

TO Celia Davison, Manager Planning – Central/South


FROM Bruce Young, Senior Policy Planner – Central/South


DATE 28 April 2025

SUBJECT **Update requested to the Auckland Unitary Plan
(Operative in Part 2016) (AUP)**

I request an update to the AUP as outlined below:

Reason for update	RMA Section 182 Partial removal of designation confirmed
Chapter(s)	AUP GIS viewer
Designation only	
Designation #2500-1	Britomart Transport Centre to Albert Street/Mayoral Drive
Locations:	Albert Street slip lane, Auckland Central
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	A surface designation extending from Britomart Transport Centre to Albert Street/Mayoral Drive (in the vicinity of the Aotea car park entrance on Mayoral Drive) for the construction, operation and maintenance of the CRL – including two rail tunnels and Aotea Station.
Changes to text (shown in underline and strikethrough)	No change to text in Designations or City Rail Link.
Changes to diagrams	No changes to diagrams
Changes to spatial data	Update the GIS viewer. See Attachment B.
Attachments	Attachment A - Recommendation report Attachment B - Updated AUP GIS viewer

Maps prepared by: Aching Konyak Geospatial Specialist	Text Entered by: Planning Technician
Signature: 	Signature: n/a

prepared by: Bruce Young Planner	Reviewed by: Clare Wall Shaw Team Leader
Signature: 	Signature: 
Authorised by: Celia Davison Manager Planning – Central/South	
Signature: 	

Attachment A
Recommendation Report

Partial removal of a designation under section 182 of the Resource Management Act 1991



To: Clare Wall Shaw – Team Leader Planning Central/South

From: Bruce Young, Senior Planner Planning Central/South

Date: 24 April 2025

Subject: Partial removal of Designation 2500-1 – Albert Street slip lane in the Auckland Unitary Plan (Operative in Part)

Summary

Auckland Council has received a notice from City Rail Link Limited (CRL Limited) under section 182 of the Resource Management Act 1991 (RMA), to remove, in part, Designation 2500-1 being that part of the designation over the lower-level slip lane along the eastern side of Albert Street between Wyndham Street and Victoria Street West (**'Albert Street slip lane'**), Auckland.

The section 182(1) notice has been submitted to partially remove the existing designation as it conflicts with, and is not required for, completion of works within Albert Street slip lane relating to the construction and operation of the City Rail Link (CRL).

Auckland Council, as the territorial authority, is required to amend its district plan, without using the process in Schedule 1, as soon as reasonably practicable after receiving a Section 182 notice, unless it considers that the effect of the removal of part of the designation on the remaining designation is more than minor.

It is recommended that the partial removal be accepted.

Recommendation

1. That the section 182 notice from CRL Limited for the partial removal of Designation 2500-1 Albert Street slip lane in the Auckland Unitary Plan be **accepted** for the following reasons:
 - The designation conditions conflict with the completion of utilities work and road reinstatement along the Albert Street slip lane.
 - The land subject to the partial removal is no longer needed to give effect to the designation and is not required for the operation of the CRL.
 - The remaining utility works and road reinstatement that are proposed in the Albert Street slip lane are permitted activities under the AUP.
 - The effects of the removal on the remaining designation are less than minor.

2. That Designation 2500-1, as requested in the vicinity of the Albert Street slip lane, be partially removed, as soon as reasonably practicable, from the Planning Maps in the Auckland Unitary Plan (Operative in Part).

1. Description

1.1 References

Designation number:	Designation 2500-1 Britomart Transport Centre to Albert Street/Mayoral Drive
Lodgement date:	17 April 2025
Requiring authority:	City Rail Link Limited
Reporting officer:	Bruce Young
Site address:	Albert Street slip lane, Central Auckland
UP Zoning:	N/A

2. Background

2.1 Details of designation

The purpose of designation 2500-1 is for the construction, operation and maintenance of the CRL – including two rail tunnels and Aotea Station.

CRL Limited has determined that part of this designation is no longer required for the completion of this section of the CRL and has given Notice of Removal of Part of Designation 2500-1 in the Auckland Unitary Plan Operative in Part 2016, pursuant to Section 182 of the Resource Management Act 1991 (Attachment 1). This part of the designation is no longer required for the operation of the CRL and would be removed in any event following completion of CRL construction.

The designation conditions that currently apply to this area require maintenance of property access and allow for temporary closures, but only for a limited duration of up to 72 hours, in accordance with condition 25.3(f) and the note under 25.3(g). The utility works and road reinstatement are expected to take longer than 72 hours.

2.2 Land affected by removal

The designation is currently shown in the Auckland Unitary Plan (Operative in Part) (AUP) maps as follows:



Figure 1: Existing CRL Designation 2500-1 at Albert Street

CRL Limited has provided a plan showing the extent of the designation which is to be partially removed from Albert Street slip lane (see Figure 2 below).



Legend

Designation 2500-1



Part of Designation 2500-1 to be removed (full extent of the Albert Street slip lane to the western kerb Line)



Figure 2: Removal of part of CRL Designation 2500-1, as indicated by olive area.

2.3 Delegated authority to consider withdrawal of designations

Hearings Commissioners have delegated authority in accordance with the Chief Executive's Delegation Register (March 2025, version 1.8) to exercise the Council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to section 182 to receive withdrawals of designations and to amend the District Plan accordingly (Schedule 2A, page 104).

2.4 Relevant Statutory Provisions

Section 182 of the RMA allows a requiring authority to remove a designation or part of a designation if it no longer wants it. This section also applies to a notice by a territorial authority, to withdraw its own designation or part of a designation within its own district. Section 182 states:

- (1) If a requiring authority no longer wants a designation or part of a designation, it shall give notice in the prescribed form to—*
 - (a) the territorial authority concerned; and*
 - (b) every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and*
 - (c) every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.*
- (2) As soon as reasonably practicable after receiving a notice under subsection (1), the territorial authority shall, without using the process in [Schedule 1](#), amend its district plan accordingly.*
- (3) The provisions of [Schedule 1](#) shall not apply to any removal of a designation or part of a designation under this section.*
- (4) This section shall apply, with all necessary modifications, to a notice by a territorial authority to withdraw its own designation or part of a designation within its own district.*
- (5) Notwithstanding subsections (2) to (4), where a territorial authority considers the effect of the removal of part of a designation on the remaining designation is more than minor, it may, within 20 working days of receipt of the notice under subsection (1), decline to remove that part of the designation.*
- (6) A requiring authority may object, under section 357, to any decision to decline removal of part of a designation under subsection (5).*

3. Effect of partial removal of designation on remaining designation

CRL Limited has provided the following reasons for the partial removal of Designation 2500-1 Albert Street slip lane:

- i. Removal of the designation from the area identified in Figure 1 does not impact any operational conditions in Designation 2500-1. This part of the designation is not required for the operation of the CRL and would be removed in any event following completion of CRL construction.*

- ii. *The remaining CRL construction works within the Albert Street slip lane comprise installation of network utilities and consequential road reinstatement. These remaining works are not required for the operation of the CRL.*
- iii. *The remaining utility works are not specified environmental mitigation for the CRL.*
- iv. *The remaining utility works and road reinstatement that are proposed in the Albert Street slip lane are permitted activities under the AUP, and therefore the adverse effects associated with undertaking the works are of a type and at a level that is permitted by the AUP. A Certificate of Compliance (CoC) has been obtained to complete the remaining works and CRL Limited undertakes that the works will be carried out in accordance with the methodology and traffic management arrangements specified in the CoC application (reference CER70025120).*
- v. *The remaining utility works and road reinstatement will necessarily require temporary closure of the Albert Street slip lane. The methodology and traffic management arrangements for undertaking the remaining works have been thoroughly tested by CRL Limited and the preferred methodology minimises access disruption for adjoining properties to the extent reasonably achievable. Designation 2500-1 does not currently authorise and provide for the road closures that are necessary to complete these minor works, and an alteration to designation or a resource consent would be required, if the activities were not permitted under the AUP.*
- vi. *Alteration of the designation would necessitate embarking upon a potentially protracted and expensive process, simply to enable the requiring authority to undertake a permitted activity.*
- vii. *CRL Limited, as the Requiring Authority, considers that it is more appropriate, efficient and commensurate with the minor effects associated with these works to rely on the permitted activity provisions under the AUP, rather than seeking to vary designation 2500-1 once again. The continued application of Designation 2500-1 to the remaining works is considered to be unnecessarily cumbersome.*
- viii. *Failing to amend designation 2500-1 as proposed would prevent the Requiring Authority from undertaking activities that are permitted under the AUP and hinder its completion of the CRL works in a timely manner, in circumstances where the designation is no longer necessary or desired by CRL Limited to complete these works. This would be a perverse outcome that is inconsistent with the scheme of the RMA.*

While not stated in the s182 notice, I note in section 3 of the Council CoC Report (reference CER70025120 - see Attachment 3) that the key reason to undertake the works as permitted activities under the AUP is that completing the works under the designation was not possible

in the location of the Albert St slipway, due to work durations conflicting with the designation conditions requiring maintenance of property access.

3.1 Assessment

Operational conditions, remaining utility work/road reinstatement, designation removal and road closure in Albert Street slip lane

CRL Operational conditions

The removal of this part of the designation does not hinder the operational conditions for the CRL. The slip lane is on a lower level to the Albert Street main carriageway and is not required for the operation of the CRL. This part of the designation was used to facilitate the reinstatement of the Bluestone Wall (Historic Heritage Extent of Place-1906 Albert Street basalt wall including gate, fence, lamp and toilets) as part of the CRL conditions which necessitated a reduction in the slip lane carriageway width to enable final reconstruction of the wall. The Bluestone Wall remains within Designation 2500-1. I concur that the removal of this part of the designation will not hinder the operational conditions for the CRL. CRL Limited also concludes that removal is permanent and that there is no intent to reinstate designation 2500-1 being applied over the slip lane.

Utilities/road reinstatement

CRL Limited will undertake installation of utilities and reinstatement of the slip lane to enable access to Durham Street West and various properties within the block. These works are not part of the operational requirements of the CRL. The utilities installation and surface reinstatement are works that are contractually required to be undertaken by CRL Limited but are not associated with any other environmental mitigation required by the designation. A CoC has been obtained to complete the remaining works and CRL Limited undertakes that the works will be carried out in accordance with the methodology and traffic management arrangements specified in the CoC application (reference CER70025120-See Attachment 2). In summary the utility works involve construction of:

- Stormwater catchpits and associated pipework.
- Two Auckland Transport Business Technology (ATBT) ducts required for Auckland Transport Intelligent Transportation Systems network across the region (e.g. co-ordinated traffic signals), which will be installed along the eastern side footpath of the slip lane.
- A 110m subsoil drain installed below the kerb alignment in the slip lane to manage groundwater impacts on the road pavement.

All work described above involve cut and cover trench excavations up to 600mm deep with associated earthworks approximately 650m² in area and 350m³ in volume.

Traffic management and sequencing through the construction period are to be provided for along with management of construction dust. This is further addressed below.

A Construction Noise and Vibration Management Plan sets out the approach to consultation, a description of the works and mitigations, management of adverse vibration on heritage features and the concludes with the best practicable option proposed.

Chapter E26 Infrastructure of the AUP is the primary provision that enables the construction of the road network and associated infrastructure.

In addition, other relevant AUP provisions are:

- E8 Stormwater - Discharge and diversion
- E25 Noise and vibration
- E30 Contaminated land

Section 6 of the Council's CoC Report (Attachment 3) outlines the specific provisions for utility work and road reinstatement of Albert Street slip lane. I concur with the planner's assessment of the AUP provisions that enable the proposed work in Albert Street slip lane to be undertaken as permitted activities.

Designation removal

Designation 2500-1 in the vicinity of Albert Street slip lane applies only to the slip lane (road network). The road is not zoned in the Auckland Unitary Plan (AUP) and the designation is not applied to any private land in the vicinity of the partial removal of designation area.

The partial removal of the designation will remove CRL Limited's ability to exert control over the use of the land no longer subject to their designations under s176 of the RMA. Rather, as stated by CRL Limited, the road reinstatement and utility work will be managed through the AUP as described above. CRL Limited will be responsible for the work, constructed to Auckland Transport (AT) standards.

I consider the use of Chapter E26 Infrastructure Table E26.2.3.1 Activity table to be more effective and efficient in achieving the outcome for the slip lane environment and traffic and pedestrian safety for all road users and adjacent landowners/occupiers.

To this extent, the applicant has notified AT and all adjacent landowners (Attachment 4) of the intended partial removal of designation 2500-1.

I do not consider altering the designation to be efficient or as effective because of the process time and costs that would be incurred to achieve the same outcome as the partial removal of the designation.

In addition, CRL Limited confirm the partial removal of the designation is permanent as it no longer requires the slip lane for CRL operational requirements.

Temporary road closure and property access

Partial removal of the designation affecting Albert Street will still enable transport users to utilise the slip lane to access properties, but will also allow for temporary restriction of access to properties allow for the completion of works.

Under the designation, temporary road closures in excess of 72 hours are not provided for.

Condition 25.3(f)(ii) and the note under 25.3(g) allow for temporary closures of up to 72 hours but not beyond. The conditions relate to the construction, operation and maintenance of the CRL. Given the construction of the CRL in this vicinity is almost complete (Bluestone Wall excluded), the partial removal of designation 2500-1 will remove the work durations conflicting with the designation conditions requiring maintenance of property access. It is understood that CRL Limited is in regular contact with adjacent property owners/occupiers to

ensure ongoing access during the slip lane work. Impacts on private property access will be minimised, and reasonable access to private property will be maintained, in accordance with AT requirements.

Summary

CRL lodged the application for the CoC to enable the works described in section 3.1 Assessment Utilities/road reinstatement above.

I have read the Council CoC Report and concur with his findings with respect to:

- Traffic management-access to adjacent properties
- Management of construction noise and vibration-best practicable options undertaken to mitigate and minimise noise and vibration works
- Management of works near Historic Heritage Features (Bluestone Wall)-construction measures to ensure protection of the wall during slip lane utility works/road reinstatement
- Management of construction dust-mitigation measures (water spray, cutting both) used to mitigate dust
- Wayfinding-wayfinding signage placed (in agreement with adjacent landowners/occupiers) within the vicinity
- Contaminated land-A contamination assessment was provided which concluded that no contaminants were found at sample locations around the slip lane.

With the partial removal of designation 2500-1 affecting Albert Street slip lane, the utility work and road reinstallation can be more appropriately managed through the approved CoC enabled through the AUP provisions as outlined in section 6 of the Council CoC Report and subject to the works access permit obtained from Auckland Transport.

Therefore, having considered the potential effects of the partial removal of the designation affecting the Albert Street slip lane, I am satisfied that the partial removal of designation 2500-1 over the Albert Street slip lane does not have a more than minor effect on the remainder of Designation 2500-1 and that the partial removal can be accepted.

4. Recommendation

That pursuant to Section 182 of the Resource Management Act 1991 the partial removal of Designation 2500-1 - Britomart Transport Centre to Albert Street/Mayoral Drive affecting the Albert Street slip lane be **accepted** and the Auckland Unitary Plan (Operative in Part) Planning Maps be amended accordingly.

Prepared by: Bruce Young
Senior Planner
Central/South Planning and
Resource Consents

Accepted by: Michael Parsonson
Hearings Commissioner

Signature:



Signature:



Date 24 April 2025

Date 28 April 2025

Attachment 1



CityRailLink.co.nz    

Notice of Removal of Part of Designation 2500-1 in the Auckland Unitary Plan Operative in Part 2016, pursuant to Section 182 of the Resource Management Act 1991

To: Auckland Council

And to: Auckland Transport

And to: Other Persons Likely to be Affected (see Attachment 1)

CITY RAIL LINK LIMITED ('**CRL Ltd**') as Requiring Authority under section 167 of the Resource Management Act 1991 (**RMA**) gives notice that it no longer requires part of the following designation:

- 2500-1 'City Rail Link' in the Auckland Unitary Plan Operative in Part 2016 ('**AUP**'), and being that part of the designation over the lower-level slip lane along the eastern side of Albert Street between Wyndham Street and Victoria Street West ('**Albert Street slip lane**'), Auckland, as shown in Figure 1.

The purpose of designation 2500-1 is described in the AUP as follows:

City Rail Link (CRL). A surface designation extending from Britomart Transport Centre to Albert Street/Mayoral Drive (in the vicinity of the Aotea car park entrance on Mayoral Drive) for the construction, operation and maintenance of the CRL – including two rail tunnels and Aotea Station.



Legend

Designation 2500-1



Part of Designation 2500-1 to be removed (full extent of the Albert Street slip lane to the western kerb Line)



Figure 1 Part of Designation 2500-1 to be removed

Section 182 RMA Assessment

The relevant parts of section 182 of the RMA state:

(1) If a requiring authority no longer wants a designation or part of a designation, it shall give notice in the prescribed form to—

(a) the territorial authority concerned; and

(b) every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and

(c) every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.

...

(5) Notwithstanding subsections (2) to (4), where a territorial authority considers the effect of the removal of part of a designation on the remaining designation is more than minor, it may, within 20 working days of receipt of the notice under subsection (1), decline to remove that part of the designation.

With regard to subsection 182(1), this Notice is being given to Auckland Council (the Territorial Authority under subsection 1(a)), Auckland Transport (the road controlling authority for Albert Street under subsection 1(b)), and property owners and occupiers within the block bound by Albert Street, Wyndham Street, Queen Street and Victoria Street West who are identified in **Attachment 1** (other persons likely to be affected by the designation under subsection 1(c)).

With regard to subsection 182(5), CRL Ltd considers that the removal of the designation from the Albert Street slip lane does not have a more than minor effect on the remainder of Designation 2500-1, because:

- i. Removal of the designation from the area identified in Figure 1 does not impact any operational conditions in Designation 2500-1. This part of the designation is not required for the operation of the City Rail Link (**CRL**) and would be removed in any event following completion of CRL construction.
- ii. The remaining CRL construction works within the Albert Street slip lane comprise installation of network utilities and consequential road reinstatement. These remaining works are not required for the operation of the CRL.

- iii. The remaining utility works are not specified environmental mitigation for the CRL.
- iv. The remaining utility works and road reinstatement that are proposed in the Albert Street slip lane are permitted activities under the AUP, and therefore the adverse effects associated with undertaking the works are of a type and at a level that is permitted by the AUP. A Certificate of Compliance ('CoC') has been obtained to complete the remaining works and CRL Ltd undertakes that the works will be carried out in accordance with the methodology and traffic management arrangements specified in the CoC application (reference CER70025120).
- v. The remaining utility works and road reinstatement will necessarily require temporary closure of the Albert Street slip lane. The methodology and traffic management arrangements for undertaking the remaining works have been thoroughly tested by CRL Ltd and the preferred methodology minimises access disruption for adjoining properties to the extent reasonably achievable. Designation 2500-1 does not currently authorise and provide for the road closures that are necessary to complete these minor works, and an alteration to designation or a resource consent would be required, if the activities were not permitted under the AUP.
- vi. Alteration of the designation would necessitate embarking upon a potentially protracted and expensive process, simply to enable the requiring authority to undertake a permitted activity.
- vii. CRL Ltd, as the Requiring Authority, considers that it is more appropriate, efficient and commensurate with the minor effects associated with these works to rely on the permitted activity provisions under the AUP, rather than seeking to vary designation 2500-1 once again. The continued application of Designation 2500-1 to the remaining works is considered to be unnecessarily cumbersome.
- viii. Failing to amend designation 2500-1 as proposed would prevent the Requiring Authority from undertaking activities that are permitted under the AUP and hinder its completion of the CRL works in a timely manner, in circumstances where the designation is no longer necessary or desired by CRL Ltd to complete these works. This would be a perverse outcome that is inconsistent with the scheme of the RMA.

Summary

CRL Ltd requests that Auckland Council amend the AUP in accordance with this request, as soon as practicable, pursuant to section 182 of the RMA.

Signed for CRL Ltd by Richard Jenkins, RMA Planning Lead, pursuant to a delegation from the CRL Ltd Board.

Signature:

A handwritten signature in black ink, appearing to be 'RJ', written over a light blue horizontal line.

Date: 17 April 2025

Address for Service:

City Rail Link Limited

PO Box 9681, Newmarket, Auckland 1149

Attachment 1 – Other Persons Likely to be Affected

Owners and Occupiers of the following Properties:

Street Address	Legal Description	Record of Title
12 Wyndham Street	Pt Lot 2 DP 1145	NA58D/428
14 Wyndham Street	ALLOT 2 DP 2395	NA373/247
16 Wyndham Street	DP 22102	NA88C/480
20 Wyndham Street	Lot 1 DP 39551	228697
24 Wyndham Street	DP 438	NA43B/206
26 Wyndham Street	PT ALLT 3 SECT 16 CITY AUCKLAND, PT ALLOT 4 SEC 16 City AUCKLAND, PT ALLOT 4 SEC 16 City AUCKLAND, PT ALLOT 4 SEC 16 City AUCKLAND	NA45/283 NA2D/387 NA164/140 NA116/263
34-36 Wyndham	Lot 2 DP 350796	208024
38 Wyndham Street	PT ALLOT 4 SEC 16 DP 438	NA93C/168
70-74 Albert Street (comprising 115 unit- titles)	Lot 1 DP 360477	447284
76-84 Albert Street (comprising 189 unit- titles for carparks)	LOT 1 DP 308533	136286
76 Albert Street	Lot 2 DP 308533	136290
92-96 Albert Street	Lot 3 DP 367621	274666
98-102 Albert Street	Pt Lot 9 DP 4267	NA91D/109
43 Victoria Street	PT ALLOT 9 SEC 16 Town AUCKLAND	NA751/13
37-41 Victoria Street	Lot 1 DP 87475	NA45B/606

Street Address	Legal Description	Record of Title
27-35 Victoria Street	Lot 1 DP 66467	NA101D/485
22 Durham Street West	LOT 5 DP 450987	573993
24 Durham Street West	LOT 9 DP 450987	722705
26 Durham Street West	LOT 8 DP 450987	722703
19 Victoria Street	LOT 6 DP 450987	722702
9-11 Durham Lane	Lot 2 DP 201029	NA129D/161
171 Queen Street	Lot 1 DP 181393	NA112C/400
175 Queen Street	Pt Lot 1 DP 49223 Lot 1 DP 52719	NA127D/299
163 Queen Street	Lot 4 DP 58849	NA13B/1217
167-173 Queen Street	Lot 1 DP 29037 Lot 2 DP 52719 PT ALLOT 16 SEC 16 Town AUCKLAND	805274
155 Queen Street	Lot 2 DP 58849 Lot 3 DP 58849 Lot 1 DP 58849	NA104D/389
203 Queen Street	Lot 1 DP 423418 Lot 2 DP 423418	490811 490810
187-189 Queen Street	Lot 4 DP 329897	138390
191 Queen Street	LOT 1 DP 450987	573992

Attachment 2

Certificate of compliance issued under section 139 of the Resource Management Act 1991



Application number: CER70025120 (certificate of compliance)
Applicant's name: City Rail Link Limited
Site address: Albert Street slip lane (between Wyndham Street and Victoria Street West)
Legal description: n/a - road
Date application received: 20 December 2024

Proposal:

City Rail Link Limited (CRL) is seeking a certificate of compliance (CoC) to install network utilities and reinstate road pavement in the Albert Street Slip Lane. The extent of the works area is shown in the below figure:



The proposed utility works comprise:

- Stormwater catchpit and associated pipework. These are to take surface water and direct it into the existing stormwater reticulation system. Catchpits will be located in the Slip Lane, both north and south of Durham Street West intersection;
- Auckland Transport Business Technology (ATBT) ducts, comprising two 100mm diameter ducts along the Slip Lane. These ducts are required by Auckland Transport as part of the Intelligent Transportation Systems network across the Auckland region (e.g. coordinated traffic signals). The ducts are to be installed along the eastern side footpath of the Slip Lane;
- Subsoil drainage, below the kerb alignment in the Slip Lane. A 110mm diameter subsoil drain is required to manage groundwater impacts on the road pavement.

All of the works described above involve cut and cover trench excavations up to 600mm deep. The associated earthworks are approximately 650m² in area and 350m³ in volume.

Details of traffic management and sequencing through the construction period are provided, along with measures to manage dust and provide wayfinding.

The proposal is supported by a Construction Noise and Vibration Management Plan that sets out the approach to consultation, a description of the works and mitigations, management of adverse vibration on heritage features, and concludes the best practicable option is proposed.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for a certificate of compliance. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

The proposal described above is permitted under the following relevant rules and associated standards of the Auckland Unitary Plan: Operative in Part 2016 (AUP):

- Diversion of stormwater runoff from existing lawfully established impervious areas directed into an authorised stormwater network, a permitted activity pursuant to Rule E8.4.1(A1);
- Noise and vibration levels for work within the road, a permitted activity pursuant to Rule E25.4.1(A1);
- Reinstatement of road carriageway and footpath pavements, a permitted activity pursuant to Rule E26.2.3.1(A1);
- Installation of stormwater catchpits and associated pipework, a permitted activity pursuant to Rule 26.2.3.1(A49);
- Installation of underground telecommunication lines (Auckland Transport Business Technology ducts), a permitted activity pursuant to Rule E26.2.3.1(A40);
- Earthworks for maintenance, renewal and repair of network utilities, a permitted activity pursuant to Rule E26.6.3.1(A110);
- Earthworks for road network activities within 20m of a Historic Heritage Structure, a permitted activity pursuant to E26.8.3.1 (A118);
- Associated earthworks up to 2500m² associated with the works, a permitted activity pursuant to Rule E26.5.3.1(A95);
- Associated earthworks up to 2500m³ associated with the works, a permitted activity pursuant to Rule E26.5.3.1(A96); and
- Associated earthworks up to 2500m² where the land has a slope equal to or greater than 10 degrees, a permitted activity pursuant to Rule E26.5.3.2 (A104).

CRLI is also seeking a CoC under Regulation 5(9) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil) for land disturbance.

A full assessment of compliance with these rules and associated standards is provided in Section 6 of the officer's recommendation report.

Acting under delegated authority, I certify that the proposal described above and at the above location can be done lawfully without a resource consent as at 24 February 2025., subject to a works access permit obtained from Auckland Transport being provided to Auckland Council (RMA Compliance) at least 5 days prior to the works which I have included as Advice note 3.

Advice notes

1. *This certificate is deemed to be a resource consent under section 139(10) of the Resource Management Act 1991 (RMA) and is issued subject to on-going compliance with the documents and drawings submitted with the application, detailed below, and all referenced by the council as consent number CER70025120.*
 - *Application form / application document prepared by City Rail Link Limited, reference CRL-MTE-RME--RPT-8000259, dated 18 December 2024.*
 - *Construction noise and vibration management plan prepared by Marshall Day Acoustics, reference Rp 001 20241370, dated 18 December 2024.*
 - *Email response from Alice Ge of CRLI regarding Contaminated Land, dated 17 February 2025*
2. *Section 125 of the RMA applies to this deemed resource consent (refer section 139(12)). Accordingly, this consent will expire five years after the date of the commencement of this deemed consent, unless, before the deemed consent lapses:*
 - *it is given effect to; or*
 - *an application is made to the council to extend the period of the deemed consent, and the council decides to grant an extension after taking into account the statutory considerations set out in section 125(1A)(b) of the RMA.*
3. *A works access permit will need to be obtained from Auckland Transport and will need to be provided to Auckland Council (RMA Compliance) at least 5 days prior to the works.*
4. *The holder of this certificate is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent*

does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

Delegated decision maker:

Name: Nicki Williams

Title: Duty Commissioner

Signed:



Date: 24 February 2025

Attachment 3

Report for a certificate of compliance application under section 139 of the Resource Management Act 1991 (RMA)



1. Application description

Application number:	CER70025120 (certificate of compliance)
Applicant:	City Rail Link Ltd
Site address:	Albert Street slip lane (between Wyndham Street and Victoria Street West)
Legal description:	n/a - road
Site area:	n/a
Auckland Unitary Plan (Operative in part)	
Zoning and precinct:	Road (Albert Street)
Overlays, controls, special features, designations, etc:	Historic Heritage Overlay Extent of Place (Ref 1906: Albert Street basalt wall; Ref 2019: Gas Company Building; Ref 2785: Gypren Hanna Building / Armishaws Buildings; Ref 1949: Former Bluestone Store) Macroinvertebrate Community Index – Urban CRL Designation 2500-1
Date application received:	19 December 2024
Date further information requested:	11 February 2025
Date further information received:	17 February 2005

2. Locality Plan

The proposed project location and surrounding area, as well as relevant applicable zoning, overlay and other AUP plan notations are shown on the below figures:



Legend

	Business - City Centre Zone		Historic Heritage Overlay Extent of Place [rcp/dp]
	Designations		Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]

Source: Auckland Council GIS

3. The proposed permitted activity

Proposal

Reason for the Proposal

CRL identified that completing the proposed works outline below was not possible in the location of the Albert St slipway, due to work durations conflicting with the designation conditions requiring maintenance of property access. In considering options to address this issue, CRL identified the works as permitted under the AUP:OP.

It is understood that subject to Council determining to certify these works as permitted CRL will uplift the designation over the extent of the works area (being Albert St Slipway), ahead of a comprehensive uplift of those parts of the designation identified as not required for operation and maintenance of the City Rail Link.

Proposed Works

Following reinstatement of the existing heritage wall, the City Rail Link (CRL) project proposes to install network utilities and reinstate road pavement in the Albert Street Slip Lane. The extent of the works area is shown in the below figure:



The proposed utility works comprise:

- Stormwater catchpit and associated pipework. These are to take surface water and direct it into the existing stormwater reticulation system. Catchpits will be located in the Slip Lane, both north and south of Durham Street West intersection;
- Auckland Transport Business Technology (ATBT) ducts, comprising two 100mm diameter ducts along the Slip Lane. These ducts are required by Auckland Transport as part of the Intelligent Transportation Systems network across the Auckland region (e.g. coordinated traffic signals). The ducts are to be installed along the eastern side footpath of the Slip Lane;

- Subsoil drainage, below the kerb alignment in the Slip Lane. A 110mm diameter subsoil drain is required to manage groundwater impacts on the road pavement.

All of the works described above involve cut and cover trench excavations up to 600mm deep. The associated earthworks are approximately 650m² in area and 350m³ in volume.

Traffic Management

The works are proposed to be staged so that vehicle access to properties fronting the Slip Lane and the entire precinct is maintained as much as possible. Pedestrian access to properties is proposed to be maintained at all times. Details of the proposed sequencing of traffic management measures are set out in Sections 3.2.1 to 3.2.4 of the application document.

Management of Construction Noise and Vibration

A Construction Noise and Vibration Management Plan (CNVMP) has been prepared for the works and is included in Appendix A of the application documentation.

The CNVMP sets out the following:

- details of consultation to be undertaken to advise the occupiers of properties located within 100m of the proposed works of:
 - the area affected by the works;
 - why some components of the works are required to be undertaken at night;
 - the times and days when the noise and vibration is likely to be generated;
 - the contact name and number of the works supervisor who can be contacted if any issues arise; and
 - how noise and vibration complaints will be managed and responded to;
- a description of the works and their duration, anticipated equipment to be used, the mitigation to be undertaken, and the predicted noise and vibration levels; and
- best practicable options that will be undertaken to mitigate and minimise noise and vibration from the works.

Management of Works near Historic Heritage features

The proposed works will be undertaken adjacent to the reconstructed heritage Bluestone Wall (AUP reference: 1906), and within 20m of two other heritage buildings (the former Gas Company Building, and Gypren Hanna/Armishaws Building). A fourth building, the former Bluestone Store, is located approximately 21m away from the works area.

A desktop assessment has been undertaken to evaluate vibration sensitivity of the four identified structures/buildings, and this is reported in the CNVMP provided with the application documentation. The CNVMP proposes establishing a vibration safe setback distance, based on the proposed construction methods and equipment. The works will be

directly adjacent to the Bluestone Wall, meaning this heritage structure is located within the vibration safe setback. The Link Alliance structural engineers have confirmed the Bluestone Wall is being reconstructed to current seismic standards and is not vibration sensitive.

Concrete breakers and plate/roller compaction will be the primary sources of construction vibration, and limitations are proposed to be placed on these activities by the applicant in proximity to the Bluestone Wall (e.g., a hand-held jack hammer shall be used for breaking within 1 metre of the wall, as opposed to a digger mounted breaker).

Management of Construction Dust

Exposed earthworks surfaces with a potential to generate dust are proposed to be covered or sprayed down with water.

Dust arising from paver cutting is proposed to be contained within a temporary enclosed cutting booth and sprayed down with water. Use of the cutting booth is also proposed to assist in managing noise generated by paver cutting.

Wayfinding

Wayfinding signage to businesses within the precinct is proposed to be placed around the construction site. Signage locations and content are proposed to be consulted on and agreed with adjacent properties by the applicant.

Contaminated Land

In response to a request for further information, the applicant supplied a copy of the 2016 Contaminated Land Assessment (CLA) and identified that it was prepared as a Detailed Site Investigation in a manner that complies with the Ministry for the Environment's Contaminated Land Management Guidelines.

The contamination assessment under Section 6.3.3 of the CLA did not find any contaminants above background concentrations at the five boreholes sample locations around the slip lane. As such, the section of Albert Street (including Slip Lane) between Wyndham Street and Victoria Street is not considered to be a "piece of land" covered by the NES Contaminated Soil, pursuant to Regulation 5(9).

4. Reason(s) for the application

Certificate of compliance (s139) – CER70025120

Auckland Unitary Plan (Operative in part)

City Rail Link Limited (CRL) is seeking a certificate of compliance (CoC) for the following permitted activities under the Auckland Unitary Plan: Operative in Part 2016 (AUP):

- Diversion of stormwater runoff from existing lawfully established impervious areas directed into an authorised stormwater network, a permitted activity pursuant to Rule E8.4.1(A1);

- Noise and vibration levels for work within the road, a permitted activity pursuant to Rule E25.4.1(A1);
- Reinstatement of road carriageway and footpath pavements, a permitted activity pursuant to Rule E26.2.3.1(A1);
- Installation of stormwater catchpits and associated pipework, a permitted activity pursuant to Rule 26.2.3.1(A49);
- Installation of underground telecommunication lines (Auckland Transport Business Technology ducts), a permitted activity pursuant to Rule E26.2.3.1(A40);
- Earthworks for maintenance, renewal and repair of network utilities, a permitted activity pursuant to Rule E26.6.3.1(A110);
- Earthworks for road network activities within 20m of a Historic Heritage Structure, a permitted activity pursuant to E26.8.3.1 (A118);
- Associated earthworks up to 2500m² associated with the works, a permitted activity pursuant to Rule E26.5.3.1(A95);
- Associated earthworks up to 2500m³ associated with the works, a permitted activity pursuant to Rule E26.5.3.1(A96); and
- Associated earthworks up to 2500m² where the land has a slope equal to or greater than 10 degrees, a permitted activity pursuant to Rule E26.5.3.2 (A104).

CRLL is also seeking a CoC under Regulation 5(9) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil) for land disturbance.

Consideration of the application

5. Statutory considerations

Section 139 of the Resource Management Act 1991 (RMA) sets out the circumstances under which a consent authority may issue a certificate of compliance.

A certificate must be issued if the activity referred to in the application can be done lawfully in a particular location without a resource consent, and the applicant pays the appropriate administrative charge (section 139(6)).

Any certificate which is issued must describe the activity and the location, and state that the activity can be done lawfully in the particular location without a resource consent, as at the date on which the consent authority received the request (section 139(7)).

Under section 139(8), a consent authority must not issue a certificate if the request has been made after a proposed plan has been notified, and the activity referred to in the application could not be done lawfully in a particular location without a resource consent, under the proposed plan.

6. Analysis of plan provisions

The proposal has been described in the submitted application material. The information submitted by the applicant is considered against the permitted activity rules of the relevant plan below.

Auckland Unitary Plan (Operative in part)

Provision / rule	Analysis / Conclusion
Rule E8.4.1(A1)	The proposed works divert stormwater from existing impervious surfaces. The works are a permitted activity as they comply with Standard E8.6.2.1 (refer below).
Permitted Activity Standard E8.6.2.1	<p>Albert Street, including the Slip Lane, has been in place for many years and was lawfully established based on its status as a legal road.</p> <p>No additional impervious surfaces are proposed to be created. The area is entirely impervious and was impervious prior to the works. In addition, the proposal involves no increase in stormwater runoff.</p>
Rule E25.4.1 (A1)	A CNVMP has been prepared and provided with the application documentation. The CNVMP confirms that the proposed noise and vibration generating activities within the road, associated with the utilities relocation and pavement reinstatement works, will meet all relevant permitted activity standards.
Standard E25.6.29 (1)	Refer below to the assessment for Rule E25.6.29 (2) and E25.6.29 (3) below, which provide exceptions to Rule E25.6.29 (1).
Standard E25.6.29 (1A)	Refer below to the assessment for Rule E25.6.29 (4A), which provide exceptions to Rule E25.6.29 (1A).
Standard E25.6.29 (2)	<p>The works are planned works in the road.</p> <p>The works will comprise night works of up to 3 nights where the noise generated by the works may exceed the noise levels in Table E25.6.28.2.</p> <p>The night works relate to connecting ducts to traffic signals, and final asphalt surfacing of the carriageway, which are required to be undertaken at nighttime by Auckland Transport.</p> <p>A copy of the works access permit will be obtained from Auckland Transport and will be provided to Auckland Council at least 5 days prior to the proposed works commencing.</p>

	<p>A CNVMP has been prepared and provided with the application documentation. It has been reviewed by an Auckland Council acoustic specialist who has confirmed it demonstrates compliance with the relevant permitted activity rules and standards of Chapter E25</p> <p>The proposed works therefore comply with Rule E25.6.29 (2).</p>
Standard E25.6.29 (3)	<p>A CNVMP has been prepared and provided with the application documentation.</p> <p>The proposed works therefore comply with Rule E25.6.29 (3).</p>
Standard E25.6.29 (4A)	<p>A copy of the works access permit will be obtained from Auckland Transport and will be provided to Auckland Council at least 5 days prior to the works.</p> <p>A CNVMP has been prepared and provided with the application documentation which has been reviewed as stated above.</p> <p>The proposed works therefore comply with Rule E25.6.29 (4A).</p>
Rule E26.2.3.1, (A1)	<p>Albert Street has been lawfully established and the proposed works constitute the maintenance and repair of a network utility as defined in the AUP.</p> <p>As such, reinstatement of road carriageway, pavements and footpaths in the Slip Lane is a permitted activity.</p>
Rule E26.2.3.1, (A49)	<p>Installation of stormwater catch pits, subsoil drainage and associated pipework (draining to existing reticulated system) in the Slip Lane (road) is a permitted activity.</p>
E26.2.3.1, (A40)	<p>Installation of Auckland Transport Business Technology ducts to provide Intelligent Transportation Systems network across Auckland region (e.g. coordinated traffic signals) in the Slip Lane (road) is a permitted activity.</p>
E26.5.3.1 (A95)	<p>Approximately 650m² of earthworks are proposed, therefore complying with the permitted standard threshold of a maximum of 2,500m².</p>
E26.5.3.1 (A96)	<p>Approximately 350m³ of earthworks are proposed, therefore complying with the permitted standard threshold of a maximum of 2,500m³.</p>
E26.5.3.2(A104)	<p>The earthworks area of the Slip Lane works is approximately 1,500m², has sections where its slope is steeper than 10 degrees, and is located outside the Sediment Control Protection Area. This complies with the permitted standard threshold of a maximum of 2,500m².</p>

Rule E26.6.3.1, (A110)	The utility works meets all relevant permitted activity standards below and is therefore a permitted activity.
Standard E26.6.5.1	CRLL have an archaeological authority applicable to land disturbing works in the Albert Slip Lane (Authority no.: 2017-793).
Standard E26.6.5.2 (17)	<p>The earthworks for the utilities and public realm works are not located within a Historic Heritage Overlay.</p> <p>The Bluestone Wall Historic Heritage Overlay presently sits over the location of the wall in its original position, prior to dismantling to allow the construction of the CRL tunnels in Albert Street.</p> <p>Once in its new position CRLL will provide Auckland Council with a shape file confirming its new location and the AUP planning maps will be updated. Regardless, the Overlay applies only to the Bluestone Wall structure itself and not the road reserve of the Slip Lane. The proposed works therefore comply with E26.6.5.2 (17).</p>
Rule E26.8.3.1 (A118)	The proposed works meet permitted activity standards under E26.8.5.1.
Standard E26.8.5.1 (5)	<p>The proposed works include reinstatement of road and footpath pavements and will be within 20m of four Historic Heritage structures/buildings (refer to Section 4.1).</p> <p>The CNVMP prepared and provided with the application documentation includes a vibration management plan for working in proximity to historic heritage structures.</p> <p>As such, the proposed works meet Standard E26.8.5.1(5).</p>
Chapter E30 – Contaminated Land NES:CS Regulation 5(9)	<p>Chapter E30 does not apply to the proposed works as the DSI undertaken for the city rail link regional consents identified the soil did not contain elevated contaminants against background levels.</p> <p>Under Reg5(9) of the NES the proposed works are permitted as the site is not a piece of land, for the same reason (no elevated contaminants).</p>

7. Conclusion

Overall, subject to a copy of the works access permit from Auckland Transport being provided to Auckland Council at least 5 days prior to the works, the proposed works relating to network utilities installation and pavement surfaces reinstatement along the Albert Street slip lane can occur as a permitted activity, and a certificate of compliance can be issued for this activity.

8. Recommendation

Under s139 of the RMA, I recommend that the Council issues a certificate of compliance as:

- The architecture of the plan provides a permissive framework for undertaking utility works within the road corridor subject to management of specified adverse effects.
- Sufficient details have been provided in the application document, further information and supporting CNVMP to set out how the proposed works demonstrate compliance with the relevant identified permitted activity rules and standards.
- A works access permit will need to be obtained from Auckland Transport. This needs to be provided to Auckland Council (RMA Compliance) at least 5 days prior to the works to satisfy Standard E25.6.29 (2) and Standard E25.6.29 (4A). The works cannot proceed without this permit, so it is a procedural rather than substantive matter that does not need to preclude issuance of this certificate.

This report and recommendation prepared by:

Name: Blair Masfield

Title: Consultant Planner, Premium Resource Consents

Signed:



Date: 19 February 2025

Approval for release to be determined by a Duty Commissioner by:

Name: Warwick Pascoe

Title: Principal Project Lead, Premium Resource Consents

Signed:

A handwritten signature in blue ink, consisting of a large, stylized 'W' followed by a horizontal line.

Date: 19 February 2025

Attachment 4

Other Persons Likely to be Affected

Owners and Occupiers of the following Properties:

Street Address	Legal Description	Record of Title
12 Wyndham Street	Pt Lot 2 DP 1145	NA58D/428
14 Wyndham Street	ALLOT 2 DP 2395	NA373/247
16 Wyndham Street	DP 22102	NA88C/480
20 Wyndham Street	Lot 1 DP 39551	228697
24 Wyndham Street	DP 438	NA43B/206
26 Wyndham Street	PT ALLT 3 SECT 16 CITY AUCKLAND, PT ALLOT 4 SEC 16 City AUCKLAND, PT ALLOT 4 SEC 16 City AUCKLAND, PT ALLOT 4 SEC 16 City AUCKLAND	NA45/283 NA2D/387 NA164/140 NA116/263
34-36 Wyndham	Lot 2 DP 350796	208024
38 Wyndham Street	PT ALLOT 4 SEC 16 DP 438	NA93C/168
70-74 Albert Street (comprising 115 unit- titles)	Lot 1 DP 360477	447284
76-84 Albert Street (comprising 189 unit- titles for carparks)	LOT 1 DP 308533	136286
76 Albert Street	Lot 2 DP 308533	136290
92-96 Albert Street	Lot 3 DP 367621	274666
98-102 Albert Street	Pt Lot 9 DP 4267	NA91D/109
43 Victoria Street	PT ALLOT 9 SEC 16 Town AUCKLAND	NA751/13
37-41 Victoria Street	Lot 1 DP 87475	NA45B/606

Street Address	Legal Description	Record of Title
27-35 Victoria Street	Lot 1 DP 66467	NA101D/485
22 Durham Street West	LOT 5 DP 450987	573993
24 Durham Street West	LOT 9 DP 450987	722705
26 Durham Street West	LOT 8 DP 450987	722703
19 Victoria Street	LOT 6 DP 450987	722702
9-11 Durham Lane	Lot 2 DP 201029	NA129D/161
171 Queen Street	Lot 1 DP 181393	NA112C/400
175 Queen Street	Pt Lot 1 DP 49223 Lot 1 DP 52719	NA127D/299
163 Queen Street	Lot 4 DP 58849	NA13B/1217
167-173 Queen Street	Lot 1 DP 29037 Lot 2 DP 52719 PT ALLOT 16 SEC 16 Town AUCKLAND	805274
155 Queen Street	Lot 2 DP 58849 Lot 3 DP 58849 Lot 1 DP 58849	NA104D/389
203 Queen Street	Lot 1 DP 423418 Lot 2 DP 423418	490811 490810
187-189 Queen Street	Lot 4 DP 329897	138390
191 Queen Street	LOT 1 DP 450987	573992

Attachment B
Updated AUP GIS viewer



Designations: 2500-1 partial removal

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 28/04/2025