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NOTICE OF REQUIREMENT FOR ALTERATION OF DESIGNATION UNDER SECTION 181(1) OF THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council

FROM: City Rail Link Limited
Level 17, 29 Customs Street West

PO Box 105777
Auckland 1143

CITY RAIL LINK LIMITED (CRL) as Requiring Authority under section 167 of the Resource Management Act 1991 (RMA) gives notice of a requirement (NoR) to alter a designation in the Auckland Unitary Plan (Operative in Part) for works associated with the City Rail Link (CRL) being an alteration to CRL Designation 1 (Auckland Unitary Plan reference 2500-1)

1. SUMMARY

CRL proposes to alter:

- Auckland Unitary Plan (CRL designation 2500-1)

The purpose of designation 2500-1 is described in Section 3, Form 18, CRL Designation 1, CRL NoR (Auckland Transport 2012) as follows:

NoR 1 seeks to designate land for Rail Purposes for the City Rail Link (Britomart to Aotea). This includes the construction ((including connection of the CRL to Britomart under lower Queen Street), relocation of utility services, a construction area to support construction works, reinstatement and enhancement following primary construction, and other ancillary construction works), operation and maintenance of two rail tunnels, a new rail station (located under Albert Street approximately between Victoria and Wellesley Streets), housing of appropriate utility services within the operational tunnels (e.g. telecommunications), and ancillary activities associated with the construction, operation and maintenance of the CRL.

The proposed alteration to the designation will correct an error in the metric by which operational rail vibration is assessed. The proposed alteration will make the operational rail vibration provisions in condition 63 for designation 2500-1 consistent with the provisions now applying to CRL designations 2500- 2, 4, 5 and 6¹.

This NoR proposes to amend condition 63 of designation 2500-1 as follows:

¹ Alteration to CRL designations 2500-2, 4, 5 and 6 confirmed 24 July 2018

Operational Vibration

63	1	<p>Operational Rail Vibration</p> <p>63.1 The Requiring Authority shall confirm that operational rail vibration and reradiated noise levels comply with the following Project Criteria at:</p> <p>(a) any noise or vibration sensitive receiver existing at the time of lodgement of the CRL NoR; and</p> <p>(b) <u>the Commercial Bay office tower⁴ at 11-19 Customs Street West, located on Lot 2 DP 69547</u></p>													
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Building Type</th> <th style="text-align: center;">Vibration Criteria Velocity³ PPV (mm/s)</th> <th style="text-align: center;">Reradiated Noise Criteria (dB <u>L_{ASmax}</u> re: 20 µPa)</th> </tr> </thead> <tbody> <tr> <td>Commercial uses with primarily daytime use¹</td> <td style="text-align: center;">0.2 0.14</td> <td style="text-align: center;">40</td> </tr> <tr> <td>Residences and buildings where people normally sleep</td> <td style="text-align: center;">0.15 0.1</td> <td style="text-align: center;">35</td> </tr> <tr> <td>Auditoria/Theatres²</td> <td style="text-align: center;">0.1</td> <td style="text-align: center;">30</td> </tr> <tr> <td>TV/Recording Studios</td> <td style="text-align: center;">0.06 0.045</td> <td style="text-align: center;">25</td> </tr> </tbody> </table> <p>Note:</p> <ol style="list-style-type: none"> 1. Such as offices, businesses, churches, schools, universities and libraries. 2. This includes Albert Street District Court. 3. <u>Maximum one-second root-mean-square (RMS) value with an upper frequency limit of 80 Hz.</u> 4. <u>Commercial Bay office tower means that part of the building commencing at level 4 above ground level</u> <p>63.2 For any noise or vibration sensitive building types that are not provided for in the table above, the upper limit for vibration and reradiated noise shall not exceed <u>a RMS level (1s, maximum) of 0.21 mm/s and 50 dB <u>L_{ASmax}</u></u> 0.3 mm/s PPV and 50 dB <u>L_{ASmax}</u> respectively.</p> <p>63.3 For the avoidance of doubt <u>the Project Criteria in Conditions 63.1 and 63.2 do</u> this does not apply to the North Auckland Line and Britomart Designations.</p> <p>63.4 When assessing operational rail vibration and reradiated noise, compliance with Conditions 63.1 and 63.2 shall be achieved for at least 95% of any 20 consecutive train pass-by 'events'. <u>The events shall be representative of the rolling stock fleet operating on the line and shall include maintenance activities, unless such maintenance activities are undertaken after 11.30pm or before 6.00am.</u></p> <p>63.5 <u>Subject to Condition 66.4 in the case of MediaWorks, when assessing operational rail vibration measurement shall be made in accordance with Section 5.2.3 of BS6472-1:2008 Guide to evaluation of human exposure to vibration in buildings.</u></p>	Building Type	Vibration Criteria Velocity³ PPV (mm/s)	Reradiated Noise Criteria (dB <u>L_{ASmax}</u> re: 20 µPa)	Commercial uses with primarily daytime use ¹	0.2 0.14	40	Residences and buildings where people normally sleep	0.15 0.1	35	Auditoria/Theatres ²	0.1	30	TV/Recording Studios
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2. THE SITES TO WHICH THE NOTICE OF REQUIREMENT APPLIES ARE AS FOLLOWS:

This NoR relates to land within the extent of CRL designation 2500-1.

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

The NoR seeks to alter CRL designation 2500-1 for the purpose of correcting an error in the metric by which operational rail vibration is measured. The nature of the proposed change

is detailed in the NoR for an Alteration to City Rail Link designation 2500-1, Condition 63 Assessment of Environmental Effects (the AEE).

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

No additional conditions for CRL designation 2500-1 are proposed by this NoR. The NoR proposes an alteration to existing conditions only.

5. THE EFFECTS THAT THE PROPOSED WORKS WILL HAVE ON THE ENVIRONMENT AND THE WAYS IN WHICH ANY ADVERSE EFFECTS WILL BE MITIGATED:

An assessment of the actual and potential effects of the proposed alteration is provided in Section 5 of the AEE supporting the NoR. Section 5 of the AEE concludes the potential adverse effects of the proposed alteration are less than minor.

The assessment of potential adverse effects associated with this NoR has been undertaken in reliance upon the technical report provided as **Attachment 1** to the AEE (Proposed Change to Condition 63 of CRL Designation 2500-1, prepared by Pulse Acoustic Consultancy, dated 19 June 2019).

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

The proposed alteration to condition 63 is required to correct a technical error contained in the existing condition. The change will result in the application of a recognised international guideline for operational rail vibration.

No assessment of alternative sites or methodologies to assess operational rail vibration is considered necessary in the circumstances.

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

The proposed alteration supports CRL's approval as a requiring authority "*for the construction, operation, maintenance, replacement, upgrade and improvement of its network utility operation, which is the CRL in Auckland and its associated and ancillary structures, works and activities*".

The proposed NoR to alter condition 63 of CRL designation 2500-1 is necessary in order to correct an error in the existing condition and achieve consistency with the operational rail vibration conditions applying to designations 2500-2, 4, 5 and 6. In order that the CRL can operate in accordance with the intention of the condition (which is to mitigate the actual and potential effects of operational rail vibration) this error requires correction.

The CRL project objectives are included as **Attachment 2** to the AEE. It is considered this NoR is consistent with, and necessary for achieving, the project objectives.

8. OTHER AUTHORISATIONS NEEDED FOR THE PROPOSED ACTIVITY WHICH HAVE NOT BEEN APPLIED FOR:

Outline Plan for track works for designation 2500-1.

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

There are no parties considered to be adversely affected by this NoR, as described in section 5 of the AEE. CRL has, however, requested the NoR be limited notified, as described in section 6.2 of the AEE.

10. CITY RAIL LINK LIMITED ATTACHES THE FOLLOWING INFORMATION REQUIRED TO BE INCLUDED IN THIS NOTICE OF REQUIREMENT BY THE AUCKLAND UNITARY PLAN OPERATIVE IN PART, OR ANY REGULATIONS MADE UNDER THE RESOURCE MANAGEMENT ACT 1991:

Assessment of Environmental Effects for Notice of Requirement to Alter designation 2500-1, condition 63, dated 6 September 2019

11. LAPSE PERIOD:

As CRL designation 2500-1 has already been given effect to, the 10 year lapse date applicable from the date the CRL designations were confirmed in 2015 is no longer relevant.

Signed for CRL by Caroline Beaumont, General Counsel, pursuant to a delegation from the CRL Board

Signature:



Date: 6 September 2019

Address for Service:

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