

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison

FROM Matt Spiro



DATE 21 March 2018

SUBJECT Designation to be updated in the AUPOIP in accordance with s180 of the Resource Management Act 1991

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

Reason for update: Confirmed notices of requirement to alter City Rail Link Designations	
Chapter –	Chapter K Designations
Section	City Rail Link Limited
Designation only	
Designation #2500	City Rail Link Limited
Location:	Various locations – Auckland Central / Mt Eden
Lapse Date	N/A (Effect given to designation)
Type of Designation	Multiple alterations
Purpose	City Rail Link (CRL)
Changes to text (shown in colour)	<p>This update incorporates amendments to conditions arising from the following alterations to the CRL designations:</p> <ul style="list-style-type: none"> • Aotea Alteration (confirmed 24 January 2017); • Condition 27.1(b) (Swanson St diversion) (confirmed 23 June 2017); • Strata/Sub-Strata Alteration (confirmed 22 September 2017); • Mt Eden CRL and NAL Alteration (Environment Court Decision 15/12/17) <p>Refer attached document for combined tracked changes version of CRL designation conditions.</p> <p>Note: The Environment Court decision on the Mt Eden Station alteration contained errors and omissions to conditions 33.1, 33.2 and 47(c) (refer attached email from Bell Gully dated 21 December 2017). These conditions are correct in the attached combined tracked changes version of the CRL designation conditions.</p> <p>Note 2: The Environment Court decision on the Mt Eden Station alteration contained a cross reference in Condition 42.2(x) to deleted Condition 30.1(l) (refer attached email from Auckland Council dated 21 March 2018 and CRL response dated 22 March 2018). Condition 42.1(x) should refer to Condition 30.1(k) and is shown correctly in the attached combined tracked changes version of the CRL designation conditions.</p>
Changes to diagrams	Add one diagram to illustrate the framework of designation conditions.

<p>Changes to spatial data</p>	<p>Mutiple amendments to spatial data as per the plans appended to the following decisions:</p> <ul style="list-style-type: none"> • Aotea Alteration (confirmed 24 January 2017); • Strata/Sub-Strata Alteration (confirmed 22 September 2017); • Mt Eden CRL and NAL Alteration (Environment Court Decision 15/12/17)
<p>Attachments</p>	<ol style="list-style-type: none"> 1. Decisions on the following notices of requirement to alter the CRL designations: <ul style="list-style-type: none"> • Aotea Alteration (confirmed 24 January 2017); • Condition 27.1(b) (Swanson St diversion) (confirmed 23 June 2017); • Strata/Sub-Strata Alteration (confirmed 22 September 2017); • Mt Eden CRL and NAL Alteration (Environment Court Decision 15/12/17) 2. Email from Bell Gully (dated 21 December 2017) regarding Mt Eden CRL / NAL alteration - errors and omissions in the condition set attached to the Environment Court decision. 3. Email from Auckland Council (dated 21 March 2018) and CRL response (dated 22 March 2018) regarding cross reference to deleted Condition 30.1(l) in Condition 42.2(x) 4. Combined tracked changes version of CRL designation conditions. 5. 2500 CRL designation text.

Prepared by:

Matt Spiro
Area Planner



Signature:

Maps prepared by:

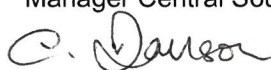
Shelley Glassey –
Geospatial Analyst
Aucklandwide



Signature

Manager

Celia Davison
Manager Central South



Signature

Text entered by:

Ivana Vela-Foster
Planning Technician



Signature:

Reviewed by:

Matt Spiro
Area Planner



Signature:

Decision

Aotea Alteration (confirmed 24 January 2017)

REQUIRING AUTHORITY DECISION TO CONFIRM THE ALTERATION TO BE INCLUDED IN THE AUCKLAND UNITARY PLAN DESIGNATION 1714 BEING THE AOTEA STATION NOTICE OF REQUIREMENT UNDER S172(1) RESOURCE MANAGEMENT ACT 1991

To: Deborah Godinet - Group Manager Property and Planning
Mario Zambuto – General Counsel

From: Sonya McCall – Team Leader

Date: 24 January 2017

Subject: REQUIRING AUTHORITY DECISION TO CONFIRM THE ALTERATION TO BE INCLUDED IN THE AUCKLAND UNITARY PLAN DESIGNATION 1714 BEING THE AOTEA STATION NOTICE OF REQUIREMENT UNDER S172(1) RESOURCE MANAGEMENT ACT 1991

Attached is a report requesting that the Group Manager Property and Planning under delegated authority TSN42 to:

- Accept the recommendation from Auckland Council's independent hearings commissioners' to confirm the alteration to be included in Auckland Unitary Plan Designation 1714 – being the Aotea Station Notice of Requirement.
- Accept Auckland Transport's insertion of condition 15.4(c)(xi), (xii), (xiii) to include the following land owners within the Communication and Consultation Plan as parties to be communicated and consulted with:
 - The owner of 4 Kingston Street
 - The owner of 6-12 Kingston Street
 - The owner of 83 Albert Street.
- Accept the remainder of the independent hearings commissioners' in whole. *recommendations (?)*

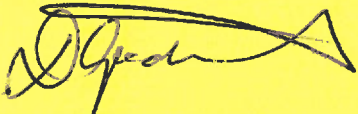
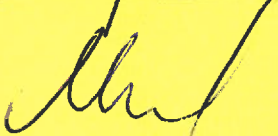
And;

That the General Counsel under Delegated Authority notifies Auckland Council of Auckland Transport's decision to confirm the alteration to Auckland Unitary Plan Designation 1714 - Aotea Station Notice of Requirement, the insertion of condition 15.4(c)(xi), (xii), (xiii) and the acceptance of the remainder of the independent hearings commissioners' recommendation in whole.

Auckland Transport is required to notify Auckland Council on or before 2 February 2017.

Decision	Delegation Number	Delegate
<p>That the Group Manager Property and Planning pursuant to Delegation instrument ATDI2012/01 from the Chief Executive dated 17 July 2013 exercises her delegation to:</p> <ul style="list-style-type: none"> • Accept the recommendation from Auckland Council's independent hearings commissioners' to confirm the alteration to be included in Auckland Unitary Plan Designation 1714 being the Aotea Station Notice of Requirement. • Accept Auckland Transport's insertion of condition 15.4(c)(xi), (xii), (xiii) to include the 	<p>ATDI2012/01</p> <p>TNS42- Power to exercise all legislative and non-legislative functions, powers and duties of Auckland Transport for which they or their department have managerial responsibility other than those expressly reserved by legislation to the Board, and those that have been expressly delegated elsewhere</p>	<p>All Tier 3 Managers</p>

<p>following land owners within the Communication and Consultation Plan as parties to be communicated and consulted with:</p> <ul style="list-style-type: none"> - The owner of 4 Kingston Street - The owner of 6-12 Kingston Street - The owner of 83 Albert Street. <ul style="list-style-type: none"> • Accept the remainder of the independent hearings commissioners' in whole. 		
<p>That the General Counsel, pursuant to Delegation Instrument ATDI2012/01 from the Chief Executive dated 17 July 2013, notifies Auckland Council of Auckland Transport's decision to confirm the alteration to be included in the Auckland Unitary Plan Designation 1714 being the Aotea Station Notice of Requirement., the insertion of condition 15.4(c)(xi), (xii), (xiii) and the acceptance of the remainder of the recommendation in whole.</p>	<p>Resource Management Act s172(1) Requiring authority to advise the territorial authority whether requiring authority accepts or rejects recommendation in whole or part</p>	<p>Manager Legal Services</p>

<p>Deborah Godinet Group Manager Property & Planning Under Delegation Number TNS42</p>		<p>Date 24/1/17</p>
<p>Mario Zambuto General Counsel Under Delegation Number S172(1)</p>		<p>Date 24.1.17.</p>

24 January 2017

John Duguid
General Manager - Plans & Places
Auckland Council
Private Bag 92300
Auckland 1142

Dear John

Auckland Transport's Confirmation Notice Section 172(1) of the Resource Management Act 1991 for the City Rail Link Aotea Station Notice of Requirement

Auckland Transport lodged a Notice of Requirement on 6 May 2016 to alter Designation 405 (CRL Designation 1) in the Auckland Council District Plan: Central Area under S181(1) of the RMA. Please note that subsequent to the application being lodged, Auckland Council made the Auckland Unitary Plan operative in part. City Rail Link Designations 1-6 are included in the Auckland Unitary Plan operative in part as Designation 1714.

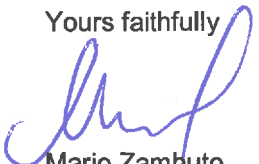
On 30 November 2016, Auckland Transport received the independent commissioners' recommendation that Auckland Transport confirm the Aotea Station Notice of Requirement. Auckland Transport notes that the independent commissioners' recommendation confirmed that Auckland Council will include the changes requested in the Notice of Requirement within the Auckland Unitary Plan operative in part in accordance with S175(2)(a) of the Resource Management Act 1991.

Pursuant to Section 172(1) of the Resource Management Act 1991 Auckland Transport's decision in its capacity as a requiring authority:

- Confirms the City Rail Link Aotea Station designation with the attached updated conditions (subject to the below modifications) (refer to Attachment 1).
- Modifies condition 15.4(c) to include the addition of (xi), (xii) and (xiii).

Auckland Transport anticipates that Auckland Council will notify all submitters of the decision as soon as possible.

Yours faithfully


Mario Zambuto
General Counsel

Attachment 1

Auckland Transport's confirmed conditions for the City Rail Link Aotea Station Notice of Requirement to be included in Designation 1714 Auckland Unitary Plan

- 1.1 Except as modified by the conditions below and subject to final detailed design, and except as altered by Assessment of Environmental Effects (Reference CRL-AOT-RME-000-0057), Design and Construction Report (Reference CRL-AOT-RME-000-0059 and Drawings CRL-SYW-RME-000-DWG-0025-0030), the City Rail Link Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents (as updated by information provided by the Requiring Authority up until the close of the Hearing and during the course of Environment Court proceedings) being:
- 15.4 The Communication and Consultation Plan shall as a minimum include:
- (c) The methods for identifying, communicating and consulting with persons affected by the project including but not limited to:
 - (i) All property owners and occupiers within the designation footprint
 - (ii) All property owners and occupiers adjacent to construction sites (Britomart and Albert Street (NoR 1), Karangahape Road (NoR 4), Newton Station (NoR 5), Main Construction site and the works at Normanby Road and Porters Ave (NoR 6))
 - (iii) New Zealand Historic Places Trust (NZHPT)
 - (iv) Department of Corrections (including the entity contracted by Department of Corrections to administer and run the Mt Eden Corrections facility at 1 Lauder Road)
 - (v) Ministry of Justice (including but not limited to) confirming the details of the contact person required under Condition 14 of this designation, and to provide appropriate details (including but not restricted to timing, duration, scale, noise effects, vibration effects, access restrictions, and disruption to utilities) in respect to any works impacting the operation of the Auckland District Court at 65-71 Albert Street, Auckland. Communication and consultation of such details should be provided to the Ministry of Justice Auckland Property Programme Manager at least 9 months prior to the commencement of such works.
 - (vi) Media Works
 - (vii) Community Liaison Group(s) (refer Condition 7);
 - (viii) Bear Park Early Childhood Centre;
 - (ix) Body Corporate 164980 and Tenham Investments Ltd;
 - (x) Network Utility Operators, including the process:
 - To be implemented to capture and trigger where communication and consultation is required in relation to any material changes affecting the Network Utilities;
 - For the Requiring Authority to give approval (where appropriate) to Network Utility Operators as required by section 176(1)(b) of the RMA during the construction period;
 - For obtaining any supplementary authorisations (including but not limited to resource consents (including those required under a National Environmental Standard) and easements);
 - For inspection and final approval of works by Network Utility Operators; and
 - For implementing conditions 9, 22, 23, and 24 of this designation in so far as they affect Network Utility Operations.
 - (xi) The owner of 4 Kingston Street



(xii) The owner of 6-12 Kingston Street

(xiii) The owner of 83 Albert Street.

- 27.1(b)(ii) While the Albert Street/Victoria Street intersection is closed, this access lane is only to be provided between Kingston Street and Customs Street. If Kingston Street is also to be closed to Albert Street during this construction stage, this access lane shall be provided between Wyndham Street and Customs Street.
- 27.1(f) Two way access shall be provided on the single service lane along the western side of Albert Street between 87 Albert Street and Kingston Street while the Albert Street/Victoria Street intersection is fully closed. If Kingston Street is also to be closed to Albert Street during this construction stage, this access shall be provided to Wyndham Street.
- 27.1 (l) During the Kingston Street closure, pedestrian access to and from the Auckland District Court's fire escape on the north side of Kingston Street shall be maintained at all times.
- (m) 18 metres of on street parking within Kingston Street shall be reserved for police at the nearest practicable location.
- 27.2(c)(v) How disruption to the use of private property located immediately adjacent to the designation with access onto Galway Street, Tyler Street, Queen Elizabeth Square, Custom Street, Albert Street, Kingston Street, will be mitigated through:
- (iv)...and:
- (v) Providing access for loading and unloading of goods between Wyndham Street and Victoria Street West.

Condition 46, additions to Appendix 1:

No.	Address	Property Known AS
55	83 Albert Street	
56	4 Kingston Street	
57	6-12 Kingston Street	

50.1 For this designation the Urban Design DWP shall include how the following are to be restored following completion of the City Rail Link construction works:

(c) ...; and

(d) Kingston Street.



**REPORT REQUESTING APPROVAL TO CONFIRM THE ALTERATION TO BE INCLUDED IN
AUCKLAND UNITARY PLAN DESIGNATION 1714 BEING THE CITY RAIL LINK AOTEA STATION
NOTICE OF REQUIREMENT UNDER S172(1) RESOURCE MANAGEMENT ACT 1991**

To: Deborah Godinet Group Manager - Property and Planning

From: Sonya McCall - Principal Planner

Date: 24 January 2017

**Subject: REPORT REQUESTING APPROVAL TO CONFIRM THE ALTERATION TO BE
INCLUDED IN AUCKLAND UNITARY PLAN DESIGNATION 1714 BEING THE CITY
RAIL LINK AOTEA STATION NOTICE OF REQUIREMENT UNDER S172(1)
RESOURCE MANAGEMENT ACT 1991**

1.1 Purpose

The purpose of this report is to recommend that the Group Manager Property and Planning accepts the:

- Recommendation from Auckland Council's (AC) independent hearings commissioners' (independent commissioners') to confirm the alteration to be included in the Auckland Unitary Plan Designation 1714 being the Aotea Station Notice of Requirement (NoR).
- Insertion of Auckland Transport's (AT) proposed changes to condition 15.4(c); and
- Remainder of the independent commissioners' in whole.

The report also recommends that AT's General Counsel under Delegated Authority notifies AC of AT's decision to confirm the NoR, the insertion of condition 15.4(c)(xi), (xii), (xiii) and the acceptance of the remainder of the recommendation in whole.

1.2 Recommendation

That the Group Manager Property and Planning pursuant to Delegation Instrument ATDI2012/01 from the Chief Executive dated 17 July 2013 exercises her delegation to:

- Accept the recommendation from Auckland Council's independent hearings commissioners' to confirm the alteration to be included in the Auckland Unitary Plan Designation 1714 being the Aotea Station Notice of Requirement.
- Accept Auckland Transport's insertion of condition 15.4(c)(xi), (xii), (xiii) to include the following land owners within the Communication and Consultation Plan as parties to be communicated and consulted with:
 - The owner of 4 Kingston Street
 - The owner of 6-12 Kingston Street
 - The owner of 83 Albert Street.
- Accept the remainder of the independent hearings commissioners' in whole.

That the General Counsel, pursuant to Delegation Instrument ATDI2012/01 from the Chief Executive dated 17 July 2013, notifies Auckland Council of Auckland Transport's decision to confirm the alteration to be included in the Auckland Unitary Plan Designation 1714 being the Aotea Station Notice of Requirement, the insertion of condition 15.4(c)(xi), (xii), (xiii) and the acceptance of the remainder of the recommendation in whole.

1.3 Executive Summary

On 30 November 2016, AT received the independent commissioners' recommendation to confirm the NoR. The recommendation accepted the conditions put forward by AT as part of the NoR with no recommended changes (Attachment 1 Independent commissioners' recommendation and Attachment 2 AT's NoR condition set).

At the hearing AT offered to specifically add the owners of 4 Kingston Street, 6-12 Kingston Street and 83 Albert Street to the list of parties to be communicated and consulted with within the Communication and Consultation Plan (Attachment 3 AT's modified condition 15.4(c)(xi), (xii) and (xiii)). This offer was made to ensure that they are consulted on the urban design elements of the vents that will be constructed and the operation in Kingston Street. The independent commissioners' did not include these additional parties as they consider that condition 15.4(c)(i) and (ii) would already include these owners. To ensure certainty for these owners, AT has resolved to modify condition 15.4(c) to specifically include the owners of 4 Kingston Street, 6-12 Kingston Street and 83 Albert Street.

AT has a statutory timeframe of 30 working days (on or before 2 February 2017) to give written notification to AC of its decision in relation to the recommendations from the independent commissioners'.

This report recommends that the NoR is confirmed under delegated authority with the inclusion of additional condition 15.4(c)(xi), (xii) and (xiii).

1.4 Background

The NoR lodged on 6 May 2016 was an application to alter Designation 405 (CRL Designation 1) in the Auckland Council District Plan: Central Area under S181(1) of the RMA. Subsequent to the application being lodged, AC made the Auckland Unitary Plan operative in part (AUP). CRL Designations 1-6 are included in the AUP as Designation 1714. In the independent commissioners' recommendation it was confirmed that AC will include the changes requested in the NoR within the AUP in accordance with S175(2)(a) of the RMA. AT are therefore confirming to AC that the changes, as set out in the NoR, are to be included in the AUP. No confirmation is required for the Auckland Council District Plan: Central Area as it is now a Legacy Plan.

The NoR requested the following design changes:

- The placement of two ventilation stacks within the footpath in front of 87-89 Albert Street (within the boundary of the existing CRL Designation 1).
- The placement of two ventilation stacks within the footpath of Kingston Street beside the Auckland District Court (outside of the boundary of the existing CRL Designation 1).
- Relocation of the Aotea Station entrance from 51-63 and 67 Victoria St West (Martha's Corner) to the corner of Victoria Street West and 99 Albert Street.
- An expanded Aotea Station entrance within Victoria Street West (beside 106-108 Albert Street).
- Permanent relocation of the Bluestone Wall up to 1.5m east of its current position.
- Permanently removing two vehicle ramps (from the top of the Bluestone Wall) which provide secondary vehicular access to Albert Street from 76-84 and 92-96 Albert Street.
- An expanded Wellesley Street Aotea Station entrance and plant building.
- An additional area of AC owned land is required for construction support activities at 24 Wellesley Street.

- Pedestrian diversions onto private land along Albert Street (between 99 Albert Street and 135 Albert Street and 120-130 Albert Street and at 87-89 Albert Street) for the movement of pedestrians during construction.
- Removal and subsequent reinstatement of building canopies in Albert Street and Victoria Street West within CRL Designation 1 to allow for construction purposes.

Changes are required to CRL Designation 1 conditions 1, 27.1, 27.1(b)(ii), 27.1(f), 36.3, 50.1 and Appendix 1 (as identified in section 2 below) to ensure that the adverse environmental effects of the design changes are addressed within the current suite of CRL Designation 1 conditions.

The NoR was notified on 28 July and five submissions were received from AC, Body Corp 140452 representing the tenants of 99 Albert Street including the Automobile Association (AA)), CW and L Lee, John Abel Pattinson and M and I Fisher and P Tesiron.

AC were concerned with the potential impacts of noise and vibration on AC buildings at Bledisloe House and 135 Albert Street, and the potential impacts association with reduced access at 135 Albert Street for staff and the public during construction. A meeting was held with AC and it was agreed that these matters are already covered by the conditions of Designation 1714.

The Body Corp140452 raised concerns in relation to 99 Albert Street relating to the relocation of the Aotea Station entrance, the removal and subsequent reinstatement of the building's canopy, the effects of temporary (construction) and permanent traffic effects at Victoria Street West and the impacts of pedestrian diversions (both for building access and business). Body Corp 140452 and AT have agreed that the conditions of Designation 1714 will address their concerns. An agreement is also being drafted that sets out the process for working together during the construction of the CRL so that AA can continue to run their operations at 99 Albert Street during the construction period.

CW and L Lee raised concerns in relation to 76 Albert Street relating to traffic effects; noise and vibration effects; amenity effects; and the length of time of construction. These matters are already covered by the conditions of Designation 1714.

John Abel Pattinson (owner of 4 Kingston Street) and M and I Fisher and P Tesiron (owners of 6-12 Kinston Street) main concern related to the urban design elements of the Kingston Street Vents. An offer was made at the hearing to specifically list these owners in condition 15.4(c) to ensure that that they are communicated and consulted in relation to the vents during the preparation of the relevant Delivery Work Plans. The owner of 83 Albert Street was also included in this offer as their building is located opposite the proposed Kingston Street vents.

On 30 November 2016, AT received the independent commissioners' recommendation to confirm the NoR.

1.5 Commissioners' recommendation

The independent commissioners' were required to consider the NoR, submissions and evidence from AT and AC and to consider whether the NoR and conditions proposed by AT were sufficient to address the effects generated by the project.

The independent commissioners' have endorsed the NoR conditions as proposed within the NoR with no changes.

The independent commissioners' did not endorse the offer made by AT at the hearing to alter condition 15.4(c) to include the following land owners within the Communication and Consultation Plan as parties to be communicated and consulted with:

- The owner of 4 Kingston Street
- The owner of 6-12 Kingston Street
- The owner of 83 Albert Street.

The independent commissioners' did not include the addition of these parties as they consider that condition 15.4(c)(i) and (ii) would already include these owners. AT would like to provide these owners with the certainty that they will be communicated with and consulted on the urban design of the Kingston Street vents and, as such, AT have added these parties to the conditions being confirmed by AT.

3.0 Appeal rights

AC has 15 working days to notify submitters of AT's decision. AC and submitters have rights to appeal to the Environment Court (EC) in relation to the decision within 15 working days of AC issuing the decision.

If appeals are lodged AT will request that the EC direct the parties to mediation. AT will look to narrow the issues with the appellants. Where matters are resolved, consent orders will be prepared, signed by the parties and sealed by the EC. Where there is no resolution the parties will proceed to a hearing. It is anticipated an EC hearing would take place in mid-2017 if required.

4.0 Attachments

Number	Description
1	Independent commissioners' recommendation and conditions
2	AT's NoR condition set for the alteration to Auckland Unitary Plan Designation 1714 – Aotea as recommended by the Independent Commissioners on 30 November 2016
3	AT's modified condition 15.4(c)(xi), (xii), (xiii)

Prepared by	Sonya McCall Team Leader Date: 23 January 2017	
Reviewed by	Dean Ingoe Manager, Planning Integration Team / CRL Planning Manager Date:	
Approved by	Deborah Godinet Group Manager Property & Planning Date: 24/1/17	

Attachment 1

Independent Commissioners' Recommendations

Recommendation following the hearing of a Notice of Requirement under the Resource Management Act 1991



Proposal

To alter the City Rail Link Designation 405 in the Auckland Council Operative District Plan 2005 (Central Area Section), Plan Modification 82.

This Notice of Requirement is recommended to be **accepted with conditions**. The reasons are set out below.

Application:	To alter the City Rail Link Designation 405 in the Auckland Council Operative District Plan 2005 (Central Area Section), Plan Modification 82.
Site Address:	City Rail Link, Albert Street, Kingston Street and Victoria Street West, Auckland Central
Requiring Authority:	Auckland Transport
Hearing Commenced:	9.30am, Friday 28 October 2016
Hearing Panel:	Alan Watson (chair) Rebecca Macky Michael Parsonson Basil Morrison
Appearances:	<p><u>For the Requiring Authority:</u> Andrew Beatson (Legal Counsel) Bill Newns (design and construction: settlement) Craig Stevenson (structural assessment) Craig Fitzgerald (noise and vibration) Michael Jongeneel (traffic) Jeremy Salmond (heritage) John Fellows (options analysis: Kingston Street vents) Simon Lough (urban designer) Helen McLean (planner)</p> <p><u>For the Submitters:</u> John Abel Pattinson Michael Fisher</p> <p><u>For Council:</u> Joao Machado – Team Leader Chris Scrafton – Reporting Planner Panjama Ampanthong - Reporting Planner</p>

	Jon Styles – noise and vibration Matthew Soper - transport Paulette Kenihan - Hearings Advisor
Hearing adjourned	28 October 2016
Commissioners' site visit	27 October 2016
Hearing Closed:	14 November 2016 following receipt of the further information sought by the Commissioners.

INTRODUCTION

1. Pursuant to section 168 of the Resource Management Act 1991 (**RMA or the Act**), Auckland Transport (**AT**), as the Requiring Authority, gave notice to the Auckland Council (**AC**) to alter the City Rail Link (**CRL**) Designation 405 to the Auckland Council Operative District Plan 2005 (Central Area Section), Plan Modification 82 on 6 May 2016.
2. CRL Designation 405 provides for the construction and operation of the CRL along the length of Albert Street approximately between lower Queen Street and Myers Street.
3. The alteration is required to enable the construction, operation and maintenance of Aotea Station, which includes works within Kingston Street, Albert Street, Victoria Street West, and adjacent properties located outside the current boundaries of CRL Designation 405 (hereafter referred to as the **Aotea Station NoR or the NoR**).
4. Section 169(1) of the RMA states that if a territorial authority is given a notice of requirement under section 168, the territorial authority must decide whether to notify the notice under sections 95 to 95F. Based on this assessment, the NoR was processed on a limited notified basis under section 95B(2), and notified on 28 July 2016, with the notification period closing on 30 August 2016.
5. AC received three submissions in relation to the NoR.
6. The NoR was referred to Commissioners for a hearing and recommendation. The hearing took place on Friday 28 October 2016 with appearances by AT and two submitters.
7. This recommendation assesses the NoR under section 171 of the Act, addresses the issues raised in the submissions and contains our recommendation to the Requiring Authority under section 171(2) of the Act.

BACKGROUND

8. The CRL project comprises the construction, operation and maintenance of a 3.4km underground passenger railway (including two tracks, two new underground stations at Aotea Square and Karangahape Road / Mercury Lane, modification of Britomart Station and substantial redevelopment of the existing Mt Eden Station) running between Britomart Station and the North Auckland Line (**NAL**) in the vicinity of the existing Mt Eden Station.

9. The CRL has been identified as being a key project in achieving an integrated transport programme to keep Auckland moving as the city grows over the next 30 years, as it will support the Auckland Plan target of 69% of trips to the city centre being by public transport. The underground rail line linking Britomart and the existing western line near Mt Eden Station via the city centre will enable a train frequency of every five to ten minutes from most Auckland stations.
10. There are six existing designations for the CRL (excluding the Britomart Designation which was recently altered to enable further CRL works). The six CRL designations (four within the Auckland Council Operative District Plan 2005 (Central Area Section) and two within the Auckland Council Operative District Plan 1999 (Isthmus Section)) comprise the CRL Designation which is numbered as Designation 405 in the Auckland Council Operative District Plan 2005 (Central Area Section) as this applies to the four CRL designations within the Central Area District Plan jurisdiction. The proposed Aotea Station NoR seeks to alter CRL Designation 1 of Designation 405 which covers the area from beneath lower Queen Street and the Downtown Shopping Centre site at 7 Queen Street, turning south up Albert Street as far as Myers Street.
11. Further investigations by AT into the Aotea Station design has resulted in the repositioning of a station entrance in Victoria Street West, and ventilation structures being placed into Albert and Kingston Streets. This design change has resulted in the retention of the buildings at 51-63 Victoria Street West (known as Martha's Corner), which was initially identified for demolition¹, and requires an extension of the designation footprint to include Kingston Street westward to Federal Street.
12. In conjunction with the above, AT has been developing its long-term bus strategy, and refining the traffic requirements on Albert Street, resulting in the need to retain four lanes of traffic on Albert Street, identified as a priority public transport route. To accommodate these lanes and to provide footpaths of a sufficient width, the Durham Street retaining wall (known as the Bluestone Wall) will need to be relocated.²
13. At the time notice was given for the alteration of CRL Designation 405 on 6 May 2016, the Auckland Unitary Plan (AUP) was still in "proposed" status. Since this time, the Independent Hearing Panel has provided its recommendations to AC and AC has released the decisions version of the AUP on 19 August. Appeals have been lodged in both the High Court and the Environment Court.
14. AT has given notice to alter the CRL Designation 405 in the Auckland Council Operative District Plan 2005 (Central Area Section) only. No notice has been given to alter a CRL designation within the AUP (and the CRL Designations are not currently included within the AUP). The Commissioners have been advised that AC intends to include the CRL Designations in the AUP in accordance with section 175 of the RMA post-decision of the Aotea Station NoR, which will include this alteration. In the meantime the AUP was made Operative in Part on 15 November 2016.

¹ Section 2.1 Aotea Station NoR AEE, page 16

² Section 2.1 Aotea Station NoR AEE, page 16

NoR TO ALTER CRL DESIGNATION 405

15. The NoR seeks to alter CRL Designation 405 within the Auckland Council Operative District Plan (Central Area Section) to alter the Designation boundary as follows:

- a. To include the full length of Kingston Street to provide for two ventilation stacks in Kingston Street beside the Auckland District Court;
- b. To provide an additional area for construction support activities at 24 Wellesley Street;
- c. To provide pedestrian diversions onto private land along Albert Street (between Wellesley and Victoria Streets) for the movement of pedestrians during construction; and
- d. To include building canopies to provide for the temporary removal and subsequent reinstatement of canopies on Albert Street and Victoria Street West during construction.

16. The following design changes are proposed:

- a. Two ventilation stacks placed in front of 87-89 Albert Street and two ventilation stacks in Kingston Street beside the Auckland District Court;
- b. Relocation of the Aotea Station entrance from Martha's Corner to Victoria Street West in front of 99 Albert Street;
- c. An expanded Aotea Station entrance in Victoria Street West (beside 106-108 Albert Street);
- d. Relocation of the Bluestone Wall up to 1.5m east of its current position;
- e. Permanently removing two vehicle ramps (from the top of the Bluestone Wall) which provide secondary vehicular access to Albert Street from 76-84 and 92-96 Albert Street; and
- f. An expanded Wellesley Street Aotea Station entrance.

17. It is proposed to alter conditions to accommodate these changes.

SUBMISSIONS

18. By the close of the submission period, three submissions on the NoR had been received –

- a. Auckland Council - concerned with the potential impacts of noise and vibration on Council buildings at Bledisloe House and 135 Albert Street, and the potential impacts association with reduced access at 135 Albert Street for staff and the public during construction;

- b. Body Corporate 140452 (Chris Robinson) (opposed) - concerns in relation to 99 Albert Street relating to the relocation of the Aotea Station entrance, the removal and subsequent reinstatement of the building's canopy, and the effects of temporary (construction) and permanent traffic effects at Victoria Street West and the impacts of pedestrian diversions (both for building access and business);
- c. CW and L Lee (opposed) - concerns in relation to 76 Albert Street relating to traffic effects; noise and vibration effects; amenity effects; and the length of time of construction.

LATE SUBMISSIONS

19. Under sections 37 and 37A of the RMA, the time limit for the receipt of late submissions was considered, with the parties at the hearing being given the opportunity to comment. No party, and in particular the Requiring Authority, opposed the acceptance of these submissions. Accordingly, the time limit was waived in relation to the late submissions of M and I Fisher and P Tesiron, received³ on 12 September 2016; and John Abel Pattinson, received on 14 September 2016 for the following reasons:

- a. The parties had lodged submissions on the concurrent resource consent process but the substance of their submissions related to the Aotea Station NoR.
 - b. Both submitters attended the hearing and expressed their concerns about the effects of the proposed changes to the Designation through the NoR on their properties;
 - c. The interests of no persons will be adversely affected by the waiver;
 - d. The matters raised are not dissimilar to those raised in other submissions received during the submissions period;
 - e. The acceptance of the submissions will be in the interests of the community in achieving adequate assessment of the effects of the proposal; and
 - f. The acceptance of the submissions will not result in any unreasonable delay in making a recommendation on the NoR.
20. The late submission by Standard Parking Limited of 76-84 Albert Street was not accepted because the submitter had not confirmed that they wanted to be heard and had not shown any interest in appearing at the hearing and putting their concerns to the Commissioners.

SUMMARY OF EVIDENCE

21. The Council planner's report was circulated prior to the hearing and taken as read.

³ By "received" is meant the receipt of confirmation from the submitters that the submissions lodged in relation to the CRL resource consent applications should also be taken as submissions on the NoR, due to the matters raised.

22. The evidence presented at the hearing responded to the issues and concerns identified in the Council planner's report, the application for the NoR and the submissions made to it.
23. The evidence presented by AT at the hearing is summarised below. We include the legal submissions for completeness regarding the presentations at the hearing.

Counsel for AT – Andrew Beatson presented opening legal submissions which identified the key issues as being the design and location of the Kingston Street ventilation shafts and the appropriateness of AC's proposed Condition 31.3 which limits AT to the noise predictions in its NoR (on the basis that notification was limited to the parties that were predicted to be affected by noise).

Bill Newns – Technical Director and Design Manager for CRL described the design and construction issues arising from the NoR. He concluded that the existing conditions as proposed to be amended would address the construction effects associated with the NoR amendment.

Craig Stevenson – Technical Director (Structural) covered structural effects. In assessing the potential adverse effects of ground borne vibration resulting from the construction of the Aotea Station ventilation shaft, he concluded that any adverse effects on the buildings at 65-69 Albert Street, 83 Albert Street, 4 Kingston Street and 6-12 Kingston Street would be limited to cosmetic or aesthetic damage only and that the remaining building at 16 Kingston Street falls outside the cosmetic damage vibration threshold. Thus, adverse effects would be negligible.

Craig Fitzgerald – Acoustician addressed noise and vibration effects. He considered it appropriate to apply the CRL Designation conditions dated 21 October 2015 to the Kingston Street extension of the Designation boundary. He also predicted that construction activities would cause exceedances of Conditions 31 and 33, so that site specific construction noise and/or vibration management plans would be required (under Conditions 37, 38 or 39, as appropriate), for the buildings at 65-69 Albert Street, 83 Albert Street, 4 Kingston Street, 6-12 Kingston Street, 16 Kingston Street and 59 Federal Street.

Mr Fitzgerald considered that construction noise and vibration effects could be managed to an acceptable level provided mitigation measures are implemented in accordance with the best practicable option (BPO) approach; and that operational noise and vibration effects would be reasonable if the ventilation system was designed and constructed in compliance with relevant conditions.

He agreed with the inclusion of 83 Albert Street, 4 Kingston Street and 6-12 Kingston Street as requiring a building condition survey (Condition 46) and disagreed with the addition of proposed Condition 31.3 (see below).

Michael Jongeneel – Transportation Engineer dealt with transportation effects and advised that the effects of permanent and temporary changes to the provision of on-street parking and loading on Kingston Street and the one-way

Albert Street link would be appropriately mitigated, as would the permanent removal of Albert Street access ramps to 76-84 and 92-96 Albert Street.

In his view, the traffic and pedestrian effects of the proposed changes to the Designation could be adequately managed by the existing conditions with minor amendments.

Jeremy Salmond – Heritage Architect addressed the heritage effects arising from the NoR and advised that in his opinion, the effects on the Bluestone Wall would be acceptable as its relocation had been signed off by both Heritage NZ Pouhere Taonga (HNZPT) and AC. Further, that the change in the Designation would have a positive effect, namely, the retention of the buildings known as Martha's Corner.

John Fellows – Senior Manager, Station Architecture discussed the option analysis undertaken in relation to the NoR, particularly the works in Kingston Street. He advised that the location of ventilation outlets in Kingston Street meets CRL operation and safety requirements and that the current design location provides for a wide range of options to be explored during the next stage of design development.

Helen McLean – Senior Planner provided planning evidence, agreeing with the Council planner's report except in relation to proposed Condition 31.3 relating to construction noise and vibration. She was of the opinion that the proposal was consistent with relevant objectives and policies of the planning documents and that any adverse effects on the environment could be avoided, remedied or mitigated. The proposal was in accordance with Part 2 of the RMA.

24. The evidence presented by the submitters is summarised as follows:

John Abel Pattinson, of 4 Kingston Street questioned the need for ventilation stacks to be located on Kingston Street as in his opinion this would detract from the visual amenity for occupants of 4 Kingston Street and potentially create safety issues. If the ventilation stack could not be removed, then Mr Pattinson would like to see it located it against the blank wall of the building on the opposite side of Kingston Street with a tap to ensure the materials and design of the ventilation stack are made readily cleanable. He would want AT to provide a plan and implement a comprehensive cleaning and maintenance program for the vent, ensure the top of the vent is designed with a high visual amenity and made bird proof, provide an appropriately peer reviewed acoustic design for the operation of the vent with particular regard to issues that may affect residential apartments, and present a more detailed and comprehensive plan for Kingston Street.

Mr Abel Pattinson also expressed concerns about the users of the District Court as changed security measures in the Court building now meant that these people congregated in the street, creating security and safety concerns.

Michael Fisher, of 6-12 Kingston Street advised his concerns about the potential noise and vibration effects during construction, the size and

appearance of the ventilation structures, and the impacts on the streetscape (being narrowed by the addition of the ventilation structures). He stated that if the NoR was confirmed, he would like to be involved in considering the appearance of the structures, to ensure that they are sympathetic to the streetscape.

25. AT's right of reply was given orally by AT's Counsel and addressed the following matters:

- a. Firstly, Mr Beatson noted that the Communications and Consultation Plan required in Condition 15 includes a direct reference to the submitter building owners at 4 and 6-12 Kingston Street, so that these parties will have the opportunity for direct involvement in the project.
- b. Secondly, Mr Beatson objected to the imposition of Condition 31.3 proposed by Council to protect properties beyond those on whom notice of the alteration of designation sought by AT was served. That condition sought specifically to limit exceedance of Condition 31.1 noise limits on Kingston and Federal Street to those properties on whom notice was served. Mr Beatson did not accept that the limited notification of the NoR justified the imposition of the condition. Rather, he considered that the determination of likely exceedances of the Condition 31.1 limits that may result from the works in Kingston Street was based in AT's modelling, and notification was made on that basis. In his opinion, the matter should not be readdressed through the condition. Mr Beatson considered that the Council should retain the confidence that it had in the modelling at the time of notification, and he submitted that the existing conditions would protect all buildings outside those specifically notified.

26. At the conclusion of the hearing, the Commissioners confirmed their interest in receiving additional information in relation to the potential impacts of the ventilation structure in Kingston Street in a fire event. Mr Fellows had provided evidence that in his opinion the vents would be safe in the event of a fire, and in particular that they would not pose a risk to any Kingston Street apartment dwellers.

27. Mr Newns offered to provide a video showing the operation of a ventilation structure in a fire scenario and the Commissioners confirmed their interest in receiving it. However, they were later advised by Mr Beatson that the video is not relevant because it shows the wrong smoke test, the vents have an industrial appearance and they are configured for a side discharge not a vertical discharge of smoke laden air as is proposed in Kingston Street. Finally, the contents of the video are confidential, which makes its provision to the Commissioners problematic. Although there is a process under the RMA to deal with confidential information, the Commissioners agreed with Mr Beatson that it is generally undesirable as it means that other participants, particularly the submitters, do not have access to this information, yet the Hearing Panel does.⁴

⁴ Refer email from Andrew Beatson dated 31 October 2016

28. Given that background, the Commissioners chose to direct AT to provide additional supplementary evidence by means of directions issued on 1 November 2016. Those directions sought further information as follows:

The Commissioners do require, and therefore hereby direct, that further information addressing the potential impacts of the ventilation structures in Kingston Street in the event of a fire event along the rail route below the street be provided. The Commissioners consider this is appropriate to ensure the matter is fully addressed. In particular the evidence should address, but not necessarily be limited to, whether the ventilation structures and the public areas around the structures would be safe in the event of a fire and whether there would be any risk to the properties at 4 and 6 to 12 Kingston Street on the southern side of Kingston Street. This further information is appropriately provided as written evidence.

29. In response, the Commissioners were provided with a supplementary statement from Mr Newns dated 7 November 2016 which addressed their concerns in relation to the potential impacts of the Kingston Street ventilation structures in the event of a fire in the running tunnels beneath.
30. The hearing was closed on 14 November 2016 when the Commissioners met and following their consideration of the supplementary statement from Mr Newns.

ISSUES IN CONTENTION

31. After an analysis of the NoR and evidence (including proposed mitigation measures), undertaking a site visit, reviewing the Council planner's report, reviewing the submissions and concluding the hearing process, the Commissioners determined that the NoR raised a number of issues for consideration. The principal issues in contention were:
- a. The design and location of the Kingston Street ventilation shafts; and
 - b. The appropriateness of AC's proposed Condition 31.3 which would limit AT to the noise predictions in its NoR (on the basis that notification was limited to the parties that were predicted to be affected by noise).

RELEVANT STATUTORY PROVISIONS CONSIDERED

32. AT is a requiring authority in terms of section 166 of the Act. AT gave notice to AC to alter the CRL Designation 405 to the Auckland Council Operative District Plan 2005 (Central Area Section), Plan Modification 82 on 6 May 2016.
33. Section 181(1) of the RMA provides for a requiring authority that is responsible for a designation to, at any time, give notice to a territorial authority of its requirement to alter the designation. AT considers that section 181(2) applies, and as such sections 168 to 179 of the RMA should apply with all necessary modifications as if the alteration were for a new designation. The Commissioners agree.
34. Section 171 of the Act sets out the matters to which a territorial authority must have regard when considering a requirement and any submissions received, and in making its recommendations to the requiring authority. Section 171 is subject to Part 2, which states the purpose and principles of the Act. Section 171(1) requires:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to -*
- (a) *any relevant provisions of -*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*
 - (iii) *a regional policy statement or proposed regional policy statement:*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if –*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

35. Under section 171(2), the territorial authority may recommend to the requiring authority that it:

- a) *confirm the requirement:*
- b) *modify the requirement:*
- c) *impose conditions:*
- d) *withdraw the requirement.*

Section 171(1)(a) – Any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a regional plan, a district plan or proposed district plan

36. Pursuant to section 171(1)(a), the following planning instruments are relevant in considering the alteration:

- Auckland Regional Policy Statement 1999
- Auckland Council Regional Plan: Air, Land, Water 2013
- Auckland Council Regional Plan: Sediment Control 2001
- Auckland Council District Plan: Central Area Section 2005
- Auckland Unitary Plan: Operative in Part 2016.

37. At the time of the hearing the Council had released its decision version of the Proposed Auckland Unitary Plan (**PAUP DV**), on 19 August 2016, and the Commissioners heard from AT and submitters in terms of the relevant provisions of both the Auckland Council Regional Plans (the Air, Land and Water Plan and the Sediment Control Plan) and the PAUP DV. The Council has since as of 15 November 2016 determined the Auckland Unitary Plan as Operative in Part (**AUP OP**). The Commissioners have had regard to both the PAUP DV and the AUP OP as part of their considerations of the NoR.

Section 171(1)(b) – Adequate consideration has been given to alternative sites, routes, or methods of undertaking the work or that it is likely that the work will have a significant adverse effect on the environment

38. A summary of the alternatives considered is found in Section 4 and Appendix F (Design and Construction Report) of the Aotea Station NoR Assessment of Effects on the Environment report (**AEE**). The Commissioners understand that AT does not have sufficient interest in the land required for undertaking the work and therefore an assessment of alternatives is required.

39. It is noted in the Aotea Station NoR AEE that⁵ an assessment of alternatives was undertaken as part of the earlier CRL Designation process; that the CRL route has been confirmed through that process; and that the CRL Designation conditions 41, 44 and 45 direct AT to consider alternative construction methodology in relation to built heritage.

40. The alternatives assessment undertaken has included:

- An assessment of Aotea Station ventilation arrangements, to explore options for retaining the Martha's Corner buildings. Twelve options were considered against a range of factors, including cost, design integration and functionality. This assessment concluded that the preferred option would be to locate the ventilation structures in Kingston Street and Albert Street, with a new station entrance located on Victoria Street West (west of Albert Street).
- A further assessment process was undertaken to consider key options in relation to construction methodologies to minimise the effects of construction on heritage values of the Bluestone Wall. Three options were considered through this process, with the preferred option identified as being the permanent shift of the Bluestone Wall 1.5m to the east.
- Consideration of alternative options for footpath diversions (through private land) has been limited to the preferred option and that of directing pedestrians through the works area (deemed unsafe).
- The removal of canopies is dictated by the position of the station box and the piling works required by the box. As such, there are no practical alternatives to what is proposed.

41. The Commissioners have had regard to the application material and the Council planner's report and agree that the process has been adequately transparent and robust; that a range of alternatives been considered; that the consideration has

⁵ Section 4.1 of the NoR, page 26

been proportional to the potential effects of the alternatives; and where private land will be affected, adequate consideration of (possible) alternative sites not involving private land has been undertaken.

42. This being a change to an existing Designation, the scope of an alternatives assessment is obviously limited to the scope of the alteration and the requirements of the relevant CRL Designation 405 conditions that require further consideration of alternatives.
43. The Commissioners are satisfied that (given that AT provided the reasoning why alternative options were not preferred⁶ when compared to the preferred option) adequate consideration of alternative options has been undertaken for the NoR.

Section 171(1)(c) - Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought

44. An assessment of whether the works and designation are reasonably necessary for achieving the project objectives is provided in the Aotea Station NoR AEE. The Commissioners note that “necessary” falls somewhere between expedient or desirable on the one hand and essential on the other.⁷
45. AT considers that the project forms an integral part of the wider CRL project and as such, AT has adopted the wider CRL objectives for it.⁸

Objective 1: *Improve transport access into and around the city centre for a rapidly growing Auckland*

(a) *Future proof for expected growth*

Objective 2: *Improve the efficiency and resilience of the transport network of urban Auckland*

(a) *Improve journey time, frequency and reliability of all transport modes*

(b) *Maximise the benefits of existing and proposed investment in transport*

(c) *Release the rail capacity constraint at Britomart*

Objective 3: *Significantly contribute to lifting and shaping Auckland's economic growth*

(a) *Support economic development opportunities*

(b) *Provide the greatest amount of benefit for cost*

(c) *Enable a more productive and efficient city*

Objective 4: *Provide a sustainable transport solution that minimises environmental impacts*

(a) *Limit visual, air quality and noise effects*

(b) *Contribute to the country's carbon emission targets*

Objective 5: *Contribute positively to a liveable, vibrant and safe city*

⁶ Sections 4.2 and 4.3 of the NoR AEE

⁷ Gavin Wallace Ltd v Auckland Council [2012] NZEnvC 120 Paragraph [183]

⁸ Section 2.8 of the NoR AEE, page 10

- (a) Enhance the attractiveness of the city as a place to live, work and visit*
- (b) Protect our cultural and historic heritage for future generations*
- (c) Help safeguard the city and community against rising transport costs*

46. In the assessment of the Aotea Station NoR project against these objectives, the Commissioners are satisfied from the details presented by AT that the proposed works and the alteration to the existing designation are reasonably necessary and will contribute towards it and the wider CRL project.

Section 171(1)(d) Other matters considered reasonably necessary in order to make a recommendation on the requirement

47. An assessment of other matters includes the following:

a. National Environmental Standards

National Environmental Standard for Air Quality 2004 – AT advises that any necessary consents as required by the NESAQ will be sought under a separate programme of works.⁹

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 – AT advises that consents will be sought separately for excavation activities under the NESCS¹⁰ which the Commissioners accept.

- b. Heritage New Zealand Pouhere Taonga Act 2014 - Although no known archaeological sites have been identified, AT advises that an archaeological authority from HNZPT will be sought separately, prior to construction commencing. In terms of Condition 42, the Commissioners accept this approach.
- c. Local Government (Auckland Council) Act 2009 - AT advises that the project will fulfil the functions and duties of AC and AT through the undertaking of a project that is consistent with the City's strategic direction for transport.
- d. Auckland Plan – a priority in the Auckland Plan is to “move to outstanding public transport within one network.” The Commissioners accept that this project is a fundamental part of the CRL, a priority public transport project.
- e. Auckland Long-Term Plan 2015-2025 - states that the wider CRL project is the top priority project for Auckland, and “will greatly improve access to the city centre from all parts of Auckland, reducing time spent commuting, improving productivity and acting as a catalyst for business

⁹ CRL Stage 2 to North Auckland Line, Resource Consent Package, Application R/LUC/2016/1890, R/REG/2016/1892, R/REG/2016/1895, R/REG/2016/1896, R/REG/2016/1897, R/REG/2016/1898, R/REG/2016/1899, R/REG/2016/1890 & R/REG/2016/2038

¹⁰ CRL Stage 2 to North Auckland Line, Resource Consent Package, Application R/LUC/2016/1890, R/REG/2016/1892, R/REG/2016/1895, R/REG/2016/1896, R/REG/2016/1897, R/REG/2016/1898, R/REG/2016/1899, R/REG/2016/1890 & R/REG/2016/2038

development.” The NoR is a vital component of the wider CRL project and is consistent with this strategic direction.

- f. City Centre Master Plan - Outcome 6 of this Master Plan is that the city centre will be the hub of an integrated regional transport system with range of public transport options. The associated target is to continue the modal shift in the city centre from private motor vehicles to public transport and as one of the transformational moves for Auckland. The NoR and the CRL are consistent with this Outcome.
- g. Transport Planning Instruments – include the Land Transport Management Act 2003 (**LTMA**), the Public Transport Management Act 2008, the Auckland Regional Public Transport Plan 2015 (**RPTP**), the Auckland Regional Land Transport Strategy 2010-2040 (**RLTS**), the Auckland Regional Land Transport Programme 2015-2018 (**RLTP**), the Auckland Transport Plan 2009 (**ATP**) and the Rail Development Plan 2006-2016 (**RDP**). The Commissioners agree that the NoR is consistent with these planning documents.

EFFECTS ON THE ENVIRONMENT

- 48. The Commissioners have considered both the positive and adverse effects of the alteration on the environment, noting that once constructed and operational, the NoR will contribute to a range of positive effects.
- 49. Relevant plan provisions are identified in the AEE and the Council planner's report, and are not repeated here.

Mana Whenua Values

- 50. AT's NoR includes information relating to consultation for the project, which will be ongoing through various mechanisms outlined in the conditions. The Mana Whenua Forum has been fully involved in the Kingston Street ventilation structures proposal and Designation Conditions 47-50 will guide the design and integration of the vents into the surrounding environment.
- 51. Based on the information AT has provided, the Forum and the implementation of conditions will enable positive Mana Whenua involvement in the project as a whole and a means to address any issues of concern.

Transportation

- 52. Several submitters raised traffic and access issues in relation to the temporary (construction) effects, particularly the removal of parking spaces, the reduction in traffic lanes and the effects on vehicle access to properties. The permanent changes contemplated are:
 - The removal of public parking on Kingston Street;
 - The removal of on-street loading space on Albert Street;

- The removal of Albert Street exit ramps from the two parking buildings at 76-84 Albert Street and 86 Albert Street;
- Adverse effects on at the intersection of Albert Street and Durham Street West.

53. AT proposes a range of mitigation measures including the provision of Police parking and a relocated loading zone in Kingston Street; replacement of on-street loading spaces; changes to intersections; and the maintenance of vehicle access to 87 Albert Street.

54. The Council's review identified some concerns, including the permanent reduction of traffic lanes in Victoria Street West from four to two, however, the final road layout has not been confirmed and has not been considered as part of the Aotea Station NoR. For the Requiring Authority, Mr Jongeneel confirmed that all traffic and transportation effects would be subject to mitigation measures, such that in his view they would be less than minor. Whilst the Commissioners do not agree that the traffic effects will be less than minor they will nonetheless be able to be managed to be at an acceptable level.

55. The Commissioners accept that although there is a fair degree of traffic disruption occurring in the vicinity already, drivers and pedestrians will take avoidance action and AT will work with AC to ensure that both construction and long-term effects of this NoR are appropriately managed.

Noise and Vibration

56. Submitters in Kingston and Albert Streets raised construction noise and vibration issues related to the additional construction and operational effects over and above those that addressed through the CRL Designation 405 process. As a "baseline" the Commissioners have used the noise and vibration criteria specified in Conditions 31, 33, 34, 36, to 39, 63 and 64 to determine where there are any further or different adverse effects associated with the alteration which would require the conditions to be reconsidered.

Construction Noise Effects

57. Additional construction noise will be generated by the construction of the ventilation system in Kingston Street, which includes piling and excavation activities.

58. AT proposes that the works in Kingston Street be undertaken in accordance with the Project Criteria for construction noise set out in CRL Designation Condition 31. Where construction noise cannot comply with the noise standards set out in Condition 31, a Site Specific Construction Noise Management Plan (**SSCNMP**) will be prepared to detail the BPO to avoid, remedy or mitigate adverse effects on a receiver resulting from construction noise, in accordance with Condition 37. This approach was deemed acceptable during the prior CRL Designation process.

59. Mr Styles undertook an assessment of the potential noise and vibration effects of the project. He agreed with the adoption of the standard noise limits contained in the substantive CRL Designation conditions which allow for some non-compliance with the project standards provided the BPO is adopted.

60. The Commissioners note that construction noise effects authorised by this alteration will be similar to those generated by the construction of many other parts of the CRL, where for any individual receiver there will be long periods of noticeable construction noise and some shorter periods where the effects may be significant. In some cases, the noise levels will be quite disruptive to nearby receivers even if the BPO is adopted. However, the Commissioners accept that these effects are in the context of the construction of the CRL and that in the circumstances, BPO for the minimisation of noise from all construction works will be a vital tool.
61. One point of difference between AT and AC related to the limited notification of the NoR, as only receivers who were predicted to be exposed to noise or vibration levels beyond the standard project limits were included.¹¹
62. To ensure that the conditions control the effects to the degree considered in the assessment of which properties were deemed affected, AC proposed new Condition 31.3 to limit any exceedance of the Condition 31 noise limits to those properties served notice of the NoR. AC considered that without such an additional specific restriction, the predicted effects could be exceeded by AT invoking the out-clause of Condition 31.1 provided by a Site Specific Construction Noise Management Plan i.e. Condition 31 states:

31.1 Construction noise shall comply with the following Project Standards (unless otherwise provided for a SSCNMP which is approved under Condition 37, 39 or 40):

[.....]

63. AT opposed this recommendation on the basis that this would result in a condition that was inconsistent with the Designation conditions, and that the modelling should be relied upon in as much as effects beyond those properties notified would remain within the noise standards of Condition 31.1. Paragraphs 41 and 42 of Mr Fitzgerald's evidence specifically address this matter as follows:

41. The noise modelling methods were robust and the predicted levels represent a reasonable worst case envelope of effects, based on the best information available and modelling precision. However construction noise is inherently variable, so modelling predictions do not always translate exactly into practice. If there is something unexpected (such as a single loud event), the framework of the conditions is setup to deal with resulting effects (e.g. triggers for a site specific management plan, with monitoring, management, communication and consultation feedback loops).

42. While I think it unlikely that there will be exceedances at receivers that are not already identified in the assessment of effects, I do not agree with addition of condition 31.3. It has the effect of creating rigid upper noise limits which was never intended by their inclusion, instead of the adaptive management framework that is sought and has been approved elsewhere, which relies on

¹¹ Because the noise and vibration emissions would be compliant with the standard noise and vibration criteria at all other receivers, the effects at those receivers were deemed to be less than minor.

BPO and consultation to address any significant adverse noise effects associated with exceedances.

64. The Commissioners have considered Council's proposed condition and the reasons for AT's opposition to it carefully. The Commissioners accept the general principle that a proposal that limits its effects to specific receivers may then have those effects reasonably limited by conditions. For that reason, Mr Styles made the distinction between the public notification of Designation 405, and the limited notification of the alteration now sought. Mr Styles was concerned that potential to deviate from the predicted extent and level of noise effects was afforded AT by way of the exception provided by Condition 31.1 that would allow exceedances at properties beyond those served notice. In his view, such an exceedance could be sought to provide for a construction methodology not currently proposed.
65. However, on balance, the Commissioners accept AT's position for the reasons set out in Mr Beatson's legal submissions and on the basis of the evidence of Mr Fitzgerald, and find that effects on buildings beyond those served notice
- a. are likely to be within the modelled predictions and
 - b. will be afforded the general protection of Condition 31.1, and by other relevant conditions that apply to all properties within proximity of the project (including Condition 36, which requires the preparation and implementation of Construction Noise and Vibration Delivery Work Plans (CNVDWPs)).
66. The stated objective of the CNVDWPs is to "provide for the development and implementation of identified best practice option to avoid, remedy or mitigate the adverse effects on receivers of noise and vibration resulting from construction". Condition 36.2 requires the CNVDWPs to "(a) adopt the noise and vibration standards for construction set out in Conditions 31, 32, 33 and 34 of these designations".
67. The SSNMP process provided for by Condition 31.1 and 37 will deal with receivers, such as those within Kingston Street where effects are predicted to exceed the Condition 31.1 limits. SSNMPs may also be subject to AC review through Condition 37.6.
68. Mr Beatson also confirmed the opportunity provided by the process specified in Condition 17 that allows any person to lodge a complaint. This in effect provides 'status' to any person affected by construction noise, whether or not they were a submitter on the NoR and essentially addresses the concern raised by Messrs Styles and Scrafton on this matter.¹²

Construction Vibration Effects

69. AT carried out a structural assessment to examine actual and potential adverse construction vibration effects arising from the Kingston Street ventilation works on

¹² Noting however that the Commissioners make no finding one way or the other on the adequacy of the limited notification process and its implication for excessive construction noise.

specific buildings in Albert Street and Kingston Street, and have advised that works will be undertaken in accordance with the CRL project criteria in Condition 33 for construction vibration (building damage) adopted from Standard DIN 4150-3:1999, to manage the effects of vibration on buildings,

70. Vibration management measures will be adopted in accordance with the Construction Noise and Vibration Delivery Work Plan as specified by CRL Designation Condition 36. Where construction vibration cannot comply with the vibration standards set out in Condition 33, a Site Specific Vibration Management Plan (**SSVMP**) will be prepared under Conditions 38 or 39 to detail the BPO to address adverse vibration effects on a receiver and building condition surveys under Condition 46 may be required.
71. Two additional buildings have been identified as subject to potential vibration effects and will be included in the monitoring requirements of CRL Designation Condition 36 "Construction Noise and Vibration DWP" and Condition 46 "Building Condition Surveys".
72. The Commissioners agree that where appropriate mitigation measures are implemented in accordance with CRL Designation Conditions 36 and 46, the actual and potential adverse effects of construction vibration on buildings should be managed to an acceptable level.

Operational Noise

73. The Commissioners note that all mechanical plant associated with the Aotea Station entrance and exit facilities and the ventilation structures will be required to comply with the standard noise limits in the CRL Designation conditions, and on that basis, the noise effects will be acceptable.

Visual Amenity

74. Several submitters raised submissions relating to design and to the location of the ventilation structures, and the temporary amenity effects relating to canopies the movement of pedestrians through the site.
75. The Commissioners note relevant Designation conditions, particularly
 - a. 47 – relating to urban design principles, so that the CRL can be integrated into its surrounding landscape and urban design context;
 - b. 49 – the engagement of Mana Whenua in the development of the urban design principles;
 - c. 50 – the addition of Kingston Street to the specific areas to be restored; and
 - d. 54 – station plan requirements.
76. The Commissioners agree that the amended Designation conditions should ensure that any adverse effects on amenity associated with the removal of canopies will be

temporary, and those associated with the ventilation structures in Albert and Kingston Streets and the new Victoria Street West Station entrances will be addressed in consultation with interested parties.

Historic Heritage

77. The Commissioners accept that the Aotea Station NoR works are not located in proximity to any newly identified heritage structures that were not previously assessed as part of the existing built heritage environment under the CRL NoR Built Heritage Assessment¹³.
78. The Bluestone Wall in Albert Street, which is proposed to be demolished and subsequently reconstructed 1.5m east of its current location, is a scheduled category B historic place under the AC District Plan: Central Area. It is of Historic Heritage significance and is subject to the Historic Heritage Overlay: Extent of Place in the AUP: OP.
79. There is no disagreement that any adverse effects on the heritage values of the Bluestone Wall will be mitigated by its careful restoration in its new location 1.5m to the east. This was supported in the evidence from Mr Salmond for AT.
80. The NoR also notes the positive heritage effects on Martha's Corner, which is not a recognised heritage item but is nevertheless of heritage value. The Commissioners agree.

STATUTORY PLANNING INSTRUMENTS

81. With regard to the statutory planning instruments identified above, collectively AT's NoR application and the Council planner's hearing report provided a comprehensive commentary on the relevant statutory planning documents. That is not repeated in this recommendation, rather the Commissioners rely on the NoR documents, the Council planner's report and AT's evidence in this regard.
82. In summary:
- a. There are no national policy statements that are of relevance to the NoR;
 - b. The Commissioners agree that the NoR is consistent with the relevant provisions of the Operative Auckland Regional Policy Statement;
 - c. AT's assessment of the NoR against the relevant provisions of the Auckland Council Operative District Plan: Central Area Section is accepted.
 - d. The Commissioners also accept that there is little difference between the PAUP: DV and the AUP: OP in the context of the Aotea Station NoR and that the NoR is consistent with both.
 - e. Subsequently, that the Aotea Station NoR is consistent with the AUP.

¹³Section 6.7, Aotea Station NoR AEE

PART 2 RMA

83. The Commissioners find that the NoR meets Part 2, being the purpose and principles of the RMA. In particular, it supports the construction of the wider CRL project within an existing designation which has been approved following a detailed Part 2 assessment. The NoR is part of the CRL project that will enable people and communities to provide for their wellbeing and it incorporates a number of measures to mitigate and manage adverse effects on the environment.

84. Further, the section 6, 7 and 8 matters in Part 2 are met. This is because the NoR includes effective consultation with Mana Whenua which has occurred from the start of the CRL project and continues as part of conditions associated with the Designation. Recognition is to be reflected in the final design of the ventilation structures to be constructed in Kingston Street. The proposed works also have particular regard to the heritage values of the buildings at Martha's Corner and of the Bluestone Wall.

85. The Commissioners conclude that the NoR is consistent with the matters in Part 2 of the RMA.

RECOMMENDATIONS

86. In accordance with section 171(2) of the RMA, the Commissioners recommend to AT that the NoR be confirmed, subject to the conditions set out below.

87. The Commissioners do not recommend the inclusion of proposed Condition 31.3 from the Council planner's report on the NoR.

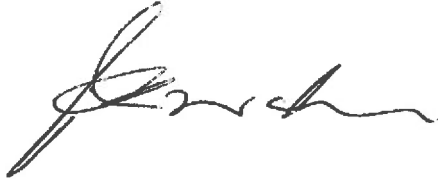
REASONS FOR THE RECOMMENDATION ON THE NoR

88. Under section 171(3) of the Act the reasons for the recommendation are:

- a. The NoR satisfies section 171 of the Act as the Designation is reasonably necessary for achieving the objectives of the Requiring Authority and adequate consideration has been given to alternatives;
- b. The work proposed under the Designation is consistent with Part 2 of the Act in that it represents the sustainable management of natural and physical resources;
- c. The Designation is in accordance with relevant objectives, policies of the Auckland Regional Policy Statement 1999, Auckland Council Operative District Plan 2005 (Central Area Section), the Proposed Auckland Unitary Plan: Decisions Version (August 2016), and the Auckland Unitary Plan: Operative in Part (November 2016); and
- d. Subject to the recommended conditions, the Designation will avoid, remedy or mitigate adverse environmental effects. These effects can be appropriately managed by the recommended conditions which take account of matters raised by the submitters.

CONDITIONS

89. The recommended conditions are as proposed by AT at Appendix B of Ms McLean's evidence for AT, and are attached as Attachment 1 to this recommendation.

A handwritten signature in black ink, appearing to read 'Alan Watson', written in a cursive style.

Alan Watson
Chairperson

Date 30 November 2016

ATTACHMENT 1

CONDITIONS

Amend condition 1.1 as follows:

- 1.1 Except as modified by the conditions below and subject to final detailed design, **and except as altered by Assessment of Environmental Effects (Reference CRL-AOT-RME-000-0057), Design and Construction Report (Reference CRL-AOT-RME-000-0059 and Drawings CRL-SYW-RME-000-DWG-0025-0030)**, the City Rail Link Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents (as updated by information provided by the Requiring Authority up until the close of the Hearing and during the course of Environment Court proceedings) being:

Amend condition 27.1(b)(ii) as follows:

- 27.1(b)(ii) While the Albert Street/Victoria Street intersection is closed, this access lane is only to be provided between Kingston Street and Customs Street. **If Kingston Street is also to be closed to Albert Street during this construction stage, this access lane shall be provided between Wyndham Street and Customs Street.**

Amend condition 27.1(f) as follows:

- 27.1(f) Two way access shall be provided on the single service lane along the western side of Albert Street between 87 Albert Street and Kingston Street while the Albert Street/Victoria Street intersection is fully closed. **If Kingston Street is also to be closed to Albert Street during this construction stage, this access shall be provided to Wyndham Street.**

Amend condition 27.1 to include the following:

- (l) **During the Kingston Street closure, pedestrian access to and from the Auckland District Court's fire escape on the north side of Kingston Street shall be maintained at all times.**
- (m) **18 metres of on street parking within Kingston Street shall be reserved for police at the nearest practicable location.**

Amend condition 27.2 to include the following:

- 27.2(c)(v) How disruption to the use of private property located immediately adjacent to the designation with access onto Galway Street, Tyler Street, Queen Elizabeth Square, Customs Street, Albert Street, **Kingston Street**, will be mitigated through:

(iv)... **and;**

(v) Providing access for loading and unloading of goods between Wyndham Street and Victoria Street West.

In support of condition 46, add to Appendix 1 as follows:

No	Address	Property Known As
<u>55</u>	<u>83 Albert Street</u>	
<u>56</u>	<u>4 Kingston Street</u>	
<u>57</u>	<u>6-12 Kingston Street</u>	

Amend condition 50.1 as follows:

50.1 For this designation the Urban Design DWP shall include how the following are to be restored following completion of the City Rail Link construction works:

(c) .; and

(d) **Kingston Street.**

Attachment 2

AT's NoR condition set for the alteration to Auckland Unitary Plan Designation 1714 – Aotea as recommended by the Independent Commissioners' on 30 November 2016

Amend condition 1 as follows :

- 1.1 Except as modified by the conditions below and subject to final detailed design, **and except as altered by Assessment of Environmental Effects (Reference CRL-AOT-RME-000-0057), Design and Construction Report (Reference CRL-AOT-RME-000-0059 and Drawings CRL-SYW-RME-000-DWG-0025-0030)**, the City Rail Link Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents (as updated by information provided by the Requiring Authority up until the close of the Hearing and during the course of Environment Court proceedings) being:

Amend condition 27.1(b)(ii) as follows:

- 27.1(b)(ii) While the Albert Street/Victoria Street intersection is closed, this access lane is only to be provided between Kingston Street and Customs Street. **If Kingston Street is also to be closed to Albert Street during this construction stage, this access lane shall be provided between Wyndham Street and Customs Street.**

Amend condition 27.1(f) as follows:

- 27.1(f) Two way access shall be provided on the single service lane along the western side of Albert Street between 87 Albert Street and Kingston Street while the Albert Street/Victoria Street intersection is fully closed. **If Kingston Street is also to be closed to Albert Street during this construction stage, this access shall be provided to Wyndham Street.**

Amend condition 27.1 to include the following:

- (l) During the Kingston Street closure, pedestrian access to and from the Auckland District Court's fire escape on the north side of Kingston Street shall be maintained at all times.**
- (m) 18 metres of on street parking within Kingston Street shall be reserved for police at the nearest practicable location.**

Amend condition 27.2 to include the following:

- 27.2(c)(v) How disruption to the use of private property located immediately adjacent to the designation with access onto Galway Street, Tyler Street, Queen Elizabeth Square, Custom Street, Albert Street, **Kingston Street**, will be mitigated through:

(iv)...and:

- (v) Providing access for loading and unloading of goods between Wyndham Street and Victoria Street West.**

In support of condition 46, add to Appendix 1 as follows:

No.	Address	Property Known AS
<u>55</u>	<u>83 Albert Street</u>	
<u>56</u>	<u>4 Kingston Street</u>	
<u>57</u>	<u>6-12 Kingston Street</u>	

Amend condition 50.1 as follows:

50.1 For this designation the Urban Design DWP shall include how the following are to be restored following completion of the City Rail Link construction works:

(c) ...; and

(d) Kingston Street.

Attachment 3

AT's modified condition 15.4(c) which includes the addition of (xi), (xii), (xiii)

15.4 The Communication and Consultation Plan shall as a minimum include:

- (c) The methods for identifying, communicating and consulting with persons affected by the project including but not limited to:
- (i) All property owners and occupiers within the designation footprint
 - (ii) All property owners and occupiers adjacent to construction sites (Britomart and Albert Street (NoR 1), Karangahape Road (NoR 4), Newton Station (NoR 5), Main Construction site and the works at Normanby Road and Porters Ave (NoR 6))
 - (iii) New Zealand Historic Places Trust (NZHPT)
 - (iv) Department of Corrections (including the entity contracted by Department of Corrections to administer and run the Mt Eden Corrections facility at 1 Lauder Road)
 - (v) Ministry of Justice (including but not limited to) confirming the details of the contact person required under Condition 14 of this designation, and to provide appropriate details (including but not restricted to timing, duration, scale, noise effects, vibration effects, access restrictions, and disruption to utilities) in respect to any works impacting the operation of the Auckland District Court at 65-71 Albert Street, Auckland. Communication and consultation of such details should be provided to the Ministry of Justice Auckland Property Programme Manager at least 9 months prior to the commencement of such works.
 - (vi) Media Works
 - (vii) Community Liaison Group(s) (refer Condition 7);
 - (viii) Bear Park Early Childhood Centre;
 - (ix) Body Corporate 164980 and Tenham Investments Ltd;
 - (x) Network Utility Operators, including the process:
 - To be implemented to capture and trigger where communication and consultation is required in relation to any material changes affecting the Network Utilities;
 - For the Requiring Authority to give approval (where appropriate) to Network Utility Operators as required by section 176(1)(b) of the RMA during the construction period;
 - For obtaining any supplementary authorisations (including but not limited to resource consents (including those required under a National Environmental Standard) and easements);
 - For inspection and final approval of works by Network Utility Operators; and
 - For implementing conditions 9, 22, 23, and 24 of this designation in so far as they affect Network Utility Operations.
 - (xi) **The owner of 4 Kingston Street**
 - (xii) **The owner of 6-12 Kingston Street**
 - (xiii) **The owner of 83 Albert Street.**

Decision

Condition 27.1(b) (Swanson St diversion) (confirmed 23 June 2017)

City Rail Link: Notice of Requirement for an alteration to Auckland Transport Designation 1714 (City Rail Link Designation 1)

Decision under delegated authority

I have delegated authority from the Auckland Council in terms of the Resource Management Act 1991 to make the below decision on the matter of the Notice of Requirement dated 29 May 2017 from Auckland Transport that seeks an alteration to Designation 1714, City Rail Link (CRL Designation 1) relating to Condition 27.1, in the Auckland Council Unitary Plan – Operative in Part, November 2016.

I have reviewed the Notice of Requirement dated 29 May 2017, the associated Assessment of Effects on the Environment report dated 24 May 2017 and the Section 42A Report dated 23 June 2017. I have also discussed details with Council officers and consultants. I am familiar with the City Rail Link project from involvement as chair of the Independent Hearings Panel for the associated hearings to date.

I note the recommendation in the Section 42A Report is that the Notice of Requirement be confirmed pursuant to section 181(3) of the Resource Management Act 1991 for the reasons included in that Report. I confirm that I agree with that recommendation and the reasons for it.

The alteration to the Designation will provide an additional exception to Condition 27.1(b) providing for temporary diversion of the northbound traffic access lane along the western side of Albert Street between Swanson Street and Customs Street West. The temporary diversion will be for a single period of up to 3 months to provide for cut and cover trench structure establishment works to take place in a more effective and efficient manner and serve to save up to 2 months of construction time at this location. Liaison with local businesses will continue in order to provide details of changes to road layout along with notice to the local community and the wider public consistent with the Communications Plan that is operative and required by other conditions relating to the City Rail Link project.

Having had regard to the assessment in the Report above, to the provisions of the Resource Management Act 1991 and to the papers associated with this matter, and under the delegated authority vested in me, the Notice of Requirement dated 29 May 2017 to alter Designation 1714, City Rail Link (CRL Designation 1) relating to Condition 27.1, in the Auckland Unitary Plan - Operative in Part, November 2016 is **confirmed** pursuant to section 181(3) of the Resource Management Act 1991 for the reasons included in that Report.

Signature:



AR Watson (Independent RMA Commissioner)

Date: 23 June 2017

Decision

Strata/Sub-Strata Alteration (confirmed 22 September 2017)

22 September 2017

John Duguid
General Manager - Plans & Places
Auckland Council
Private Bag 92300
Auckland 1142

Dear John,

Auckland Transport Decision under Section 172(1) of the Resource Management Act 1991 for the City Rail Link Designation 1714 CRL Designations 2 and 3 Notice of Requirement

Auckland Transport (AT) lodged a Notice of Requirement on 22 December 2016 to alter Auckland Unitary Plan (Operative in Part) (AUPOP) Designation 1714 (condition 1.1 City Rail Link (CRL) Designations 2 and 3) with Auckland Council (AC) under section 181(1) of the Resource Management Act 1991 (RMA).

Please be advised that in accordance with s172(1) of the RMA that AT's decision in its capacity as a requiring authority accepts (in part) and rejects (in part) the recommendation from AC's independent hearings commissioners' to confirm (in part) the alteration to the wording of AUPOP Designation 1714 condition 1.1 City Rail Link Designations 2 and 3. A set of conditions which AT wish to confirm for Designation 1714 CRL Designations 2 and 3 are attached (Attachment 1).

In accordance with s172(3) of the RMA the reason for AT rejecting the independent hearings commissioners' recommendation in part is because the independent hearings commissioners' recommended that an additional sentence be added to condition 1.1 of CRL of Designation 1714 CRL Designations 2 and 3 as follows:

'In the event of any conflict, the plans prevail over the documents and the plans and documents later in time prevail over an earlier plan or document'.

The independent hearings commissioners' recommended this change because they assert that that condition 1.1 of Designation 1714 CRL Designations 2 and 3 does not specify what should happen in the event of a conflict (ie what documentation would take precedence between the various listed AEEs and plans). This matter is covered by Designation 1714 condition 1.2 CRL Designations 2 and 3.

Condition 1.2 CRL Designation 2 states:

'Where there is inconsistency between:

(a) The documents listed above and these conditions, these conditions shall prevail;

(b) The information and plans lodged with the requirements and presented at the Council Hearing and during the course of Environment Court proceedings, the most recent information and plans shall prevail;

(c) The indicative management plans and evidence presented at the Council Hearing and the management plans (DWPs, CEMP, etc) required by the conditions of these designations and submitted through the Outline Plan, the requirements of the management plans shall prevail.'

Condition 1.2 CRL Designation 3 states:

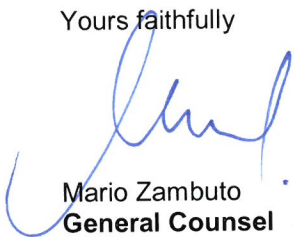
'Where there is inconsistency between the documents listed above and these conditions, these conditions shall prevail'.

As this matter is already covered within the existing CRL Designation 1714 condition set the insertion of *' in the event of any conflict, the plans prevail over the documents and the plans and documents later in time prevail over an earlier plan or document'* has been rejected.

AT notes that the independent commissioners' recommendation confirmed that AC will include the changes requested within the AUPOP in accordance with S175(2)(a) of the Resource Management Act 1991.

AT anticipates that Auckland Council will notify all submitters and directly affected landowners / occupants of the decision as soon as possible.

Yours faithfully



Mario Zambuto
General Counsel

Enclosure – Attachment 1

Attachment 1

The conditions which AT wish to be confirmed for the alteration to Designation 1714 CRL Designations 2 and 3 AUPOP

CRL Designation 2

- 1.1 Except as modified by the conditions below and subject to final detailed design, and except as altered by Assessment of Environmental Effects (“AEE”) (Reference CRL-AOT-RME-000-0057), Design and Construction Report (Reference CRL-AOT-RME-000-0059 and Drawings CRL-SYW-RME-000-DWG-0025-0030), and this AEE as altered by Assessment of Environmental Effects (Reference CRL-SYW-RME-000-RPT-0065, Design and Construction Memorandum (Reference CRL-SYW-RME-000-MEM-0002) and Drawings CRL-SYW-RME-000-DRG-0120 to 0124 and 0128 to 0132, the City Rail Link Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents (as updated by information provided by the Requiring Authority up until the close of the Hearing and during the course of Environment Court proceedings) being:
- (a) Assessment of Environmental Effects report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 15 August 2012 Rev B);
 - (b) Supporting environmental assessment reports (contained in Volume 3 of the Notice of Requirement suite of documents, dated August 2012);
 - (c) The Concept Design Report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);
 - (d) Plan sets:
 - (i) Land requirement plans (contained in Volume 1 of the Notice of Requirement suite of documents, dated 15 August 2012 and GIS-4214293-100-10 Rev 5 as amended for 32 Normanby Road, dated 14 September 2015);
 - (ii) Plans contained in the Concept Design Report Appendices (contained in Volume 3 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);
 - (iii) Plan CIV-000-DRG-0001 attached at Appendix 1 to these Conditions.
 - (e) Information provided in response to the Section 92 requests and/or in advance of the Council’s section 42A report, including the following:
 - (i) “City Rail Link Notice of Requirement: Social Impact Assessment” prepared by Beca Carter Hollings & Ferner Ltd (Beca), dated 19 April 2011 (approved for release 19 April 2013);
 - (ii) “City Rail Link – Supplementary Report: Traffic Modelling of Alternative Construction Scenarios” prepared by Flow Transportation Specialists Ltd, dated 22 May 2013.
 - (f) Evidence (including supplementary evidence) provided prior to and at the Council hearing, including but not limited to:
 - (i) Statement of Evidence by Ian Clark (Transport) dated 2 July 2013;
 - (ii) “Drawing 0220, Revision B” dated 20 August 2013, being part of the City Rail Link Project: Mt Eden Worksite set by Aurecon, submitted as part of the Second Supplementary Statement of Evidence of William (Bill) Russell Newns for Auckland Transport;



(iii) "City Rail Link Notice of Requirement: Outline Plan Process and Environmental Management Plan System (Indicative)" prepared by Beca Carter Hollings & Ferner Ltd, dated 27 September 2013;

(iv) "City Rail Link: Indicative Communication and Consultation Plan" prepared by Auckland Transport, dated September 2013;

"Outline Social Impact and Business Disruption Delivery Work Plan" submitted as Attachment A to the Statement of Evidence of Amelia Joan Linzey (Beca Carter Hollings & Ferner Ltd), dated 26 September 2013.

(g) All material and evidence (including rebuttal evidence) provided by the Requiring Authority in the Environment Court proceedings (ENV-2014-AKL-000057).

~~In the event of any conflict, the plans prevail over the documents and the plans and documents later in time prevail over an earlier plan or document.~~

CRL Designation 3

1.1 Except as modified by the conditions below, and except as altered by Assessment of Environmental Effects (Reference CRL-SYW-RME-000-RPT-0065, Design and Construction Memorandum (Reference CRL-SYW-RME-000-MEM-0002) and Drawings CRL-SYW-RME-000-DRG-0120 to 0124 and 0128 to 0132 the City Rail Link Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents being:

(a) Assessment of Environmental Effects report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 15 August 2012 Rev B);

(b) Supporting environmental assessment reports (contained in Volume 3 of the Notice of Requirement suite of documents, dated August 2012);

(c) The Concept Design Report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);

(d) Plan sets:

(i) Land requirement plans (contained in Volume 1 of the Notice of Requirement suite of documents, dated 15 August 2012);

(ii) Plans contained in the Concept Design Report Appendices (contained in Volume 3 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3).

~~In the event of any conflict, the plans prevail over the documents and the plans and documents later in time prevail over an earlier plan or document.~~



Decision

Mt Eden CRL and NAL Alteration (Environment Court Decision 15/12/17)

BEFORE THE ENVIRONMENT COURT

Decision No. [2017] NZEnvC 204

IN THE MATTER of the Resource Management Act 1991
AND of an appeal pursuant to s 198E of the Act
BETWEEN CITY RAIL LINK LIMITED ('CRL')
(SUCCESSOR TO AUCKLAND
TRANSPORT)
KIWIRAIL HOLDINGS LIMITED
(ENV-2017-AKL- 000059)
Requiring Authorities
AND AUCKLAND COUNCIL
Territorial Unitary Authority

Court: Principal Environment Judge Newhook
Environment Commissioner RM Dunlop
Environment Commissioner DJ Bunting

Hearing: 6, 7, 8 & 9 November 2017

Appearances: A Beatson and N Garvan for CRL
A Arthur-Young and A Cameron for KiwiRail Holdings Limited
V Evitt and Ms L Ziegler for Auckland Council
D Allan and D Sadlier for CB Trustees 2012 Limited
M van Zonneveld for himself
R Bartlett QC for Qambi Properties Limited (to announce no
participation in the hearing by that party)

Date of Decision: 15 December 2017

Date of Issue: 15 December 2017

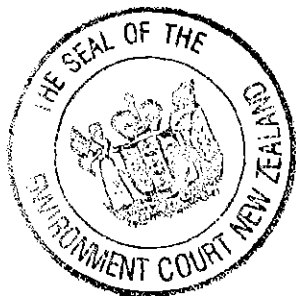
**DECISION OF THE ENVIRONMENT COURT APPROVING REQUIREMENTS FOR
DESIGNATION (ALTERATIONS)**

REASONS

Introduction

[1] On 23 May 2017 Auckland Transport (now succeeded by CRL) and Kiwirail Holdings Limited applied to the Court under s 198E RMA for alterations to the City Rail Link designation 1714 (in particular Designations parts 3 and 6) and Kiwirail

City Rail Link Limited & KiwiRail Holdings Limited



Designation North Auckland Line 6300, seeking to have it confirm those requirements at first instance in the place of Auckland Council.

[2] The requisite procedural steps under ss 198B, 198C, and 198D RMA had been taken on various dates in March and May in 2017.

[3] Under s198E the Applicants expressed their desire that the proceedings continue before the Environment Court instead of the Council.

[4] The Application was supported by an affidavit of GE Edmonds and accompanied by a list of names and addresses of persons to be served with the notice.

[5] While the application was on the books of the Auckland Council, 79 submissions were lodged either in favour of or in opposition.

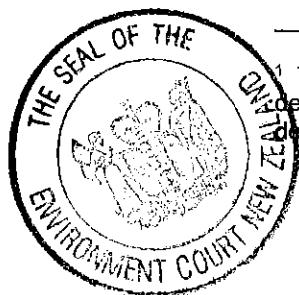
[6] Process was forthwith commenced by the Court under s 274 RMA gaining notices from parties expressing interest in the proceedings. Notices were received from the following persons and entities:

- CB Trustees 2012 Limited
- Qambi Properties Limited
- Mr Brian MacCormack
- Mr Martin van Zonneveld

Nature of the relief sought by the requiring authorities

[7] The City Rail Link ('CRL') is a significant 3.4 kilometre-long passenger railway line being constructed largely underground from Britomart Station in Central Auckland to the North Auckland Line ('NAL') where it cuts through Mount Eden. It was the subject of confirmed designations (1–6), construction having now commenced at the northern end of the line.¹

[8] It was the largely unchallenged claim of CRLL (and previously AT) that the CRL will almost double the capacity of the existing rail networks servicing Auckland's CBD, and provide significant connectivity and improvements in the public transport



¹ The designation was confirmed by the Environment Court by consent order except in relation to designation 5 which was the subject of the *Tram Lease Ltd v Auckland Council* [2015] NZEnvC 191 decision.

infrastructure system in Auckland.

[9] Subsequent to the confirmation of the designations, considerable further design work has been done resulting in changes said by the requiring authorities to be desirable, indeed necessary, to both the CRL and the NAL in the general vicinity of where they intersect in the suburb of Mount Eden.

[10] The prime focus of the parties in the case before us was an element of the proposed changes that includes the removal of the vehicular component of the over-bridge that had been required above the railway tracks on the alignment of Porters Avenue and Wynyard Road in part of CRL existing Designation 6.

[11] The issues in dispute in the case narrowed considerably during the course of the conferencing of groups of expert witnesses, and subsequently in response to procedural direction by the Court. The narrowed issues are described below.

Issues in dispute

[12] In the week preceding the hearing members of the Court read the enormous collection of statements of evidence lodged by the parties in preparation for the hearing, together with the joint witness statements from the conferencing of several groups of experts. The Court perceived that the issues should have narrowed considerably from those at large prior to evidence exchange. The parties were directed to confer and to produce by the end of Friday 3 November a succinct statement of the issues remaining to be resolved in the case, focussing on the "true theory of the case". Reference was made to an earlier minute from the Court about the requirements of the Evidence Act 2006 as to relevance and evidence being likely to provide substantial help to the Court. Counsel were also required to provide to the Court a list of witnesses they agreed would not be needed for cross-examination.

[13] A further direction was made that after the opening submissions by the requiring authorities at the commencement of the hearing, counsel for the other parties were required to address certain matters of law, in particular as to whether the Court could lawfully direct acquisition of land not included in the NoRs as notified, and as to whether it could direct demolition of certain buildings described in evidence.

[14] A memorandum was filed in answer to those directions, by counsel for CRL, Kiwirail, Auckland Council and CB Trustees 2012 Limited advising that the issues to be resolved in the case were:



- (a) What is the extent, and significance, of connectivity effects arising from the proposed alterations?
- (b) Should the proposal to remove the vehicular component of the overbridge at Porters Avenue be confirmed, refused, or should it be confirmed subject to modification to include appropriate mitigation?
- (c) Of the potential mitigation options that have been identified, what are the benefits and costs of these and are they able to be implemented?
- (d) What potential mitigation options exist?²

[15] Counsel indicated that there were two residual issues relating to the adequacy of the alternatives assessment undertaken by AT/CRLL, and the necessity for a condition about vibration raised by the acoustic expert for Auckland Council.

[16] After consulting Mr van Zonneveld, counsel advised that he identified two further issues as follows:

- (a) A third and most easily achievable mitigation measure, utilising certain streets in Edenvale, which had been rejected by the traffic experts.
- (b) The Porters Avenue overbridge should be removed entirely despite the agreement by the traffic experts that there would be pedestrian and cycling benefits from the retention of two bridges servicing those requirements, across the railway line in the vicinity.

[17] The parties confirmed that only three of the witnesses in the extensive list would not be needed for cross-examination.

[18] They confirmed that the lack of a need for cross-examination of those 3 witnesses had arisen from a notice suddenly issued by Mr Bartlett on behalf of Qambi Properties the same day (the last working day before the hearing) that, having taken part in mediation, having provided expert evidence, and having participated in expert conferencing, it did not propose to take any further part in the proceedings. (It nevertheless maintained its status as a submitter).



² For ourselves we place issue (d) after issue (a), and counsel issue (b) becomes issue (d), in order to place consideration of them in an appropriate order.

[19] Qambi submitted that its primary issue of concern remained the lack of mitigation proposals by CRLL concerning removal of the Porters Avenue vehicular connection. It expressed some amazement at the fact that a full vehicular overbridge had been a feature of the earlier designation, but that the requiring authority had not only resiled from that position, but was now asserting that no mitigation was required.

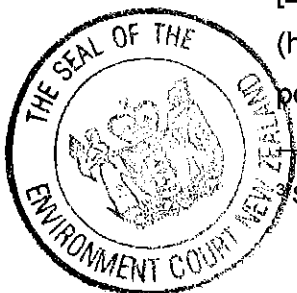
[20] A few weeks before the hearing, Qambi had sought from the Court and obtained a subpoena for an urban design expert Mr Ian Munro, on what it asserted was the "critical urban design/connectivity issue". Qambi now passed that witness over to CB Trustees 2012 Limited. Qambi joined with CRLL in its memorandum filed immediately prior to the hearing, that if the Court was persuaded by the evidence of Mr Munro and/or others that CRLL was not offering adequate mitigation, the Court might direct the requiring authority to further consider matters and initiate any processes that might flow from it. Mr Bartlett agreed that it could not be contended that the Court has powers to direct, in the present proceedings, actions that could interfere with the rights of third parties who would have entitlements of notification and hearing.

[21] Of some importance, Qambi accepted that it was bound by agreements its advisors made during expert conferencing.

[22] An consequence of Mr Bartlett's announcements was that Qambi's expert witnesses would not be available for questioning by other parties, or by the Court. The Court needed to consider whether it should take any account of the pre-circulated statements by Qambi's witnesses. After short deliberation, we held that because the direct referral procedure requires us to have regard to all submissions³, whether or not the makers of those submissions proceeded to obtain party status under s 274 RMA, let alone participated in the hearing; and because the Qambi expert witnesses had participated in expert conferencing and reached numerous agreements with experts called by other parties, that we would take their evidence into account. We nevertheless held, and confirm, that the weight that can be attached to their pre-circulated evidence must be low, except in relation to the agreements just mentioned.

Matters of jurisdiction

[23] In its minute issued on 2 November, the Court asked the parties to comment (having regard to pre-circulated evidence which we had read) whether it would be possible to use the designation of 6 Porters Avenue and 3 Ngahura Street, to demolish



Section 171(1) RMA.

existing apartments at these locations to enable construction of an alternative Porters Avenue vehicle overbridge suggested by traffic engineer Mr D McKenzie called by CB Trustees 2012 Limited, and enable reinstatement of access to 1A Porters Avenue.

[24] We also recorded that we wished to be addressed as to whether the existing designation condition that requires the designation of 6 Porters Avenue and 3 Ngahura Street is to be uplifted on completion of the CRL construction, including any proposed reinstatement work on the apartments.

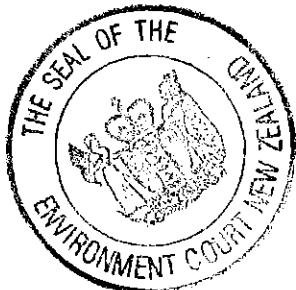
[25] We also recorded that if the requiring authorities were not intending to use the designation in that way, we required to be advised what relief the parties were seeking in respect of that part of the NoR proposing deletion of the requirement for a Porters Avenue vehicle overbridge.

[26] We identified subsidiary questions as to what parties saw as the legal and practical consequences of the answers to those questions, and what their clients were actually seeking in the proceedings at this juncture, whether refusal of the NoR, modification of it within jurisdiction, conditions to be imposed, and consequences of any alleged inadequacy of consideration of alternatives, or whatever course.

[27] CRLL, Kiwirail and Auckland Council responded that the effects of removal of the vehicular component of the Porters Avenue overbridge were not such as to require further mitigation. They recorded that if the Court disagreed with that assessment and was to find that the requirements should be cancelled in the absence of further mitigation, then there would be 3 theoretically available options:

- (a) Modify the requirements to include the overbridge as per the existing designation but with the benefits of the alterations which required a lowered rail alignment, as assessed in the evidence in chief of Stephen Knight,⁴ at a cost of approximately \$168m; an option that had been discounted in conferencing by all engineering experts.⁵
- (b) Indicate the overbridge referred to as "Alternative 2" in the evidence in chief of Mr McKenzie (or some variant thereof) might be necessary, which would require the following additional processes:

- i. Further notices of requirement to alter the existing



⁴ At para [16].

⁵ JWS: Engineering at para [11].

designation;

- ii. Private property acquisition processes under the Public Works Act 1981.

(c) Indicate that the Fenton/Akiraho link road proposed by Qambi might be necessary at a cost of approximately \$7.2m to \$8.5m, requiring additional processes to be undertaken being application for restricted discretionary resource consent to construct the road, and private property acquisition processes under the Public Works Act 1981.

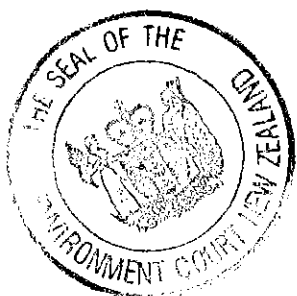
[28] These parties submitted that the Court did not presently have jurisdiction to modify the requirement to include "Alternative 2" or the link road as part of the present processes. They considered that the Court could contemplate obtaining a "best endeavours" undertaking from the requiring authorities if it held that these options should be pursued.

[29] By memorandum counsel for CB Trustees 2012 Limited accepted that the Court could not lawfully direct acquisition of land not included in the NoR as notified; and neither could it direct the demolition of buildings within or outside the designation footprint. It sought direction by the Court of consideration by the requiring authorities of further processes.

[30] CB Trustees 2012 Limited in its memorandum accepted that the Court could not direct requiring authorities to use a PWA process to acquire and demolish such.

[31] As to the Court's question about whether there was a designation condition requiring uplifting of the designation of 6 Porters Avenue and 3 Ngahura Street on completion of construction works, CB Trustees 2012 Limited advised that it could not identify any such condition. It accepted that it seemed likely that the intentions of the requiring authorities in this regard had been confirmed in the second engineering joint witness statement.

[32] As a consequence, CB Trustees 2012 Limited indicated that if the Court found that appropriate mitigation of the loss of the vehicular function of the overbridge would not to be achieved, it should decline the NoR. It acknowledged that if this was not the Court's finding, the Court might be in the position of confirming the NoR as sought by the requiring authorities in the context of the wider first instance enquiry to be undertaken by the Court in the present proceedings.



[33] The requiring authorities and the Council in answer, maintained that no further mitigation was required. They requested the Court to press CB Trustees 2012 Limited to either confirm that it was seeking relief along the lines of Mr McKenzie's suggested "Alternative 2" bridge, or was taking that option out of the mix in the proceedings. After quite considerable discussion of the issue between counsel and members of the Court, Mr Allan confirmed on behalf of CB Trustees 2012 Limited that the McKenzie proposal was now "off the table".

[34] The consequence of that confirmation was that the issues in the case finally narrowed further, such that if we were to find that mitigation would be required, CB Trustees 2012 Limited would adopt and pursue the Qambi link-road suggestion to the extent that the Court might consider it as coming within jurisdiction, or if not, by way of directing further processes as an alternative to refusing the requirements for designation.

Statutory framework

[35] Section 181 RMA enables requiring authorities to give notice of requirements to alter existing designations. Sections 168 – 179 apply as though for a new requirement.

[36] Section 198E RMA provides for direct referral to the Environment Court, as has happened here, and that in making its decision the Court must have regard to the matters set out in s 171 and may either cancel, confirm or modify or impose conditions as the Court thinks fit.

[37] Section 171(1) provides as follows:

Recommendation by territorial authority

- (1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to —
 - (a) any relevant provisions of—
 - (i) a national policy statement;
 - (ii) a New Zealand coastal policy statement;
 - (iii) a regional policy statement or proposed regional policy statement;
 - (iv) a plan or proposed plan; and
 - (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and



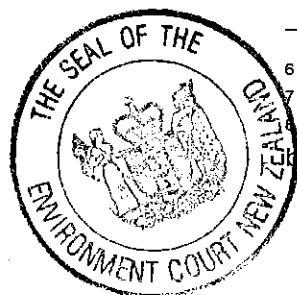
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

Relevant statutory instrument provisions

[38] We are satisfied that S 7 and Appendix J of the Assessment of Effects on the Environment ("AEE") offer a detailed analysis of the relevant statutory provisions. The CRL is expressly referenced in a number of them including the partly operative Unitary Plan, the Auckland Long Term Plan, the Auckland Regional Land Transport Strategy and the Auckland Regional Land Transport Programme.⁶ Of some note, the Unitary Plan expressly identifies the CRL as "the foremost transport ... project in the next decade", and as "providing the most significant place-shaping opportunity".⁷ The present proceedings did not of course entail a fundamental attack on the CRL, being limited to a preference for some parties to retain originally designated features, or in the alternative that there be some other mitigation for the loss of vehicular connectivity at Porters Avenue. Nevertheless we note fundamental support for the CRL in relevant statutory instruments on the following bases:

- An efficient transport system that will enable economic growth.
- Ongoing consultation with mana whenua to ensure that potential adverse effects on cultural values are addressed.
- Some benefits for other infrastructure in the vicinity such as the Mount Eden corrections facility.
- Improvements in safety and operation of the CRL and integration into the existing upgraded section of the NAL.
- Appropriate management of noise and vibration effects to acceptable levels.⁸
- Would enable the frequent safe and efficient movement of people and support the type of built development enabled in the surrounding mixed land use and light industry zones.

[39] Having regard to the evidence of the planners, and in particular the agreements



⁶ Evidence in chief of D McGahan at [87].

⁷ Unitary Plan in Box 13.2.

⁸ The vibration aspect had been the subject of considerable negotiation between experts, finally resolved between them at the end of the hearing.

reached by them in expert conferencing, we are satisfied that when regard is had to the applicable provisions of the relevant policy instruments, the Requirements align satisfactorily. We have also had regard to the provisions of the Unitary Plan in relation to the mixed-use zone and other relevant provisions. The planning experts in conference appeared to take a stance somewhere between positive and neutral concerning alignment of the notices of requirement with Unitary Plan objectives and policies. They focussed on those that had been referred to in the s 198D report, and also considered a number of other objectives and policies as set out by the s 274 parties' evidence.⁹ Any areas of disagreement amongst the experts on this score were largely referable to differences concerning effects on the environment, so these matters will be considered in that section of this decision, which follows next.

Effects on the environment

[40] Effects on the environment arise in two ways under s 171(1); first in the introductory words to that sub-section where we are, amongst other things, to consider the effects on the environment of allowing the requirement; having particular regard to – sub-subsection (b) as to whether adequate consideration has been given to alternative sites, routes or method of undertaking the work if either the requiring authority does not have an interest in the land sufficient for undertaking the work or is it likely the work will have significant adverse effects on the environment.

[41] This case was significantly about effects on the environment, which we shall discuss shortly. We start by noting however that the requiring authorities own all the land needed for undertaking the work (construction and operation), so it is potentially only the second part of subsection (b) that would trigger an enquiry as to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work. That is, as to whether there would be significant adverse effects on the environment.

[42] To assist a reading of what follows, we record that after consideration of all evidence we have reached the conclusion that not only are there no significant adverse effects on the environment, but that adverse effects on the environment overall are no more than minor. We can also find that in any event there was more than adequate consideration given to alternatives by the requiring authorities, the detail of which we record later in the decision.



⁹ Paragraph [35] of the planners' joint witness statement.

Existing environment

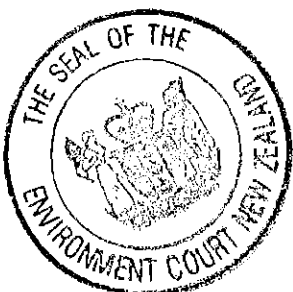
[43] Assessment of effects on the environment from the proposed alterations must take into account the existing environment. We agree with submissions on behalf of the requiring authorities that the existing environment in this case is the physical environment inclusive of the current designation, and that the appropriate comparison is between the existing designation and the new Designations. That is an important starting point.

[44] Absent the proposed alterations to the designations, closure of the Porters Avenue overbridge would occur during construction of the works authorised in the existing designation for a period of between 2-3 years. For the purposes of assessing effects on the environment, the existing environment therefore includes a 2-3-year closure of the access, and effects of permanent closure need to be considered in this context.

Effects of Alteration

[45] Remembering that s 171(1) requires consideration of effects on the environment of allowing a requirement, it is relevant to consider positive effects. Probably of greatest importance would be that the alteration would facilitate grade separation of the CRL from the NAL, with many operational and safety benefits arising. We will summarise¹⁰ these, they not being greatly contested by the parties. Grade separations remove problems commonly found with flat junctions, shortening journey times, preventing reduction in numbers of carriages and frequencies of trains available in peak times, and limit the potential for disruption to the network because less maintenance is required. The grade separated junction would also remove the risk of collision and risk to maintenance staff. We were told as well that grade separation would eliminate the need for freight trains to be stopped on an uphill grade which in turn would reduce the noise emitted from braking and acceleration of large diesel engines.

[46] CRL's Operations Planning Manager Mr M R Jones also advised that alterations to the platform and station building of Mount Eden would result in operational benefits, particularly the addition of a four-platform station assisting to decongest the network and enabling CRL trains to pass through the station. There would be an improvement in journey times of those travelling in and out of the CBD, with improvements in service and safety for over 30,000 people per hour at peak times.



¹⁰ Taken largely from the evidence in chief of Mr M R Jones.

[47] The alterations would also result in substantial construction cost savings compared to the currently designated design, including potential savings to the construction programme due to the lower alignment and a significant reduction in the scale of construction works to be undertaken on private properties on Normanby Road.¹¹

[48] Much evidence focussed on potential adverse traffic effects (together with disruption of connectivity and consequent business impacts; noise and vibration; and visual amenity and urban design effects).

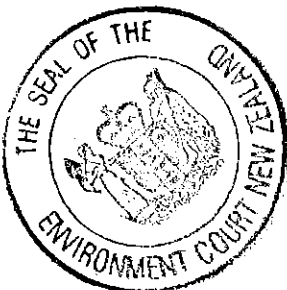
Traffic and connectivity effects; also, effects on property values and economic effects

[49] The conference of traffic experts achieved a considerable narrowing of the disputes in this area. The experts agreed in their joint witness statement that the combined flow to and from Fenton Street and Haultain Street would be approximately 1,000 vehicles per day, with approximately two thirds of those vehicles (660) projected to use the Porters Avenue overbridge planned for in the existing designation. They agreed that the impacts of closure would largely be limited to local traffic as there are a range of alternative travel routes within the wider road network for other traffic. Importantly, they agreed that the increase in travel times for these 660 vehicles per day would be between 1 and 4 minutes, and typically 2 minutes.¹²

[50] They further agreed that the increases in travel times are modest, by which they meant the increases are noticeable but in the context of the general and local traffic environment, are not unreasonable.¹³

[51] There were claims by the s 274 parties and their experts that the loss of vehicular connectivity would have a significant impact which would justify mitigation.

[52] The requiring authorities not only pointed to the modest increases in traffic times, but through evidence which we accept, primarily from Mr E L Jolly consultant urban designer called by CRLL, pointed to connectivity improvements offered by the NAL and CRL alterations. The existing Mount Eden station is located approximately 150m from the primary street network, with the closest street connections being from dead-end streets with no vehicular through movement, as a result of which passenger connectivity and access to the station is presently poor. The proposed redeveloped



¹¹ Evidence of Damian McGahan.

¹² Joint witness statement: traffic at [16].

¹³ Joint witness statement: traffic at [17].

station would be accessed via an extension to Ruru Street which would allow the station to have an entry on a key road to provide increased pedestrian, cycle and vehicular movement thereby improving connectivity to the station.¹⁴ In answering questions by the Court, Mr Jolly confirmed the following:¹⁵

QUESTIONS FROM COMMISSIONER DUNLOP

- Q. Mr Jolly, evidence-in-chief, figure 5, page 9.
 A. Yes.
 Q. There's an illuminated triangle there.
 A. Yes.
 Q. Does that depict the proposed extension of Nikau Street on its existing alignment, through to Ngahura? Is that what we're looking at by the Fenton Street overbridge?
 A. I'm just taking a look. I believe so, as much as I know. I wasn't involved specifically with the development of this image.
 Q. Okay, well I'll put it a different way, is it your understanding that Nikau Street is proposed to be extended on its existing alignment, across Ruru, to Ngahura?
 A. Yes I do.

[53] The improved station would encourage public transport use, on account of its improved amenity, legibility, safety and efficiencies. It was the evidence of Mr C A Jack a consultant architect called by CRLL¹⁶ that the station would become a significant nodal point for the local community. It was the evidence in rebuttal of Mr I D Clark¹⁷, a transportation planner called by CRLL that there would be improved frequency of services which would improve travel choices for the local community and businesses.

[54] While CB Trustees 2012 Limited had focussed in preparation for the hearing on retention of the full Porters Avenue overbridge or Mr McKenzie's suggested "Alternative 2", Qambi Properties exchanged evidence suggesting another mitigation option of creating a vehicular link between Fenton and Akiraho Streets which would require formation works and land purchases and possible separate statutory processes outside the scope of the present NoR at a significantly lower order of cost (than Alternative 2) of about \$7.5m – 8.5m. There appeared to be a relatively high order of agreement amongst the relevant expert witnesses that the option was technically feasible, noted particularly from the evidence of Mr Clark and Mr Nixon¹⁸, and the Traffic Joint Witness Statement.¹⁹ In addition, CRL Project Director Mr Meale confirmed in cross-examination by Mr Allan that there would be no funding constraint on the work if the Court concluded

¹⁴ Evidence of Ed Jolly at [15], [16] and [24].

¹⁵ Transcript, pages 118-119. Outcome confirmed by proffered Urban Design Principles Condition 47.2(b)(xiii) in Memorandum of counsel for Auckland Council 14 November 2017.

¹⁶ Jack, paragraph [50].

¹⁷ Jack, rebuttal paragraph [10].

¹⁸ Rebuttal evidence of traffic engineer Mr MI Nixon called by CRLL

¹⁹ Joint witness statement: Traffic at [5] and [23]-[31]



that adverse effects would justify such mitigation.²⁰

[55] CB Trustees 2012 Limited having adopted the Qambi option in presenting its case at the hearing, put forward argument through counsel that while the Fenton/Akiraho link option would not retain all of the connectivity inherent in the Porters Avenue crossing, it would provide significant and very desirable mitigation, particularly for vehicles travelling to and from the east and north, and represent "appropriate and acceptable" mitigation for the loss of the Porters Avenue vehicular crossing.²¹

[56] Counsel elaborated on this theme in discussing the first and second engineering joint witness statements.²² Close examination of their statements reveals emphasis on feasibility of the Fenton/Akiraho option, benefits that would flow from it, and absence of "fatal flaws from a social, urban design or other relevant perspective".

[57] We return later in this decision to the issue about whether mitigation is necessary. That is where the focus must be under s 171 RMA. The case law is clear that requiring authorities do not need to choose a particular, let alone "the best", or a desirable alternative.²³

[58] We accept the submission on behalf of CRL that given the evidence about the shift within the Central Auckland environment towards public transport use, the upgraded station would be of significant benefit for the Mount Eden area in the future. We also agree that this needs to be assessed alongside the significance of travel time increase as being modest and not unreasonable for vehicular traffic servicing local commercial businesses.

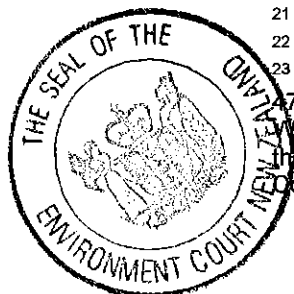
[59] In the context of the existing environment as we have found it to be, and whether viewing the traffic connectivity issue in isolation, or in the overall context of accessibility and connectivity in the Edenvale locality and beyond at least as far as the CBD, we hold that the adverse traffic and connectivity effects from the deletion of the Porter's Avenue vehicular overbridge will be no greater than minor. We noted from the cross-examination of Mr Clark that in assessing the adverse effects of the closure of Porters Avenue and determining whether mitigation was needed, he had offset those

²⁰ Transcript, pages 53-54.

²¹ Submissions of Mr Allan and Mr Sadlier, dated 8 November 2017, paragraph [11].

²² In paragraph [25] of their submission.

²³ Decision of the High Court in *Meridian Energy Limited v Central Otago District Council* [2010] NZRMA 777 at [81], cited with approval of the Board of Inquiry in its Draft Report and Decision in to the NZTA Waterview Connection Proposal, published by the EPA in May 2011, at [996]; and the Board of Inquiry into the Basin Bridge Proposal, Final Report and Decision, August 2014 at [1090]; and affirmed by the High Court once again in *NZTA v Architectural Centre Inc and others* [2015] NZHC 1191 at [154].



effects against positive effects arising from the NoR as a whole. Similar answers were given by Mr McGahan under cross-examination; we also note that all planning witnesses relied on the assessment of Mr Clark. We note the criticism by Mr Allan and Mr Sadlier that this did not amount to a focussed assessment, and could result in a very large project being found when examined in a holistic fashion, not to warrant mitigation of localised adverse effects because they would be dwarfed in the bigger picture.²⁴ As already noted, we will deal with the issue of need for mitigation in a later section of this decision.

[60] Section 274 parties (except for Mr van Zonneveld) offered evidence that there would be a loss in value to properties and that tenants would demand reduced rent or even end their tenancies to move to other premises. We found their evidence rather speculative and unpersuasive²⁵. In some contrast the requiring authorities called the evidence of Peter Churchill, experienced in commercial real estate matters in the area, to the effect that there is currently a shortage of commercial land close to the CBD, and that vacancies are at historically low levels.²⁶ We were satisfied by his evidence that there is indeed high demand for commercial premises of the type described by the s 274 parties.²⁷ It was his advice to the Court, and that of Mr Galli, that the loss of tenants and reduced rentals would be unlikely; and that if tenants did leave, replacements would readily be found.

[61] We also heard rebuttal evidence from Mr PM Osborne, Economic Consultant called by CRL that given the likelihood of significant redevelopment in this city fringe area and its proximity to the redeveloped station, the area will be subject to dynamic positive change. In this context the removal of the vehicular component of the Porters Avenue overbridge would be minor. The witness considered that from an economic viewpoint the area would improve in economic efficiency terms, resulting in increased land values, productivity and rental returns.²⁸

[62] The legal context for these considerations is as follows. Adverse effects on land and property values are not in themselves a relevant consideration, but if they occur,

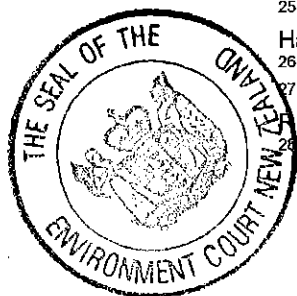
²⁴ Paragraph [29](d) of their submissions.

²⁵ Evidence of Kerry Titchener at [14]; also evidence of Fraser Powrie at [10]-[14]; Edgar Smithies at [15]; Hadi Younan at [7], [13]-[16]; James Hook at [41]; and Peter Phillips at [34]-[36].

²⁶ Evidence of Peter Churchill at [16] and [18]; also statement of rebuttal evidence by Rick Galli at [11].

²⁷ Rebuttal evidence of Peter Churchill at [20]; also rebuttal evidence of CRL Land Acquisition Manager Rick Galli [18].

²⁸ Rebuttal evidence of Phil Osborne at [26] to [33].



they are simply a measure of adverse effects on amenity values.²⁹

[63] If property values are reduced as a result of activities on adjoining land, the devaluation would reflect the effects of that activity on the environment. The correct approach is to consider those effects directly rather than market responses because the latter can be an imperfect measure of environmental effects.³⁰ We were not persuaded that the s274 parties' witnesses paid sufficient regard to the likely positive economic effects that would result from CRLL's proposed investment in the Mt Eden Station and its environs, or the redevelopment and economic activity likely to be stimulated by such in adjoining areas.

[64] It is also relevant to re-state that decisions in cases like this should not be made based on people's fears that might never be realised. In *Shirley Primary School v Christchurch City Council* the Court held that "*whether it is expert evidence or direct evidence of such fears, we have found that such fears can only be given weight if they are reasonably based on real risk.*"³¹

Visual amenity and urban design effects

[65] The case for the s 274 parties was that there would be significant adverse visual amenity and urban design effects, necessitating mitigation involving acquisition of a property not presently designated, and the creation of a new vehicular access link.

[66] In addition to denying there would be adverse visual amenity and urban design effects, the requiring authorities pointed to significant improvements in the locality from the redevelopment of the Mount Eden station as proposed by the alterations, particularly in comparison to the present visual amenity and general quality of the urban realm in the vicinity of the station.³² The placement of the Mount Eden station on a street frontage would provide improved access and visibility, a substantial forecourt with opportunities for retail, landscaping, and artworks.³³ Also improvements in surrounding streets including footpath widths, tree plantings, new open spaces and shared areas for vehicles, pedestrians and cyclists.³⁴ There would also be redevelopment of the construction yard after completion of the CRL, providing opportunities for urban renewal

²⁹ *Foot v Wellington City Council* Environment Court decision number W73/98 at [256].

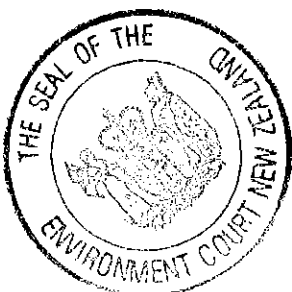
³⁰ *Bunnik v Waikato District Council* Environment Court decision A42/96 at page 6.

³¹ *Shirley Primary School v Christchurch City Council* [1999] NZRMA 66 at [193].

³² Evidence of Mr Jolly at [16] and [17].

³³ Evidence of Mr Jack at [29].

³⁴ Evidence of Mr Jolly at [25]-[26].



and a more vibrant and visually attractive neighbourhood.³⁵

[67] While obviously detailed design of these features has not been carried out, conceptual graphic illustration was provided by Mr Jolly who offered his opinion, not seriously challenged by others, that there would be a significant uplift in the desirability, safety and quality of the urban environment in the general location.

[68] Several weeks before the hearing, the s 274 party Qambi Properties Limited arranged for the Court to issue a subpoena to Mr I C Munro, an urban planner and designer.

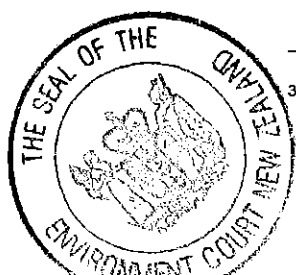
[69] Given Qambi's last minute decision not to participate in the hearing, the opportunity to call the pre-circulated evidence of Mr Munro was handed to C B Trustees 2012 Limited, and he was in fact called to give evidence by Mr Allan.

[70] Mr Munro holds qualifications in planning, architecture and engineering and environmental legal studies. Of relevance to the present case, he is familiar with the CRL project because in 2009/10 he led a small project for Auckland City Council seeking to inform the Council's preferred number and location of stations, including in the vicinity of what is now proposed. Since 2014 he has chaired an ongoing special urban design panel for Auckland Council dedicated to the CRL project. The reason for his needing to be subpoenaed can be seen from these appointments.

[71] In preparing his evidence Mr Munro received a briefing from Mr Bartlett QC on behalf of Qambi, which he acknowledged was limited in scope, and attended meetings with Mr Jolly and Mr Jack.

[72] Of some importance, Mr Munro commenced evidence by acknowledging the prospect for substantial positive urban design outcomes for Auckland from the overall CRL project, and in particular that the Mt Eden station and various improvements proposed would also on balance result in numerous positive urban design effects.

[73] Mr Munro was however strongly opposed to the removal of the vehicular link at Porters Avenue, which he considered would result in inappropriate adverse urban design effects. A problem for his rather belated involvement with the case however was that by the time of the hearing, at least one iteration of same was "off the table", being Mr McKenzie's "Alternative 2" version.



³⁵ Evidence of Mr Jolly at [27].

[74] Mr Munro was critical of lack of calculation of additional vehicle kilometres to be travelled and vehicle emissions resulting, in the approach by the requiring authorities to the alterations. He offered the interesting opinion that if we were not dealing with the CRL, but instead a proposal by a developer wishing to cut off the Porters Avenue link to place a building over it, he would perceive a serious defect with what he considered to be a resultant very inefficient urban structure within the affected area. This was on the basis of the quality compact urban form sought by the Auckland Unitary Plan and its expectations for efficient and convenient blocks and road networks. He was worried about the existing poorly integrated and mostly disconnected road structure of the affected area, which with or without a closing of the vehicular link would not in his view be deemed acceptable in a new subdivision based on the provisions of Chapter E38 of the Unitary Plan.

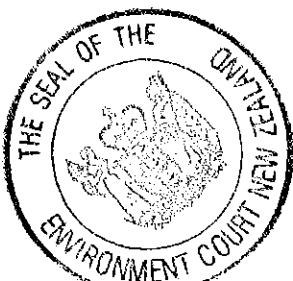
[75] Mr Munro proceeded to consider and rank four options from the urban design point of view. Option (a) was the existing approved designation; his second most optimum outcome would be a new road connection between Fenton and Akiraho Streets; the third most optimum outcome would be to establish a new overbridge in a very similar alignment as Porters Avenue as proposed by some s 274 parties; with the least preferable solution, distantly trailing, being that favoured by the requiring authorities.

[76] Mr Munro took into consideration the objectives of the CRL as follows (he called them "options"):³⁶

- a. The existing approved designation providing for a lowered railway line and grade-separated Porters Avenue road over-bridge.
- b. The current Requiring Authority proposal, being to remove the road link, replace it with a pedestrian over-bridge, and route vehicles through the local road network via Wynyard and View Roads. This is best described in the evidence of the Requiring Authority's witnesses.
- c. A replacement road over-bridge in an alignment similar to Porters Avenue and associated access roads (to transition between the relative road levels) proposed by a group of s.274 parties.
- d. An alternative at-grade road connection linking Fenton Street and Akiraho Street to allow vehicle access north via Mount Eden Road, proposed by Qambi Ltd.

[77] He also considered the Urban Design Principles for CRL which he acknowledged did not have the same statutory significance as the CRL objectives, and

³⁶ Statement of evidence, pages 6 and 7.



proceeded to analyse his four identified options against each of these.

[78] Mr Munro's overall analysis of these matters was quite detailed and precise, but undertaken in something of a vacuum. As noted already there is clear authoritative law that requiring authorities do not need to choose a particular, let alone "the best" alternative, but rather the Court should be satisfied that the requiring authorities have adequately considered alternative options to the extent needed under the legislation.³⁷

[79] The legal position is that the meaning of "adequate" is not "meticulous" or "exhaustive" but "sufficient", or "satisfactory".³⁸ We note from the same High Court decision, that a more careful consideration of alternatives might be required where there are more significant effects of allowing the requirement.³⁹ It will be seen from our decision overall that the present case is not one of those situations. Nevertheless our reading of the AEE at [4.2], and consideration of much of the expert evidence called by the requiring authorities, demonstrates to us that considerable attention was paid to a at least 7 alternatives, three of which involved road bridges in the vicinity, and four of which involved various permutations of a link near Porters Avenue. We find that the consideration of alternatives by the requiring authorities on this occasion has been little short of exhaustive. Importantly, it has been multi-disciplined, unlike Mr Munro's approach from which he seems to have had an expectation that we will place a major emphasis on urban design matters and identify a "best" alternative.

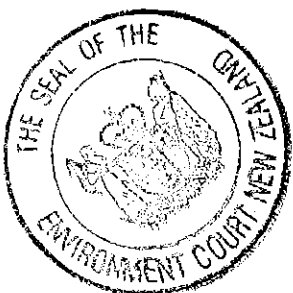
[80] We comment further on Mr Munro's approach to the objectives for the CRL in the separate part of this decision addressing that topic to which we are to have particular regard under s 171(1).

[81] We are critical of an apparent major plank in Mr Munro's evidence, a comparison of the current proposal with a hypothetical "greenfields" subdivision proposal. Without being too unkind to it, the commercial and mixed-use part of the locality around Mt Eden Station is very "brownfields". The roading pattern and current run down appearance of much of it are the result of many unrelated infrastructural and development decisions made by many people over a considerable period of the history of this area of Auckland.

³⁷ Refer to the decision of the High Court in *Meridian Energy Limited v Central Otago District Council* [2010] NZRMA 477 at [81], cited with approval of the Board of Inquiry in its Draft Report and Decision into the NZTA Waterview Connection proposal, published by the EPA in May 2011, at [996]; and the Board of Inquiry into the Basin Bridge Proposal, Final Report and Decision, August 2014 at [1090]; and affirmed by the High Court once again in *NZTA v Architectural Centre Inc and others* [2015] NZHC 1191 at [154].

³⁸ High Court decision in *NZTA v Architectural Centre Inc and others* [2015] NZHC 1191 at [137].

³⁹ *Architectural* decision at [142].



[82] A significant limitation occasioned by Mr Munro's very narrow focus, was that he preferred options that no party was now seeking, and which the engineering experts had not supported in their joint witness conferencing.

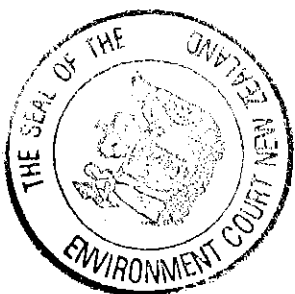
[83] Mr van Zonneveld raised matters which went significantly beyond the authority that we have on the present proceedings, particularly some highly detailed suggestions about the potential benefits of reconfiguring a significant part of the local roading network. Those matters are beyond our purview. However, Mr van Zonneveld raised concerns about the juxtaposition of the now proposed pedestrian and cycling bridge on the Porters Avenue alignment in relation to his commercial building at 5 Porters Avenue. These concerns could in part be characterised as urban design concerns. Question marks arose as to just how far from the face of the building it is proposed to place the new bridge, and we agree that care is necessary in that regard. We shall return to that topic later in this decision.

Adequacy of consideration of alternatives

[84] We have already set out the relevant part of s 171(1) RMA, and indicated findings based on the evidence before us, that the requiring authorities can pass through the two alternative gateways in s 171(1)(b). First, we have found that they own all the land needed for undertaking the work, including properties that will be needed only during the construction phase, the designation on which should cease at the conclusion of construction works. Also that it is not possible to find that the proposed works will have significant adverse effects on the environment.

[85] Nevertheless, out of care, and reiterating our findings of law earlier in this decision about what it is meant about adequacy of consideration of alternatives, we reiterate that such consideration in the present case has not been far short of exhaustive, a test higher than must be met. Such consideration has even extended to the benefits and cost of both principal options ultimately put forward as possible mitigation, the construction of a road bridge at Porters Avenue after the construction works are completed, being cost at approximately \$180m but not being supported by the engineers and traffic experts; and the cheaper option of providing a road connection through a yet to be acquired property between the eastern end of Fenton Street through to Akiraho Street, at a lesser cost of approximately \$7.5m – \$8.5m.

[86] On the evidence before us, and even before the urgings of the various s 274 parties and other submitters, we hold that consideration of alternatives by the requiring



authorities has been more than adequate.

Reasonably necessary for achieving the project objectives?

[87] Subsection (c) of s 171(1) requires us to have particular regard to whether the work and Designations are reasonably necessary for achieving the objectives of the requiring authorities for which the designations are sought.

[88] We remind ourselves that the present proceedings are not an enquiry into the overall designation for the CRL. That has been the subject of an approved designation for some time. It is an enquiry concerning proposed alterations to both the CRL and NAL designations, a much more confined enquiry.

[89] We have already mentioned projected objectives for the CRL when discussing the urban design evidence of Mr Munro. It is interesting to note that under cross examination by Mr Beatson, Mr Munro acknowledged that the project objectives are not bottom lines, although he advised that he nevertheless considered them to be a significant part of the assessment.

[90] Objectives not met in Mr Munro's view include objectives 2(a) ("improved journey time, frequency and reliability of all transport modes"); 3(a) ("support economic development opportunities"); 4(a) ("limit visual, air quality and noise effects"); 4(b) ("contribute to the country's carbon emission targets"); and 5(a) ("enhance the attractiveness of the city as a place to live, work and visit").

[91] We do not favour a piecemeal approach to the assessment of the proposal against project objectives. Some objectives will be relevant for present purposes, others not; those that are relevant may be of greater or lesser importance in the overall assessment. An holistic approach to whether the work and designation are reasonably necessary for achieving the objectives, is what is required. Referring primarily to the largely unchallenged evidence in chief and supplementary rebuttal evidence of Mr Jolly called by CRLL, we consider that the objectives identified by Mr Munro are in fact met to a sufficient extent.

[92] Concerning objective 2(a) we agree with Mr Jolly and his supplementary rebuttal evidence that Mr Munro does not identify or balance the loss of vehicle connectivity against improvements to the operation and safety of the CRL and NAL, including through grade separation near Mount Eden junction. Further, we note with approval the evidence that journey times from Mount Eden to the city would be improved for



pedestrians, cyclists and rail users. We have already made our findings about minor adverse effects for vehicle movements, and positive effects for pedestrians and rail users. We agree with the statement of supplementary rebuttal evidence by Mr Clark on behalf of CRL that improvements in public transport in the area will be beneficial as the numbers of people living and working in the area increase, the converse of that being that the road network might otherwise become more congested in the absence of reliable alternative public transport.

[93] Regarding objective 3(a), the alterations would, we accept, be likely to assist in encouraging urban renewal in Mount Eden, which would support opportunity for economic growth in the area.

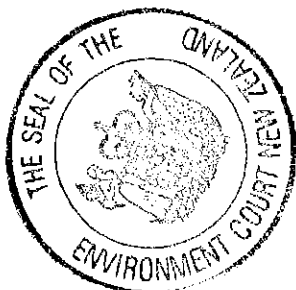
[94] As to objective 4(a), while the alterations might to a degree limit visual air quality and noise effects from vehicles, they have the potential to assist with enhancement of the amenity of the area by reducing the bulk of the bridge structure on the Porters Avenue alignment.

[95] As to objective 4(b), while those travelling to and from Haultain Street and Fenton Street will have slightly longer journey times, and therefore slightly increased carbon emissions, the alterations will have beneficial effects on these aspects as well. We heard no compelling evidence about net emissions but expect the longer vehicle journeys necessitated for some would be more than offset by the significantly increased number of journeys shifted to public transport means. In any event the objective is not about seizing upon individual impacts, whether positive or negative, and basing a decision around individual findings.

[96] Objective 5(a) will potentially be strongly supported by the alterations for reasons already discussed.

[97] We find that in the overall sense, the proposed alterations are reasonably necessary to achieve the objectives in the round, because:

- (a) They will improve the transport mode choice in Mount Eden by providing a safer, more resilient and efficient service to the CBD and other benefits for the Auckland train network including the CRL and NAL;
- (b) Result in significant operational benefits with consequent minimising of negative environmental impacts;



- (c) Result in significant capital and operational cost savings for the public purse;
- (d) Improve the amenity of Mount Eden Station and potentially improve that of surrounding streets by way of urban renewal thus encouraged;
- (e) Encourage opportunities for business and economic growth in the area.

Application of Part 2 RMA

[98] All consideration under s 171(1) is, as noted, subject to Part 2.

[99] The long-standing judicial approach to an “overall broad judgment” approach to assessing applications for resource consent against Part 2, was, as it is well known, rejected for at least some purposes by the decision of the Supreme Court in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited*⁴⁰.

[100] There have been subsequent decisions exhibiting some uncertainty about the application of that finding, particularly in relation in notices of requirement. (Also in relation to resource consenting).

[101] The Board of Inquiry concerning the Puhoi to Warkworth road of national significance held that there remains a need to carry out an overall balancing test and questioned wide spread applicability of the “environmental bottom lines” approach to the New Zealand Coastal Policy Statement.⁴¹

[102] The High Court in what is colloquially known as the Basin Bridge decision⁴² also distinguished *King Salmon* on the basis that s 171(1) RMA provides for specific statutory authority to consider Part 2, which is different from the statutory wording in the Plan Change context.⁴³ The High Court held:⁴⁴

King Salmon did not change the import of Part 2 for the consideration under s 171 (1) of the effects on the environment of a requirement.

[103] The Environment Court took the same approach in *KPF Investments v*

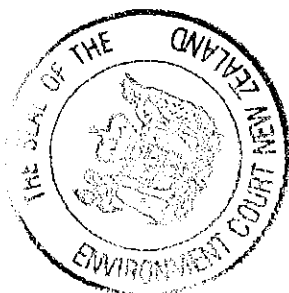
⁴⁰ [2014] NZSC 38.

⁴¹ Final Report and Decision of the Board of Inquiry into Ara Tuhono-Puhoi to Wellsford road of national significance: Puhoi to Warkwath section, 2 September 2014 at [133]-[134].

⁴² *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991.

⁴³ *New Zealand Transport Agency* at [118].

⁴⁴ At [399].



Marlborough District Council.⁴⁵

[104] Question marks remain however because of the decision of the Environment Court, upheld in the High Court in *R J Davidson Family Trust v Marlborough District Council*.⁴⁶ (The latter decision concerned a resource consent application measured against s 104 RMA).

[105] We are aware that the *Davidson* decision has recently been the subject of a hearing in the Court of Appeal, and a reserved decision is awaited.

[106] For completeness in this rather uncertain area, we mention *Envirofume v Bay of Plenty Regional Council*.⁴⁷

[107] We hold that the debate is (perhaps fortunately) academic in the present case. We consider that a Part 2 analysis would be satisfied in this case on the evidence before us. Noting that the essence of the present case is about effects on the environment, we hold that it passes muster in relation to s 5 RMA; further that the proposed alterations do not run counter to any of the Section 6 matters, provide for appropriate and efficient use of resources subject to appropriate conditions, enhance amenity values and the quality of the environment, and support sustainable management. We can find little fault with the detailed analysis of the alterations against Part 2 set out in Section 7 and Appendix J of the AEE.

Is mitigation needed?

[108] We were offered considerable amounts of evidence about possible mitigation of loss of connectivity in the street system, with the focus ultimately being on a proposed joining of the dead end of Fenton Street with nearby Akiraho Street, through a property at 13 Akiraho Street. That property was not included in the original designation, is not included within the proposed alterations to the designation, and has not been acquired.

[109] If we were to have found that mitigation was necessary, separate processes outside of those presently before us, might have been necessitated. The parties debated how such might be undertaken.

[110] In the event the effects on the environment are so minor as not to warrant imposition of any further mitigation. Not only is there no significant adverse effect

⁴⁵ [2014] NZEnvC 152 at [202].

⁴⁶ [2016] NZEnvC 81. High Court decision at [2017] NZHC 52, particularly at [76].

⁴⁷ [2017] NZEnvC 12, which appears to take a broad approach to assessments under Part 2.



sufficient to trigger the gateway in s 171(1)(b)(ii), but our overall findings about effects on the environment for the purposes of s 171(1), are such that the suggested mitigation is not required.

Consideration of the cases of the parties

[111] Pursuant to 198E RMA we believe we are required to consider the content of the submissions lodged with the Council, inclusive of those that did not become subject of notices under s 274. We have done so, assisted in part by the council's s198D report⁴⁸. Nothing in those materials causes us to change our views about any of the matters on which we heard evidence and have made decisions.

[112] As indicated early in the hearing, we have not disregarded the case brought by Qambi Properties Limited or the issues on which its witnesses prepared evidence. We have taken those matters into account, albeit that we can apply somewhat less weight to them than to matters that were the subject of evidence tested in the hearing. We also note that Qambi's experts participated in the conferences of groups of experts that reached significant levels of agreement with experts called by other parties. We also note that ultimately Qambi's proposal for mitigation was adopted by CB Trustees 2012 Limited in preference to its own, after the Court required precise advice from parties as to relief being sought and issues in contention in the case.

[113] Mr van Zonneveld's situation was different from the other s 274 parties. He did not want there to be a bridge of any sort crossing the railway tracks on the Porters Avenue alignment.

[114] As earlier recorded, we cannot assist Mr van Zonneveld with his extremely detailed request for intervention in traffic patterns on Mount Eden streets. As to a bridge on the Porters Avenue alignment, we hold that a pedestrian and cycle bridge as more or less proposed by the requiring authorities, is appropriate, and that the existing designation can be altered to delete the vehicular component.

[115] One matter raised by Mr van Zonneveld however requires to be handled with care in the conditions of approval. We felt that Mr van Zonneveld was justified in expressing concern about how close the pedestrian and cycling bridge might come to the Porters Avenue façade of his property on the corner of Porter's Avenue and Haultain Street, where current plans and graphic exhibits show a lift tower associated

⁴⁸ Section 198D report by Auckland Council, 10 May 2017, Section 3: Submissions.



with the bridge being very close.

[116] Mr van Zonneveld said that the façade of his building was set back 2 metres from its boundary. He asked Mr Ryder questions about the separation distance and was told that it would be of the order of 3 metres from the boundary of the property. Mr Ryder also said that the bridge might have to be moved in the order of half to one metre to accommodate turning movements underneath the bridge.⁴⁹ Mr van Zonneveld asked Mr Jack the same question and was told that the separation distance was 3 – 3.5 metres.⁵⁰

[117] With the façade of the building being set back 2 metres from the boundary, the separation distance from the lift would be of the order of 5 – 5.5 metres.

[118] The finally condition 47.2(b)(xi) records that the pedestrian/cycle bridge is to be located no closer than 3.5 metres from the property boundary of 5 Porters Avenue excluding any below-ground foundation support. That would mean a separation distance of 2 metres from the existing building façade plus 3.5m in the road reserve for a total separation distance of 5.5m. The dimension of 3.5m from the property boundary proffered by CRL and agreed by the council is unqualified except as to foundations. We expect that it allows for any widening for turning movements underneath the bridge of the type mentioned by Mr Ryder as possibly being required⁵¹. We understand Mr Nixon's rebuttal drawing 1046 rev 2.0 3/10/17 "road layout Fenton Street extension to Akiraho Street" to allow for "intersection widening for rigid 8m truck" making the Wynyard – Fenton turn.

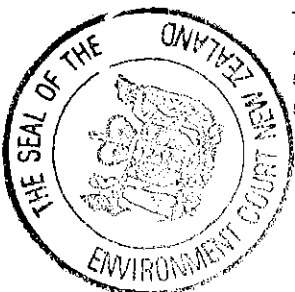
[119] We confirm that Condition 47(b)(xi) is to provide that no part of the pedestrian/cycle bridge including the lift tower element, but excluding below-ground foundations, is to be located any closer than 3.5m from the boundary of 5 Porters Avenue.

[120] Condition 47.2(b)(xii)(a) provides that the design of the bridge shall minimise loss of privacy on adjacent residential sites. The most potentially affected existing residential development is at 6 Porters Avenue. A large utilitarian business premise is opposite on the western side of Porters Avenue. We have found nothing in the materials that fixes the location of the proposed pedestrian/cycle bridge in the road

⁴⁹ Transcript, p 94.

⁵⁰ Transcript, p 98.

⁵¹ Transcript p94.



reserve with certainty (other than its proximity to 5 Porters Avenue). Minimising loss of privacy is an imprecise term and we find the intended outcome would be secured with greater certainty if Condition 47.2(b)(xii)(a) were amended to read "Minimise loss of privacy on adjacent Porters Avenue residential sites, including by locating the pedestrian/cycle bridge in the western half of the Avenue". This would align with and secure the outcome given in evidence. We direct accordingly.

Other conditions

[121] Counsel for the council advised in a memorandum dated 14 November 2017 that it supported amended conditions circulate by CRL on 13 November subject to a handful of minor editorial changes highlighted in that version. We comment on the latter and make the following directions in respect of them:

- (a) The highlighted minor changes sought by the council are confirmed;
- (b) The proposed Explanatory Note applicable to the operative CRL designation and NoR is confirmed subject to references in the figures being to Designations not NoRs and the figures being reproduced in more legible form;
- (c) The proposed change to Condition 1.2(b) is not confirmed. The condition wording will revert to that supported by MediaWorks in the operative Designation conditions;
- (d) The change to Condition 47.2(b)(xiii) for Ruru Street and Nikau Street extensions is confirmed.

Conclusion

[122] We confirm the alterations to the designations in terms of s 198E(6) in the place of the territorial authority, subject to the changes outlined above.

[123] The conditions of the approval are attached to this decision, modified in the manner set out above.

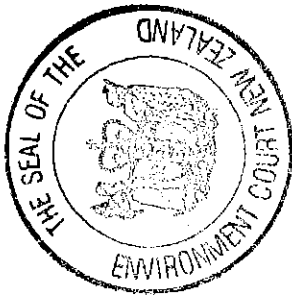
[124] Costs are reserved. Any application is to be made within 15 working days of the date of this decision.



For the Court:



LJ Newhook
Principal Environment Judge



Bell Gully Email (dated 21 December 2017) regarding Mt Eden CRL / NAL alteration – errors and omission in the condition set attached to the Environment Court decision

Bronnie Styles

From: natasha.garvan@bellgully.com
Sent: Thursday, 21 December 2017 9:38 a.m.
To: Vanessa Evitt
Cc: 'Helen McLean'; Fritha Witton (AT); Andrew Beatson; Liam.Kearns@bellgully.com
Subject: CRL conditions [BG-B.FID827983]
Attachments: CRL Altered Conditions (FINAL and colour coded alts UPDATED WITH EC DECI....doc

Hi Vanessa,

Helen has identified the following errors to the condition set attached to the Court's decision (as per comment bubbles in **attached** version):

1. Note 1 of Condition 33.1 and Condition 33.2 is missing.
2. The numbering of Condition 47 (c) is incorrect as they have used (i) twice.

Can you please check with Joao that the Council is happy to make these minor corrections given they are obvious errors?

Thanks,

Natasha Garvan Senior Associate

BELL GULLY

DDI +64 9 916 8956 MOB +64 27 4200561
Vero Centre, 48 Shortland Street, Auckland, New Zealand

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Email from Auckland Council (dated 21 March 2018) and CRL response dated 22 March 2018) regarding cross reference to deleted Condition 30.1(l) in Condition 42.2(x)

Bronnie Styles

From: Richard Jenkins <richard.jenkins@cityraillink.govt.nz>
Sent: Thursday, 22 March 2018 11:03 a.m.
To: Matt Spiro; Fritha Witton (AT)
Cc: Joao Machado; Helen McLean
Subject: RE: CRL - Unitary Plan update - Cross-reference to deleted condition

Hi Matt,

We think the cross-reference should be to Condition 30.1(k).

Regards,

Richard Jenkins – Principal Planner
City Rail Link Project
AMP Centre – Level 17, 29 Customs Street West
PO Box 105777, Auckland 1141

M: + 64 21 870 124

E: richard.jenkins@cityraillink.govt.nz



From: Matt Spiro [<mailto:Matthew.Spiro@aucklandcouncil.govt.nz>]
Sent: Thursday, 22 March 2018 10:16 AM
To: Richard Jenkins <richard.jenkins@cityraillink.govt.nz>; Fritha Witton (AT) <Fritha.Witton@at.govt.nz>
Cc: Joao Machado <Joao.Machado@aucklandcouncil.govt.nz>
Subject: Re: CRL - Unitary Plan update - Cross-reference to deleted condition

Hi Richard

Is there any chance you could look at this and respond this morning?

Rather selfishly I'm on leave this afternoon and tomorrow, but if you're unable to respond this morning I'll find a way to get it done tomorrow.

Thanks
Matt

----- Original message -----

From: Matt Spiro <Matthew.Spiro@aucklandcouncil.govt.nz>
Date: 21/03/2018 12:44 (GMT+12:00)
To: "richard.jenkins@cityraillink.govt.nz" <Richard.Jenkins@cityraillink.govt.nz>, "Fritha Witton (AT)" <Fritha.Witton@at.govt.nz>
Cc: Joao Machado <Joao.Machado@aucklandcouncil.govt.nz>
Subject: CRL - Unitary Plan update - Cross-reference to deleted condition

Good afternoon Richard and Fritha

We have picked up an apparent error in the City Rail Link (CRL) conditions; in particular, Condition 47.2(x) cross-references Condition 30.1(l), which has been deleted through the Environment Court hearing of the Mt Eden alteration.

In our view, Condition 47.2(x), which relates to the transparency of balustrades within the Normanby Road grade separation works, should in fact reference either:

- Condition 30.1(k), which relates to safe and reasonable pedestrian and vehicle access at completion of the Normanby Road grade separation works; or
- Condition 30.1(m), which relates to the parcels of land within the Normanby Road grade separation works.

By contrast, deleted condition 30.1(l) relates to Kiwirail land subject to Condition 30.1(k) and requires that land to be retained by the Requiring Authority until such time as the vehicle access is no longer required.

Tracked changes versions of the above conditions are **attached** for ease of reference.

Could you please advise at your earliest convenience which condition should be cross-referenced by condition 47.2(x)? The update to the Unitary Plan is ready for sign-off once we have your response and amend the planning memorandum required for the update to reference your response.

Please call me if you have any queries regarding the above.

With kind regards,
Matt

Matt Spiro
Principal Planner | Central & South
DDI: 09 890 7403 | Extn: 46 7403 | Mob: +64 21 942 607
Auckland Council
Level 24, 135 Albert Street, Auckland
www.aucklandcouncil.govt.nz



Have your say on
Auckland's future
by 8pm on 28 March.
akhaveyoursay.nz



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Combined tracked changes version of CRL designation conditions

2500 City Rail Link

Designation Number	2500
Requiring Authority	City Rail Link Limited (CRL)
Location	Various locations
Rollover Designation	No
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

City Rail Link (CRL)

Explanatory Note:

The following explanatory note does not form part of the conditions.

It is a non-statutory way finding explanation of how the conditions are structured, what they cover in broad terms and where referenced documents can be found.

This note does not alter legal obligations and rights created by the conditions.

The conditions attach to six different designations. The designations are:

2500-1	A surface designation extending from Britomart Transport Centre to Albert Street/Mayoral Drive (in the vicinity of the Aotea car park entrance on Mayoral Drive) for the construction, operation and maintenance of the CRL – including two rail tunnels and Aotea Station.
2500-2	A sub-strata designation of land below the ground surface (within road reserve and private property) for the construction, operation and maintenance of the CRL – including two rail tunnels and ancillary activities. This designation sits underneath the strata (protection) designation 2500-3 and extends from Mayoral Drive to New North Road.
2500-3	A strata (protection) designation that acts as a buffer between activities on the ground surface and the sub-strata designation (2500-2) that provides for the two rail tunnels. This designation sits above designation 2500-2 starting from 5 metres below the ground surface, and extends from Mayoral Drive to New North Road.
2500-4	A surface and sub-strata designation for the construction, operation and maintenance of Karangahape Station, and encompassing land within road reserve and private property in the vicinity of Pitt Street, Beresford Square, Karangahape Road, and Mercury Lane.
2500-5	A surface and sub-strata designation for the construction, operation and maintenance of Newton Station, and encompassing land with road reserve and private property in the vicinity of Symonds Street, Dundonald Street, and New North Road.
2500-6	A surface designation for the construction, operation and maintenance of the CRL – including the rail tunnels and connections required to join the CRL to the North Auckland Railway Line (NAL). This designation is located generally between New North Road, Mt Eden Road and Boston Road in the north and the NAL in the south. It also includes land located on the southern side and adjacent to the NAL between Normandy Road and Mt Eden Road, and to the immediate east and west of Porters Avenue.

Hereafter for the purpose of this condition set the designations are referred to as 1, 2, 3, 4, 5 and 6.

The table of contents for the conditions provides a broad overview of the subject matter. It commences with definitions and abbreviations and progresses to general conditions applicable to all designations followed by the conditions for pre-construction, construction, and operation. Under each

of these headings may be found sub-headings dealing with specific aspects of the work. There follow advice notes and appendices for:

- buildings for consideration as to building condition surveys; and
- heritage buildings for consideration as to building condition surveys

The conditions for designation 3 conclude the suite of conditions.

Set out below are a series of figures illustrating and explaining the location, extent and nature of designations 1 – 6. For precise details, please refer to the relevant designation overlays within the planning maps.

Figure 1: Designations Overview Map

The map below is not to scale and is intended as a visual tool only to show the location of each designation. The Land Requirement Plans and associated Schedule of Directly Affected Parties (attached to each NoR) should be referred to for the actual area of land required.

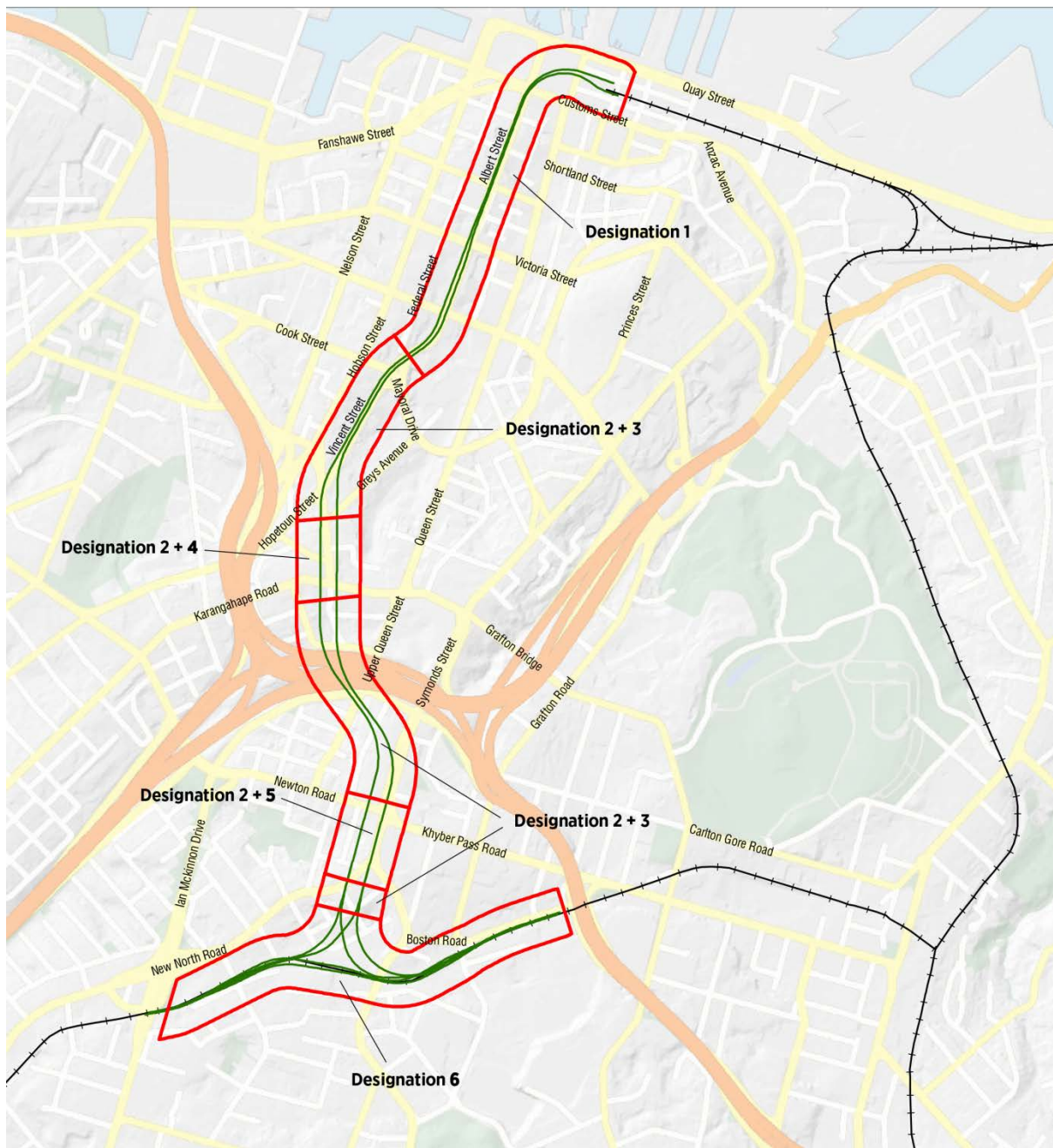
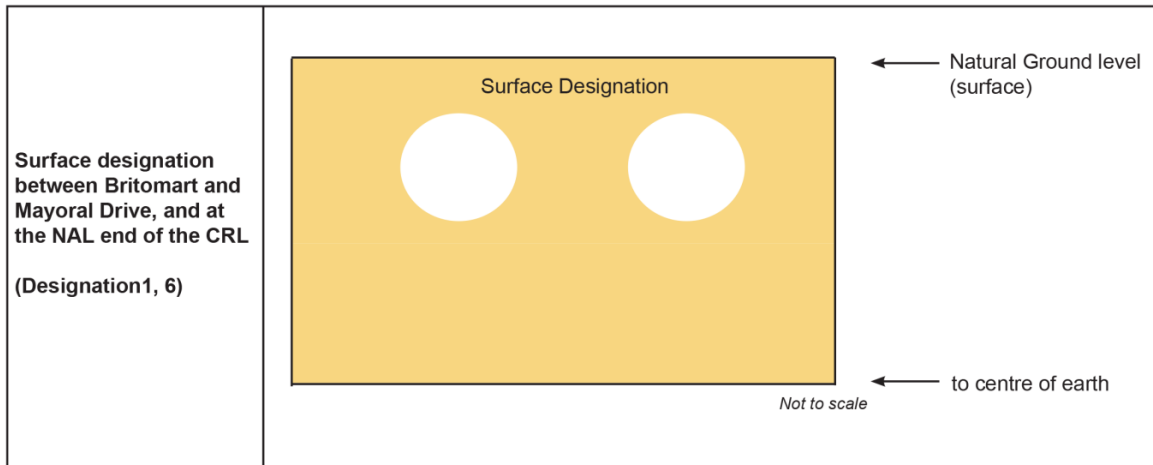
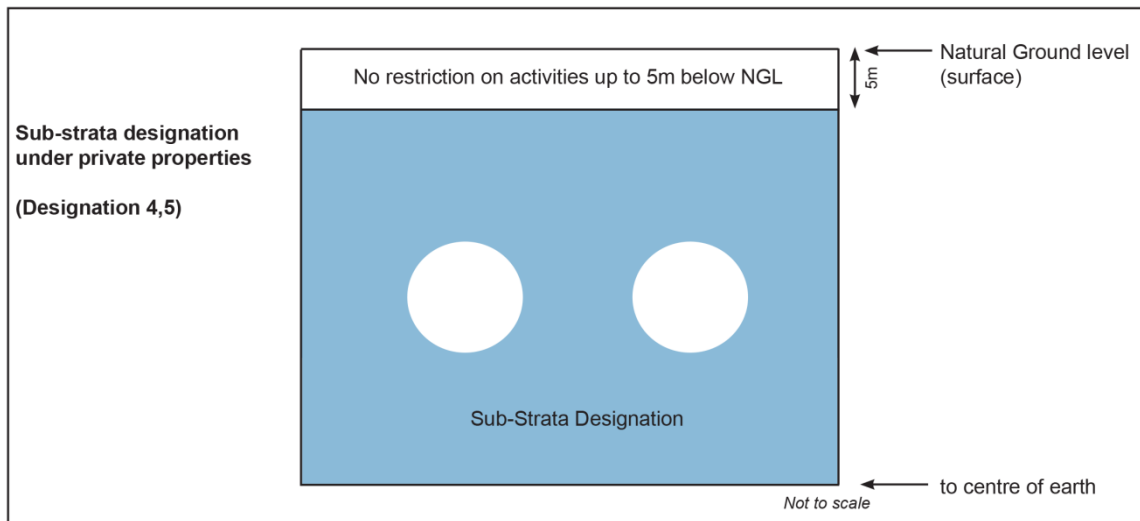


Figure 2: Visual explanation of the designation types

Surface Designations



Sub-strata Designations



Strata Designation with Sub-strata Designation below

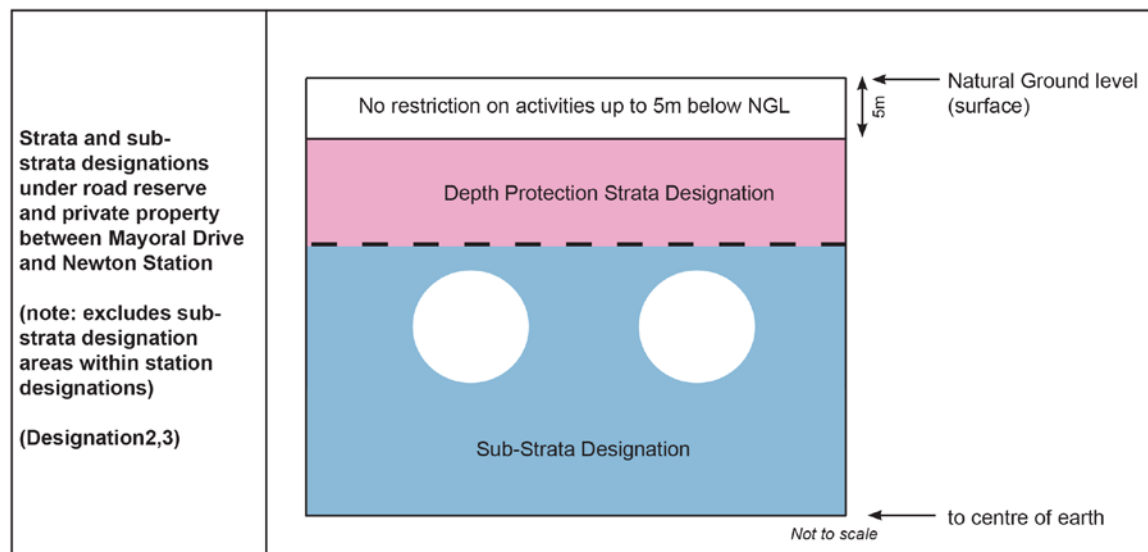
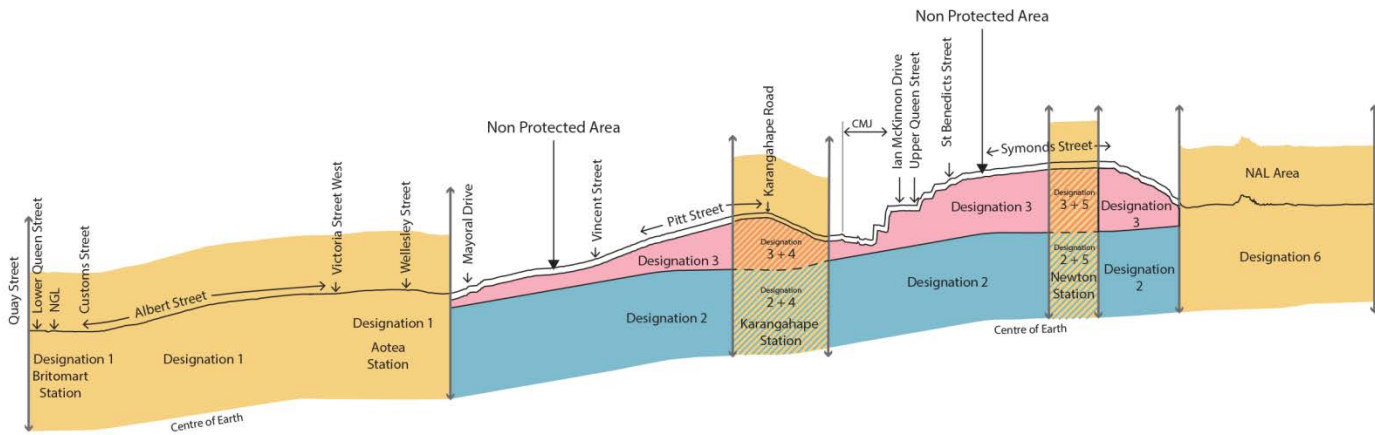


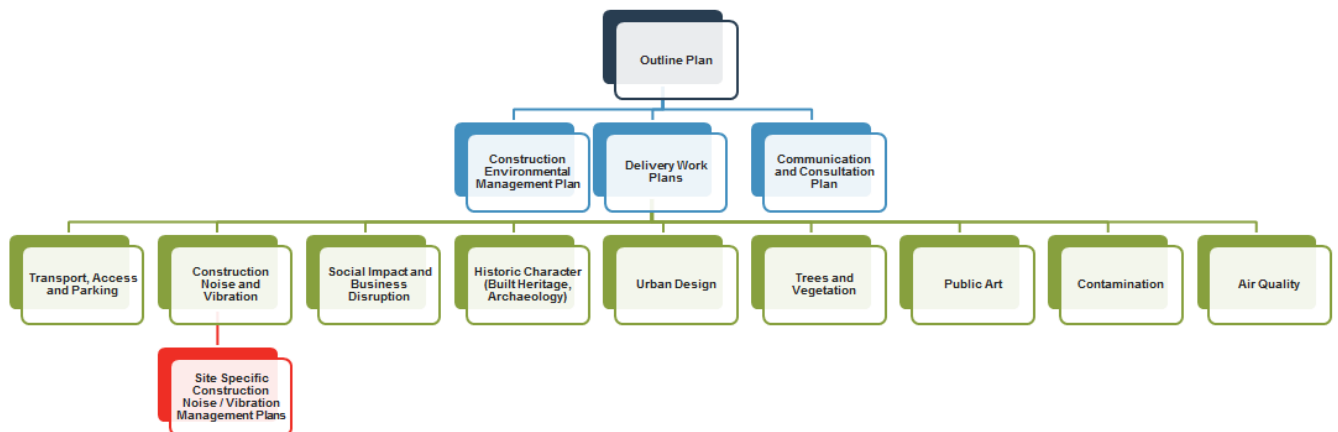
Figure 3: Indicative long-section of the designations across the length of the CRL

Diagram Not to Scale



The relationship between the various plans required by designation conditions is illustrated in the diagram below:

City Rail Link (CRL) Designation Conditions – Plan Framework



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DEFINITIONS

Consult, Consulting, Consultation Designations 1, 2, 4, 5 and 6

The process of providing information about the construction works, and receiving for consideration, information from stakeholders, directly affected and affected in proximity parties, regarding those effects and proposals for the management and mitigation of them.

Fully operational traffic lane Designations 1, 4, 5 and 6

May include a traffic lane that is subject to a reduced speed limit, or one which may have a temporary reduction in the lane width, due to construction activity.

Two way access Designations 1, 4, 5 and 6

Access into and out from a site or a road. This access may include restrictions (eg. left in, left out) where these are specified within the relevant conditions.

Notable Noise and Vibration Receivers Designations 1, 2, 4, 5 and 6

Receivers that undertake activities within spaces that rely on a particularly low noise and vibration environment. For these designations these spaces are defined as:

- Public Performance Theatres;
- Recording Studios, both sound and television (including Mediaworks, except the specific spaces addressed by Condition 35);
- In relation to sensitive equipment - Medical Facilities and Scientific Laboratories;
- In relation to the requirement to record witness statements - The Auckland District Court in Albert Street.

Sensitive Noise and Vibration Receivers Designations 1, 4, 5 and 6

Receivers that may be disturbed during rest, concentration, communication or prayer. For these designations these include (but are not limited to):

- Dwellings
- Office
- Schools, including Child Care Centres and tertiary facilities
- Libraries
- Hospitals
- Rest Homes
- Marae and other Cultural Centres

- Churches
- Hotels or other accommodation facilities

**Site Specific Construction Noise and Vibration Management Plans
Designations 1, 4, 5 and 6**

These include site specific construction noise management plans (SSCNMP), site specific construction vibration plans (SSCVMP), or a combination of both noise and vibration in one plan (SSCNVMP) to address the effects from the construction activity on notable or sensitive receivers.

**Best practicable option
Designations 1, 4, 5 and 6**

Has the meaning under the Resource Management Act 1991 and, for the purpose of these conditions, comprises the best practicable option for minimising the effects of any construction activity (including effects on the transport network or heritage values) on the receiver.

**Historic Character
Designations 1, 4, 5 and 6**

This includes heritage buildings, sites and places identified in the Heritage New Zealand register or in the Auckland Council District Plan (Isthmus or Central Area Sections) or as specifically identified in conditions.

**Mana Whenua
Designations 1, 4, 5 and 6**

Mana whenua for the purpose of this designation are considered to be the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the City Rail Link Project:

- Ngati Maru
- Ngati Paoa
- Ngai Tai ki Tamaki
- Ngati Te Ata
- Ngati Whatua o Orakei
- Te Akitai
- Te Kawerau o maki
- Ngati Tamaoho

**Material change
Designations 1, 4, 5 and 6**

Material change will include amendment to any base information informing the CEMP or other Plan or any process, procedure or method of the CEMP or other Plan which has the potential to materially increase adverse effects on a particular receiver. For clarity, changes to personnel and contact schedules do not constitute a material change.

Delivery Work Plans

Designations 1, 4, 5 and 6

Delivery Work Plans will contain specific objectives and methods for avoiding, remedying or mitigating effects and address the following topics:

- a. Transport, Access and Parking;
- b. Construction noise and vibration;
- c. Historic Character (including Archaeology);
- d. Urban Design (including landscape and station plans);
- e. Trees and vegetation;
- f. Social Impact and Business Disruption;
- g. Air quality;
- h. Public Art; and
- i. Contamination.

Peak Particle Velocity

Designations 1, 4, 5 and 6

The maximum component peak vibration level (in mm/s) measured in any of three orthogonal axes (vertical, transverse, longitudinal).

Designation 6

MediaWorks

MediaWorks means any television, radio and/or interactive media facilities which broadcast from the MediaWorks site (including any successor which conducts the same activities).

MediaWorks site

MediaWorks site means the properties at 2-3 Flower Street and 44-52 New North Road included within the following:

Lot 1 DP 84213	NA40B/1323
Lot 2 DP 49561	NA2063/54
Lot 4 Section 3 Deeds Plan 45(blue)	NA557/190
Part Lot 5 Section 3 Deeds Plan 45 Blue	NA557/144
Lot 1 DP 60771	NA15C/727

MediaWorks building

MediaWorks building means the building located at 3 Flower Street, directly adjacent to Nikau Street.

Studio 1

Studio 1 means the main broadcasting studio at the MediaWorks building as shown on Diagram 1.

ABBREVIATIONS

CEMP	Construction Environmental Management Plan
DWP	Delivery Work Plan
ONVMP	Operational Noise and Vibration Management Plan
PPV	Peak Particle Velocity
SSCNVMP	Site specific Noise and Vibration Management Plan

GENERAL CONDITIONS

Condition Number 1

Designations 1, 2, 4, 5 and 6

1.1 Except as modified by the conditions below and subject to final detailed design, and except as altered by Assessment of Environmental Effects (Reference CRL-AOT-RME-000-0057), Design and Construction Report (Reference CRL-AOT-RME-000-0059 and Drawings CRL-SYW-RME-000-DWG-0025-0030), the City Rail Link Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents (as updated by information provided by the Requiring Authority up until the close of the Hearing and during the course of Environment Court proceedings) being:

a. Assessment of Environmental Effects report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 15 August 2012 Rev B);

b. Supporting environmental assessment reports (contained in Volume 3 of the Notice of Requirement suite of documents, dated August 2012);

c. The Concept Design Report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);

d. Plan sets:

i. Land requirement plans (contained in Volume 1 of the Notice of Requirement suite of documents, dated 15 August 2012 and GIS-4214293-100-10 Rev 5 as amended for 32 Normanby Road, dated 14 September 2015);

ii. Plans contained in the Concept Design Report Appendices (contained in Volume 3 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);

iii. Plan CIV-000-DRG-0001 attached at Appendix 1 to these conditions.

e. Information provided in response to the Section 92 requests and/or in advance of the Council's section 42A report, including the following:

- i. ~~“City Rail Link Notice of Requirement: Social Impact Assessment” prepared by Beca Carter Hollings & Ferner Ltd (Beca), dated 19 April 2011 (approved for release 19 April 2013);~~
 - ii. ~~“City Rail Link – Supplementary Report: Traffic Modelling of Alternative Construction Scenarios” prepared by Flow Transportation Specialists Ltd, dated 22 May 2013.~~
- f. ~~Evidence (including supplementary evidence) provided prior to and at the Council hearing, including but not limited to:~~
- i. ~~Statement of Evidence by Ian Clark (Transport) dated 2 July 2013;~~
 - ii. ~~“Drawing 0220, Revision B” dated 20 August 2013, being part of the City Rail Link Project: Mt Eden Worksite set by Aurecon, submitted as part of the Second Supplementary Statement of Evidence of William (Bill) Russell Newns for Auckland Transport;~~
 - iii. ~~“City Rail Link Notice of Requirement: Outline Plan Process and Environmental Management Plan System (Indicative)” prepared by Beca Carter Hollings & Ferner Ltd, dated 27 September 2013;~~
 - iv. ~~“City Rail Link: Indicative Communication and Consultation Plan” prepared by Auckland Transport, dated September 2013;~~
 - v. ~~“Outline Social Impact and Business Disruption Delivery Work Plan” submitted as Attachment A to the Statement of Evidence of Amelia Joan Linzey (Beca Carter Hollings & Ferner Ltd), dated 26 September 2013.~~
- g. ~~All material and evidence (including rebuttal evidence) provided by the Requiring Authority in the Environment Court proceedings (ENV-2014-AKL-000057).~~

The City Rail Link Project (City Rail Designations 1, 2, 4, 5 and 6) shall be undertaken in general accordance with the following, subject to final detailed design:

- (a) the information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents (as updated by information provided by the Requiring Authority up until the close of the Hearing and during the course of Environment Court proceedings) being:
 - (i) Assessment of Environmental Effects report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 15 August 2012 Rev B);
 - (ii) Supporting environmental assessment reports (contained in Volume 3 of the Notice of Requirement suite of documents, dated August 2012);
 - (iii) The Concept Design Report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);
 - (iv) Plan sets:
 - Land requirement plans (contained in Volume 1 of the Notice of Requirement suite of documents, dated 15 August 2012 and GIS-4214293-100-10 Rev 5 as amended for 32 Normanby Road, dated 14 September 2015);
 - Plans contained in the Concept Design Report Appendices (contained in Volume 3 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);
 - Plan CIV-000-DRG-0001 attached at Appendix 1 to these Conditions.
 - (v) Information provided in response to the Section 92 requests and/or in advance of the Council’s section 42A report, including the following:
 - “City Rail Link Notice of Requirement: Social Impact Assessment” prepared by Beca Carter Hollings & Ferner Ltd (Beca), dated 19 April 2011 (approved for release 19 April 2013);
 - “City Rail Link – Supplementary Report: Traffic Modelling of Alternative Construction Scenarios” prepared by Flow Transportation Specialists Ltd, dated 22 May 2013.
 - (vi) Evidence (including supplementary evidence) provided prior to and at the Council hearing, including but not limited to:
 - Statement of Evidence by Ian Clark (Transport) dated 2 July 2013;

- “Drawing 0220, Revision B” dated 20 August 2013, being part of the City Rail Link Project: Mt Eden Worksite set by Aurecon, submitted as part of the Second Supplementary Statement of Evidence of William (Bill) Russell Newns for Auckland Transport;
- “City Rail Link Notice of Requirement: Outline Plan Process and Environmental Management Plan System (Indicative)” prepared by Beca Carter Hollings & Ferner Ltd, dated 27 September 2013;
- “City Rail Link: Indicative Communication and Consultation Plan” prepared by Auckland Transport, dated September 2013;
- “Outline Social Impact and Business Disruption Delivery Work Plan” submitted as Attachment A to the Statement of Evidence of Amelia Joan Linzey (Beca Carter Hollings & Ferner Ltd), dated 26 September 2013.

(vii) All material and evidence (including rebuttal evidence) provided by the Requiring Authority in the Environment Court proceedings (ENV-2014-AKL-000057).

(b) Except as modified by the following alterations:

- Assessment of Environmental Effects (Reference CRL-AOT-RME-000-0057), Design and Construction Report (Reference CRL-AOT-RME-000-0059 and Drawings CRL- SYW-RME-000- DWG-0025-0030 ('Aotea Alteration' - CRL Designation 1); and
- Assessment of Environmental Effects (Reference CRL-SYWRME-000-RPT-0065, Design and Construction Memorandum (Reference CRL-SYW- RME-000-MEM-0002) and Drawings CRL-SYW- RME-000-DRG-0120 to 0124 and 0128 to 0132 'Strata / Sub-Strata Alteration (CRL Designation 2); and
- Assessment of Environmental Effects (Reference CRL-MTE-RME- 000-RPT-0060, Revision 7 dated 9/11/16), Design and Construction Memorandum (Reference CRL-MTE-RME-000-MEM-0001, dated 9/11/16) and Drawings CRL-SYW-RME-000-DRG-0101 Revision 1 dated 26/7/16, 0102 Revision 1 dated 26/7/16, 0110 Revision 1 dated 26/7/16 and 0133 Revision 1 dated 26/7/16 and CRL-EFC-ROA-000-DRG-1027 Revision 4 dated 30/6/16, 1028 Revision 4 dated 30/6/16 and 1127 Revision 2 dated 30/6/16 and CRL-EFC-CON-000-DRG- 0060 Revision 1 dated 20/6/16, 0061 Revision 1 dated 20/6/16, 0062 Revision 1 dated 20/6/16, 0063 Revision 1 dated 20/6/16 and 0064 Revision 1 dated 8/7/16)('Mt Eden Station Alteration' - CRL Designation 6), Section 92 responses dated 20/12/16, 17/2/17 and 27/4/17.

1.2 Where there is inconsistency between:

a. The documents listed above and these conditions, these conditions shall prevail;

b. The information and plans set out in conditions 1.1(a) and 1.1(b) lodged with the requirements and presented at the Council Hearing and during the course of Environment Court proceedings, the most recent information and plans shall prevail;

c. The indicative management plans and evidence presented at the Council Hearing and the management plans (DWPs, CEMP, etc) required by the conditions of these designations and submitted through the Outline Plan, the requirements of the management plans shall prevail.

Condition Number 2

Designations 1, 2, 4, 5 and 6

2.1 In accordance with section 184(1) of the Resource Management Act 1991 (the RMA), these designations shall lapse if not given effect to within ~~40~~ 15 years from the date on which they are confirmed.

Condition Number 3

Designations 1, 2, 4, 5 and 6

3.1 As soon as reasonably practicable, and no later than the point at which any part or parts of the

City Rail Link become operational, the Requiring Authority shall:

- a. Review the area and volume of land designated for the City Rail Link;
- b. Identify any areas of designated land that are either no longer necessary for construction of the City Rail Link (if the City Rail Link has been constructed in part), or no longer necessary for the on-going operation and/or maintenance of the City Rail Link or for on-going mitigation measures; and
- c. Give notice in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in (b) above.

(d) Give notice in accordance with s182 of the RMA for the drawback of the CRL designation post construction where the CRL overlaps the North Auckland Line designation (Auckland Unitary Plan reference 6300) as follows:

- (i) Between 4 Haultain Street and 5 Fenton Street north and south (Identification reference 7 on drawing CRL-SYW-RME-000-DRG-0104 Revision 1 dated 26/7/16);
- (ii) Between 49-51 Boston Road and Severn Street (Identification references 1, 2 and 3 on drawing CRL-SYW-RME-000-DRG-0101 Revision 1 dated 26/7/16);
- (iii) At 14-22 Boston Road (Identification references 5 on drawing CRL-SYW-RME-000-DRG-0101 Revision 1 dated 26/7/16);
- (iv) At 11 Water Street (Identification reference 6 on drawing CRL-SYW-RME-000-DRG-0101 Revision 1 dated 26/7/16);
- (v) At 26 and 28 Mt Eden Road (Identification references 5 and 6 on drawing CRL-SYW-RME-000-DRG-0103 Revision 1 dated 26/7/16);
- (vi) Over road reserve at Normanby Road between Lauder Road and Boston Road to reflect the Normanby Road overbridge (Identification reference 2 on drawing CRL-SYW-RME-000-DRG-0103 Revision 1 dated 26/7/16); and
- (vii) At Porters Ave to reflect the location of signalling infrastructure (Identification reference 8 on drawing CRL-SYW-RME-000-DRG-0104 Revision 1 dated 26/7/16).

PRE-CONSTRUCTION CONDITIONS

Condition Number 4: Appointment of Communication and Consultation Manager Designations 1, 4, 5 and 6

4.1 Within three months of the confirmation of the designation the Requiring Authority shall appoint a Communication and Consultation Manager to implement the Pre-construction Communication and Consultation Plan (Condition 5). The Communication and Consultation Manager shall be the main and readily accessible point of contact for persons affected by or interested in the City Rail Link Project until the commencement of the construction phase of the Project, or the contact person under Condition 14 is appointed.

4.2 The Communication and Consultation Manager's contact details (or, if appointed under Condition 14, that contact persons details) shall be listed in the Pre-construction Communication and Consultation Plan and listed on the Requiring Authority website, the City Rail Link Website, and the Auckland Council website.

Condition Number 5: Pre-Construction Communication and Consultation Plan Designations 1, 4, 5 and 6

5.1 The objective of the Pre-construction Communication and Consultation Plan is to set out a

framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders, affected parties and affected in proximity parties prior to the commencement of construction of the City Rail Link.

5.2 The Requiring Authority shall prepare a Pre-Construction Communication and Consultation Plan. This Plan shall be submitted to Auckland Councils Major Infrastructure Projects Team Manager, within 2 months of the Designation being confirmed, for confirmation that the Plan has been prepared in accordance with this condition.

5.3 The Plan shall be implemented and complied with within 3 months from the confirmation of the designations until the commencement of the construction of the City Rail Link.

5.4 This Plan shall set out recommendations and requirements (as applicable) that should be adopted by and/or inform the development of the CEMP and DWPs.

5.5 The Pre-construction Communication and Consultation Plan shall set out how the Requiring Authority will:

- a. Inform the community of Project progress and likely commencement of construction works and programme;
- b. Engage with the community in order to foster good relationships and to provide opportunities for learning about the Project;
- c. Obtain (and specify reasonable timeframes for) feedback and input from Stakeholders, directly affected and affected in proximity parties regarding the development of the CEMP and DWPs;
- d. Respond to queries and complaints. Information shall include but not be limited to:
 - i. Who is responsible for responding;
 - ii. How responses will be provided;
 - iii. The timeframes that the responses will be provided within.
- e. Where feedback (in accordance with this condition) is provided, the Pre-construction Communication and Consultation Plan shall articulate how that feedback has informed the development of the CEMP and DWPs and where it has not, reasons why it hasn't;
- f. Provide updates on the property acquisition process as well as the management strategy for properties acquired by the Requiring Authority for the construction of the City Rail Link.

5.6 The Pre-Construction Communication and Consultation Plan shall be prepared in consultation with Stakeholders, directly affected parties and affected in proximity parties including, but not limited to:

- a. All property owners and occupiers (including, subject to Condition 61.5, sub lessees) identified within the designation footprint;
- b. All property owners and occupiers adjacent to construction sites (Britomart and Albert Street 1 ([Designation 1](#)), Karangahape Road 4 ([Designation 4](#)), Newton Station 5 ([Designation 5](#)), and the main construction site including grade separation works at Normanby Road and Porters Ave 6

(Designation 6);

- c. Heritage New Zealand
- d. Department of Corrections;
- e. Ministry of Justice;
- f. Media Works;
- g. Network Utility Operators;
- h. Bear Park Early Childhood Centre;
- i. Body Corporate 164980 & Tenham Investments Limited;
- j. Community Liaison Group(s) (refer Condition 7).

5.7 The Pre-construction Communication and Consultation Plan shall, as a minimum, include:

- a. A communications framework that details the Requiring Authority's communication strategies, the accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including any modern and relevant communication methods, newsletters or similar, advertising etc.), and any other relevant communications matters;
- b. Details of the Communication and Consultation Manager for the pre-construction period (Condition 4 of this designation) including their contact details (phone, email and postal address);
- c. The methods for identifying, communicating and consulting with stakeholders, directly affected parties and affected in proximity parties and other interested parties. Such methods shall include but not be limited to:
 - i. Newsletter;
 - ii. Newspaper advertising;
 - iii. Notification and targeted consultation with stakeholders, affected parties and affected in proximity parties; and
 - iv. The use of the project website for public information.
- d. The methods for identifying, communicating and consulting with the owners of 1 Queen Street (HSBC House) and 21 Queen Street (Zurich House) regarding the development of the City Rail Link design and construction methodology between Britomart Transport Centre and Customs Street (through the Downtown Shopping Centre site).
- e. The methods for communicating and consulting with mana whenua for the implementation of mana whenua principles for the project (refer to condition 8 and 48);
- f. The methods for communicating and consulting with the Community Liaison Group(s);

g. How communication and consultation activity will be recorded; and

h. Methods for recording reasonably foreseeable future planned network utility works so that these can be considered and incorporated, where appropriate, into the City Rail Link design.

5.8 The Pre-construction Communication and Consultation Plan will be publicly available once finalised and for the duration of construction.

**Condition Number 6: Network Utility Operators
Designations 1, 4, 5 and 6**

6.1 Under s 176(1)(b) of the Resource Management Act 1991 (RMA) no person may do anything in relation to the designated land that would prevent or hinder the City Rail Link, without the prior written consent of the Requiring Authority.

6.2 In the period before construction begins on the City Rail Link (or a section thereof), the following activities undertaken by Network Utility Operators will not prevent or hinder the City Rail Link, and can be undertaken without seeking the Requiring Authority's written approval under section 176(1)(b) of the RMA:

- a. Maintenance and urgent repair works of existing Network Utilities;
- b. Minor renewal works to existing Network Utilities necessary for the on-going provision or security of supply of Network Utility Operations;
- c. Minor works such as new property service connections;
- d. Upgrades to existing Network Utilities within the same or similar location with the same or similar effects on the City Rail Link designation.

6.3 For the avoidance of doubt, in this condition an "existing Network Utility" includes infrastructure operated by a Network Utility Operator which was:

- a. In place at the time the notice of requirement for the City Rail Link was served on Auckland Council (23 August 2012); or
- b. Undertaken in accordance with this condition or the section 176(1)(b)RMA process.

**Condition Number 7: Community Liaison Groups
Designations 1, 4, 5 and 6**

7.1 Within three months of the confirmation of the designations the Requiring Authority shall, in consultation with the Auckland Council, establish at least one Community Liaison Group in each of the following key construction areas:

- a. Britomart and Albert Street ([Designation 1](#))
- b. Karangahape Road ([Designation 4](#))
- c. Newton Station ([Designation 5](#))
- d. Main Construction site ([Designation 6](#))

7.2 The number of Groups shall be confirmed with the Auckland Council.

7.3 The membership of the Community Liaison Group(s) shall include representative(s) of the Requiring Authority and be open to all directly affected and affected in proximity parties to the Project including, but not limited to the following:

- a. Representative(s) for and/or directly affected and affected in proximity property owners and occupiers;
- b. CBD Residents Advisory Group;
- c. The Karangahape Road Business Association;
- d. Eden Terrace Business Association;
- e. Heart of the City;
- f. Roman Catholic Diocese of Auckland;

- g. St Patrick's Cathedral; and

- h. St Benedict's Parish.

7.4 In addition to the requirements in Condition 5, the purpose of the Groups shall be to:

- a. Provide a means for receiving regular updates on Projects progress;
- b. Monitor the effects of constructing the Project on the community by providing a regular forum through which information about the Project can be provided to the community.
- c. Enable opportunity for concerns and issues to be reported to and responded by the Requiring Authority.
- d. Provide feedback on the development of the CEMP and DWPS.
- e. Proposed potential joint initiative to the Requiring Authority for the Property Management Strategy regarding the interim use of properties including vacant land acquired for the construction of the City Rail Link.

7.5 The Requiring Authority will consult with the Group in respect of the development of the CEMP and DWPs.

7.6 The Requiring Authority will appoint one or more persons appropriately qualified in community consultations as the Community Consultation Advisor(s) to:

- a. Provide administrative assistance to the Groups;
- b. Ensure the Groups are working effectively (including the development of a Code of Conduct) and appropriate procedures for each Group; and
- c. Act as a community consultation advisor to the Group.

7.7 The Requiring Authority will use its best endeavours to ensure that the Groups meet at least annually until the commencement of construction and then at least once every three months or as otherwise required once construction commences.

7.8 Once construction has commenced the Requiring Authority will provide an update at least every three months (or as otherwise agreed) to the Groups on compliance with the designation conditions and the CEMP and DWP and any material changes to these plans.

7.9 The Requiring Authority shall provide reasonable administrative support for the Groups including organising meetings at a local venue, inviting all members of the Groups, as well as the taking and dissemination of meeting minutes.

7.10 The Groups shall continue for the duration of the construction phase of the Project and for six months following completion of the Project.

**Condition Number 8: Mana Whenua Consultation
Designations 1, 4, 5 and 6**

8.1 Within three months of the confirmation of the designations the Requiring Authority shall establish a kaitiaki or mana whenua forum to provide an on-going role in the design and construction of the CRL Project.

8.2 The frequency at which the forum meets shall be agreed by the Requiring Authority and mana whenua.

8.3 The role of the mana whenua forum may include the following:

- a. Developing practical measures to give effects to the principles in the Urban Design DWP (refer to Condition 49);
- b. Input into, where practicable, the design of the stations (refer to Condition 54);
- c. Input into the preparation of the CEMP and DWPs;
- d. Working collaboratively with the Requiring Authority around built heritage and archaeological matters;
- e. Undertaking kaitiakitanga responsibilities associated with the City Rail Link Project, including monitoring, assisting with discovery procedures, and providing mātauranga Māori input in the relevant stages of the Project; and
- f. Providing a forum for consultation with mana whenua regarding the names for the City Rail Link stations, noting that there may be formal statutory processes outside the project (such as the New Zealand Geographic Board) which may be involved in any decision making on station names.

8.4 The mana whenua forum may provide written advice to the Requiring Authority in relation to any of the above matters. The Requiring Authority must consider this advice and the means by which any suggestions may be incorporated in the City Rail Link project.

**Condition Number 9: Network Utility Operator Liaison
Designations 1, 4, 5 and 6**

9.1 The Requiring Authority and its contractor shall:

- a. Work collaboratively with Network Utility Operators during the development of the further design for the City Rail Link to provide for the ongoing operation and access to network Utility operations;
- b. Undertake communication and consultation with Network Utility Operators as soon as reasonably practicable, and at least once prior to construction timing being confirmed and construction methodology, and duration being known; and
- c. Work collaboratively with Network Utility Operators during the preparation and implementation of the CEMP (Condition 24) and DWPs in relation to management of adverse effects on Network Utility Operations.

9.2 A summary of the communication and consultation undertaken between the Requiring Authority and Network Utility Operators prior to construction commencing shall be provided as part of the Outline Plan.

9.3 The Requiring Authority shall undertake on-going communication and consultation with Network Utility operators throughout the duration of construction, including in relation to changes envisaged by Condition 22 and 23 affecting Network Utility Operations to ascertain whether or not any changes or updates to the CEMP Network Utilities section are required to address unforeseen effects

CONSTRUCTION CONDITIONS

Condition Number 10: Outline Plan Requirements Designations 1, 4, 5 and 6

10.1 The Requiring Authority shall submit an Outline Plan to the Auckland Council for the construction of the City Rail Link in accordance with section 176A of the RMA. The Outline Plan shall include:

- a. The Communications and Consultation Plan (Condition 15);
- b. The Construction Environmental Management Plan (CEMP);
- c. Delivery Work Plans (DWPs);
- d. Site Specific Construction Noise/Vibration Management Plans (SSCNVMPs) and Notable Received Management Plans; and
- e. Any other information required by the condition of this designation associated with the construction of the City Rail Link.

10.2 The plans listed in Condition 10.1 above must clearly document the comments and inputs received by the Requiring Authority during its consultation with stakeholders, affected parties and affected in proximity parties, and any recommendations received as part of the Independent Peer Review Panel process (where applicable), along with a clear explanation of where any affected party comments or peer review recommendations have not been incorporated, and the reasons why not.

10.3 The Requiring Authority may choose to give effect to the designation conditions associated with the construction of the City Rail Link:

- a. Either at the same time or in parts;

- b. By submitting one or more:
- i. Communication and Consultation Plans;
 - ii. CEMP;
 - iii. DWPs; and
 - iv. SSCNVMPs, SSCNMPs and SSCVMPs

10.4 These plans should clearly show how the part integrates with adjacent City Rail Link construction works and interrelated activities. This particularly applies where the Urban Design DWP is submitted as a number of plans.

10.5 Early engagement will be undertaken with Auckland Council in relation to preparation and submission of the Outline Plan to establish a programme for the Outline Plan process to ensure achievable timeframes for both parties.

10.6 All works shall be carried out in accordance with the Outline Plan(s) required by this condition.

**Condition Number 11: Independent Peer Review of CEMP and DWPs
Designations 1, 4, 5 and 6**

11.1 Prior to submitting the CEMP, DWPs, SSCNMPs and SSCVMPs (other than those prepared in accordance with Condition 39) to Auckland Council for the construction of the City Rail Link, the Requiring Authority shall engage suitably qualified independent specialists agreed to by Auckland Council to form an Independent Peer Review Panel. The purpose of the Independent Peer Review Panel is to undertake a peer review of the CEMP, DWPs, SSCNMPs and SSCVMPs (other than those prepared in accordance with Condition 39) and provide recommendations on whether changes are required to those plans in order to meet the objective and other requirements of these conditions.

11.2 The CEMP, DWPs, SSCNMPs and SSCVMPs (other than those prepared in accordance with condition 39) must clearly document the comments and inputs received by the Requiring Authority during its consultation with stakeholders, affected parties and affected in proximity parties, along with a clear explanation of where any comments have not been incorporated, and the reasons why not. This information must be included on the CEMP, DWPs, SSCNMPs and SSCVMPs (other than those prepared in accordance with Condition 39) provided to both the independent peer reviewer and Auckland Council as part of this condition.

11.3 The CEMP, DWPs, SSCNMPs and SSCVMPs (other than those prepared in accordance with Condition 39) submitted to Auckland Council shall demonstrate how the recommendations from the independent peer reviewers have been incorporated, and, where they have not, the reasons why not.

11.4 In reviewing an Outline Plan submitted in accordance with these designation conditions, Auckland Council shall take into consideration the independent specialist peer review undertaken in accordance with this condition and any additional information provided to Auckland Council by affected parties.

**Condition Number 12: Availability of Outline Plan(s)
Designations 1, 4, 5 and 6**

12.1 For the duration of construction the following plans and any material changes to these plans shall be made available for public viewing on the Project web site:

- a. CEMP;
- b. DWPs (including SSCNVMPs, SSCNMPS and SSCVMPs); and
- c. Communication and Consultation Plan.

12.2 A copy of these Plans will also be held and made available for viewing at each construction site.

**Condition Number 13: Monitoring of Construction Conditions
Designations 1, 4, 5 and 6**

13.1 The Requiring Authority, its contractor team, and the Auckland Council Consent Monitoring officer(s) shall establish and implement a collaborative working process for dealing with day to day construction processes, including monitoring compliance with the designation conditions and with the CEMP and DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs) and any material changes to these plans associated with construction of the City Rail Link.

13.2 This collaborative working process shall:

- a. Operate for the duration of the construction works and for 6 months following completion of construction works where monitoring of designation conditions is still required, unless a different timeframe is mutually agreed between the Requiring Authority and the Auckland Council;
- b. Have a “key contact” person representing the Requiring Authority and a “key contact” person representing the contractor team to work with the Auckland Council Consent Monitoring officer(s);
- c. The “key contacts” shall be identified in the CEMP and shall meet at least monthly unless a different timeframe is agreed with the Auckland Council Consent Monitoring officer(s). The purpose of the meeting is to report on compliance with the designation conditions and with the CEMP, DWPs and material changes to these plans and on any matters of non-compliance and how they have been addressed;
- d. Once construction has commenced, the Requiring Authority and / or the contractor shall provide an update to the Community Liaison Groups (Condition 7 of this designation) at least once every 3 months, or if in accordance with Condition 7 these groups meet more regularly, at least once every two months.

13.3 The purpose and function of the collaborative working process is to:

- a. Assist as necessary the Auckland Council Consent Monitoring officer(s) to confirm that:
 - i. The works authorised under these designations are being carried out in compliance with the designations, the CEMP, DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs) and any material changes to these plans;
 - ii. The Requiring Authority and its contractor are undertaking all monitoring and the recording of monitoring results in compliance with the requirements of the CEMP and DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs) and any material changes to these plans;
- b. Subsequent to a confirmed Outline Plan, provide a mechanism through which any changes to the design, CEMP or DWPs, which are not material changes requiring approval under Condition 10 triggering the requirement for a new Outline Plan, can be required, reviewed and confirmed;

c. Advise where changes to construction works following a confirmed Outline Plan require a new CEMP or DWP (including SSCNVMPs, SSCNMPs and SSCVMPs);

d. Review and identify any concerns or complaints received from, or related to, the construction works monthly (unless a different timeframe is mutually agreed with the Auckland Council Consent Monitoring officer) and adequacy of the measures adopted to respond to these.

COMMUNICATION AND CONSULTATION

Condition Number 14: Contact Person

Designations 1, 4, 5 and 6

14.1 The Requiring Authority shall make a contact person available 24 hours seven days a week for the duration of construction for public enquiries on the construction works.

Condition Number 15: Communication and Consultation Plan

Designations 1, 4, 5 and 6

15.1 The objective of the Communication and Consultation Plan is to set out a framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders, affected parties and affected in proximity parties during the construction of the City Rail Link.

15.2 The Requiring Authority shall prepare a Communication and Consultation Plan which shall be implemented and complied with for the duration of the construction of the City Rail Link.

15.3 The Communication and Consultation Plan shall set out how the Requiring Authority will:

a. Inform the community of construction progress and future construction activities and constraints that could affect them;

b. Provide early information on key Project milestones;

c. Obtain and specify a reasonable timeframe (being not less than 10 working days), for feedback and inputs from directly affected and affected in proximity parties regarding the development (as part of the review process provided by Condition 22) and implementation of the CEMP or DWPs (including SSCNVMPs, SSNMPs and SSCVMPs); and

d. Respond to queries and complaints including but not limited to:

i. Who is responsible for responding;

ii. How responses will be provided;

iii. The timeframes that responses will be provided within.

15.4 The Communication and Consultation Plan shall as a minimum include:

a. A communications framework that details the Requiring Authority's communication strategies, the accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including any modern and relevant communication methods, newsletters or similar, advertising etc), and any other relevant communication matters;

b. The Communication and Consultation Manager for the Project including their contact details (phone, email and postal address);

c. The methods for identifying, communicating and consulting with persons affected by the project including but not limited to:

i. All property owners and occupiers within the designation footprint;

ii. All property owners and occupiers adjacent to construction sites (Britomart and Albert Street (Designation 1), Karangahape Road (Designation 4), Newton Station (Designation 5), Main Construction site and the works at Normanby Road and Porters Ave (Designation 6));

iii. Heritage New Zealand;

iv. Department of Corrections (including the entity contracted by Department of Corrections to administer and run the Mt Eden Corrections facility at 1 Lauder Road);

v. Ministry of Justice (including but not limited to) confirming the details of the contact person required under Condition 14 of this designation, and to provide appropriate details (including but not restricted to timing, duration, scale, noise effects, vibration effects, access restrictions, and disruption to utilities) in respect to any works impacting the operation of the Auckland District Court at 65-71 Albert Street, Auckland. Communication and consultation of such details should be provided to the Ministry of Justice Auckland Property Programme Manager at least 9 months prior to the commencement of such works;

vi. Media Works;

vii. Community Liaison Group(s) (refer Condition 7);

viii. Bear Park Early Childhood Centre;

ix. Body Corporate 164980 and Tenham Investments Ltd;

x. Network Utility Operators, including the process:

- To be implemented to capture and trigger where communication and consultation is required in relation to any material changes affecting the Network Utilities;
- For the Requiring Authority to give approval (where appropriate) to Network Utility Operators as required by section 176(1)(b) of the RMA during the construction period;
- For obtaining any supplementary authorisations (including but not limited to resource consents (including those required under a National Environmental Standard) and easements);
- For inspection and final approval of works by Network Utility Operators; and
- For implementing conditions 9, 22, 23, and 24 of this designation in so far as they affect Network Utility Operations.

- xi. The owner of 4 Kingston Street
- xii. The owner of 6-12 Kingston Street
- xiii. The owner of 83 Albert Street.
- xiv. The owner(s) of 5 Porters Avenue (ALLOT 236 SEC 10 Suburbs AUCKLAND)

d. How stakeholders and persons affected by the project will be notified of the commencement of construction activities and works, the expected duration of the activities and works, and who to contact for any queries, concerns and complaints;

e. How stakeholders and persons affected by the project will be consulted in the development and review of the CEMP and DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs), including specifying reasonable timeframes for feedback;

f. Methods for communicating in advance temporary traffic management measures and permanent changes to road networks and layouts to directly affected and in proximity parties, bus (public and private) operators, taxi operators, bus users and the general public;

g. Methods for communicating in advance to surrounding communities (including sensitive noise and vibration receivers) which must be notified at least 24 hours in advance where construction activities are predicted to:

- i. Exceed the noise limits (refer Condition 31); or
- ii. Exceed a vibration limit (refer Conditions 33 and 34); or
- iii. Be within 200m of a blast site (refer Condition 32).

Further provisions for Notable Noise and Vibration Receivers are contained in Condition 16.

h. Methods for communicating in advance proposed hours of construction activities outside of normal working hours and on weekends and public holidays, to surrounding communities, and methods to record and deal with concerns raised about such hours;

i. Methods for communicating and consulting with mana whenua for the duration of construction and implementation of mana whenua principles for the project (refer to Conditions 8 and 49);

j. Methods for communicating and consulting with the Auckland Council Parks Department regarding works to be undertaken to any trees on public land (streets, squares, etc.) located within the City Rail Link surface designation footprint, including how trees not being removed, or in close proximity to the surface designation footprint where works are occurring, will be protected;

k. Methods for communicating and consulting in advance of construction works with emergency services (Police, Fire, Ambulance) on the location, timing and duration of construction works, and particularly in relation to temporary road lane reductions and/or closures and the alternative routes or detours to be used, with specific detail around the management of the Fire and Ambulance from their central stations on Pitt Street;

l. A list of Stakeholders, directly affected and affected in proximity parties to the construction works who will be communicated with;

m. How communication and consultation activity relating to construction activities and monitoring

requirements will be recorded; and

n. Methods for communicating and consulting with the Department of Corrections (including the entity contracted by Department of Corrections to administer and run the Mt Eden Corrections facility at 1 Lauder Road), to confirm the details of the contact person required under Condition 14 of this designation, and in respect of any works impacting on access or works in proximity to the Mt Eden Corrections Facility and the Boston Road Community Corrections site; including temporary traffic management measures and permanent changes to road networks and layouts which may impact on access to and from the Facility and the motorway network.

15.5 The Communication and Consultation Plan shall also include (as relevant) linkages and cross-references to the CEMP and DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs).

15.6 The Communication and Consultation Plan shall include a summary of the communication and consultation undertaken between the Requiring Authority and parties as required by the Pre-construction Communication and Consultation Plan. The summary shall include any outstanding issues or disputes raised by parties. The Communication and Consultation Plan shall be reviewed six monthly for the duration of construction and updated if required. Any updated Communication and Consultation Plan shall be provided to the “key contacts” (see Condition 13) and the Auckland Council Consent Monitoring officer for review and agreement on any further action to be undertaken. Any further action recommended as a result of this review shall be undertaken by the Communication and Consultation Manager for the City Rail Link and confirmation of completion provided back to the Auckland Council Consent Monitoring officer.

15.7 If, in the course of amendments undertaken as part of the review process, a material change to the Communication and Consultation Plan is made, those parties affected by the change shall be notified within 1 month of the material change occurring.

Condition Number 16: Communications - Notable Noise and Vibration Receivers Designations 1, 4, 5 and 6

16.1 A SSCNVMP shall be prepared for all Notable Noise and Vibration Receivers (refer Condition 39). As part of the SSCNVMP (and further to Condition 15 of this designation), the Requiring Authority shall undertake communication and consultation, as soon as reasonably practicable (and at least once following confirmation of construction timing and methodology), with any Notable Noise and Vibration Receivers located within 200 metres of blasting, or within 100 metres (either horizontally or vertically) of the designation footprint for other construction activities. Communication and consultation with these parties should focus on a collaborative approach to manage the adverse effects from construction noise and vibration while works are undertaken in the vicinity.

16.2 The Requiring Authority shall undertake on-going communication and consultation with notable noise and vibration receivers throughout the duration of construction occurring in the vicinity. This communication shall be reported back to the “key contacts” (see Condition 13) and the Auckland Council Consent Monitoring officer for their review and confirmation of any further action to be undertaken. The Auckland Council Consent Monitoring Officer shall advise the Requiring Authority of its recommendation within 10 working days of receiving this information from the Requiring Authority.

Condition Number 17: Concerns and Complaints Management Designations 1, 4, 5 and 6

17.1 Upon receiving a concern or complaint during construction, the Requiring Authority shall instigate a process to address concerns or complaints received about adverse effects. This shall:

- a. Identify of the nature of the concern or complaint, and the location, date and time of the alleged event(s);
- b. Acknowledge receipt of the concern or complaint within 24 hours of receipt;
- c. Respond to the concern or complaint in accordance with the relevant management plan, which may include monitoring of the activity by a suitably qualified expert, implementation of mitigation measures, and, in the case of noise and / or vibration, preparation of a site specific noise and / or vibration management plan (in accordance with Conditions 37 and 38).

17.2 A record of all concerns and / or complaints received shall be kept by the Requiring Authority. This record shall include:

- a. The name and address of the person(s) who raised the concern or complaint (unless they elect not to provide this) and details of the concern or complaint;
- b. Where practicable, weather conditions at the time of the concern or complaint, including wind direction and cloud cover if the complaint relates to noise or air quality;
- c. Known City Rail Link construction activities at the time and in the vicinity of the concern or complaint;
- d. Any other activities in the area unrelated to the City Rail Link construction that may have contributed to the concern or complaint such as non-City Rail Link construction, fires, traffic accidents or unusually dusty conditions generally;
- e. Remedial actions undertaken (if any) and the outcome of these, including monitoring of the activity.

17.3 This record shall be maintained on site, be available for inspection upon request, and shall be provided every two months (or as otherwise agreed) to the Auckland Council Consent Monitoring officer, and to the “key contacts” (see Condition 13).

17.4 Where a complaint remains unresolved or a dispute arises, the Auckland Council Compliance Monitoring Officer will be provided with all records of the complaint and how it has been dealt with and addressed and whether the Requiring Authority considers that any other steps to resolve the complaint are required. Upon receiving records of the complaint the Auckland Council Compliance Monitoring Officer must determine whether a review of the CEMP and/or DWPs is required under Condition 22 to address this complaint. The Auckland Council Compliance Monitoring Officer shall advise the Requiring Authority of its recommendation within 10 working days of receiving the records of complaint.

Condition Number 18: “One Network” Consultation Designations 1, 4, 5 and 6

18.1 The Requiring Authority and its contractor shall work collaboratively with the New Zealand Transport Agency (NZTA) during the preparation of the Traffic, Access and Parking DWP (Conditions 25, 27, 28, 29, and 30) in relation to confirming the management of adverse transport effects on the

road network. A record of this consultation and outcomes shall be included in the Traffic, Access and Parking DWP. The Requiring Authority shall consult with the NZTA throughout the duration of construction on any changes or updates to the Traffic, Access and Parking DWP which relate to the management of the road network.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP) AND DELIVERY WORK PLANS (DWPs)

Condition Number 19: Preparation, Compliance and Monitoring Designations 1, 4, 5 and 6

19.1 The objective of the CEMP and DWPs is to so far as is reasonably practicable, avoid, remedy or mitigate any adverse effects (including cumulative effects) associated with the City Rail Link construction.

19.2 All works must be carried out in accordance with the CEMP, the DWPs required by these conditions and in accordance with any changes to plans made under Condition 23.

19.3 The CEMP and DWPs shall be prepared, complied with and monitored by the Requiring Authority throughout the duration of construction of the City Rail Link.

19.4 The DWPs shall give effect to the specific requirements and objectives set out in these designation conditions

19.5 The CEMP shall include measures to give effect to any specific requirements and objectives set out in these designation conditions that are not addressed by the DWPs.

19.6 Where mitigation measures are required to be implemented by the Requiring Authority in relation to the construction of City Rail Link, it shall meet reasonable and direct costs of implementing such mitigation measures.

Condition Number 20: CEMP Requirements Designations 1, 4, 5 and 6

20.1 In order to give effect to the objective in Condition 19.1, the CEMP must provide for the following:

- a. In relation to Designation 2, the use of one Tunnel Boring Machine (unless the effects of using more than one Tunnel Boring Machine are not materially different from those associated with the use of one Tunnel Boring Machine);
- b. Notice boards that clearly identify the Requiring Authority and the Project name, together with the name, telephone number and email address of the Site or Project Manager and the Communication and Consultation Manager;
- c. Training requirements for employees, sub-contractors and visitors on construction procedures, environment management and monitoring;
- d. A Travel Management Plan for each construction site outlining onsite car parking management and methods for encouraging travel to the site using forms of transport other than private vehicle to assist in mitigating localised traffic effects; and

e. Where a complaint is received, the complaint must be recorded and responded to as provided for in Conditions 13, 15 and 17.

20.2 The CEMP shall include details of:

- a. The site or Project Manager and the Communication and Consultation Manager (who will implement and monitor the Communication and Consultation Plan), including their contact details (phone, email and physical address);
- b. The Document management system for administering the CEMP, including review and Requiring Authority / Constructor / Auckland Council requirements;
- c. Environmental incident and emergency management procedures;
- d. Environmental complaint's management procedures (see also Condition 17);
- e. An outline of the construction programme of the work, including construction hours of operation, indicating linkages to the DWPs which address the management of adverse effects during construction;
- f. Specific details on demolition to be undertaken during the construction period;
- g. Means of ensuring the safety of the general public; and
- h. Methods to assess and monitor potential cumulative adverse effects.

20.3 Subject to any alternative agreement with the landowner(s) of HSBC House and Zurich House, the Requiring Authority shall prepare specific construction methodologies for the works adjacent to 1 Queen Street and 21 Queen Street detailing how they will be undertaken to avoid compromising the structural integrity of the existing structures on the site including their foundation systems. The specific construction methodologies shall be prepared in consultation with the owner(s) of these properties. A record of this liaison and outcomes shall be included in the CEMP as part of the Outline Plan. This summary must provide a clear explanation of where any comments have not been incorporated into the CEMP, and the reasons why not. This summary must be provided to both the Independent Peer Review Panel and Auckland Council as part of the Outline Plan process.

**Condition Number 21: CEMP Construction Works Requirements
Designations 1, 4, 5 and 6**

21.1 In order to give effect to the objective in Condition 19.1, the CEMP shall include the following details and requirements in relation to all areas within the surface designation footprint where construction works are to occur, and / or where materials and construction machinery are to be used or stored:

- a. Where access points are to be located and procedures for managing construction vehicle ingress and egress to construction support and storage areas;
- b. Methods for managing the control of silt and sediment within the construction area;

c. Methods for earthworks management (including depth and extent of earthworks and temporary, permanent stabilisation measures and monitoring of ground movement) for earthworks adjacent to buildings and structures;

d. Measures to adopt to keep the construction area in a tidy condition in terms of disposal / storage of rubbish and storage unloading of construction materials (including equipment). All storage of materials and equipment associated with the construction works shall take place within the boundaries of the designation;

e. Measures to ensure all temporary boundary / security fences associated with the construction of the City Rail Link are maintained in good order with any graffiti removed as soon as possible;

f. For the duration of construction affecting Lower Queen Street or Queen Elizabeth II Square, construction fences and / or hoardings shall be placed no closer than 3 metres from the north frontage (building frontage onto Queen Elizabeth II Square) of 21 Queen Street in the vicinity of the entrance to the ground level retail space and the main pedestrian entrance to the building.

g. The location and specification of any temporary acoustic fences and visual barriers, and where practicable, opportunities for mana whenua (see Condition 8) and community art or other decorative measures along with viewing screens to be incorporated into these without compromising the purpose for which these are erected;

h. How the construction areas are to be fenced and kept secure from the public and, where practicable and without compromising their purpose how opportunities for public viewing, including provision of viewing screens and display of information about the project and opportunities for mana whenua and community art or other decorative measures can be incorporated to enhance public amenity and connection to the project;

i. The location of any temporary buildings (including workers offices and portaloos) and vehicle parking (which should be located within the construction area and not on adjacent streets);

j. Methods to control the intensity, location and direction of artificial construction lighting to avoid light spill and glare onto sites adjacent construction areas;

k. Methods to ensure the prevention and mitigation of adverse effects associated with the storage, use, disposal, or transportation of hazardous substances;

l. That onsite stockpiling of spoil or fill at Downtown and Lower Albert Street construction yards be minimised where practicable;

m. That site offices and less noisy construction activities be located at the edge of the construction yards where practicable; and

n. Methods for management of vacant areas once construction is completed in accordance with the Urban Design DWP.

21.2 Unless expressly agreed in writing with the landowner of the Downtown Shopping Centre (at 7 Queen Street);

a. the Downtown construction yard (including QEII Square, Downtown Shopping Centre and Lower

Albert Street), shall be progressively released from occupation for construction purposes where the area or any part of the area is no longer required for construction of the section of CRL between Britomart and Wyndham Street; and

b. following completion of the section of the CRL between Downtown Shopping Centre and Wyndham Street and reinstatement of Albert Street, Lower Albert Street shall not be occupied for construction purposes for any section of CRL south of Wyndham Street.

**Condition Number 22: Review Process for CEMP and DWPs
Designations 1, 4, 5 and 6**

22.1 The CEMP and DWPs shall be reviewed at least annually or as a result of a material change to the City Rail Link project or to address unforeseen adverse effects arising from construction or unresolved complaints. Such a review may be initiated by either Auckland Council or the Requiring Authority. The review shall take into consideration:

- a. Compliance with designation conditions, the CEMP, DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs) and material changes to these plans;
- b. Any changes to construction methods;
- c. Key changes to roles and responsibilities within the City Rail Link project;
- d. Changes in industry best practice standards;
- e. Changes in legal or other requirements;
- f. Results of monitoring and reporting procedures associated with the management of adverse effects during construction;
- g. Any comments or recommendations received from Auckland Council regarding the CEMP and DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs); and
- h. Any unresolved complaints and any response to the complaints and remedial action taken to address the complaint as required under Condition 17.

22.2 A summary of the review process shall be kept by the Requiring Authority, provided annually to the Auckland Council, and made available to the Auckland Council upon request.

**Condition Number 23: Update of CEMP and DVWPs following Review
Designations 1, 4, 5 and 6**

23.1 Following the CEMP and DWPs review process described in Condition 22, the CEMP may require updating.

23.2 Any material change to the CEMP and DWP must be consistent with the purpose and objective of the relevant condition.

23.3 Affected parties will be notified of the review and any material change proposed to the CEMP and DWPs (including SSCNVMPs, SSCNMPs and SSCVMPs).

23.4 The CEMP and DWPs must clearly document the comments and inputs received by the Requiring Authority from affected parties about the material change, along with a clear explanation of where any comments have not been incorporated, and the reasons why not.

23.5 Any material change proposed to the CEMP and DWPs shall be subject to an independent peer review as required by Condition 11.

23.6 Following that review any material change proposed to the CEMP and DWPs relating to an adverse effect shall be submitted for approval to Auckland Council Compliance and Monitoring Officer, at least 10 working days prior to the proposed changes taking effect. If any changes are not agreed, the relevant provisions of the RMA relating to approval of outline plans shall apply.

**Condition Number 24: Network Utilities
Designations 1, 4, 5 and 6**

24.1 To manage the adverse effects on Network Utilities Operations during the construction of the City Rail Link, the following shall be included in the CEMP.

24.2 The purpose of this section of the CEMP shall be to ensure that the enabling works and construction of the City Rail Link adequately take account of, and include measures to address the safety, integrity, protection or, where necessary, relocation of existing network utilities that traverse, or are in close proximity to, the designation during the construction of the City Rail Link.

24.3 For the avoidance of doubt and for the purposes of this condition an “existing Network Utility” includes infrastructure operated by a Network Utility Operator which was:

- a. In place at the time the notice of requirement for the City Rail Link was served on Auckland Council (23 August 2012); or
- b. Undertaken in accordance with condition 6 of this designation or the section 176(1)(b) RMA process.

24.4 The CEMP shall be prepared in consultation with Network Utility Operators who have existing Network Utilities that traverse, or are in close proximity to, the designation and shall be adhered to and implemented during the construction of the City Rail Link. The CEMP shall include as a minimum:

- a. Cross references to the Communication and Consultation Plan for the methods that will be used to liaise with all Network Utility Operators who have existing network utilities that traverse, or are in close proximity to, the designation;
- b. Measures to be used to accurately identify the location of existing Network Utilities, and the measures for the protection, support, relocation and/or reinstatement of existing Network Utilities;
- c. Methods to be used to ensure that all construction personnel, including contractors, are aware of the presence and location of the various existing Network Utilities (and their priority designations) which traverse, or are in close proximity to, the designation, and the restrictions in place in relation to those existing Network Utilities. This shall include:
 - i. Measures to provide for the safe operation of plant and equipment, and the safety of workers, in

proximity to existing Network Utilities;

ii. Plans identifying the locations of the existing Network Utilities (and their designations) and appropriate physical indicators on the ground showing specific surveyed locations.

d. Measures to be used to ensure the continued operation of Network Utility Operations and the security of supply of the services by Network Utility Operators at all times;

e. Measures to be used to enable Network Utility Operators to access existing Network Utilities for maintenance at all reasonable times on an ongoing basis during construction, and to access existing Network Utilities for emergency and urgent repair works at all times during the construction of the City Rail Link;

f. Contingency management plans for reasonably foreseeable circumstances in respect of the relocation and rebuild of existing Network Utilities during the construction of the City Rail Link;

g. A risk analysis for the relocation and rebuild of existing Network Utilities during the construction of the City Rail Link;

h. Earthworks management (including depth and extent of earthworks and temporary and permanent stabilisation measures), for earthworks in close proximity to existing Network Utilities;

i. Vibration management and monitoring for works in close proximity to existing Network Utilities;

j. Emergency management procedures in the event of any emergency involving existing Network Utilities;

k. The process for providing as-built drawings showing the relationship of the relocated Network Utilities to the City Rail Link to Network Utility Operators and the timing for providing these drawings;

l. Measures to ensure that network utility services are not interrupted to the Mt Eden Corrections Facility as a result of City Rail Link works. The requiring authority shall advise the Department of Corrections and the entity contracted by Department of Corrections to administer and run the Mt Eden Corrections facility at 1 Lauder Road, of any works on network utilities in the vicinity of the Mt Eden Corrections Facility which may impact on utility service provision to the Mt Eden Corrections Facility at least 14 days prior to those works occurring to allow the Department of Corrections (and the entity contracted to administer and run the facility at 1 Lauder Road) to arrange suitable contingencies. Communication and consultation with the Department of Corrections, and the entity contracted to administer and run the facility at 1 Lauder Road, shall be recorded in accordance with condition 15) of this designation. The Requiring Authority shall be responsible for ensuring that construction works do not interrupt network utility services to the Mt Eden Corrections Facility, unless by prior arrangement with Department of Corrections and the entity contracted by Department of Corrections to administer and run the Mt Eden Corrections facility at 1 Lauder Road.

m. A summary of the consultation (including any methods or measures in dispute and the Requiring Authorities response to them) undertaken between the Requiring Authority and any Network Utility Operators during the preparation of the CEMP.

24.5 If the Requiring Authority and a Network Utility Operator cannot agree on the methods proposed under the CEMP to manage the construction effects on the Operator's network utility operation,

unless otherwise agreed, each party will appoint a suitably qualified and independent expert, who shall jointly appoint a third such expert to advise the parties and make a recommendation. That recommendation will be provided by the Requiring Authority as part of the CEMP along with reasons if the recommendation is not accepted.

TRANSPORT ACCESS AND PARKING

Condition Number 25: General Transport, Access and Parking Designations 1, 4, 5 and 6

25.1 A Transport, Access and Parking DWP shall be prepared to manage the adverse effects of construction of the City Rail Link, or any part of it, on the transport network.

25.2 The objective of the Transport, Access and Parking DWP is to so far as is reasonably practicable, avoid, remedy or mitigate the adverse effects of construction on transport, parking and property access. This is to be achieved by:

- a. Managing the road transport network for the duration of construction by adopting the best practicable option to manage congestion;
- b. Maintaining pedestrian access to private property at all times; and
- c. Providing on-going vehicle access to private property to the greatest extent possible.

25.3 To achieve the above objective, the following shall be included in the Transport, Access and Parking DWP:

- a. The road routes which are to be used by construction related vehicles, particularly trucks to transport construction related materials, equipment, spoil, including how the use of these routes by these vehicles will be managed to mitigate congestion, and to the greatest extent possible, avoid adverse effects on residential zoned land and education facilities;
- b. Transport route options for the movement of construction vehicles carrying spoil, bulk construction materials or machinery shall be identified and details provided as to why these routes are considered appropriate routes. In determining appropriate routes, construction vehicles carrying spoil, bulk construction materials or machinery shall as far as practicably possible only use roads that:
 - i. Form part of the regional arterial network;
 - ii. Are overweight / over dimensioned routes;
 - iii. Or other routes (specified below) where no other practical option is available.
- c. For the purposes of this condition the following routes (that at the time this designation was confirmed were not part of the regional arterial network and / or overweight / over dimensioned) shall be used where practicable for the movement of construction vehicles carrying spoil, bulk construction materials or machinery:
 - i. Ngahura Road, for trucks heading to/from Eden Terrace construction site;

ii. Dundonald Street and Basque Road, for trucks heading to/from the Newton Station construction sites;

iii. Pitt Street (between Hobson Street and Hopetoun Street), Beresford Square, Mercury Lane, Canada Street and Upper Queen Street (between Canada Street and Karangahape Road), for trucks heading to/from Karangahape Station construction sites;

iv. Wellesley Street (between Nelson Street and east of Albert Street), Cook Street (between Mayoral Drive and Hobson Street) and Mayoral Drive (between Wellesley Street and Cook Street) for trucks heading to/from Aotea Station construction sites;

v. Nelson Street (north of Wellesley Street), Hobson Street (north of Cook Street) and Lower Albert Street, for trucks heading to/from the Albert Street and Downtown construction sites.

d. Where other routes are necessary (other than those routes identified above), the Transport, Access and Parking DWP shall identify any residential zoned land and education facilities and shall provide details on how adverse effects from these vehicle movements are to be mitigated through such measures as:

i. Communication and consultation (in accordance with Condition 15 of this designation) with these properties in advance of the vehicle movements occurring;

ii. Restricting vehicle movements on Monday to Friday to between 9.30am and 4pm, and on Saturday to between 9am and 2pm.

e. Proposed temporary road lane reductions and / or closures, alternative routes and temporary detours, including how these have been selected and will be managed to mitigate congestion as far as practicably possible and how advance notice will be provided;

f. How disruption to the use of private property will be mitigated through:

i. Ensuring pedestrian and cycle access to private property is retained at all times;

ii. Providing vehicle access to private property as far as practicably possible at all times, except for temporary closures where landowners and occupiers have been communicated and consulted with in reasonable advance of the closure; and

iii. How the loss of any private car parking will be mitigated through alternative car parking arrangements.

g. Where an affected party unexpectedly finds their vehicle blocked in as a result of a temporary closure, the Requiring Authority shall (within reasonable limits) offer alternative transport such as a taxi, rental car, or other alternative.

Note: For the purpose of designation Condition 25, 27, 28, 29 and 30 "temporary closure" is defined as the following:

i. In place for less than six hours, the Requiring Authority shall communicate and consult on the closure at least 24 hours in advance, but is not required to offer or provide alternative parking arrangements, though it may choose to offer this on a case by case basis in consultation with the

affected party; and

ii. In place for between six and 72 hours, the Requiring Authority shall communicate and consult on the closure at least 72 hours in advance, and will offer and provide where agreed with the affected party alternative parking arrangements. The alternative parking arrangement should be as close to the site affected as is reasonably practicable.

h. How disruption to use of the road network will be mitigated for emergency services, public transport, bus users, taxi operators, freight and other related vehicles, pedestrians and cyclists through:

i. Prioritising, as far as practicably possible, pedestrian and public transport at intersections where construction works are occurring;

ii. Relocating bus stops and taxi stands to location which, as far as practicably possible, minimise disruption; and

iii. Identifying alternate heavy haul routes where these are affected by construction works.

i. Cross references to the specific sections in the Communication and Consultation Plan that detail how emergency services, landowners, occupiers, public transport users, bus and taxi operators, and the general public are to be consulted with in relation to the management of the adverse effects on the transport network.

j. The alternative (to road) transport options that are available (including the option of rail use at the main construction site adjacent the North Auckland Rail Line) and that have been considered and assessed for the transportation of spoil. This will include as applicable:

i. Benefits that could be provided by alternative options;

ii. Potential adverse effects associated with alternative options;

iii. Where an alternative option is proposed, methods for managing potential adverse effects; and

iv. Reasons for either adopting or not adopting alternative transport options.

Condition Number 26: Monitoring of Transport Network Congestion Designations 1, 4, 5 and 6

26.1 To achieve the objective of Condition 25.2(a), the Requiring Authority will undertake monitoring of the transport network and implement additional mitigation measures as required to manage congestion to achieve the best practicable option.

26.2 The purpose of the monitoring is to monitor congestion on the transport network by measuring average delays for traffic travelling along specified routes. The evaluation times will be:

a. The average travel times over the weekday two hour morning peak period; and

b. The average travel times over the weekday two hour evening peak period; and

c. The average weekday inter-peak travel times between 9am to noon, noon to 2pm and 2 to 4pm.

26.3 The Requiring Authority shall carry out continuous monitoring for the duration that construction of the City Rail Link is occurring. The intention is that this monitoring is to be continuous, although it is acknowledged that there may be occasional malfunctions.

26.4 If a congestion incident occurs (such as an accident), the monitoring during the affected period will be considered unrepresentative.

26.5 Monitoring shall commence six months prior to construction of the City Rail Link to establish a baseline of existing transport congestion.

26.6 The monitoring will establish whether the City Rail Link construction works have increased traffic delays as follows:

a. Either by more than 10 minutes (from the monitoring previously undertaken in accordance with this condition)

b. Or if the travel times are more than three minutes or 30% greater than the forecast modelled increases along that route (according to the most recent traffic model test of that scenario, undertaken prior to the start of construction. The modelled time is to be based on the Auckland City Centre SATURN traffic model or a different traffic model approved by the Requiring Authority).

c. The 30% above shall only apply for an increase predicted to be over four minutes.

26.7 If the travel times exceed the above criteria on any one of the specified routes, then additional mitigation shall be implemented by the Requiring Authority in its role as the Road Controlling Authority (under its statutory obligation). The additional mitigation could include but is not limited to advertising alternative routes, removing on street car parking or implementing operational measures, such as lane reconfigurations or signal phasing, to increase capacity on the surrounding network where reasonably possible at that time.

26.8 The purpose of additional mitigation measures is to mitigate the increases in traffic delays, reducing these to below the levels identified in Condition 26.6 as far as is reasonably achievable.

26.9 For the purposes of this condition, the following are the specified routes:

a. Wellesley Street (between Victoria Street and Princess Street)

b. Victoria Street (between Wellesley Street and Princess Street)

c. Customs Street/Fanshawe Street (between Nelson Street and Tangihua Street)

d. Quay Street/Lower Hobson Street (between Fanshawe Street/Hobson Street and Tangihua Street)

e. Nelson Street/Hobson Street (between Pitt Street and Fanshawe Street)

f. Queen Street (between Mayoral Drive and Customs Street)

g. New North Road/Symonds Street (between Dominion Road and Newton Road)

h. Mount Eden Road (between Normanby Road and Symonds Street)

i. Khyber Pass Road between the southern motorway ramps and Symonds Street if this route is to be used by construction related trucks.

j. Newton Road between the northwestern motorway ramps and Symonds Street.

26.10 The specified routes shall exclude whichever east-west route has its intersection with Albert Street closed at the time of the surveys.

Condition Number 27: Transport, Access and Parking: Specific Requirements (Britomart to Mayoral Drive)

Designations 1, 4, 5 and 6

27.1 To achieve the objective in Condition 25, the following measures shall be implemented:

a. A vehicle access lane at least 3m wide shall be provided along the eastern side of Albert Street between Customs Street and Victoria Street to provide access to properties (except that while the Albert Street/Victoria Street intersection is closed, this access lane is only to be provided between Customs Street and Durham Street);

b. A vehicle access lane at least 3m wide shall be provided along the western side of Albert Street between Customs Street and Victoria Street to provide access to properties, except that:

i. While the Albert Street/Customs Street intersection is closed, this access lane is only to be provided between Victoria Street and Wolfe Street; and

ii. While the Albert Street/Victoria Street intersection is closed, this access lane is only to be provided between Kingston Street and Customs Street. If Kingston Street is also to be closed to Albert Street during this construction stage, this access lane shall be provided between Wyndham Street and Customs Street.

iii. For a single period of up to 3 months while the cut and cover trench structure establishment works are carried out along Albert Street between Swanson Street and Customs Street, this access land is only required to be provided between Victoria Street and Swanson Street if northbound traffic is otherwise diverted via Swanson Street West and Federal Street.

c. The east-west / west-east connection (two fully operational traffic lanes in each direction) is to be maintained in each direction at two of the Customs Street, Victoria Street and Wellesley Street intersections with Albert Street during the period when the third of those intersections is otherwise fully closed;

d. The left turn movement from Customs Street (from the east) into Albert Street, and the left turn from Customs Street (from the west) into Albert Street, shall be retained while the Albert Street / Customs Street intersection is fully closed;

e. The left turn from Durham Street into Queen Street shall be reopened while the Albert Street/Victoria Street intersection is fully closed;

f. Two way access shall be provided on the single service lane along the western side of Albert Street between 87 Albert Street and Kingston Street while the Albert Street/Victoria Street intersection is fully closed. If Kingston Street is also to be closed to Albert Street during this construction stage, this access shall be provided to Wyndham Street.

g. Vehicular access into and egress from;

i. Mills lane to and from either Albert Street or Swanson Street; and

ii. The Stamford Plaza Auckland main entrance and forecourt area is to be provided at all times and for the avoidance of doubt cannot be temporarily closed during construction.

h. Providing pedestrian and cycle access to private property at all times;

i. Providing footpaths of at least 1.5m in width along either side of Albert Street;

j. At a minimum two safe crossing passageways (which are “fully accessible” with a minimum width of 1.5m wide and well lit), need to be provided in the vicinity of Swanson Street and Wyndham Street, in addition to pedestrian crossings at the intersections of Victoria Street and Customs Street; and

k. Ensuring that construction traffic does not use Swanson Street, Wolf Street or Federal Street north of Swanson Street;

l. During the Kingston Street closure, pedestrian access to and from the Auckland District Court’s fire escape on the north side of Kingston Street shall be maintained at all times.

m. 18 metres of on street parking within Kingston Street shall be reserved for police at the nearest practicable location.

27.2 The Traffic, Access and Parking DWP shall demonstrate how these measures will be implemented and shall also include the following:

a. How construction works will be undertaken to mitigate congestion on Albert Street, Wellesley Street, Victoria Street, Customs Street, and Quay Street including retaining east-west traffic movements across Albert Street on Customs Street, Victoria Street and Wellesley Street;

b. The timing and sequencing of temporary road lane reductions and / or closures, and the alternative routes and temporary detours to be used, including:

i. How these have been selected and will be managed to, where practicable, mitigate congestion on the surrounding road network;

ii. How the Albert Street/Wyndham Street intersection will be reopened as soon as practically possible;

c. How disruption to the use of private property located immediately adjacent the designation with access onto Galway Street, Tyler Street, Queen Elizabeth Square, Customs Street, Albert Street, Victoria Street, Wellesley Street and Kingston Street, will be mitigated through:

i. Providing vehicle access to private property as practicably possible at all times;

ii. Retaining local vehicle access to properties located along Albert Street (which may include only left

in, left out access);

iii. Retaining access for loading and unloading of goods located along the service lane on the eastern side of Albert Street, between Victoria Street and Wellesley Street; and;

iv. Providing an on street loading bay on Customs Street, Lower Albert Street or Lower Queen Street to provide servicing to 21 Queen Street if access during construction cannot be provided to the existing loading bay area for 21 Queen Street, accessed from Lower Albert Street and;

v. Providing access for loading and unloading of goods between Wyndham Street and Victoria Street West.

d. How disruption to the use of the local road network will be mitigated for private bus users, pedestrians and cyclists through:

i. Providing, where practicable, for the continued operation of private bus operators from hotels and other pick up/ drop off location in the city centre area (cross references to the Communication and Consultation Plan for consulting with private bus operators shall be included in the CEMP and Traffic Access and Parking DWP); and

ii. Retaining pedestrian and cycle access through Lower Queen Street and / or Queen Elizabeth Square to provide access to and from the Ferry terminal and Customs Street; and

e. How disruption to pedestrians and cyclists requiring the ability to cross from east to west (and vice versa) across Albert Street between Victoria Street and Customs Street can be mitigated through providing, where practicable, safe pedestrian and cyclist passageway across the construction works on Albert Street.

Condition No 28: Transport Access and Parking: Specific Requirements (Karangahape Station Area)

Designation 4

28.1 To achieve the objective in Condition 25, the following measure shall be implemented:

a. Retaining one lane of traffic in each direction on Pitt Street (unless otherwise agreed with the Auckland Council Consent Monitoring officer); and

b. Spoil trucks shall not use East Street where practicable and on-street parking at the Southern end of East Street will be retained.

28.2 The Traffic, Access and Parking DWP shall demonstrate how these measures will be implemented and shall also include the following:

a. How construction of the shafts providing access to the Station can be undertaken to mitigate congestion on Pitt Street, Karangahape Road, and Mercury Lane;

b. The timing and sequencing of temporary road lane reductions and / or closures on Pitt Street, Mercury Lane, and the western end of Beresford Street, and the alternative routes and temporary detours to be used, including how these have been selected and will be managed to, where practicable, mitigate congestion on the surrounding road network;

c. How disruption to the use of private property located immediately adjacent the surface designation with access onto Beresford Street, Pitt Street, Mercury Lane, and East Street will be mitigated through:

i. Providing pedestrian and cycle access to private property at all times, particularly those businesses located at the eastern end of Beresford Street and the northern end of Mercury Lane;

ii. Providing vehicle access to private property, which may include only a turn in and a turn out in the same direction), as practicably possible at all times, except for temporary closures where landowners and occupiers have been communicated and consulted with in reasonable advance of the closure;

iii. Providing local vehicle access to properties located along Beresford Street and Samoa House Lane (which may include only a turn in and a turn out in the same direction);

iv. Alternative parking arrangements or other offers for resolving the temporary loss of car parking during construction for the Hopetoun Alpha Building.

Condition Number 29: Transport, Access and Parking: Specific Requirements (Newton Station Area)

Designation 5

29.1 To achieve the objective in Condition 25, the Traffic, Access and Parking DWP shall include the following:

a. How construction of the shafts providing access to the Newton Station, although constructed wholly on private land, can be undertaken to mitigate construction related congestion on Symonds St, the Symonds Street / Mt Eden Road/ New North Road intersection, Dundonald Street, and the western end of Basque Road;

b. The timing and sequencing of temporary road lane reductions and /or closures on Symonds St in the vicinity of the intersection of Symonds Street/Mt Eden Road and New North Road , Dundonald Street, and the western end of Basque Road, and the alternative routes and temporary detours to be used, including how these have been selected and will be managed to, where practicable, mitigate congestion on the surrounding road network;

c. How disruption to the use of private property located immediately adjacent the surface designation with access onto Symonds Street, Dundonald Street, and the western end of Basque Road will be mitigated through:

i. Providing pedestrian and cycle access to private property at all times, particularly for those businesses and residences located along Symonds Street and Dundonald Street;

ii. Providing vehicle access to private property, which may include only a turn in and a turn out in the same direction), as practicably possible at all times, except for temporary closures where landowners and occupiers have been communicated and consulted with in reasonable advance of the closure. How the loss of public pay and display parking located at the Auckland Transport Symonds Street Public Car Park will be mitigated through alternative parking arrangements. The Requiring Authority may be able to arrange such alternative car parking at the Burleigh Street car park.

d. The effects of the temporary use of the Symonds Street car park as a construction site are to be mitigated by the Requiring Authority by active parking management and enforcement, within 400m of the car park, to maximise short term parking within this area.

**Condition Number 30: Transport and Property Access: Additional Requirements (NAL Area)
Designation 6**

30.1 To achieve the objective in Condition 25, the following measures shall be implemented:

a. The retention of at least two traffic lanes (one in either direction) on Mt Eden Road during the construction of the replacement Mt Eden Road Bridge;

b. During the closure of the Normanby Road level crossing to construct the grade separated crossing, the Mt Eden Road and Normanby Road intersection shall be signalised and a second traffic lane shall be provided on the Boston Road approach to its intersection with Mt Eden Road intersection. Additionally, the no parking restrictions on Boston Road shall be extended along the length of Boston Road and considered for any adjacent local roads to facilitate through traffic;

c. A temporary pedestrian crossing (over the rail line) at Normanby Road is to be provided for the period of the temporary closure of the Normanby Road connection;

d. Access will be maintained to Nikau Street at all times by at least one lane (minimum 3m), and two lanes on Nikau Street between Flower and Korari Streets. Access to sites within Flower Street and Korari Street is to be retained, from Nikau Street or New North Road, at all times;

e. Construction works will be undertaken to ensure two-way access is maintained at all times for vehicles to all accessways to the MediaWorks site including staff and visitors' cars, trucks and service vehicles;

f. Providing for traffic to turn right out of Ruru Street to reduce any congestion (particularly at peak times) resulting from not being able to travel via Nikau Street to the traffic lights at Flower Street and New North Road;

g. Providing accessibility along Mt Eden and Normanby Roads as a priority for, where practicable: public transport (buses), emergency services, access to properties for pedestrians, and cyclists;

h. Construction works will be undertaken to ensure two-way access is maintained at all times for all vehicles accessing the Mt Eden Corrections Facility at Lauder Road (including staff and visitors' cars, service vehicles, prison vans, emergency vehicles and buses), communication and consultation with the Department of Corrections, and the entity contracted by Department of Corrections to administer and run the Mt Eden Corrections facility at 1 Lauder Road, on this matter shall be recorded in accordance with Condition 15) of this designation. The Requiring Authority shall be responsible for ensuring that the construction works do not restrict 24-hour two-way access for all vehicles accessing the Mt Eden Corrections Facility at Lauder Road;

i. Construction works will be undertaken to ensure two-way access is maintained at all times for vehicles accessing the premises at 51-63 Normanby Road, including staff and visitors cars, trucks and service vehicles. The measures shall:

- i. Ensure safe and reasonable access to and from the site, to Austroads standards;
- ii. Not result in the loss of any on-site parking;

iii. Incorporate a crossing width sufficient not to reduce the range of vehicles required to access the site, relative to the existing situation;

iv. It is noted that the site is used occasionally by large trucks of up to 18m. These vehicles are to be provided for in the design of the access (i.e. the vehicle crossing and the access onto the site);

v. Following completion of the grade separation of Normanby Road safe and reasonable access will be provided to and from the property at 51-63 Normanby Road to meet the relevant Austroads and NZS2890.1 standards or the applicable standard required by the road controlling authority.

j. Construction works will be undertaken to ensure pedestrian and two-way vehicle access is maintained at all times to access the premises at 32 Normanby Road, including staff and visitors cars, trucks and service vehicles. The measures shall:

i. Ensure safe and reasonable access to and from the site, to Austroads standards;

ii. Incorporate a crossing width sufficient not to reduce the range of vehicles required to access the site, relative to the existing situation;

iii. Should the Requiring Authority require part of the site at 32 Normanby Road that is currently used for 40 car parking spaces for the construction of the City Rail Link 34 alternative car parking spaces will be provided at 14-22 Boston Road (in accordance with Plans ~~DRG-0052 Rev 2.0~~ CRL-EFC-CON-000-DRG-0064 Revision 1 dated 8/7/16 and DRW-0058 Rev 5.0 CRL-EFC-ROA-000-DRG-1027 Revision 4 dated 30/6/16, 1028 Revision 4 dated 30/6/16 and 1127 Revision 2 dated 30/6/16). The Requiring Authority shall provide safe pedestrian access across the North Auckland Line and into the site for customers and staff, visiting or employed at the site in accordance with Condition 30.1(c) until the grade separation works are completed and permanent access is reinstated to the site.

k. At completion of the grade separation of Normanby Road safe and reasonable pedestrian and vehicle access to and from the site and 34 on site car parking spaces will be provided for the property at 32 Normanby Road. In the case of pedestrian and vehicle access and parking arrangements, this will be in accordance with Plans ~~DRG-0058 Rev 5.0~~ CRL-EFC-ROA-000-DRG-1027 Revision 4 dated 30/6/16, 1028 Revision 4 dated 30/6/16 and 1127 Revision 2 dated 30/6/16, and meet the following requirements:

i. The ramp access will meet relevant Austroads, NZS2890.2 and the Auckland Council District Plan: Isthmus Section design standards;

~~ii. The 34 car parking spaces will be provided across the site and the adjoining KiwiRail property. The spaces will be compliant with the appropriate Auckland Council District Plan: Isthmus Section parking standards for dimension and manoeuvring;~~

~~iii. ii.~~ The design, structures and barriers associated with the ramp and pedestrian access to the site will be subject to the urban design process of Condition 47; and

~~iv. iii.~~ Provision for landscape planting ~~both on the site and on the KiwiRail land in the area shown on DRG-0058 Rev 5.0~~ CRL-EFC-ROA-000-DRG-1127 Revision 2 dated 30/6/16 and if appropriate ~~beyond the site (in accordance with Condition 47.2). Indicative widths of landscaping on DRG-0058 Rev 5.0 are 1m for the section shown alongside the railway and 0.5m for the section on the southern side of the ramp.~~

~~l. The KiwiRail land required by condition (k) above for car parking spaces, landscaping and the ramp~~

~~access will be provided by the Requiring Authority until such time as the vehicle access ramp is no longer required by the landowner. If the vehicle access ramp is no longer required to provide access to the property it shall be removed by the Requiring Authority at its cost within 3 months unless otherwise agreed with the landowner. Condition 30.1(l) deleted.~~

m. Construction of the grade separation works at Normanby Road on the parcels of land identified on the CRL Designation 6 Sheet 2 as parcels 242, 243, 244, 245, 246, 393, 394, ~~399, 400 and 404~~ shall not commence until the KiwiRail land is available and written confirmation of this has been provided by the Requiring Authority to Auckland Council.

n. Access to Water Street to and from Mt Eden Road for CRL construction related heavy commercial vehicles shall be limited to left-in and left-out movements only.

o. Access to 14-22 Boston Road from Normanby Road shall be restricted to left-in and left-out movements only; the exception to this will be when Normanby Road is closed; and

p. During the temporary works along Boston Road, a 1.8m wide footpath on the north side of the street, in addition to two 3.0m wide traffic lanes shall be provided on Boston Road between Normanby Road and Khyber Pass. A safe temporary pedestrian crossing facility shall be provided at the western extent of Active Construction Zone M1.

30.2 The Traffic, Access and Parking DWP shall demonstrate how these measures will be implemented and shall also include the following:

a. How construction works can be undertaken to mitigate congestion on New North Road, Ruru Street, Korari Street, Flower Street, Nikau Street, Ngahura Street, Porters Avenue, Mt Eden Road, Normanby Road, Boston Road, Nugent Street, and the road network in general in this area including:

b. Which routes are to be used by construction trucks to remove spoil from the construction yard including how the use of these routes by these vehicles will be managed to mitigate congestion;

c. Which routes are to be used by construction related traffic (especially trucks) to deliver construction materials and other related goods and services to the construction yard including how the use of these routes by these vehicles will be managed to mitigate congestion;

~~d. The grade separation of Porters Ave so that it is undertaken at a time when vehicles, pedestrians, and cyclists can be managed and accommodated on Dominion Road, Mt Eden Road and Normanby Road to an extent which mitigates where practicable, delays to travel journeys from congestion on these roads resulting from City Rail Link construction works;~~

~~e. d.~~ The grade separation of Normanby Road so that it is undertaken at a time when vehicles, pedestrians, and cyclists can be managed and accommodated on Dominion Road, Mt Eden Road and Porters Avenue, to an extent which mitigates where practicable, delays to travel journeys from congestion on these roads resulting from City Rail Link construction works;

~~f. e.~~ Any reduction in the number of fully operational traffic lanes associated with the closure of ~~Porters Avenue and~~ Normanby Road, and the reduction in the number of vehicle lanes on the Mount Eden Road bridge, is to be undertaken on only one of these ~~three~~ two routes at a time;

~~g. f.~~ The timing and sequencing of temporary road lane reductions and / or closures at the Symonds Street / New North Road / Mt Eden Road intersection , Ruru Street, Korari Street, Flower Street,

Nikau Street, Ngahura Street, Porters Avenue, Mt Eden Road in the vicinity of the bridge over the rail line, Normanby Road, Boston Road, Nugent Street in the vicinity of the rail crossing, and the alternative routes and temporary detours to be used, including how these have been selected and will be managed to, where practicable, mitigate congestion on the surrounding road network;

h. g. How disruption to the use of property located immediately adjacent to the surface designation with access onto New North Road, Ruru Street, Korari Street, Flower Street, Nikau Street, Ngahura Street, Porters Avenue, Mt Eden Road, Normanby Road, Boston Road, Nugent Street will be mitigated through:

- i. Providing pedestrian and cycle access to private property at all times;
- ii. Providing local vehicle access and pedestrian access at all times to properties located along Flower Street (between Nikau Street and Shaddock Street) and Shaddock Street (between Flower Street and its dead end to the east), which are not located within the designation footprint, except for temporary closures where landowners and occupiers have been communicated and consulted with in reasonable advance of the closure;
- iii. Retaining local vehicle and pedestrian access to properties located outside the designation footprint along Haultain Street, Fenton Street, Porters Avenue, Ngahura Street, Ruru Street, Korari Street, Flower Street, Nikau Street, Mt Eden Road, Boston Road, Nugent Street, and Normanby Road at all times except for temporary closures where landowners and occupiers have been communicated and consulted with in reasonable advance of the closure; and
- iv. Full accessibility to those parts of Porters Avenue not affected by, but in the vicinity of, the construction works; and

i. h. How disruption to the use of Mt Eden Rail Station will be mitigated through providing, where practicable, access during construction works associated with the replacement of Mt Eden Road Bridge.

NOISE AND VIBRATION

Condition Number 31: Project Standards - Construction Noise Designations 1, 4, 5 and 6

31.1 Construction noise shall comply with the following Project Standards (unless a SSCNMP is approved under Condition 37, 39 or 40):

Receiver Type	Monday to Saturday 0700 – 2200	Sundays and Public Holidays 0700 – 2200	At all other times 2200 – 0700
Occupied commercial and industrial buildings (including offices)	75 dB L _{Aeq}	75 dB L _{Aeq}	75 dB L _{Aeq}
Sensitive Noise and Vibration Receivers (excluding offices)	75 dB L _{Aeq} 90 dB L _{AFmax}	65 dB L _{Aeq} ¹ 80 dB L _{AFmax} ²	60 dB L _{Aeq} 75 dB L _{AFmax}

Early Childhood Education Centres (whilst occupied during normal opening hours)	35 dB L_{Aeq} in sleeping areas
Bear Park Early Childhood Education Centre at 32 Akiraho Street (whilst occupied during normal opening hours)	35 dB L_{Aeq} in sleeping areas 65 dB L_{Aeq} in outdoor playing areas

Notes:

1. 60 dB L_{Aeq} for Designations 5 and 6; and
2. 75 dB L_{AFmax} for Designations 5 and 6.

31.2 Construction noise shall be measured and assessed in accordance with the provisions of NZS 6803:1999.

**Condition Number 32: Applies to Designation 6: Project Standards- Blasting Overpressure and Vibration
Designations 1, 4, 5 and 6**

For the avoidance of doubt this condition only applies to Designation 6 where blasting is required.

32.1 Prior to commencement of production blasts (ie blasting that is undertaken as part of the construction process), trial blasts (ie preliminary blasts that occur prior to production blasts for the purpose of data acquisition), shall be undertaken to demonstrate how adverse effects will be managed and how compliance with Conditions 32.2, 32.3 and 32.4 will be achieved in production blasting. Trial blasts will determine site-specific attenuation characteristics, air overpressure levels and maximum instantaneous charge weight (MIC) thresholds. Outcomes shall be documented in a Trail Blasting Report. This Trail Blasting Report shall be used for subsequent design of production blasting.

32.2 Air overpressure from the blast events shall not exceed 120 dB L_{Zpeak} at the facade of any occupied building measures and assessed in accordance with the provisions of the Australian Standard AS 2187.2- 2006 Explosives – Storage and use – Use of explosives.

32.3 Air overpressure from blast events shall not exceed 133dB L_{Zpeak} at the facade of any unoccupied building measured and assessed in accordance with the provisions of Australian Standard AS 2187.2- 2006 Explosives – Storage and use – Use of explosives.

32.4 Unless a SSCNVMP is approved under Conditions 38, 39 or 40 which includes an alternative blasting vibration standard:

- a. Vibration from blast events shall not exceed 10mm/s PPV for 95% of blast vents and 15mm/s for 100% blast events when measured at the foundation of any building that will be occupied during the blast event when measured and assessed in accordance with the provisions of DIN 4150-3:1999.
- b. Vibration from blast events shall not in any case exceed the limits specified in Condition 33 when measured at the foundation of any building when measured and assessed in accordance with the provisions of Condition 33.

32.5 For the purposes of 32.2 and 32.3, a building is deemed to be occupied if there are persons inside only during the blast event (ie. if the occupants of a dwelling are out (eg. at work) during the blast event then the dwelling is deemed to be unoccupied).

32.6 Blasts must be performed at set times during the daytime only, between 9am and 5pm, Monday to Saturday only.

32.7 Comprehensive vibration and air overpressure level predictions must be performed prior to every blast event.

32.8 Blasting shall not be carried out where overpressure levels are predicted to be above the Project Standards in 32.1 and 32.2 and any building. Blasting shall not be carried out where vibration levels are predicted to be above standards in Condition 32.4 at any building.

32.9 These criteria may be varied only by a Site Specific Construction Noise Management Plan (SSCNMP) that has been approved under Condition 37.

Condition Number 33: Project standards - Construction Vibration Designations 1, 4, 5 and 6

33.1 Construction vibration (including blasting) shall comply with the following Project Standards for building damage (unless otherwise provided for in a SSCVMP which is approved under Condition 38, 39 or 40)

Type of Structure	Short -term (transient) vibration ¹			PPV at horizontal plane of highest floor (mm/s)	Long-term (continuous) vibration
	PPV at the foundation at a frequency of				
	1-10Hz (mm/s)	10-50Hz (mm/s)	50-100Hz (mm/s)		PPV at horizontal plane of highest floor (mm/s)
Commercial/Industrial	20	20-40	40-50	40	10
Residential/School	5	5-15	15-20	15	5
Historic or sensitive structures	3	3-8	8-10	8	2.5

Note: 1. Standard DIN 4150-3:1999 defines short-term (transient) vibration as “vibration which does not occur often enough to cause structural fatigue and which does not produce resonance in the structure being evaluated”. Long- term (continuous) vibration is defined as all other vibration types not covered by the short-term vibration definition.

33.2 Construction vibration including blasting shall be measured in accordance with German Standard DIN 4150-3:1999.

**Condition Number 34: Project Standards - Construction Vibration (Amenity)
Designations 1, 4, 5 and 6**

34.1 Between the hours of 10pm and 7am vibration generated by construction activities (excluding blasting) shall not exceed:

- a. A Peak Particle Velocity (PPV) of 0.3mm/s when measured at any part of the floor of any bedroom;
- b. A noise level of 35 dB $L_{Aeq(15min)}$ when measured in any bedroom.

34.2 Between the hours of 7am and 10pm vibration generated by construction activities (excluding blasting) shall not exceed:

- a. A Peak Particle Velocity (PPV) of 1mm/s as measured on the floor of the receiving room for residentially occupied habitable rooms, bedrooms in temporary accommodation and medical facilities; and
- b. A Peak Particle Velocity (PPV) of 2mm/s as measured on the floor of the receiving room for retail and office spaces (including work areas and meeting rooms).

34.3 The limits in 34.1 and 34.2 shall only be investigated and applied upon the receipt of a complaint from any building occupant. They shall not be applied where there is no concern from the occupant of the building.

34.4 Where the limits in 34.1 and 34.2 are found (through measurement) to be exceeded then a SSCVMP shall be prepared for that receiver (Condition 38).

**Condition Number 35: Project Standards-Media Works
Designations 1, 4, 5 and 6**

35.1 The noise and vibration limits set out in Conditions 35.2 and 35.3 shall apply only during Sensitive Times. For the purposes of MediaWorks, Sensitive Times are defined as follows:

- a. During scheduled live broadcasting
- b. During emergency/breaking news live broadcasting
- c. During scheduled recording sessions

If the limits are complied with in Studio 1, the noise and vibration levels in all other Studios will be acceptable.

For the avoidance of doubt, (a)-(c) above include sound checks as well as actual broadcast/recording

time.

35.2 Noise Limits – Studios

The noise level (whether air borne or reradiated from ground vibration) from all construction sources as received inside Studio 1 shall not exceed 30dB $L_{Aeq(5\text{ min})}$ and 33 dB $L_{Aeq(1\text{ sec})}$. These limits apply to the construction component of the total noise. However for up to two periods of tunnelling, each no more than 15 consecutive days, the noise limits may be up to 5 decibels higher (ie. 35dB $L_{Aeq(5\text{ min})}$ and 38 dB $L_{Aeq(1\text{ sec})}$) during Sensitive Times, other than during the Live Broadcasting Periods as follows:

a. Weekdays:

0600-0900 hours

1200-1230 hours

1730-1930 hours

2230-2330 hours

b. Christmas holiday season (Saturday prior to Christmas Day to Sunday following New Years Day inclusive) and weekends:

1730-1900 hours

The Requiring Authority must give MediaWorks at least 12 days notice of the commencement of each such period.

3.5.2A Rockbreaking shall not be used for tunnel excavation within 100m of the MediaWorks site during Sensitive Times unless compliance with the noise limits in Condition 35.2 can be demonstrated in accordance with the methodology set out in the SSCNVMP.

35.3 Vibration Limits – Studios

For the protection of studio camera image quality, the construction vibration level (including blasting) as received inside Studio 1 shall not exceed 0.1mm/s PPV. This limit may be elevated by agreement of both the Requiring Authority and MediaWorks where image quality is found to be unaffected.

35.4 Noise level measurements inside Studio 1 shall be undertaken at a position that is representative to the level received within 2m from, and at a similar height to, the microphone of the main presenter(s).

35.5 Noise level measurements inside Studio 1 shall be undertaken with all doors to the studio closed.

35.6 For the protection of amenity, the construction vibration level as received in inside office areas, meeting rooms and technical suits shall not exceed 1mm/s PPV (as received on the floor of the receiving room) when those spaces are in use.

35.7 For the prevention of building damage, the construction vibration level shall not exceed the limits in Condition 33 at all times.

35.8 For the protection of sensitive equipment, the construction vibration (including blasting) level shall not exceed 200mg (2m/s²) between 5-500Hz. Levels are to be measured on the floor supporting the Sensitive Equipment.

35.9 All attended noise and vibration measurements shall be undertaken by a suitably qualified and experienced expert.

35.10 For the avoidance of doubt, the MediaWorks conditions (Conditions 35, 40 and 66) only apply for so long as television, radio and/or interactive media facilities broadcast from the MediaWorks site.

35.11 Blasting shall not occur during MediaWorks Sensitive Times (as defined in Condition 35.1). Blasting shall occur at times to be agreed with MediaWorks and as documented in the SSCNVMP.

**Condition Number 36: Construction Noise and Vibration DWP
Designations 1, 4, 5 and 6**

For the avoidance of doubt, this condition is applicable to the management of construction noise and vibration on all receivers, including sensitive and notable receivers.

36.1 A Construction Noise and Vibration DWP shall be prepared and implemented. The objective of the Construction Noise and Vibration DWP is to provide for the development and implementation of identified best practicable option to avoid, remedy or mitigate the adverse effects on receivers of noise and vibration resulting from construction.

36.2 The Construction Noise and Vibration DWP shall:

- a. Adopt the noise and vibration standards for construction set out in Conditions 31, 32, 33 and 34 of these designations;
- b. Be generally consistent with the draft Construction Noise and Vibration management plan submitted as part of the Notice of Requirement documentation (dated 23 August 2013); and
- c. Identify methods to achieve best practicable option for mitigating adverse effects.

36.3 To achieve this objective, the Construction Noise and Vibration DWP shall include:

- a. The roles and responsibilities of the noise and vibration personnel in the contractor team with regard to managing and monitoring adverse noise and vibration effects;
- b. That piling and road cutting will be restricted to between the hours of 7am to 7pm, Monday to Saturday;
- c. Construction machinery and equipment to be used and their operating noise and vibration levels;
- d. Identification of construction activities that are likely to create adverse noise and vibration effects, the location of these in the construction site areas, and the distance to comply with the Project Criteria in Conditions 31, 32, 33 and 34;
- e. The timing of construction activities that are likely to create an adverse noise and vibration effect;
- f. The location of sensitive noise and vibration receivers;
- g. A record of communication and consultation with sensitive noise and vibration receivers. The

record must include a clear explanation of where any comments from sensitive receivers have not been incorporated in the Construction Noise and Vibration DWP, and the reasons why not. This information must be included in the Construction Noise and Vibration DWP provided to both the Independent Peer Review Panel and Auckland Council as part of the Outline Plan process specified in Condition 11;

h. Specific measures to address the concerns raised by those sensitive receivers;

i. Specific training procedures for construction personnel including:

i. The project noise and vibration performance standards for construction (conditions 31, 32, 33 and 34);

ii. Information about noise and vibration sources within the construction area and the locations of sensitive noise and vibration receivers; and

iii. Construction machinery operation instructions relating to mitigating noise and vibration;

j. Methods and measures to mitigate adverse noise and vibration effects including, but not limited to, structural mitigation such as barriers and enclosures, the scheduling of high noise and vibration construction, use of low noise and vibration machinery, temporary relocation of affected receivers or any other measures or offer agreed to by the Requiring Authority and the affected receiver;

k. The proposed methods for monitoring construction noise and vibration to be undertaken by a suitably qualified person for the duration of construction works including:

i. Updating the predicted noise and vibration contours based on the final design and construction activities;

ii. Confirm which buildings are to be subject to a pre and post building condition survey in accordance with Condition 46. This includes consideration of those buildings in Appendix One and Two to these conditions;

iii. The timing and location for monitoring of buildings during construction is required (Note that the flow charts contained in Appendices B and C of Appendix J of the technical noise and vibration report provided as part of the Notice of Requirement should be used as a guide);

iv. Identifying appropriate monitoring locations for receivers of construction noise and vibration;

v. Procedures for working with the Communication and Consultation Manager to respond to complaints received on construction noise and vibration, including methods to monitor and identify noise and vibration sources;

vi. Procedures for monitoring construction noise and vibration and reporting to the Auckland Council Consent Monitoring officer; and

vii. Procedures for how works will be undertaken should they be required as a result of the building condition surveys;

l. Cross references to the specific sections in the Communication and Consultation Plan which detail

how landowners and occupiers are to be communicated with around noise and vibration effects.

Condition Number 37: Site Specific Construction Noise Management Plan (SSCNMP) Designations 1, 4, 5 and 6

For the avoidance of doubt, this condition does not apply to MediaWorks

37.1 The objective of a SSCNMP is to detail the best practicable option to avoid, remedy or mitigate adverse effects on a receiver resulting from construction noise that does not comply with the Project Noise Standards.

37.2 Further to the Construction Noise and Vibration DWP in Condition 36, a SSCNMP shall be prepared for any receiver or activity for which air overpressure is either predicted or measured to exceed the limits in Condition 32, or where construction noise is either predicted or measured to exceed the Project Noise Standards in Condition 31, except where the exceedance of the standards in Condition 31 is less than 5 decibels and does not exceed:

- a. 0700-2200: 1 period of up to 2 consecutive weeks in any 2 months
- b. 2200-0700: 1 period of up to 2 consecutive nights in any 10 days

37.3 For predicted exceedances of less than 5 decibels (refer 37.2) monitoring shall be undertaken to confirm the actual noise levels. If exceedance is shown to be more than 5 decibels, or the period exceeds those detailed, then a SSCNMP will be prepared.

37.4 In addition to the SSCNMPs prepared in accordance with Condition 37.2, and notwithstanding Condition 37.1, the Requiring Authority shall prepare SSCNMPs specifying the best practicable option for management, methods and measures to mitigate all noise effects for the properties located at:

- a. 1 Queen Street (Lot 1 DP 165403);
- b. 21 Queen Street (Lot 1 DP 67723);
- c. 29 Customs Street West (Lot 7 DP 77037);
- d. 188 Quay Street (Lot 5 DP 63972 and Lot 1 DP 78340); and
- e. 23-29 Albert Street (Lot 1 DP116724).

37.5 The SSCNMPs will identify:

- a. The extent to which noise may exceed the Project Noise Standards in Condition 31 or the overpressure limits in Condition 32;
- b. The timing and duration of any exceedance;
- c. Details of the type of activity causing any exceedance;
- d. The summary of the communication and consultation undertaken with the receiver. The summary must include a clear explanation of where any comments have not been incorporated, and the

reasons why not. This information must be included in the SSCNMP provided to both the Independent Peer Review Panel and Auckland Council as part of the Outline Plan process specified in Condition 11;

e. The methods and measures to mitigate noise effects, including but not limited to, potential to offer temporary relocation of affected receivers, alternative ventilation, façade sound insulation improvements, building condition surveys in the case of overpressure generated by blast events, or other offers made by the Requiring Authority and whether these have been agreed to by the affected receiver;

f. The reasons why the management and mitigation measures and methods reflect the best practicable option.

37.6 The SSCNMP shall be submitted for the review of Auckland Council as part of the Outline Plan. The works shall then be undertaken in accordance with the SSCNMP confirmed by the Requiring Authority as part of the Outline Plan.

**Condition Number 38: Site Specific Construction Vibration Management Plan (SSCVMP)
Designations 1, 4, 5 and 6**

For the avoidance of doubt, this condition does not apply to MediaWorks

38.1 The objective of a SSCVMP is to detail the best practicable option to avoid, remedy or mitigate adverse effects on a receiver resulting from vibration that does not comply with the Project Vibration Standards.

38.2 Further to the Construction Noise and Vibration DWP in Condition 36, a SSCVMP shall be prepared:

a. For any unoccupied building, structure or infrastructure for which construction vibration is either predicted or measured to exceed the Project Vibration Standards in Condition 33;

b. Where a complaint or concern is raised and the vibration level exceeds the amenity levels of Condition 34.2(a) and 34.2(b);

c. In response to other concerns or complaints where required (refer Condition 17).

d. For the properties listed in Condition 37.4

38.3 Where the amenity limits in Conditions 34.2(a) and 34.2(b) are exceeded:

a. Best practicable management of vibration must be applied; and

b. The vibration activity shall be scheduled to avoid disturbance. If this is not practicable then reasonable respite periods shall be provided to reduce vibration exposure.

38.4 The limits in condition 33 may be relaxed by a SSCVMP but only for a building, structure or infrastructure that has been assessed by a suitably qualified and experienced structural engineer and where it has been deemed to be capable of withstanding higher vibration levels without sustaining building or structural damage, and where appropriate vibration and building condition monitoring

regimes are in place.

38.5 The SSCVMPs will identify:

- a. The timing and duration of any exceedance;
- b. Details of the type of activity giving rise to any exceedance;
- c. Site Specific vibration criteria that addresses the issue(s) of concern (i.e. building damage, amenity and sensitive equipment). Site Specific criteria shall be determined by a suitably qualified independent vibration expert;
- d. The summary of the communication and consultation undertaken with the receiver. The summary must include a clear explanation of where any comments have not been incorporated, and the reason why not. This information must be included in the SSCVMP provided to both the Independent Peer Review Panel and Auckland Council as part of the Outline Plan process specified in Condition 11;
- e. The methods and measures to mitigate vibration effects, including but not limited to, investigating alternative low- vibration construction methods, undertaking high- vibration works outside sensitive times, vibration barriers, building condition surveys, potential to offer temporary relocation of affected receivers, or other offers made by the Requiring Authority and agreed to by the affected receiver.
- f. The reasons why the management and mitigation measures and methods reflect the best practicable option.

38.6 The SSCVMP shall be submitted for the review of Auckland Council. The works shall then be undertaken in accordance with the SSCVMP confirmed by the Requiring Authority as part of the Outline Plan.

NOTABLE RECEIVERS

Condition Number 39: Notable noise and Vibration Receivers Designations 1, 4, 5 and 6

For the avoidance of doubt, Conditions 39.5 and 39.6 do not apply to MediaWorks

39.1 Further to Condition 36, the Requiring Authority and its contractor, in conjunction with a suitably qualified expert, shall work collaboratively with each notable receiver during the preparation of a SSCNVMP to confirm the extent and management of adverse effects on each Notable Receiver.

39.2 In addition to the Construction Noise and Vibration DWP, a SSCNVMP shall be prepared for each identified Notable Receiver. The objective of the SSCNVMP is to detail the best practicable option to avoid, remedy or mitigate adverse noise and vibration effects on each Notable Receiver.

39.3 The Requiring Authority shall consult with the notable receiver throughout the duration of construction and update the SSCNVMP as required to achieve the objective in 39.2.

39.4 The SSCNVMP shall include:

- a. The level at which noise and vibration effects on the notable receiver will unreasonably interfere

with its operation. This will enable development of the site specific criteria. In the case of MediaWorks this is set out in Condition 40;

b. Construction activities and equipment which are likely to create adverse noise and vibration effects and the location and timing of these in relation to the notable receiver;

c. The methods and measures associated with the worksite including, but not limited to, structural mitigation such as barriers and enclosures, use of low noise and vibration machinery and the scheduling of high noise and vibration construction;

d. The methods and measures associated with the notable receiver building or operation including, but not limited to, potential for isolation of sensitive areas and equipment, dampening of reradiating surfaces and temporary relocation of affected receivers that are proposed to minimise adverse noise and vibration effects on the notable receiver;

e. Details about the methods to be adopted by the Requiring Authority to minimise construction noise and vibration effects on the notable receiver and the anticipated effectiveness of those methods;

f. A summary of the communication and consultation undertaken with the notable receiver. The summary must include a clear explanation of where any comments have not been incorporated, and the reasons why not.

g. Offers made by the Requiring Authority to the notable receiver to mitigate effects and the response by the operators, such as relocation, and whether those offers were accepted or not by the notable receiver;

39.5 If the parties cannot agree on any of the matters above they shall each appoint a suitably qualified and independent expert, who shall jointly appoint an independent and suitably qualified third expert who shall certify the following matters to be included in the SSCNVMP:

a. The level at which noise and vibration effects on the notable receiver unreasonably interfere with its operation (the certified noise and vibration limit);

b. The mitigation methods and measures within the worksite (at source) including, but not limited to, structural mitigation such as barriers and enclosures, use of low noise and vibration machinery and the scheduling of high noise and vibration construction;

c. The mitigation methods and measures at the notable receiver including but not limited to: isolation of sensitive areas and equipment; dampening of reradiating surfaces; any response to such offers; and temporary relocation of affected receivers;

d. Whether or not the mitigation methods and measures reflect best practicable management; and

e. Whether or not the residual effects are likely to cause significant disruption to the activities of the notable receiver.

39.6 Following the above process the SSCNVMP shall be submitted for the review of Auckland Council as part of the Outline Plan. For the avoidance of doubt, the Requiring Authority shall not be entitled to make any changes to the SSCNVMP through the Outline Plan process following any agreement reached with the notable receiver and/or through the above certification process without

the consent of the notable receiver. The works shall then be undertaken in accordance with the SSCNVMP confirmed by the Requiring Authority as part of the Outline Plan process.

Condition Number 40: Construction Noise and Vibration Management Plan – Mediaworks Designation 6

40.1 The MediaWorks SSCNVMP shall identify high noise or vibration plant and machinery, and list the relevant items that require testing in accordance with Condition 40.4 and 40.8.

40.2 Prior to any demolition or construction commencing, the Requiring Authority shall undertake a noise survey to determine the Transmission Loss (TL) performance of the MediaWorks building envelope. This testing shall only be undertaken outside of Sensitive Times.

40.3 Prior to any demolition or construction commencing, the Requiring Authority shall undertake a vibration survey to determine the transfer function of the MediaWorks building structure from ground vibration outside the building to reradiated noise in Studio 1. This testing shall only be undertaken outside of Sensitive Times.

40.4 All high noise plant and machinery to be used at a location where it is predicted to generate noise levels in excess of 3dB below the limits specified in Condition 35.2 shall be tested prior to use, to determine its Sound Power Level (L_w) at a sufficient distance from the MediaWorks building to ensure compliance. These measured L_w s shall be used to predict the noise level at the MediaWorks building façade(s) from proposed construction scenarios. The façade TL (refer Condition 40.2) shall then be applied to predict the noise levels in the relevant rooms.

40.5 All high noise plant and machinery may not be used until Condition 40.1 is satisfied, taking into account the cumulative noise levels from active sources on the site.

40.6 The Requiring Authority and its contractor, in conjunction with a suitably qualified expert, shall work collaboratively with MediaWorks during preparation of a SSCNVMP to confirm the extent and management of adverse effects on MediaWorks.

40.7 The SSCNVMP shall set out the requirements for monitoring, the number of monitors, the instrument location, any adjustments necessary if a proxy position is required and any other procedures or requirements that are necessary. The data shall be available in real time to the Requiring Authority, Auckland Council and MediaWorks.

40.8 Prior to the use of any high vibration equipment to be used at a location where it is predicted to generate vibration levels greater than 75% of the PPV vibration limits in Condition 35.3, 35.6, 35.7 and 35.8, or reradiated noise within 3 decibels of the limits in Condition 35.2 the Requiring Authority shall undertake vibration measurements at a sufficient distance from the MediaWorks building to ensure compliance applying the transfer function required by Condition 40.3 to assess reradiated noise. These measurements shall be used to determine minimum set-back distances from the building to avoid potential exceedances of the vibration limits in Conditions 35.3, 35.6, 35.7 and 35.8. The results of the testing and the outcomes affecting construction operations shall be set out in the SSCNVMP.

40.9 The noise and vibration levels from construction shall be monitored to determine compliance with conditions 35.2, 35.3, 35.6, 35.7 and 35.8 continuously by automated vibration monitors located at positions that will represent the noise and vibration level in the relevant spaces and for the relevant vibration limits. The SSCNVMP shall set out the requirements for monitoring, the instrument location, any adjustments necessary if a proxy position is required and any other procedures or requirements

that are necessary including methods to exclude extraneous sources. The data shall be available in real time to the Requiring Authority, Auckland Council and MediaWorks.

40.10 Monitoring to determine compliance or otherwise with Condition 35.6 relating to office amenity shall only be undertaken in response to complaints from MediaWorks. The measurements must be attended by a suitably qualified person.

40.11 The SSCNVMP shall set out corrective action measures that must be adopted in situations where any of the noise and vibration limits in Conditions 35.2, 35.3, 35.6, 35.7 and 35.8 are exceeded and where the noise and/or vibration levels are unacceptable to MediaWorks. The corrective action measures must include the following:

- a. Immediate cessation of the work(s) that is giving rise to the exceedance;
- b. A procedure to require the implementation of whatever measures are necessary to reduce the noise or vibration levels;
- c. A monitoring procedure to determine compliance (once the remediation works are complete);
- d. A requirement to ensure that the work(s) responsible for the exceedance are not recommenced during Sensitive Times;
- e. A complaints procedure that is capable of effecting the immediate cessation of works including making a point of contact directly available 24 hours, seven days a week.

40.12 If there is a disagreement between the Requiring Authority and MediaWorks as to the content of the SSCNVMP, they shall each appoint a suitably qualified and independent expert, who shall jointly appoint an independent and suitably qualified third expert who shall certify the matters set out in Condition 40.11 and any other matters in dispute in the SSCNVMP.

40.13 Following the above process the SSCNVMP shall be submitted for the review of Auckland Council as part of the Outline Plan. For the avoidance of doubt, the Requiring Authority shall not be entitled to make any changes to the SSCNVMP through the Outline Plan process following any agreement reached with MediaWorks and/or through the above certification process without the consent of MediaWorks. The works shall then be undertaken in accordance with the SSCNVMP confirmed by the Requiring Authority as part of the Outline Plan process.

BUILT HERITAGE/ARCHAEOLOGY

Condition Number 41: Historic Character - Built Heritage Designations 1, 2, 4, 5 and 6

41.1 The Historic Character DWP shall be prepared to manage the adverse effects on built heritage and archaeology that may result from associated works prior to, during, and after the construction of the City Rail Link or any part of it.

41.2 The objective of the Built Heritage section is to avoid, remedy or mitigate adverse effects on built heritage as far as reasonably practicable. To achieve the above objective, the following shall, as a minimum, be included in the built heritage section of the Historic Character DWP:

- a. Preparation of a Building Record and Salvage Strategy that outlines a suitable set of procedures for the removal, storage and for later refitting and reuse of elements of heritage buildings and/or

structures identified for demolition including the Griffiths Building, Beresford Toilets, Bluestone Toilets, and the rear annex to the building at 223-227 Symonds Street.

b. The proposed methods for monitoring building damage that is to be undertaken by a suitably qualified person for the duration of construction works. This includes confirming which Built Heritage buildings and structures are to be subject to a pre and post building condition survey through:

i. Using the updated predicted vibration contours undertaken in Condition 36;

ii. Reviewing those buildings in Appendix 2 to these conditions in accordance with Condition 46.1;

iii. Reviewing buildings within the designation footprint (including above sub-strata designation) or located in close proximity to identify buildings which have been recognised as having heritage value as a result of scheduling under the Heritage New Zealand Pouhere Taonga Act 2014 or in the Auckland Unitary Plan.

c. Identification and methodology for recording of Built Heritage directly affected by the construction, or associated pre-and-post-construction works (i.e. within the surface designation footprint), which cannot be retained and / or adaptively re-used / partially retained. For the avoidance of doubt, the following buildings and structures may be demolished:

i. Bluestone Toilets (SCDP Category B);

ii. Beresford Toilets;

iii. Rear annex to building at 229-231 Symonds Street; and

iv. Griffiths Building.

d. Identification and methodology for recording Built Heritage directly affected by the construction, or associated pre- and post-construction, which are to be:

i. Adaptively reused;

ii. Partially retained in design and construction; or

iii. Built heritage elements have been integrated into other elements of the City Rail.

iv. In particular, the Requiring Authority shall explore the adaptive re-use of the buildings at 51-53 Victoria Street West (known as Martha's Corner building) with complete demolition only considered as a last resort. As guidance, an appropriate level of adaptive re-use could include retention of the façade on all street frontages or the utilisation and incorporation of elements of the building into the design.

e. How Built Heritage Buildings and Structures will be protected during construction through the use of screening or other protective measures to mitigate adverse construction effects;

f. How mitigation or rectification of damage to Built Heritage Buildings and Structures will be addressed; and

g. Cross references to the specific sections in the Communication and Consultation Plan which detail how the Auckland Council Heritage Department, Heritage New Zealand, and mana whenua (see condition 15) are consulted, and the communication with the general public on the management of the adverse effects relating to Built Heritage.

**Condition Number 42: Historic Character – Archaeology
Designations 1, 4, 5 and 6**

42.1 A Historic Character DWP shall be prepared to manage the adverse effects on built heritage and archaeology that may result during construction of the City Rail Link or any part of it.

42.2 The objective of the Archaeology section of the Historic Character DWP is to avoid, remedy or mitigate adverse effects on archaeological remains during construction, as far as reasonably practicable.

42.3 To achieve the above objective the following matters shall be included in the Archaeology section of the Historic Character DWP:

a. Constructor roles and responsibilities, stand-down periods and reporting requirements are to be clearly identified;

b. How procedures for archaeological investigations and monitoring of preliminary earthworks are to be implemented in areas where there is potential for archaeological remains to be discovered;

c. Procedures for the discovery of, including accidental discovery of archaeological remains including:

i. The ceasing of all physical construction works in the immediate vicinity of the discovery;

ii. Practices for dealing with the uncovering of cultural or archaeological remains and the parties to be notified (including, but not limited to, appropriate iwi authorities, the Auckland Council Consents Monitoring officer, Heritage New Zealand, and the New Zealand Police (if kōiwi (human skeletal remains) are discovered);

iii. Procedures to be undertaken before physical works in the area of discovery can start again, including any iwi protocols, recording of sites and material, recovery of any artefacts, and consultation to be undertaken with iwi, Auckland Council Consent Monitoring officer and Heritage Unit, and Heritage New Zealand; and

iv. Procedures for recording any archaeological remains or evidence before it is modified or destroyed, including opportunities for the conservation and preservation of artefacts and ecofacts (biological material) that are discovered. Consideration shall be given to the incorporation of in-situ material or artefacts into the design of stations and / or public places associated with the City Rail Link project. Consideration shall also be given to the provision for 'post-excavation' assessment analysis and publication of material within 24 months of completion of construction.

v. Provision for 'post-excavation' archiving, assessment and analysis of the archaeological records and materials; publication of results of that work within 24 months of completion of construction assessment analysis and publication of material within 24 months of completion of construction.

d. Training procedures for all contractors are to be undertaken in advance of construction, regarding

the possible presence of cultural or archaeological sites or material, what these sites or material may look like, and the relevant provisions of the Heritage New Zealand Pouhere Taonga Act 2014 if any sites or material are discovered;

e. Cross references to the specific sections in the Communication and Consultation Plan which details how the Auckland Council Heritage Department, Heritage New Zealand, mana whenua (see condition 8) are consulted, and the communication with the general public on the management of the adverse effects relating to archaeology.

Condition Number 43: Heritage Advisory Group and Composition Designation 1

43.1 The Requiring Authority must engage, at its expense, a panel of suitably qualified and experienced heritage experts to discharge the functions required by conditions 44 and 45. The Heritage Advisory Group will consist of three independent experts, whose members will not be directors or employees of the Requiring Authority, Heritage New Zealand or the consent authority. The Heritage Advisory Group will comprise one nominee from the Requiring Authority, one nominee from the consent authority, and a third nominee appointed jointly by the Requiring Authority's and consent authority's nominees.

43.2 Before establishing the Heritage Advisory Group the Requiring Authority shall seek the opinion of Heritage New Zealand on the appointment of the Heritage Advisory Group.

43.3 The Heritage Advisory Group may determine its own processes and procedures for conducting its meetings and performing its functions as it sees fit, including methods for ensuring any disagreements between panel members are resolved, and must meet as necessary to fulfil its functions. All costs associated with the role and function of the Heritage Advisory Group and appropriate administrative support must be paid by the Requiring Authority. If any member of the Heritage Advisory Group is unable to continue in the role for whatever reason, then a replacement member must be appointed using the process set out in this condition.

Condition Number 44: Heritage Advisory Group Function Designation 1

44.1 The functions of the Heritage Advisory Group are to review the assessment of the alternatives and option selected by the Requiring Authority to manage the adverse effects on the heritage values of the Bluestone wall and the Martha's Corner building.

44.2 In relation to Bluestone Wall, the Heritage Advisory Group will:

a. Certify that the method selected by the Requiring Authority under Condition 45 will have the least impact on the heritage value of the Bluestone wall compared to other reasonably practicable methods; or

b. Prepare a report as to why the method selected by the Requiring Authority under Condition 45 will not have the least impact on the heritage value of the Bluestone wall and set out details as to an alternative recommended reasonably practicable method.

44.3 In relation to Martha's Corner, the Heritage Advisory Group will:

- a. Certify that the heritage outcomes for Martha's Corner adhere to the intent of Condition 41; or
- b. Prepare a report as to why the method selected by the Requiring Authority will not adhere to the intent of Condition 41 and set out details as to the recommended reasonably practicable method.

44.4 The Requiring Authority must provide Auckland Council with the Heritage Advisory Group's certification or report, and if applicable the reasons the Requiring Authority has not selected the method recommended by the Heritage Advisory Group.

Condition Number 45: Bluestone Wall Management Plan

45.1 A Bluestone Wall Management Plan shall be prepared to manage the adverse effects on the heritage values of the Bluestone wall during the construction of the City Rail Link.

45.2 The objective of this Plan is to minimise adverse effects on the heritage values of the Bluestone wall during the construction of the City Rail Link by adopting the best practicable option.

45.3 To achieve the above objective, the following shall be included in the Bluestone Wall Management Plan:

- a. Identification of the key heritage values of the wall;
- b. Assessment of the alternative construction methods to ensure that construction of the City Rail Link has the least impact on the heritage value of the Bluestone wall, within the practical constraints of constructing the project; and
- c. The option selected by the Requiring Authority.

45.4 The Bluestone Management Plan shall be prepared in consultation with Heritage New Zealand and the Heritage Advisory Group (set out in Condition 43).

BUILDING CONDITION SURVEYS

Condition Number 46: Process for Building Condition Surveys Designations 1, 2, 4, 5 and 6

46.1 Prior to construction, as a minimum those buildings listed in Appendix One and Appendix Two or identified pursuant to Condition 41.2(b) will be considered for a building condition survey. A building condition survey will be undertaken where it is assessed that there is potential for damage to buildings or structures arising from construction as determined by an independent suitably qualified person appointed by the Requiring Authority based on the criteria below unless the relevant industry criteria applied at the time or heightened building sensitivity or other inherent building vulnerability requires it. Building damage criteria will initially be assessed in accordance with Burland, J.B. (1997) "Assessment of Risk of Damage to Buildings due to Tunnelling and Excavation". Additional factors which may be considered in determining whether a building condition survey will be undertaken include:

- a. Age of the building;
- b. Construction types;

- c. Foundation types;
- d. General building condition;
- e. Proximity to any excavation;
- f. Whether the building is earthquake prone; and
- g. Whether any basements are present in the building.

46.2 Where prior to construction it is determined that a Building Condition Survey is required in accordance with Condition 46.1, or if measurements exceed the criteria in Condition 33:

- a. The Requiring Authority shall employ a suitably qualified person to undertake the building condition surveys and that person shall be identified in the CEMP;
- b. The Requiring Authority shall provide the building condition survey report to the relevant property owner within 15 working days of the survey being undertaken, and additionally it shall notify and provide the Auckland Council Consent Monitoring officer a copy of the completed survey report;
- c. The Requiring Authority shall contact owners of those buildings and structures where a Building Condition Survey is to be undertaken to confirm the timing and methodology for undertaking a pre-construction condition assessment;
- d. The Requiring Authority shall record all contact, correspondence and communication with owners and this shall be available on request for the Auckland Council Consent Monitoring Officer;
- e. Should agreement from owners to enter property and undertake a condition assessment not be obtained within 3 months from first contact, then the Requiring Authority shall not be required under these designation conditions to undertake these assessments;
- f. The Requiring Authority shall undertake a visual inspection during "active construction" if requested by the building owner where a pre-construction condition assessment has been undertaken;
- g. The Requiring Authority shall develop a system of monitoring the condition of existing buildings which is commensurate with the type of the existing building and the proximity of the CRL works. The purpose of monitoring is to assess whether or not active construction is compromising the structural integrity of the building.
- h. The Requiring Authority shall, during the Building Condition Survey, determine whether the building is classified as Commercial / Industrial / School or a Historic or sensitive structure in terms of Condition 33.

46.3 During construction:

- a. The Requiring Authority shall implement procedures that will appropriately respond to the information received from the monitoring system. Where necessary this may include the temporary cessation of works in close proximity to the relevant building until such time as measures are implemented to avoid further damage or compromise of the structural integrity of the building.

b. Any damage to buildings or structures shall be recorded and repaired by the Requiring Authority and costs associated with the repair will met by the Requiring Authority.

46.4 Following construction:

a. The Requiring Authority shall, within 12 months of the commencement of operation of the City Rail Link, contact owners of those buildings and structures where a Building Condition Survey was undertaken to confirm the need for undertaking a post-construction condition assessment;

b. Where a post-construction building condition survey confirms that the building has deteriorated as the result of construction or operation works relating to the City Rail Link, the Requiring Authority shall, at its own cost, rectify the damage.

46.5 Where the Requiring Authority is required to undertake building repairs in accordance with Conditions 46.3(b) or 46.4(b), such repairs shall be undertaken as soon as reasonably practicable and in consultation with the owner of the building.

URBAN DESIGN

Condition Number 47: Urban Design Principles Designations 1, 4, 5 and 6

47.1 The objective of the Urban Design DWP is to enable the integration of the CRL's permanent works into the surrounding landscape and urban design context.

47.2 An Urban Design DWP shall be developed to ensure that the areas within the designation footprint used during the construction of the City Rail Link are to be restored and the permanent works associated with the CRL are developed in accordance with urban design principles. The following Principles from the Urban Design Framework submitted as part of the Notice of Requirement documents will be used to inform the Urban Design and Landscape Plan:

a. Mana Whenua Principles – see Condition 49;

b. Movement and Connections –

i. Existing Networks - Structures of the CRL should not interrupt or adversely change the function of existing public open space, street networks and infrastructure.

ii. Entrance Location - Station entrances should be clearly identifiable and conveniently located in relation to existing and anticipated main pedestrian routes and destinations.

iii. Intuitive Orientation - The location and nature of structures resulting from the CRL (station entrances in particular) should facilitate intuitive orientation and support a legible street network.

iv. Way Finding - Coherent signage should be utilised to aid intuitive orientation and way finding.

v. Mode Integration - Spatial integration with bus stops as well as kiss and ride should be facilitated where possible without imposing on the quality of public realm.

vi. Bicycle Parking – Appropriate numbers of safe bicycle storage or parking should be provided in each station environment.

vii. Street Crossings - Safe pedestrian street crossings shall be provided in the immediate vicinity of station entrances to the extent practicable. The provision of level street crossings is preferable over any grade separated solutions.

viii. Footpaths – Footpaths surrounding stations need to be adequate to provide for pedestrians entering and exiting the stations.

ix. Grade separated rail crossings – Structures associated with grade separated rail crossings need to be carefully and sensitively designed and in accordance with crime prevention through environmental design principles to ensure appropriate amenity and safety are retained or achieved. Measures to achieve this may include:

- (a) Utilising permeable balustrades on overbridges;
- (b) Maximising the width of the footpath at grade in street reserves;
- (c) Orientating any steps parallel to overbridges;
- (d) Providing appropriate levels of lighting (in accordance with the Auckland Transport Street Lighting Policy Appendix 1) for “Pathways in high risk, high brightness area”); and
- (e) Treatment of the sides of ramps and footpaths to enhance visual amenity.

x. Grade separated rail crossings- Permeable balustrades on overbridges should be required not only for crime prevention purposes but to enable views into the neighbouring sites. For clarity all balustrades comprised within Normanby Road grade separation works (as defined in condition 30.1(4) ~~(k)~~ shall be permeable ~~including without limitation the ramp to be constructed into the site at 32 Normanby Road.~~

xi. The Porters Avenue Bridge (lift and bridge structure above finished ground level) shall be located no closer than 3.5m from the property boundary of 5 Porters Avenue (ALLOT 236 SEC 10 Suburbs AUCKLAND). Foundation support (i.e. below finished ground level) for the bridge may extend closer but shall not cross the property boundary.

xii. The design of the Porters Avenue and Fenton Street pedestrian/cycle bridges shall:

- a. Minimise loss of privacy on adjacent residential sites, including by locating the pedestrian/cycle bridge in the western half of the Avenue;
- b. Ensure the lifts are through lifts to carry bicycles; and
- c. Incorporate bicycle push ramps into the side of the pedestrian stairways.

xiii. The extensions to Ruru Street and Nikau Street shall generally be undertaken in accordance with the indicative road layout shown on drawing CRL-SYW-RME-000-DRG-0110 Revision 1 dated 26/7/16.

c. Public Realm and Landscape –

i. Existing Streetscape – Structures of the CRL should be designed to respect and contribute positively to the form and function of existing public open space.

ii. Universal Access - Station environments should promote universal access (e.g. footpath ramps and smooth ground surfaces).

iii. Safe Environments - Structures resulting from the CRL should promote safe environment. The station entrances should release patrons into safe public spaces that are well lit at night, overlooked by other users (e.g. residents or workers) and have sufficiently wide and unobstructed footpaths.

iv. Reinstated Surfaces - The design and construction of reinstated streetscapes should be coherent with the wider area and/or recent public realm upgrades in the area.

v. Station Plazas - The design and construction of station plazas should be coherent with the wider area and/or recent public realm upgrades in the area.

vi. Public Art - Integration of art and design should foster local identity and character and reflect and/or interpret local characteristics including natural heritage and Mana Whenua cultural narratives, history, art and particular traits of the local community.

vii. Landscape Planting – Plant species used in station environments and/or as part of landscape plantings should consider the opportunity to acknowledge the area's pre-human ecology as and where appropriate. This may include species which connect strongly with Mana Whenua cultural narratives.

viii. Entrances within the Road Reserve - Designs for station entrances within the road reserve should be designed to consider the impacts upon other modes of traffic, including the expected pedestrian patronage.

ix. Utility Structures - Above ground utility structures (e.g. vents, access services) should be designed to minimise any negative effect on public realm. Where possible these structures should be integrated with other buildings.

x. Where landscapes planting is affected by construction works on private properties, replanting and/or mitigation of any such landscaping shall be undertaken in consultation with those landowners, and in recognition of wider mitigation works required for those properties (e.g. vehicle parking and access requirements).

47.3 The Urban Design DWP shall show how these principles have been used to guide and influence the design of permanent works associated with the CRL, and how the design has responded or otherwise to these principles and initiatives.

47.4 The work to restore those areas within the designation footprint used during construction of the City Rail Link will occur as part of construction or within six months of the City Rail Link being operational.

Auckland Council Urban Design Panel

47.5 The Requiring Authority shall request the Auckland Council to refer the Urban Design DWP to the Auckland Urban Design Panel (or other equivalent entity (if any) at that time) and invite the Auckland Urban Design Panel to comment on:

a. The degree to which the Urban Design DWP has appropriately responded to the principles listed in 47.2 and 49.1;

b. The degree to which station plans have appropriately responded to the principles listed in Condition 54.1.

47.6 As part of the Urban Design DWP submitted, the Requiring Authority shall:

- a. Provide a record of feedback received from the Auckland Urban Design Panel (or equivalent entity at that time);
- b. Provide detail of how the Urban Design DWP has responded to any feedback received from the Auckland Urban Design Panel (or equivalent entity at that time) and, where they have not, the reasons why;
- c. Provide detail regarding the degree to which the community stakeholder, affected party and affected in proximity party feedback has been considered and where applicable incorporated into design. Where feedback has not been incorporated, the Requiring Authority shall provide comment as to reasons why the feedback has not been incorporated;
- d. The information set out in (a), (b) and (c) above must be included in the Urban Design DWP submitted to both the independent peer reviewer and Auckland Council as part of the Outline Plan.

**Condition Number 48: Mitigation Planting Requirement
Designations 1, 4, 5 and 6**

48.1 The Urban Design DWP shall include any replacement planting proposed to mitigate the adverse effects of tree and vegetation removal from within the designation footprint. It is acknowledged that the mitigation of effects of tree and vegetation removal will be considered in response to the urban design principles of Condition 47.

48.2 Any landscaping included under the Urban Design DWP shall be implemented in accordance with this plan within the first planting season following the City Rail Link being operational. If the weather in that planting season is unsuitable for planting, as determined by the Auckland Council Consent Monitoring officer (in consultation with the Auckland Council Parks Department), the landscaping shall instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity shall be agreed by the Auckland Council Consent Monitoring officer.

48.3 The landscaping will be maintained by the Requiring Authority for a period of 5 years for specimen trees and 3 years for all other landscape planting.

**Condition Number 49: Engagement with Mana Whenua and Mana Whenua Principles
Designations 1, 4, 5 and 6**

49.1 The Urban Design DWP shall include:

- a. How mana whenua (see Condition 8) have been engaged with during its development in relation to the implementation and interpretation of the Principles set out under Condition 47, and particularly in relation to the mana whenua principles set out below:

- i. Mana / Rangatiratanga – As the original local authorities of Tamaki Makaurau, Iwi require high level Treaty based relationships with all key stakeholders including the Requiring Authority and Auckland Council which recognise their Tangata Whenua status in order to fulfil their roles as kaitiaki. Such partnership relationships can then inform engagement with AT / Council at all levels including direct involvement with design consortia. Relationships are required at governance and senior management levels. Such relationships are a precursor to actualising the other 6 principles.

- ii. Whakapapa – Names and genealogical connections– reviving names revives mana through Iwi

connections to specific ancestors and events / narratives associated with them. An Iwi inventory of names associated with a given site can be developed so that the most appropriate names are identified to develop design, interpretation and artistic responses.

iii. Tohu – Acknowledging the wider significant Iwi cultural land marks associated with the CRL route and their ability to inform the design of the station precincts, entrances and exits. In particular exploring opportunities to maximise view shafts to such tohu / landmarks as a way of both enhancing cultural landscape connections and as way finding / location devices.

iv. Taiao – Exploring opportunities to bring natural landscape elements back into urban /modified areas e.g. specific native trees, water / puna wai (springs) – promoting bird, insect and aquatic life to create meaningful urban eco systems which connect with former habitats, mahinga kai (food gathering areas) and living sites.

v. Mauri tu - Ensuring emphasis on maintaining or enhancing environmental health / life essence of the wider site - in particular focusing on the quality of wai /water (puna / springs), whenua / soil and air. In particular any puna or underground waterways encounters should be carefully treated with Mana Whenua assistance to ensure their mauri is respected and enhanced where possible. It is also important to minimise the disturbance to Papatuanuku through carefully planned ground works.

vi. Mahi toi – Harnessing the Creative dimension through drawing on names and local tohu to develop strategies to creatively re-inscribe iwi narratives into architecture, interior design, landscape, urban design and public art.

vii. Ahi kaa – Need to explore opportunities to facilitate living presences for iwi / hapu to resume ahi-kaa and kaitiaki roles in and around the CRL route and new station precincts; and

b. A summary of the engagement with mana whenua (see Condition 15) and identification of where design has incorporated the mana whenua principles and other mana whenua aspirations. The summary must include a clear explanation of where any comments have not been incorporated and the reasons why not. The summary must be included in the Urban Design DWP submitted to both the Independent Peer Review Panel and Auckland Council as part of the Outline Plan.

Condition Number 50: Specific Area Requirements: Britomart to Aotea Station Designation 1

50.1 For this designation the Urban Design DWP shall include how the following are to be restored following completion of the City Rail Link construction works:

a. Queen Elizabeth Square and lower Queen Street between Quay Street and Customs Street;

b. Albert Street between Quay Street and Victoria Street; and

c. Albert Street between Victoria Street and Mayoral Drive including those part of Victoria and Wellesley Streets, the Council owned land on the southeast corner of Albert and Wellesley Streets which is to be used as a construction area, affected by surface construction works; and

d. Kingston Street.

50.2 The restoration plan for this designation shall demonstrate how street upgrades and public realm

improvements have been considered when Albert Street and Mayoral Drive are reinstated. This should include as a minimum how the design and construction utilises material palettes, planting schedules and street furniture that are coherent with the surrounding streetscape character.

**Condition Number 51: Specific Area Requirements: Karangahape Station area
Designation 4**

51.1 For this designation the Urban Design DWP shall include restoration plans (showing how the following are to be restored following completion of the City Rail Link construction works):

- a. Beresford Square and Street including where surface works have occurred within Pitt Street; and
- b. Mercury Lane.

51.2 The restoration plan for this designation shall demonstrate how street upgrades and public realm improvements have been considered when Beresford Street, Pitt Street and Mercury Lane are reinstated. This should include as a minimum:

- a. How the design and construction utilises material palettes, planting schedules and street furniture that are coherent with the surrounding streetscape character.
- b. Methods for street upgrades and public realm improvements.

**Condition Number 52: Newton Station area
Designation 5**

52.1 For this designation the Urban Design DWP shall include restoration plans (showing how the following are to be restored following completion of the City Rail Link construction works) for those areas used for surface construction works within the designation footprint, including the construction yard located on the northeast corner of Mt Eden Road and Symonds Street.

**Condition Number 53: North Auckland Line area
Designation 6**

53.1 For this designation the Urban Design DWP shall include the following:

- a. Restoration Plans showing how the worksite area will be maintained during the construction period.
- b. Restoration Plans showing how the following are to be restored after construction completion:
 - i. The replacement of Mt Eden Road Bridge;
 - ii. The area used for the grade separation of Porters Avenue;
 - iii. The area used for the grade separation of Normanby Road; and
 - iv. The replacement of the pedestrian connection, to be provided over the railway, between Ngahura Street and Fenton Street, including a connection to the Mount Eden Station.

c. How the bulk, scale and massing of structures resulting from the City Rail Link at Mt Eden Station are integrated with the components of the Mt Eden Station located in the adjacent North Auckland Line designation.

Condition Number 54: Station Plan Requirements

Designations 1, 4 and 5

54.1 The Urban Design DWP shall include a Station Plan/s (report and design plan/s as required) and include the following:

a. The design details showing both the above ground and below ground elements of the station/s;

b. How the above ground and below ground design of the stations has taken into account the following principles:

i. Overarching - stations should achieve a successful and memorable transport experience.

ii. Function - stations will provide safe, functional and clear transport solutions.

iii. Performance - stations will provide a credible, sustainable design outcome that responds to climate, site and social economics.

iv. Personality - stations will provide an expression that contributes to their context and local identity and will respond to an appropriate network wide identity.

v. Existing and New Building Structures.

vi. Built Heritage:

- Where built heritage is required for City Rail Link station requirements, adaptive reuse strategies should be considered to preserve the building's role in establishing the streetscape and urban character.

- The development of new buildings and structures should minimise impact on, and disturbance of, Built heritage listed by Heritage New Zealand or the Auckland Council District Plan that play a significant role in establishing the streetscape and urban character of the local area.

vii. Bulk, Scale and Massing:

- Bulk, scale and massing of structures resulting from the City Rail Link (station buildings in particular) should be sympathetic with the surrounding built urban form.

- Aotea Station building frontages should correspond with the road reserve boundary unless a specific station plaza area is intended.

- Karangahape Road station building(s) should be sensitively designed so as to contribute positively and to complement the good public realm and urban form qualities that currently exist in this area of Karangahape Road, Pitt Street and the upper end of Beresford Street.

- The redevelopment of land acquired for the ~~Newton~~ Mt Eden Station provides the opportunity for a continuous active building frontage to correspond with the road reserve boundary, providing:

- This does not conflict with the operation requirements of the station; or

- Unless a specific station plaza area is intended.

viii. Active Frontage – Structures resulting from the City Rail Link should present an active frontage

towards public spaces like streets, squares, pedestrian walkways or station plaza areas provided that this doesn't conflict with the operation requirements of the station.

Where no active frontage is proposed, an explanation of the reasons shall be outlined in the Urban Design DWP.

ix. Weather Protection – Where practicable, station entrances should provide some weather protection along their frontage (e.g. verandahs, awnings, canopies etc.) and these should be considered as part of the design.

x. Adaptability – The design of structures resulting from the City Rail Link should be able to adapt to change over time (e.g. change of uses, innovations in technology etc.) where reasonably practicable and anticipate opportunities (e.g. additional entrances) that may become possible in the future. The station design should not inhibit wider development opportunities (e.g. above or around station entrances).

xi. Identity – The design of the station entrances should provide an expression that reflects their respective context and local cultural identity. They could reflect, respond and/or interpret local characteristics like natural or Mana Whenua heritage, history, art, particular traits of the local community and unique architectural and urban forms of the area.

xii. Construction Quality – The design and construction of structures resulting from the City Rail Link (station buildings in particular) should be of a quality that lasts over time. Materials should be selected that are highly durable, elegant and vandal resistant where they come into contact with patrons.

xiii. Mana Whenua Principles – see Condition 49.

c. How these principles have been used to guide and influence the design, and how the design has responded, or otherwise, to these principles and initiatives; and

d. A summary of the engagement with mana whenua (see Condition 15) and identification of where design has incorporated the mana whenua principles and other mana whenua aspirations into station design. The summary must include a clear explanation of where any comments have not been incorporated and the reasons why not. The summary must be included in the Urban Design DWP submitted to both the Independent Peer Review Panel and Auckland Council as part of the Outline Plan.

TREES AND VEGETATION

Condition Number 55: Trees and Vegetation DWP Designations 1, 4, 5 and 6

55.1 A Trees and Vegetation DWP shall be prepared to manage the adverse effects from the removal of trees and vegetation during the construction of the City Rail Link or any part of it.

55.2 The objective of the Trees and Vegetation DWP is to avoid the removal of schedule trees as far as practicable. Where trees are identified for removal in surface works the Requiring Authority will remedy or mitigate the adverse effects of construction on trees and vegetation.

55.3 To achieve the above objective the following shall be included in the Trees and Vegetation DWP

and implemented as required:

a. Confirmation of the trees to be removed due to surface construction works and whether it is appropriate and feasible to relocate or store these trees for replanting. The removal of schedule trees which form a significant group should only be undertaken as a last resort;

b. A list of trees, which due to being located in proximity to construction works, have root systems and / or foliage within and / or overhanging the surface designation footprint, and the methods to be used, where practicable, to protect these trees from construction works;

c. Cross references to the Urban Design DWP and the proposed mitigation of any tree / vegetation removal through replanting trees at a 1:1 ratio, re-instatement of the area, and other methods. In preparing the Trees and Vegetation DWP, the Requiring Authority shall seek input from the Auckland Council Parks Department with regard to tree species / vegetation selection, tree pit construction where deemed necessary, and the positioning of replacement trees and from directly affected land owners with regards to preferences for any replacement planting for vegetation/ trees removed from private property or for any replacement planting on private property;

d. Other methods to be used to monitor and report on the management of the adverse effects from tree / vegetation removal; and

e. Cross references to the specific sections in the Communication and Consultation Plan which detail how the Auckland Council Parks Department, mana whenua (see condition 8) are consulted, and communication with the general public on the management of the adverse effects relating to the removal of trees and vegetation.

PUBLIC ART

Condition Number 56: Public Art DWP Designation 1

56.1 A Public Art DWP shall be prepared to manage the adverse effects on public art located within or in close proximity to the designation footprint.

56.2 The objective of the Public Art DWP is to enable:

a. The appropriate removal and / or relocation of one piece of public art directly affected by the construction of the City Rail Link;

b. The protection of two pieces of public art that are located on public land in close proximity to the City Rail Link construction works.

56.3 To achieve the above objective the following shall be included in the Public Art DWP and implemented as required:

a. The process that will be undertaken to remove the public art work known as "Enduring Fires" (at the time of the Notice of Requirement process located within Queen Elizabeth Square), including the consultation undertaken with the Auckland Council and Ngati Whatua ki Tamaki or Ngati Whatua o Orakei as to its removal, storage, re- establishment or relocation and / or replacement (as part of the restoration works associated with the City Rail Link construction);

b. The process that will be undertaken to protect or remove the public art work known as "Maori Warrior" (at the time of the Notice of Requirement process located on the pavement of Quay Street adjacent to 1 Queen Street), including the consultation undertaken with the Auckland Council as to its protection during construction or whether it should be removed, stored, relocated and / or replaced (as part of the restoration works associated with the City Rail Link construction);

c. The process to protect the public art known as "Matahorua Anchor and Tainui Anchor" (at the time of the Notice of Requirement process located at the northern end of the Bledisloe Building on Wellesley Street) from construction works to the west, including the consultation undertaken with the Auckland Council as to its protection.

56.4 If one does not already exist, an asset management plan shall be prepared by the Requiring Authority in collaboration with Auckland Council for any of the above listed public art works as part of any protection or removal process.

56.5 Should the above public art works be removed from these sites prior and separate to the City Rail Link project, this condition will not need to be complied with.

CONTAMINATED LAND

Condition Number 57: Contamination DWP Designations 1, 4, 5 and 6

57.1 A Contamination DWP shall be prepared to manage the adverse effects relating to contaminated land during the construction of the City Rail Link or any part of it.

57.2 The objective of the Contamination DWP is to avoid, remedy or mitigate the adverse effects of construction on human health which may result from the disturbance of contaminated materials during construction.

57.3 To achieve the above objective the following shall be included in the Contamination DWP and implemented as required:

a. A health and safety plan that addresses:

i. Worker safety in relation to hazardous substances; and

ii. Worker training with regard to handling hazardous substances, identifying potentially contaminated soil / material, and notification procedures for discovery of contamination;

b. Procedures for how erosion and sediment control, storm water, dust, and odour control measures will manage the removal of contaminated soil / material;

c. Procedures for contaminated soil classification, management and disposal of contaminated soil / material;

d. Where any trenches/excavations during civil works are to be sealed as a result of contamination and how this is to be recorded;

e. How and which work areas are to be restricted to authorised personnel only and procedures to limit

the presence of ignition sources in these areas (e.g. no smoking within or adjacent to construction area, no welding or open flames near areas with high concentrations of hydrocarbon contamination);

f. Procedures for the monitoring and management of the removal of contaminated soil / material by a suitably qualified environmental specialist;

g. How the placement of re-used contaminated soil / material will be recorded and tracked;

h. Where areas for stockpiling and storing contaminated soil / material will be established on the construction site and the procedures for managing the containment of the contaminated soil / material in these areas;

i. Cross references to the specific sections in the Communication and Consultation Plan which detail how the general public are to be communicated with on the management of the adverse effects relating to the removal of contaminated soil / material.

Condition Number 58: Contamination Validation Report at Completion of Construction Designations 1, 4, 5 and 6

58.1 At the completion of construction works a validation report will be prepared in accordance with any Ministry for the Environment guidelines and submitted to the Auckland Council Consent Monitoring officer documenting the management of soil and evidence of appropriate disposal. The validation report shall include a record of all analytical results, volumes, tip dockets, and any incidents or complaints and how these were addressed. The validation report shall also identify any areas which need on-going monitoring and management by the Requiring Authority.

AIR QUALITY

Condition Number 59: Air Quality DWP Designations 1, 4, 5 and 6

59.1 An Air Quality DWP shall be prepared to avoid, remedy or mitigate the adverse effects on air quality during the construction of the City Rail Link or any part of it.

59.2 The objective of the Air Quality DWP is to detail the best practicable option to avoid dust and odour nuisance being caused by construction works and to remedy any such effects should they occur.

59.3 To achieve the above objective the following shall be included in the Air Quality DWP and implemented as required:

a. The procedures to be implemented for the continuous monitoring of Total Suspended Particulate (TSP) concentrations and meteorology including, but not limited to, the establishment of two monitoring sites (to the north and south of the site);

b. Identification of the sensitive locations, and the specific methods for monitoring, including trigger limits to determine whether further action (such as implementation of the mitigation measures discussed below or other mitigation measures) is required;

c. Procedures for responding to malfunctions with construction machinery or works causing accidental

dust discharges including, but not limited to, the requirement to remedy any malfunction within 24 hours;

d. Procedures for monitoring weather conditions and the requirement that water spray is used on soil stockpiles, any non-paved construction areas, and the wheels of trucks where dust may disperse beyond the site;

e. Procedures for establishing when the covering of trucks will be required;

f. Procedures for determining when hard surfaced areas in construction yards and active construction areas should be cleaned including, but not limited to, the requirement that such areas be cleaned whenever dust generation occurs due to traffic on these surfaces;

g. Procedures for responding to discharges of odour (including in the event of excavation of contaminated sites) including, but not limited to, the requirement to address discharge of objectionable odour by immediately ceasing the activity causing the discharge;

h. Procedures for equipment inspection (including timeframes for regular inspections), maintenance, monitoring and recording, including baghouses, pressure relief valves and high level alarms to mitigate dust emissions;

i. Procedures for, where practicable, limiting dust and odour nuisance and the methods for monitoring these procedures including Identification of contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as:

i. Cleaning of air filtration intakes; or

ii. Cleaning of other buildings and infrastructure; and

j. Procedures for responding to any complaints received and the timeframes for response to complaints and reporting;

k. Cross references to the specific sections in the Communication and Consultation Plan which detail how the communities in the vicinity of construction works are to be communicated with on the management of the adverse effects relating to air quality.

SOCIAL IMPACT AND BUSINESS DISRUPTIONS

Condition Number 60: Property Management Strategy Designations 1, 4, 5 and 6

60.1 The Requiring Authority will prepare a Property Management Strategy and shall submit the Strategy to Auckland Council within 3 months of the Designation being confirmed for confirmation that the Strategy has been prepared in accordance with this condition.

60.2 The purpose of the Strategy is to set out how the Requiring Authority will ensure the properties acquired for the City Rail Link are appropriately managed so they do not deteriorate and adversely affect adjoining properties and the surrounding area. The Strategy shall identify measures and methods to ensure the properties are managed in a manner that:

- a. Does not significantly change the character, intensity and scale of the effects of the existing use of the land;
- b. Maintains the condition of the property at that which existed at the time of purchase by the Requiring Authority;
- c. Contributes to the functioning of the area within which the property is located;
- d. Maintains occupancy as far as reasonably practicable; and
- e. Provides confidence to occupants, adjoining property owners, and the community that the properties are managed responsibly pending construction.

Condition Number 61: Social Impact and Business Disruption DWP Designations 1, 4, 5 and 6

61.1 The Requiring Authority shall prepare a Social Impact and Business Disruption DWP. The objective of the Social Impact and Business Disruption DWP is to avoid, remedy or mitigate the adverse effects arising from disruption to businesses, residents and community services/facilities so far as reasonably practicable.

61.2 To achieve this objective the Requiring Authority shall engage a suitably qualified specialist(s) to prepare a Social Impact and Business Disruption DWP to address the following specific issues:

- a. How disruption to access (including pedestrian, cycle, passenger transport and service/private vehicles) for residents, community services and businesses as a result of construction activities will, so far as is reasonably practicable, be avoided, remedied or mitigated;
- b. How the disruption effects that result or are likely to result in the loss of customers to businesses as a result of construction activities will, so far as is reasonably practicable, be avoided, remedied or mitigated;
- c. How the loss and/or relocation of community facilities and the loss or change to catchments associated with these facilities as a result of the property acquisition process particularly to the Chinese Community Centre and Life Centre Church and the temporary loss of car parking at Hopetoun Alpha will be mitigated; and
- d. How loss of amenity for residents, community services and businesses as a result of construction activities will be or has been mitigated through the CEMP and other DWPs.

61.3 The Social Impact and Business Disruption DWP shall be prepared in consultation with the community, community facility operators, business owners, affected parties and affected in proximity parties to:

- a. Understand client and visitor behaviour and requirements and operational requirements of community facilities and businesses;
- b. Identify the scale of disruption and adverse effects likely to result to businesses, residents and community services/ facilities as a result of construction of the City Rail Link;

c. Assess access and servicing requirements and in particular any special needs of residents, community facilities and businesses; and

d. To develop methods to address matters outlined in (b) and (c) above, including:

i. The measures to maximise opportunities for pedestrian and service access to businesses, residents and social services/facilities that will be maintained during construction, within the practical requirements of the Transport, Access and Parking conditions (Conditions 25 to 30) and the Transport, Access and Parking DWP;

ii. The measures to mitigate potential severance and loss of business visibility issues by way-finding and supporting signage for pedestrian detours required during construction;

iii. The measures to promote a safe environment, taking a crime prevention through environmental design approach;

iv. Other measures to assist businesses and social services/facilities to maintain client/customer accessibility, including but not limited to client/customer information on temporary parking or parking options for access;

v. Other measures to assist residents, businesses and social services/facilities to provide for service delivery requirements;

vi. The process (if any) for re-establishment and promotion of normal business operation following construction;

vii. If appropriate and reasonable, requirements for temporary relocation during construction and/or assistance for relocation (including information to communities using these services and facilities to advise of relocations); and

viii. The measures to remedy and mitigate the disruption impacts to the community as a result of any closure and/ or relocation of community services and facilities required by the Project.

61.4 The Social Impact and Business Disruption DWP shall include:

a. A summary of the findings and recommendations of the Social Impact Assessment report (2013);

b. A record of the consultation undertaken with the community including specific access and operational requirements of individual businesses and residents including, if relevant, consultation on the necessity for, and the feasibility of, options and requirements for temporary relocation during construction and/or assistance for relocation;

c. An implementation plan of the methods to mitigate the disruption effects (as developed in 61.3 above);

d. Reference to any site/business specific mitigation plans that exist (though these may not be included in the DWP);

e. Cross reference to detail on how the CEMP and DWPs have responded to the issues of resident, business and social service/facility accessibility and amenity;

f. Details of on-going consultation with the local community through the Community Liaison Groups to provide updates and information relating to the timing for project works and acquisition;

g. Details of best endeavours steps undertaken with regard to acquisition and/or relocation of the Chinese Community Centre and Life Centre Church under the Public Works Act 1981; and

h. The process for resolution of any disputes or complaints in relation to the management / mitigation of social impacts (including business disruption impacts).

61.5 In relation to the site at 32 Normanby Road, the Requiring Authority shall consult with sub-lessees in the presence of the landowner and head lessee when developing site/business specific mitigation plans, unless the sub-lessee(s) request otherwise.

61.6 The Social Impact and Business Disruption DWP shall be implemented and complied with for the duration of the construction of the City Rail Link and for up to 12 months following the completion of the Project if required.

61.7 Suitably qualified independent specialists for the social impact and business disruption mitigation (whose appointment shall be agreed by the Council) shall peer review the Social Impact and Business Disruption DWP pursuant to Condition 11.

61.8 The Requiring Authority shall prepare an annual report on the identification, monitoring, evaluation and management of the effects outlined in the Social Impact and Business Disruption DWP together with a summary of matters raised by the community, and how these have been responded to. The report shall be presented to the Community Liaison Groups.

Condition Number 62: Specific Design Requirements Designation 2

62.1 The operational tunnel will avoid running under the building footprint of the property at 152 Vincent Street.

OPERATIONAL CONDITIONS

Condition Number 63: Operational Rail Vibration Designations 1, 2, 4, and 6

63.1 The Requiring Authority shall confirm that operational rail vibration and reradiated noise levels comply with the following Project Criteria at any noise or vibration sensitive receiver existing at the time of lodgement of the CRL NoR:

Building Type	Vibration Criteria PPV (mm/s)	Reradiated Noise Criteria (dB L _{ASmax} re: 20 µPa)
Commercial uses with primarily daytime use ¹	0.2	40
Residences and	0.15	35

buildings where people normally sleep		
Auditoria/Theatres ¹	0.1	30
TV/Recording Studios	0.06	25

Note:

1. Such as offices, businesses, churches, schools, universities and libraries.
2. This includes Albert Street District Court.

63.2 For any noise or vibration sensitive building types that are not provided for in the table above, the upper limit for vibration and reradiated noise shall not exceed 0.3 mm/s PPV and 50 dB L_{ASmax} respectively.

63.3 For the avoidance of doubt this does not apply to the North Auckland Line and Britomart Designations

63.4 When assessing operational rail vibration and reradiated noise, compliance with Conditions 63.1 and 63.2 shall be achieved at least 95% of any 20 consecutive train pass-by 'events'.

Condition Number 64: Operational Noise - Mechanical Ventilation Plant Designations 1, 2, 4 and 5

64.1 Operational noise from mechanical ventilation plant servicing the underground rail sections of the City Rail Link shall be measured and assessed in accordance with the following Project Criteria:

Location	Period	dB LAeq	dB LAFmax
Auckland Central Area	7:00am to 11:00pm	65	75
	11:00pm to 7:00am	60	
Auckland Isthmus Area	7:00am to 10:00pm	60	75
	10:00pm to 7:00am	55	

64.2 Measurements shall be undertaken in accordance with New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with New Zealand Standard NZS 6802:2008 "Acoustics - Environmental Noise".

64.3 For the avoidance of doubt this does not apply to the North Auckland Line and Britomart Designations.

Condition Number 65: Operational Noise and Vibration management Plan (ONVMP)

Designations 1, 2, 4 and 5

65.1 To manage the adverse effects from the maintenance and operation of the City Rail Link, the Requiring Authority shall, prior to the operation of the CRL, prepare an Operational Noise and Vibration Management Plan, (ONVMP) to the satisfaction of Auckland Council's Compliance Monitoring Manager. The objective of the ONVMP shall be to ensure that the tracks, rolling stock and associated infrastructure (including ventilation and other mechanical plant) are maintained and operated in accordance with maintenance standards as outlined in the Requiring Authority's maintenance programme for the City Rail Link, so that operational noise and vibration levels received at noise sensitive receiver locations, and vibration levels comply with Conditions 63 and 64.

65.2 The ONVMP shall set out procedures for:

- a. The maintenance of rolling stock to minimise noise and vibration emissions including, but not limited to, the management of wheel roughness and flats, braking systems, cooling systems, suspension systems and any other significant source associated with the operation of locomotives;
- b. The maintenance of tracks to minimise noise and vibration emissions, including, but not limited to, the management of curve squeal, rail roughness, joint constructions and any other significant source associated with the use of the tracks;
- c. The implementation of mitigation measures associated with the operation and maintenance of the City Rail Link, for the operational life of the City Rail Link;
- d. The management of noise from the operation of the line, including, but not limited to, the use of audible warning devices and acceleration / deceleration controls (where relevant); and
- e. The management of noise and maintenance of noise-generating equipment from stations and associated ventilation and mechanical plant infrastructure including, but not limited to, PA systems, fans and ventilation noise and audible warning devices.

65.3 The ONVMP shall be adhered to at all times. It may be updated or amended at any time with the approval of Auckland Council's Compliance Monitoring Manager.

65.4 For the avoidance of doubt this does not apply to the North Auckland Line and Britomart Designations.

Operational Noise and Vibration Management – MediaWorks Designation 6

66.1 At least six months prior to the opening of the CRL, the Requiring Authority shall provide a report from a suitably qualified noise and vibration expert to Auckland Council's Compliance Monitoring Manager and to MediaWorks. The report shall confirm the trackform mitigation applied to the project has been designed to ensure that operational noise will not exceed the levels as set out in Condition 63.

66.2 The Requiring Authority shall implement continuous vibration monitoring on the tunnel structure on the East Link Down Main line within 20m of the closest point of the CRL tunnel to Studio 1 to determine compliance with Condition 63 during the operation of the CRL (but only for so long as MediaWorks remains located at the MediaWorks site). The monitoring regime shall:

- a. Be based on PPV measurements;
- b. Ensure that measurement equipment and signal chain complies with the manufacturers guidelines for accuracy and calibration;
- c. Capture every train pass-by on the line which may be triggered by vibration level radio frequency tag, interrupted beam or any other practicable triggering method;
- d. Ensure the retention of the PPV data for every train pass-by on the line;
- e. Ensure the transmission of PPV data for every train pass-by to the Requiring Authority at an interval not exceeding 48 hours between data uploads to enable records to be viewed and interrogated as required without requiring access to the monitoring location;
- f. Ensure that the Requiring Authority, Auckland Council's Compliance Monitoring Manager and MediaWorks are alerted to PPV values exceeding a value at the tunnel monitoring location that corresponds to 90% of the limits specified in Condition 63.1 for TV/Recording Studios to enable the Requiring Authority to instigate preventative maintenance of tracks and rolling stock with the aim of avoiding exceedences of the noise and vibration limits at the MediaWorks building.

The ONVMP required by Condition 65 shall set out the method for determining the transfer function between the tunnel monitoring location and the floor of Studio 1, and what the vibration trigger level is (based on measurements on the tunnel structure) for investigation and corrective action measures relative to Condition 66.2(f) above. The transfer function shall be accurately determined prior to the railway becoming operational using the tunnel monitoring location and the floor of Studio 1.

66.3 Condition 63 shall be complied with at the MediaWorks building for the life of the CRL.

66.4 Noise shall be measured in accordance with the requirements of NZS6801:2008 Acoustics - Measurement of Environmental Sound. Vibration shall be measured in accordance with the requirements of German Standard DIN 4150-3:1999 Structural vibration - Effects of vibration on structures.

66.5 In the event of any exceedance of any noise or vibration limit in Condition 63 during Sensitive Times (as defined in Condition 35.1) measures to reduce the noise or vibration below the relevant limit in Condition 63 shall be implemented as soon as reasonably practicable.

ADVICE NOTES

Advice Note 1

Designations 1, 4, 5 and 6

The Requiring Authority will require an Authority under the Heritage New Zealand Pouhere Taonga Act 2014 to destroy, damage or modify any archaeological site. This Authority is required in advance of earthworks commencing in the area where the archaeological site is located. It is expected that there will be staged Section 12 Authority applied for to cover the earthworks programme.

In the event of unanticipated archaeological sites or koiwi being uncovered the Requiring Authority

shall cease activity in the vicinity until it has the relevant approvals, and consulted with Heritage New Zealand and relevant iwi interests.

Advice Note 2

Designations 1, 2, 4, 5 and 6

The Requiring Authority will need to acquire the relevant property interests in land subject to the designation before it undertakes any works on that land pursuant to the designation. That may include a formal Public Works Act 1981 land acquisition process. It is acknowledged that property rights issues are separate from resource management effects issues and that the resolution of property issues may be subject to confidentiality agreements between the Requiring Authority and the relevant landowners.

Advice Note 3

Designations 1, 2, 4, 5 and 6

Prior to construction if Network Utility Operators are carrying out works that do not require prior written consent of the Requiring Authority in accordance with condition 6 of this designation, they must carry out those works in accordance with the Corridor Access Request (CAR) Process (as set out in Part 4 of the National Code of Practice for Utility Operators' Access to Transport Corridors 2011) where that process applies to the works being carried out.

Advice Note 4

Designations 1, 2, 4, 5 and 6

Under section 176 of the RMA no person may do anything in relation to the land subject to the designation that would prevent or hinder the Rail Link without the written approval of the Requiring Authority.

Advice Note 5

Designations 1, 2, 4, 5 and 6

Some of the land is subject to existing designations. Nothing in these designation conditions negates the needs for the Requiring authority to adhere to the provisions of section 177 of the RMA.

Advice Note 6

Designation 6

Some of the land is subject to existing designations. Nothing in these designation conditions negates the need for the Requiring Authority to adhere to the provisions of section 177 of the RMA.

For the avoidance of doubt, the Requiring Authority shall obtain the written consent of the Minister of Corrections in accordance with section 177 of the RMA for any work authorised by the City Rail Link designation on the Mt Eden Corrections Facility site at 1 Lauder Road.

Advice Note 7

Designation 1

Modifications to Britomart Transport Centre to connect the City Rail Link tracks into the rail network are separate to this designation and are covered under the Britomart Transport designation.

Advice Note 8

Designation 6

Applies to Designation 6: Works required to connect the City Rail Link to the North Auckland Rail Line

occurring within the North Auckland Rail Line designation are separate to this designation and are covered under the North Auckland Line Rail designation.

**Appendix One to Designation Conditions
Designations 1, 2, 4, 5 and 6**

Condition 36 of this designation requires as part of the CEMP process the confirmation of where and when building condition surveys will be undertaken in relation to vibration and settlement. Note that those buildings classed in the “heritage” category are covered under the Appendix Two below. In accordance with condition 46, at a minimum buildings condition surveys shall be considered for the following buildings:

No	Address	Property Known As
1	8-12 Albert Street	Quay West Hotel
2	17 Albert Street	Cohesive Technology House
3	22-26 Albert Street	The Stamford
4	74 Albert Street	Chifley Suites
5	76-84 Albert Street	City Gardens Apartments
6	103,105,107 Albert Street	Manhattan Apartments
7	109-125 Albert Street	Sky City - Grand Hotel & Convention Centre
8	106-108 Albert Street	Elliot Tower (Proposed)
9	128 Albert Street	Crown Plaza
10	103 Vincent Street	YWCA Accommodation
11	109 Vincent Street	The Rodney Apartments
12	113 Vincent Street	Winsun Heights Apartments
13	135 Vincent Street	Dynasty Gardens Hotel
14	150 Vincent Street	The City Lodge
15	156 Vincent Street	Eclipse Apartments
16	71-87 Mayoral Drive	Rendezvous Grand Hotel
17	29,39,41 Pitt Street	Hopetoun Delta Apartments
18	22-28 Beresford Square	The Beresford
19	259-281 Karangahape Road	Retail and Residential building
20	14 East Street	Residential Building

21	9 A-C Mercury Lane	Residential Building
22	18 East Street	Residential Building
23	153 Newton Road	Beatnik
24	10 Flower Street	Eden Terrace Apartments
25	1 Akiraho Street	Eden Oaks
26	21 Queen Street	Zurich House (Anzo Tower)
27	7 Albert Street	Retail and Office building
28	9-11 Albert Street	Food Alley
29	23-29 Albert Street	ANZ Centre
30	12-26 Swanson Street	Affco House Carpark
31	58 Albert Street	APN NZ Complex
32	63 Albert Street	AMI House
33	65-69 Albert Street	Auckland District Court
34	38 Wyndham Street	Wyndham Towers
35	92-96 Albert Street	Former Telecom Tower
36	85 Albert Street	Retail and Office building
37	87-89 Albert Street	Albert Plaza
38	99 Albert Street	AA Building
39	135 Albert Street	ASB Building
40	120 Albert Street	BDO Tower
41	44-52 Wellesley Street West	Wellesley Centre
42	67-101 Vincent Street	Auckland Police Station
43	22 Dundonald Street	Soundcraft Ltd
44	3 Flower Street	TV3 Building
45	32 Normanby Road	Commercial Building
46	3 Enfield Street	Horse and Trap
47	101 Mount Eden Road	Hometune
48	1 Ngahura Street	Auckland Boxing Association

49	1 Queen Street	HSBC House
50	125 Queen Street	New World Supermarket tenancy
51	148 Quay Street	Tenham Investments and Body Corporate 184960
52	29 Customs Street West	AMP Centre
53	15-19 East Street	
54	32 Akiraho Street	Bear Park Early Childhood Centre
55	83 Albert Street	
56	4 Kingston Street	
57	6-12 Kingston Street	

Appendix Two to Designation Conditions

Designations 1, 2, 4, 5 and 6

Condition 41 of this designation requires as part of the CEMP process the confirmation of where and when building condition surveys will be undertaken in relation to Built Heritage (including those affected as a result of excavation). In accordance with condition 46, at a minimum building condition surveys shall be considered for the following buildings:

No	Address	Property Known As
1	12 – 32 Customs Street	Customs House
2	2 Queen Street	Endeans Building
3	12 Queen Street	Former CPO - Britomart Transport Centre
4	3 Albert Street	West Plaza
5	13 Albert Street Auckland Central	Yates Building
6	15 Albert Street	Link House
7	35 Albert Street Auckland Central	Price Buchanan Building
8	37 – 39 Albert Street Auckland Central	
9	41 Albert Street	
10	46 Albert Street	New Zealand Herald

11	49 Albert Street Auckland Central	
12	53 Albert Street Auckland Central	
13	55 Albert Street	
14	57 Albert Street	
15	61 Albert Street Auckland Central	Shakespeare Hotel and Brewery
16	76 to 78 Albert Street Auckland Central	
17	83 to 85 Albert Street Auckland Central	
18	102 Albert Street	
19	26, 34 – 36 Wyndham Street	Former Gas Co Building
20	9 – 11 Durham Street	Bluestone Store
21	37-43 Victoria Street West	
22	51-53 Victoria Street West	Martha's Corner
23	61-65 Victoria Street West	
24	66 Victoria Street West	London Dairy
25	68 Victoria Street West	J H Hannan
26	24 Wellesley Street West	Bledisloe House
27	15-31 Wellesley Street West	Archibald and Sons Warehouse/ T & G Building
28	42 Wellesley Street	Griffiths Holdings Building
29	33 Wyndham Street	
30	Aotea Square Aotea Centre (rear section)	
31	11 Mayoral Drive	Former Public Trust
32	105 Vincent Street	Auckland Chinese Presbyterian Church
33	133 Vincent Street	Juliette's
34	53 Pitt Street	Former Central Ambulance Station

35	59 Pitt	
36	65 Pitt Street	
37	70 – 74 Pitt Street	The Chatham
38	78 Pitt Street Pitt Street	Wesleyan Church
39	78 Pitt Street	Wesleyan Bicentennial Hall
40	1 Beresford Square Auckland Central	Former Pitt Street Fire Station
41	16 – 18 Beresford Square	
42	211-235 Karangahape Road	Pitt Street Buildings (O'Malley's Corner)
43	238 Karangahape Road	George Court Building
44	1 Cross Street	George Court Factory Building
45	243 Karangahape Road	Naval and Family Hotel
46	246-254 Karangahape Road	Hallenstein Brothers Building
47	251 – 253 Karangahape Road	
48	256 Karangahape Road	Mercury Theatre entrance - Norman Ng Building
49	257 Karangahape Road	
50	258-266 Karangahape Road	
51	268 Karangahape Road	
52	259-261 Karangahape Road	
53	270 Karangahape Road	
54	283 Karangahape Road	Samoa House
55	9 Mercury Lane	Mercury Theatre former Kings Theatre
56	151 Newton Rd	Retail/Recording Studio
57	206-208 Symonds Street	Cheapskates/Penny Farthing Bike Shop
58	210 Symonds Street Retail	French Café

59	215 Symonds Street	Edinburgh Castle Building
60	221 Symonds Street	
61	224 Symonds Street	Former Post Office
62	227 Symonds Street	
63	231 Symonds Street Retail	
64	233 Symonds Street	
65	235 Symonds Street	
66	237 Symonds Street	
67	239-241 Symonds Street	
68	243 Symonds Street	
69	245 Symonds Street	
70	249 Symonds Street	
71	253 Symonds Street	
72	1-13 Mt Eden Road	
73	15-17 Mt Eden Road	
74	21 New North Road	
75	14 New North Road	Villa Dalmacija
76	St Patrick's Square 43 Wyndham Street	St Patrick's Cathedral
77	59 Alex Evans Street	St Benedict's Church
78	1 – 9 St Benedicts Street	St Benedict's Presbytery
79	6 St Benedicts Street	Residential
80	43 Wyndham Street & Hobson Street	St Patrick's Presbytery
81	Beresford Square	Forrester's Hall

Proposed Draft Notice of Requirement Conditions – Designation 3

Condition Number 1

1.1 ~~Except as modified by the conditions below,~~ The City Rail Project (Designation 3) shall be undertaken in general accordance with the following:

a. The information provided by the Requiring Authority in the Notice of Requirement dated 23 August 2012 and supporting documents being:

a. i. Assessment of Environmental Effects report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 15 August 2012 Rev B);

b. ii. Supporting environmental assessment reports (contained in Volume 3 of the Notice of Requirement suite of documents, dated August 2012);

c. iii. The Concept Design Report (contained in Volume 2 of the Notice of Requirement suite of documents, dated 13 August 2012 Rev 3);

d. iv. Plan sets:

i. Land requirement plans (contained in Volume 1 of the Notice of Requirement suite of documents, dated 15 August 2012);

ii. Plans contained in the Concept Design Report Appendices (contained in Volume 3 of the Notice of Requirement suite of documents, date 13 August 2012 Rev3).

b. Except as modified by the following alterations:

(i) Assessment of Environmental Effects (Reference CRL-SYW-RME-000-RPT-0065, Design and Construction Memorandum (Reference CRL-SYW-RME-000-MEM-0002) and Drawings CRL-SYW-RME-000-DRG-0120 to 0124 and 0128 to 0132 'Strata / Sub-Strata Alteration (CRL Designation 2 and 3).

(ii) Assessment of Environmental Effects (Reference CRL-MTE-RME- 000-RPT-0060 Revision 7 dated 9/11/16), Design and Construction Memorandum (Reference CRL-MTE-RME-000-MEM-0001 dated 9/11/16) and Drawing CRL-SYW-RME-000-DRG-0133 Revision 1 dated 26/7/17) ('Mt Eden Station Alteration' - CRL Designation 3 and 6).

1.2. Where there is inconsistency between the documents listed above and these conditions, these conditions shall prevail.

Condition Number 2

2.1 In accordance with section 184(1) of the Resource Management Act 1991 (the RMA), this designation shall lapse if not given effect to within 10 years from the date on which it is confirmed.

Condition Number 3

3.1 The Requiring Authority shall, as soon as is reasonably practicable, but no later than at completion of detailed design;

a. Review the area and volume of land of Designation 3 required to protect the structural integrity of the two tunnels (including the relevant considerations at Condition 5.5);

b. Identify any areas of designated land that are no longer necessary to protect the structural integrity, safety or operation of the two tunnels; and

c. Then give notice in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in (b) above.

Condition Number 4

4.1 Under s 176(1)(b) of the Resource Management Act 1991 (RMA) no person may do anything in relation to the designated land that would prevent or hinder the City Rail Link, without the prior written consent of the Requiring Authority.

4.2 In the periods pre, during and post construction of the City Rail Link, the following activities undertaken by Network Utility Operators will not prevent or hinder the City Rail Link, and can be undertaken without seeking the Requiring Authority's written approval under section 176(1)(b) of the RMA:

- a. Maintenance and urgent repair works of existing Network Utilities;
- b. Minor renewal works to existing Network Utilities necessary for the on-going provision or security of supply of Network Utility Operations;
- c. Minor works such as new property service connections;
- d. Upgrades to existing Network Utilities within the same or similar location with the same or similar effects on the City Rail link designation.

4.3 For the avoidance of doubt, in this condition an "existing Network Utility" includes infrastructure operated by a Network Utility Operator which was:

- a. In place at the time the notice of requirement for the City Rail Link was served on Auckland Council (23 August 2012); or
- b. Undertaken in accordance with this condition or section 176(1)(b) RMA process.

Condition Number 5

5.1 This designation does not authorise any CRL works but restricts development from proceeding without the approval of the Requiring Authority where that development would result in an adverse effect of the CRL in terms of safety, operation or construction.

5.2 The Requiring Authority will work with developers in a collaborative manner and may require alterations or changes to development proposal for the purpose in 5.1.

5.3 The Requiring Authority may require alterations or changes to any proposal for development including but not limited to construction of basements and foundations where such works disturb the ground in a way that is likely to result in loading changes and result in deformations or produce other risks to the integrity of the CRL structures.

5.4 Reasons shall be given by the Requiring Authority for these changes to demonstrate they are reasonably necessary to provide for safety, construction or operation of the CRL.

5.5 Any proposal for physical works or activities within the designation shall be provided to the Requiring Authority and will be assessed on the following:

- a. Building height, size, mass and proximity to the CRL structures;
- b. Foundation and basement design;
- c. Geotechnical conditions;
- d. Separation between the CRL structures and the proposed development;
- e. Nature of the activities including methods and staging of construction;
- f. The predicted loading change on the CRL structures resulting from the development; and
- g. Any other relevant information necessary to determine the likelihood and extent of any adverse effect that may occur as a result of the proposed development.

These factors will also be relevant considerations in the drawback if the designation as provided for in Condition 3.1.

5.6 That assessment will be peer reviewed by an independent certified engineer, paid for by the Requiring Authority, and the findings supplied to the landowner/developer and the Auckland Council for information.

Advice Notes - Designation 3

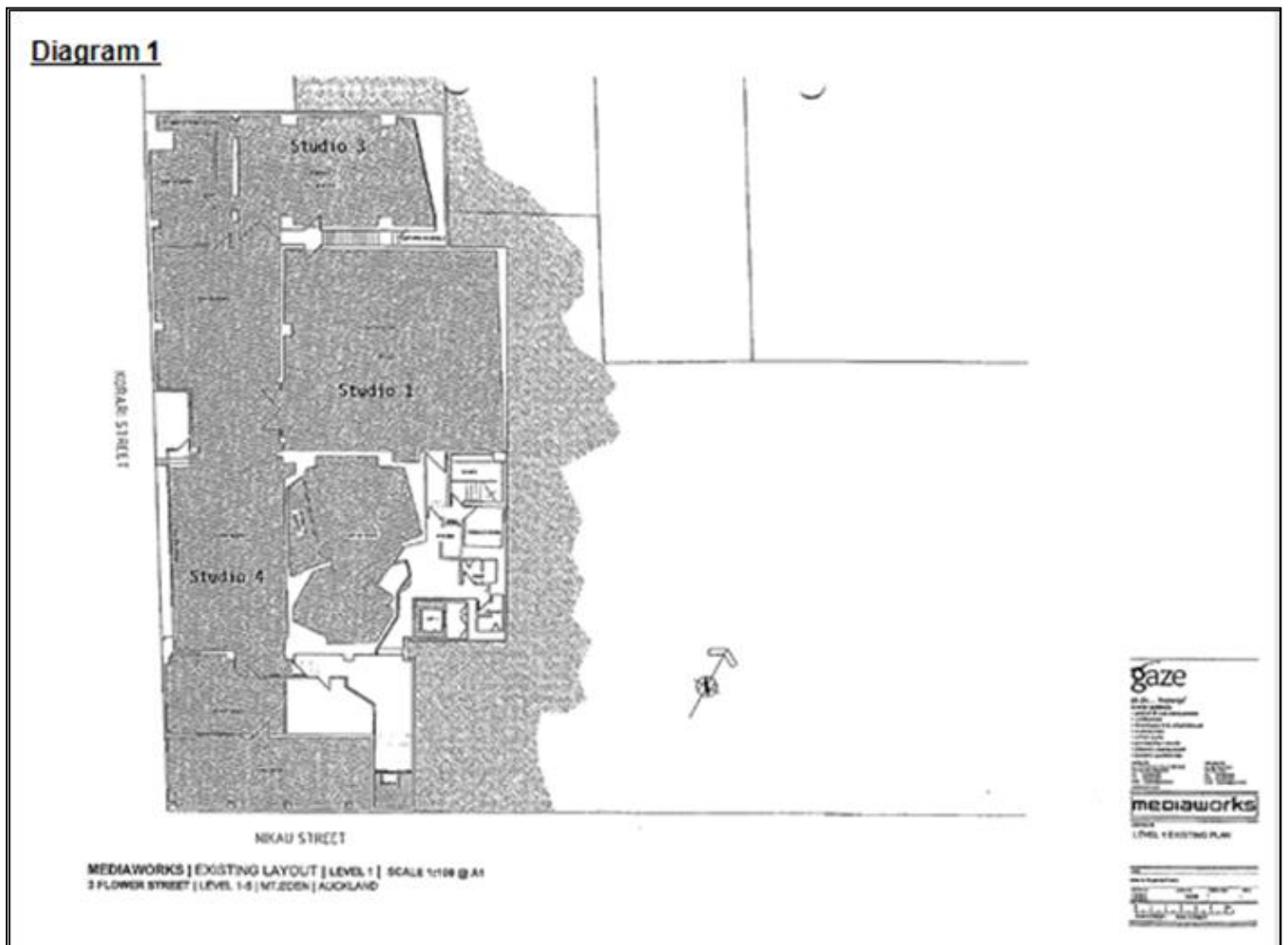
Advice Note 1

This is a designation for protection purposes only. It protects the City Rail Link infrastructure to be constructed, operated and maintained in a separate designation located beneath this designation. The use of the land within this designation is subject to the agreement of the Requiring Authority to protect the subterranean works below. Any person proposing to undertake physical works within this designation is required to contact the Requiring Authority and obtain its approval in accordance with provisions set out in section 176(1)(b) of the Resource Management Act 1991.

Advice Note 2

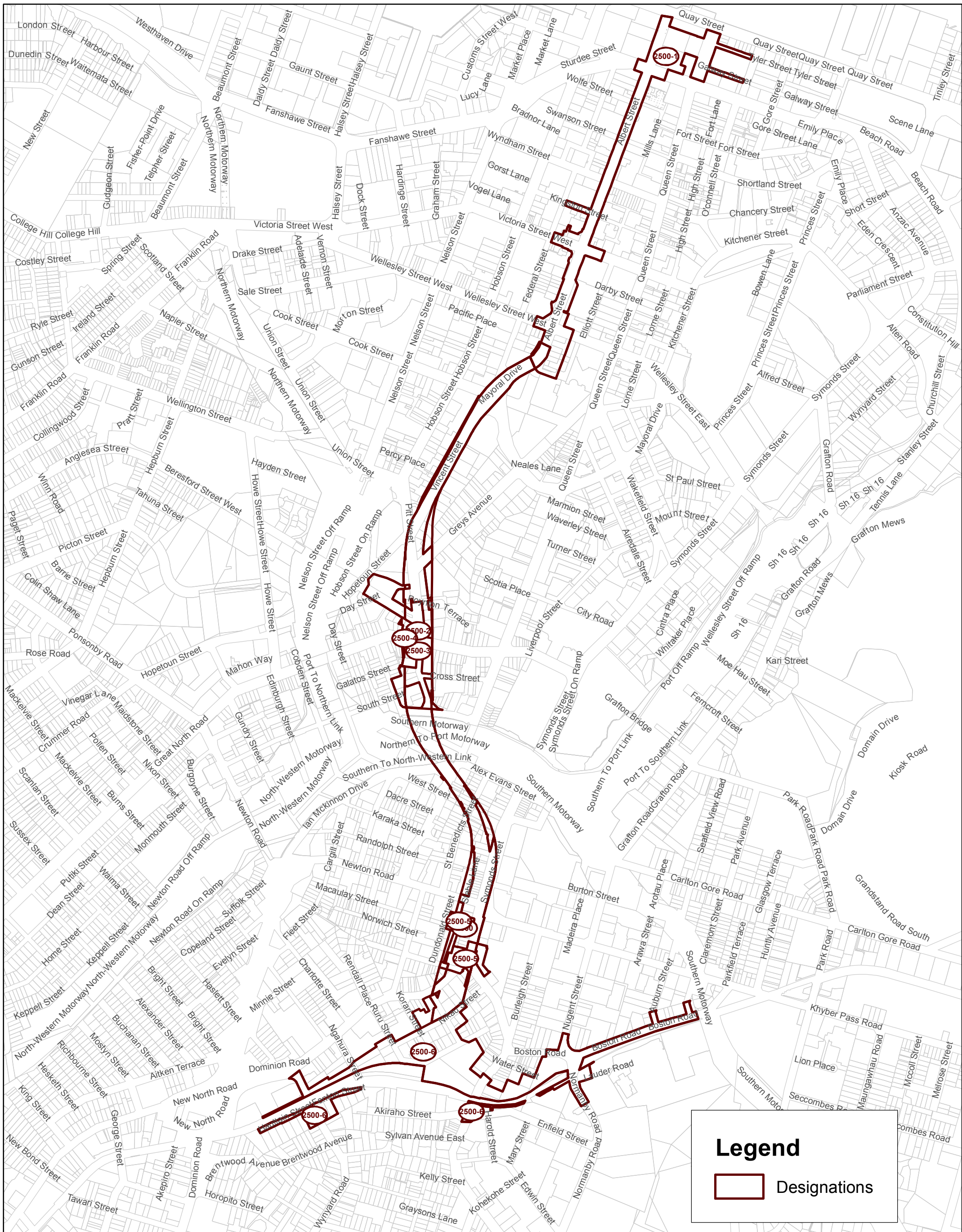
If Network Utility Operators are carrying out works that do not require prior written consent of the Requiring Authority in accordance with condition 6 of this designation, they must carry out those works in accordance with the Corridor Access Request (CAR) Process (as set out in Part 4 of the National Code of Practice for Utility Operators' Access to Transport Corridors 2011) where that process applies to the works being carried out.

Diagram 1



Attachments

No attachments.



Legend

 Designations



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 23/03/2018

CRL designation 2500, 2500(1)-(6),



Plans and Places