

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF A Notice of Requirement by KiwiRail
for an alteration to Designation 6302 -
Island Main Trunk line

DIRECTION 7 OF THE HEARING PANEL

1. The Auckland Council (**Council**) has appointed independent hearing commissioners, Peter Reaburn, David Wren and Nigel Mark-Brown to the Hearing Panel (**Panel**) to hear and make recommendations to the requiring authority on the above NoR. The delegation to the Panel to hear and make recommendations is in terms of section 34A of the Resource Management Act 1991 (**RMA**).
2. At the conclusion to the hearing on 7 December 2021 the Panel adjourned the hearing and indicated matters that it requested be included in KiwiRail's written reply. Those matters were canvassed verbally at the hearing. The purpose of this direction is to record those matters.
3. Pursuant to Section 41C(3) of the RMA KiwiRail is requested to provide the following information on or before the date that final submissions are provided (KiwiRail counsel have indicated this will be 21 December 2021):
 1. Copies of case law relevant to considerations of a modification to a designation footprint after notification, in particular in circumstances where the landowner affected does not agree to the proposed modification (it is expected this matter will also be canvassed in the closing submissions).
 2. Details of what areas of parking on the CMDHB site will not be available for use as DHB parking over the construction period, and over what time period parking areas will not be available for use. This would most helpfully be shown marked up on a plan.
 3. Details of how access and parking on the 64 Rosella Road site, that are intended to mitigate loss of access and parking within the CMDHB site, will be legally secured in future, included once the temporary designation is removed.
 4. Confirmation of the legal status of the access and parking referred to in #2 above once the temporary designation is removed (it was indicated at the hearing that continued use by the CMDHB of that site would be secured through existing use rights).
 5. Confirmation the ownership / management / maintenance status of the existing pedestrian overbridge and any legal agreements that exist formalising CMDHB use of that overbridge (separate to general public use).
 6. A larger scale plan showing the location of the proposed acoustic wall at 12 Wyllie Road.
 7. Confirmation of the agreements that have been reached with the landowner of 17 Station Road in respect of the intended modified designation on that property.

8. A copy of the Outline Plan of Works conditions that apply to the proposed works for the third main within the existing designation.
4. The requested information will be made available to all parties on receipt.
5. Any correspondence relating to this Direction and related matters should be sent through the Hearings Advisor, Mr Bevan Donovan.



Peter Reaburn (Chair)
for the Hearing Panel
8 December 2021