

City Rail Link

Notice of Requirement for an alteration to City Rail Link Designation 2501 in the Auckland Unitary Plan (Operative in Part)

Section 198D Report

31 August 2021

Report preparation

This report has been prepared by Chris Scrafton, Lead Reporting Planner and Technical Director – Planning (Beca) with assistance from the Reporting Team, Himani Bhatia-Mitha, Planner (Beca) and Adam Jellie, Associate (Beca). This Report has been reviewed and approved by Fiona Sprott, Team Leader - Central South (Auckland Council).

Reports and/or comments have been received from the following Council Officers and external consultants with respect to this NOR:

- A Transportation review by Council's consultant transport planner, Don McKenzie (Stantec) – Appendix G; and
- An Acoustic and Vibration Effects review by Council's consultant acoustic engineer, Jon Styles (Styles Group – Acoustic and Vibration Consultants) – Appendix H

Contents

1	Introduction.....	4
2	Proposed alterations	9
3	Submissions	9
4	Statutory assessment framework	15
5	Assessment of Alternatives.....	19
6	Reasonable Necessity of Project for achieving Objectives.....	23
7	Assessment of Effects	26
8	Mana Whenua Values.....	28
9	Traffic, access and parking	30
10	Noise and vibration	36
11	Visual Amenity Effects	40
12	National, regional and district policy assessment	42
13	Conclusion	46
14	Conditions	47
15	Part 2 (Purpose and Principles) of the RMA	59
16	Recommendation	60

1 Introduction

Notices of Requirement

- 1.1 On 25 June 2021, Auckland Council (Council) received a Notice of Requirement (**NOR**) from City Rail Link Limited (**CRL**) for an alteration to the Britomart Transport Centre (**BTC**)¹ Designation 2501 in the Auckland Unitary Plan (Operative in Part) (**AUP:OP**). To summarise, CRL propose to undertake the following additional works within designation 2501:
- a) Provide site office, worker accommodation some storage of materials within the Station Plaza Accommodation (SPA) building;
 - b) Establish and operate ventilation equipment in the Station Plaza area to provide ventilation for works in the City Rail Link (**CRL**) tunnels
 - c) Provide access for workers and deliveries of equipment and materials via the Glasshouse and CPO building; and
 - d) Receive and pump concrete into the CRL tunnel
- 1.2 In order to provide for the above, the NOR seeks to alter Designation 2501 to:
- a) Amend the purpose of the designation to include ‘the Works’;
 - b) Include a definition of ‘the Works’;
 - c) Provide for the retention of the Station Plaza Accommodation
- 1.3 The reasons for these alterations and the project history are set out in the paragraphs below:

Project History

- 1.4 The CRL project was originally an Auckland Transport (**AT**) project but is now being delivered by CRL, a requiring authority (as of 10 August 2017) and includes works within the Britomart Transport Centre (**Designation 2501**). CRL is a Crown entity established on 1 July 2017 and is jointly owned by the Crown and Auckland Council (AC) the CRL project sponsors.
- 1.5 CRL is a requiring authority (under section 167 of the RMA) pursuant to gazette notice 2017-go4110, dated 10 August 2017 for the construction, operation, maintenance,

¹ Within the AUP:OP Designation 2501 is referred to as Britomart Transport Station

replacement, upgrade and improvement of its network utility operation, which is the City Rail Link in Auckland and its associated and ancillary structures, works and activities.

- 1.6 As shown in **Figure 1-1** below, Auckland Transport's Designation 1556 for the construction, operation and maintenance of a transport centre and the provision of a rail system is the underlying designation to City Rail Link Limited's Designation 2501.

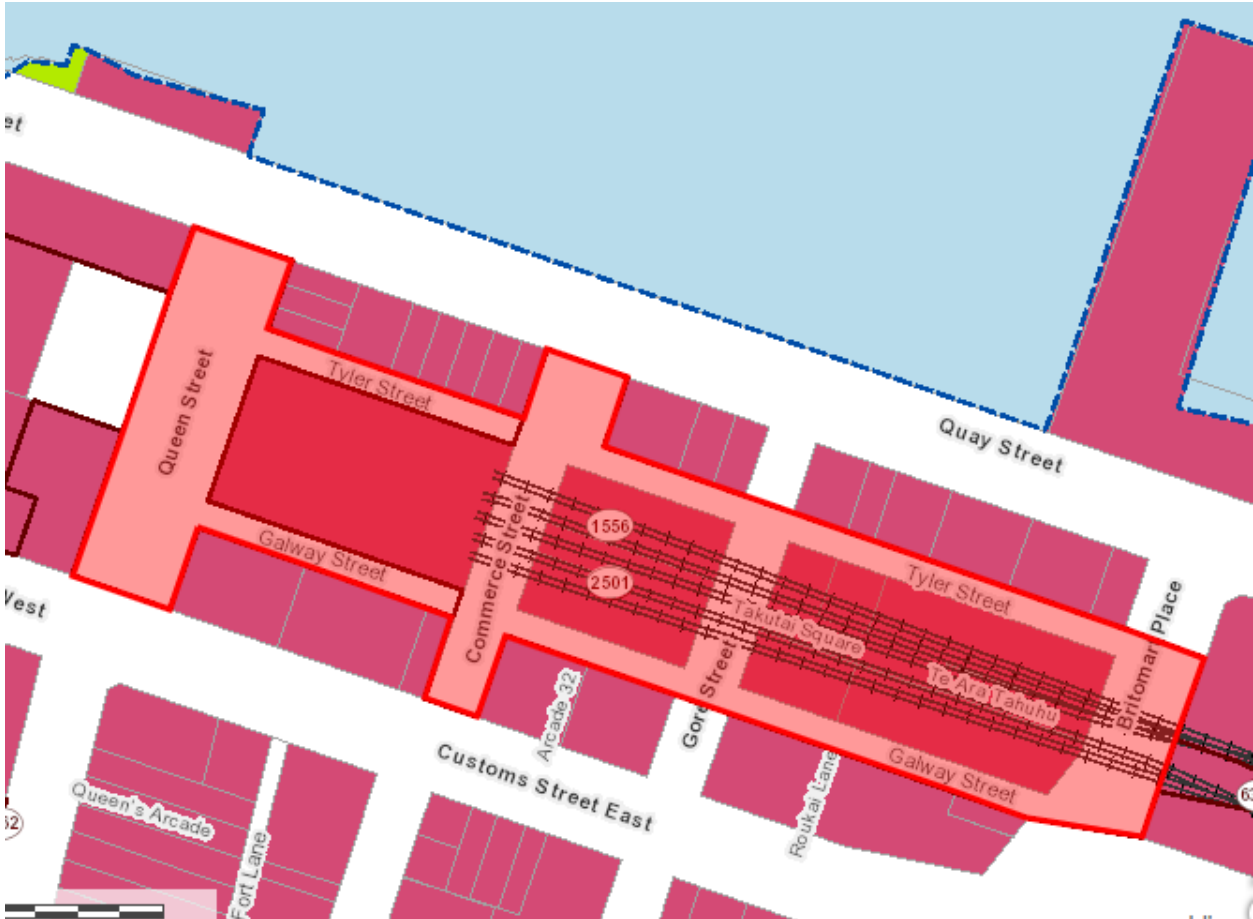


Figure 1-1 Map outlining overlap between designation 1556 and designation 2501 as shown in the AUP:OP

- 1.7 The purpose of the CRL designation (2501) is for the construction, operation and maintenance of a transport centre and the provision of a rail system. However, the AEE notes that CRL consider that the current designation (2501) does not provide for the use of Station Plaza as a site or access portal to facilitate construction activities in the adjoining CRL Designation 2500-1 or new buildings to be established in Station Plaza to facilitate construction activities in the adjoining CRL Designation 2500-1 .

- 1.8 In addition, the current designation includes Condition 3.2 to remove the Station Plaza Accommodation within a set period following the completion of the CRL project.
- 1.9 CRL consider that Condition 3.2 does not provide sufficient time to complete activities and as such propose to alter the CRL Designation 2501 to enable the proposed construction activities in the adjoining CRL Designation 2500-1 and to temporarily extend the use of the Station Plaza Accommodation building for construction purposes.

Adequacy of information

- 1.10 Council issued a request for further information pursuant to section 92(1) of the Resource Management Act 1991 (**RMA**) to CRL on 8 July 2021, in respect of the NOR. CRL provided their response to this request on 26 July 2021.

Notification

- 1.11 Section 169(1) of the RMA states that if a territorial authority is given a NOR under section 168, the territorial authority must decide whether to notify the notice under sections 95 to 95F.
- 1.12 CRLL requested public notification of the NOR under section 149ZCB(2)(b) of the RMA. The NOR was subsequently notified on 13 July 2021, with the notification period closing on 10 August 2021.
- 1.13 Council received 5 submissions in relation to the NOR. Further detail and a summary of these submissions is contained in Section 3 of this Report, and the submissions are contained in full in Appendix E.

Direct Referral

- 1.14 On 25 June 2021, CRLL submitted a request to Council to allow the NOR to be the subject of a decision by the Environment Court pursuant to section 198B of the RMA. Council responded to this request on 21 July 2021. The justification for the request by CRLL and Council's subsequent analysis and response, is attached as Appendix B to this Report.

Purpose of Report

- 1.15 This Report has been prepared in accordance with section 198D of the RMA. The key purpose of this Report is to:
 - a) assess the NOR against the requirements of the section 171-191 of the RMA, as relevant;
 - b) suggest further conditions and amendments to conditions to be imposed on the designation to ensure the adverse effects of the project are appropriately managed; and
 - c) identify the issues and concerns raised in submissions on the NOR.
- 1.16 Reference within this Report to a Territorial Authority is intended to be a reference to the Environment Court
- 1.17 This Report sets out the advice of the Lead Reporting Officer and it is noted that this Report has yet to be considered by the Environment Court to determine the NOR. For clarity, the recommendations within this report are not the decision on the NOR. A decision will only be made by the Environment Court, and after the Environment Court has considered the NOR and heard the requiring authority and any submitters who join the proceedings as section 274 parties.

1.18 This Report contains the Lead Reporting Officers opinion of whether the NOR should be confirmed, modified or withdrawn. Having considered the proposal against all the relevant statutory requirements, I am of the view that the NOR should be **confirmed** subject to the adoption of the recommended conditions. The reasons for this recommendation are set out in this Report.

Documents Relied On

1.19 In preparing this Report, I have considered the following documents:

Table 1-1: NOR documentation

Alteration Documentation	Relevant Appendix
Assessment of Effects on the Environment – Britomart Transport Centre Notice of Requirement for Alteration to Designation 2501, including supporting Appendices (A – E), dated 25 June 2021	Appendix A
Request that requirement for alteration of Designation 2501 be determined by the Environment Court, dated 25 June 2021	Appendix B
Section 92 Request, 8 July 2021	Appendix C
Section 92 Response, 26 July 2021	Appendix D
Submissions, 10 August 2021	Appendix E
Traffic Control Committee Report – Pedestrian Mall amendment, dated 10 June 2021	Appendix F
Britomart Transport Centre NOR Alteration to Designation: Transport Review	Appendix G
City Rail Link Designation 2501 (Britomart Alteration) – Review of construction noise and vibration effects	Appendix H
City Rail Link Limited Response, dated 27 August 2021	Appendix I
Full set of proposed amendments to designation 2501 conditions	Appendix J

- 1.20 In relation to the above, I note that there are, in some cases several iterations of the technical assessments. For the purposes of my review and assessment, the latest version of these documents has been used, however, for completeness, all versions have been appended to this Report.
- 1.21 A list of the relevant statutory documents and other non-RMA documents that have been assessed in relation to the NOR is contained in Section 12 of this Report.

2 Proposed alterations

Designation 2501

- 2.1 The purpose of Designation 2501, amongst other things is to provide for the construction of a transport centre and the provision of a rail system.
- 2.2 However, as discussed above, the AEE notes that CRL consider that Designation 2501 does not provide for the use of Station Plaza (within Designation 2501) as a site or access portal to facilitate construction activities in the adjoining CRL Designation 2500-1 or the establishment of a new building(s) to facilitate construction in the adjoining CRL Designation 2500-1. Therefore, the proposed alteration to Designation 2501 seeks to provide for the ongoing construction of the CRL works in the Wyndham Street to CPO tunnels (located in the adjoining CRL Designation 2500-1). To enable proposed construction works, the following amendments to the designation were initially proposed by CRL:
- a) Include 'the Works' in the purpose of the designation
 - b) Insert a definition for 'the Works'
 - c) Amend condition 3.2 to provide for the retention of the Station Plaza Accommodation building

3 Submissions

- 3.1 The NOR was publicly notified on 13 July 2021. Five (5) submissions were received. Of the submissions received, one (1) was in support, one (1) was in support subject to amendments and two (2) were in opposition and one (1) did not oppose subject to amendments. The table below provides a list of submitters and a summary of what I consider to be the key issues raised.

Table 3-1 Summary of submissions

Submitter number	Submitter	Support/Oppose	Key matters raised
Submission 1	Body Corporate 107678	Oppose	<ul style="list-style-type: none"> - Providing an alternative location for the delivery of concrete and other construction material - Manoeuvring of concrete trucks on Tyler Street - Access for properties off Tyler Street
Submission 2	Cooper and Company NZ	Do not oppose subject to amendments	<ul style="list-style-type: none"> - Protection of Galway Street frontage from construction activities - Removal of the SPA building - Input into management plans
Submission 3	Shelley Jones	Support	<ul style="list-style-type: none"> - Implementation of the Construction Traffic Management Plan (CTMP)
Submission 4	Endeans Building (Body Corporate 95035)	Oppose	<ul style="list-style-type: none"> - Access to properties off Tyler Street - Amenity effects associated with extended construction period
Submission 5	Auckland Transport	Support (subject to amendments)	<ul style="list-style-type: none"> - Impact on public transport network - Impact on pedestrian safety

3.2 Five (5) submitters indicated that they wish to be heard. Four (4) submitters indicated that they would consider presenting a joint case at a hearing.

3.3 A summary of the key issues and concerns raised in the submissions is provided below. These submissions are provided in full in Appendix E.

3.4 Key matters raised in submissions include:

a) Effects on the existing transport network

- b) Vehicle access and parking
- c) Effects associated with cumulative construction occurring in the vicinity of the works
- d) Construction noise
- e) Visual amenity effects
- f) Concerns about the lack of communication with interested parties regarding the management of potential effects
- g) Certainty on the timing of the proposed works

Effects on the existing transport network

3.5 Auckland Transport (Submission 5) and Cooper and Company NZ (Submission 2) raised concerns regarding potential effects on the transport network. In relation to the existing transport network, I note that the key concerns in the submissions relate to providing certainty that the actual and potential effects of the Works on the existing transport network will be appropriately managed.

3.6 The Auckland Transport (**AT**) submission notes that:

- a) Additional construction related vehicles have the potential to conflict with the safe and efficient operation of the public transport network. To mitigate this effect AT proposes that construction vehicle and truck movements to and from the site are routed via the Commerce Street and Quay Street intersection.
- b) There are safety concerns with the interface between the manoeuvring of construction vehicles and pedestrians during periods of high pedestrian movement. The submission notes that there is a need to ensure that access on Tyler Street in particular operates safely and minimises conflict between active modes and construction vehicles.

3.7 The Cooper and Company submission notes that:

- a) While the NOR identifies that construction traffic will enter the site from Quay Street, no detail is provided on traffic leaving the site. The submission raises concerns that without restrictions, there is a risk that construction traffic may leave via Britomart Place which is considered to be undesirable.

Effects on vehicle access and parking

3.8 Auckland Transport (Submission 5), the Endeans Building (Body Corporate 95035) Submission 4) and the Body Corporate 107678 (Submission 1) raised concerns regarding access to nearby properties.

3.9 The AT submission notes that:

- a) The proposed location of the concrete truck waiting area blocks access to Harbour View apartments and acknowledges that while it is expected that trucks will be in the waiting area intermittently, this could have operational impacts on the movement of other users, namely other trucks, vehicles and pedestrians.

3.10 The Endeans Building submission notes that:

- a) Tyler Street provides the only vehicular access to the Endeans Building following the pedestrianisation of Lower Queen Street.
- b) The Pedestrian Mall Declaration provides for access to the Queen Street frontage as an exception for 'picking up and dropping' off residents of the Endeans Building with medical conditions and/or mobility constraints... that necessitate pick up/drop off in front of the Building'² while outside of the above exception, owners and occupiers are dependent on Tyler Street.
- c) Their key concern is the loss of the loading spaces on Tyler Street and uncertainty around access to the Endeans Building which is anticipated to be unpredictable. This matter is also raised in the submission by Ms Jones.

3.11 The Body Corporate 107678 submission notes that:

- a) There are concerns about the use of Tyler Street for concrete truck manoeuvring, noting that there are health and safety concerns for pedestrians associated with concrete truck manoeuvring and this will also impede access for owners and occupiers to their buildings.
- b) Provision should be made to restrict contractors and other vehicles parking in Tyler Street during concrete and major materials delivery.

Construction effects on Britomart Precinct

3.12 The Cooper and Company submission notes that:

- a) The necessary resource and building consents for the Barrington and Sofrana buildings (located opposite the SPA) have been obtained and works have commenced; and

² Traffic Control Committee Report – Pedestrian Mall amendment, dated 10 June 2021

- b) The prolonged construction period and in particular the retention of the SPA is considered to have a potential impact on the use of the retail, supermarket and dining activities proposed in these buildings.
- c) The restoration of the public space currently occupied by the temporary SPA building should be provided for.
- d) Galway Street has recently been refurbished to a shared space and raised concerns of construction traffic and/or activities potentially impacting this space.

Cumulative construction effects

3.13 The AT submission notes that there are overlapping construction activities in the immediate vicinity of the Works. Examples in the submission include the refurbishment of the Barrington and Sofrana buildings, the refurbishment of 1 Queen Street and other construction activities at Britomart Station. It is considered that a coordinated approach is needed with other development parties to ensure that the cumulative effects of construction activities do not have a compound adverse effect on pedestrian access and safety.

Visual amenity

3.14 In relation to amenity effects, the Endeans Building submission notes that the immediate environment surrounding the Building will include ventilation equipment and acoustic enclosures. Given the extended construction period proposed in the NOR, the Endeans Building submission considers the visual amenity effects to be unreasonable.

Noise effects

3.15 In relation to noise effects, the Body Corporate 107678 submission raised concerns about the potential noise effects associated with the Works and they consider that the noise effects should not exceed noise levels of the existing ventilation systems servicing the Britomart Station.

Management and monitoring of effects

3.16 Body Corporate 107678 (Submission 1), Cooper and Company NZ (Submission 2), Shelley Jones (Submission 3), the Endeans Building (Body Corporate 95035) Submission 4) and Auckland Transport (Submission 5) raised the matter of having clear processes in place to manage effects by way of conditions.

3.17 The Body Corporate 107678 submission also notes that:

- a) A clear process needs to be established to manage exceedances and non-compliance with conditions; and

- b) Appropriate monitoring and traffic management personnel should be placed at key points particularly during concrete and major material delivery to minimise disruption to traffic flow.

3.18 Ms Jones shared similar concerns in her submission noting that monitoring particularly in relation to access to properties needs to be undertaken in a proactive manner and traffic management and parking personnel should be available on Tyler Street.

3.19 The Cooper and Company submission raised concerns that an outline plan process is not proposed and that without this process, there would be limited consultation with Cooper and Company on individual management plans. In relation to the monitoring of effects. The AT submission notes that:

- a) There is no reference to any specific transport or traffic related monitoring in the NOR; and
- b) Active monitoring of temporary construction activities is necessary given that the proposed Works are in a constrained and busy part of the City Centre.

Late submissions

3.20 No late submissions were received.

Response to submissions

Monitoring and compliance

3.21 I address the majority of submission points at Section 7 of this Report where I consider the effects of the Project. However, I note that in addition to the matters addressed in Section 7, some submitters³ have expressed concerns about ongoing monitoring and compliance (refer to paragraph 3.17 and paragraph 3.18 above) in relation to current CRL construction. While I acknowledge that matters relating to monitoring and compliance are not typically relevant for the assessment of new applications, I consider that it would be beneficial for submitters and the Court to be provided with information regarding ongoing monitoring and compliance.

3.22 I have discussed the concerns raised with the Auckland Council Licensing and Regulatory Compliance Team on the monitoring programme undertaken by Council in the general proximity of the Britomart area. To summarise the Compliance Teams response:

³ Body Corporate 107678 (Submission 1) and Shelley Jones (Submission 3)

- a) On average, Council has undertaken monthly inspections of the CRL Britomart works. This has been focused on the Britomart Contract 1 Works for the CPO tunnels;
- b) The wider Britomart area is also monitored by a monitoring officer, but the inspection frequency is determined by the risk associated with the consents;
- c) Council's standard complaints procedure applies for monitoring in relation to the CRL project which includes complaints received through the call centre being dispatched and assigned to the relevant team;
- d) As the requiring authority, CRLL have requirements under the existing designation 2501 to record and action any complaints received and provide a register of this to Council
- e) In the view of the Compliance Team, there have been no significant instances of non-compliance with the existing designation 2501 and although there have been some exceedances due to the equipment or plant used.

3.23 Based on the above, I consider the existing monitoring programme undertaken by Council to date has been appropriate. Notwithstanding this, I note that this was a concern raised by submitters and to proactively address the matter, I propose a condition to provide for an ongoing process to manage concerns and complaints associated with the Works (refer to Condition 8W section 14).

4 Statutory assessment framework

4.1 A notice of requirement for a designation may only be issued by a requiring authority. Section 166 of the RMA defines a requiring authority as:

- a) a Minister of the Crown; or
- b) a local authority; or
- c) a network utility operator approved as a requiring authority under section 167.

4.2 As set out in paragraphs 1.6 of this Report, CRLL is approved as a requiring authority pursuant to section 167 of the RMA.

Section 181

- 4.3 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.
- 4.4 Section 181(2) of the RMA applies to this NOR 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.

Section 171

- 4.5 When considering a requirement for a designation a territorial authority must have regard to the matters set out in section 171 of the RMA.
- 4.6 With regards to section 171(1)(a) of the RMA, I consider that:
- a) the only relevant national policy statement that particular regard must be given to when considering this NOR is the National Policy Statement on Urban Development (NPS-UD). Although the Works are near to the coastal marine area, I do not consider it is within the coastal environment and so the New Zealand Coastal Policy Statement does not apply.
 - b) The regional policy statement and plan that particular regard must be given to when considering this NOR is the AUP:OP.
- 4.7 An assessment of the activity against the NPS:UD and AUP:OP is contained in Appendix E to the NOR, and is discussed further in Section 12 of this Report.
- 4.8 With regards to section 171(1)(b) of the RMA, a summary of the alternatives considered is contained in section 4 of the AEE and Appendix A (Constructability Report) to the NOR. A summary of this assessment and my conclusions regarding its adequacy, is discussed further in section 5 of this Report.
- 4.9 With regards to section 171(1)(c) of the RMA, an assessment of whether the works and designation are reasonably necessary for achieving the project objectives is provided within the accompanying Form 18 and section 7.2.3 of the AEE. This is discussed further in section 6 of this Report.
- 4.10 With regards to section 171(1)(d) of the RMA, an assessment of other matters is provided in section 7.5 of the AEE. This is discussed further in section 12 of this Report.
- 4.11 Under section 171(2) of the RMA, the territorial authority may recommend to the requiring authority that it:
- a) confirm the requirement;

- b) modify the requirement;
- c) impose conditions; or
- d) withdraw the requirement.

4.12 As outlined at paragraph 1.19 of this Report, in my view, the Environment Court should confirm the NOR subject to the imposition of recommended conditions. This opinion is not the decision on the application. A decision will only be made after the Environment Court has considered the NOR, the submissions received and heard the applicant and any submitters who join as a party to the proceedings.

Section 176A

- 4.13 Section 176A(1) of the RMA states that subject to subsection (2), an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the requiring authority to the territorial authority to allow the territorial authority to request changes before construction is commenced.
- 4.14 Section 7.2.5 of the AEE notes that the relevant matters to be addressed through the outline plan process in relation to location, traffic, access, parking and other matters being noise, amenity and historic heritage have been discussed in the AEE and provided for in the Construction Noise Management Plan (**CNMP**) and the Construction Traffic Management Plan (**CTMP**) contained in the Construction Environmental management Plan (**CEMP**). The AEE concludes that the NOR satisfies the requirements of section 176A(2)(b) and therefore no Outline Plan process is required for the Works.
- 4.15 I have considered whether sufficient information has been provided with the NOR to support waiving the outline plan requirements of the designation. I am also cognisant of issues raised by submitters regarding the adequacy of the information provided with the NOR and the benefits of third-party engagement that can be provided for through the outline plan and associated management plan processes.
- 4.16 Notwithstanding these concerns and taking into account:
- a) additional information provided subsequent to lodgement of the NOR; and
 - b) advice from Council's technical specialists, Mr McKenzie and Mr Styles
- 4.17 Subject to the adoption of recommended conditions set out in section 14 of this Report, I am of the view that sufficient information has been provided to support waiving outline plan requirements for the Works. However, as discussed in earlier paragraphs, ultimately the Court will decide whether to waive the requirement for an outline plan.

Section 177

- 4.18 As mentioned, the underlying designation to City Rail Link Limited's Designation 2501 is Auckland Transport's Designation 1556 for the construction, operation and maintenance of a transport centre and the provision of a rail system.
- 4.19 As per section 177(1)(a) of the RMA, written consent needs to be obtained from AT as the authority of the earlier designation.
- 4.20 The AEE notes that a section 177(1)(a) approval under the RMA will be sought from AT. However, I note that as per the submission made by AT, this approval will not be provided until the concerns raised by AT in their submission has been addressed by CRL to sufficient standard, acceptable to AT.
- 4.21 I understand that in accordance with section 177(2)(a) of the RMA Auckland Transport may only withhold consent under section 177(1) if they are satisfied that what CRL propose through this alteration would prevent or hinder the public work or project to which the Auckland Transport designation relates.
- 4.22 Whilst I do not consider that Auckland Transport withholding approval under section 177(1) of the RMA is necessarily relevant to my assessment of the NOR I do consider that further comment from Auckland Transport on their concerns regarding the prevention or hinderance of their project or works would be helpful. I also consider further comment from CRL regarding progress with the section 177(1) approval process in advance of the hearing would be beneficial.

5 Assessment of Alternatives

- 5.1 Pursuant to section 171(1)(b) of the RMA, when considering a Notice of Requirement and any submissions received the territorial authority must, subject to Part 2, have particular regard to whether adequate consideration has been given to alternative sites, routes and methods of undertaking the work if:
- a) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - b) it is likely that the work will have a significant adverse effect on the environment.
- 5.2 An assessment of alternatives has been provided by CRL for concrete delivery and placement. With regard to section 171(1)(b)(i), the AEE notes that AT is the freeholder of the land comprising the CPO and The Britomart Group hold a registered leasehold interest (and two sublease interests) in the upper three levels of the CPO for a term of 80 years. Based on this, CRL conclude that it is appropriate to consider alternatives.
- 5.3 With regard to section 171(1)(b)(ii), I consider that the adverse effects associated with the Works are unlikely to be significant subject to the imposition of the conditions outlined in section 14 of this Report.
- 5.4 Based on the above, I consider that an assessment of alternatives is required in accordance with section 171(1)(b)(i) of the RMA.

Alternatives Considered

- 5.5 The assessment of alternatives process in relation to concrete delivery and placement is outlined in Section 4 of the AEE and Appendix A. In summary:
- a) Four options were considered for the works. To inform the assessment of these four options, a separate assessment of alternatives was undertaken for each element associated with the works. This includes site accommodation/establishment, concrete and materials delivery.
 - b) Six alternative options for site establishment location and three options for concrete and materials delivery were considered and assessed in relation to traffic impact, methodology, programme implications and cost.
 - c) The assessment concluded that the site establishment needed to be within close proximity to the Station Plaza Accommodation (**SPA**) and hence Location 1 – Repurpose the SPA building and/or establish in Station Plaza was identified as the preferred option. For concrete and materials delivery, splitting the deliveries between SPA at Britomart and

the Aotea construction site in Albert Street was identified as the preferred option.

- d) Following this assessment, the four options considered for the works were assessed against constructability, environmental impact, cost and programme and it was identified that Option 4 – Retention of the SPA building and site establishment within the SPA building and Station Plaza, with concrete delivery and other CRL tunnel fit out support activity was the preferred option.
- e) The s92 response provided by CRL notes that a full multi criteria analysis was not considered necessary given the limited duration of the works and the scale of potential effects. Notwithstanding this, it was noted that the assessment of options was facilitated through a multidisciplinary workshop included specialists in railway track form requirements, concrete, construction management, programme management, traffic and noise.

Issues raised by submitters

5.6 No issues relating to the assessment of alternatives were raised in submissions.

Adequacy of assessment

5.7 To form a view as to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work, I have considered whether the process of identifying and considering alternatives by the Requiring Authority was adequately transparent and business-like not arbitrary or cursory, considered all relevant information and proportional to the potential effects of the alternatives considered. It is my understanding that when considering an assessment:

- a) the focus should be on the process undertaken, not the outcome;
- b) the policy function of determining a preferred alternative lies with the requiring authority; and
- c) there is no obligation on the requiring authority to consider every alternative, but rather a suitable and refined selection of most relevant alternatives (relative to the scale of the project).

5.8 Having regard to the above, I consider that the following principles should be adopted when considering the adequacy of the consideration of alternatives required under section 171(1)(b) of the RMA:

- a) has the process been transparent and robust;
- b) has an appropriate range of alternatives been considered; and

- c) has the extent of consideration been proportional to the potential effects of the scenarios being considered.

Has the process been transparent and robust?

5.9 As outlined in Section 4 of the AEE and Appendix A, in considering alternative options for concrete delivery and placement, CRLL have:

- a) Identified a range of alternatives to be considered including for the works, site establishment and concrete and materials delivery (this is discussed further below)
- b) Identified and utilised a range of criteria including constructability, environmental impact, cost and programme to assess options
- c) Identified a preferred option (Option 4)

5.10 The AEE notes that a careful evaluation of viable options has been undertaken to determine a preferred approach for the Works which was informed by a multidisciplinary workshop with technical specialists.

5.11 For clarification on the process adopted by CRLL in considering alternatives, the Reporting Team sought further information on how options were considered and assessed. In their s92 response, CRLL noted that:

- a) Options were discussed in a workshop setting with specialists who explained the pros and cons of each of the options
- b) A full multi-criteria analysis was not considered necessary given the nature and scale of potential effects was anticipated to be minor or less than minor

5.12 I consider that sufficient information has been provided to enable me to confirm an adequate process has been used and I understand the conclusion reached. I also note that the assessment undertaken is commensurate to the scale of potential effects associated with the Works and no submissions raised concerns about the assessment of alternatives process.

Has an appropriate range of alternatives been considered?

5.13 CRLL has considered a range of alternatives for the proposed works, including a consideration of alternatives for site accommodation and establishment and the delivery of concrete and materials.

5.14 The six options for site accommodation and establishment are as follows:

- a) Repurpose the SPA building (Option 1)
- b) Temporary structures within the Britomart light rail tunnels (Option 2)

- c) Ports of Auckland land (Option 3)
- d) Downtown Carpark Level 8 (Option 4)
- e) Repurpose the Transdev Accommodation within Britomart Station (Option 5)
- f) Old AT Operations Centre (Option 6)

5.15 The three options for the delivery of concrete and materials are as follows:

- a) Delivery of concrete and materials from the CRL Aotea construction site in Albert Street (Option 1)
- b) Splitting the delivery between Britomart Station and the Aotea site (Option 2)
- c) Delivery via the railway system (Option 3)

5.16 I consider that CRL have considered an appropriate range of alternatives having regard to the constraints placed on viable alternatives, namely, proximity to the SPA, physical space constraints, availability of railway equipment and cost and programme implications. I am not aware of any other obvious alternatives that CRL should have considered.

Conclusion

5.17 I consider that adequate consideration has been given to alternative sites and methods in the context of the requirements of section 171 of the RMA.

6 Reasonable Necessity of Project for achieving Objectives

Statutory requirements

- 6.1 Pursuant to section 171(1)(c) of the RMA, the Territorial Authority must have particular regard to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. It must therefore be determined whether both the work and the designation are reasonably necessary for achieving the CRL project objectives.
- 6.2 The RMA does not provide measurable performance standards in relation to this section, and furthermore there is no threshold for this assessment. However, the Environment Court has described the “reasonably necessary” test as follows:

the reasonably necessary test is an objective but qualified on where necessary falls between expedient or desirable on the one hand and essential on the other, and the epithet “reasonably” qualifies it to allow some tolerance.⁴

- 6.3 It is also well settled that the RMA neither requires nor allows the merits of the objectives themselves to be judged by the decision maker. Rather, it is required to have particular regard to whether the work and designation is reasonably necessary for achieving them.

Project Objectives and Assessment by Requiring Authority

Designation 2501

- 6.4 The AEE notes that the following wider CRL has adopted the wider CRL objectives for this Project:

Table 0-1: Project Objectives (CRL Designation 2501)

CRL Objective	Provision
1	Improve transport access into and around the city centre for a rapidly growing Auckland (a) Future proof for expected growth

⁴ Gavin Wallace Ltd v Auckland Council [2012] NZEnvC 120 Paragraph [183]

CRL Objective	Provision
2	<p>Improve the efficiency and resilience of the transport network of urban Auckland</p> <ul style="list-style-type: none"> (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
3	<p>Significantly contribute to lifting and shaping Auckland's economic growth</p> <ul style="list-style-type: none"> (a) Support economic development opportunities (b) Provide the greatest amount of benefit for cost (c) Enable a more productive and efficient city
4	<p>Provide a sustainable transport solution that minimises environmental impacts</p> <ul style="list-style-type: none"> (a) Limit visual, air quality and noise effects (b) Contribute to the country's carbon emission targets
5	<p>Contribute positively to a liveable, vibrant and safe city</p> <ul style="list-style-type: none"> (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

6.5 In Section 7 of the AEE, CRLL comments on how the proposed works and alteration to the designation are reasonably necessary to achieve the above objectives. To summarise, CRLL states that the proposed works and alteration provides the flexibility to provide for the construction of the Britomart Transport Centre and other CRL designations in a comprehensive, integrated and efficient manner.

Issues raised by submitters

6.6 No issues were raised by submitters in relation to the proposed alteration achieving the project objectives.

Assessment

- 6.7 I understand that in the context of section 171(1)(c) of the RMA, "reasonably necessary" means something less than essential. In other words, somewhere between expedient or desirable on one hand and essential on the other.
- 6.8 CRL has adopted the wider CRL project objectives for the proposed alterations to CRL Designation 2501. Section 7 of the AEE provides an assessment of how the alteration to the designation and works are reasonably necessary for achieving these stated objectives.
- 6.9 I concur with CRL's assessment of the reasonable necessity of the NOR and the proposed works as outlined in the AEE. The proposed alterations will enable CRL to continue construction in the BTC and CRL designations, therefore contributing to completion of the CRL project as a whole and achievement of the project objectives. Conversely, I acknowledge that the Works provide an efficient way to pump concrete into the CRL tunnels when considering the requirements to be in close proximity to the CRL tunnels, physical space constraints and the re-use of the SPA building.
- 6.10 Based on the above, I consider that the alteration is reasonably necessary to achieve the wider CRL project objectives and regional transport benefits.

7 Assessment of Effects

Existing Environment

- 7.1 I consider that any consideration of potential effects on the environment must be limited to effects generated by the proposed alteration; not effects that are or could be reasonably generated by works enabled through the existing designation. Only additional effects are relevant to the assessment of the NOR.
- 7.2 The existing environment is described in section 3 of the AEE. I concur with the existing environment as described.
- 7.3 The existing environment includes the CRL Designation (to which this alteration relates) which was confirmed by the Environment Court on 10 November 2015. This informs the baseline upon which the effects of the alteration will be assessed from a statutory perspective.

CRL's approach to managing adverse effects

- 7.4 CRL proposes to alter existing Designation 2501 to enable the Works. The AEE notes that the actual and potential effects will be temporary and will be mitigated through the implementation of the management plans. Initially CRL did not propose the imposition of any conditions to (for example) require the implementation of the management plans.
- 7.5 Following my review of the NOR and supporting documents, I sought clarification on which designation conditions apply as part of the section 92 – request for further information on the process to avoid, remedy or mitigate adverse effects associated with the Works. The section 92 response provided by CRL confirmed that no designation conditions were proposed for the Works aside from the amendments to the existing 2501 designation conditions.
- 7.6 Subsequent to CRL's section 92 response, further discussions between the Reporting Team and the CRL team have been undertaken. As part of these discussions, CRL have altered their initial position and have recommended a number of conditions. These conditions, along with my proposed amendments are provided at Section 14 of this Report

Approach to assessment

- 7.7 The following section of this Report:
- a) summarises the technical assessments undertaken by the requiring authority on a topic by topic basis;
 - b) summarises any relevant issues raised by submitters in relation to the effect and any relief sought;

- c) identifies any relevant provisions of the AUP:OP that could provide guidance in assessing the effect;
- d) provides the Reporting Teams opinion of the assessment of effects and any associated conclusions taking into account the information identified above, the proposed conditions and other relevant matters;
- e) where necessary suggests amendments to the proposed conditions; and
- f) where relevant, identifies areas where CRL or submitters may wish to provide further context in support of matters raised through submissions.

Positive effects

- 7.8 Section 6.2 of the AEE describes that once constructed and operational, the altered designation will contribute to a range of positive effects by providing for the implementation of the broader CRL project. I acknowledge that those effects (associated with the broader CRL project) are significant and will impact a wide variety of people in different locations throughout Auckland.
- 7.9 In relation to the positive effects specifically relating to the Works I acknowledge the following:
- a) The Works provide the most efficient way to pump concrete into the CRL tunnels;
 - b) The preferred approach is an efficient use of existing resources due to its use of the SPA and its close proximity to the CRL tunnels; and
 - c) The use of the SPA construction support area provides an opportunity to internalise potential adverse noise and visual effects.

8 Mana Whenua Values

Introduction

8.1 The following assessment is primarily informed by sections 5.6 and 6.3 of the AEE

Relevant plan provisions

8.2 The following provisions are considered to be relevant to the assessment of this effect:

Auckland Unitary Plan (Operative in Part)

8.3 The AUP:OP contains a number of provisions that seek to recognise that the principles of the Treaty of Waitangi/Te Tiriti o Waitangi, and protect Mana Whenua culture, landscapes and historic heritage.⁵

Relevant submissions

8.4 There were no issues raised by the submitters relating to Mana Whenua values.

CRL's assessment

8.5 Section 5.6 of the AEE outlines the engagement and consultation undertaken with the CRL Mana Whenua Forum,⁶ which has included a hui on the proposed alteration. CRL noted that the Mana Whenua Forum were generally comfortable with the proposed alteration. The main concern raised by the forum was whether the Works would increase run-off, including potential for contaminants to enter the Waitemata Harbour.

8.6 CRL note that while no update on Mana Whenua values associated with the proposed alteration was sought, ongoing and regular feedback through the forum has been sought, and no new effects were identified that would require the insertion of conditions or alteration to the existing 2501 designation conditions that relate to Mana Whenua.

Assessment and Conclusions

8.7 Based on the information provided, I consider that replicating (and appropriately modifying) the existing Condition 9 (as part of the Designation 2501) in the proposed conditions for the Works will enable Mana Whenua involvement for the duration of the Works (refer to Condition 9W in section 14 of this Report). As such, I consider that potential effects on Mana Whenua values associated with the project can be appropriately addressed through the continued engagement of the Mana Whenua Forum.

⁵ Objectives B6.2.1(1), B6.2.1(2), B6.3.1(1), B6.5.1(1), B6.5.1(2) and policies B6.2.2(1), B6.3.2(1), B6.3.2(3), B6.3.2(4), B6.3.2(6), B6.5.2(1) to (6)

⁶ The CRL Mana Whenua Forum was established under Condition 9 of the CRL designation in order to provide an ongoing role in the design and construction of the CRL Project.

8.8 I also note that the following iwi authorities were notified of the proposal and at the close of the submission period no submission had been received from any iwi authority:

- a) Te Ākitai Waiohū
- b) Ngāi Tai ki Tāmaki
- c) Ngāti Maru
- d) Ngā Maunga Whakahii o Kaipara
- e) Ngāti Paoa Iwi
- f) Ngāti Paoa Iwi Trust
- g) Ngāti Paoa Trust Board
- h) Ngāti Rehua
- i) Ngāti Tamaoho
- j) Te Kawerau a Maki
- k) Te Ahiwaru
- l) Te Patukirikiri
- m) Ngāti Te Ata
- n) Ngāti Whātua o Ōrākei
- o) Ngaati Whanaunga
- p) Ngāti Manuhiri
- q) Ngāti Tamaterā
- r) Ngāti Wai
- s) Te Rūnanga o Ngāti Whātua
- t) Te Uri o Hau
- u) Waikato – Tainui
- v) Maunga Authority
- w) Ngāti Tamaterā Settlement Trust

9 Traffic, access and parking

Introduction

9.1 The following assessment is primarily informed by:

- a) Section 6.6 (Traffic, access and parking) of the AEE;
- b) Appendix C (Integrated Transport Assessment) of the NOR;
- c) Appendix B (Construction Traffic Management Plan) to Appendix D (Construction Environmental Management Plan) of the NOR
- d) Section 92 Response, dated 26 July 2021

Relevant plan provisions

9.2 The AUP:OP contains provisions that seek to manage adverse effects of infrastructure⁷ whilst:

- a) improving and providing for a more effective, resilient, safe and efficient public transport system;⁸ and
- b) recognising the benefits and operational requirements of infrastructure;⁹

Relevant submissions

9.3 Submissions received on the NOR have made the following comments on transport matters associated with the Project:

- a) Impacts on the existing transport network in particular pedestrians, cyclists and public transport
- b) Impacts on access to buildings in Tyler Street; and
- c) Safety of pedestrians and cyclists associated with concrete truck manoeuvring in Tyler Street and the use of Commerce Street
- d) the effects of the Pedestrian Mall Declaration on access to properties on Tyler Street¹⁰

⁷ Objectives B3.2.1(3) and B3.2.1(8); Policies B3.2.2(8) and B3.3.2(7).

⁸ Objective B3.2.1(1) and B3.3.1(1); Policies B3.2.2(1) and B3.3.2(1).

⁹ Objective B3.2.1(2) and B3.2.1(4).

¹⁰ Endeans Building submission

CRL's assessment and proposed mitigation

9.4 Section 6.6 of the AEE provides a discussion of the potential temporary and permanent transport effects associated with the NOR. This is summarised below.

Temporary Effects and Proposed Mitigation

9.5 The following temporary transport effects have been identified in section 6 of the AEE:

- a) In relation to construction vehicles, daily truck movements are estimated to be between five to ten trucks per day, with an extra 40 trucks per day required during concrete pours. Concrete deliveries are planned to be undertaken between 6.30am until 9pm Monday to Saturday and could be extended until 10.30pm in the event of delays or unforeseen events. Typical daily concrete pours will vary between Stage 1 concrete (Tunnel invert concrete) and Stage 2 concrete (track form concrete). The duration for Stage 1 is anticipated to be between 15-20 days while the duration for Stage 2 is anticipated to be 10 days.
- b) Minor material deliveries will form the majority of movements to and from the site via Quay Street and enter from Commerce Street, restricting the number of vehicles travelling through the city and busier streets. There are potential conflict points between construction traffic entering and existing the site and pedestrians due to space constraints.
- c) With regard to pedestrian access and flow, section 6.6.2 of the AEE notes that pedestrian access will generally be unimpeded. However, some short term access restrictions may be required on Tyler Street for safety reasons which may amount to a few minutes of restricted pedestrian movements while trucks are escorted to the site.
- d) In terms of property access, the AEE notes that 148 Quay Street and 152 Quay Street will be directly affected by the Works as their parking facilities are accessed from Tyler Street.

9.6 The mitigation measure proposed to manage the adverse effects identified above is through the implementation of a Construction Traffic Management Plan (CTMP)

Assessment

9.7 Mr Don McKenzie, Private Sector Lead – Transportation at Stantec, has undertaken a review of the NOR on behalf of the Reporting Team. Mr McKenzie's memo, which details his assessment and recommendations, is attached as Appendix G to this Report. The key points from his assessment are summarised below.

Temporary Transportation Effects

9.8 With respect to the temporary transport effects identified in the NOR, Mr McKenzie considers that:

- a) The AEE provides a good indication of the scale of the Works in relation to traffic generating activities and following the s92 response by CRL and, the integrated transport assessment (ITA) has suitably described the traffic generating activities for consideration.
- b) The CTMP framework is considered to be broadly suitable for the Works. However, he considers that in the absence of more detail in relation to specific layout plans and temporary traffic management plan documentation, specific outcomes should be included in the conditions to ensure that the CTMP is robust and the traffic management measures to be implemented will effectively manage anticipated effects.
- c) The specific outcomes that should be considered in the CTMP broadly relate to maintaining pedestrian accessibility and access to properties throughout the Works, ensuring the safety of all users during concrete delivery manoeuvring and minimising impact on public transport

9.9 Based on my review of the information provided and advice from Mr McKenzie, I consider that the proposed CTMP does not provide sufficient certainty regarding the management of the construction traffic effects.

9.10 Accordingly, I have recommended the addition of a Supplementary Traffic Management Plan condition (refer to Condition 5W in Section 14 of this Report) to incorporate the key outcomes specified by Mr McKenzie, these are as follows:

- a) Pedestrian accessibility is to be maintained for the duration of the Works to ensure safety and to maintain access to public transport and adjacent properties;
- b) Pedestrian movements during concrete delivery manoeuvring are to be controlled, to ensure safety of all users;
- a) Access to properties in close proximity to the Works (along Tyler Street and Galway Street) will be maintained throughout for both pedestrians and vehicles;
- b) Management of timing of concrete delivery should be coordinated to minimise impact on the safety and efficiency of the movement of pedestrians and all modes of transport on Commerce Street and Tyler Street with priority given to pedestrians and public transport, essential movements, including emergency services, access to properties and lastly private car travel; and

- c) Any required waiting locations for concrete deliveries are to be identified as part of the CTMP. Any required waiting locations (beyond the Britomart precinct) for concrete deliveries are to be identified as part of the CTMP.

Issues raised in submissions

9.11 Mr McKenzie has also undertaken a review of the key issues raised in the submissions. His assessment and how these matters will be addressed is summarised in the table below.

Table 7-1: Transport matters raised in submissions

Matters raised in submissions	Comment	How this is addressed
Avoiding or managing the effects on the operation of public transport services and safe pedestrian movements, in the vicinity of the Britomart Transport Centre ¹¹	The matters of maintaining and promoting the safety and effectiveness of the pedestrian and public transport facilities and network in the local area are considered essential in any management of construction related activity associated with the NOR. These matters are considered important and form the basis of recommendations to achieve the outcomes of the recommended construction traffic management plan approach, and to the extent required to provide the certainty required in the absence of the Outline Plan as sought by CRLL.	This matter has been addressed through the imposition of Condition 5W which requires that a Supplementary Construction Traffic Management Plan (SCTMP) be prepared and implemented. The condition states that the SCTMP shall include (amongst other things) details of: <ul style="list-style-type: none"> a) How safe pedestrian access and access to public transport will be maintained for the duration of the Works; and b) How vehicle movement and concrete delivery will be coordinated to minimise impact on the safety and efficiency of pedestrian movement and other transport modes with a priority given to pedestrians and public transport.
Restricting construction vehicle and truck movements to and from the site to be via the Commerce	Figure 8 of the ITA and the s92 response sets out that all heavy vehicle movement to and from the site will be restricted to occurring via the intersection of Commerce	To minimise effects on bus operation, the SCTMP condition (Condition 5W) requires that the details on how vehicle movements associated with the construction of the Works will be managed to restrict heavy vehicle movement to and from the site via

¹¹ AT submission

Matters raised in submissions	Comment	How this is addressed
Street and Quay Street intersection to minimise effects on bus operations ⁹	Street and Quay Street.	the intersection of Commerce Street and Quay Street shall be included in the SCTMP.
Providing for the safety of pedestrians and bus operations by ensuring that trucks will always access Tyler Street in a forward direction ⁹	Some reverse manoeuvring from Commerce Street into Tyler Street is considered appropriate as long as it is accompanied by manual traffic controllers whenever any such manoeuvres take place and is undertaken as per the recommendation from the Requiring Authority that it will be restricted to non-peak periods only.	The SCTMP condition (Condition 5W) provides for the safety of pedestrians and bus operations by including a measure to restrict vehicles associated with the Works from reversing into Tyler Street or Galway Street during weekday peak traffic periods of 7.00am to 9.30am and 3.00pm to 6.00pm, unless otherwise agreed with the Auckland Transport The SCTMP also includes measures such as manual traffic controllers to manage any reverse manoeuvring from Commerce Street into Tyler Street.
Feasibility of the manoeuvring of construction vehicles on Tyler Street ¹²	From the vehicle paths shown in the s92 response, there are some complex movements for construction traffic movement. An example layout plan (in the s92 response) previously approved and implemented for reversing a truck into Tyler Street indicates that the required traffic management will be feasible.	The SCTMP condition (Condition 5W) requires that details to maintain safe and efficient pedestrian and vehicle movement on Tyler Street be provided in the SCTMP
The location of the concrete truck waiting area potentially blocking access to the	The outcomes proposed to be included in the conditions of Designation seek to ensure that any secondary effects associated with the waiting area for concrete	The proposed SCTMP condition (Condition 5W) requires that details need to be provided on how vehicle access to sites adjacent to the Works are maintained at all times for the duration of the Works.

¹² AT submission; Body Corporate 107678

Matters raised in submissions	Comment	How this is addressed
parking/delivery area for Harbour View apartments ⁹	trucks does not interrupt either private access such as the Harbour View Apartments or general pedestrian movements facilities or the efficient movement of buses along and into/out of Commerce Street.	Measures for which shall include the provision of a general traffic lane along the northern side of the construction zone on Tyler Street between lower Queen Street and Commerce Street.
Protection of the Galway Street frontage from construction related activities and parking ¹³	As previously noted in respect of the Tyler Street operation, the recommended outcomes to be achieved by the traffic management plans in support of the Alteration seek to provide appropriate outcomes for both the Works and the reasonable access and convenience of land-owners/operators along Galway Street.	The SCTMP condition (Condition 5W) requires that there should be no parking of concrete or other construction related trucks within Galway Street – such parking/waiting activity should be undertaken outside the Britomart Precinct and the movement of concrete and other construction-related trucks will be managed in a manner that ensures the reasonable access and convenience of current activities in Galway Street is maintained.
Providing for access to properties on the northern side of Tyler Street at all times ¹⁴	In a similar manner to the discussion relating to Galway Street, Condition 5W aims to protect the reasonable needs for access to/from these properties in Tyler Street and to ensure the safety of pedestrian activity across the frontage of these properties is maintained.	

¹³ Cooper and Company Submission

¹⁴ Endeans Submission; Body Corporate 107678

10 Noise and vibration

Introduction

10.1 The following assessment is primarily informed by:

- a) Section 6.4 (Vibration) and 6.5 (Noise) of the AEE;
- b) Appendix B (Construction Noise Assessment) of the NOR;
- c) Appendix A (Construction Noise Management Plan) to Appendix D (Construction Environmental Management Plan) of the NOR
- d) Section 92 Response, dated 26 July 2021
- e) CRL Response, dated 27 August 2021

Relevant plan provisions

10.2 The AUP contains provisions that seek to control and manage adverse effects of noise and vibration whilst:

- a) protecting people from unreasonable levels of noise and vibration;¹⁵
- b) enabling construction activities that cannot meet noise and vibration standards by controlling duration, frequency and timing;¹⁶ and
- c) minimising, where practicable, noise and vibration at its source or on the site from which it is generated.¹⁷

Relevant submissions

10.3 The submissions received on the NOR have commented on noise related matters associated with both the construction and operation of the Works. This particularly relates to whether the construction noise associated with the Works will exceed the existing ventilation system servicing the Britomart Station¹⁸.

CRL's assessment

10.4 The following temporary noise and vibration effects have been identified in section 6 of the AEE:

¹⁵ Objective E25.2(1); Policy E25.3(1), E25.3(2).

¹⁶ Objective E25.2(4); Policy E25.3(10).

¹⁷ Policy E25.3(2).

¹⁸ Body Corporate 107678

- a) With regard to construction vibration, the section 6.4 of the AEE notes that there are no proposed activities associated with the Works that are expected to generate high vibration levels and the Works are predicted to comply with all the relevant building damage and vibration amenity standards, including the Historic Heritage Overlay limits. As such no mitigation has been proposed.
- b) In relation to construction noise, the AEE notes that concrete pumping activities do not comply with the AUP:OP permitted activity levels when measured from approximately 2-4 apartments located in the 148 Quay Street apartments. These receivers are directly adjacent to the concrete pump and will look over the site hoarding proposed in the Construction Noise Management Plan (CNMP).
- c) The AEE also notes that the Works include the use of ventilation fans, however, these are expected to comply with the AUP permitted noise levels.

10.5 The mitigation measure proposed in the AEE to manage the adverse effects identified above, includes the implementation of a CNMP.

Assessment

10.6 Council's consultant acoustic engineer Mr Jon Styles, Styles Group, has undertaken a review of the NOR (including the section 92 response). His assessment is attached as Appendix H to this Report and a summary is provided below:

10.7 With respect to the noise effects identified in the NOR, Mr Styles notes in his memo that:

- a) He agrees with the conclusion in the Noise Assessment (Appendix B to the NOR) that the high noise activities requiring careful consideration are concrete pumping and the use of ventilation fans.
- b) Two noise sources of primary interest have not been measured in the NOR. Instead, published data is relied on for the noise level predictions which introduces a degree of uncertainty in the assessment. Notwithstanding this, he considers that the uncertainties in the source data can be managed through conditions and the noise level predictions set out in the assessment are sufficiently accurate for this process.
- c) With regard to concrete deliveries, he agrees that an infringement of 1dB at the façade of 148 Quay Street is marginal, however, a noise level of 75-76dB has the potential to generate an appreciable level of adverse effects and care should be taken to ensure that the best practicable option has been identified and adopted.

- d) The CNMP states that the delivery area will need to be screened using acoustically effective screens with a 2m minimum specification for the screens, while the noise assessment (as part of the NOR) notes that the practicability of a taller barrier will need to be assessed once the site is established.
- e) There could be considerable benefit from additional screening of the concrete delivery area and could subjectively reduce the noise levels by around a half and is worth pursuing.
- f) With respect to ventilation fans, Mr Styles concurs with the assessment, noting that the noise levels from the fan will be reasonable if they are controlled to be no greater than 45dB.
- g) He generally agrees with the noise mitigation and management measures proposed, noting that the management measures reflect current best practice. In relation to the mitigation measures, the only concern raised was whether additional screening of the concrete delivery area is practicable to achieve.
- h) To ensure effects are consistent with what has been assessed in the NOR, a condition be proposed to require compliance with noise limits and that these be set slightly above the predicted noise levels to provide for a degree of flexibility.

10.8 In the recent response provided by CRL (refer to Appendix H), consideration has been given to the practicability of a taller screen/barrier to reduce noise levels. The response confirms that modelling was undertaken for a 10 metre high acoustic barrier and compared to the 2 metre barrier. The comparison indicated that there are no additional benefits associated with a higher barrier i.e. a 10 metre high barrier still does not achieve compliance on the façade of buildings on the northern side of Tyler Street due to the geometry of the situation. Based on this, the response concludes that a 2 metre barrier is the best practicable option.

10.9 With regard to a partial acoustic enclosure, the response provided by CRL notes that the CRL construction team have confirmed that an enclosure is not feasible in the proposed site compound due to vertical and horizontal space constraints. The response also indicates that the provision of a fixed structure would hinder the ability to undertake the Works, accordingly, this wasn't modelled.

10.10 Considering the information above, I note that:

- a) I am satisfied by the response provided by CRL in relation to the practicability of a higher acoustic barrier and a partial acoustic enclosure. I acknowledge the physical constraints associated with the area subject to the Works and note that a higher barrier and partial enclosure could incur

additional effects, beyond what has been considered and managed e.g. traffic and access.

- b) It is appropriate to include a condition setting out noise limits for the proposed Works and this is identified as Condition 10W in section 14 of this Report.

11 Visual Amenity Effects

Introduction

11.1 The following assessment is primarily informed by section 6.8 of the AEE

Relevant plan provisions

11.2 The following provisions are considered to be relevant to the assessment of visual amenity effects:

- a) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment¹⁹
- b) Development of an effective, efficient and safe transport network that... avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities²⁰

Relevant submissions

11.3 The following submissions received on the alteration, have made comment on amenity related matters associated with the project:

- a) the extended duration of the SPA building being located in Station Plaza²¹
- b) the extended duration of construction equipment located in the station plaza area, adjacent to Tyler Street²²

CRL's assessment

11.4 Section 6.8 of the AEE summarises the effects on amenity arising from the Works

11.5 In relation to visual amenity effects, CRL note that:

- a) The SPA building has been in place for a number of years and therefore there is no change to the visual amenity impacts associated with the SPA

¹⁹ Objectives E40.2(2), E40.3(1); Policy E40.3(3)

²⁰ Objective B3.3.1(1)(d); Policy B3.3.2 (7)

²¹ Copper and Company submission

²² Endeans Building submission

building remaining in place for the duration of the Works. Notwithstanding this, the assessment acknowledges that there may be a perceived extension of time visual impacts for nearby residents and occupants who anticipated the removal of the SPA building in 12 months of the Project works being completed (condition 3.2 of designation 2501 conditions)

- b) The ventilation equipment is the sole additional structure resulting from the Works to maintain good working conditions and are similar in scale and appearance to what is anticipated in the AUP:OP.
- c) Similarly, with regard to the receiving of concrete and other materials, the assessment notes that the effects associated with these activities are similar in nature and scale to other construction sites around central Auckland.

11.6 CRLL propose to include a condition to the Works that specifies when the Station Plaza Accommodation shall be removed. For clarity and more certainty to residents and occupiers, I recommend that a timeframe be specified in this condition as outlined in Section 14 of this Report.

Assessment

11.7 As noted above, a number of submitters have raised concerns regarding the visual effects associated with the Works, in particular the extended period of time of the SPA building being located at Station Plaza, and general concerns relating to the visual impact of construction activity.

11.8 I consider that the visual amenity effects associated with the Works generally relate to an extended period of those effects (i.e. the extended presence of the SPA building located at Station Plaza and the addition of general construction activities associated with the Works. I acknowledge the concerns of the submitters, in particular the frustration associated with an extended construction period, but consider that the construction effects are temporary (albeit proposed to be extended), and are generally consistent with what can be expected for a major infrastructure project. Notwithstanding this, I consider the imposition of a condition (Condition 1W) requiring the Works to be completed within a specified timeframe will appropriately manage the visual amenity effects associated with the Works.

12 National, regional and district policy assessment

- 12.1 In accordance with section 171(1)(a) of the RMA, when considering the application and any submissions received, subject to Part 2, consideration must be given to the effects on the environment for allowing the requirement, having particular regard to any relevant provisions of national policy statements, and operative or proposed regional policy statement, the district plans and any other matter considered reasonably necessary to make a recommendation.
- 12.2 CRLL provide a summary of their assessment of the relevant statutory framework at Section 7 of the AEE and provide a more detailed assessment at Appendix E to the AEE.
- 12.3 The remainder of this section provides an assessment of the provisions of these statutory documents that are relevant to the consideration of the NOR.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 12.4 I concur with CRLL's assessment provided at section 7.5.1 of the AEE that resource consents have been obtained for activities prescribed in the NES-S and the proposed Works are considered within the scope of the approved resource consents.

National Environmental Standard for Air Quality 2004

- 12.5 I concur with CRLL's assessment provided at section 7.5.2 of the AEE that resource consents have been obtained for the Works associated with the construction of the CRL and the proposed Works are considered within the scope of the approved resource consents.

National Policy Statements

- 12.6 CRLL have not identified any national policy statements that are of relevance to the consideration of the NOR.

I consider the National Policy Statement on Urban Development (NPS-UD) to be of relevance to this NOR. The NPS-UD sets out the objectives and policies for planning well-functioning urban environments. Of particular relevance to this application is Objective 1 which seeks to “...enable more people to live in and more businesses and community services to be located in areas of an urban environment in which...the area is well-served by existing or planned public transport” and Policy 1 which requires that “*Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: ... (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport....* In relation to the NOR, I acknowledge that the Works will contribute towards the construction of the wider CRL project.

Once complete, the CRL project will act as a catalyst for increasing development capacity around existing and proposed stations and in turn maximising the benefits of intensification.

Auckland Unitary Plan (Operative in Part)

12.7 CRLL note that the AUP:OP contains a range of objectives and policies applicable to the Works. These are within the following chapters:

- a) Chapter B3 Infrastructure, Transport and Energy
- b) Chapter B6 Mana Whenua
- c) Chapter D17 Historic Heritage
- d) Chapter E25 Noise and Vibration
- e) Chapter E27 Transport
- f) Chapter I201 Britomart Precinct
- g) Chapter H8 Business City Centre Zone

12.8 In addition, I consider that the following chapter of the AUP is also relevant and discuss this below:

- a) Chapter E26 Infrastructure

12.9 The following chapter is primarily informed by section 7.4.2 of the AEE and Appendix E to the AEE.

Chapter B: Regional Policy Statement

12.10 With respect to Chapter B: Regional Policy Statement, CRLL has identified that the objectives and policies within Chapter B3 and Chapter B6 are most applicable to this NoR.

12.11 Overall, I concur with the assessment undertaken by CRLL in respect to Chapter B: Regional Policy Statement and acknowledge that the Works will contribute to the construction of the overall CRL project. This will provide an effective, efficient and safe transport infrastructure for Auckland and enhances the wider transport network. I also acknowledge that Mana Whenua have actively been engaged for the duration of the CRL project.

Chapter D: Overlays

12.12 With respect to Chapter D: Overlays, CRLL has identified the following provisions as relevant for consideration:

- a) Historic Heritage D17.2 Objective (1), D17.3 Policy (24)

12.13 No additional provisions have been identified as relevant. Overall, I generally concur that the Works are consistent with the objectives and policies of Chapter D17. I note that Works are located adjacent to scheduled buildings (being the CPO). However, the assessment notes that the Works are expected to be contained within the site and will not result in vibration effects beyond what is permitted in the AUP:OP. As a result, the Works will avoid effects on the heritage values of the CPO.

Chapter E: Auckland Wide

12.14 With respect to Chapter E: Auckland Wide, CRL has identified the following provisions as relevant for consideration:

- a) Noise and Vibration E25.2 Objective (1), (4), E25.3 Policy (10)
- b) Transport E27.2 Objective (2), E27.3 Policy (13)

12.15 Overall, I generally concur that the Works are consistent with the objectives and policies of Chapters E25 and E27. I note that the Works are part of the wider CRL project which will contribute towards an integrated public transport network, increasing access to the City Centre and in turn stimulating economic development. I also note that any construction noise effect will be managed in accordance with the proposed CNMP.

12.16 I note that there are other activities associated with the wider CRL project such as land disturbance that are relevant to other chapters of Chapter E: Auckland Wide, such as E11 and E12. For clarity I do not comment on these activities or provisions as they are not relevant to the Works.

12.17 In addition to these provisions, I consider the following provisions in Chapter E26: Infrastructure to be relevant to this NOR:

- a) E26.2.1(1) – the benefits of infrastructure are recognised
- b) E26.2.1(2) – safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development
- c) E26.2.1. (9) – the adverse effects of infrastructure are avoided, remedied or mitigated
- d) E26.2.2(1) – recognise the social, economic, cultural and environmental benefits that infrastructure provides...
- e) E26.2.2(2) – provide for the development, operation...of infrastructure by recognising functional and operational needed... the benefits of infrastructure to communities within Auckland... its role in servicing existing, consented and planned development

- f) E26.2.2(4) – require the development, operation...of infrastructure to avoid, remedy or mitigate adverse effects

12.18 In relation to the provisions outlined above, I consider that:

- a) The Works contribute to the construction of the wider CRL project. Once complete, the CRL project will facilitate a significant upgrade in the public transport network for Auckland. This will in turn support well-functioning communities and businesses within the region.
- b) The adverse effects associated with the Works, namely, noise, traffic, access and amenity effects will be managed through the implementation of relevant management plans and the recommended conditions proposed in section 14 of this Report. Any adverse amenity effects will be temporary and will be outweighed by the positive effects of the wider CRL Project as described above.

Chapter H: Zones

12.19 With respect to Chapter H: Zones, CRL has identified the following provisions as relevant for consideration:

- a) City Centre H8.2 Objective (8)
- b) City Centre H8.2 Objective (11)

12.20 I generally concur with the assessment undertaken by CRL in respect to the provisions identified for Chapter H: Zones.

12.21 In addition to these provisions, I consider the following provision to also be relevant:

- a) City Centre H8.2 Objective (10) – a hub of an integrated regional transport system is located within the city centre

12.22 In relation to the objective above and with regard to the Britomart area, I note that the works and the wider CRL project contribute towards creating an integrated regional transport hub within the city centre, being the Britomart Transport Centre.

Chapter I: Precinct

12.23 With respect to Chapter I: Precincts, CRL has identified the following provisions as relevant for consideration:

- b) Britomart Precinct I201.2 Objective (1)
- c) Britomart Precinct I201.2 Policy (4)

12.24 I generally concur that the Works are consistent with the objectives and policies of Chapter I201. I note that the Works are part of the wider CRL project which will expand

the Auckland rail network through Britomart, enabling the role of the precinct as a regional transport interchange.

Other matters

Heritage New Zealand Pouhere Taonga Act 2014

12.25 I concur with CRLL's assessment provided at section 7.5.3 of the AEE.

13 Conclusion

13.1 Overall, I consider that the Works are consistent with and assist in, achieving the outcomes sought in the above statutory documents.

14 Conditions

- 14.1 As outlined in paragraph 7.4 above, CRL proposes to mitigate the actual and potential effects associated with the Works through the implementation of management plans.
- 14.2 Following my review of the NOR documents and subsequent to the s92 request and corresponding response, CRL proffered draft conditions relating to the Works as amendments to the existing CRL designation 2501 conditions. These conditions, along with my suggested amendments and additions are outlined in the table below. The full condition set is attached in Appendix J
- 14.3 For the sake of clarity, the specific changes that have been identified by CRL are identified as
- additions underlined
 - deletions ~~striketrough~~
- 14.4 My proposed amendments are identified as:
- additions underlined
 - deletions ~~striketrough~~

Table 11-1: Proposed amendments to conditions

Action	Amendments to Conditions	Comments
Add definition for 'the Works'	<p><u>The Works</u></p> <p><u>Construction support works to enable construction in adjoining City Rail Link Designation 2500-1, including site office, worker accommodation and storage of materials in the Station Plaza Accommodation, receiving and pumping concrete from the Britomart Transport Centre into the Designation 2500-1 tunnels, establishing and operating ventilation equipment in Station Plaza, and providing access for workers and delivery of materials to the Designation 2500-1 tunnels via the Glasshouse and former Chief Post Office.</u></p>	This definition was proffered by CRL, I consider this to be appropriate.
Add new condition 1W	<p><u>Condition 1W</u></p> <p><u>The Works shall be completed by 20 December 2023</u></p>	I recommend adding a new condition to clarify when the specified Works are required to be completed by. I consider that this should go some way to addressing concerns raised by submitters regarding the uncertainty of construction timeframes.
Add new condition 2W	<p><u>Condition 2W</u></p> <p><u>The Works shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement being:</u></p>	This condition was proposed by CRL, I consider this to be appropriate. I recommend amendments to delete reference to the Form 18 and AEE and rely on reference to the

Action	Amendments to Conditions	Comments
	<p>(a) <u>CRL Notice of Requirement for Alteration of BTC Designation 2501 – 25 June 2021, including:</u></p> <p style="padding-left: 40px;">Form 18</p> <p style="padding-left: 40px;">Assessment of Effects on the Environment: Britomart Transport Centre Notice of Requirement Alteration of Designation 2501, dated 25 June 2021</p> <p style="padding-left: 40px;"><u>Construction Support Activities at Station Plaza – Britomart: Construction Environmental Management Plan, prepared by Aurecon New Zealand Limited: Document reference CRL-BTM-RME-000-RTP- 0002, dated 25 June 2021</u></p> <p style="padding-left: 40px;"><u>City Rail Link: Britomart Transport Centre: Construction Traffic Management Plan, prepared by Flow Transportation Specialists Ltd: Document reference R2A210621, dated 25 June 2021</u></p> <p style="padding-left: 40px;"><u>CRL BTC Designation Alteration: Construction Noise Management Plan, prepared by Marshall Day Acoustics: Document reference RP002 20210287, dated 21 August 2021</u></p> <p style="padding-left: 40px;"><u>Britomart C7 Works Ventilation Management Plan, Revision A00, dated 22 January 2021</u></p>	<p>relevant management plans. I consider this provides more certainty.</p>

Action	Amendments to Conditions	Comments
Add new condition 3W	<p><u>Condition 3W</u></p> <p><u>The concrete pumping activities associated with the Works shall only be undertaken within the hours of 6.30am to 10.30pm Monday to Friday and 7am to 10.30pm Saturday.</u></p>	<p>This condition was proposed by CRLL, I consider this to be appropriate as it provides certainty on the timing of the Works.</p>
Add new condition 4W	<p><u>Condition 4W</u></p> <p><u>The ventilation fans installed at Station Plaza located as shown in figure 2.1 of the <i>Constructability Report, prepared by Link Alliance, dated, 25/6/21</i>, shall be fitted with noise abatement measures as specified in the report <i>Britomart C7 Works Ventilation Management Plan, Revision A00, dated 22/1/2021, prepared by Link Alliance</i>. The ventilation noise abatement measures shall remain in place while the ventilation fans are operational.</u></p>	<p>This condition was proposed by CRLL, I consider this to be appropriate as it specifies the noise abatement measures to manage noise effects.</p>
Add new condition 5W	<p><u>Supplementary Construction Traffic Management Plan (SCTMP)</u></p> <p><u>Condition 5W</u></p> <p><u>A Supplementary The Construction Traffic Management Plan (SCTMP) titled, City Rail Link: Britomart Transport Centre Construction Traffic Management Plan, dated XXXX shall be prepared and implemented for the duration of the Works. The objective of the SCTMP is to provide a framework for the avoidance and mitigation of construction traffic effects. To achieve</u></p>	<p>As discussed in section 9 of this report, I consider that a supplementary construction traffic management plan condition is required as the CTMP provided with the AEE does not provide sufficient certainty regarding the management of construction traffic effects.</p>

Action	Amendments to Conditions	Comments
	<p>the objective, the SCTMP shall include details of the following the measures to ensure the following:</p> <p>(a) <u>How vehicle access to sites adjacent to the works shall be maintained at all times for the duration of the Works. Measures shall include (but not be limited to) the provision of a general traffic lane of at least 3.0m wide along the northern side of the construction zone on Tyler Street between lower Queen Street and Commerce Street.</u> to maintain vehicle access to adjacent sites for the duration of the Works.</p> <p>(b) <u>How safe pedestrian access of a minimum 1.5m wide pedestrian access shall be maintained</u> on the northern side of Tyler Street between lower Queen Street and Commerce Street that to ensure safety and maintains access to public transport and adjacent sites <u>shall be provided for the duration of the Works. This shall include but not be limited to the provision of a 1.5m pedestrian access on the northern side of Tyler Street between lower Queen Street and Commerce Street.</u></p> <p>(c) To ensure safety of all users, pedestrian movements during concrete delivery manoeuvring shall be controlled.</p> <p>(c) <u>How the existing pedestrian access to Britomart Station, through the Chief Post Office building, shall be maintained.</u></p> <p>(d) <u>How vehicle movements associated with construction of the works (including but not limited to concrete delivery) will be managed in a safe and efficient manner. Measures shall include (but not be limited to):</u></p>	

Action	Amendments to Conditions	Comments
	<ul style="list-style-type: none"> i. <u>Vehicles associated with the Works shall not reverse into Tyler or Galway Streets during weekday peak traffic periods of 7.00am to 9.30am and 3.00pm to 6.00pm, unless otherwise agreed with the Auckland Transport corridor access team prior.</u> ii. <u>The use of manual traffic controllers to manage any reverse manoeuvring from Commerce Street into Tyler Street.</u> iii. <u>Concrete delivery shall be coordinated to minimise impact on the safety and efficiency of the movement of pedestrians and functionality of all modes of transport on Commerce Street and Tyler Street with priority given to pedestrians and public transport, essential movements including emergency services, access to properties and lastly private car travel.</u> iv. <u>There shall be no more than one concrete truck in the Station Plaza compound at any one time.</u> v. <u>There shall be no more than one concrete truck in the Tyler Street concrete truck waiting area at any one time.</u> vi. <u>All heavy vehicle movement to and from the site shall be restricted to occurring via the intersection of Commerce Street and Quay Street.</u> <p>(e) <u>How the identified location of any required concrete and or construction related truck remote waiting areas meets the objective of the SCTMP. Measures shall include but not be limited to identifying all remote waiting areas outside the Britomart Precinct</u></p>	

Action	Amendments to Conditions	Comments
	<p>(f) <u>How the timing of concrete delivery will be coordinated to minimise impact on the safety and efficiency of the movement of pedestrians and all modes of transport on Commerce Street and Tyler Street with priority given to pedestrians and public transport, essential movements, including emergency services, access to properties and lastly private car travel.</u></p> <p>(g) <u>Where a change in traffic management from that assessed is a requirement of the Temporary Traffic Management Plan, then the SCTMP shall be reviewed and updated as necessary.</u></p> <p>(h) <u>To avoid more than one concrete truck in the Station Plaza site compound and one in the Tyler Street concrete truck waiting area at any one time, any required remote waiting locations for concrete trucks shall be identified.</u></p> <p><u>The SCTMP shall be provided to Auckland Council for certification at least ten working days prior to the commencement of the Works. The SCTMP (and any amendments to the SCTMP) shall be deemed certified when the Requiring Authority has received written confirmation from Council.</u></p>	
Add new condition 6W	<p><u>Condition 6W</u></p> <p><u>Notwithstanding Condition 3.2 of the Project conditions, the Station Plaza Accommodation building shall be retained following completion of the Project in order to enable the Works. (and any other contemporaneous works permitted under this designation).</u></p>	I consider this amendment to be appropriate as it addresses the removal of the Station Plaza Accommodation building.

Action	Amendments to Conditions	Comments
	<p>The Station Plaza Accommodation shall be removed on either the completion of the Works <u>or by 31 December 2023, whichever date occurs first. The and Station Plaza shall be</u> reinstated in accordance with Conditions 33B.1(b) and 33B.4 of the Project conditions.</p>	<p>My amendments relate to providing more certainty on the timeframes for removal.</p>
<p>Add new condition 7W</p>	<p><u>Condition 7W</u></p> <p><u>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 Works.</u></p>	<p>I recommend an additional condition to provide a contact personnel for concerns and other matters relating to the Works.</p>
<p>Add new condition 8W</p>	<p><u>Condition 8W</u></p> <p><u>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 process shall:</u></p> <p><u>(a) Identify the nature of the concern or complaint, and the location, date and time of the alleged event(s).</u></p> <p><u>(b) Acknowledge receipt of the concern or complaint within 24 hours of receipt</u></p>	<p>I recommend the imposition of the existing CRL complaints process condition for the Works.</p>

Action	Amendments to Conditions	Comments
	<p><u>(c) Respond to the concern or complaint, which may include monitoring of the activity by a suitably qualified expert and implementation of mitigation measures.</u></p> <p><u>record of all concerns and / or complaints received shall be kept by the Requiring Authority. This record shall include:</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(c) Known CRL construction activities at the time and in the vicinity of the concern or complaint.</u></p> <p><u>(d) Any other activities in the area unrelated to the CRL construction that may have contributed to the concern or complaint such as construction, fires, traffic accidents or unusually dusty conditions generally.</u></p> <p><u>(e) Remedial actions undertaken (if any) and the outcome of these, including monitoring of the activity.</u></p>	

Action	Amendments to Conditions	Comments
	<p><u>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.</u></p> <p><u>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.</u></p>	
Add new condition 9W	<p><u>Condition 9W</u></p> <p><u>Within one month of confirmation of the designation the Requiring Authority shall establish a kaitiaki or mana whenua forum to provide for an ongoing role for mana whenua in the construction of the Works. For clarity, the Requiring Authority may utilise an existing CRL related kaitiaki or mana whenua forum for the requirements of this condition.</u></p> <p><u>The frequency at which the forum meets shall be agreed between the Requiring Authority and mana whenua.</u></p> <p><u>The role of the mana whenua forum may include the following:</u></p>	I recommend the imposition of the existing CRL Mana Whenua Consultation condition for the Works. This will provide an ongoing role for Mana Whenua for the duration of the Works through the forum.

Action	Amendments to Conditions	Comments										
	<p>(a) <u>Undertaking kaitiakitanga responsibilities associated with the Works, including monitoring, assisting with discovery procedures, and providing mātauranga Māori input.</u></p> <p><u>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 Works.</u></p>											
Add new condition 10W	<p><u>Condition 10W</u></p> <p><u>The noise level arising from the Works shall not exceed the noise limits in the following table:</u></p> <table border="1" data-bbox="385 774 1487 1158"> <thead> <tr> <th data-bbox="385 774 766 927"><u>Receiver</u></th> <th data-bbox="770 774 958 927"><u>Noise limit for concrete pumping</u></th> <th data-bbox="963 774 1167 927"><u>Noise limit for ventilation fans</u></th> <th data-bbox="1171 774 1487 927"><u>Any other activity associated with the Works</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="385 930 766 1046"><u>2 Queen Street</u></td> <td data-bbox="770 930 958 1046"><u>70dB LAeq and 85dB LAFmax</u></td> <td data-bbox="963 930 1167 1046" rowspan="2"><u>45dB LAeq</u></td> <td data-bbox="1171 930 1487 1046" rowspan="2"><u>Rule E25.6.28 of the Auckland Unitary Plan: Operative in Part applies.</u></td> </tr> <tr> <td data-bbox="385 1050 766 1158"><u>152 Quay Street</u></td> <td data-bbox="770 1050 958 1158"><u>75dB LAeq and 90dB LAFmax</u></td> </tr> </tbody> </table>	<u>Receiver</u>	<u>Noise limit for concrete pumping</u>	<u>Noise limit for ventilation fans</u>	<u>Any other activity associated with the Works</u>	<u>2 Queen Street</u>	<u>70dB LAeq and 85dB LAFmax</u>	<u>45dB LAeq</u>	<u>Rule E25.6.28 of the Auckland Unitary Plan: Operative in Part applies.</u>	<u>152 Quay Street</u>	<u>75dB LAeq and 90dB LAFmax</u>	As discussed in section 10, I recommend the imposition of a condition setting noise limits for the works.
<u>Receiver</u>	<u>Noise limit for concrete pumping</u>	<u>Noise limit for ventilation fans</u>	<u>Any other activity associated with the Works</u>									
<u>2 Queen Street</u>	<u>70dB LAeq and 85dB LAFmax</u>	<u>45dB LAeq</u>	<u>Rule E25.6.28 of the Auckland Unitary Plan: Operative in Part applies.</u>									
<u>152 Quay Street</u>	<u>75dB LAeq and 90dB LAFmax</u>											

Britomart Transport Centre Notice of Requirement
Alteration to CRL Designation 2501

Action	Amendments to Conditions		Comments	
	<u>148 Quay Street</u>	<u>80dB LAeq and 95dB LAFmax</u>		
	<u>8 Customs St East</u>	<u>70dB LAeq and 85dB LAFmax</u>		
	<u>10 Customs St East</u>	<u>70dB LAeq and 85dB LAFmax</u>		
	<u>2 Commerce Street</u>	<u>70dB LAeq and 85dB LAFmax</u>		
	<u>25 Galway Street</u>	<u>70dB LAeq and 85dB LAFmax</u>		
	<u>Any other receiver</u>	<u>Rule E25.6.28 of the Auckland Unitary Plan: Operative in Part applies.</u>		
<u>Noise levels shall be measured and assessed in accordance with the requirements of Rule E25.6.1 of the Auckland Unitary Plan: Operative in Part.</u>				

15 Part 2 (Purpose and Principles) of the RMA

- 15.1 CRLL have provided an assessment of the NOR against the Part 2 of the RMA in section 7.3.2 of the AEE
- 15.2 With respect to section 6 matters, I note that an assessment has been provided for Section 6(a) and 6(e) in the AEE. In summary, I concur with the assessment provided by CRLL that the Works provide for and recognise the matters of national importance in section 6 of the RMA. I acknowledge that the Works are located approximately 100m horizontally from the MHWS and engagement with Mana Whenua has been undertaken from the onset of the wider CRL project and more recently in relation to the Works.
- 15.3 In relation to section 7 matters, I concur with the assessment provided by CRLL that the Works have particular regard to the relevant matters of section 7 of the RMA. I acknowledge that:
- d) Mana Whenua have been engaged through an ongoing Mana Whenua Forum developed as part of the wider CRL Project;
 - e) The Works contribute to the wider CRL project and therefore the efficient use of the existing transport network and the extension of the electric rail network;
 - f) Amenity effects associated with the Works will be temporary and only for the duration of the construction period and have been mitigated through conditions of consent; and
 - g) The Works enable the construction of the wider CRL project which looks to encourage mode shift and in turn reduce the effects of climate change through the provision of an integrated transport network.
- 15.4 With respect to section 8 (Treaty of Waitangi), I concur with the assessment provided by CRLL that the partnership with iwi, established through the CRL Mana Whenua Forum is consistent with section 8 of the RMA.
- 15.5 With regard to the purpose of the RMA, the Works will enable significant benefits by contributing to the completion of the CRL. Once distilled down, the assessment of the Works involves balancing the benefits of the overall CRL project against the adverse construction and operational effects.
- 15.6 When considering the positive effects of the NOR, I note that in my opinion, this alteration is necessary to provide for the construction and operation of the wider CRL project.
- 15.7 Without the proposed Works as part of the NOR, it is my understanding that there are considerable challenges associated with meeting the programme for the wider CRL project, cost and health and safety.

15.8 When considering the above, I conclude that subject to the adoption of amendments to the conditions set out in section 14 of this Report and the recommendations set out in section 9, I consider the project will promote the sustainable management of natural and physical resources as set out in section 5 of the RMA.

16 Recommendation

16.1 For reasons outlined in this Report, I have included a recommendation as to whether the NOR should be confirmed by the Environment Court. However, I acknowledge that the Environment Court is not in any way bound by this recommendation. I note that this is in addition to recommending conditions for the Environment Court to impose in the event that the NOR is confirmed.

16.2 I recommend that, pursuant to sections 198D and 171 of the RMA, and subject to the adoption of the recommended conditions and the recommendations in relation to the CTMP, the notice of requirement for an alteration to CRL designation 2501 in the AUP:OP be **confirmed**.



Lead Reporting Planner: Chris Scrafton, Technical Director – Planning, Beca Limited

Reviewer / Authoriser: Fiona Sprott, Team Leader – Central South (Auckland Council)

31 August 2021