

## UNITARY PLAN UPDATE REQUEST MEMORANDUM

**TO** Celia Davison  
**FROM** Craig Cairncross  
**DATE** 30/05/2023  
**SUBJECT**



**Kiwirail Holdings Ltd Designation 6302 North Island Main Trunk Railway Line from Buckland to Britomart Station, Auckland Central (adjacent to Middlemore station) in accordance with sections 279(1)(b) and 172 of the Resource Management Act (RMA)**

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

Reason for update – An Environment Court Consent Order (Decision [2023] NZEnvC 109) has been issued by Judge Kirpatrick on 29 May 2023 which states that:

Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

The Notice of Requirement to alter **Designation 6302** is confirmed subject to the amendments to conditions shown in Appendix A.

The above decision notes:

[1] This proceeding relates to an appeal by (then) Counties Manukau District Health Board, now known as Health New Zealand - Te Whatu Ora (**Te Whatu Ora**) against part of the decision of KiwiRail Holdings Limited (**KiwiRail**) on the Notice of Requirement (**NoR**) to alter Designation 6302 in the Auckland Unitary Plan.





[2] The part of the decision appealed by Te Whatu Ora relates to **confirming the NoR with conditions in relation to Middlemore Station adjacent to Middlemore Hospital located at 100 Hospital Road, Manukau** (contained in record of title NA35D/1250).

[3] The parties agree that the Appeal can be resolved by consent with modifications to the NoR and the conditions.

Pursuant to section 175(2) of the RMA, Council as the territorial authority must, as soon as practicable and without using Schedule 1, include the designation in its district plan.

<b>Chapter</b>	Chapter K Designations
<b>Section</b>	Kiwirail Holdings Ltd GIS Viewer
<b>Designation only</b>	
<b>Designation # 6302</b>	North Island Main Trunk Railway Line from Buckland to Britomart Station
<b>Locations:</b>	North Island Main Trunk Railway Line, Middlemore Station adjacent to Middlemore Hospital located at 100 Hospital Road, Manukau
<b>Lapse Date</b>	Designation 6302 states: Given effect to (i.e. no lapse date)
<b>Purpose</b>	6302 – The purpose of the designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005

<b>Changes to text and diagrams (shown in underline and strikethrough)</b>	Include condition wording and diagrams as per those referred to below under 'Attachments'
<b>Changes to spatial data</b>	Include boundaries of designation 6302 in accordance with the Consent order Decision – Refer Attachment A to this memo.
<b>Attachments</b>	Attachment A: Consent Order Attachment B: Updated Text Attachment C: Updated GIS Viewer

<b>Prepared by:</b> Craig Cairncross Team Leader Central South	<b>Text Entered by:</b> Harry Barnes Planning Technician
<b>Signature:</b> 	<b>Signature:</b> 
<b>Maps prepared by:</b> Rachel Joseph Geospatial Specialist	
<b>Signature:</b> 	
<b>Signed off by:</b> Celia Davison Manager Planning – Central South	
<b>Signature:</b> 	

## Attachment A: Consent Order

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKAURAU**

**Decision [2023] NZEnvC 109**

IN THE MATTER OF an appeal under section 174 of the  
Resource Management Act 1991

BETWEEN HEALTH NEW ZEALAND - TE  
WHATU ORA

(ENV-2022-AKL-000120)

Appellant

AND KIWIRAIL HOLDINGS LIMITED

Respondent

Court: Chief Environment Court Judge D A Kirkpatrick sitting  
alone under s 279 of the Act

Last case event: 23 May 2023

Date of Order: 29 May 2023

Date of Issue: 29 May 2023

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**CONSENT ORDER**

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A: Under section 279(1)(b) of the Resource Management Act 1991, the  
Environment Court, by consent, orders that:



(1) the Notice of Requirement to alter Designation 6302 is confirmed subject to the amendments to conditions shown in **Appendix A**; and

(2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

## REASONS

### Introduction

[1] This proceeding relates to an appeal by (then) Counties Manukau District Health Board, now known as Health New Zealand - Te Whatu Ora (**Te Whatu Ora**) against part of the decision of KiwiRail Holdings Limited (**KiwiRail**) on the Notice of Requirement (**NoR**) to alter Designation 6302 in the Auckland Unitary Plan.

[2] The part of the decision appealed by Te Whatu Ora relates to confirming the NoR with conditions in relation to Middlemore Station adjacent to Middlemore Hospital located at 100 Hospital Road, Manukau (contained in record of title NA35D/1250).

[3] The parties agree that the Appeal can be resolved by consent with modifications to the NoR and the conditions.

### Background

#### *Recommendation and Decision*

[4] On 14 July 2020, KiwiRail lodged the NoR to include additional land in Designation 6302 to support the delivery of works associated with the Wiri to Quay Park project (**Project**).

[5] The Project includes a series of vital improvements to the rail network to enable the construction of a Third Main (third railway line) between Middlemore Station and Wiri junction for the North Island Main Trunk Line (**NIMT**) which is a nationally significant transport corridor. The Project, which is on a critical time path, will contribute to increased capacity, resilience, and safety of the rail network in Auckland.

[6] In relation to Middlemore Station (a critical stop on the NIMT), upgrades are required to alter the station platforms to enable the station to accommodate nine-car passenger services and provide suitable pedestrian access across the rail corridor to the improved platforms.

[7] Middlemore Hospital is a vital healthcare hub for the community, providing a number of essential healthcare services. The existing railway line at Middlemore Station splits Middlemore Hospital in two campuses, the western and the eastern. Both campuses house important clinical services. It is critical that patients, students, staff and visitors of the Hospital Site can safely move from one side of the campus to the other.

[8] The works KiwiRail requires at Middlemore will result in impacts on Te Whatu Ora and its operation of Middlemore Hospital, in particular relating to noise, vibration, amenity, safety, landscape, loss of hospital zoned land, parking, access and traffic effects. It was on this basis that Te Whatu Ora submitted in opposition to the NoR. Auckland Transport submitted in support of the NoR, provided that the effects on the local transport network could be appropriately avoided, remedied or mitigated.

[9] The NoR was initially considered by an independent hearings panel (**Panel**) in July 2021. Following submissions and evidence, KiwiRail requested that the hearing be adjourned to allow further discussions to occur with Te Whatu Ora in relation to the NoR and the mitigation of effects on Te Whatu Ora and Middlemore Hospital. The Panel adjourned the hearing to allow that engagement to occur.

[10] Following that engagement with Auckland Transport and Te Whatu Ora as a result of the Panel's direction, KiwiRail proposed a revised design at Middlemore Station. Key aspects of the revised design included:

- (a) relocation of the station pedestrian bridge into Orakau Road (thereby moving it off Te Whatu Ora's land to minimise the impact on Te Whatu Ora's landholdings);
- (b) relocation of a turnaround facility from Te Whatu Ora's land to Orakau Road (again to minimise the impact on Te Whatu Ora's landholdings) and associated design changes to meet KiwiRail and Auckland Transport's requirements; and
- (c) provision of a new vehicle crossing off Orakau Road into the carpark at 100 Hospital Road to reinstate access to the carpark.

[11] The Panel closed the reconvened hearing on 20 January 2022 and issued its recommendation on 23 February 2023 (**Recommendation**), which was provided to KiwiRail and publicly notified on 4 March 2022. The Recommendation confirmed the modified NoR to reflect the revised design, subject to conditions.

[12] In its Decision, KiwiRail accepted the Recommendation in part, making some modifications to the conditions consistent with the NoR as notified. The Decision was notified to parties on 6 May 2022.

### ***Appeal***

[13] On 25 May 2022, Te Whatu Ora lodged the Appeal seeking:

- (a) cancellation of the NoR to allow KiwiRail to redesign its proposal following meaningful engagement with Te Whatu Ora; or
- (b) such relief as may be necessary to address the matters in the Appeal.

[14] Auckland Transport and Auckland Council have given notice of an intention to become parties to the appeal under s 274 and have signed the memorandum setting out the relief sought.

### **Agreed amendments**

[15] Since the Appeal was filed, KiwiRail, Auckland Transport and Te Whatu Ora have engaged in productive and constructive discussions to reach a way forward that works for all parties. A series of workshops and meetings with relevant expert input (as required) has led to a revised agreed design of the works at Middlemore.

[16] The outcome has resulted in minor modifications to the NoR extent, and minor amendments to conditions. The parties consider that these modifications and amendments will resolve the concerns raised in the Appeal and meet KiwiRail's operational needs in a manner endorsed by key stakeholders.

### ***Modification of the NoR***

[17] The design at Middlemore Station as confirmed in the Decision included the Middlemore Station pedestrian overbridge and lift facility on Orakau Road.

[18] The key modifications to the NoR extent now proposed reflect an operational requirement by Te Whatu Ora for the hospital's pedestrian crossing to be located on its landholdings closer to the Te Whatu Ora multi-storey carpark on its western campus. As a result, KiwiRail has agreed to relocate the Middlemore Station pedestrian overbridge and lift facility.

[19] The design provides the Middlemore Station pedestrian overbridge and lift facility in a position similar to that as notified (being within Te Whatu Ora's existing landholdings and now within the permanent land requirement area) and will continue to provide connection between the Te Whatu Ora



western and eastern campuses that are separated by the NIMT while also providing crucial access for rail patrons.

### ***Conditions***

[20] The parties also propose minor amendments to conditions. The amendments to conditions:

- (a) update the land requirement plan for Middlemore in condition 7 to reflect the modification described at [18] above;
- (b) update conditions 22 and 23 to enable alternative vibration mitigation measures to provide operational flexibility for KiwiRail while also meeting the levels of mitigation required. The parties have advised that there are a variety of potential vibration mitigation measures that may be employed for this Project and, with the potential for technological improvements over time, it is important that the Project is not unduly restricted where it can meet the required levels of mitigation;
- (c) update condition 26 to clarify that the Middlemore Design Plan will also include the design of pedestrian access and crossing facilities; and
- (d) provide consequential updates to conditions to refer to Te Whatu Ora instead of Counties Manukau District Health Board following the disestablishment of that Board and the amalgamation of its operations into Te Whatu Ora on 1 July 2022.

### **Modification of the NoR**

[21] In determining an appeal, the Environment Court has the power to:<sup>1</sup>

- (a) cancel a requirement; or

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<sup>1</sup> RMA, s 174(4).

- (b) confirm a requirement; or
- (c) confirm a requirement but modify it or impose conditions as the Court sees fit.

[22] While the power to modify a requirement is flexible and broad,<sup>2</sup> it must be demonstrated that:

- (a) the modification does not “alter the essential nature of the project”. This is a question of fact to be determined having regard to relevant factors in the circumstances;<sup>3</sup> and
- (b) it would be procedurally fair to modify the NoR.<sup>4</sup> This does not require the agreement of directly affected landowners but rather requires that in making the modifications, the affected landowners remain unchanged and that no additional parties would have participated in the process had the NoR been proposed at notification in its current form.

[23] The parties are satisfied that the above requirements are met and that the Court can modify the NoR in the manner now sought because:

- (a) the essential nature of the Project remains the same. It remains along the same route as the existing NIMT alignment and within the same general location at Middlemore. The revised design generally reflects the NoR as notified. The adverse effects do not increase to a greater degree than the NoR as notified, but the

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<sup>2</sup> *Director-General of Conservation v New Zealand Transport Agency* [2020] NZEnvC 19 at [16] and [26].

<sup>3</sup> *Quay Property Management Ltd v Transit New Zealand* W028/2000, 29 May 2000 at [167]; applied in *Alan Hope t/a Victoria Lodge v Rotorua District Council* [2010] NZEnvC 7 at [40]; *Director General of Conservation v New Zealand Transport Agency* [2020] NZEnvC 19 at [26].

<sup>4</sup> *Norwest Community Action Group Inc v Transpower NZ Ltd* A113/01, 29 October 2001 at [39]; *Director-General of Conservation v New Zealand Transport Agency* [2020] NZEnvC 19 at [29].

revised design better meets the operational needs of all parties;  
and

- (b) issues of procedural fairness do not arise. There are no new landowners who will be directly affected. The changes generally reflect an earlier design and only impact road reserve and Te Whatu Ora's land. While agreement is not required, the proposed changes have been agreed between the parties.

### **Consideration**

[24] The Court has read and considered the notice of appeal and the memorandum of the parties dated 23 May 2023 which details the agreement reached by the parties to resolve this appeal.

[25] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

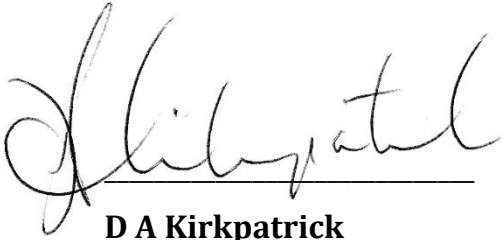
- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

### **Order**

[26] Therefore, the Court orders, by consent, that:

- (a) the Notice of Requirement to alter Designation 6302 is confirmed subject to the amendments shown in **Appendix A**;
- (b) the appeal is otherwise dismissed; and

(c) there is no order as to costs.

A handwritten signature in black ink, appearing to read 'D A Kirkpatrick', written over a horizontal line.

**D A Kirkpatrick**  
**Chief Environment Court Judge**



## **Appendix A: Conditions to Designation 6302**

7. Conditions 7 to 34 of this designation only apply in respect of works for the Wiri to Quay Park Project undertaken on land shown in yellow and red shading on the following land requirement plans:
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 1)", Reference DR-NIMT-CV-HS-00169 and dated 22 November 2021;
  - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00170 and dated 16 December 2021;
  - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 3)", Reference DR-NIMT-CV-HS-00171 and dated 22 November 2021;
  - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 4)", Reference DR-NIMT-CV-HS-00172 and dated 22 November 2021;
  - drawing entitled "[W2QP WO - Middlemore Designation Station Land Requirement Layout Plan](#)", [Drawing No. DR3, Revision 0.2 Reference DR-NIMT-CV-HS-00179 and dated 16 December 2021](#); and
  - drawing entitled "Wiri Junction Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00175 and dated 22 November 2021.

**Advice Note:** *The following terms relate to Conditions 7 to 34*

<b>Term</b>	<b>Definition</b>
Existing Building	Any building that physically existed and was being used as a dwelling or healthcare facility as at <b>[the date this NoR is confirmed]</b> .
Third Main	Third rail line to be constructed as part of the Wiri to Quay Park Project.
NIMT	North Island Main Trunk Line
<del>CMDHB</del> <a href="#">Te Whatu Ora</a>	<del>The Counties Manukau District Health Board</del> <a href="#">Te Whatu Ora – Health New Zealand</a> (or any successor body).

### **Outline Plan of Works**

8. Pursuant to s176A of the Resource Management Act an outline plan of the work (OPW) to be constructed must be submitted by the Requiring Authority to the Council to allow the Council to request changes before construction is commenced.

**Advice Notes:**

1. *The OPW should address methodologies for removal or alteration of trees as required for the proposed works and the mitigation proposed.*
  2. *The OPW should address visual amenity matters including, but not limited to, mitigation of the proposed noise barrier wall at 12 Wyllie Road, including evidence of consultation with the owner of that property.*
9. The management plans required by conditions 11 and 16 shall not be submitted to the Council for certification prior to the submission of the OPW but may be submitted with an OPW.
10. The Middlemore Design Plan required by condition 25 must be prepared prior to submitting the relevant OPW and the Middlemore Design Plan must be submitted to the Council with the relevant OPW.

**Construction Traffic Management Plan**

11. The Requiring Authority must prepare and submit a Construction Traffic Management Plan (CTMP) to Auckland Council for certification prior and obtain certification prior to the commencement of works for the Third Main. If the Requiring Authority has not received a response from Auckland Council within 20 working days after the date of submission of the CTMP it will be deemed certified.
12. The CTMP must be prepared by a suitably qualified and experienced person in consultation with Auckland Transport, and where it relates to works at Middlemore Station, also with [CMDHB Te Whatu Ora](#). The purpose of the CTMP is to ensure:
- a) the management and minimisation of traffic congestion arising from construction vehicles;
  - b) the management of temporary reductions in on-site parking at 100 Hospital Road including temporary parking provision;
  - c) the management of internal vehicle and pedestrian movements at 100 Hospital Road;
  - d) the safe movement of vehicles to and from construction sites;
  - e) the safety of other road users, including public transport providers, pedestrians and cyclists; and
  - f) that sufficient on-site parking or other transport arrangements are provided for the project's construction workers.

**Advice Note:** *Auckland Council's certification role is limited to ensuring that the CTMP addresses all matters listed in Conditions 12 and 13.*

13. The CTMP must detail how the purpose of the CTMP is to be achieved and must include:

- a) methods to manage the effects of temporary traffic management activities on traffic capacity, operations and movements during construction periods;
- b) measures to manage the safety of all transport users on construction routes during construction works;
- c) hours for construction activities, the estimated numbers, frequencies and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near schools or to manage traffic congestion;
- d) site access points to be used by construction related traffic;
- e) methods to manage any road closures that will be required and the nature and duration of any traffic management measures such as the identification of detour routes or diversions and other methods for the safe management and maintenance of traffic flows, including general traffic, buses, pedestrians and cyclists on existing roads;
- f) methods to maintain pedestrian and/or vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements where access cannot be maintained;
- g) methods to communicate traffic management measures to affected road users, [CMDHB Te Whatu Ora](#) and other relevant parties;
- h) details of a construction staff travel management plan to reduce the potential impact of staff vehicles on the road network; and
- i) for works at Middlemore Station:
  - i. measures to manage heavy vehicle movements at the Gray Avenue/Orakau Road intersection (if and when these are required) and to manage these movements to minimise peak staff arrival and departure times;
  - ii. measures to manage two-way hospital and construction traffic via the 64 Rosella Road access;
  - iii. measures to safely manage pedestrians travelling between the multi-storey carpark and at-grade parking areas on 100 Hospital Road west of Middlemore Station, and Middlemore Hospital's eastern campus, during construction;
  - iv. measures to minimise the temporary occupation of at-grade parking on 100 Hospital Road, including details of the number of spaces to be occupied and the duration of this occupation;
  - v. the identification of temporary parking provision for the [CMDHB Te Whatu Ora](#); and
  - vi. measures regarding the provision of safe pedestrian and vehicular access to and within 100 Hospital Road.

### Construction Noise and Vibration

14. Construction noise must be measured and assessed in accordance with the provisions of New Zealand Standard NZS6803:1999 “Acoustics - Construction Noise” and comply with the noise standards in Table 1 at any occupied building as far as practicable. The Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.

Table 1: Construction Noise Standards

Receiving Environment	Day (0700 – 2000 hrs)	Night (2000 – 0700 hrs)
Occupied activities sensitive to noise	75 dB LAeq (30 min)	60 dB LAeq (30 min) 75 dB LAFmax
All other occupied buildings	75 dB LAeq (30 min)	80 dB LAeq (30 min)

15. Construction vibration must be measured and assessed in accordance with German Standard DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of Vibration on Structures”, and comply with the vibration standards in Table 2 as far as practicable. The CNVMP prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.

Table 2: Construction Vibration Standards

Line	Type of Structure	Vibration limits (mm/s PPV)
1	Buildings used for commercial purposes, industrial buildings, and buildings of similar design	10
2	Dwellings and buildings of similar design and/or occupancy including hospitals	5

16. Prior to the commencement of construction works for the Third Main, the Requiring Authority must prepare and submit a CNVMP for certification and obtain certification by the Council. If the Requiring Authority has not received a response from the Council within 20 working days of the date of submission of the CNVMP it will be deemed certified.
17. The CNVMP must be prepared by a suitably qualified and experienced person. The purpose of the CNVMP is to:
- a) identify and adopt the Best Practicable Option to avoid, remedy or mitigate construction noise and vibration effects;
  - b) define the procedures to be followed when construction activities cannot meet the noise and vibration standards in Conditions 14 and 15, which shall include evidence of any feedback from consultation with affected parties;



- c) inform the duration, frequency and timing of works to manage disruption; and
  - d) set out procedures to record engagement with affected receivers and timely management of complaints.
18. The CNVMP shall include:
- a) the relevant measures from NZS 6803:1999 "Acoustics - Construction Noise", Annex E2 "Noise management plans";
  - b) the relevant measures from DIN 4150-3:1999 "Structural vibration - Part 3 Effects of vibration on structures", Appendix B "Measures for limiting the effects of vibration";
  - c) a requirement and process to offer and if accepted, undertake, a pre-construction condition survey for any building where the construction vibration levels are predicted to exceed the cosmetic building damage limits in Condition 15 above; and
  - d) relating to works at Middlemore Station:
    - i. the following site-specific standards that must be used to trigger engagement with the [CMDHB Te Whatu Ora](#) to enable the effective management of noise and vibration effects in Building 38 (including Home Healthcare and the renal unit):
      - a. 1mm/s PPV measured on the foundation of the building (for vibration); and
      - b. 75 dB  $L_{Aeq}$  measured 1m from the façade(s) of the occupied and noise sensitive spaces of the building (for noise); and
    - ii. The methods used by the Requiring Authority to manage construction noise and vibration on activities at 100 Hospital Road.

**Advice Note:** *Auckland Council's certification role is limited to ensuring that the CNVMP addresses all matters listed in Conditions 17 and 18.*

19. Where engagement is triggered with the [CMDHB Te Whatu Ora](#) in condition 18d)i., the Requiring Authority shall maintain records of the outcomes of the engagement and the responses of the Requiring Authority to any feedback received by [CMDHB Te Whatu Ora](#), including any additional temporary mitigation measures undertaken (e.g. rescheduling works, changing construction methodologies).

### **Operational Noise and Vibration**

20. The Requiring Authority shall mitigate in accordance with condition 21 total operational rail noise emitted from all lines in the rail corridor where the predicted noise levels at the external façade of Existing Buildings within points 659+715 to 660+005 (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 (works in vicinity of 100 Hospital Road, Mangere East) of the NIMT:
- a) exceed the thresholds in Table 3; and

- b) increase by at least 3 decibels above levels as at **[the date this NoR is confirmed]** as a result of the operation of the Third Main.

Table 3: Operational Rail Noise Mitigation thresholds

Day (0700 – 2200hrs)	Night (2200 – 0700hrs)
65 dB L <sub>Aeq</sub>	60 dB L <sub>Aeq</sub>
85 dB L <sub>AFmax</sub>	85 dB L <sub>AFmax</sub>

21. Prior to the operation of the Third Main, the Requiring Authority shall install noise barriers on the western side of the NIMT to mitigate rail noise received at Existing Buildings identified in condition 20. The noise barriers shall ensure the increase in rail noise level as a result of the operation of the Third Main is less than 3 decibels and shall be:
- a) at least 3.8 metres in height above rail track level within the rail corridor between points:
- i) 659+715 and 659+926 of the NIMT (works in vicinity of 12 Wyllie Road); and
- ii) 662+102 and 662+191 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
- iii) 662+249 to 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
- b) constructed with a surface mass of at least 10kg/m<sup>2</sup>; and
- c) constructed without gaps (except for station access, where required); and
- d) constructed in general accordance with the memorandum from Boffa Miskell (Oliver May) dated 30 November 2021.
22. Prior to the operation of the Third Main, the Requiring Authority shall install ballast mats under ballasted track ([or alternative vibration mitigation material](#)) to mitigate rail vibration at Existing Buildings between points 659+715 to 660+005 NIMT (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 NIMT (works in vicinity of 100 Hospital Road, Mangere East). ~~The objective is~~ to achieve NS 8176:2017 Class C ([as far as practicable](#)). The ballast mats ([or alternative vibration mitigation material](#)) shall be installed between points:
- a) 659+715 and 660+005 of the NIMT (works in vicinity of 12 Wyllie Road); and
- b) 662+102 and 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East).
23. Within three months of the commencement of freight operations on the Third Main, the Requiring Authority shall engage a suitably qualified and experienced person to:
- a) undertake representative noise monitoring to quantify the noise mitigation provided by the noise barrier(s) in condition 21; and

- b) undertake representative vibration monitoring to quantify the vibration mitigation provided by [the ballast mats in](#) condition 22; and
- c) prepare a report confirming compliance with conditions 21 and 22, which shall be provided to the Council for certification and a copy shall be provided to [CMDHBTe Whatu Ora](#); and
- d) If the report required in condition 23c) above indicates a non-compliance with conditions 21 and 22 remedial measures shall be undertaken to ensure compliance and this condition repeated for that work.

### **Middlemore Design Plan**

- 24. Subject to condition 28, the works in the vicinity of the Middlemore Station shall be undertaken in general accordance with the Jacobs plan DR-NIMT-CV-HS-00701 entitled "Middlemore Station Works Plan" dated 26/11/21.
- 25. Prior to submitting an OPW for Middlemore Station, the Requiring Authority must prepare a Middlemore Design Plan.
- 26. The purpose of the Middlemore Design Plan is to demonstrate how safe, efficient and well integrated transport facilities to enable access to Middlemore train station will be provided, as well as how the transport effects of the Third Main on 100 Hospital Road and the surrounding road network will be avoided, remedied or mitigated. The Middlemore Design Plan shall include details of:
  - a) parking and other road markings on Orakau Road;
  - b) the turning head facility to access Middlemore Station;
  - c) the pedestrian overbridge / lift to provide access to Middlemore Station and between Middlemore Hospital Campuses;
  - d) vehicular access to 100 Hospital Road;
  - e) the reinstatement of any at-grade parking areas at 100 Hospital Road affected by these works;
  - f) access to the northern carpark at 100 Hospital Road, including measures to prevent pedestrians from using the access at 64 Rosella Road as access to and from Middlemore Station;
  - g) noise barriers; ~~and~~
  - h) mitigation planting, including in relation to the loss of existing trees; and
  - i) [pedestrian footpath access and crossing facilities at the end of Orakau Road to access Middlemore Station.](#)
- 27. The Requiring Authority shall provide a draft of the Middlemore Design Plan to Auckland Transport and [CMDHBTe Whatu Ora](#) at least two months prior to submitting the OPW for Middlemore Station and invite them to comment on the plan within 15 working days of receiving the draft plan. The Requiring Authority must consider any feedback received and amend the draft Middlemore Design Plan to incorporate that feedback. If aspects of the feedback are unable to be incorporated, the Requiring Authority shall provide reasons in writing to those

parties as to why that feedback was not included, prior to submitting the OPW. Such feedback shall also be provided to the Council as part of the OPW.

**Advice Note:** *Where the Middlemore Design Plan requires changes within the existing road reserve of Orakau Road or any potential extension of the existing road reserve to be vested with Auckland Council, Engineering Plan Approval will be required.*

28. Any relevant OPW and the construction of the Third Main and any related mitigation works shall be undertaken in accordance with the Middlemore Design Plan.

#### **Access and parking at Middlemore Station**

29. The Requiring Authority shall, in consultation with [CMDHBTe Whatu Ora](#), provide legal access to the northern car park at 100 Hospital Road as identified in the plan referenced in condition 24 for [CMDHBTe Whatu Ora](#) staff via 64 Rosella Road (LOT 13 DP 19404 NA82C/132) and provide 10 carparking spaces on 64 Rosella Road for [CMDHBTe Whatu Ora](#) staff use. The designation shall remain in place with access and carparks continuing to be provided until such time as:
- a) an alternative legal access to the northern car park and replacement carparking is provided by [CMDHBTe Whatu Ora](#) or the Requiring Authority; or
  - b) [CMDHBTe Whatu Ora](#) confirms in writing to the Requiring Authority that it no longer requires access to the northern carpark via 64 Rosella Road and the carparking spaces on 64 Rosella Road.
30. The Requiring Authority shall secure [CMDHBTe Whatu Ora's](#) use of 64 Rosella Road for access and car parking in condition 29 by way of legal instrument.
31. The Requiring Authority shall ensure the design of safe access through 64 Rosella Road includes measures to restrict a public pedestrian connection to the Middlemore train station.

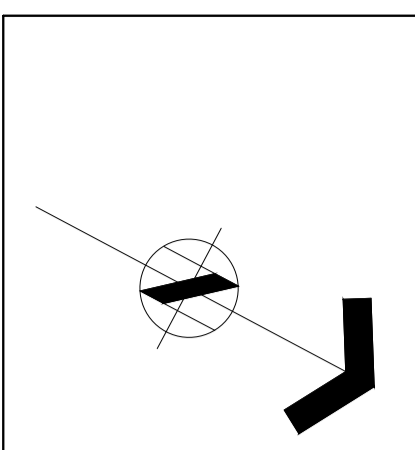
#### **Watercare Utility Protection Plan**

32. Prior to undertaking any works for the Wiri to Quay Park project within the land requirement area shown on the plans listed in condition 7, the Requiring Authority shall, in consultation with Watercare, prepare a Watercare Utility Protection Plan that:
- a) ensures Watercare's existing assets within the land requirement area are protected from any damage that may arise as a result of the works;
  - b) does not preclude Watercare's ability to construct and operate new infrastructure in the land requirement area in the future, where it is compatible with the works the Requiring Authority is undertaking;
  - c) establishes a process for consultation with Watercare on the proposed relocation of any existing Watercare assets that is required as a result of works undertaken by the Requiring Authority within the land requirement area;

- d) makes the Requiring Authority wholly responsible for the cost of any relocation of Watercare assets that are required as a result of works undertaken by the Requiring Authority within the land requirement area; and
- e) ensures Watercare maintains access to its assets within the land requirement area 24 hours a day, 7 days a week for maintenance, safety and operation, provided that:
  - i. Watercare holds a permit to enter the land requirement area; and
  - ii. Watercare staff and / or contractors provide advance notice to Train Control before entering the land requirement area.

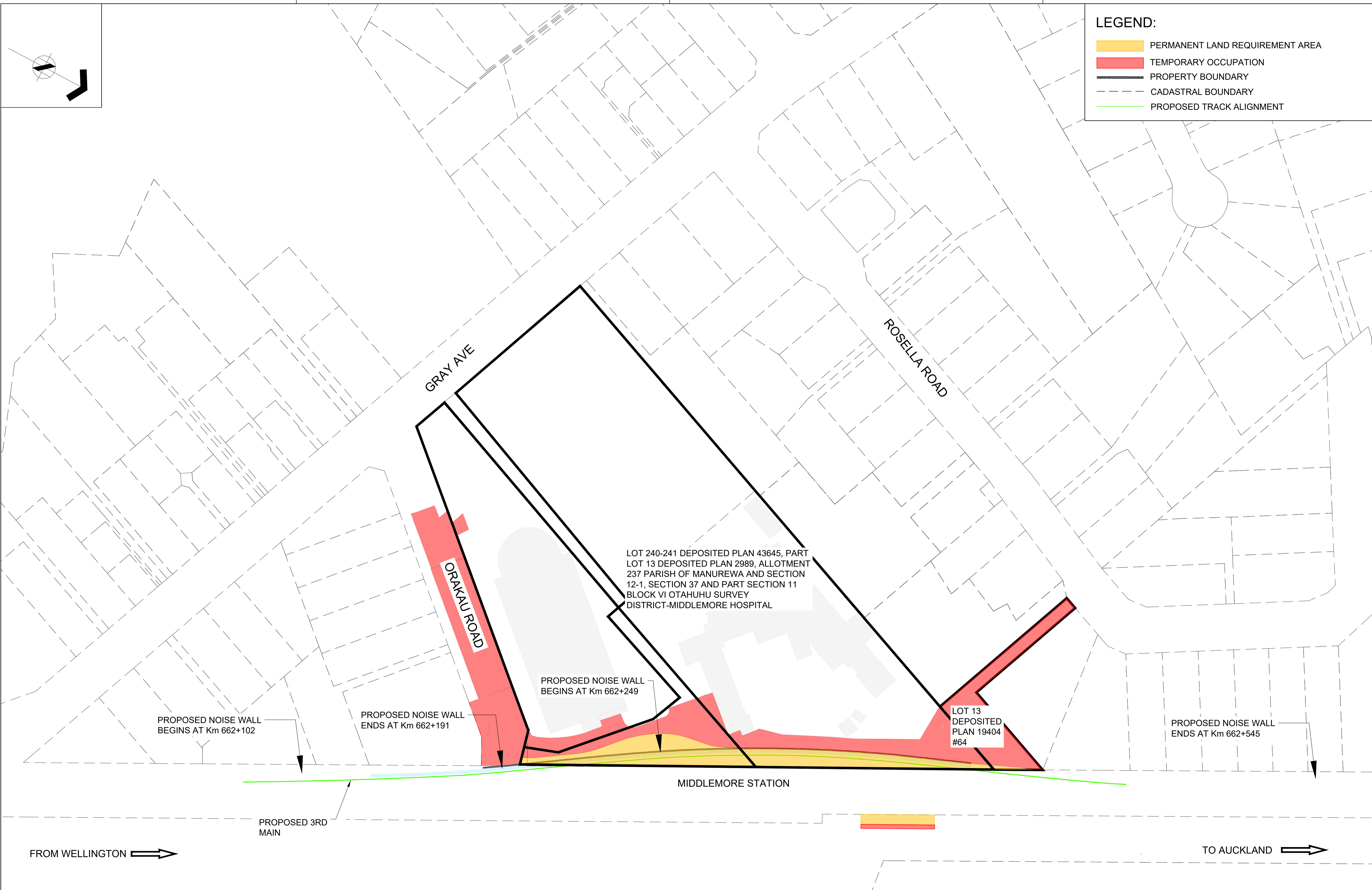
### **Review of Designation**

- 33. As soon as practicable following completion of construction of the Third Main in the locations set out in condition 7, the Requiring Authority shall:
  - a) review the designation extent between these locations;
  - b) identify areas of designated land that the Requiring Authority considers are no longer necessary; and
  - c) give notice to the Council and other parties required under section 182 of the RMA to remove those parts of the designation that it no longer requires under (b). For the avoidance of doubt, this will include those parts of the designation identified as "temporary" on the plans listed in condition 7 (except in the case of the designation over 64 Rosella Road which shall remain in place until such time that condition 29(a) or (b) is satisfied).
- 34. Notwithstanding condition 33, the Requiring Authority must apply to Council to remove the designation identified as temporary on the relevant plan in condition 7 at 12 and 14 Wyllie Road (being Lot 1 DP 152288 NA90C/848 and Part Lot 1 DP 136372 NA80B/675) within 3 months of construction being completed or the site no longer being required as a construction yard, whichever occurs earliest.



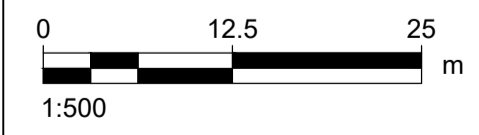
**LEGEND:**

- PERMANENT LAND REQUIREMENT AREA
- TEMPORARY OCCUPATION
- PROPERTY BOUNDARY
- CADASTRAL BOUNDARY
- PROPOSED TRACK ALIGNMENT



LOT 240-241 DEPOSITED PLAN 43645, PART  
 LOT 13 DEPOSITED PLAN 2989, ALLOTMENT  
 237 PARISH OF MANUREWA AND SECTION  
 12-1, SECTION 37 AND PART SECTION 11  
 BLOCK VI OTAHUHU SURVEY  
 DISTRICT-MIDDLEMORE HOSPITAL

LOT 13  
 DEPOSITED  
 PLAN 19404  
 #64



FOR INFORMATION ONLY



REV	REVISION PARTICULARS	DRAWN	DATE	DESIGNED	INITIALS	DATE
0.1	FOR INFORMATION	PP	01/12/2022	DESIGNED	DW	01/12/2022
0.2	REVISED	PP	08/12/2022	DRAWN	PP	01/12/2022
-	-	-	-	CHECKED	DW	01/12/2022
-	-	-	-	APPROVED	-	-
-	-	-	-	LINE: NIMT	Km: -	-
-	-	-	-	SCALE: NTS	-	-

**W2QP**  
 WO -  
 MIDDLEMORE  
 DESIGNATION PLAN

CONSULTANT/CONTRACTOR:-			
APPROVED BY :-			
DATE :-			
DRAWING No.	Original	A1 Std	Rev No
			0.2
DR-3			

Digital Data in Terms of MOUNT EDEN 2000 Coordinate system.

PROJECT FILE No:

P:\Seraf\Bana\Middlemore\Working\DR\_2022\01\_23.dwg, 23-1-23 11:11 AM, an7321

**Attachment B: Updated Text**

## 6302 North Island Main Trunk Railway Line

Designation Number	6302
Requiring Authority	KiwiRail Holdings Ltd
Location	North Island Main Trunk Railway Line from Buckland to Britomart Station, Auckland Central
Rollover Designation	Yes
Legacy References	Designation 89, Auckland Council District Plan (Franklin Section) 2000; Designation 11, Auckland Council District Plan (Papakura Section) 1999; Designation 230, Auckland Council District Plan (Manukau Section) 2002; Designation B10-05, Auckland Council District Plan (Isthmus Section) 1999; Designation 282, Auckland Council District Plan (Central Area Section) 2005
Lapse Date	Given effect to (i.e. no lapse date)

## Purpose

The purpose of the designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.

## Conditions

- The following conditions apply between points X: 1,763,282.256m Y: 5,909,226.484m and X: 1,758,983.051m Y: 5,920,480.938m (NZTM2000):**

Any activity on land within the defined Tamaki Drive Scenic Way (Map Reference B10-08) shall comply with the Auckland City Design Guidelines Tamaki Drive.
- The geological feature which is scheduled in the District Plan (Map Reference D12-04) shall not be excavated, physically investigated, damaged, or altered, other than in accordance with an outline plan submitted and processed in terms of Section 176A of the Resource Management Act 1991.
- Where the Purewa Tunnel passes under the following properties, the designation applies to subsoil space only:
  - Lot 416, DP 41185;
  - Lot 1, DP 74916;
  - Lot 2, DP 74916;
  - Part Lot 2, DP 40127;
  - Part Lot 1, DP 40127;
  - Part Lot 22, DP 18321; and
  - Part Lot 19, DP 18321.

For these properties, the extent of the designation is limited to the subsoil space owned by the requiring authority and recorded on the certificates of title. The location of these properties and the strata nature of the designation is illustrated in Diagram B10-05(1).

- Where the Purewa Tunnel passes under St Johns Road, the extent of the designation is limited to the subsoil space owned by the requiring authority and recorded on Survey Office Plan 22701. The location of this road in relation to the tunnel and the strata nature of the



designation is illustrated in Diagram B10-05(1).

**The following conditions apply between points XL 1,758,983.051m Y: 5,920,480.938m and X: 1,757,893.28m Y: 5,920,853.469m (NZTM2000):**

5. With exception of the temporary station site, the designation (for existing and future corridors) is limited as to airspace at 6m above the rail tracks and the future corridor to the Britomart Transport Centre is limited to both airspace and substrata as shown in the Diagram 282.
6. Development of the temporary station site shall comply with the underlying development controls.
7. Conditions 7 to 34 of this designation only apply in respect of works for the Wiri to Quay Park Project undertaken on land shown in yellow and red shading on the following land requirement plans:
  - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 1)", Reference DR-NIMT-CV-HS-00169 and dated 22 November 2021;
  - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00170 and dated 16 December 2021;
  - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 3)", Reference DR-NIMT-CV-HS-00171 and dated 22 November 2021;
  - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 4)", Reference DR-NIMT-CV-HS-00172 and dated 22 November 2021;
  - drawing entitled "W2QP WO - Middlemore Designation Plan", Drawing No. DR3, Revision 0.2; and
  - drawing entitled "Wiri Junction Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00175 and dated 22 November 2021.

**Advice Note:** *The following terms relate to Conditions 7 to 34*

<b>Term</b>	<b>Definition</b>
Existing Building	Any building that physically existed and was being used as a dwelling or healthcare facility as at <b>[the date this NoR is confirmed]</b> .
Third Main	Third rail line to be constructed as part of the Wiri to Quay Park Project.
NIMT	North Island Main Trunk Line
Te Whatu Ora	Te Whatu Ora – Health New Zealand (or any successor body).

## Outline Plan of Works

8. Pursuant to s176A of the Resource Management Act an outline plan of the work (OPW) to be constructed must be submitted by the Requiring Authority to the Council to allow the Council to request changes before construction is commenced.

**Advice Notes:**

- 1. The OPW should address methodologies for removal or alteration of trees as required for the proposed works and the mitigation proposed.*
  - 2. The OPW should address visual amenity matters including, but not limited to, mitigation of the proposed noise barrier wall at 12 Wyllie Road, including evidence of consultation with the owner of that property.*
9. The management plans required by conditions 11 and 16 shall not be submitted to the Council for certification prior to the submission of the OPW but may be submitted with an OPW.
  10. The Middlemore Design Plan required by condition 25 must be prepared prior to submitting the relevant OPW and the Middlemore Design Plan must be submitted to the Council with the relevant OPW.

**Construction Traffic Management Plan**

11. The Requiring Authority must prepare and submit a Construction Traffic Management Plan (CTMP) to Auckland Council for certification prior and obtain certification prior to the commencement of works for the Third Main. If the Requiring Authority has not received a response from Auckland Council within 20 working days after the date of submission of the CTMP it will be deemed certified.
12. The CTMP must be prepared by a suitably qualified and experienced person in consultation with Auckland Transport, and where it relates to works at Middlemore Station, also with Te Whatu Ora. The purpose of the CTMP is to ensure:
  - a. the management and minimisation of traffic congestion arising from construction vehicles;
  - b. the management of temporary reductions in on-site parking at 100 Hospital Road including temporary parking provision;
  - c. the management of internal vehicle and pedestrian movements at 100 Hospital Road;
  - d. the safe movement of vehicles to and from construction sites;
  - e. the safety of other road users, including public transport providers, pedestrians and cyclists; and
  - f. that sufficient on-site parking or other transport arrangements are provided for the project's construction workers.

**Advice Note:** *Auckland Council's certification role is limited to ensuring that the CTMP addresses all matters listed in Conditions 12 and 13.*

13. The CTMP must detail how the purpose of the CTMP is to be achieved and must include:
  - a. methods to manage the effects of temporary traffic management activities on traffic capacity, operations and movements during construction periods;

- b. measures to manage the safety of all transport users on construction routes during construction works;
- c. hours for construction activities, the estimated numbers, frequencies and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near schools or to manage traffic congestion;
- d. site access points to be used by construction related traffic;
- e. methods to manage any road closures that will be required and the nature and duration of any traffic management measures such as the identification of detour routes or diversions and other methods for the safe management and maintenance of traffic flows, including general traffic, buses, pedestrians and cyclists on existing roads;
- f. methods to maintain pedestrian and/or vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements where access cannot be maintained;
- g. methods to communicate traffic management measures to affected road users, Te Whatu Ora and other relevant parties;
- h. details of a construction staff travel management plan to reduce the potential impact of staff vehicles on the road network; and
- i. for works at Middlemore Station:
  - i. measures to manage heavy vehicle movements at the Gray Avenue/Orakau Road intersection (if and when these are required) and to manage these movements to minimise peak staff arrival and departure times;
  - ii. measures to manage two-way hospital and construction traffic via the 64 Rosella Road access;
  - iii. measures to safely manage pedestrians travelling between the multi-storey carpark and at-grade parking areas on 100 Hospital Road west of Middlemore Station, and Middlemore Hospital's eastern campus, during construction;
  - iv. measures to minimise the temporary occupation of at-grade parking on 100 Hospital Road, including details of the number of spaces to be occupied and the duration of this occupation;
  - v. the identification of temporary parking provision for the Te Whatu Ora; and
  - vi. measures regarding the provision of safe pedestrian and vehicular access to and within 100 Hospital Road.

### Construction Noise and Vibration

14. Construction noise must be measured and assessed in accordance with the provisions of New Zealand Standard NZS6803:1999 “Acoustics - Construction Noise” and comply with the noise standards in Table 1 at any occupied building as far as practicable. The Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.

Table 1: Construction Noise Standards

Receiving Environment	Day (0700 – 2000 hrs)	Night (2000 – 0700 hrs)
Occupied activities sensitive to noise	75 dB LAeq (30 min)	60 dB LAeq (30 min) 75 dB LAFmax
All other occupied	75 dB LAeq (30 min)	80 dB LAeq (30 min)

buildings		
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15. Construction vibration must be measured and assessed in accordance with German Standard DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of Vibration on Structures”, and comply with the vibration standards in Table 2 as far as practicable. The CNVMP prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.

Table 2: Construction Vibration Standards

Line	Type of Structure	Vibration limits (mm/s PPV)
1	Buildings used for commercial purposes, industrial buildings, and buildings of similar design	10
2	Dwellings and buildings of similar design and/or occupancy including hospitals	5

16. Prior to the commencement of construction works for the Third Main, the Requiring Authority must prepare and submit a CNVMP for certification and obtain certification by the Council. If the Requiring Authority has not received a response from the Council within 20 working days of the date of submission of the CNVMP it will be deemed certified.

17. The CNVMP must be prepared by a suitably qualified and experienced person. The purpose of the CNVMP is to:

- a. identify and adopt the Best Practicable Option to avoid, remedy or mitigate construction noise and vibration effects;
- b. define the procedures to be followed when construction activities cannot meet the noise and vibration standards in Conditions 14 and 15, which shall include evidence of any feedback from consultation with affected parties;
- c. inform the duration, frequency and timing of works to manage disruption; and
- d. set out procedures to record engagement with affected receivers and timely management of complaints.

18. The CNVMP shall include:

- a. the relevant measures from NZS 6803:1999 "Acoustics - Construction Noise", Annex E2 "Noise management plans";
- b. the relevant measures from DIN 4150-3:1999 “Structural vibration - Part 3 Effects of vibration on structures”, Appendix B “Measures for limiting the effects of vibration”;
- c. a requirement and process to offer and if accepted, undertake, a pre-construction condition survey for any building where the construction vibration levels are predicted to exceed the cosmetic building damage limits in Condition 15 above; and
- d. relating to works at Middlemore Station:
  - i. the following site-specific standards that must be used to trigger engagement with the Te Whatu Ora to enable the effective management of noise and vibration effects in Building 38 (including Home Healthcare and the renal unit):

- a. 1mm/s PPV measured on the foundation of the building (for vibration); and
  - b. 75 dB LAeq measured 1m from the façade(s) of the occupied and noise sensitive spaces of the building (for noise); and
- ii. The methods used by the Requiring Authority to manage construction noise and vibration on activities at 100 Hospital Road.

**Advice Note:** *Auckland Council's certification role is limited to ensuring that the CNVMP addresses all matters listed in Conditions 17 and 18.*

19. Where engagement is triggered with the Te Whatu Ora in condition 18d)i., the Requiring Authority shall maintain records of the outcomes of the engagement and the responses of the Requiring Authority to any feedback received by Te Whatu Ora, including any additional temporary mitigation measures undertaken (e.g. rescheduling works, changing construction methodologies).

### Operational Noise and Vibration

20. The Requiring Authority shall mitigate in accordance with condition 21 total operational rail noise emitted from all lines in the rail corridor where the predicted noise levels at the external façade of Existing Buildings within points 659+715 to 660+005 (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 (works in vicinity of 100 Hospital Road, Mangere East) of the NIMT:
- a. exceed the thresholds in Table 3; and
  - b. increase by at least 3 decibels above levels as at [the date this NoR is confirmed] as a result of the operation of the Third Main.

Table 3: Operational Rail Noise Mitigation thresholds

Day (0700 – 2200hrs)	Night (2200 – 0700hrs)
65 dB LAeq	60 dB LAeq
85 dB LAfmax	85 dB LAfmax

21. Prior to the operation of the Third Main, the Requiring Authority shall install noise barriers on the western side of the NIMT to mitigate rail noise received at Existing Buildings identified in condition 20. The noise barriers shall ensure the increase in rail noise level as a result of the operation of the Third Main is less than 3 decibels and shall be:
- a. at least 3.8 metres in height above rail track level within the rail corridor between points:
    - i. 659+715 and 659+926 of the NIMT (works in vicinity of 12 Wyllie Road); and
    - ii. 662+102 and 662+191 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
    - iii. 662+249 to 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
  - b. constructed with a surface mass of at least 10kg/m<sup>2</sup>; and
  - c. constructed without gaps (except for station access, where required); and
  - d. constructed in general accordance with the memorandum from Boffa Miskell (Oliver May) dated 30 November 2021.
22. Prior to the operation of the Third Main, the Requiring Authority shall install ballast mats under ballasted track (or alternative vibration mitigation material) to mitigate rail vibration at Existing Buildings between points 659+715 to 660+005 NIMT (works in vicinity of 12 Wyllie Road) and

662+117 to 662+519 NIMT (works in vicinity of 100 Hospital Road, Mangere East) to achieve NS 8176:2017 Class C (as far as practicable). The ballast mats (or alternative vibration mitigation material) shall be installed between points:

- a. 659+715 and 660+005 of the NIMT (works in vicinity of 12 Wyllie Road); and
  - b. 662+102 and 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East).
23. Within three months of the commencement of freight operations on the Third Main, the Requiring Authority shall engage a suitably qualified and experienced person to:
- a. undertake representative noise monitoring to quantify the noise mitigation provided by the noise barrier(s) in condition 21; and
  - b. undertake representative vibration monitoring to quantify the vibration mitigation provided by condition 22; and
  - c. prepare a report confirming compliance with conditions 21 and 22, which shall be provided to the Council for certification and a copy shall be provided to Te Whatu Ora; and
  - d. If the report required in condition 23c) above indicates a non-compliance with conditions 21 and 22 remedial measures shall be undertaken to ensure compliance and this condition repeated for that work.

### **Middlemore Design Plan**

24. Subject to condition 28, the works in the vicinity of the Middlemore Station shall be undertaken in general accordance with the Jacobs plan DR-NIMT-CV-HS-00701 entitled "Middlemore Station Works Plan" dated 26/11/21.
25. Prior to submitting an OPW for Middlemore Station, the Requiring Authority must prepare a Middlemore Design Plan.
26. The purpose of the Middlemore Design Plan is to demonstrate how safe, efficient and well integrated transport facilities to enable access to Middlemore train station will be provided, as well as how the transport effects of the Third Main on 100 Hospital Road and the surrounding road network will be avoided, remedied or mitigated. The Middlemore Design Plan shall include details of:
- a. parking and other road markings on Orakau Road;
  - b. the turning head facility to access Middlemore Station;
  - c. the pedestrian overbridge / lift to provide access to Middlemore Station and between Middlemore Hospital Campuses;
  - d. vehicular access to 100 Hospital Road;
  - e. the reinstatement of any at-grade parking areas at 100 Hospital Road affected by these works;
  - f. access to the northern carpark at 100 Hospital Road, including measures to prevent pedestrians from using the access at 64 Rosella Road as access to and from Middlemore Station;
  - g. noise barriers;
  - h. mitigation planting, including in relation to the loss of existing trees; and
  - i. pedestrian footpath access and crossing facilities at the end of Orakau Road to access Middlemore Station.
27. The Requiring Authority shall provide a draft of the Middlemore Design Plan to Auckland Transport and Te Whatu Ora at least two months prior to submitting the OPW for Middlemore Station and invite them to comment on the plan within 15 working days of receiving the draft plan. The Requiring Authority must consider any feedback received and amend the draft Middlemore Design Plan to incorporate that feedback. If aspects of the feedback are unable to be incorporated, the Requiring Authority shall provide reasons in writing to those parties as

to why that feedback was not included, prior to submitting the OPW. Such feedback shall also be provided to the Council as part of the OPW.

**Advice Note:** *Where the Middlemore Design Plan requires changes within the existing road reserve of Orakau Road or any potential extension of the existing road reserve to be vested with Auckland Council, Engineering Plan Approval will be required.*

28. Any relevant OPW and the construction of the Third Main and any related mitigation works shall be undertaken in accordance with the Middlemore Design Plan.

### **Access and parking at Middlemore Station**

29. The Requiring Authority shall, in consultation with Te Whatu Ora, provide legal access to the northern car park at 100 Hospital Road as identified in the plan referenced in condition 24 for Te Whatu Ora staff via 64 Rosella Road (LOT 13 DP 19404 NA82C/132) and provide 10 carparking spaces on 64 Rosella Road for Te Whatu Ora staff use. The designation shall remain in place with access and carparks continuing to be provided until such time as:
- a. an alternative legal access to the northern car park and replacement carparking is provided by Te Whatu Ora or the Requiring Authority; or
  - b. Te Whatu Ora confirms in writing to the Requiring Authority that it no longer requires access to the northern carpark via 64 Rosella Road and the carparking spaces on 64 Rosella Road.
30. The Requiring Authority shall secure Te Whatu Ora's use of 64 Rosella Road for access and car parking in condition 29 by way of legal instrument.
31. The Requiring Authority shall ensure the design of safe access through 64 Rosella Road includes measures to restrict a public pedestrian connection to the Middlemore train station.

### **Watercare Utility Protection Plan**

32. Prior to undertaking any works for the Wiri to Quay Park project within the land requirement area shown on the plans listed in condition 7, the Requiring Authority shall, in consultation with Watercare, prepare a Watercare Utility Protection Plan that:
- a. ensures Watercare's existing assets within the land requirement area are protected from any damage that may arise as a result of the works;
  - b. does not preclude Watercare's ability to construct and operate new infrastructure in the land requirement area in the future, where it is compatible with the works the Requiring Authority is undertaking;
  - c. establishes a process for consultation with Watercare on the proposed relocation of any existing Watercare assets that is required as a result of works undertaken by the Requiring Authority within the land requirement area;
  - d. makes the Requiring Authority wholly responsible for the cost of any relocation of Watercare assets that are required as a result of works undertaken by the Requiring Authority within the land requirement area; and
  - e. ensures Watercare maintains access to its assets within the land requirement area 24 hours a day, 7 days a week for maintenance, safety and operation, provided that:
    - i. Watercare holds a permit to enter the land requirement area; and
    - ii. Watercare staff and / or contractors provide advance notice to Train Control before entering the land requirement area.

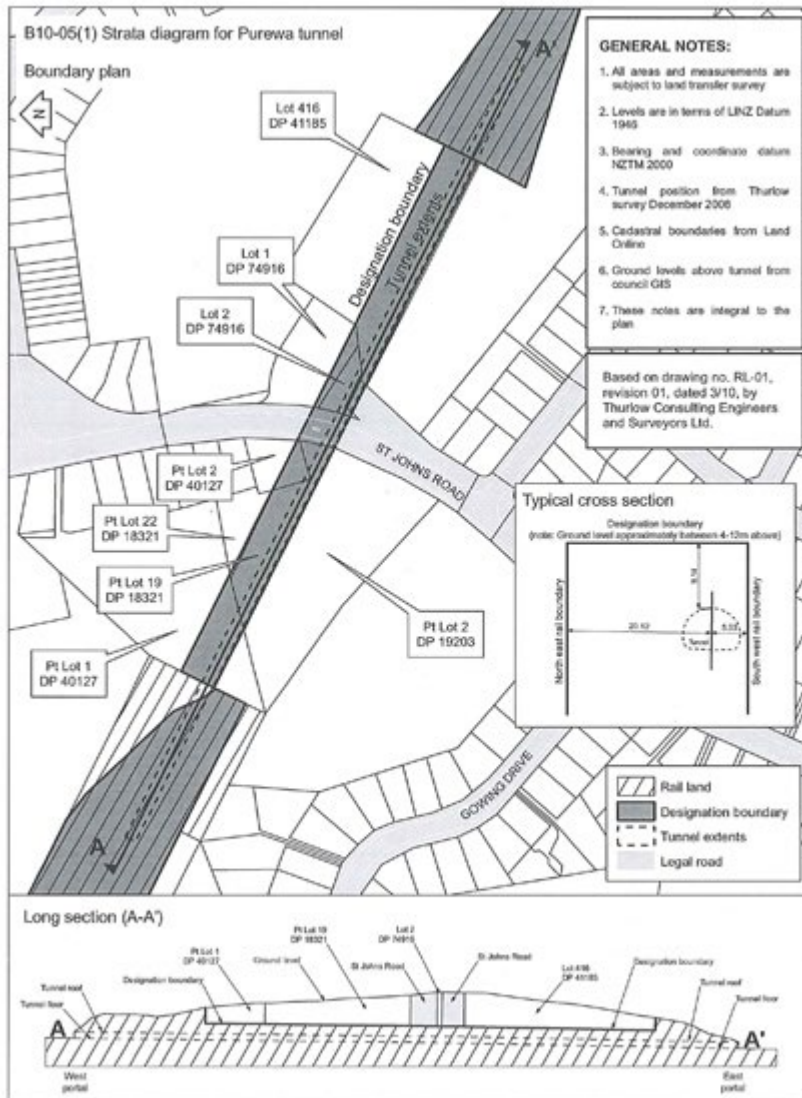
### **Review of Designation**

33. As soon as practicable following completion of construction of the Third Main in the locations set out in condition 7, the Requiring Authority shall:
- a. review the designation extent between these locations;
  - b. identify areas of designated land that the Requiring Authority considers are no longer necessary; and
  - c. give notice to the Council and other parties required under section 182 of the RMA to remove those parts of the designation that it no longer requires under (b). For the avoidance of doubt, this will include those parts of the designation identified as "temporary" on the plans listed in condition 7 (except in the case of the designation over 64 Rosella Road which shall remain in place until such time that condition 29(a) or (b) is satisfied).
34. Notwithstanding condition 33, the Requiring Authority must apply to Council to remove the designation identified as temporary on the relevant plan in condition 7 at 12 and 14 Wyllie Road (being Lot 1 DP 152288 NA90C/848 and Part Lot 1 DP 136372 NA80B/675) within 3 months of construction being completed or the site no longer being required as a construction yard, whichever occurs earliest.



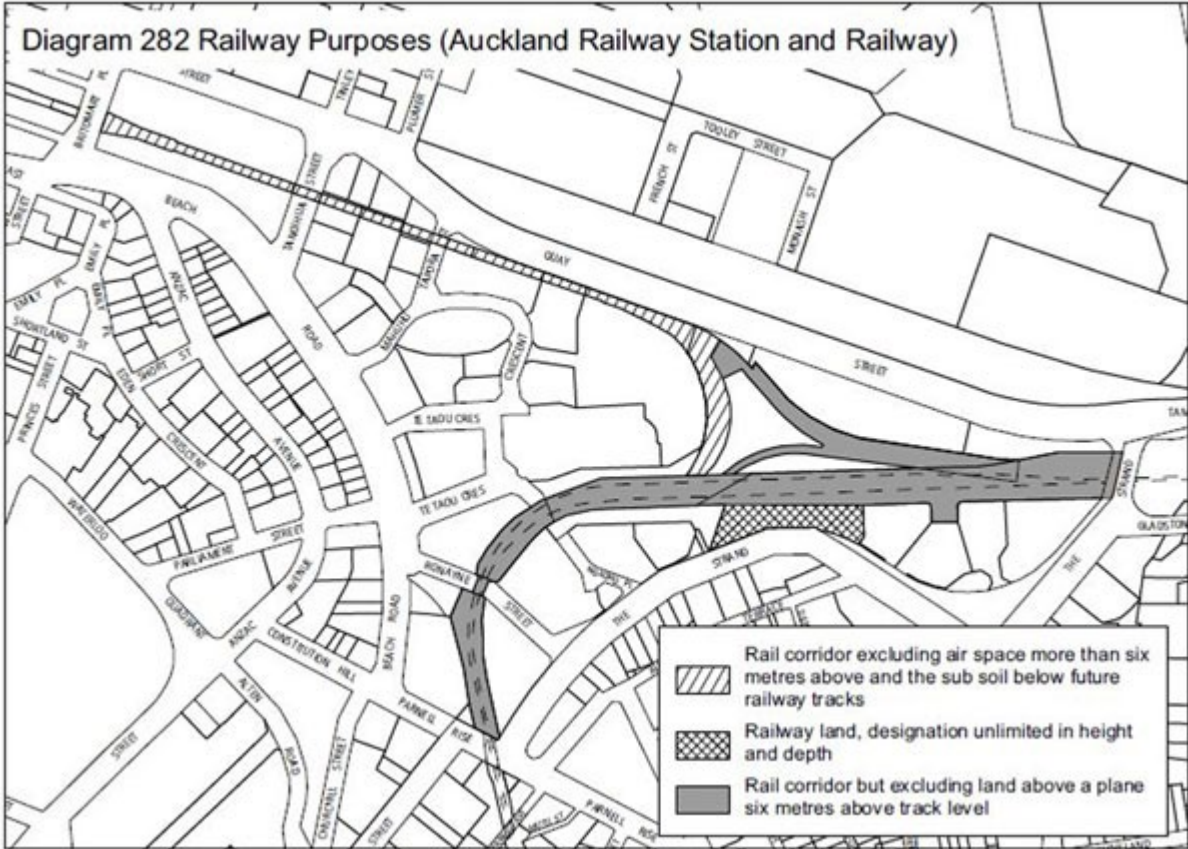
**Attachments**

**Diagram B10-05 - Purewa Tunnel Strata**



**Diagram 282 - Auckland Railway Station and Railway Designation Heights**

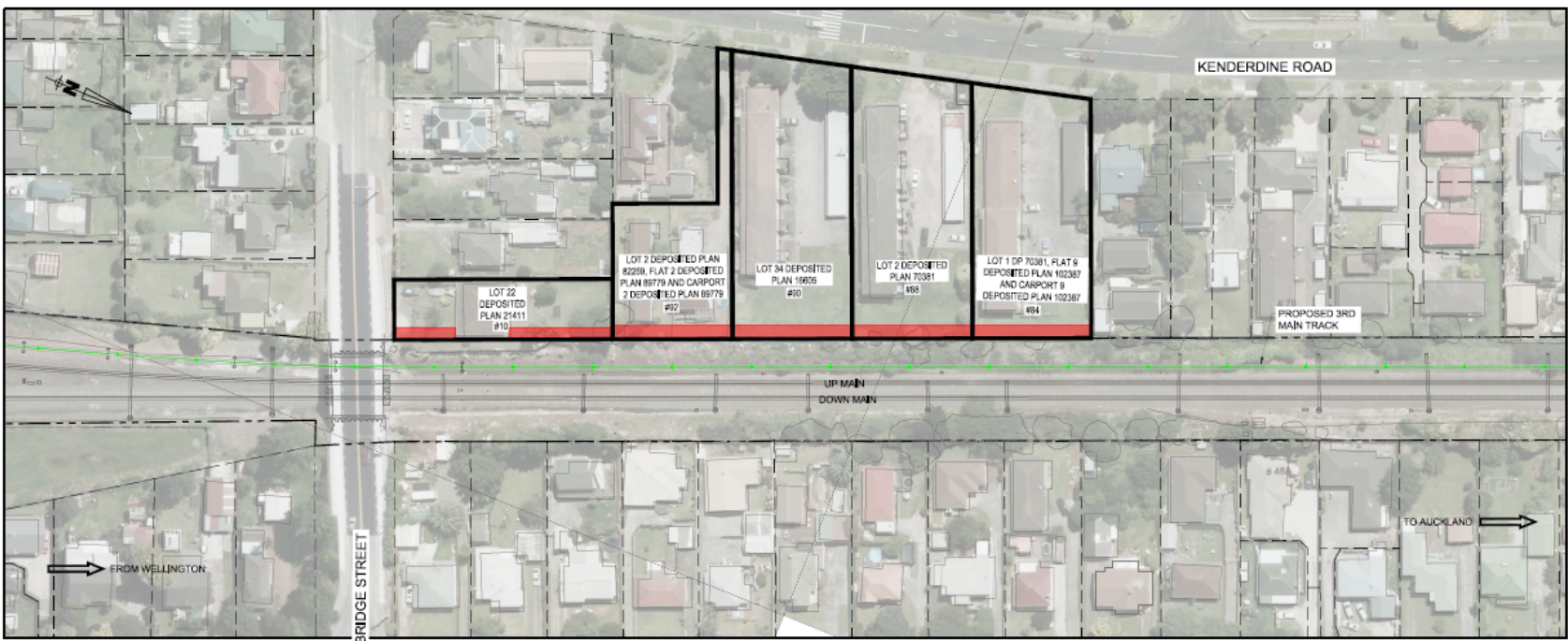
Diagram 282 Railway Purposes (Auckland Railway Station and Railway)



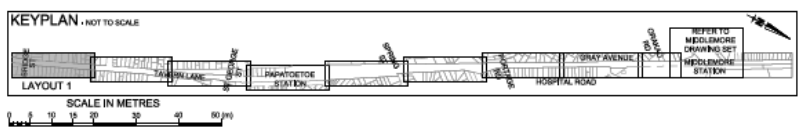
DATE: 20/10/2021 12:02:13 PM MAP: 2008 001 021  
 LOCATION: Auckland City Council  
 PROJECT: Auckland City Council  
 DRAWING: 3RD MAIN - PAPATOETOE LAND REQUIREMENT LAYOUT PLAN SHEET 1 OF 4

**LEGEND**

- PERMANENT LAND REQUIREMENT AREA
- TEMPORARY OCCUPATION
- PROPERTY BOUNDARY
- CADASTRAL BOUNDARY
- PROPOSED TRACK ALIGNMENT



**LAYOUT PLAN - 1**  
1:500 (A1)



REV	DATE	ISSUED BY	APPROVED BY	REV	DESCRIPTION
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A	12/07/21	NL	AC	MM	ISSUED FOR INFORMATION

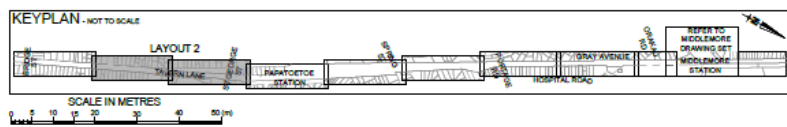
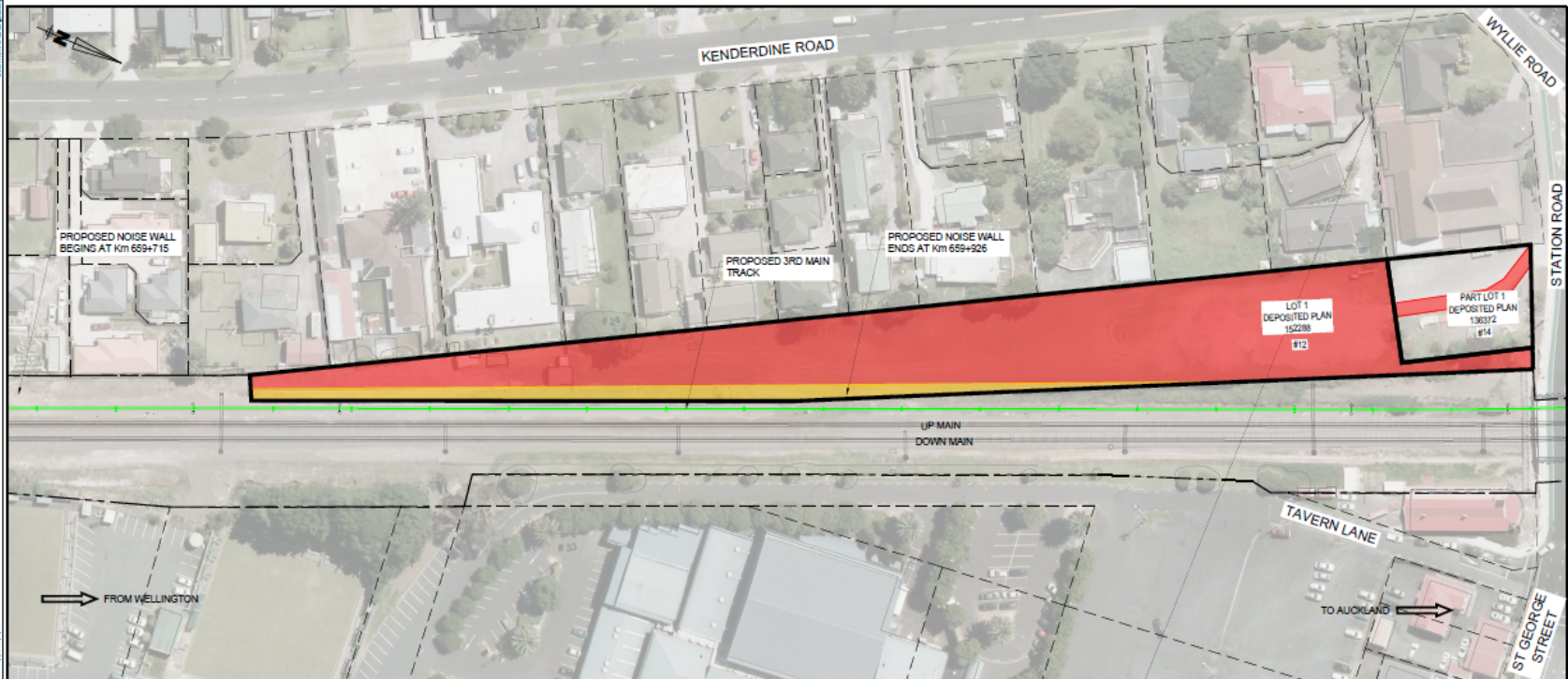


CLIENT: KIMIRAIL		PROJECT: WQOP - WRI TO QUAY PARK THRD RAIL	
DRAWN BY: AC	DRAWING DESIGN: AC	REVIEWED: AC	APPROVED: MM
DATE: 12/07/21	DATE: 12/07/21	DATE: 12/07/21	DATE: 12/07/21

TITLE: 3RD MAIN - PAPATOETOE LAND REQUIREMENT LAYOUT PLAN SHEET 1 OF 4	
SCALE: 1:500	PROJECT NO: DR-NIMT-CV4HS-00169
REV: 0	

DATE: 14/05/2018 12:46 PM NAME: KERRIN COLEMAN  
 LOCATION: 3RD MAIN - PAPATOETOE  
 PROJECT: WZOP - WIRI TO QUAY PARK THIRD RAIL  
 DRAWING NO: DR-NIMT-CV-HS-00170

- LEGEND**
- PERMANENT LAND REQUIREMENT AREA
  - TEMPORARY OCCUPATION
  - PROPERTY BOUNDARY
  - CADASTRAL BOUNDARY
  - PROPOSED TRACK ALIGNMENT



LAYOUT PLAN - 2  
1:500 (A1)

REV	DATE	BY	CHKD	APPD	REVISION	DRAWING NUMBER	REFERENCE DRAWING TITLE
C	18/05/2018	KL	AC	AC	ISSUED FOR INFORMATION		
B	20/11/2017	KL	AC	AC	ISSUED FOR INFORMATION		
A	12/07/2017	KL	AC	MM	ISSUED FOR INFORMATION		



CLIENT	KIWI RAIL	
PROJECT	WZOP - WIRI TO QUAY PARK THIRD RAIL	
DRAWN	DESIGNED	APPROVED
MM	MM	MM
DATE	DATE	DATE
13/07/17	13/07/17	13/07/17

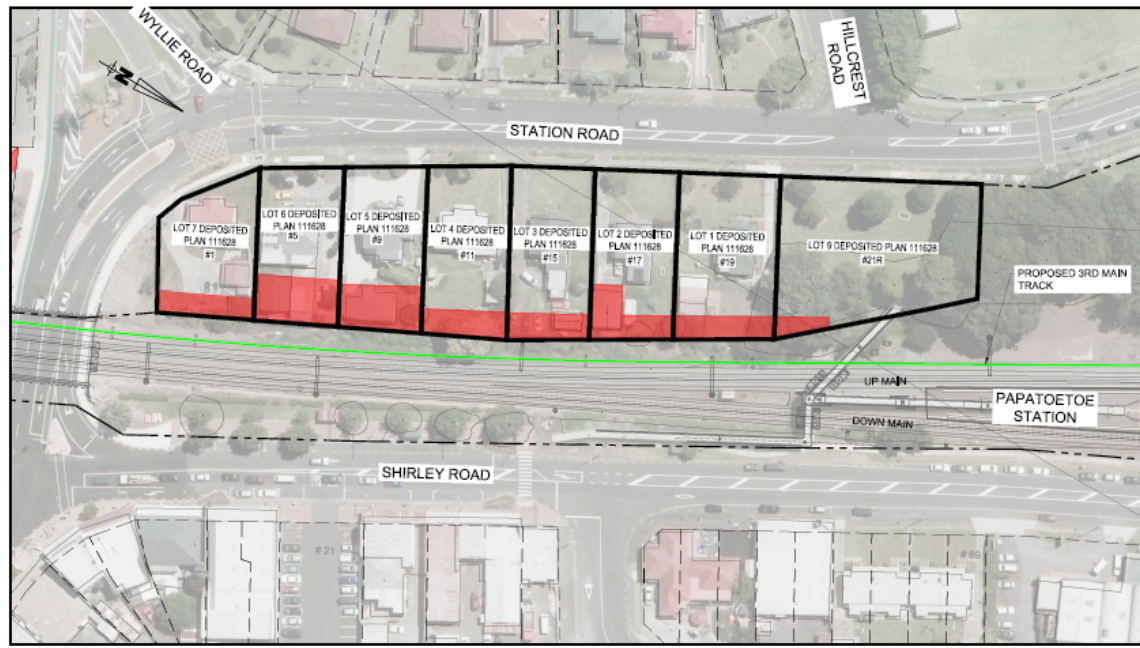
PROJECT	3RD MAIN - PAPATOETOE LAND REQUIREMENT LAYOUT PLAN SHEET 2 OF 4	
SCALE	1:500	DR-NIMT-CV-HS-00170
REV	0	

DATE: 20/11/2021 14:02:33 AM NAME: ZOEAL BAELEN LOCATION: C:\projects\3rd main\papatotoe\land requirement\layout\3\111628\_031121.dwg

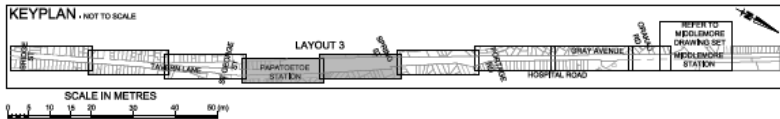
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**LEGEND**

- PERMANENT LAND REQUIREMENT AREA
- TEMPORARY OCCUPATION
- PROPERTY BOUNDARY
- CADASTRAL BOUNDARY
- PROPOSED TRACK ALIGNMENT



**LAYOUT PLAN - 3**  
1:500 (A1)



NO.	DATE	ISSUED BY	REVISION	DESCRIPTION
1	20/11/21	MB	AC	ISSUED FOR INFORMATION
2	12/01/21	MB	AC	ISSUED FOR INFORMATION

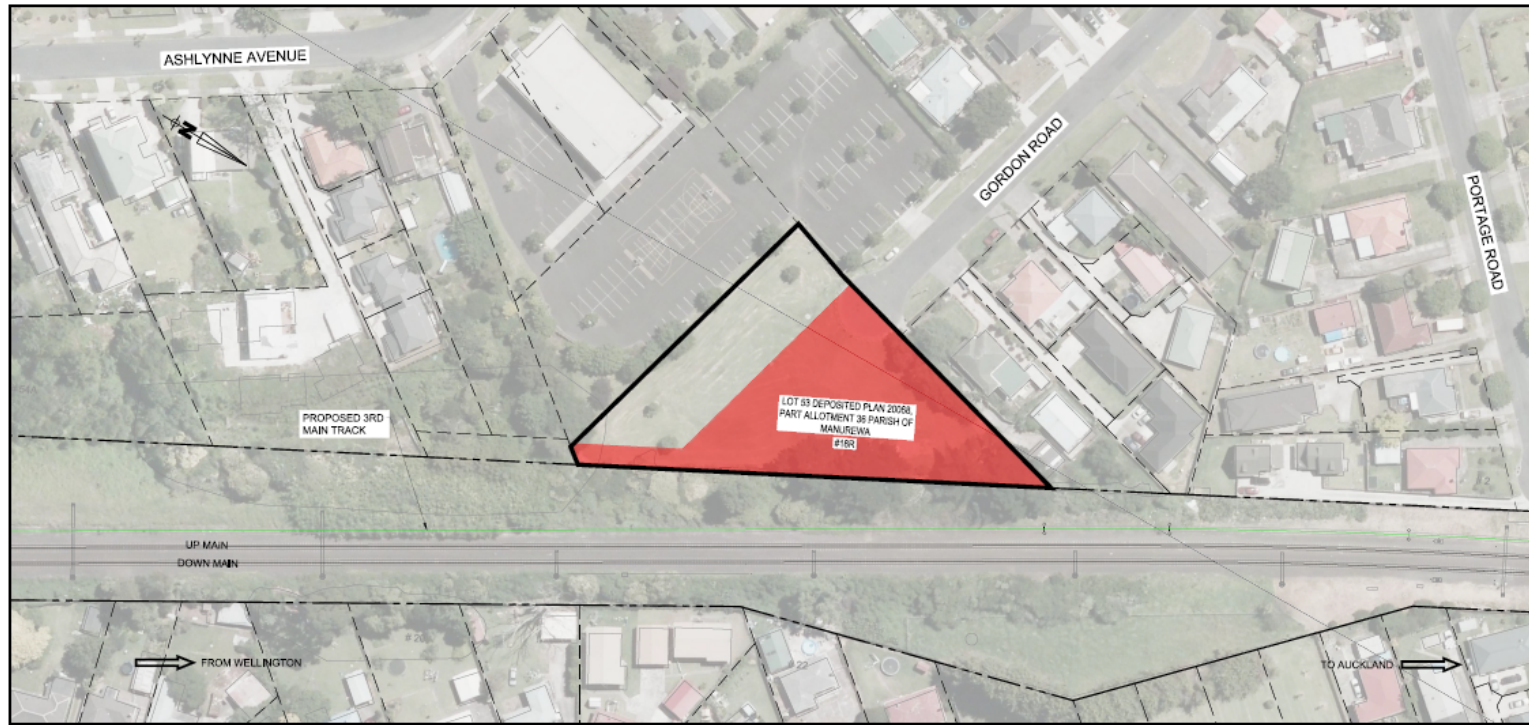


CLIENT: KIMIRAIL		PROJECT: WQOP - WRI TO QUAY PARK THIRD RAIL		TITLE: 3RD MAIN - PAPATOETOE LAND REQUIREMENT LAYOUT PLAN SHEET 3 OF 4	
DESIGNED: TH	DRAWING CHECK: AC	REVIEWED: AC	APPROVED: MM	SCALE: 1:500	DRAWING NO: DR-NIMT-CV-HS-00171
DATE: 12/01/21	DATE: 12/01/21	DATE: 12/01/21	DATE: 12/01/21		REV: 0

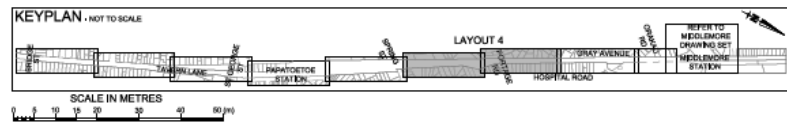
DATE: 13/07/2021 10:50 AM. NAME: JAMES BELL. CLIENT: KIM RAIL. PROJECT: W2QP - WIRI TO QUAY PARK THIRD RAIL. SHEET: 3RD MAIN - PAPATOETOE LAND REQUIREMENT LAYOUT PLAN SHEET 4 OF 4.

**LEGEND**

- PERMANENT LAND REQUIREMENT AREA
- TEMPORARY OCCUPATION
- PROPERTY BOUNDARY
- CADASTRAL BOUNDARY
- PROPOSED TRACK ALIGNMENT



**LAYOUT PLAN -4**  
1:500 (A1)

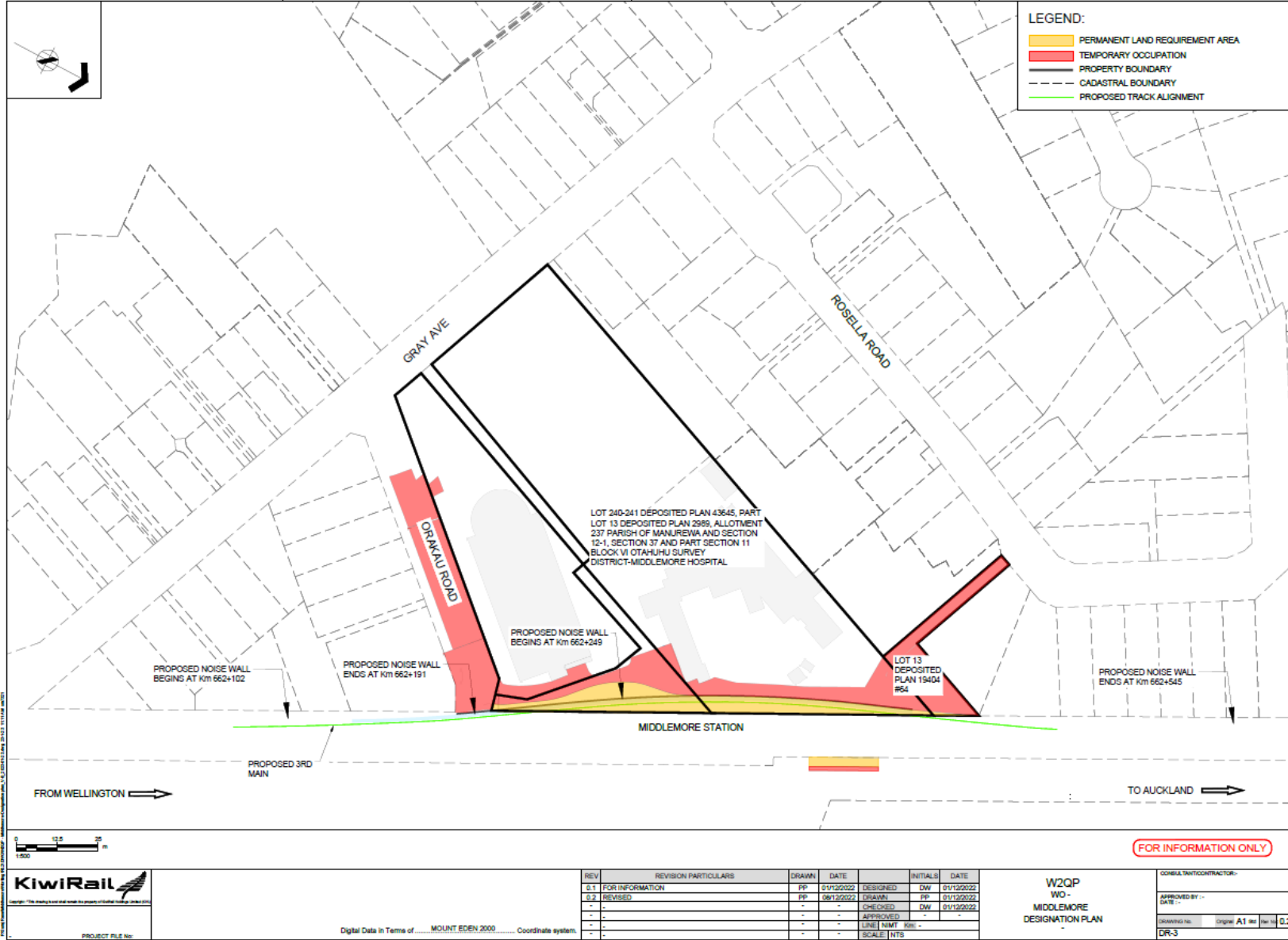


NO.	DATE	BY	CHKD	REV	APPV	DESCRIPTION

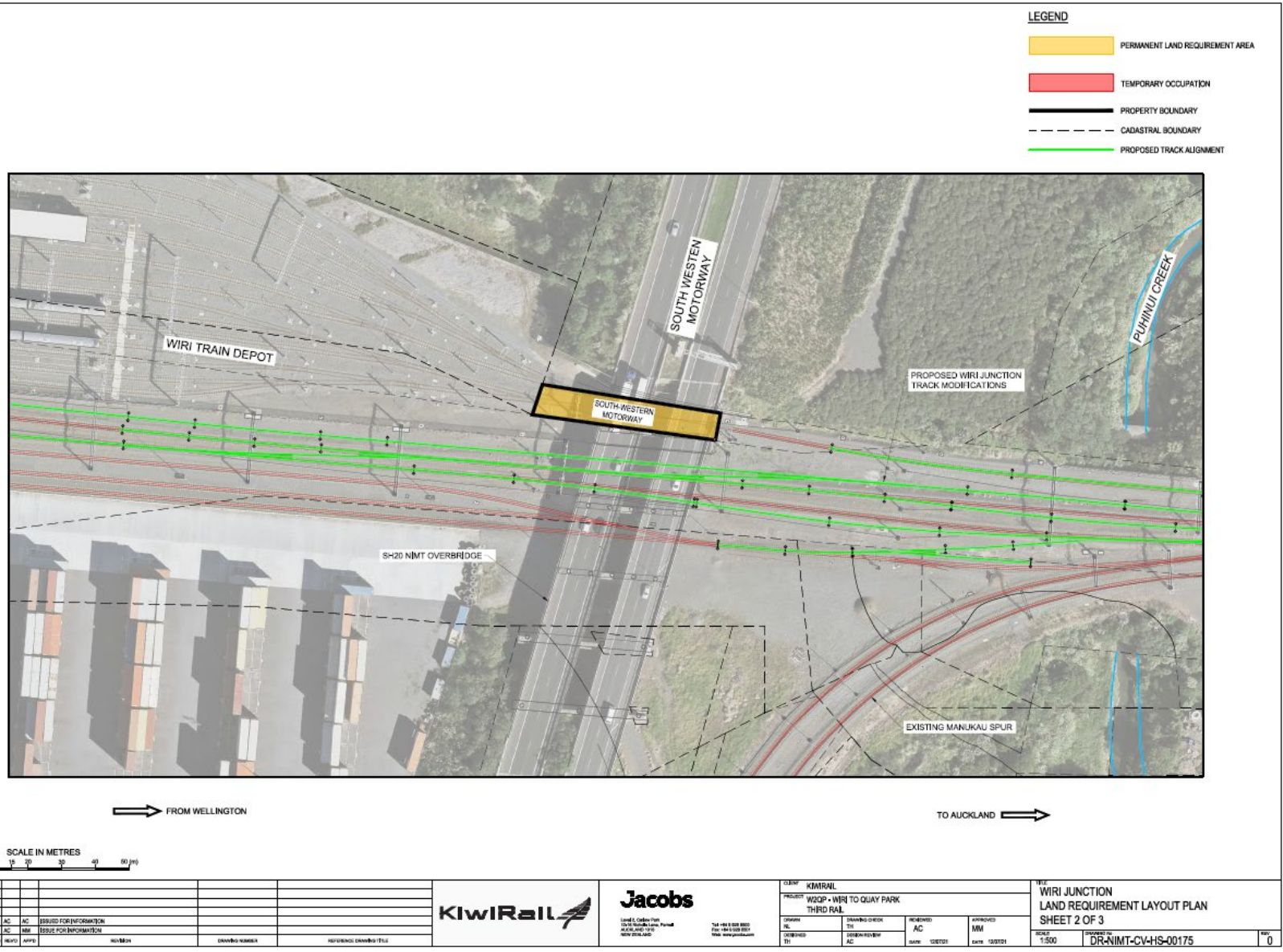


CLIENT	KIM RAIL	
PROJECT	W2QP - WIRI TO QUAY PARK THIRD RAIL	
DESIGNER	DESIGNED BY	DATE
DRIVEN	DRIVEN BY	DATE
REVIEWED	REVIEWED BY	DATE
APPROVED	APPROVED BY	DATE

TITLE	3RD MAIN - PAPATOETOE LAND REQUIREMENT LAYOUT PLAN SHEET 4 OF 4	
SCALE	1:500	PROJECT NO.
		DR-NIMT-CV-HS-00172
		REV
		0



DATE: 30/10/2023 14:12:48 NAME: 2023-08-02-01  
 LOCATION: C:\projects\wzop\wzop-land-requirement\wzop-land-requirement.dwg



**LEGEND**

<span style="display: inline-block; width: 20px; height: 10px; background-color: yellow; border: 1px solid black;"></span>	PERMANENT LAND REQUIREMENT AREA
<span style="display: inline-block; width: 20px; height: 10px; background-color: red; border: 1px solid black;"></span>	TEMPORARY OCCUPATION
<span style="display: inline-block; width: 20px; border-bottom: 2px solid black;"></span>	PROPERTY BOUNDARY
<span style="display: inline-block; width: 20px; border-bottom: 2px dashed black;"></span>	CADASTRAL BOUNDARY
<span style="display: inline-block; width: 20px; border-bottom: 2px solid green;"></span>	PROPOSED TRACK ALIGNMENT



NO.	DATE	BY	CHKD	APPD	DESCRIPTION
1					
2					
3					
4					



CLIENT	KiwiRail
PROJECT	WZOP - WIRI TO QUAY PARK THROUGH RAIL
DESIGNED BY	TH
CHECKED BY	AC
DATE	12/07/21
DESIGNED BY	TH
CHECKED BY	AC
DATE	13/07/21

TITLE	
WIRI JUNCTION LAND REQUIREMENT LAYOUT PLAN	
SHEET 2 OF 3	
SCALE	1:500
PROJECT NO.	DR-NIMT-CV-HS-00175
REV.	0

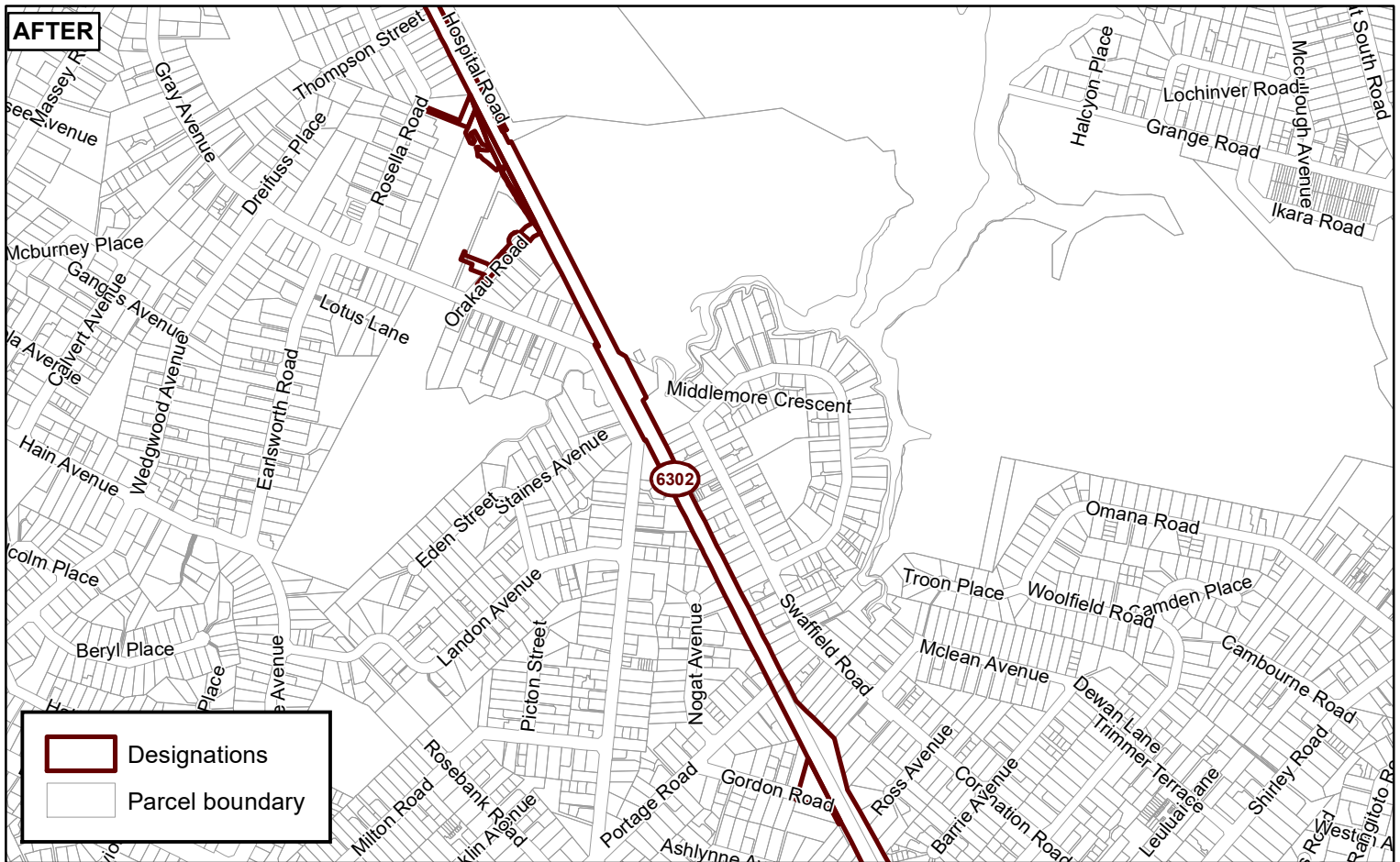


## Attachment C: Updated GIS Viewer

**BEFORE**



**AFTER**



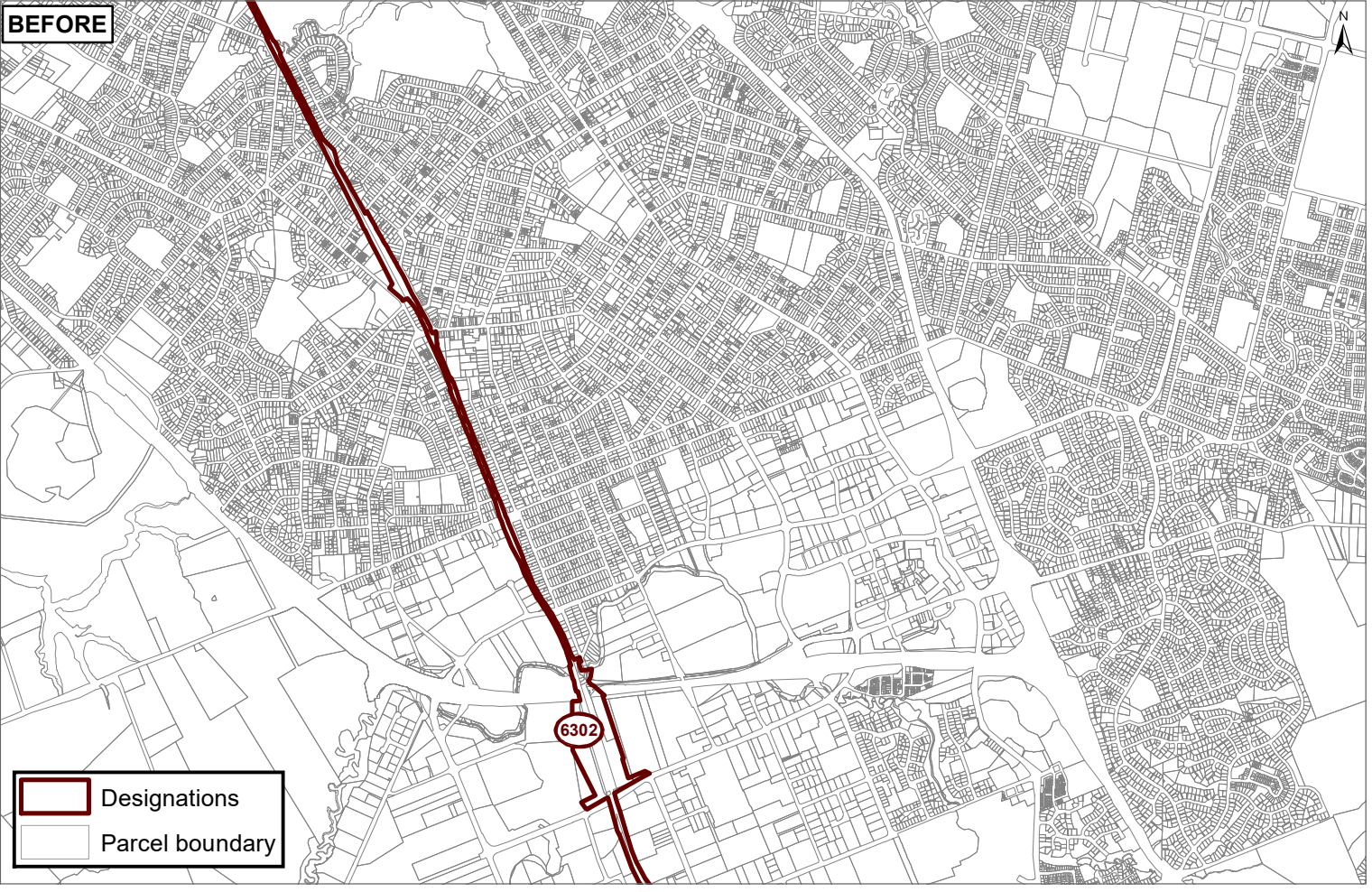
0 80 160 320 Metres

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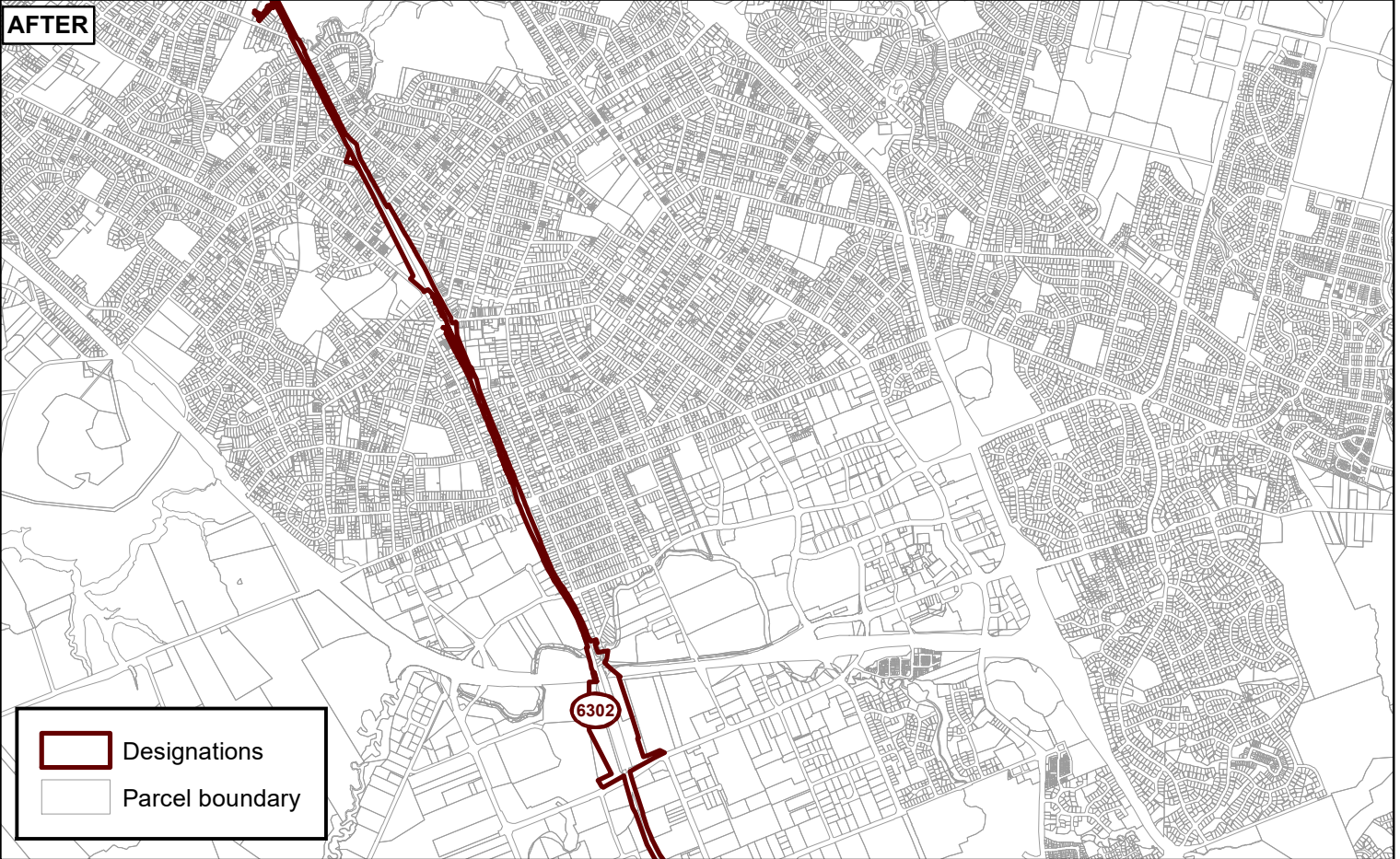
Date: 17/07/2023

## Alteration to Designation 6302 KiwiRail

BEFORE



AFTER



0 305 610 1,220 Metres

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Date: 17/07/2023

## Alteration to Designation 6302 KiwiRail