

**Notice of Requirement 6 (NoR 6)**

**NOTICE OF REQUIREMENT FOR A DESIGNATION UNDER SECTION 168(2) OF THE RESOURCE  
MANAGEMENT ACT 1991 (RMA)**

**TO:** Auckland Council

**FROM:** Auckland Transport  
6 Henderson Valley Road  
Henderson  
Private Bag 92250  
Auckland

**AUCKLAND TRANSPORT** (an Auckland Council Controlled Organisation) as Requiring Authority under section 167 of the Resource Management Act 1991 gives notice of a requirement for a designation in the Auckland Council District Plan for work being the City Rail Link (CRL or the Project) to be shown as Rail Purposes for the City Rail Link (Connection to the North Auckland Line and main construction area).

**1. SUMMARY**

The CRL will generally comprise:

- an underground passenger railway approximately 3.4km long, (including two tracks and three underground stations) running between Britomart Station and the North Auckland Line (NAL) in the vicinity of the existing Mount Eden station; and
- an additional 2.6km of modifications within and adjacent to the NAL and local road network and including a rail interchange adjacent to the Dominion Road over-bridge.

This Notice of Requirement (NoR 6) relates to that part of the CRL project generally between New North Road, Mt Eden Road and Boston Road in the north and the North Auckland Rail Line (NAL) in the south. It also includes land located on the southern side and adjacent to the NAL between Normanby Road and Mt Eden Road and to the immediate east and west of Porters Avenue. The land is necessary to provide for the construction, operation and maintenance of the CRL including:

- The construction, operation and maintenance of rail tunnels (including a crossover box which provides for an at grade junction and grade separated tracks connecting the CRL into the NAL);
- The housing of appropriate utility services within the operational tunnels (e.g. telecommunications);
- Relocation of utility services;
- The main construction area for the CRL works (including the provision of construction site offices and associated activities, spoil stockpiling, substation, storage of materials for constructing the tunnels and stations including the segmental tunnel linings);

- The works associated with the grade separation of Normanby Road and Porters Avenue over the NAL and CRL rail tracks and within road reserve;
- Works associated with the replacement of the Mt Eden Road bridge to accommodate the CRL and NAL tracks below;
- The construction of a pedestrian overbridge across the CRL and NAL tracks in the vicinity of Ngahura Street;
- Reinstatement and enhancement of the public areas within the designation area following primary construction;
- Works including track, signalling, electrification and other works to connect the CRL to the NAL;
- Ancillary activities associated with the construction, operation and maintenance of a railway.

**2. THE SITES WHICH NOTICE OF REQUIREMENT 6 APPLIES TO ARE AS FOLLOWS:**

NoR 6 relates to land within the Auckland Council District Plan in the vicinity of the NAL. This includes private land fronting New North Road, Flower Street, Nikau Street, Korari Street, Shaddock Street, Ruru Street, Ngahura Street, Porters Avenue, Fenton Street, Haultain Street, Brentwood Avenue, Mt Eden Road, Normanby Road, and Enfield Street.

The following plans are attached which indicate the extent of this NoR:

- The extent of the proposed designation is shown on the Land Requirement Plans NoR 6, Sheets 1 to 4 attached to this NoR – land to be designated is shown in orange and blue on these plans;
- The longitudinal extent of NoR 6 is shown in the NoR Overview document contained in this Volume (Volume 1) of the CRL NoR suite of documents.

The legal descriptions of the land to be designated are also attached to this NoR in an associated schedule of properties affected by NoR 6.

**3. THE NATURE OF THE PROPOSED WORK IS AS FOLLOWS:**

NoR 6 relates to that part of the CRL project 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 Normanby Road and Mt Eden Road and to the immediate east and west of Porters Avenue. The land is necessary to provide for:

- The construction, operation and maintenance of rail tunnels (including a crossover box which provides for an at grade junction and grade separated tracks connecting the CRL into the NAL);
- The housing of appropriate utility services within the operational tunnels (i.e. telecommunications);
- Track, signalling, electrification and other construction works to connect the CRL to the NAL;
- Relocation of utility services;



- The main construction area for the CRL works (including the provision of construction site offices and associated activities, spoil stockpiling, substation, storage of materials for constructing the tunnels and stations including the segmental tunnel linings);
- The works associated with the grade separation of Normanby Road and Porters Avenue over the NAL and CRL rail tracks including re-forming local road access to adjacent properties;
- Works associated with the replacement of the Mt Eden Road bridge to accommodate the CRL and NAL tracks below;
- The construction of a pedestrian overbridge across the CRL and NAL tracks in the vicinity of Ngahura Street;
- Reinstatement and enhancement of the public areas within the designation area following primary construction and works to provide for redevelopment opportunities;
- Ancillary activities associated with the construction, operation and maintenance of the CRL.

See the plans contained in Appendix 1 and 2, and the Concept Design Report<sup>1</sup>.

#### **4. THE NATURE OF THE PROPOSED CONDITIONS THAT WOULD APPLY ARE:**

The land required will be used for the construction, operation and maintenance of the CRL and ancillary activities. Once constructed, access will be restricted and controlled to provide for safe and efficient movement of passengers within and through to each station.

A large portion of the land required under NoR 6 is to construct the CRL as the proposed designation provides for both the connection of the CRL to the NAL and the main construction site area. Upon completion of the construction of the CRL this designation may be drawn back (pursuant to section 182 of the RMA) to operational requirements.

The proposed conditions that would likely apply to NoR 6 are:

- Works to be undertaken in general accordance with the information provided to support NoR 6 (the CRL NoR suite of documents and any further relevant information provided through the public process associated with confirming this NoR);
- The preparation and implementation under the Environmental Management Framework (EMF) of management plans and delivery work plans (particularly pertaining to transport management, noise and vibration, built heritage and archaeology, building condition surveys and monitoring / settlement monitoring, contamination management, air quality during construction, and trees) to manage (including the avoiding, remedying and mitigating of) adverse environmental effects during the construction of the CRL;

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<sup>1</sup> Appendix 13: Volume 3 CRL NoR suite of documents





- As part of the construction of the CRL, the implementation of the principles set out in the Urban Design Framework (under the EMF which supports the CRL NoR) to reinstate the public surface areas within the designation footprint;
- The preparation and implementation under the EMF of the Communications Plan to manage and implement communications and consultation during the construction of the CRL;
- The preparation and implementation under the EMF of operational management plans.

Section 176 of the RMA provides that once a designation is included in a district plan, land owners may not, without Auckland Transport's (AT) written consent, do anything on their land that would prevent or hinder the project to which this NoR relates. That protection also applies in the interim once the NoR is served with the Council under section 178.

While this designation remains in place before construction of the CRL, property owners may not undertake any activities that would hinder or prevent the CRL being constructed, operated and maintained pursuant to the designation without AT's written consent. Once the CRL is operational, this restriction will only continue to apply to that land (including sub strata land) which remains designated (i.e. the area AT draws the designation back to following construction).

## **5. THE EFFECTS THAT THE PROPOSED WORK WILL HAVE ON THE ENVIRONMENT AND THE WAYS IN WHICH ANY ADVERSE EFFECTS WILL BE MITIGATED ARE:**

An assessment of the actual and potential effects and a summary of the proposed measures to manage (including to avoid, remedy or mitigate) potential adverse effects are presented in Section 7 of the Assessment of Environmental Effects (AEE) which supports this NoR (Volume 2 of the CRL NoR suite of documents).

The CRL project will provide local and regional benefits, including: enhancing rail travel efficiency and trip reliability for users (particularly those travelling to and from the central city area to the west); increased network resilience by making Britomart a through station and enabling the CRL to connect both to the east and west on the NAL; and providing opportunity for residential and business intensification surrounding the stations.

In summary adverse effects on the environment likely as a result of the works authorised by NoR 6 include:

- Loss of land for the construction, operation and maintenance of the CRL along Hautain Street and Fenton Streets, Enfield Street and Normanby Road to accommodate the NAL tracks and the grade separation of Porters Avenue;
- Loss of land and buildings for the construction of the CRL for the tunnels and connections to the NAL and to accommodate the main construction site for the CRL works;
- During construction impacts on above ground transport movements in and around New North Road, Mt Eden Road, Symonds Street, Nikau Street, Flower Street, Ruru Street, Korari Street and Shaddock Street including extended travel times, delays and increased congestion on public bus operators and users,



emergency vehicles, private vehicles, private coach operators and users, cyclists and pedestrians as a result of:

- truck movements to and from the main construction site to transport excavated material from the tunnels;
  - vehicle movements associated with the Tunnel Boring Machine (TBM) components delivery assembly and reassembly;
  - general material deliveries and construction traffic.
- During construction Porters Avenue and the pedestrian level crossing at Ngahura Street will be closed for use by non-construction related vehicles, cyclists and pedestrians.
- Effects from airborne and regenerated noise and tactile vibration emissions from construction operations and potential structural damage to surrounding buildings (and heritage or character buildings in particular) from construction vibration;
- During construction potential interference with and relocation of existing utility services;
- During construction potential business disruption impacts on business owners, operators and on visitors;
- The relocation and / or the removal of trees;
- Social effects as a result of changes to the local network and urban landscape;
- The disturbance and / or removal of potentially contaminated soil;
- Disruption for pedestrians;
- Effects from dust associated with the construction works and the main construction site.

Through careful design, management and various mitigation measures proposed in the AEE which supports this NoR, these effects can be adequately avoided, remedied or mitigated. In particular, the following key avoidance and mitigation measures are proposed:

- After construction, surface activities will be reinstated and enhanced in general accordance with the Urban Design Framework including provision for redevelopment opportunities;
- Careful traffic management during the construction phase will be achieved through Delivery Work Plans proposed under the Environmental Management Plan (EMP). The EMP will be developed under the EMF which has been developed to support the CRL NoR. This will minimise the potential effects of construction works on the safe and efficient operation of the existing road network. The Delivery Work Plans will include:
  - Measures to provide temporary access to properties in the vicinity of the works;



- Measures, including detours and diversions, to safely manage access for vehicles and pedestrians to intersecting streets and lanes;
  - Measures to manage the safe diversion of pedestrians and cyclists including clear signage and communication;
  - Measures to manage emergency vehicle access and public transport impacts including the diversion of buses and the temporary relocation of bus stops.
- Noise and vibration emissions during construction will be managed by developing and implementing a Delivery Work Plan pertaining to construction noise and vibration, to minimise and otherwise manage the potential effects of these works on owners and occupiers above or in proximity to the CRL, including;
  - site specific mitigation measures to be developed and agreed in consultation with the affected party/receiver;
  - pre-construction condition surveys of specific buildings (including heritage buildings), which may be potentially affected by construction vibration;
  - Monitoring of buildings, identified through the condition surveys, during construction;
  - Amending construction activities, or implementing measures to safeguard buildings as required during construction; and
  - Rectifying residual damage to buildings after construction.
- Coordination with utility operators to determine the specific location of utilities and methods to avoid, protect or relocate services along with methods to manage accidental damage to utilities;
- The management of potentially contaminated soil through the development and implementation of the contamination remedial action delivery work plan under the EMP;
- The management of dust through the development and implementation of the air quality work delivery plan under the EMP;
- The management of any tree removal through the development and implementation of the Tree delivery work plan under the EMP;
- The built heritage and archaeological delivery work plan will include proposed protocols for managing the works relating to character buildings, and any discoveries of archaeological, heritage or cultural value;
- Obtaining required authorities from the NZ Historic Places Trust under the Historic Places Act for works within archaeological sites; and
- Undertaking and maintaining communication with those directly affected, affected in proximity, and the wider community through implementation of the Communications Plan which is developed under the EMP.





The CRL Project will be designed and implemented in a way which recognises and responds to the potential adverse effects of the project on the environment. With the proposed mitigation measures and methodology these effects will be appropriately mitigated.

**6. ALTERNATIVE SITES AND METHODS HAVE BEEN CONSIDERED TO THE FOLLOWING EXTENT:**

Alternative sites, routes and methods considered are detailed in Section 3 of the AEE, the 2010 Option Evaluation Report<sup>2</sup> and the 2012 Option Evaluation Summary Report<sup>3</sup>.

The preferred alignment for the CRL has been the result of a careful evaluation of a number of alignment options and construction methods. From mid-2009 to December 2010 investigations (including engineering design and environmental assessments) were undertaken and design and construction alternatives considered<sup>4</sup>. In 2012 AT undertook further investigations, designs and alternatives have been considered which have refined the 2009 / 2010 work. In particular, the assessment of alternatives has focussed on engineering requirements, environmental impacts and technical feasibility, and cost.

The CRL is restricted by a number of technical parameters (including maximum gradient for the safe operation of a railway) and physical constraints (including the topography of central Auckland). The preferred CRL alignment has been selected to minimise, to the extent practicable, impacts upon private property particularly in terms of surface requirements, while achieving consistency with the Project and AT's Objectives.

The assessment of alternatives has provided AT with information which has assisted it in identifying its preferred alignment and feasible construction options for the CRL.

Specifically in relation to NoR 6 the technical parameters (e.g. rail gradient, curvature and the ability to connect to the NAL) have largely dictated the vicinity of where the CRL alignment could connect to the NAL. The location of the main construction site was considered the most practicable given that this area is where the main tunnelling works will begin and the tunnel boring machine will start the construction of both tunnels from this location. The construction of the tunnels is elsewhere predominantly underground and located within a more substantially built up city environment.

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<sup>2</sup> Appendix 11: Volume 3 of the CRL NoR suite of documents

<sup>3</sup> Appendix 12: Volume 3 of the CRL NoR suite of documents

<sup>4</sup> For KiwiRail and ARTA



**7. THE PROPOSED WORK AND DESIGNATION ARE REASONABLY NECESSARY FOR ACHIEVING THE OBJECTIVES OF THE REQUIRING AUTHORITY:**

AT's objectives are outlined in the Statement of Intent (SOI) 2012-2015. The SOI presents AT's overarching outcome as "Auckland's transport system is effective and efficient, and provides for the region's social, economic, environmental and cultural wellbeing". The CRL project is identified as a key project in the SOI under integrating transport planning and investment with land development.

AT's objective in serving this NoR is to enable the construction, operation and maintenance of the CRL including a connection between Britomart and the NAL. In achieving that, AT will also enable the achievement of the Project objectives, as set out in full in Section 1.6 of the AEE which supports this NoR. For ease of reference these are repeated below:

Improve transport access into and around the city centre for a rapidly growing Auckland

- (a) Future proof for expected growth;

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

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

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

Contribute positively to a liveable, vibrant and safe city

- (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

The proposed works are reasonably necessary for achieving these objectives because they:

- Provide for Britomart to be connected as a through station rather than a terminus station to the wider Auckland rail network thereby releasing constraints and improving the functionality of the network;
- Provide for a direct connection of the rail network to the NAL without the need to go via Newmarket, improving transport access into and around the city centre, network resilience, journey times and reliability for people travelling on the rail network in particular to and from the west;





- Provide for a direct rail connection into the central city including the main business district (around Aotea Station) and to Karangahape Road and Newton areas, enhancing the attractiveness of the city as a place to work and live while assisting to facilitate employment growth in this area;
- Enable additional land use and economic development benefits for the Central City area.

The proposed designation is reasonably necessary for achieving these objectives because:

- It enables AT to have the flexibility and ability to construct, operate and maintain the network and undertake the Project in accordance with the designation notwithstanding anything contrary within the relevant District Plans;
- It enables the work to be undertaken in a comprehensive and integrated manner;
- It achieves certainty through identifying in the District Plan the location, nature and extent of the Project and AT's clearly intended use of that land; and
- It ensures the security of the rail link is maintained in respect of separation from other network utilities and the potential actions of third parties on and within (in particular) land contained within the designation footprint.

As an approved Requiring Authority in terms of section 167 of the RMA via section 47(1) of the Local Government (Auckland Council) Act 2009, AT may designate to construct, operate and maintain the CRL rail line and tunnels, rail stations and interchange, and ancillary activities.

**8. OTHER RESOURCE CONSENTS NEEDED FOR THE PROPOSED ACTIVITY WHICH HAVE NOT BEEN APPLIED FOR:**

As summarised in Section 2.3 of the AEE which supports this NoR, resource consents in accordance with sections 9, 14 and 15 of the RMA will be required to construct the CRL (generally relating to earthworks, restrictions relating to taking, diverting or using water (such as groundwater), and the discharge of contaminants into the environment). The preparation of these resource consents is dependent upon further site investigations and detailed design being undertaken at a future date.

**9. THE FOLLOWING CONSULTATION HAS BEEN UNDERTAKEN WITH PARTIES THAT ARE LIKELY TO BE AFFECTED:**

The consultation undertaken with parties likely to have particular interest in the CRL project is detailed in Section 5 of the AEE which supports this NoR. Discussions will be continuous and on-going. In summary, AT has consulted with:

- Auckland Council;
- Waterfront Auckland;
- New Zealand Railways Corporation (KiwiRail);
- NZ Transport Agency;
- Directly affected Waitemata and Albert Eden Local boards as well as another 16 of the 21 Auckland Local Boards;



- Stakeholder Groups (notably EMA, New Zealand Planning Institute, Karangahape Road Business Association, Heart of the City, Electorate MPs Nikki Kaye and John Banks, Eden Terrace Business Group);
- Central Government departments (notably Ministry of Transport, Central Government - Treasury);
- New Zealand Historic Places Trust;
- Iwi (notably Ngati Maru, Ngati Paoa, Ngai Tai ki Tamaki, Ngati Te Ata, Ngati Whatua o Orakei, Te Akitai, Te Kawerau a Maki and Ngati Tamaoho);
- Directly affected landowners; and
- The general public through the consultation processes associated with the Auckland Plan, the City Centre Master Plan, Auckland Long Term Plan, and Regional Land Transport Programme.

**10. AUCKLAND TRANSPORT ATTACHES THE FOLLOWING INFORMATION REQUIRED TO BE INCLUDED IN THIS NOTICE OF REQUIREMENT BY THE DISTRICT PLAN, REGIONAL PLAN, OR ANY REGULATIONS MADE UNDER THE RESOURCE MANAGEMENT ACT 1991:**

This NoR is contained within Volume 1 of the full suite of documents that comprise the “City Rail Link Notices of Requirement and supporting information”. Also in that suite of documents are Volume 2 (AEE and AEE appendices) and Volume 3 (technical reports including the 2012 Concept Design Report and plans, the two option evaluation reports, technical environmental assessments). Section 2.2.11 of the AEE supporting this NoR includes the information required by Section 4A.3.A – Designations, of the Auckland Council District Plan: Isthmus Section 1999. In addition a schedule of affected properties and a plan identifying the area covered by this NoR is attached to the NoR.

**11. Extended Lapse Period Sought:**

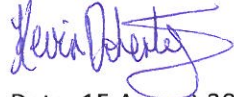
Pursuant to section 184(1)(c) of the RMA, AT proposes a lapse period of 20 years for the implementation of the proposed designation as detailed in Section 2.2.7 of the AEE supporting this NoR.

This period provides sufficient time for AT to give effect to the works including undertaking land purchase negotiations, detailed design and construction of the rail link itself, and allows for an appropriate period to address required resource consenting, tendering and construction processes.



Signed for AT by Dr Kevin Doherty, Chief Infrastructure Office pursuant to an authority by AT

Signature:



Date: 15 August 2012

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