

9 September 2020

Attention: Vanessa Leddra  
Planner – Plans and Places (Central/South)  
Auckland Council  
Private Bag 92300  
AUCKLAND 1142

Project Name: Wiri To Quay  
Project Number: IA233800

Subject: Response to Further Information Request

Dear Vanessa,

Thank you for your letter of 28 July 2020 regarding the Wiri to Quay Park Notice of Requirement (NoR). We have reviewed the matters raised and can provide the following responses to your queries. In addition, we have also addressed the matters raised by Council's Built Heritage Team (e-mailed received 14 August 2020). Please note that there is no Outline Plan provided with the NoR application. A series of Outline Plans and associated resource consent applications will be applied for at a later date, as the project is being undertaken in stages. As discussed at the site visit the four packages of works are at different stages of development in terms of detailed design, and the Outline Plans and resource consent applications will not be lodged until the design is developed to at least 80%. It appears that some of the s92 questions relate to these future applications, and where appropriate in this reply we identify where this is the case and note that those matters will be subject to future approvals.

In addition, we consider it important to consider the implications of the COVID-19 Recovery (Fast-track Consenting) Act 2020, given the range of permitted activity standards it now provides for KiwiRail projects. In particular, we note the new standards for:

- Vegetation Clearance;
- Earthworks;
- Contamination;
- Stormwater;
- Culverts.

These standards will apply to the physical works to establish the third main as:

- The works will be occurring on land that KiwiRail has a legal interest in (via the lodgement of the NoR and commencement of Public Works Act processes); and
- The works will be undertaken on existing infrastructure, namely the North Island Main Trunk Line.

These standards will affect the types of resource consents required for the project and, we request that the Council's specialists are made aware of these standards and how they provide a more permissive statutory environment for rail infrastructure investment.

Further to the information requests made by Council, we have also undertaken a value engineering exercise, which has altered the required land-take for the project. In most instances, this has seen either the reduction of land-take from properties or their deletion from the NoR. It is only at Middlemore Station where the land-take has slightly expanded, to accommodate further works. These land-take changes are detailed at the end of this letter and are accompanied by an updated assessment of effects on the environment (AEE), Notice and Transport Impact Assessment (TIA).

In regard to the various points raised by the Council's specialists, we provide the following:

## Trees

*"The limitations of the report indicate that only trees that were easily accessible have been included and assessed in the report.*

*Please identify all protected trees within the affected sites, either marked for removal, pruning or works in the rootzone and provide any details on how any adverse environmental effects may be avoided, remedied or mitigated."*

We note that the project arborist has visited all work sites where the Auckland Unitary Plan (Operative in Part) (AUP(OP)) imposes vegetation protection rules (i.e. within road reserves and Open Space zones). Any tree works required at the rear of other sites along the corridor (e.g. retaining walls) are permitted under the AUP(OP) given these sites' zoning and as such, is not within scope of the NoR. It is also noted that any vegetation works required in the Special Purpose – Hospital Zone (i.e. tree removal/alterations to provide for the new vehicle crossing onto Orakau Road and to allow the construction of the Middlemore Station fire egress bridge) are also permitted by the AUP(OP) given the lack of any vegetation protection in that zone.

These works can occur as of right and the effects of such works have been considered in the development of the AUP(OP)'s own tree rules. Furthermore, any tree removals on non-KiwiRail owned sites will be subject to third party agreements with those sites' owners. The arborist report has clearly identified the affected trees which are subject to AUP(OP) protection (e.g. the street tree at the terminus of Orakau Road and the trees at 21 Station Road). In addition, it is not proposed to alter or remove any trees at Gordon Reserve. Furthermore, the AEE details the use of replacement plantings to mitigate for these tree works. The AEE also confirms that best arboricultural practice will be employed where rootzone works or pruning is required.

Lastly, we note the vegetation controls of COVID-19 Recovery (Fast-track Consenting) Act 2020, which provides for the following vegetation works as a permitted activity:

## 18 Vegetation

1. *Any new planting must be of non-invasive species.*
2. *Revegetation must be of species naturally occurring within the ecological district and eco-sourced, unless—*
  - a. *it is not possible to comply with that obligation; or*
  - b. *there are sound ecological reasons to plant exotics.*
3. *Plant species selected must take into account the habitat requirements of affected fauna.*
4. *Vegetation must not be removed if it is identified in the relevant plan as significant indigenous vegetation, or as a significant habitat of indigenous fauna or a natural wetland.*
5. *The maximum volume of earthworks within a significant natural area or significant ecological area, as identified in the relevant plan, must not exceed 40 cubic metres*
6. *Vegetation clearance activities must be completed in accordance with good arboricultural practice*
7. *Trees identified in a schedule to a relevant plan or proposed plan as having significant value must not be removed*
8. *Trimming and maintenance of a scheduled tree that is identified in the relevant plan may be undertaken only to enable the ongoing provision of existing infrastructure.*

*In this clause, vegetation clearance means the disturbance, cutting, burning, clearing, damaging, destruction, or removal of vegetation.*

As such, we consider that the submitted arboricultural assessment adequately addresses the effects of tree works encompassed by the NoR, while also noting that KiwiRail is committed to undertaking works in accordance with good arboricultural practice. Given the above points, no further reporting on tree works is considered necessary.

### Transport - 14 Wyllie Road (as shown on Land Requirement Plan 601001-DR-NIMT-CV-HS-00108)

*"If the number of parking spaces available to the church is to be reduced at any time, please provide information about the current use of the parking spaces, information about any alternate parking that may be made available to the church, and an assessment of the impact of any additional overflow of church parking onto the street, which should include information about the current demand for on-street parking in the area. If the occupation of this lot would not include the parking area it is recommended that the land requirement plan be amended to reflect this.*

*Please confirm the extent of the temporary occupation of this site."*

Following further design, KiwiRail have reduced the footprint of the project at this site and this is detailed in an amended land requirement plan (Attachment A). As shown on the land requirement plan, KiwiRail seek to designate a construction access corridor through the site, leaving the car park spaces available to church users. It is not proposed to use the car park as a laydown area or occupy it in totality, leaving parking spaces largely unobstructed for church users. There is also no intention to reduce the number of parks available on the site.

Engagement with the site owner will also establish protocols for construction traffic travelling through the site, with these protocols confirmed via a third-party agreement with the site owner and these will be subsequently included in the Construction Traffic Management Plan (CTMP). These protocols are likely to include controls to avoid disruption to church services, organised gatherings and community events held at the site (i.e. restricting construction traffic through the site at these times).

Lastly, there is significant on-street parking available on the surrounding streets (including both Kenderdine Road and Wyllie Road), while both rail and bus services are available to church users in the unlikely event that any on-site parking is temporarily unavailable.

Given the mitigation measures and engagement described above, we do not consider that further assessment of the transport effects at 14 Wyllie Road is needed.

### Transport - 64 Rosella Road

*"It is not apparent from the documentation provided what volume of vehicular and pedestrian traffic could be expected to use the driveway at 64 Rosella Rd. This information is desirable in order to understand the potential effects of this activity. As nearby sites are residential, information about the times that traffic is expected to use the driveway is also relevant to understanding the effects of this change.*

*This driveway has the potential to be used by a significant number of pedestrians, and to increase the demand for on-street parking in this part of Rosella Road.*

*It is clear from the documentation that the driveway must cater for traffic entering and leaving the parking area, but the cross-section of the driveway and the ability for it to cater for passing vehicles and pedestrians is not clear.*

*Please provide information about:*

- a) the number of vehicle movements expected to use this driveway at various times of the day.*
- b) the number of pedestrians that are able to use the access.*
- c) the potential for an increase in demand for on-street parking in Rosella Road if DHB staff are able to use the driveway to access the hospital campus, and the effect of any increase in parking demand.*
- d) the potential for, and effects of, pick-up and drop-off traffic movements in Rosella Road.*

- e) *the ability of the driveway to cater for passing vehicles and pedestrians.*
- f) *if the driveway is to be lit to provide for pedestrian use during darkness."*

As noted in Section 6.2.3 of the AEE, 64 Rosella Road is proposed to be used as a laydown area and to provide construction access. No public access is contemplated as part of the NoR. While an easement may be granted to the District Health Board in the future for access to hospital related parking, the property is required for construction access and a laydown area in the short term and access for maintenance of the rail corridor in the long term.

As noted by Section 6.1.3 of the TIA, the access is considered wide enough for construction related traffic (with a width of 5.65 m), with safe movements available to and from Rosella Road itself. The TIA also highlights the ability for Rosella Road to safely accommodate construction related traffic, in part due to the low-speed environment present within the road corridor.

Furthermore, the CTMP will be used to control construction traffic volumes and movements, based on the appointed contractor's construction methodology. Once the contractor is appointed, they will be able to detail construction traffic volumes and vehicle types using this driveway, as well as the timing of these vehicle movements.

The CTMP will also address any construction related pedestrian traffic using the driveway. KiwiRail proposes to submit the CTMP as part of an Outline Plan in mid-2021 as per standard resource management process for a project of this scale. In the longer-term, it is not proposed to provide pedestrian access for rail users via the driveway. There is no direct access (via the driveway) to Middlemore Station, as any pedestrians would be required to trespass on hospital land.

Furthermore, KiwiRail proposes to install a sign at the driveway entrance advising that no pedestrian access to the station is available via the driveway. In addition, the driveway will be secured with a chain or similar barrier to prevent unauthorised vehicles entering the driveway outside construction hours. Lastly, given the driveway's proposed use under the NoR (i.e. no public access), KiwiRail do not propose to provide artificial lighting on the driveway.

In the longer term and in a future situation where the driveway is used by hospital operations, this "change of use" of the driveway to accommodate hospital related traffic would be subject to land use controls under the Auckland Unitary Plan (i.e. the land use rules of both the underlying residential zone and the transport standards of Chapter E27), triggering resource consent under section 9(3) of the Resource Management Act 1991. It would be at this time that an assessment of traffic effects from hospital activities would be appropriate. Any assessment at the current time relating to a potential future use is outside the scope of the land use activities sought by this NoR (i.e. construction and maintenance traffic), and is also inconsistent with its objectives.

## Traffic - DHB Staff Carpark Access

The designation west of Middlemore Station also requires access to the main DHB parking areas to be relocated. The Transport Assessment identifies a proposed location for the carpark access in Orakau Road, noting that this would require the removal of several angled P90 parking spaces, and that this is proposed to be dealt with through a subsequent resource consent; however, it appears that this resource consent is necessary to allow the land to be designated, rather than arising out of works for which the designation is required.

It would therefore be useful to provide better understanding of the likely effects of the access relocation through the provision of more information, which could include data around the demand for the P90 parking in Orakau Road and the impact of reducing the number of parking spaces.

It is understood that you have identified alternate access arrangements for the hospital carparking which could also be available, that may have different effects.

Please provide information about the likely effects of the access relocation on the transport environment, including effects on pedestrians, road safety and parking.

We have undertaken further assessment of the proposed vehicle crossing and note that it complies with the following relevant standards of Chapter E27 (Transport):

| Standard  | Comment   |
|---|---|
| E27.6.4.1. Vehicle Access Restrictions  | The crossing is more than 10m from the intersection of Gray Avenue and Orakau Road.   |
| Table E27.6.4.2.1 Maximum number of vehicle crossings and separation distance between crossings | There is less than one crossing per 25m of the site's road frontage.<br><br>The crossing is <ul style="list-style-type: none"> <li>· more than 2m from any crossing on adjoining sites; and</li> <li>· more than 6m from any other crossings serving the site.</li> </ul> |
| Table E27.6.4.3.2 Vehicle crossing and vehicle access width                                     | The final design of the crossing will be between 5.5m and 6m, given that it will provide for two-way traffic.   |
| Table E27.6.4.4.1 Gradient of vehicle access  | The crossing will have a gradient that is less than 1 in 6.   |

As such, we now can confirm that the crossing will not require resource consent, and that it is in fact a permitted activity under the AUP(OP). Given this, KiwiRail (on-behalf of the District Health

Board) only requires a vehicle crossing permit from Auckland Transport for its establishment. Therefore, we consider that the effects of proposed crossing are outside the scope of the current NoR given its permitted activity status. The crossing can be constructed as of right and effects of such an activity have been considered through the development of the AUP(OP)'s own related transport standards, as evidenced by such crossings being provided for as permitted activities.

With regard to other potential crossings, should they be required, it is considered that they can either be addressed via an Outline Plan (if they are located within the NoR's footprint), a resource consent application (if located outside the NoR footprint and non-compliant with the AUP(OP)'s standards and/or a vehicle crossing permit. Furthermore, the location of the crossing is also subject to agreement with the District Health Board.

### Other issues – Document Consistency

*The Land Requirement drawings show the permanent occupation in orange and the temporary occupation in red, while the transport assessment reverses the use of these colours. It would be clearer for the public and others reviewing these documents if the colour scheme was consistent.*

We have corrected the TIA to reflect the Land Requirement Plans' colour scheme, with the updated TIA attached to this letter.

*The Station Rd and Wyllie Rd sites are permanent sites but the figures included in the appendix suggest that at least some of the areas are temporary occupation only.*

As referenced by both the AEE and Land Requirement Plans, both 5 and 9 Station Road are to be permanently occupied, whereas the other Station Road properties only require temporary occupation. We also note that 12 Wyllie Road contains both permanent and temporary occupation, while 14 Wyllie Road only requires temporary occupation (noting that the land requirement at 14 Wyllie Road has been altered).

*In the TIA section 6.1.2 Station Road near Papatoetoe Station, it notes that "It is anticipated that following the construction of the Third Main, the properties at No.'s 5 and 9 Bridge Street may be returned to their current use as a residential property." I assume this reference should be to numbers 5 & 9 Station Road.*

This site reference has been updated to 5 and 9 Station Road as per the attached TIA.

### Other issues – Modelling and Flood Management

*It is noted that you have used the floodplain and flow path data from Geo Maps. Updated modelling results are available for all three catchments that cover the occupancy site locations. It is recommended that before design be undertaken that you contact Healthy Waters [Danny Curtis] for these results that may assist you with this project.*

Thank you for this advice and we have passed this information onto our design team for use once detailed design occurs.

## *Other issues – Built Heritage*

With regard to the comments received from the Council's Built Heritage team, we note that no works are proposed to any heritage buildings – either within or outside of the corridor. Furthermore, all works within the existing corridor are subject to the current designation, which overrides any district level rules present in the AUP(OP) (e.g. built heritage overlays).

For those works addressed via the current alteration to designation, no demolition works are proposed to the Station Road cottages. It is KiwiRail's intention that any demolition works are restricted to the more modern structures at the rear of these sites (e.g. garages/sheds and a modern dwelling).

In addition, the Construction Noise and Vibration Management Plan (CNVMP) will only be prepared once the Outline Plan and associated resource consents are sought. At this time, the CNVMP will incorporate both the detailed design and contractor's construction methodology, with this information used to confirm which buildings/sites require any monitoring for vibration effects. We note that the CVNMP will be subject to assessment by Council's specialists (via certification) and Marshall Day Acoustics have already recommended the inclusion of Rosella Road sites (including 62 Rosella Road) for monitoring.

Lastly, we reiterate that no works are proposed to the old Papatoetoe Station building. KiwiRail has made every effort to avoid an alignment that would require the relocation of the building. It is located adjacent to an existing rail corridor, with any W2QP works restricted to the opposite side of the corridor. Given the lack of any works to this building or its site, as well as the lack of any other viable alternative to provide the third main, we do not consider that further assessment is needed at this time.

Given the above, we consider that the existing AEE, associated documentation and the future Outline Plan/resource consents address the potential built heritage effects of the works. KiwiRail will not be providing a Built Heritage assessment at this time and does not consider that these matters affect the notification status of the NoR.

## *Other Matters – Updated Designation Boundaries*

KiwiRail have undertaken a value engineering exercise, which has resulted in several changes to the project's land take (principally around Kenderdine Road and Station Road). While these changes are detailed in the table below, we have also updated the NoR, land requirement plans and AEE to also reflect the altered land take.

The NoR now provides for an alteration to the existing designation and the addition of 3.6 ha of land to the rail corridor's current 175 ha footprint. Approximately 1.15 ha of this is permanently required with 2.45 ha required temporarily to support construction.



| Property address                 | Legal Description   | Type of Ownership | Change   |
|----------------------------------|---|-------------------|--|
| 100 Hospital Road                | Lot 240-241<br>Deposited Plan 43645, Part Lot 13<br>Deposited Plan 2989,<br><br>Allotment 237<br>Parish Of Manurewa And<br>Section 12-14,<br>Section 37 And<br><br>Part Section 11<br>Block Vi Otahuhu<br>Survey District | Public            | Decrease in permanent area required due to reducing permanent footprint to station platform and tracks (from 2624 m <sup>2</sup> to 2032 m <sup>2</sup> ).<br><br>Increase in temporary area required for construction, with the (from 193 m <sup>2</sup> to 1936 m <sup>2</sup> ) |
| Road Reserve – Orakau Road       | N/a   | Public            | Increase in temporary area to accommodate all works (from 40 m <sup>2</sup> to 444 m <sup>2</sup> ).   |
| 14 Wyllie Road, Papatoetoe       | Pt Lot 1 P 136372   | Private           | Reduction in area required (from 924 m <sup>2</sup> to 136 m <sup>2</sup> ) with land take restricted to an access corridor through to 12 Wyllie Road.   |
| 74D Kenderdine Road, Papatoetoe  | Lot 5 DP 327717,<br>¼ SH Lot 6 DP 327717  | Private           | Deleted as no longer required (retaining wall design has been updated)   |
| 76 Kenderdine Road, Papatoetoe   | PT Lot 30 DP 16605  | Private           | Deleted as no longer required (retaining wall design has been updated)   |
| 1/76 Kenderdine Road, Papatoetoe | Pt Lot 30 DP 16605, Flat 1 DP 80955   |                   |  |
| 2/76 Kenderdine Road, Papatoetoe | Pt Lot 30 DP 16605, Flat 2 DP 80955   |                   |  |
| 3/76 Kenderdine Road, Papatoetoe | Pt Lot 30 DP 16605, Flat 3 DP 80955   |                   |  |

| Property address                 | Legal Description                      | Type of Ownership | Change  |
|----------------------------------|--|-------------------|---|
| 4/76 Kenderdine Road, Papatoetoe | Pt Lot 30 DP 16605, Flat 4 DP 80955    |                   |   |
| 78 Kenderdine Road, Papatoetoe   | Pt Lot 30 DP 16605, Pt Lot 31 DP 16605 | Private           | Deleted as no longer required (retaining wall design has been updated)                                      |
| 80 Kenderdine Road, Papatoetoe   | Lot 1 DP 135948                        | Private           | Deleted as no longer required (retaining wall design has been updated)                                      |
| 8 Bridge Street, Papatoetoe      | Lot 21 DP 21411                        | Private           | Deleted as construction access to 10 Bridge Street is not required.   |
| 9 Bridge Street, Papatoetoe      | Lot 27 DP 21411                        | Private           | Deleted as no longer required (retaining wall design has been updated)                                      |
| 10 Bridge Street, Papatoetoe     | Lot 22 DP 21411                        | Private           | Change from a permanent occupation (841 m <sup>2</sup> ) to a temporary occupation (165 m <sup>2</sup> )    |
| 212 Cavendish Drive, Manukau     | Sect 8 SO 501086                       | Private           | Increase from 6838 m <sup>2</sup> to 8372 m <sup>2</sup> of the site for an additional temporary accessway. |

Overall, we consider that adequate information has been provided to enable Auckland Council to accurately identify all affected parties (as discussed in the AEE) and allow the NoR to proceed on a limited notified basis. If our responses are unclear or require further discussion, we would appreciate the opportunity to meet with you prior to the completion of the council's notification assessment.

Yours sincerely

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Copy: Michelle Grinlinton-Hancock (KiwiRail)



9 September 2020

Subject: Response to Further Information Request

Attachments:

A – Updated Land Requirement Plans

B - Updated AEE and notice

C – Updated TIA