

DECISION OF INDEPENDENT COMMISSIONERS ON THE NOTICES OF REQUIREMENT OF TRANSIT NEW ZEALAND AND THE NORTH SHORE CITY COUNCIL RELATING TO THE ESMONDE ROAD INTERCHANGE AND THE FRED THOMAS DRIVE EXTENSION.

INTRODUCTION

1. This decision concerns firstly, a Notice of Requirement (“NOR”) from Transit New Zealand (“Transit”) for alterations to the existing designation for State Highway 1 (Auckland – Waiwera Motorway) for the modification to the Akoranga Drive/Esmonde Road Interchange and secondly, the NOR from the North Shore City Council (“the Council”) for a designation at Barrys Point Reserve, North Shore for construction, operation and maintenance of a road (the Fred Thomas Drive Extension). Both these NORs have been submitted to the Council.
2. We have been delegated the power to make recommendations to Transit in respect of that organisation’s NOR and to make the final decision in respect of the NOR of the Council. In the following Transit and the Council are collectively referred to as “the applicants”.
3. In addition to considering the NORs, we have also considered ten NORs prepared by the Council and Transit for the North Shore Busway Project and applications by the Council and Transit to the Auckland Regional Council (“the ARC”) for related resource consents. We have made separate recommendations and/or decisions in respect of those NORs and applications for resource consents.
4. All of the above notices and applications for resource consents were considered at a single hearing held over approximately three weeks in February and March 2002.

THE ESMONDE ROAD INTERCHANGE PROJECT

5. The Esmonde Interchange, located on the Northern Motorway, is a restricted interchange in that it has only south facing ramps, and no east-west connection across the Northern Motorway. This prevents the following traffic movements:
 - north-bound access to the motorway;
 - south-bound access from the motorway;
 - direct access from Esmonde Road to Akoranga Drive (i.e. east-west link).
6. With traffic demand being predicted to increase on Auckland’s North Shore the restricted use of the existing interchange will become increasingly apparent and a greater problem.

7. The objectives for the Esmonde Interchange project are:
 - To improve the efficiency of the Esmonde Interchange;
 - To facilitate traffic movement between the eastern and western sides of the Northern Motorway;
 - To facilitate access to the Northern Motorway at the Esmonde Road Interchange; and
 - To accommodate traffic growth on Auckland's North Shore.
8. The key features of the project that will achieve the objectives are:
 - Construction of a new, two-way east to west link from Esmonde Road to Akoranga Drive, consisting of a five lane carriageway (three lanes east-bound, two lanes west-bound)
 - Construction of a new, south-bound off-ramp from the Northern Motorway, providing access to Akoranga Drive and Esmonde Road;
 - Construction of a new north-bound on-ramp, including loop configuration to the Northern Motorway with access from Esmonde Road;
 - Modifications to the north-bound off-ramp to Esmonde Road and Akoranga Drive;
 - Modifications to the south-bound on-ramp from Esmonde Road.
9. The work comprises the design, construction, operation and maintenance of the Esmonde Interchange (including all structures, works, alternative accesses and activities).

THE FRED THOMAS DRIVE EXTENSION PROJECT

10. Esmonde Road and Barrys Point Road (in the vicinity of the Esmonde Road/Barrys Point Road intersection) suffer from serious traffic congestion. In particular, Barrys Point Road is subject to high traffic demand and there is a lack of convenient, alternative routes. Traffic growth on the North Shore is predicted to continue so that the current problem is likely to worsen.
11. The Busway project will place further traffic demands on this area and there is a requirement for access to be provided from Fred Thomas Drive to the proposed Akoranga Station (via a proposed Akoranga Station link road).
12. The objectives for the Fred Thomas Drive Extension project are:
 - To improve the efficiency of Barrys Point Road and Esmonde Road and the Barrys Point Road/Esmonde Road intersection.
 - To provide access to the proposed Akoranga Station;
 - To support the objectives of the Esmonde Interchange project;
 - To support the objectives of the Busway project.
13. The key features of the project that will achieve the objectives are:

- Provision of an extension of Fred Thomas Drive south to connect to Esmonde Road;
- Provision of a new at grade intersection at Esmonde Road/Fred Thomas Drive (with Fred Thomas Drive extension generally lying parallel to the existing Barrys Point Road layout).

THE NOTICES OF REQUIREMENT

14. The individual NORs and the requiring authority responsible for the works described within the notices are as follows:

Notice	Description	Requiring Authority
11	Esmonde Interchange Modification	Transit New Zealand
12	Fred Thomas Drive Extension	North Shore City Council

The NORs were publicly notified on 12 September 2001 with a closing date for submissions being Friday 12 October 2001.

15. The NORs for the Esmonde Interchange project and the Fred Thomas Drive Extension project were lodged at the same time as those related to the Northern Motorway Busway project. Both the Esmonde Interchange and Fred Thomas Drive Extension projects have been designed to accommodate the proposed alterations made by the Busway project.

SUBMITTERS

16. There was a significant number of submissions received with respect to both the Busway project and the Esmonde Interchange and Fred Thomas Drive Extension projects. Some of those submissions specifically relate to the Esmonde Interchange project and Fred Thomas Drive Extension project while some are clearly related to the Busway project. There are a number of submissions that do not clearly make the distinction between the two projects. Those that are not clear have been included in the analysis of the NORs by the officers of the Council and the ARC as relating to both projects. It is calculated that a total of 107 submissions were received specifically relating to the Esmonde Interchange and Fred Thomas Drive Extension projects.
17. The most common issues that have been raised in relation to the Esmonde Road Interchange project and the Fred Thomas Drive Extension project are:
- The effects on Barrys Point Reserve and Lake House including the loss of open space;
 - The effects on Hillcrest Creek;
 - The destruction of natural habitats;
 - The feasibility of the overall project;

- General support for the project;
 - Increase in local traffic congestion;
 - There should be a south-bound access to the motorway from Akoranga Drive;
 - The effect of traffic on local streets;
 - The effects on local business of removing significant traffic flows along Barrys Point Road.
18. Many submitters attended the hearing and presented evidence in support of their original submissions. Other submitters tabled evidence for our consideration. We have considered all of the submissions and evidence in reaching our recommendation/decision. For the most part the issues raised by submitters are considered in the context of the specific topic headings addressed below in our recommendation/decision.
19. The Commissioners note that many issues raised by submitters relate to land acquisition and compensation matters to be addressed. The Commissioners are conscious of the impact of the designations on various properties, some of which will need to be included in acquisition and/or compensation discussions. However the Resource Management Act does not provide a framework within which compensation issues can be addressed and the Commissioners can only make recommendations on the environmental effects of the proposed works.
20. In setting conditions on the recommendation/decision the Commissioners have endeavoured, where appropriate, to address the concerns of submitters and this is reflected in the following discussion on the effects of the proposed works.
21. Related to this matter is the consultation carried out by the applicants with the affected parties. The applicants have carried out a consultation programme but a number of parties had concerns regarding whether this had been effectively carried out or not. Whilst acknowledging consultation has to be a “two-way” matter the Commissioners are concerned that in some instances consultation appears to be “advice on what we are going to do” rather than working out a resolution independent of the hearings process.
22. However, to assist with on-going consultation there is a condition requiring a permanent liaison person be appointed for the duration of the project to be a point of contact on all matters of concern to affected parties.

OVERVIEW OF THE ESMONDE INTERCHANGE/FRED THOMAS DRIVE EXTENSION PROJECTS

23. The requiring authorities called several witnesses in support of the NORs, who presented detailed traffic and engineering evidence as to the need for the project. Mr Terry Brown, Director for Strategy and Traffic at the Auckland Regional office of Transit provided background and pointed to the need to

modify the interchange as a consequence of increasing traffic volumes in a manner which provides for north facing ramps. The upgraded interchange would then provide for three new movements being east to west, to the motorway north-bound and from the motorway south-bound and in addition would accommodate the need for priority bus movements. These modifications would in turn have consequences on the local roads including the need for Fred Thomas Drive to be extended to the south and proposed widenings (the subject of separate consideration) along Esmonde Road east of Barrys Point Road through to Lake Road.

24. Mr Ian Clark, Transportation Planning Consultant, provided a comprehensive account of the wide range of alternatives considered for the Esmonde Interchange, the development of the preferred scheme and the need for the Fred Thomas Drive Extension whilst also discussing the traffic impacts of the overall scheme.
25. The present layout was stated as being unsatisfactory in limiting access; resulting in circuitous routes; resulting in congestion on the local road network; and, having no pedestrian/cycle links across the motorway.
26. These issues are compounded by the severe congestion, which occurs on the approach to the Harbour Bridge in the morning peak. The merge of the Esmonde south-bound on-ramp with the motorway is one of the key bottlenecks on the approach to the Bridge.
27. The objectives of the improvements to the Esmonde Interchange were described as being:
 - To provide an improved traffic link between the eastern and western areas of the North Shore;
 - To provide north facing connections to the motorway for traffic from the eastern and south-eastern areas of North Shore City;
 - To provide improved pedestrian and cycle links between the eastern and western areas of the North Shore;
 - To ensure that the above objectives would not compromise the existing or future performance of the motorway system.
28. The preferred scheme would introduce new north facing motorway ramps at Esmonde Road and an east-west link from Esmonde Road to Akoranga Drive. In addition it would include widening of Esmonde Road and an extension to Fred Thomas Drive.
29. The objectives of the Fred Thomas Drive extension were described as being:

- It will provide a bypass to Takapuna, for more local traffic, for example, between Devonport and the Smales Farm area, reducing the need for short trips on the motorway. It is generally recognised that such short trips represent an inefficient and relatively unsafe use of the motorway.
 - It will separate the “arterial” function of through traffic from the more local function of Barrys Point Road, which provides access to significant commercial and retail premises.
 - It will enable access to the proposed link to the Akoranga Station, across the reserve.
 - It will include a south-bound high occupancy vehicle (HOV) lane, for traffic to the Busway, then the Harbour Bridge. It would not be possible to provide such a lane on Barrys Point Road without significant property impacts, due to the need for space for traffic to turn to the many accesses.
 - It will provide a bus access to the motorway and Akoranga Station from Takapuna. Without such an access, it was Mr Clark’s view that Esmonde Road would need to be widened by approximately 7m to accommodate a priority bus lane in both directions.
 - It will reduce the flows turning to/from the critical intersection of Esmonde Road/Barrys Point Road.
30. Mr Clark addressed the relationship between the Esmonde Interchange and Busway projects and also responded to issues that had been raised by submitters.
31. Mr Warrick Wade, Principal Road Engineering for the Council, described the two projects from the Council’s point of view as follows:
- (a) Esmonde Interchange upgrade, as having key goals of:
- To provide an improved traffic link between the eastern and western areas of the City;
 - To provide improved north-bound connections to the Northern Motorway for traffic from the eastern and south-eastern areas of the City, whilst not compromising motorway performance;
 - To provide for improved pedestrian and cycle links between eastern and western areas of the City;
 - Integration with the Busway proposals.
- (b) Fred Thomas Drive Extension, as having objectives of:
- Providing an alternative north-south route.
 - Bypassing the Takapuna central business area.
 - Improving traffic safety

- Reducing congestion in Barrys Point Road.
 - Providing Akoranga Bus Station access.
 - Reducing short trips on the motorway.
32. He considered the details of these projects and concluded Esmonde Road Interchange upgrade would be of significant benefit to the transport network of the North Shore City; that Fred Thomas Drive Extension would improve the arterial network in this area by providing a bypass and an essential link to the Akoranga Bus Station; and, the addition of a roundabout in Fred Thomas Drive would assist in providing safe access south-bound from the Akoranga area.
33. Other evidence called on behalf of the applicants discussed the actual and potential effects of the proposals and evidence from Mr Michael Foster, Planning and Resource Management Consultant, provided a planning evaluation and gave particular regard to the statutory provisions to be applied to the consideration of the NORs.

EVALUATION

34. In this section of our recommendation/decision we consider:
- (a) What may be termed general environmental effects (noise, visual, etc).
 - (b) Effects on specific environmental features such as Shoal Bay.
 - (c) The statutory considerations (Section 171, Part II of the Act).

GENERAL ENVIRONMENTAL EFFECTS

Noise Effects

35. The potential for adverse noise effects from the Interchange and extension projects was addressed by Mr Graham Warren, Acoustic Consultant. He considered that the traffic noise limits of the Transit Guidelines are the appropriate criteria to apply. The evidence was that the generated traffic noise would comply with the limits in these Guidelines at all relevant locations except in the case of the Auckland University of Technology (AUT) campus where predicted external noise limit levels just comply with the Transit criterion and internal levels would be above acceptable levels with windows open. Mr Warren's view was that sufficient mitigation could be achieved with the use of low-noise road paving or by suitable acoustic barriers. Accordingly, special attention will need to be given to the effects of noise upon the AUT campus.

Construction Noise

36. Mr Warren also addressed the effects of construction noise and again the main concern was in relation to the AUT campus where noise from construction activities is likely to exceed the relevant criteria included in the NZ Standards. A Construction Noise Management Plan is recommended as a condition upon the NORs in order to address this matter which may for example include scheduling arrangements to ensure that noisy construction activities occur outside of teaching hours.

Post-Construction Noise

37. The monitoring required as part of the conditions on the NORs will serve to provide for on-going assessment of any generated noise from the Interchange and extension, and for action to be taken if required.

Coastal Marine Area

38. The potential for noise from the projects to affect the CMA was also addressed. This is not expected to create any problems in the context of the existing noise environment associated with the motorway.

Vibration

39. The potential for adverse effects from vibration was addressed by Mr Warren. These are not expected to be a concern and are covered by a condition on the NORs.

Geotechnical Issues

40. As documented as part of the Assessment of Effects on the Environment report (AEE) and noted in the review report undertaken by Riley Consultants Ltd (21 November 2001), there are significant geotechnical and civil engineering issues in the Esmonde Interchange area which will need to be specifically addressed as part of construction. A condition is included requiring the preparation of a Geotechnical Mitigation Plan to take into account the recommendations contained in the review report.

Landscape Effects

41. The landscape and visual effects were addressed in the evidence presented by Ms M. Buckland, Consultant Landscape Architect. The main elements of the Esmonde Road Interchange that would have visual effects are the new bridge across the motorway, the new off-ramp and intersection at Akoranga Drive, the north-bound loop on the ramp, and the new on-ramp on the northern side.
42. The main Akoranga Drive/Esmonde Drive link will also be widened and there will be a new on and off-ramp on the eastern side. The Fred Thomas Drive Extension would otherwise be through an existing undeveloped area to link to

Esmonde Road. The evidence was supported by photomontage material showing both the existing and proposed situations, and also concept plans of potential landscape mitigation works. The evidence was that the existing Esmonde Road area is already significantly modified by the interchange and causeways and although the new structures will further modify this situation, the visual effects are considered to be moderate and once landscape mitigation has had a change to mature, visual effects will be acceptable.

43. The concept landscape mitigation plans are required by the conditions on the NORs to form the basis for the landscape mitigation plan.

Terrestrial and Marine Ecosystems

44. The Esmonde Interchange would occur in an area already highly modified by the existing motorway system but also lying in close proximity to sensitive receiving environments such as the Hillcrest Creek and Shoal Bay.
45. It is intended to modify existing bridges across the upper Shoal Bay Creek and Hillcrest Creek, to construct a new bridge across each and to extend the existing box culvert beneath the motorway where it crosses the Hillcrest Creek.
46. The potential impacts on the local ecology and upon coastal landforms and processes were considered in evidence from Mr Mark Poynter, Consultant Ecologist and Dr Paul Kench, Consulting Coastal Scientist. Their conclusions were that there will be minor effects on the existing fresh water and marine habitats, water quality and sediment quality arising from the construction and operational phases of the project. No fauna or flora of special ecological importance or value (such as edible shellfish) will be significantly adversely affected. No ecosystem function will be lost or significantly impaired, nor will there be significant cumulative adverse effects relative to the existing level of modification of habitats and exposure to contaminants. Further, whilst there may be some localised mangrove disturbance the configuration of the shoreline will be unaffected and the processes incident at the shoreline will remain unchanged. No adverse effects on coastal morphology of the Shoal Bay shoreline are anticipated and with the structures having no significant local adverse effects, the evidence was that there are unlikely there be any cumulative adverse effects.
47. Both Messrs Poynter and Kench noted the conditions recommended by the officers for the NORs have due regard to controlling any potential for any adverse effects.

Archaeological Effects

48. The evidence of Mr Rodney Clough, Heritage Consultant was that there are no recorded archaeological sites on or in the immediate vicinity of the proposed Busway including the areas affected by the Esmonde Interchange

and the Fred Thomas Drive Extension projects. Two historic sites have been recorded in the vicinity of the Esmonde Road Interchange, however there are no remains relating to these sites.

49. Clearly the major earthworks and reclamations carried out during construction of the Northern Motorway and residential subdivision and development along Esmonde Road have impacted upon any earlier historical features. Mr Clough concluded that it is unlikely that any archaeological sites will be encountered during the construction of the Esmonde Road Interchange and he concurred with the conditions recommended by the officers in relation to archaeological mitigation.

Traffic Effects

50. The traffic effects of the Esmonde Road Interchange and Fred Thomas Drive Extension projects were analysed in the evidence presented by Mr Ian Clark. That evidence addressed the wide range of alternatives considered for the Esmonde Interchange leading through to the preferred scheme and also considered the need for the Fred Thomas Drive Extension. It then addressed the traffic impacts of the overall scheme, within the Takapuna and Northcote areas.
51. In terms of the Esmonde Interchange proposals, the operation of local road network of Northcote and Takapuna is adversely affected as a result of the incomplete interchange at Esmonde Road. The Northern Motorway acts as a barrier to east-west movements across the City; there is no east to west link from Esmonde Road to Akoranga Drive meaning traffic is forced to find alternatives; the absence of north facing ramps at the Esmonde interchange forces traffic between Takapuna/Devonport and the north to use the city streets leading through to Northcote motorway interchange; the west to east link is provided from Akoranga Drive to Esmonde Road, but traffic has to give way to traffic on the north-bound off-ramp which is travelling at motorway speeds and the capacity of this give way manoeuvre is therefore relatively low and is very unsafe; there are only three entries/exits at Taharoto Road, Hurstmere Road/Kitchener Road resulting in congestion on the approaches to the Harbour Bridge, at other times and outbound in the afternoon peak particularly as traffic continues to grow; traffic growth will continue to occur; the development of the land at Smales Farm will contribute to increasing traffic flows; the barrier effect of the motorway is particularly restrictive to pedestrians and cyclists; and, no pedestrian/cycle link is provided at the Esmonde Interchange.
52. The introduction of north facing motorway ramps and the east-west link will lead to a significant switch in routing of traffic between Takapuna or the Devonport peninsula and the north or west. Increased traffic flows are expected on Esmonde Road, which will in turn lead to reductions in the other routes to/from Takapuna/Devonport. The route to benefit from the greatest reduction in flows will be Anzac Street/Taharoto Road which will improve the

safety and amenity of these areas. This will provide improved safety for traffic turning out of roads leading onto Taharoto Road; improved operation, including better safety, at a number of key intersections; and, a safer situation for pupils associated with the schools in the locality. This reduction in traffic flows along Taharoto Road will assist in mitigating the effects of the additional leg at the intersection with Shakespeare Road, to accommodate the access to/from Westlake Station, and reduce the amount of traffic passing Westlake Girls School and the Smales Farm development site. There will be an increase of traffic along Akoranga Drive with the east-west link but within Takapuna flows on Lake Road are predicted to fall as they are also predicted to do on Hurstmere Road with an associated improvement for the amenity of the Takapuna and Milford shopping centres. Modelling of the overall scheme shows the benefits by comparing journey times without and with the scheme.

53. Further, the diversion of traffic from the Taharoto Road route to the Esmonde north facing ramps will mean changes to flows on the Northern Motorway with increases both north-bound and south-bound and there will be the additional benefit of pedestrians/cycle facilities at the Esmonde Interchange.
54. In terms of the Fred Thomas Drive Extension, it has been recognised that there are conflicting needs between businesses along Barrys Point Road compared with the need for a high quality route around Takapuna. Fred Thomas Drive Extension will enable through traffic to avoid the conflicts of turning traffic and parked vehicles along Barrys Point Road, offering benefits to businesses along Barrys Point Road, and also improving the general amenity of the area. In this respect the impact of Fred Thomas Drive Extension will be primarily local, providing an alternative route to Barrys Point Road although it is acknowledged that much of the reduction in flow along Barrys Point Road will be a result of the Esmonde Interchange, rather than the Fred Thomas Drive Extension. However, the traffic impacts of flow reductions on Barrys Point Road will see easier access for traffic turning to/from commercial premises along it; improved safety for these turning movements; and, satisfactory operation of the Esmonde/Barrys Point Road intersection. Without the Fred Thomas Drive Extension the Esmonde/Barrys Point intersection would be under real pressure operating to its theoretical capacity in the afternoon peak by 2011.
55. The traffic flows along Taharoto Road/Anzac Street are predicted to benefit from a significant reduction in flow as a result of both the Esmonde Interchange scheme, and the Taharoto/Fred Thomas Drive intersection is predicted to operate satisfactorily for some time.
56. As a result the Fred Thomas Drive Extension is considered to give rise to generally beneficial traffic effects, particularly along Barrys Point Road.
57. The conclusion is that the Esmonde Interchange scheme will achieve the long established objective of improving accessibility between Takapuna and the

motorway and Takapuna and Northcote, while the Fred Thomas Drive Extension will provide a local bypass around Takapuna.

Air Quality and Dust

58. A number of submissions raised concerns for the adverse effects of dust, fumes and general degradation of air quality as a result of the proposals. However, the evidence was that no adverse impacts on local air quality are expected to arise from the proposed works.

EFFECTS ON SPECIFIC ENVIRONMENTAL FEATURES

Shoal Bay and Exmouth Road Pedestrian Overbridge

59. Evidence was that the works required as part of the North Shore Busway/Esmonde Interchange project would have a direct impact on shorebirds in Shoal Bay. The reconfiguration of the Esmonde and Onewa interchanges in particular would need to proceed in areas currently used by the threatened New Zealand Dotterel for foraging and nesting. The highest levels of Dotterel nesting activity in Shoal Bay are currently in the vicinity of the existing Onewa and Esmonde Interchanges, and on the City of Cork shell bank, an area separated from the foreshore by an expanse of mangrove and soft mud. Ironically, it is the very presence of the existing motorway that provides protection from human disturbance and predators, and makes the small group (up to 5 nesting pairs) of NZ Dotterel in Shoal Bay particularly important. Their nesting success rate is far higher than the national average and they make a disproportionately large contribution to the overall NZ Dotterel population. Both the requiring authorities and those submitters who expressed concerns about the shorebirds agreed on these points.
60. Transit proposed to mitigate the disturbance to NZ Dotterel and the loss of nesting and foraging habitats by providing alternative nesting sites along the Shoal Bay foreshore and on the City of Cork shell bank. Since much of the Dotterel nesting activity in Shoal Bay at present takes place at sites intimately associated with the motorway, and many of these are reclaimed or highly modified sites, there was a high level of confidence on the part of expert witnesses that any newly provided nesting sites would be used by the birds. We share this view, and there were no submitters that expressed an opposite view. Having arrived at this point, the crucial questions became these; how many new nesting sites might need to be provided in order to mitigate the effects on the Dotterels, and would this mitigation be compatible with the existing use of the Shoal Bay foreshore?
61. When the existing motorway was constructed it cut off direct access to the foreshore by the residents of Northcote. In recognition of this a pedestrian overbridge was provided at Exmouth Road as a point of access to the bay, and it is used regularly for this purpose. The overbridge is currently located in the centre of an area proposed by Transit for the creation of nesting areas for

NZ Dotterel displaced by the Busway and Esmonde Interchange project. It is at this point that conflict arises between the need for the mitigation of effects on Dotterel nesting and the use of the foreshore by residents of the North Shore. Humans easily disturb nesting Dotterels, and eggs or chicks could die as a result of human use of the foreshore area, negating the mitigation efforts. While Transit did not request that use of the overbridge be discontinued, its expert witnesses made it clear that "shore bird mitigation" on the foreshore adjacent to the existing motorway would fail if uncontrolled public access to this area via the overbridge was allowed to continue.

62. In attempting to balance the need to protect the threatened NZ Dotterel and ability of North Shore residents to gain access to the foreshore, we have arrived at the following view. Public access via the Exmouth overbridge should continue to be allowed and this is reflected in the condition imposed. At the same time it is recognised that mitigation at or near the City of Cork shell bank should be maximised to provide (up to 5) nesting areas for the NZ Dotterel. The shell bank is far less accessible than the general Shoal Bay foreshore and offers the highest level of protection from predators and people. Evidence has indicated that City of Cork shell bank has the potential to accommodate all the nesting Dotterel pairs displaced from the Esmonde Interchange. However, should space at the City of Cork shell bank be insufficient (for example because of the territoriality of the birds), additional mitigation would need to be implemented. This could include the proposed preparation of additional beach areas along the foreshore (adjacent to the existing motorway revetment at City of Cork beach and points south). Suitable sites would need to be further explored at the time through the Shorebird Working Group. This Group is proposed to be established in order to provide for both the applicants and interested parties to work together on initiatives to protect the Dotterel. Provided residents and other interested groups put in place steps to ensure birds are not disturbed during the nesting season (including seasonal closures of the Exmouth overbridge) this approach should have a high chance of success. Successful models for this kind of community involvement exist at areas such as the Omaha Spit, north of Auckland.
63. Few conflicts, if any, are apparent in the proposed mitigation for Dotterel nesting areas at the Onewa interchange where an existing saltmarsh area will be disturbed by the busway half-bridge and interchange works. Saltmarsh will be re-established in the area at the completion of the works and in the meantime it is expected that the pair of birds affected will continue to use Sulphur Beach as their nesting site.
64. We agree that all stages of monitoring and mitigation be overseen and approved by a Shorebird Working Group as set out in Transit's proposal for mitigation. Conditions providing for the establishment and enhancement of alternative shore bird breeding sites are included in the relevant regional consents.

THE STATUTORY CONSIDERATIONS

59. Subject to Part II of the Resource Management Act, when considering a requirement made under Section 168, territorial authorities shall have regard to the matters set out in the notice given under Section 168 being the matters to be included with a notice of requirement, together with any further information supplied under Section 169 of the Act, and all submissions, and shall also have particular regard to –

- “(a) Whether the designation is reasonably necessary for achieving the objectives of the public work or project or work for which the designation is sought; and*
- (b) Whether adequate consideration has been given to alternative sites, routes, or methods of achieving the public work or project or work; and,*
- (c) Whether the nature of the public work or project or work means that it would be unreasonable to expect the requiring authority to use an alternative site, route, or method; and*
- (d) All relevant provisions of any national policy statement, New Zealand coastal policy statement, regional policy statement, proposed regional policy statement, regional plan, proposed regional plan, district plan, or proposed district plan.”*

60. The Section 171 considerations therefore underlie the consideration of the NORs.

61. We have considered the statutory provisions in relation to each of the NORs.

ESMONDE ROAD INTERCHANGE

Reasonably Necessary for Achieving Objectives

62. We have referred earlier to the deficiencies associated with the present interchange, objectives of the project and the detailed works proposed.

63. The Esmonde Interchange has long been recognised as being incomplete. There are presently a number of operational deficiencies which mean traffic must travel through the local roading system to get to destinations that could more readily be reached with alterations to the configuration of the interchange. The works proposed are necessary in order to achieve the objectives of the Esmonde Interchange project.

64. The area of the additional land involved in the designation is not significant with the vast majority of works to be undertaken within land already designated for motorway purposes. Only an additional 98 sqm of land is proposed to be added to the existing designation.

65. Seeking a resource consent is not considered to be the appropriate means by which to develop the works given the public benefit placed on the project by the requiring authority. The Act specifically acknowledges the appropriateness of the designation process for use in developing large scale infrastructural projects.
66. It is therefore concluded that the designation is reasonably necessary for achieving the objectives of the public work for which the designation is sought.

Adequate consideration of alternatives

67. Transit has investigated a number of different options and configurations for the upgrade of the Esmonde Road Interchange. The evidence was that these options have evolved over time and cover a full range of alternatives including the retention of the existing situation.
68. It is considered that Transit has carried out adequate consideration of possible alternatives.

Unreasonable to expect use of alternatives

69. There are no apparent benefits from the use of any alternatives other than that proposed by Transit in order to give effect to the objectives of the designation. The effects upon the environment arising from the proposed works are able to be suitably mitigated to an acceptable level.
70. Any alternatives to give effect to the reasons and objectives for the proposed works are likely to result in similar effects and in this respect it would be unreasonable to expect the requiring authority to adopt any alternatives.

Relevant provisions of statutory documents

71. There are a range of relevant statutory documents relative to the proposal which include the New Zealand Coastal Policy Statement; the Auckland Regional Policy Statement; the Proposed Regional Plan : Sediment Control; the Proposed Regional Plan : Coastal; the Proposed Regional Plan : Air, Land and Water; the Transitional Auckland Regional Plan; and, the North Shore City Operative and Proposed District Plans. The Regional Land Transport Strategy has particular relevance to roading proposals.
72. Regard has also been given to the Hauraki Gulf Marine Park Act 2000 in the consideration of this matter.
73. An overview of all these statutory documents shows the proposal to be consistent with them given it will provide for improved traffic arrangements in a manner whereby its generated effects are able to be appropriately mitigated.

74. In terms of the district planning documents, the additional land affected by the designation is zoned for special educational purposes reflecting the presence of AUT. Therefore no provision is made in these district planning documents for traffic facilities such as the motorway interchange. However the proposal is not considered to be contrary to that zoning of that land because the traffic facilities have not been anticipated by the zoning and further, the proposal will allow for an enhancement of cycle and pedestrian facilities to the AUT.
75. In terms of all the various provisions in the statutory documents the proposal is found to be consistent with them.

FRED THOMAS DRIVE EXTENSION

Reasonably necessary for achieving objectives

76. The NOR for the Fred Thomas Drive Extension states that the reasons why the designation is needed is because of the serious traffic congestion on the Esmonde Road and Barrys Point Road in the vicinity of the Esmonde Road/Barrys Point Road intersection. In particular it is stated that Barrys Point Road is subject to high traffic demand and there is a lack of convenient, alternative routes. Traffic growth on the North Shore is predicted to continue so that the current problems are likely to worsen.
77. The NOR goes on to say that the Busway project will place further traffic demands on this area and there is a requirement for access to be provided from Fred Thomas Drive to the proposed Akoranga Station (via a proposed Akoranga Station Link Road).
78. The objectives for the project have been referred to earlier in this decision:
79. The key features of the project that will achieve the objectives are stated in the NOR as:
 - Provision of an extension of Fred Thomas Drive south to connect to Esmonde Road; and
 - Provision of a new at-grade intersection at Esmonde Road/Fred Thomas Drive (with Fred Thomas Drive extension generally lying parallel to the existing Barrys Point Road layout).
80. Traffic along Barrys Point Road is an identified problem and the proposed extension provides an alternative route for vehicles and cyclists travelling between Esmonde Road and Taharoto Road. The extension would also allow the development of an Akoranga Station link road in a manner that is efficient, convenient and results in environmental effects that are not considered to be of significance. The proposed extension will provide for the objectives of the project to be met and for traffic benefits to result, either if this is carried out independently or in conjunction with the Busway project.

81. It is proposed to incorporate 1.49ha of land within the road designation. There are no residentially zoned sites, or other sensitive land uses, in close proximity to the proposed road extension, with the surrounding land areas already being heavily trafficked, and in this respect there are minimal effects upon the environment in terms of noise. The main effects of the proposed extension are considered to relate to the ecology of the area, the visual impacts of removing land that is currently retained as open space and the effects on the Barrys Point reserve. However, the extent of the land designated is not considered to be excessive given the necessity to develop an integrated traffic control regime at Esmonde Road.
82. Seeking a resource consent is not considered to be the appropriate means by which to develop the road given the public benefit placed on the project by the requiring authority. The Act specifically acknowledges the appropriateness of the designation process for use in developing large scale infrastructural projects. Also the district plans themselves have not been drafted with the assessment of significant public works projects in mind.
83. It is therefore concluded that the designation is reasonably necessary for achieving the objectives of the project for which the designation is sought, and that the works themselves are also reasonably necessary in order to achieve the objectives of the work.

Adequate consideration to alternatives

84. The Council as requiring authority has investigated a number of alternatives in considering how it may give effect to the objectives stated within the NOR. These options have evolved over time and have included consideration of the retention of the current situation.
85. We are satisfied that the Council as requiring authority has undertaken an adequate investigation of possible alternatives.

Unreasonable to expect use of alternatives

86. There are effects upon the environment associated with the alternative chosen by the Council as requiring authority to give effect to the objectives of the designation. However, these effects are considered to be relatively limited in extent. The effects upon the environment can be appropriately mitigated as has been proposed by the Council as requiring authority in its assessment, and by the various experts who have undertaken audits of these assessments. Further, alternative methods available to give effect to the stated objectives for the designation are likely to result in similar effects and in this respect it is considered unreasonable to expect alternative methods to be utilised.

Relevant provisions of statutory documents

87. Again, there are a range of relevant statutory documents relative to the proposal which include the New Zealand Coastal Policy Statement; the Auckland Regional Policy Statement; the Proposed Regional Plan : Sediment Control; the Proposed Regional Plan: Coastal; the Proposed Regional Plan : Air, Land and Water; the Transitional Auckland Regional Plan; and, the North Shore City Operative and Proposed District Plans. The Regional Land Transport Strategy has particular relevance to roading proposals.
88. Regard has also been given to the Hauraki Gulf Marine Park Act 2000 in the consideration of this matter.
89. An overview of all these statutory documents shows the proposal to be consistent with them given it will provide for improved traffic arrangements in a manner whereby its generated effects are able to be appropriately mitigated.
90. In terms of the district planning documents, the additional land affected by the designation is zoned for either recreational purposes or general business activities. In this respect the proposal does not reflect the activities anticipated by the zones but there are also relevant provisions within the district plans that support the proposal to improve the movement of traffic in the City.
91. In terms of all the various provisions in the statutory documents the proposal is found to be consistent with them.

CONCLUSION

92. It has long been recognised that the inflexibility of available traffic movements at the Esmonde Interchange has created difficulties and delays in travelling between the eastern and western parts of North Shore City as well as contributing to congestion along Barrys Point, Taharoto and Northcote Roads. The Esmonde Road Interchange and Fred Thomas Drive Extension projects are, in part, intended to reduce this inflexibility. The Commissioners have had regard to the information provided in support of the designations in accordance with Section 168 of the Act; the further information that has been supplied under Section 169 of the Act; the submissions as lodged and as further presented at the hearing; the evidence and submissions provided on behalf of the applicants; and, subject to Part II of the Act (relating to its purpose and principles) particular regard to Section 171 of the Act.
93. In relation to the Esmonde Road Interchange the effects upon the environment are relatively limited and mainly relate to the effects on the Shoal Bay shorebirds. This is because the majority of works are proposed to take place within the existing motorway designation on land that is effectively

already part of the motorway system. With respect to the shorebirds a comprehensive mitigation programme has been developed which seeks to achieve a balance between protection of them and maintaining a level of public access to part of the Shoal Bay foreshore in the form it currently exists in that locality. Conditions to achieve this are incorporated with the relevant regional consents.

94. In relation to the Fred Thomas Drive Extension, this involves presently undesignated land, part of which is zoned for recreational purposes. The main effect of the proposal will be the loss of reserve land and associated vegetation, a significant increase in traffic along this road and potential economic effects from the corresponding loss of traffic from Barrys Point Road. These and other potential adverse effects are, following on from the information provided, considered to be minor in extent and scale and generally able to be mitigated appropriately. In relation to the economic impact on neighbouring businesses, it is considered that the effects may be beneficial by reducing traffic congestion along Barrys Point Road and thereby improving access to the businesses along it.
95. Notwithstanding the potential for adverse effects, it is considered that both the requiring authorities have demonstrated there is likely to be significant benefits in extending Fred Thomas Drive in terms of reducing congestion along Barrys Point Road, and providing access to the proposed Akoranga Bus Station via the Akoranga Station Link Road.
96. In all the circumstances we consider that the works proposed within the two NORs are consistent with the purpose and principles of the Act. In this respect the proposed works will provide for managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. The existing motorway and roading network are physical resources to be appropriately managed and the measures contained in these proposals provide, or have due regard to, the natural resources associated with the Shoal Bay shoreline and the presence of the shorebirds. The proposed works are intended to remedy existing adverse effects and are further intended to be arranged in a manner whereby there is suitable mitigation of any adverse effects arising from them upon the environment.
97. A range of conditions are included in the decision/recommendation relating to the respective NORs with many of these being a response to concerns raised by submitters.
98. Our recommendation to Transit in respect of NOR 11 and our decision in respect of the Council's NOR 12 are attached, together with the conditions in respect of each NOR.

DATED this

day of

2002

Michael Savage
(Chair)

Alan Watson

Graham Tuohey

DETERMINATIONS

Transit New Zealand Notice of Requirement 11

1. It is recommended that Transit confirm the requirement below, subject to the conditions identified in the schedule to this decision.

NOR 11: Esmonde Interchange Modification

Reasons for the recommendation:

- a) The Esmonde Interchange project is considered to be in general accordance with the purpose and principles of the Resource Management Act as it enables greater freedom of travel within North Shore City, remedies existing adverse effects and allows the wellbeing of the community to be provided for while implementing appropriate measures of mitigation.
- b) The amenity of individually affected parties and the quality of the environment in general is considered to have been given appropriate regard, with the mitigation methods able to be incorporated within the development being considered appropriate.
- c) Given the stated objectives of the designation it is considered that the works proposed are reasonably necessary in achieving these objectives.
- d) The Requiring Authority has given what is considered to be adequate consideration to alternatives and it is considered unreasonable, given the stated objectives of the designation and the effects generated to expect alternatives to be used.
- e) When considered as a whole the Esmonde Interchange project is considered to be in general accordance with the relevant statutory documents.
- f) Those adverse effects that cannot be avoided or fully mitigated, are not considered to outweigh the likely benefits arising from the implementation of the project.

North Shore City Council Notice of Requirement 12

1. The notice listed below is confirmed subject to the conditions listed in the schedule to this decision.

NOR 12: Fred Thomas Drive Extension

Reasons for the decision:

- a) The project is considered to be in general accordance with the purpose and principles of the Resource Management Act as it enables greater freedom of travel within North Shore City, remedies existing adverse effects and allows the wellbeing of the community to be provided for while implementing appropriate measures of mitigation.
- b) The amenity of individually affected parties and the quality of the environment in general is considered to have been given appropriate regard, with the mitigation methods able to be incorporated within the development being considered appropriate.
- c) Given the stated objectives of the designation it is considered that the works proposed are reasonably necessary in achieving these objectives.
- d) The Requiring Authority has given what is considered to be adequate consideration to alternatives and it is considered unreasonable, given the stated objectives of the designation and the effects generated to expect alternatives to be used.
- e) When considered as a whole the Esmonde Interchange project is considered to be in general accordance with the relevant statutory documents.
- f) Those adverse effects that cannot be avoided or fully mitigated, are not considered to outweigh the likely benefits arising from the implementation of the project.
- g) The proposed extension of Fred Thomas Drive will enable greater flexibility in the traffic bypass of central Takapuna without disrupting residential neighbourhoods or contributing to existing traffic congestion.
- h) The position of the road still allows the Barrys Point Reserve to retain development potential.
- i) The tree planting regime proposed to be developed in conjunction with the road is considered to appropriately address any adverse visual effects.

- j) The effects generated by the proposed works are relatively limited and localised and can be appropriately mitigated through proposed and required methods of mitigation.

ESMONDE INTERCHANGE
NOTICE OF REQUIREMENT 11 – TRANSIT NEW ZEALAND
ESMONDE INTERCHANGE CONDITIONS

1. General Conditions

- 1.1 The scope and extent of the works envisaged within the designation shall be generally in accordance with the Notices of Requirement, the plans contained in “Volume 8 – Esmonde Interchange Project - A3 Plans” forming part of the documentation supporting the Notice of Requirement, and the relevant detailed plans in the Technical Reports in Volume 10, subject to the final design and the conditions set out below.
- 1.2 Prior to any works being commenced in particular location(s) of work, the Requiring Authority shall obtain all requisite resource consents for the location(s) affected under the Resource Management Act 1991.
- 1.3 Any land taken or held for the works shall be maintained to a reasonable standard until physical works commence.
- 1.4 A permanent liaison position from within the joint Project Governance Team of NSCC and the Requiring Authority will be appointed for the duration of the project. This person is to be available for ongoing consultation on all matters of concern to affected persons.
- 1.5 All contract documentation for physical works shall include reference to the designation conditions, any other resource consents (including conditions) and any approved mitigation or outline plan(s) held for the project.

2. Duration of the Designation

In accordance with Section 184(1)(c) of the Resource Management Act 1991, the designation will lapse on the expiry of ten years after the date on which it is included in the District Plan unless:

- It is given effect to before the end of that period;
- The territorial authority determines, on an application made within three months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period to give effect to the designation.

3. Project Management Plans (PMP) and Outline Plans

- 3.1 The requiring authority shall prepare a PMP which shall include mitigation/management plans as referred to in conditions 5, 6, 7, 8, 9, 10 and 11.

- 3.2 No works shall be undertaken in any particular location(s) until:
- (a) The PMP, or such part(s) of the PMP as are relevant to the location(s), are approved in the manner provided for in condition 3.3; and
 - (b) Any outline plan(s) required by section 176A of the Resource Management Act 1991 (*RMA*) in relation to the works in the location(s), are approved in the manner provided in condition 3.3.
- 3.3 Approvals pursuant to condition 3.2 shall be obtained from the General Manager of Environmental Services, North Shore City Council, and a senior regulatory officer of the NSCC who is at the time of the approval a member of the Project Governance Team for the management of the works (*the approval officers*).
- 3.4 The works shall only be undertaken in accordance with an approved PMP and outline plan (where required).

4. Archaeological Mitigation Conditions

- 4.1 If construction work uncovers any archaeological remains, the Requiring Authority will immediately advise local iwi and the New Zealand Historic Places Trust and cease working in the affected area until any necessary authority required by the New Zealand Historic Places Trust is obtained. (All archaeological sites are protected under the provisions of the Historic Places Act 1993, whereby it is unlawful to modify, damage or destroy an archaeological site, whether recorded or not, without the prior consent of the Historic Places Trust).
- 4.2 That all recorded archaeological sites and other cultural heritage sites in the vicinity of the works shall be clearly marked on the construction plans.

5. Ecological Mitigation Conditions

- 5.1 The PMP shall include an Ecological Mitigation Plan prepared by a suitably qualified and experienced ecologist who shall have regard to:
- 5.2 The Plan shall provide for:
- (i) Planting in riparian zones where consent of the landowner is obtained;
 - (ii) Mitigation of potential coastal effects.
- 5.3 Wherever practicable, any disturbance to areas of existing riparian vegetation shall be avoided.

5.4 Where riparian vegetation disturbance cannot be practicably avoided, the Requiring Authority shall take care that any necessary disturbance is minimised as far as practicable. For the avoidance of doubt, this condition is not intended to prohibit necessary disturbance, which is defined as including, but is not limited to, vegetation clearance, the construction and operation of all roads, depots, storage facilities and spoil disposal areas.

6. Landscape Mitigation Conditions

6.1 The PMP shall include a Landscape Mitigation Plan prepared by a suitably qualified and experienced landscape architect who shall have regard to:

- The Landscape Mitigation Plan prepared by LA4 Landscape Architects and contained in the Esmonde Interchange Project: Assessment of Environmental Effects Volume10c.
- The recommendations contained in the audits by Melean Absolum and Chris Boucher.

6.2 The Landscape Mitigation Plan shall provide for:

- The integration of the proposed works into the surrounding landscape;
- Appropriate consideration of the angle and extent of batter slopes;
- Appropriate screening of existing land-uses along Fred Thomas Drive;
- Design of borrow and disposal areas for excess fill to avoid significant visual impact, and to maximise integration with the general form of the surrounding landscape;
- Ecological mitigation measures (eg revegetation) required in accordance with the Ecological Mitigation Condition.

6.3 The Landscape Mitigation Plan shall include details of:

- All proposed planting (including species, species size, densities, areas and locations);
- The planting programme;
- The maintenance programme. This programme shall include details of weed control, performance standards specifying allowable percentage survival rates, and replacement of any planting features;

- The sufficiency of the soil medium to sustain all planting proposed;
 - An appropriate maintenance regime.
- 6.4 All landscape mitigation planting shall be implemented during the first planting season following completion of the project construction works providing climatic conditions are suitable, otherwise at the first practicable opportunity thereafter. Following completion of planting, the Requiring Authority shall submit to the North Shore City Council a report by the landscape architect on the implementation of the landscape plan.
- 6.5 Where practicable, any planting utilising native plants shall use plants genetically sourced from the ecological district.
- 6.6 Exposed cut and fill batters and slopes shall be re-vegetated as soon as practicable after construction.

7. Noise Mitigation Conditions

- 7.1 The project shall be designed and constructed in accordance with Transit NZ Guidelines for the Management of Traffic Noise for State Highway Improvements and with the acoustic report 'Esmonde Interchange Project – Assessment of Noise Effects, Report No 01A127' by Marshall Day Acoustics Limited.
- 7.2 The PMP shall include a Noise Mitigation Plan prepared by a suitably qualified noise consultant. The purpose of the plan is to describe the method by which noise associated with traffic using the roading within the designation will be made to comply with specified noise limits at Auckland University of Technology and at all affected dwellings and schools in the vicinity of the area affected. Where the ambient sound level is required to be determined for design then this shall be done prior to construction commencing in the location(s) to be affected.
- 7.3 The Requiring Authority shall ensure that all construction works are carried out in accordance with NZS680310:1984 "The Measurement and Assessment of Noise from Construction Maintenance and Demolition Work." Acoustics – Construction Noise.
- 7.4 The PMP shall include a Construction Noise Management Plan prepared by a suitably qualified Noise Consultant. The purpose of the Plan is to describe the methods by which noise associated with the construction of the work will be managed to comply with Condition 7.3 above. In particular, the Construction Noise Management Plan shall identify:
- The location of permanent acoustic fences to be installed prior to the commencement of the main construction works;

- Methods of managing noise including possible scheduling of noisy activities to occur outside of AUT teaching hours;
 - Noise monitoring methods, including details of methods, equipment, location and frequency;
 - Contingency measures in the event of any incidence of non-compliance; and
 - Procedures for handling noise complaints.
- 7.5 Construction works shall at all times be undertaken in accordance with the Construction Noise Management Plan.
- 7.6 Where practicable where acoustic barriers are required to meet Transit Noise Guidelines in particular locations, they will be erected prior to commencement of the construction works in those locations.
- 7.7 Where temporary acoustic barriers are proposed in the Marshall Day Report, and their retention would result in effective traffic noise reduction for residents or educational facilities, they shall be built to a standard such that the barriers will be able to remain permanently in place at heights approved under condition 3.3, taking into consideration traffic noise reduction, visual and landscaping factors and consultation with adjoining property owners.

8. Geotechnical Mitigation Condition

- 8.1 A Geotechnical Mitigation Plan shall be prepared by a suitably qualified Geotechnical Engineer in consultation with North Shore City Council. The plan shall be submitted to the North Shore City Council prior to construction of any stage and shall take into account the recommendations of the report prepared by Riley Consultants entitled 'Technical Review of Geotechnical and Civil Engineering Issues' – November 2001.

9. Vibration Mitigation Conditions

- 9.1 The PMP shall include a Vibration Mitigation Plan prepared by a suitably qualified vibration consultant who shall have regard to the report prepared by Riley Consultants entitled 'Technical Review of Geotechnical and Civil Engineering Issues – November 2001'. This Mitigation plan shall include details of how the works will comply with the requirements of German Standards DIN4150 "Structural Vibration in Buildings – Effects on Structures" during construction and shall take into account the recommendations.
- 9.2 A dilapidation survey of "at risk" buildings shall be under taken prior to during and after completion of the construction works subject to obtaining the landowner and occupier's consent

10. Traffic Management

10.1 The PMP shall include a Traffic Mitigation Plan based on its adopted design for the project. The Traffic Mitigation Plan shall address methods of mitigating the local and network wide effects of both the construction of individual elements of the project and the use of staging to allow sections of the project to be opened to traffic while other sections are still under construction.

11. Construction Management Conditions

11.1 The PMP shall include a Construction Management Plan which shall refer to all conditions imposed on any relevant resource consents granted by the Auckland Regional Council.

11.2 The purpose of the Construction Management Plan is to set out methods by which any dust nuisance from construction will be avoided or minimised and by which the possibility of ground vibration during construction can be notified to adjacent land owners and occupiers. In particular, the Management Plan shall identify amongst other things:

- Specific methods by which dust will be managed, including cleaning vehicle tyres before vehicles enter public roads, wetting or covering surfaces and replanting disturbed areas;
- Contingency measures to ensure that, in the event of any dust nuisance arising, immediate remedial measures are implemented;
- Procedures for prior notification of the use of machinery likely to generate vibration effects beyond the area of the designation to properties where ground vibration may be felt; and
- Procedures for handling any dust and ground vibration complaints.

11.3 The Requiring Authority shall ensure that the Management Plan is complied with at all times during construction and that a copy is kept at all site offices.

11.4 The Requiring Authority and its contractors shall, in addition to complying with all other construction related conditions, take all reasonable steps to prevent or mitigate any nuisance or damage to adjacent properties during construction.

11.5 The Requiring Authority shall advise neighbouring owners and occupiers of the date on which construction is to start, the expected duration of the work, and the telephone number of Site Liaison Officer who is able to respond to queries.

11.6 The location and extent of each stage of the site works will be identified and concerned parties advised of the construction timetable

- 11.7 The earthworks contractor shall be required to maintain the stability of the land and property at the boundary of the site, by whatever means necessary and to monitor that such works are and remain effective.
- 11.8 Control measures shall be in place to ensure that any vehicles leaving the designated site do not deposit soil or other debris on public roads. Any such material deposited on any public road shall be cleaned up as soon as practicably possible at the Requiring Authority's expense.
- 11.9 Adequate provision shall be made during the earthworks construction for the protection of the existing public drains that traverse the designation. Any damages to the public drains that may occur during construction, shall be the Requiring Authority's responsibility.
- 11.10 Protected vegetation areas and trees are to be retained and protected. Other sensitive areas of the site are to be identified and marked for protection prior to the commencement of works.
- 11.11 Spoil from earthworks, surplus to site requirements, shall be disposed of at an approved landfill site.
- 11.12 During site and construction works where loose material may be carried onto the road, appropriate wheel wash or cleaning methods shall be implemented (water wash or course aggregate vehicle access point to remove spoil from vehicles).
- 11.13 The road and footpaths shall be kept clear at all times of spoil from the site.

ESMONDE INTERCHANGE
NOTICE OF REQUIREMENT 12 - NORTH SHORE CITY COUNCIL
FRED THOMAS DRIVE EXTENSION CONDITIONS

The following conditions from Notice 11 listed below shall also apply to Notice 12:

1. General Conditions.
2. Duration Of Designation
3. PMP
4. Archaeological Mitigation Conditions.
5. Ecological Mitigation Conditions.
6. Landscape Mitigation Conditions.
7. Noise Mitigation Conditions.
8. Geotechnical Mitigation Conditions
9. Vibration Mitigation Conditions.
10. Traffic Mitigation Conditions.
11. Construction Management Conditions