

Notice of Requirement 7 (NoR 7)

**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 works being the City Rail Link (CRL or the Project) to be shown as Rail Purposes for the City Rail Link (Inner West Interchange).

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 7) relates to that part of the CRL project between (and including part of) Dominion Road and Sandringham Road and includes both private and public land located on both the north and south of the NAL, including road reserve and sites accessed from Akepiro, George, Charles, Tawari Streets and Onslow Road.

The land is necessary to provide for activities including:

- The construction, operation and maintenance of the CRL including tracks, and other infrastructure (such as electrification and signalling);
- The replacement and movement of the NAL tracks and infrastructure;
- Construction, operation and maintenance of an interchange facility including tracks, platforms and ancillary activities;
- Operational buildings associated with the Inner West Interchange and the operation of the Auckland rail network;
- Works to Dominion Road and Sandringham Road bridges to facilitate the construction and accommodation of the CRL and NAL tracks below;

- Replacement of the Onslow Road pedestrian bridge over the rail corridor;
- Reinstatement and enhancement following primary construction;
- Ancillary construction works;
- Ancillary activities associated with the safe and efficient operation and maintenance of a railway.

2. THE SITES WHICH NOTICE OF REQUIREMENT 7 APPLIES TO ARE AS FOLLOWS:

NoR 7 relates to land within the Auckland Council District Plan between (and including parts of) Dominion Road and Sandringham Road and it includes both private and public land located on both the north and south of the NAL, including parts of road reserve and sites accessed from Akepiro, George, Charles, Tawari Streets and Onslow Road.

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 7, Sheets 1 and 2 attached to this NoR – land to be designated is shown in orange on these plans;
- NoR 7 is also 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 7.

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

This Notice of Requirement (NoR 7) relates to land that is necessary to provide for activities including:

- The construction, operation and maintenance of the CRL including tracks, and other infrastructure (such as electrification and signalling);
- The replacement and movement of the NAL tracks and infrastructure;
- Construction, operation and maintenance of an interchange facility including tracks, platforms and ancillary activities;
- Operational buildings associated with the Inner West Interchange and the operation of the Auckland rail network;
- Works to Dominion Road and Sandringham Road bridges to facilitate the construction and accommodation of the CRL and NAL tracks below;
- Replacement of the Onslow Street pedestrian bridge over the rail corridor;
- Reinstatement and enhancement following primary construction;
- Ancillary construction works;
- Ancillary activities associated with the safe and efficient operation and maintenance of the CRL.



See the plans contained in Appendix 1 and 2, and the Concept Design Report¹.

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 the Interchange. 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 7 are:

- Works to be undertaken in general accordance with the information provided to support NoR 7 (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, 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;
- 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.

During construction under NoR 7:

- the George Street level crossing will be closed for use by non-construction related vehicles, cyclists and pedestrians. Once construction is complete this link, via an overbridge through the interchange, will be available again for cyclists and pedestrians;
- the pedestrian and cycle underpass beneath the Dominion Road bridge adjacent to the rail corridor will be closed permanently;
- the pedestrian bridge across the rail corridor at Onslow Road will be closed for use by pedestrians. As part of construction a new pedestrian bridge in this location is to be constructed.

¹ Appendix 13: Volume 3 CRL NoR suite of documents



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 NOR 1 are:

- Loss of land and buildings for the construction, operation and maintenance of the CRL fronting the southern side of the NAL between Dominion Road and Tawari Street to accommodate additional tracks and the Inner West Interchange;
- Loss of land and buildings for the construction, operation and maintenance of the CRL fronting the northern side of the NAL between Dominion Road and Ace Place and additionally the next site to the west listed as 369 on the schedule of affected properties attached to this NoR;
- Loss of land during the construction of the CRL (for access to works occurring in the rail corridor) fronting the southern side of the NAL between Tawari Street and Onslow Road;
- The permanent closure of the existing George Street level road crossing across the NAL;
- The permanent closure of Dominion Road underpass;
- During construction impacts on above ground transport movements in and around Akepiro Street, Charles Street, Tawari Street, Onslow Road, George Street, New North Road, Sandringham Road 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;
- Potential interference with existing utility services;



- 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 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;
- 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;
- After construction, the areas of land required between the western side of Tawari Street and the eastern side of Onslow Road will be reinstated;
- 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;
 - safely manage access for vehicles and pedestrians to intersecting streets and lanes, including detours and diversions;
 - manage the safe diversion of pedestrians and cyclists including clear signage and communication;
 - 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, and the 2012 Option Evaluation Summary Report². In 2012 AT undertook further investigations, designs and alternatives have been considered which have refined the 2009 / 2010 work. For NoR 7 this included evaluation of the INWI, which was not part of the 2009 / 2010 work. The evaluation process which was undertaken in relation to the INWI is provided in the 2012 Option Evaluation Summary Report³.

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.

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

² Appendix 12: Volume 3 of the CRL NoR suite of documents

³ Appendix 12: Volume 3 of the CRL NoR suite of documents

- (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 centre of the main business district (around Aotea Station), 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 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.

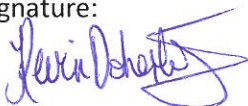
11. Extended Lapse Period Sought:

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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