 and SW.8 be amended to clarify the requirement for the necessary consents to be obtained for any modifications to overland flow paths.
<p>8. Deemed certification approach and timeframes around the submission of documents (proposed condition SW.9)</p>	<p><u>Reasons:</u> Council does not support the 'deemed certification' approach if a response is not received from Council. There is a need to ensure timeframes around the submission of documents are adequate and consistent with Council practice.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the 'deemed certification' approach be deleted and that adequate timeframes are provided for Council review of post-consent documents.
<p>9. Planting (proposed condition SW.10)</p>	<p><u>Reasons:</u> Insufficient information has been provided with the application to determine whether the planting proposed for swales and wetlands is appropriate e.g. in terms of species, density, distribution etc.</p> <p>Further information should be provided to confirm that appropriate planting can be achieved and relevant conditions included to this effect.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that additional information be provided to confirm that appropriate planting can be achieved and that this be reflected in the conditions. 2. Council seeks, as a minimum, that condition SW.10 be amended to require planting plans to be in accordance with the relevant Council design guidelines, including those relating to the planting of swales and wetlands.
<p>10. Maintenance of planting</p>	<p><u>Reasons:</u> This condition should include requirements for the on-going</p>

<p>(proposed condition SW.11)</p>	<p>maintenance of planting.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that condition SW.11 include a requirement for on-going maintenance of planting.
<p>11. Clarity on timeframes and application of conditions to the Agency's and Council's assets (proposed condition SW.12)</p>	<p><u>Reasons:</u></p> <p>Timeframes around the submission of documents need to be adequate and consistent with Council practice.</p> <p>It needs to be clear that, unless otherwise specified, all conditions relating to stormwater management devices apply in relation to both the Agency's and Auckland Council's assets that will be affected by the proposal.</p> <p>This could be achieved in a number of ways e.g. by way of a glossary of terms that specifies that 'stormwater management devices' includes both the Agency and Council assets; by way of an advice note to the same effect; or by amending all relevant conditions to refer to both the Agency and Council assets.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that: <ol style="list-style-type: none"> a) the timeframes for the submission of documents is consistent with Council practice; and b) unless otherwise specified, all conditions relating to stormwater management devices apply in relation to both the Agency and Council assets that will be affected by the proposals.
<p>12. Physical and legal access to stormwater management devices (proposed condition SW.14c)</p>	<p><u>Reasons:</u></p> <p>Council supports condition SW.14 requiring the Validation Report to address access to stormwater management devices. However, this condition should be amended to clarify that both physical and legal access should be addressed and that this should be maintained to a standard at least equivalent to that currently existing.</p> <p><u>Relief sought:</u></p> <p>Council seeks that condition SW.14c be amended to clarify that both physical and legal access to stormwater management devices need to be addressed, and that this should be maintained to a standard at least equivalent to that currently existing e.g.</p> <p style="text-align: center;"><i>(c) The methods the Consent Holder will use to ensure that provision, both physical and legal, is made for future maintenance access to utilities to a standard at least equivalent to that currently existing.</i></p>
<p>13. Specifying the</p>	<p><u>Reasons:</u></p>

<p>outcome and purpose of the Stormwater Operation and Maintenance Plan (proposed condition SW.15)</p>	<p>The timing of submitting the plan to Council should be consistent with standard Council requirements. A five working day timeframe is likely to be too short to enable any meaningful input from Council prior to commencement of operation of the system.</p> <p>There does not appear to be any reason such a plan could not be made available well before commencement of operation of the system. It also appears to conflict with the final clause of SW.16 (which would sit more logically in SW.15), which identifies that the plan will be deemed certified if no response is received from Council within 10 working days of its submission.</p> <p>As above, Council opposes the ‘deemed certification’ approach in lieu of a response from Council.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that condition SW.15: <ol style="list-style-type: none"> a) specify the outcome and purpose of the Stormwater Operation and Maintenance Plan i.e. to certify that it meets the design outcomes specified in SW.1 or certain performance standards identified in the technical Stormwater Management Report; b) include the operation and maintenance requirements for the long term operation of the stormwater systems implemented as part of the project; c) make the timing of submitting the plan to Council consistent with standard Council requirements (at least 20 working days); and d) deletion of the ‘deemed certification’ approach.
<p>14. Monitoring of flood effects (proposed condition SW.16)</p>	<p><u>Reasons:</u></p> <p>Given the potential flooding effects of the proposal, Council seeks to require monitoring of flood effects to ensure they are no greater than those modelled.</p> <p>Clause h. requires the retention of records of all inspections and maintenance for the stormwater management system for the preceding 3 years.</p> <p>Council considers such records should be maintained for 3 years following the end of the defects liability period in the first instance to ensure adequate bedding in time for assets and thereafter for the preceding three years on an ongoing basis.</p> <p><u>Relief sought:</u></p>

	<p>1. Council seeks that:</p> <p>a) an additional clause be added to condition SW.16 to require monitoring of flood effects to ensure they are no greater than those modelled; e.g.:</p> <p><i>The Stormwater Operation and Maintenance Plan shall include a monitoring programme for upstream and downstream flooding to be agreed with the Auckland Council [insert name of relevant role]. The monitoring programme shall have a duration of ten years. The flooding report shall be submitted to the Auckland Council at the end of each year. The Stormwater Operation and Maintenance Plan shall be updated at the end of the monitoring programme, as relevant, to revise procedures for the management of flood water.</i></p> <p>b) an addition is made to Clause h. so that in addition to requiring the retention of records of all inspections and maintenance for the stormwater management system for 3 years following the end of the defects liability period, in the first instance, and thereafter, for the preceding 3 years</p>
<p>15. Deemed certification and timeframes (proposed condition SW.18)</p>	<p><u>Reasons:</u> Council does not support the ‘deemed certification’ approach if a response is not received from Council. Timeframes around the submission of documents need to be adequate and consistent with Council practice.</p> <p><u>Relief sought:</u></p> <p>1. Council seeks:</p> <p>a) deletion of the ‘deemed certification’ approach; and</p> <p>b) the timeframes for the submission of documents is consistent with Council practice (at least 20 working days).</p>
<p>16. Review trigger for flooding effects (proposed condition RV.1)</p>	<p><u>Reasons:</u> Council supports the inclusion of a review condition. However, given the level of uncertainty around the actual and potential flooding effects of the proposal, Council considers it is appropriate to include a specific review trigger in relation to flooding effects.</p> <p><u>Relief sought:</u></p> <p>1. Council seeks that condition RV.1 include a specific review trigger in relation to flooding effects.</p>
<p>Notification of commencement of works</p>	
<p>17. Notifying Council of the commencement of works and</p>	<p><u>Reasons:</u> To enable Council to undertake monitoring and compliance of works as they are being undertaken notification of pre-construction meetings and commencement of works needs to be</p>

<p>pre-construction meetings</p>	<p>provided.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks the inclusion of additional conditions requiring: <ol style="list-style-type: none"> a) the consent holder to notify the Council in writing at least 10 working days prior to the start date of the works authorised by the consent; and b) pre-construction site meetings with Council’s Regulatory team.
<p>Project Implementation</p>	
<p>18. Ensuring project delivery achieves the intended stormwater outcomes</p>	<p><u>Reasons:</u></p> <p>Given the nature of the project and likelihood that design and build contracts will be undertaken by different parties to those involved in the current NOR and consent process, Council seeks to ensure a robust set of conditions is developed that is able to ensure the intended stormwater outcomes are delivered. This may involve allocation of responsibility to relevant parties at different stages of the construction process and a robust review and monitoring framework.</p> <p><u>Relief sought:</u></p> <ol style="list-style-type: none"> 1. Council seeks that the conditions be amended or drafted in such a way that they are able to ensure the intended stormwater outcomes are delivered, including in terms of allocation of responsibility, review and monitoring opportunities.