

In the Environment Court of New Zealand
Auckland Registry

I mua i te Kōti Taiao o Aotearoa
I te rohe o Tāmaki Makaurau

ENV-AKL-2022-

under: the Resource Management Act 1991

in the matter of: An appeal under section 174 of the Resource Management Act 1991 against a decision of KiwiRail Holdings Limited to alter Designation 6302 North Island Main Trunk Railway Line in the Auckland Unitary Plan

between: **Counties Manukau District Health Board**
Appellant

and: **KiwiRail Limited**
Respondent

Notice of appeal of Counties Manukau District Health Board
against KiwiRail Holdings Limited's decision to alter Designation
6302 North Island Main Trunk Railway Line

Dated: 25 May 2022

Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)
Georgia Moore (georgia.moore@chapmantripp.com)

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**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION CONCERNING
REQUIREMENT FOR DESIGNATION**

Sections 174, 181, 192(c), and 195A Resource Management Act 1991

To The Registrar
Environment Court
Auckland

- 1 Counties Manukau District Health Board (*CMDHB*) appeals against KiwiRail Holdings Limited's (*KiwiRail*) decision on its notice of requirement to alter (*NOR*) designation 6302 in the Auckland Unitary Plan (*AUP*) (*Decision*).

CMDHB's interest in these proceedings

- 2 CMDHB made a submission on the NOR on 20 November 2020 and received notice of its Decision on the NOR on 6 May 2022.
- 3 CMDHB is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (*RMA*).
- 4 CMDHB appeals the part of the Decision that confirms the Decision with conditions in relation to Middlemore Station adjacent to Middlemore Hospital located at 100 Hospital Road, Manukau (contained in record of title NA35D/1250) (*Hospital Site*).

Reasons for the appeal

- 5 The reasons for the appeal are follows:
- 5.1 the Decision does not accord with the relevant requirements of the RMA, and is contrary to Part 2 of the RMA because it:
- (a) does not promote the sustainable management of physical resources, including enabling people and communities to provide for their health and safety, and their social, economic and cultural well-being;
 - (b) does not promote the efficient use and development of physical resources;
 - (c) is contrary to good resource management practice, which is leading to ad hoc and incremental impacts on an essential healthcare facility; and
 - (d) does not adequately manage adverse effects on the environment.
- 6 Without limiting the generality of the above, the specific reasons for CMDHB's appeal are set out below:
- 6.1 Changes to the NOR during the designation process were significant and prejudicial to CMDHB, including KiwiRail's expansion of the designation boundary of its NOR at the Hospital Site.

- 6.2 KiwiRail's proposal to have 'temporary' and 'permanent' areas is an inappropriate use of the designation tool under the RMA, and the conditions provide insufficient certainty around the ongoing use and maintenance of 64 Rosella Road as an accessway to the northern carpark and essential clinical buildings and services.
- 6.3 The Decision fails to appropriately apply the effects assessment required under s 171(1) of the RMA, including by:
- (a) incorrectly limiting the 'existing environment' to exclude the future state of the environment as it might be modified by permitted activities in the AUP;
 - (b) failing to consider the delta of effects between what the current designation enables, and what the NOR allows;
 - (c) failing to adequately consider the significant effects of the NOR on CMDHB including in relation to:
 - (i) the impacts on hospital operations and the hospital's ability to perform now and in the future as an essential service serving the south Auckland community;
 - (ii) a lack of integration between the hospital and its transport links;
 - (iii) the removal of the existing, direct pedestrian access for staff, patients and visitors between campuses and replacing it with indirect, circuitous and potentially unsafe access overbridge outside the Hospital Site;
 - (iv) the permanent and temporary losses of CMDHB car parking on the western campus of the Hospital Site;
 - (v) queuing at Gray Avenue in the morning peak;
 - (vi) removal of the current vehicle access to CMDHB's multi-storey carpark from the end of Orakau Road and the turning head;
 - (vii) the noise and vibration effects enabled by the NOR on the Western campus, particularly on existing buildings and those permitted under the AUP, including the inappropriate increase in operational noise levels on the Hospital Site by 3dB;
 - (viii) the loss of rare, valuable Hospital-zoned land reserved for hospital and healthcare purposes; and
 - (ix) amenity and landscape, including the impact of the proposed noise barrier;
 - (d) failing to adequately consider alternative sites, routes or methods of undertaking the project which may have had fewer effects on the

Hospital Site, particularly in relation to loss of usable land (both through sterilisation or acquisition), the removal of parking, the pedestrian overbridge, and the turning head; and

- (e) failing to adequately address or mitigate the effects of the NOR on CMDHB through conditions or otherwise, including in relation to hospital functions, noise and vibration, amenity, safety, landscape, traffic, parking and access.

Relief sought

7 CMDHB seeks the following relief:

- 7.1 cancel the NOR to allow KiwiRail to redesign its proposal following meaningful engagement with CMDHB; or
- 7.2 such relief as may be necessary to address the matters in this appeal.

Relevant documents

8 The following documents are attached to this notice:

- 8.1 a copy of CMDHB's submission (**Appendix A**);
- 8.2 a copy of the relevant parts of the Decision (**Appendix B**); and
- 8.3 a list of names and addresses of persons to be served with a copy of this notice (**Appendix C**).

Signed for and on behalf of Counties Manukau District Health Board by its solicitors and authorised agents Chapman Tripp



Paula Brosnahan / Georgia Moore
Partner / Solicitor
25 May 2022

Address for service of person:

Counties Manukau District Health Board

c/- Paula Brosnahan

Chapman Tripp

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Auckland 1140

Email address: paula.brosnahan@chapmantripp.com / georgia.moore@chapmantripp.com

Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if:

- (a) you made a submission on the matter of this appeal; and
- (b) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (c) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

APPENDIX A: CMDHB SUBMISSION ON NOR - NOVEMBER 2020

Form 21

SUBMISSION ON REQUIREMENT FOR An Alteration To A Designation THAT IS SUBJECT TO LIMITED NOTIFICATION BY A TERRITORIAL AUTHORITY

Sections 168A, 169, 181, 189A, 190 and 195A Resource Management Act 1991

To Auckland Council

Name of submitter: Counties Manukau District Health Board (*CMDHB*)

- 1 This is a submission on a notice of requirement from KiwiRail Holdings Limited (*KiwiRail*) for an alteration to Designation 6302 (*Designation*) in the Auckland Unitary Plan – Operative in Part (*Alteration*).
- 2 CMDHB is concerned by the effect of the Alteration on its land, which adjoins the Middlemore Station (contained in record of title NA35D/1250). Specifically, CMDHB is concerned by the Alteration's effects on its ability to safely and efficiently provide critical health services to the community through its operations at Middlemore Hospital.
- 3 CMDHB is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
- 4 CMDHB's submissions relate to the whole of the Alteration, particularly as it relates to KiwiRail's proposed permanent and temporary works in the vicinity of Middlemore Station.
- 5 CMDHB generally opposes the Alteration to the extent that it does not adequately address effects on CMDHB's land, and its operation of Middlemore Hospital and associated buildings. CMDHB opposes the Alteration because it would not:
 - 5.1 promote the sustainable management of physical resources, including enabling people and communities to provide for their health and safety, and their social, economic and cultural well-being;
 - 5.2 promote the efficient use and development of physical resources; and
 - 5.3 ensure consistency with good resource management practice.
- 6 Without limiting the generality of the above, the specific reasons for CMDHB's opposition include (but are not limited to):
 - 6.1 Noise and vibration effects, including:

- (a) noise and vibration effects on CMDHB buildings and on sensitive receivers at Middlemore Hospital during construction of KiwiRail's proposed works;
- (b) ongoing operational noise and vibration effects of the new third main (enabled by the Alteration) on CMDHB buildings and on sensitive receivers at Middlemore Hospital.

Any noise and vibration effects would be accentuated by the age and nature of the CMDHB buildings, including Middlemore Hospital, which will be impacted by the proposed works, and by the proximity of the works to those buildings – neither factor has been addressed or considered in the Alteration documentation or KiwiRail's proposed mitigation.

6.2 Effects on access, including:

- (a) disruptions to Middlemore Hospital patient pedestrian access during construction of the proposed works, including safe, clear, and easy passage for vulnerable pedestrians;
- (b) disruptions to Middlemore Hospital staff pedestrian access during construction of the proposed works;
- (c) permanent disruptions to both Middlemore Hospital patient and staff vehicular access during the operation of the works, noting KiwiRail's desire to permanently remove a number of important CMDHB carparks;
- (d) in the absence of mitigation, the effects of increased pressure on vital existing CMDHB facilities during the operation of the works; and
- (e) overall traffic-related disruptions to Middlemore Hospital operations and its ability to serve the community.

6.3 Health, safety and amenity effects, including land disturbances around Middlemore Hospital that are likely to generate adverse effects from dust generation.

6.4 Lack of information regarding the regional consents that may be required for KiwiRail's proposed works, particularly any earthworks consents that may generate dust.

6.5 Deferral of effects assessments and mitigation to future resource consents as opposed to a fulsome consideration of effects and mitigation of the proposal before Council.

6.6 Potential stormwater and flooding effects at Middlemore Station.

7 Accordingly, CMDHB seeks the following recommendation from Auckland Council:

7.1 Reject the Alteration; or

7.2 Suggest other amendments to the Alteration by way of conditions to address CMDHB's concerns.

8 CMDHB wishes to be heard in support of its submission.

Signed for and on behalf of Counties Manukau District Health Board by its solicitors and authorised agents Chapman Tripp



Paula Brosnahan / Pooja Upadhyay
Partner / Solicitor
25 May 2022

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APPENDIX B: RELEVANT PARTS OF KIWIRAIL'S DECISION

14 April 2022

Auckland Council
Private Bag 92300
AUCKLAND 1142

By email

Attention: Vanessa Leddra

Email: vanessa.leddra@aucklandcouncil.govt.nz

KIWI RAIL HOLDINGS LIMITED: REQUIRING AUTHORITY DECISION ON NOTICE OF REQUIREMENT TO ALTER DESIGNATION 6302

We write in respect of the recommendation of the Independent Hearing Panel, appointed by Auckland Council, in relation to the Notice of Requirement by KiwiRail Holdings Limited to alter Designation 6302 in the Auckland Unitary Plan (Operative in Part).

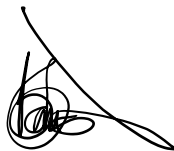
The Panel's recommendation (dated 23 February 2022) was received by KiwiRail on 4 March 2022. The Panel recommended that the NoR be confirmed, subject to conditions.

In accordance with section 172 of the Resource Management Act 1991, please find **enclosed** the following documents:

- KiwiRail's decision in respect of the Panel's recommendation, including KiwiRail's reasons for its decision;
- a copy of the relevant conditions of Designation 6302 showing the Panel's recommended changes in black underline and ~~striketrough~~ and KiwiRail's modifications in blue underline and ~~striketrough~~; and
- a clean copy of the relevant conditions of Designation 6302 with KiwiRail's modifications incorporated.

Please contact me if you have any queries or require any further information.

Noho ora mai,



Brent Lancaster
KiwiRail Holdings Limited



UNDER

the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER

of a notice of requirement by KiwiRail Holdings Limited ("**KiwiRail**") to alter designation 6302 in the Auckland Unitary Plan – Operative in Part for the Wiri to Quay Park project

DECISION OF KIWIRAIL HOLDINGS LIMITED IN RELATION TO A NOTICE OF REQUIREMENT TO ALTER DESIGNATION 6302

1. BACKGROUND

- 1.1 KiwiRail is a requiring authority for the purposes of the RMA.
- 1.2 On 14 July 2020, KiwiRail lodged a Notice of Requirement ("**NoR**") to alter Designation 6302 in the Auckland Unitary Plan to include additional land to support the delivery of works associated with the Wiri to Quay Park project ("**Project**"). The Project is to provide for the construction of a third track (known as the Third Main) for the North Island Main Trunk Line ("**NIMT**").
- 1.3 The NoR was limited notified on 22 October 2020 and the submission period closed on 20 November 2020. The hearing on the NoR was held before an Independent Hearing Panel ("**Panel**") from 13 July to 14 July 2021. On direction from the Panel (dated 14 July 2021), the hearing was adjourned to allow time for outstanding matters to be considered.
- 1.4 The hearing was reconvened on 3 December and 7 December 2021. Closing submissions were filed on 21 December 2021 and the Panel closed the hearing on 20 January 2022.

2. PANEL RECOMMENDATION

- 2.1 The Panel issued its recommendation on 23 February 2022 ("**Recommendation**"), which was provided to KiwiRail and publicly notified on 4 March 2022. The Recommendation confirmed the NoR, subject to conditions.

3. KIWIRAIL'S DECISION

- 3.1 KiwiRail must notify the Council as to whether it accepts or rejects the Recommendation in whole or in part within 30 working days after the day on which it receives the Recommendation.¹
- 3.2 KiwiRail accepts the Recommendation in part. KiwiRail generally accepts the amendments recommended by the Panel subject to the modifications set out in this decision (and shown in blue underline and ~~strikethrough~~ in **Appendix 1**).² A clean set of conditions is provided in **Appendix 2**.³
- 3.3 The changes made by KiwiRail are not inconsistent with the NoR as notified.⁴ In accordance with section 172(3) of the RMA, the reasons for the modifications to the designation are set out below.

4. REASONS FOR MODIFICATIONS⁵

General Condition – Condition 7

- 4.1 As Designation 6302 applies to the broader NIMT, Condition 7 defines the areas over which conditions relating to the alteration to the existing Designation apply and includes relevant definitions.
- 4.2 The Panel recommended the following amendments to Condition 7:

7. Conditions 7 to ~~28-35~~ of this designation only apply to in respect of works for the Wiri to Quay Park Project undertaken including on land shown in yellow and red shading on the following land requirement plans:
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 1)", Reference DR-NIMT-CV-HS-00169 and dated 22 November 2021;
 - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00170 and dated 16 December 2021;
 - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 3)", Reference DR-NIMT-CV-HS-00171 and dated 22 November 2021;
 - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 4)", Reference DR-NIMT-CV-HS-00172 and dated 22 November 2021;

¹ RMA, s 172(1).

² Condition numbering in this appendix generally reflects the Recommendation but KiwiRail has renumbered the conditions from Condition 22 onwards to have sequential numbering.

³ The Conditions start at number 7 as the existing Designation includes six conditions relating to other parts of the designation.

⁴ RMA, s 172(2).

⁵ Conditions described in this decision have used the numbering in the Recommendation.

- drawing entitled "Middlemore Station Land Requirement Layout Plan, Reference DR-NIMT-CV-HS-00179 and dated 16 December 2021; and
- drawing entitled "Wiri Junction Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00175 and dated 22 November 2021.

Advice Note: The following terms relate to Conditions 7 to ~~28~~35

Term	Definition
Existing Building	Any building that physically existed and was being used as a dwelling or healthcare facility as at [the date this NoR is confirmed] .
Third Main	Third rail line to be constructed as part of the Wiri to Quay Park Project.
NIMT	North Island Main Trunk Line
CMDHB	The Counties Manukau District Health Board (or any successor body).

4.3 The recommendation to add the word "including" widens the applicability of these conditions to other parts of the corridor that do not relate to this NoR which KiwiRail does not consider appropriate.

4.4 Accordingly, KiwiRail makes the following modifications to the Recommendation:

7. Conditions 7 to 345 of this designation only apply in respect of works for the Wiri to Quay Park Project undertaken including on land shown in yellow and red shading on the following land requirement plans:
 - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 1)", Reference DR-NIMT-CV-HS-00169 and dated 22 November 2021;
 - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00170 and dated 16 December 2021;
 - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 3)", Reference DR-NIMT-CV-HS-00171 and dated 22 November 2021;
 - drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 4)", Reference DR-NIMT-CV-HS-00172 and dated 22 November 2021;
 - drawing entitled "Middlemore Station Land Requirement Layout Plan", Reference DR-NIMT-CV-HS-00179 and dated 16 December 2021; and
 - drawing entitled "Wiri Junction Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00175 and dated 22 November 2021.

Advice Note: The following terms relate to Conditions 7 to 345

Term	Definition
Existing Building	Any building that physically existed and was being used as a dwelling or healthcare facility as at [the date this NoR is confirmed] .
Third Main	Third rail line to be constructed as part of the Wiri to Quay Park Project.
NIMT	North Island Main Trunk Line
CMDHB	The Counties Manukau District Health Board (or any successor body).

Outline Plan of Works – Conditions 8 – 10

4.5 The Panel recommended new Conditions 8 – 10 to outline the statutory requirements associated with the Outline Plan of Works ("**OPW**") process as follows:

Outline Plan of Works

8 Pursuant to s176A of the Resource Management Act an outline plan of the work (OPW) to be constructed must be submitted by the requiring authority to the Council to allow the Council to request changes before construction is commenced.

Advice Notes:

1. The OPW should address methodologies for removal or alteration of trees as required for the proposed works and the mitigation proposed.

2. The OPW should address visual amenity matters including, but not limited to, mitigation of the proposed noise barrier wall at 12 Wyllie Road, including evidence of consultation with the owner of that property.

9 The management plans required by conditions 11 and 16 shall not be submitted to the Council prior to the submission of the OPW.

10 The Middlemore Design Plan required by condition 26 must be prepared prior to submitting the OPW and the Middlemore Design Plan must be submitted to the Council with the OPW in accordance with s176A(f).

4.6 While the conditions repeat aspects of statutory requirements, KiwiRail accepts these conditions with the following modifications:

- (a) Condition 9 is modified to clarify that management plans may be submitted with the OPW and to allow the potential for draft management plans to be submitted to Council for comment prior to formal certification; and

- (b) Condition 10 is modified to clarify that the Middlemore Design Plan must be submitted with the relevant OPW and to remove reference to section 176A(f) given an OPW may also address other matters in section 176A(3), not just the matters in (f).

4.7 Accordingly, KiwiRail makes the following modifications to the Recommendation:

9. The management plans required by conditions 11 and 16 shall not be submitted to the Council for certification prior to the submission of the OPW but may be submitted with an OPW.
10. The Middlemore Design Plan required by condition ~~2625~~ must be prepared prior to submitting the relevant OPW and the Middlemore Design Plan must be submitted to the Council with the relevant OPW ~~in accordance with s176A(f)~~.

Construction Traffic Management Plan – Condition 13

4.8 Condition 13 provides details on how construction traffic arising from the NoR will be managed in a Construction Traffic Management Plan ("**CTMP**").

4.9 The Panel recommended the following amendments to Condition 13:

- ~~130.~~ The CTMP must detail how the purpose of the CTMP is to be achieved and must include:
[...]
- i) for works at Middlemore Station:
- i. measures to manage heavy vehicle movements at the Gray Avenue/Orakau Road intersection (if and when these are required) and to manage these movements to minimise peak staff arrival and departure times;
 - ii. measures to manage two-way hospital and construction traffic via the 64 Rosella Road access;
 - iii. measures to safely manage pedestrians travelling between the multi-storey carpark and at-grade parking areas on 100 Hospital Road west of Middlemore Station, and Middlemore Hospital's eastern campus, during construction; and
 - iv. measures to minimise the temporary occupation of at-grade parking on 100 Hospital Road, including details of the number of spaces to be occupied and the duration of this occupation.
 - v. the identification of temporary parking provision for the CMDHB.
 - vi. the provision of pedestrian and vehicular access to facilities within 100 Hospital Road.
 - vii. Any other matter identified in the Middlemore Design Plan (refer to Conditions 25 – 29).

- 4.10 A minor amendment to Condition 13i)vi. is required for consistency with other matters in this condition. Amendments are also required to strengthen the requirements of the CTMP in relation to pedestrian and vehicular access to be safe and to clarify that the CTMP will address access both to and within facilities of 100 Hospital Road.
- 4.11 A requirement for the CTMP to address any other matter identified in the Middlemore Design Plan is unnecessary. The Middlemore Design Plan is intended to address the operational design of Middlemore Station and associated works, rather than temporary construction measures which are provided for as part of the CTMP.
- 4.12 Accordingly, KiwiRail makes the following modifications to the Recommendation:

13. The CTMP must detail how the purpose of the CTMP is to be achieved and must include:

[...]

- i) for works at Middlemore Station:

- i. measures to manage heavy vehicle movements at the Gray Avenue/Orakau Road intersection (if and when these are required) and to manage these movements to minimise peak staff arrival and departure times;
- ii. measures to manage two-way hospital and construction traffic via the 64 Rosella Road access;
- iii. measures to safely manage pedestrians travelling between the multi-storey carpark and at-grade parking areas on 100 Hospital Road west of Middlemore Station, and Middlemore Hospital's eastern campus, during construction; ~~and~~
- iv. measures to minimise the temporary occupation of at-grade parking on 100 Hospital Road, including details of the number of spaces to be occupied and the duration of this occupation;
- v. the identification of temporary parking provision for the CMDHB; ~~and~~
- vi. measures regarding the provision of safe pedestrian and vehicular access to ~~facilities and~~ within 100 Hospital Road.

~~vii—Any other matter identified in the Middlemore Design Plan (refer to Conditions 25—29).~~

Construction Noise and Vibration – Conditions 14 – 15

- 4.13 Conditions 14 – 15 outline the relevant construction noise and vibration standards to be applied to the NoR.

4.14 The Panel recommended the following amendments to these conditions:

141. Construction noise must be measured and assessed in accordance with the provisions of New Zealand Standard NZS6803:1999 "Acoustics - Construction Noise" and comply with the noise standards in Table 1 at any occupied building unless provided for in condition 17 below, as far as practicable. ~~The Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with Condition 14 below sets out the procedure to be followed where the below standards cannot be met.~~

Table 1: Construction Noise Standards

Receiving Environment	Day (0700 – 2000 hrs)	Night (2000 – 0700 hrs)
Occupied activities sensitive to noise	75 dB L _{Aeq} (30 min)	60 dB L _{Aeq} (30 min) 75 dB L _{AFmax}
All other occupied buildings	75 dB L _{Aeq} (30 min)	80 dB L _{Aeq} (30 min)

152. Construction vibration must be measured and assessed in accordance with German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibration on Structures", and comply with the vibration standards in Table 2 unless provided for in condition 17 below, as far as practicable. ~~The CNVMP prepared in accordance with Condition 14 below sets out the procedure to be followed where the below standards cannot be met.~~

Table 2: Construction Vibration Standards

Line	Type of Structure	Vibration limits (mm/s PPV)
1	Buildings used for commercial purposes, industrial buildings, and buildings of similar design	10
2	Dwellings and buildings of similar design and/or occupancy <u>including hospitals</u>	5

- 4.15 KiwiRail accepts these conditions with modifications. KiwiRail considers it is necessary for the conditions to include "as far as practicable" to acknowledge there may be situations, as with many construction projects, where these standards cannot be met. Although this is recognised to an extent by the Panel's amendments (which cross refer to Condition 17) KiwiRail considers this should be expressly included for clarity. The condition provides the Construction Noise and Vibration Management Plan ("**CNVMP**") will set out the process to be followed where the standard cannot be met which KiwiRail

considers will allow appropriate management of construction noise. This modification generally reflects the joint witness statement prepared by the acoustic experts where the Council and KiwiRail's experts were in agreement that project controls with "as far as practicable" were appropriate.⁶

4.16 Accordingly, KiwiRail makes the following modifications to the Recommendation:

14. Construction noise must be measured and assessed in accordance with the provisions of New Zealand Standard NZS6803:1999 "Acoustics - Construction Noise" and comply with the noise standards in Table 1 at any occupied building ~~unless provided for in condition 17 below as far as practicable.~~ [The Construction Noise and Vibration Management Plan \(CNVMP\) prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.](#)

[...]

15. Construction vibration must be measured and assessed in accordance with German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibration on Structures", and comply with the vibration standards in Table 2 ~~unless provided for in condition 17 below as far as practicable.~~ [The CNVMP prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.](#)

[...]

Operational Noise and Vibration – Condition 21

4.17 Condition 21 requires the installation of noise barriers on the western side of the NIMT to mitigate rail noise received at buildings identified in Condition 20.

4.18 The Panel recommended the following amendments to Condition 21:

~~4.21.~~ Prior to the operation of the Third Main, the Requiring Authority shall install noise barriers on the western side of the NIMT to mitigate rail noise received at Existing Buildings identified in condition 17. The noise barriers shall ensure the increase in rail noise level as a result of the operation of the Third Main is less than 3 decibels and shall be:

- a) at least 3.8 metres in height above rail track level within the rail corridor between points:
 - i. 659+715 and 659+926 of the NIMT (works in vicinity of 12 Wyllie Road); and

⁶ Joint Witness Statement #1 – Construction noise and vibration (17 September 2021) at [6(a)(i)].

- ii. 662+102 and 662+191 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
- iii. 662+249 to 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
- b) constructed with a surface mass of at least 10kg/m²; and
- c) constructed without gaps (except for station access, where required); and
- d) constructed in accordance with the memorandum from Boffa Miskell (Oliver May) dated 30 November 2021.

4.19 KiwiRail accepts the recommendation with a minor modification to require the noise barriers to be constructed in "general" accordance with the memorandum from Boffa Miskell. This is appropriate to reflect that detailed design is ongoing and refinements may be made to the design of the noise barriers with third parties (including as part of the Middlemore Design Plan). The ongoing design was specifically noted in the Boffa Miskell memorandum as follows:⁷

...the design of the proposed noise barrier has not been finalised (given that detailed design will occur once the Notice of Requirement is confirmed) and may [will] be refined as a result of Mana Whenua engagement that KiwiRail is undertaking.

4.20 Accordingly, KiwiRail makes the following modifications to the Recommendation:

- 21. Prior to the operation of the Third Main, the Requiring Authority shall install noise barriers on the western side of the NIMT to mitigate rail noise received at Existing Buildings identified in condition [4720](#). The noise barriers shall ensure the increase in rail noise level as a result of the operation of the Third Main is less than 3 decibels and shall be:
 - a) at least 3.8 metres in height above rail track level within the rail corridor between points:
 - i) 659+715 and 659+926 of the NIMT (works in vicinity of 12 Wyllie Road); and
 - ii) 662+102 and 662+191 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
 - iii) 662+249 to 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
 - b) constructed with a surface mass of at least 10kg/m²; and
 - c) constructed without gaps (except for station access, where required); and
 - d) constructed in [general](#) accordance with the memorandum from Boffa Miskell (Oliver May) dated 30 November 2021.

⁷ Visual Effects Assessment by Boffa Miskell dated 30 November 2021 at page 3 (provided as part of the Planning Memorandum by Jacobs dated 30 November 2021).

Operational Noise and Vibration – Condition 23

4.21 Condition 23 requires the installation of ballast mats and to achieve the relevant vibration standard as far as practicable.

4.22 The Panel recommended the following amendments to this condition:

~~2023.~~ Prior to the operation of the Third Main, the Requiring Authority shall install ballast mats under ballasted track to mitigate rail vibration at Existing Buildings between points 659+715 to 660+005 NIMT (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 NIMT (works in vicinity of 100 Hospital Road, Mangere East) ~~identified in condition 19~~. The objective is to achieve NS 8176:2017 Class C ~~as far as practicable~~. The ballast mats shall be installed between points:

- a) 659+715 and 660+005 of the NIMT (works in vicinity of 12 Wyllie Road); and
- b) 662+102 and 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East).

4.23 KiwiRail accepts these amendments with modifications. In the Recommendation, the Panel stated ballast mats are to be used to achieve as close as possible a Class C standard.⁸ KiwiRail considers "as far as practicable" reflects this position and should be reinstated into the condition.

4.24 Accordingly, KiwiRail makes the following modification to the Recommendation:

2322. Prior to the operation of the Third Main, the Requiring Authority shall install ballast mats under ballasted track to mitigate rail vibration at Existing Buildings between points 659+715 to 660+005 NIMT (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 NIMT (works in vicinity of 100 Hospital Road, Mangere East). The objective is to achieve NS 8176:2017 Class C as far as practicable. The ballast mats shall be installed between points:

- a) 659+715 and 660+005 of the NIMT (works in vicinity of 12 Wyllie Road); and
- b) 662+102 and 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East).

Middlemore Design Plan – Conditions 25, 26, 28 and 29

4.25 These conditions require KiwiRail to prepare a design plan to address access, safety and parking matters at Middlemore Station in consultation with both Auckland Transport and CMDHB.

4.26 The Panel recommended the following amendments to these conditions:

~~25.~~ The works in the vicinity of the Middlemore Station shall be undertaken in accordance with the Jacobs plan DR-NIMT-CV-HS-00701 entitled "Middlemore Station Works Plan" dated 26/11/21.

~~22~~26. Prior to submitting an Outline Plan of Works for Middlemore Station, the Requiring Authority must prepare a Middlemore Design Plan.

~~23~~27. The purpose of the Middlemore Design Plan is to demonstrate how safe, efficient and well integrated transport facilities to enable access to Middlemore train station will be provided, as well as how the transport effects of the Third Main on 100 Hospital Road and the surrounding road network will be avoided, remedied or mitigated. The Middlemore Design Plan shall include ~~the design details~~ of:

- a) parking and other road markings on Orakau Road;
- b) the turning head facility to access Middlemore Station;
- c) the pedestrian overbridge / lift to provide access to Middlemore Station and between Middlemore Hospital Campuses;
- d) vehicular access to 100 Hospital Road;
- e) the reinstatement of any at-grade parking areas at 100 Hospital Road affected by these works; and
- f) access to the northern carpark at 100 Hospital Road, including measures to prevent pedestrians from using the access at 64 Rosella Road as access to and from Middlemore Station.
- ~~g) noise barriers;~~
- ~~h) mitigation planting, including in relation to the loss of existing trees;~~
- ~~i) temporary vehicular and pedestrian access to and within 100 Hospital Road during construction;~~
- ~~j) mitigation for the temporary loss of parking during construction;~~
- ~~k) an effective engagement process that is designed to involve the CMDHB in the design and programming of the works to ensure that effects on the CMDHB are minimised as far as practicable.~~

~~24~~28. The Requiring Authority shall provide a draft of the Middlemore Design Plan to Auckland Transport and CMDHB at least two months prior to submitting the Outline Plan of Works for Middlemore Station and invite them to comment on the plan within 15 working days of receiving the draft plan. The Requiring Authority must consider any feedback received and amend the draft Middlemore Design Plan to incorporate that feedback. If aspects of the feedback are unable to be incorporated, the Requiring Authority shall provide reasons in writing to those parties and to the Council as to why that feedback was not included, prior to submitting the OPW.

Advice Note: *Where the Middlemore Design Plan requires changes within the existing road reserve of Orakau Road or any potential extension of the existing road reserve to be vested with Auckland Council, Engineering Plan Approval will be required.*

29. Any outline plan of works and the construction of the Third Main and any mitigation works shall be undertaken in accordance with the Middlemore Design Plan.

- 4.27 There is potential for conflict between Conditions 25 and 29 given the Middlemore Design Plan may alter some aspects of the design in the Jacobs plan referred to in Condition 25. KiwiRail considers it is appropriate for Condition 25 to be subject to Condition 29 and for KiwiRail to undertake the relevant works in "general" accordance with the Jacobs plan.
- 4.28 The addition of temporary matters in Condition 27 (i) and (j) and the engagement process in (k) does not reflect the purpose of the Middlemore Design Plan. The condition is to address the operational works around Middlemore. In particular:
- (a) temporary matters in (i) and (j) are addressed in the relevant management plans above (CTMP and CNVMP); and
 - (b) the engagement process provided in (k) is required to occur through Condition 28.
- 4.29 In Condition 28, KiwiRail considers it is appropriate for KiwiRail's reasons for not incorporating any feedback on the Middlemore Design Plan to be provided to Council when KiwiRail submits the OPW.
- 4.30 Condition 29 is modified to reflect that not all OPWs will need to comply with the Middlemore Design Plan as there may be other OPWs relevant to other parts of the Project.
- 4.31 Accordingly, KiwiRail makes the following modifications to the Recommendation:

2524. Subject to condition 28, the works in the vicinity of the Middlemore Station shall be undertaken in general accordance with the Jacobs plan DR-NIMT-CV-HS-00701 entitled "Middlemore Station Works Plan" dated 26/11/21.

2625. Prior to submitting an Outline Plan of Works-OPW for Middlemore Station, the Requiring Authority must prepare a Middlemore Design Plan.

2726. The purpose of the Middlemore Design Plan is to demonstrate how safe, efficient and well integrated transport facilities to enable access to Middlemore train station will be provided, as well as how the transport effects of the Third Main on 100 Hospital Road and the surrounding road network will be avoided, remedied or mitigated. The Middlemore Design Plan shall include details of:

- a) parking and other road markings on Orakau Road;
- b) the turning head facility to access Middlemore Station;
- c) the pedestrian overbridge / lift to provide access to Middlemore Station and between Middlemore Hospital Campuses;
- d) vehicular access to 100 Hospital Road;
- e) the reinstatement of any at-grade parking areas at 100 Hospital Road affected by these works; and
- f) access to the northern carpark at 100 Hospital Road, including measures to prevent pedestrians from using the access at 64 Rosella Road as access to and from Middlemore Station;
- g) noise barriers; and
- h) mitigation planting, including in relation to the loss of existing trees;
- ~~i) temporary vehicular and pedestrian access to and within 100 Hospital Road during construction;~~
- ~~j) mitigation for the temporary loss of parking during construction;~~
- ~~k) an effective engagement process that is designed to involve the CMDHB in the design and programming of the works to ensure that effects on the CMDHB are minimised as far as practicable.~~

2827. The Requiring Authority shall provide a draft of the Middlemore Design Plan to Auckland Transport and CMDHB at least two months prior to submitting the Outline Plan of Works OPW for Middlemore Station and invite them to comment on the plan within 15 working days of receiving the draft plan. The Requiring Authority must consider any feedback received and amend the draft Middlemore Design Plan to incorporate that feedback. If aspects of the feedback are unable to be incorporated, the Requiring Authority shall provide reasons in writing to those parties and to the Council as to why that feedback was not included, prior to submitting the OPW. Such feedback shall also be provided to the Council as part of the OPW.

Advice Note: *Where the Middlemore Design Plan requires changes within the existing road reserve of Orakau Road or any potential extension of the existing road reserve to be vested with Auckland Council, Engineering Plan Approval will be required.*

2928. Any relevant outline plan of works OPW and the construction of the Third Main and any related mitigation works shall be undertaken in accordance with the Middlemore Design Plan.

Access and Parking at Middlemore Station – Conditions 30 – 32

4.32 These conditions address the provision of carparking at 100 Hospital Road for CMDHB staff via 64 Rosella Road.

4.33 The Panel recommended the following amendments to Condition 30 and also recommended new Conditions 31 and 32 as follows:

30~~25~~. The Requiring Authority shall, in consultation with CMDHB, provide legal access to the northern car park at 100 Hospital Road for CMDHB staff via 64 Rosella Road (LOT 13 DP 19404 NA82C/132) and provide 10 carparking spaces on 64 Rosella Road for CMDHB staff use. The designation shall remain in place with access and carparks continuing ~~are to be provided and maintained~~ until such time as:

- a) an alternative legal access to the northern car park and replacement carparking is provided by CMDHB ~~or the Requiring Authority~~; or
- b) CMDHB confirms in writing to the Requiring Authority that it no longer requires access to the northern carpark via 64 Rosella Road and the carparking spaces on 64 Rosella Road.

31. ~~The Requiring Authority shall secure CMDHB's use of 64 Rosella Road for access and car parking in condition 30 by way of legal instrument.~~

32. ~~The Requiring Authority shall ensure that the access through 64 Rosella Road:~~

- a) is limited to those accessing 100 Hospital Road only and not as a public pedestrian connection to the Middlemore train station; and
- b) includes a pedestrian facility designed to ensure safe passage of pedestrians, considering CPTED principles and patient accessibility requirements.

Advice note: ~~The Requiring Authority shall secure CMDHB's use of 64 Rosella Road for access and car parking in condition 25 by way of legal instrument.~~

4.34 In relation to Condition 30, maintenance requirements are more appropriately addressed outside of the NoR as part of the legal arrangements when providing CMDHB with access to its northern car park via 64 Rosella Road.

4.35 Amendment is required to ensure that it is clear where the northern car park is when referenced in Condition 30. KiwiRail considers reference to the Jacobs plan in Condition 25 appropriately illustrates where the northern car park is located.

- 4.36 How alternative access may be provided to the CMDHB's northern car park will be determined in the future, and other parties (including KiwiRail) may be involved in the provision of this alternative access and replacement car parking. Flexibility is necessary in providing this alternative access and replacement carparking which should be reflected in Condition 30.
- 4.37 KiwiRail cannot ensure that no members of the public will try to access Middlemore Station via 100 Hospital Road. KiwiRail has modified Condition 32a) to require measures to be implemented to restrict public access and included an amendment to clarify that any access must be safe.
- 4.38 KiwiRail considers matters around the design of a pedestrian facility referenced in Condition 32b) (including Crime Prevention Through Environmental Design requirements) can be addressed in consultation with CMDHB during preparation of the Middlemore Design Plan.
- 4.39 Accordingly, KiwiRail makes the following modifications to the Recommendation:

~~3029.~~ The Requiring Authority shall, in consultation with CMDHB, provide legal access to the northern car park at 100 Hospital Road ~~as identified in the plan referenced in condition 24~~ for CMDHB staff via 64 Rosella Road (LOT 13 DP 19404 NA82C/132) and provide 10 carparking spaces on 64 Rosella Road for CMDHB staff use. The designation shall remain in place with access and carparks continuing to be provided ~~and maintained~~ until such time as:

- a) an alternative legal access to the northern car park and replacement carparking is provided by CMDHB ~~or the Requiring Authority~~; or
- b) CMDHB confirms in writing to the Requiring Authority that it no longer requires access to the northern carpark via 64 Rosella Road and the carparking spaces on 64 Rosella Road.

[...]

~~3231.~~ The Requiring Authority shall ensure ~~the design of that the safe access through 64 Rosella Road is limited to those accessing 100 Hospital Road only and not as includes measures to restrict~~

- ~~a) is limited to those accessing 100 Hospital Road only and not as~~ a public pedestrian connection to the Middlemore train station.; ~~and~~
- ~~b) includes a pedestrian facility designed to ensure safe passage of pedestrians, considering CPTED principles and patient accessibility requirements.~~

Review of Designation – Condition 35

4.40 Condition 35 requires the Designation at 12 and 14 Wyllie Road to be removed within a specific timeframe.

4.41 The Panel recommended the following amendments to this condition:

~~2835.~~ Notwithstanding condition ~~3427~~, the Requiring Authority must apply to Council to remove the designation at 12 and 14 Wyllie Road (being Lot 1 DP 152288 NA90C/848 and Part Lot 1 DP 136372 NA80B/675) within 3 months of construction being completed ~~and~~ or the site no longer being required as a construction yard, whichever occurs earliest.

4.42 KiwiRail accepts this condition subject to a minor modification to clarify the removal of the designation only relates to the temporary designation extent rather than the permanent designation which includes infrastructure for the Third Main.

4.43 Accordingly, KiwiRail makes the following modifications to the Recommendation:

~~3534.~~ Notwithstanding condition ~~3433~~, the Requiring Authority must apply to Council to remove the designation identified as temporary on the relevant plan in condition 7 at 12 and 14 Wyllie Road (being Lot 1 DP 152288 NA90C/848 and Part Lot 1 DP 136372 NA80B/675) within 3 months of construction being completed or the site no longer being required as a construction yard, whichever occurs earliest.

5. MINOR CORRECTIONS

5.1 The Panel recommended Condition 22 be deleted. KiwiRail accepts this recommendation and has renumbered Conditions 23 – 35 (and relevant cross references) so numbering in Designation 6302 is sequential.

5.2 KiwiRail has also made minor typographical corrections to Conditions 8, 12, 18 and 24 to ensure accuracy in cross-references to conditions and capitalise terms as identified through its review of the Recommendation:

(a) Condition 8 has been modified to capitalise Requiring Authority:

8. Pursuant to s176A of the Resource Management Act an outline plan of the work (OPW) to be constructed must be submitted by the ~~r~~Requiring ~~a~~Authority to the Council to allow the Council to request changes before construction is commenced.

[...]

- (b) Condition 12 has been modified to correct cross-references in the advice note:

[...]

Advice Note: *Auckland Council's certification role is limited to ensuring that the CTMP addresses all matters listed in Conditions [912](#) and [4013](#).*

- (c) Condition 18 has been modified to correct cross references in the advice note:

[...]

Advice Note: *Auckland Council's certification role is limited to ensuring that the CNVMP addresses all matters listed in Conditions [4417](#) and [4518](#).*

- (d) Condition 24 (now Condition 23) has been modified to correct cross references:

[...]

- d) If the report required in condition [23c](#)) above indicates non-compliance with conditions [4821](#) and [2022](#) remedial measures shall be undertaken to ensure compliance and this condition repeated for that work.

5.3 For completeness, the Recommendation concluded a 10-year lapse period for the designation is appropriate (although did not include any recommended conditions to this effect).⁹ Designation 6302 has already been given effect to. Consistent with KiwiRail's evidence, it has therefore not included a lapse period in its decision.

6. APPENDICES

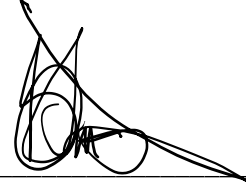
6.1 The following attachments are included with this decision:

- (a) **Appendix 1:** The Recommendation in respect of Designation 6302 with the Panel's recommended changes to KiwiRail's conditions shown in black underline and ~~strikethrough~~. Modifications made by KiwiRail are shown in blue underline and ~~strikethrough~~.

⁹ Recommendation at [176].

- (b) **Appendix 2:** A "clean" version of the relevant conditions of Designation 6302.¹⁰ The conditions have been renumbered to ensure sequential numbering of the final conditions.

DATED: 14 April 2022



Brent Lancaster
KiwiRail Holdings Limited

¹⁰ The Conditions start at number 7 as the existing Designation includes six conditions relating to other parts of the designation.

APPENDIX 1

7. Conditions 7 to ~~28~~³⁵³⁴ of this designation only apply ~~to~~ in respect of works for the Wiri to Quay Park Project undertaken ~~including~~ on land shown in yellow and red shading on the following land requirement plans:

- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 1)", Reference DR-NIMT-CV-HS-00169 and dated 22 November 2021;
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00170 and dated 16 December 2021;
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 3)", Reference DR-NIMT-CV-HS-00171 and dated 22 November 2021;
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 4)", Reference DR-NIMT-CV-HS-00172 and dated 22 November 2021;
- drawing entitled "Middlemore Station Land Requirement Layout Plan", Reference DR-NIMT-CV-HS-00179 and dated 16 December 2021; and
- drawing entitled "Wiri Junction Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00175 and dated 22 November 2021.

Advice Note: *The following terms relate to Conditions 7 to ~~28~~³⁵³⁴*

Term	Definition
Existing Building	Any building that physically existed and was being used as a dwelling or healthcare facility as at [the date this NoR is confirmed] .
Third Main	Third rail line to be constructed as part of the Wiri to Quay Park Project.
NIMT	North Island Main Trunk Line
CMDHB	The Counties Manukau District Health Board <u>(or any successor body)</u> .

Outline Plan of Works

8. Pursuant to s176A of the Resource Management Act an outline plan of the work (OPW) to be constructed must be submitted by the ~~R~~^R ~~requiring a~~^{Authority} to the Council to allow the Council to request changes before construction is commenced.

Advice Notes:

1. The OPW should address methodologies for removal or alteration of trees as required for the proposed works and the mitigation proposed.
2. The OPW should address visual amenity matters including, but not limited to, mitigation of the proposed noise barrier wall at 12 Wyllie Road, including evidence of consultation with the owner of that property.

9. The management plans required by conditions 11 and 16 shall not be submitted to the Council for certification prior to the submission of the OPW but may be submitted with an OPW.
10. The Middlemore Design Plan required by condition 2625 must be prepared prior to submitting the relevant OPW and the Middlemore Design Plan must be submitted to the Council with the relevant OPW in accordance with s176A(f).

Construction Traffic Management Plan

811. The Requiring Authority must prepare and submit a Construction Traffic Management Plan (CTMP) to Auckland Council for certification prior and obtain certification prior to the commencement of works for the Third Main. If the Requiring Authority has not received a response from Auckland Council within 20 working days after the date of submission of the CTMP it will be deemed certified.
912. The CTMP must be prepared by a suitably qualified and experienced person in consultation with Auckland Transport, and where it relates to works at Middlemore Station, also with CMDHB. The purpose of the CTMP is to ensure:
- a) the management and minimisation of traffic congestion arising from construction vehicles;
 - b) the management of temporary reductions in on-site parking at 100 Hospital Road including temporary parking provision;
 - c) the management of internal vehicle and pedestrian movements at 100 Hospital Road;
 - d) the safe movement of vehicles to and from construction sites;
 - e) the safety of other road users, including public transport providers, pedestrians and cyclists; and
 - f) that sufficient on-site parking or other transport arrangements are provided for the project's construction workers.

Advice Note: *Auckland Council's certification role is limited to ensuring that the CTMP addresses all matters listed in Conditions 912 and 4013.*

4013. The CTMP must detail how the purpose of the CTMP is to be achieved and must include:
- a) methods to manage the effects of temporary traffic management activities on traffic capacity, operations and movements during construction periods;
 - b) measures to manage the safety of all transport users on construction routes during construction works;
 - c) hours for construction activities, the estimated numbers, frequencies and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near schools or to manage traffic congestion;
 - d) site access points to be used by construction related traffic;
 - e) methods to manage any road closures that will be required and the nature and duration of any traffic management measures such as the identification of detour routes or

diversions and other methods for the safe management and maintenance of traffic flows, including general traffic, buses, pedestrians and cyclists on existing roads;

- f) methods to maintain pedestrian and/or vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements where access cannot be maintained;
- g) methods to communicate traffic management measures to affected road users, CMDHB and other relevant parties;
- h) details of a construction staff travel management plan to reduce the potential impact of staff vehicles on the road network; and
- i) for works at Middlemore Station:
 - i. measures to manage heavy vehicle movements at the Gray Avenue/Orakau Road intersection (if and when these are required) and to manage these movements to minimise peak staff arrival and departure times;
 - ii. measures to manage two-way hospital and construction traffic via the 64 Rosella Road access;
 - iii. measures to safely manage pedestrians travelling between the multi-storey carpark and at-grade parking areas on 100 Hospital Road west of Middlemore Station, and Middlemore Hospital's eastern campus, during construction; ~~and~~
 - iv. measures to minimise the temporary occupation of at-grade parking on 100 Hospital Road, including details of the number of spaces to be occupied and the duration of this occupation;
 - v. ~~the identification of temporary parking provision for the CMDHB; and~~
 - vi. ~~measures regarding the provision of safe pedestrian and vehicular access to facilities and within 100 Hospital Road.~~
 - vii. ~~Any other matter identified in the Middlemore Design Plan (refer to Conditions 25–29).~~

Construction Noise and Vibration

4414. Construction noise must be measured and assessed in accordance with the provisions of New Zealand Standard NZS6803:1999 "Acoustics - Construction Noise" and comply with the noise standards in Table 1 at any occupied building ~~unless provided for in condition 17 below as far as practicable. The Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.~~ as far as practicable. The Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with Condition 14 below sets out the procedure to be followed where the below standards cannot be met.

Table 1: Construction Noise Standards

Receiving Environment	Day (0700 – 2000 hrs)	Night (2000 – 0700 hrs)
Occupied activities sensitive to noise	75 dB LAeq (30 min)	60 dB LAeq (30 min) 75 dB LAFmax
All other occupied buildings	75 dB LAeq (30 min)	80 dB LAeq (30 min)

~~4215.~~ Construction vibration must be measured and assessed in accordance with German Standard DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of Vibration on Structures”, and comply with the vibration standards in Table 2 ~~unless provided for in condition 17 below as far as practicable. The CNVMP prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.~~ as far as practicable. ~~The CNVMP prepared in accordance with Condition 14 below sets out the procedure to be followed where the below standards cannot be met.~~

Table 2: Construction Vibration Standards

Line	Type of Structure	Vibration limits (mm/s PPV)
1	Buildings used for commercial purposes, industrial buildings, and buildings of similar design	10
2	Dwellings and buildings of similar design and/or occupancy <u>including hospitals</u>	5

~~4316.~~ Prior to the commencement of construction works for the Third Main, the Requiring Authority must prepare and submit a CNVMP for certification and obtain certification by the Council. If the Requiring Authority has not received a response from the Council within 20 working days of the date of submission of the CNVMP it will be deemed certified.

~~4417.~~ The CNVMP must be prepared by a suitably qualified and experienced person. The purpose of the CNVMP is to:

- a) identify and adopt the Best Practicable Option to avoid, remedy or mitigate construction noise and vibration effects;
- b) define the procedures to be followed when construction activities cannot meet the noise and vibration standards in Conditions ~~4414~~ and ~~4215~~, which shall include evidence of any feedback from consultation with affected parties;
- c) inform the duration, frequency and timing of works to manage disruption; and
- d) set out procedures to record engagement with affected receivers and timely management of complaints.

~~4518.~~ The CNVMP shall include:

- a) the relevant measures from NZS 6803:1999 "Acoustics - Construction Noise", Annex E2 “Noise management plans”;

- b) the relevant measures from DIN 4150-3:1999 “Structural vibration - Part 3 Effects of vibration on structures”, Appendix B “Measures for limiting the effects of vibration”;
- c) a requirement and process to offer and if accepted, undertake, a pre-construction condition survey for any building where the construction vibration levels are predicted to exceed the cosmetic building damage limits in Condition ~~4215~~ above; and
- d) relating to works at Middlemore Station:
 - i. the following site-specific standards that must be used to trigger engagement with the CMDHB to enable the effective management of noise and vibration effects in Building 38 (including Home Healthcare and the renal unit):
 - a. 1mm/s PPV measured on the foundation of the building (for vibration); and
 - b. 75 dB L_{Aeq} measured 1m from the façade(s) of the occupied and noise sensitive spaces of the building (for noise); and
 - ii. The methods used by the Requiring Authority to manage construction noise and vibration on activities at 100 Hospital Road.

Advice Note: Auckland Council’s certification role is limited to ensuring that the CNVMP addresses all matters listed in Conditions ~~4417~~ and ~~4518~~.

~~4619~~. Where engagement is triggered with the CMDHB in condition ~~45-18d~~i., the Requiring Authority shall maintain records of the outcomes of the engagement and the responses of the Requiring Authority to any feedback received by CMDHB, including any additional temporary mitigation measures undertaken (e.g. rescheduling works, changing construction methodologies).

Operational Noise and Vibration

~~4720~~. The Requiring Authority shall mitigate in accordance with condition ~~4821~~ total operational rail noise emitted from all lines in the rail corridor where the predicted noise levels at the external façade of Existing Buildings within points 659+715 to 660+005 (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 (works in vicinity of 100 Hospital Road, Mangere East) of the NIMT:

- a) exceed the thresholds in Table 3; and
- b) increase by at least 3 decibels above levels as at **[the date this NoR is confirmed]** as a result of the operation of the Third Main.

Table 3: Operational Rail Noise Mitigation thresholds

Day (0700 – 2200hrs)	Night (2200 – 0700hrs)
65 dB L_{Aeq}	60 dB L_{Aeq}
85 dB L_{AFmax}	85 dB L_{AFmax}

~~4821~~. Prior to the operation of the Third Main, the Requiring Authority shall install noise barriers on the western side of the NIMT to mitigate rail noise received at Existing Buildings identified in condition ~~4720~~. The noise barriers shall ensure the increase in rail noise level as a result of the operation of the Third Main is less than 3 decibels and shall be:

- a) at least 3.8 metres in height above rail track level within the rail corridor between points:

- i) 659+715 and 659+926 of the NIMT (works in vicinity of 12 Wyllie Road); and
 - ii) 662+102 and 662+191 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
 - iii) 662+249 to 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
- b) constructed with a surface mass of at least 10kg/m²; and
 - c) constructed without gaps (except for station access, where required); and
 - d) constructed in general accordance with the memorandum from Boffa Miskell (Oliver May) dated 30 November 2021.

~~19. The Requiring Authority shall mitigate in accordance with condition 20 the operational rail vibration emitted from the rail corridor where the predicted levels at Existing Buildings within points 659+715 to 660+005 NIMT (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 NIMT (works in vicinity of 100 Hospital Road, Mangere East) exceed Norwegian Standard NS 8176:2017 Class C. (no condition 22)~~

~~20~~2322. Prior to the operation of the Third Main, the Requiring Authority shall install ballast mats under ballasted track to mitigate rail vibration at Existing Buildings between points 659+715 to 660+005 NIMT (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 NIMT (works in vicinity of 100 Hospital Road, Mangere East) ~~identified in condition 19~~. The objective is to achieve NS 8176:2017 Class C ~~as far as practicable~~ as far as practicable. The ballast mats shall be installed between points:

- a) 659+715 and 660+005 of the NIMT (works in vicinity of 12 Wyllie Road); and
- b) 662+102 and 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East).

~~21~~2423. Within three months of the commencement of freight operations on the Third Main, the Requiring Authority shall engage a suitably qualified and experienced person to:

- a) undertake representative noise monitoring to quantify the noise mitigation provided by the noise barrier(s) in condition ~~1821~~; and
- b) undertake representative vibration monitoring to quantify the vibration mitigation provided by the ballast mats in condition ~~202322~~; and
- c) prepare a report confirming compliance with conditions ~~1821~~ and ~~202322~~, which shall be provided to the Council for certification and a copy shall be provided to CMDHB; and
- d) If the report required in condition ~~2423c~~ above indicates non-compliance with conditions ~~1821~~ and ~~2022~~ remedial measures shall be undertaken to ensure compliance and this condition repeated for that work.

Middlemore Design Plan

~~25~~24. Subject to condition 28, the works in the vicinity of the Middlemore Station shall be undertaken in general accordance with the Jacobs plan DR-NIMT-CV-HS-00701 entitled "Middlemore Station Works Plan" dated 26/11/21.

~~22~~2625. Prior to submitting an Outline Plan of Works OPW for Middlemore Station, the Requiring Authority must prepare a Middlemore Design Plan.

~~23~~2726. The purpose of the Middlemore Design Plan is to demonstrate how safe, efficient and well integrated transport facilities to enable access to Middlemore train station will be provided, as well as how the transport effects of the Third Main on 100 Hospital Road and the surrounding road network will be avoided, remedied or mitigated. The Middlemore Design Plan shall include ~~the design~~details of:

- a) parking and other road markings on Orakau Road;
- b) the turning head facility to access Middlemore Station;
- c) the pedestrian overbridge / lift to provide access to Middlemore Station and between Middlemore Hospital Campuses;
- d) vehicular access to 100 Hospital Road;
- e) the reinstatement of any at-grade parking areas at 100 Hospital Road affected by these works; and
- f) access to the northern carpark at 100 Hospital Road, including measures to prevent pedestrians from using the access at 64 Rosella Road as access to and from Middlemore Station.;
- g) noise barriers; and
- h) mitigation planting, including in relation to the loss of existing trees.;
- ~~i) temporary vehicular and pedestrian access to and within 100 Hospital Road during construction;~~
- ~~j) mitigation for the temporary loss of parking during construction;~~
- ~~k) an effective engagement process that is designed to involve the CMDHB in the design and programming of the works to ensure that effects on the CMDHB are minimised as far as practicable.~~

~~24~~2827. The Requiring Authority shall provide a draft of the Middlemore Design Plan to Auckland Transport and CMDHB at least two months prior to submitting the Outline Plan of Works OPW for Middlemore Station and invite them to comment on the plan within 15 working days of receiving the draft plan. The Requiring Authority must consider any feedback received and amend the draft Middlemore Design Plan to incorporate that feedback. If aspects of the feedback are unable to be incorporated, the Requiring Authority shall provide reasons in writing to those parties and to the Council as to why that feedback was not included, prior to submitting the OPW. Such feedback shall also be provided to the Council as part of the OPW.

Advice Note: *Where the Middlemore Design Plan requires changes within the existing road reserve of Orakau Road or any potential extension of the existing road reserve to be vested with Auckland Council, Engineering Plan Approval will be required.*

~~2928.~~ Any ~~relevant outline plan of works OPW~~ and the construction of the Third Main and any ~~related mitigation works shall be undertaken in accordance with the Middlemore Design Plan.~~

Access and parking at Middlemore Station

~~253029.~~ The Requiring Authority shall, in consultation with CMDHB, provide legal access to the northern car park at 100 Hospital Road as identified in the plan referenced in condition 24 for CMDHB staff via 64 Rosella Road (LOT 13 DP 19404 NA82C/132) and provide 10 carparking spaces on 64 Rosella Road for CMDHB staff use. The designation shall remain in place with access and carparks continuing ~~are~~ to be provided ~~and maintained~~ until such time as:

- a) an alternative legal access to the northern car park and replacement carparking is provided by CMDHB or the Requiring Authority; or
- b) CMDHB confirms in writing to the Requiring Authority that it no longer requires access to the northern carpark via 64 Rosella Road and the carparking spaces on 64 Rosella Road.

~~3430.~~ The Requiring Authority shall secure CMDHB's use of 64 Rosella Road for access and car parking in condition ~~3029~~ by way of legal instrument.

~~3231.~~ The Requiring Authority shall ensure the design of that the safe access through 64 Rosella Road: includes measures to restrict

- ~~a) — is limited to those accessing 100 Hospital Road only and not as a public pedestrian connection to the Middlemore train station.; and~~
- ~~b) — includes a pedestrian facility designed to ensure safe passage of pedestrians, considering CPTED principles and patient accessibility requirements~~

~~**Advice note:** *The Requiring Authority shall secure CMDHB's use of 64 Rosella Road for access and car parking in condition 25 by way of legal instrument.*~~

Watercare Utility Protection Plan

~~263332.~~ Prior to undertaking any works for the Wiri to Quay Park project within the land requirement area shown on the plans listed in condition 7, the Requiring Authority shall, in consultation with Watercare, prepare a Watercare Utility Protection Plan that:

- a) ensures Watercare's existing assets within the land requirement area are protected from any damage that may arise as a result of the works;
- b) does not preclude Watercare's ability to construct and operate new infrastructure in the land requirement area in the future, where it is compatible with the works the Requiring Authority is undertaking;
- c) establishes a process for consultation with Watercare on the proposed relocation of any existing Watercare assets that is required as a result of works undertaken by the Requiring Authority within the land requirement area;

- d) makes the Requiring Authority wholly responsible for the cost of any relocation of Watercare assets that are required as a result of works undertaken by the Requiring Authority within the land requirement area; and
- e) ensures Watercare maintains access to its assets within the land requirement area 24 hours a day, 7 days a week for maintenance, safety and operation, provided that:
 - i. Watercare holds a permit to enter the land requirement area; and
 - ii. Watercare staff and / or contractors provide advance notice to Train Control before entering the land requirement area.

Review of Designation

~~27~~3433. As soon as practicable following completion of construction of the Third Main in the locations set out in condition 7, the Requiring Authority shall:

- a) review the designation extent between these locations;
- b) identify areas of designated land that the Requiring Authority considers are no longer necessary; and
- c) give notice to ~~notify~~ the Council and other parties required under section 182 of the RMA to remove those parts of the designation that it no longer requires under (b), ~~which~~ For the avoidance of doubt, this will include those parts of the designation identified as "temporary" on the plans listed in condition 7 (except in the case of the designation over 64 Rosella Road which shall remain in place until such time that condition ~~25~~3029(a) or (b) is satisfied).

~~28~~3534. Notwithstanding condition ~~27~~3433, the Requiring Authority must apply to Council to remove the designation identified as temporary on the relevant plan in condition 7 at 12 and 14 Wyllie Road (being Lot 1 DP 152288 NA90C/848 and Part Lot 1 DP 136372 NA80B/675) within 3 months of construction being completed ~~and~~ or the site no longer being required as a construction yard, whichever occurs earliest.

APPENDIX 2

7. Conditions 7 to 34 of this designation only apply in respect of works for the Wiri to Quay Park Project undertaken on land shown in yellow and red shading on the following land requirement plans:

- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 1)", Reference DR-NIMT-CV-HS-00169 and dated 22 November 2021;
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00170 and dated 16 December 2021;
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 3)", Reference DR-NIMT-CV-HS-00171 and dated 22 November 2021;
- drawing entitled "3rd Main – Papatoetoe Land Requirement Layout Plan (Sheet 4)", Reference DR-NIMT-CV-HS-00172 and dated 22 November 2021;
- drawing entitled "Middlemore Station Land Requirement Layout Plan", Reference DR-NIMT-CV-HS-00179 and dated 16 December 2021; and
- drawing entitled "Wiri Junction Land Requirement Layout Plan (Sheet 2)", Reference DR-NIMT-CV-HS-00175 and dated 22 November 2021.

Advice Note: *The following terms relate to Conditions 7 to 34*

Term	Definition
Existing Building	Any building that physically existed and was being used as a dwelling or healthcare facility as at [the date this NoR is confirmed] .
Third Main	Third rail line to be constructed as part of the Wiri to Quay Park Project.
NIMT	North Island Main Trunk Line
CMDHB	The Counties Manukau District Health Board (or any successor body).

Outline Plan of Works

8. Pursuant to s176A of the Resource Management Act an outline plan of the work (OPW) to be constructed must be submitted by the Requiring Authority to the Council to allow the Council to request changes before construction is commenced.

Advice Notes:

1. *The OPW should address methodologies for removal or alteration of trees as required for the proposed works and the mitigation proposed.*
2. *The OPW should address visual amenity matters including, but not limited to, mitigation of the proposed noise barrier wall at 12 Wyllie Road, including evidence of consultation with the owner of that property.*

9. The management plans required by conditions 11 and 16 shall not be submitted to the Council for certification prior to the submission of the OPW but may be submitted with an OPW.
10. The Middlemore Design Plan required by condition 25 must be prepared prior to submitting the relevant OPW and the Middlemore Design Plan must be submitted to the Council with the relevant OPW.

Construction Traffic Management Plan

11. The Requiring Authority must prepare and submit a Construction Traffic Management Plan (CTMP) to Auckland Council for certification prior and obtain certification prior to the commencement of works for the Third Main. If the Requiring Authority has not received a response from Auckland Council within 20 working days after the date of submission of the CTMP it will be deemed certified.
12. The CTMP must be prepared by a suitably qualified and experienced person in consultation with Auckland Transport, and where it relates to works at Middlemore Station, also with CMDHB. The purpose of the CTMP is to ensure:
 - a) the management and minimisation of traffic congestion arising from construction vehicles;
 - b) the management of temporary reductions in on-site parking at 100 Hospital Road including temporary parking provision;
 - c) the management of internal vehicle and pedestrian movements at 100 Hospital Road;
 - d) the safe movement of vehicles to and from construction sites;
 - e) the safety of other road users, including public transport providers, pedestrians and cyclists; and
 - f) that sufficient on-site parking or other transport arrangements are provided for the project's construction workers.

Advice Note: *Auckland Council's certification role is limited to ensuring that the CTMP addresses all matters listed in Conditions 12 and 13.*

13. The CTMP must detail how the purpose of the CTMP is to be achieved and must include:
 - a) methods to manage the effects of temporary traffic management activities on traffic capacity, operations and movements during construction periods;
 - b) measures to manage the safety of all transport users on construction routes during construction works;
 - c) hours for construction activities, the estimated numbers, frequencies and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near schools or to manage traffic congestion;
 - d) site access points to be used by construction related traffic;
 - e) methods to manage any road closures that will be required and the nature and duration of any traffic management measures such as the identification of detour routes or

diversions and other methods for the safe management and maintenance of traffic flows, including general traffic, buses, pedestrians and cyclists on existing roads;

- f) methods to maintain pedestrian and/or vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements where access cannot be maintained;
- g) methods to communicate traffic management measures to affected road users, CMDHB and other relevant parties;
- h) details of a construction staff travel management plan to reduce the potential impact of staff vehicles on the road network; and
- i) for works at Middlemore Station:
 - i. measures to manage heavy vehicle movements at the Gray Avenue/Orakau Road intersection (if and when these are required) and to manage these movements to minimise peak staff arrival and departure times;
 - ii. measures to manage two-way hospital and construction traffic via the 64 Rosella Road access;
 - iii. measures to safely manage pedestrians travelling between the multi-storey carpark and at-grade parking areas on 100 Hospital Road west of Middlemore Station, and Middlemore Hospital’s eastern campus, during construction;
 - iv. measures to minimise the temporary occupation of at-grade parking on 100 Hospital Road, including details of the number of spaces to be occupied and the duration of this occupation;
 - v. the identification of temporary parking provision for the CMDHB; and
 - vi. measures regarding the provision of safe pedestrian and vehicular access to and within 100 Hospital Road.

Construction Noise and Vibration

- 14. Construction noise must be measured and assessed in accordance with the provisions of New Zealand Standard NZS6803:1999 “Acoustics - Construction Noise” and comply with the noise standards in Table 1 at any occupied building as far as practicable. The Construction Noise and Vibration Management Plan (CNVMP) prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.

Table 1: Construction Noise Standards

Receiving Environment	Day (0700 – 2000 hrs)	Night (2000 – 0700 hrs)
Occupied activities sensitive to noise	75 dB LAeq (30 min)	60 dB LAeq (30 min) 75 dB LAFmax
All other occupied buildings	75 dB LAeq (30 min)	80 dB LAeq (30 min)

- 15. Construction vibration must be measured and assessed in accordance with German Standard DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of Vibration on Structures”, and comply

with the vibration standards in Table 2 as far as practicable. The CNVMP prepared in accordance with Condition 17 below sets out the procedure to be followed where the below standards cannot be met.

Table 2: Construction Vibration Standards

Line	Type of Structure	Vibration limits (mm/s PPV)
1	Buildings used for commercial purposes, industrial buildings, and buildings of similar design	10
2	Dwellings and buildings of similar design and/or occupancy including hospitals	5

16. Prior to the commencement of construction works for the Third Main, the Requiring Authority must prepare and submit a CNVMP for certification and obtain certification by the Council. If the Requiring Authority has not received a response from the Council within 20 working days of the date of submission of the CNVMP it will be deemed certified.
17. The CNVMP must be prepared by a suitably qualified and experienced person. The purpose of the CNVMP is to:
- a) identify and adopt the Best Practicable Option to avoid, remedy or mitigate construction noise and vibration effects;
 - b) define the procedures to be followed when construction activities cannot meet the noise and vibration standards in Conditions 14 and 15, which shall include evidence of any feedback from consultation with affected parties;
 - c) inform the duration, frequency and timing of works to manage disruption; and
 - d) set out procedures to record engagement with affected receivers and timely management of complaints.
18. The CNVMP shall include:
- a) the relevant measures from NZS 6803:1999 "Acoustics - Construction Noise", Annex E2 "Noise management plans";
 - b) the relevant measures from DIN 4150-3:1999 "Structural vibration - Part 3 Effects of vibration on structures", Appendix B "Measures for limiting the effects of vibration";
 - c) a requirement and process to offer and if accepted, undertake, a pre-construction condition survey for any building where the construction vibration levels are predicted to exceed the cosmetic building damage limits in Condition 15 above; and
 - d) relating to works at Middlemore Station:
 - i. the following site-specific standards that must be used to trigger engagement with the CMDHB to enable the effective management of noise and vibration effects in Building 38 (including Home Healthcare and the renal unit):

- a. 1mm/s PPV measured on the foundation of the building (for vibration); and
 - b. 75 dB L_{Aeq} measured 1m from the façade(s) of the occupied and noise sensitive spaces of the building (for noise); and
- ii. The methods used by the Requiring Authority to manage construction noise and vibration on activities at 100 Hospital Road.

Advice Note: *Auckland Council's certification role is limited to ensuring that the CNVMP addresses all matters listed in Conditions 17 and 18.*

19. Where engagement is triggered with the CMDHB in condition 18d)i., the Requiring Authority shall maintain records of the outcomes of the engagement and the responses of the Requiring Authority to any feedback received by CMDHB, including any additional temporary mitigation measures undertaken (e.g. rescheduling works, changing construction methodologies).

Operational Noise and Vibration

20. The Requiring Authority shall mitigate in accordance with condition 21 total operational rail noise emitted from all lines in the rail corridor where the predicted noise levels at the external façade of Existing Buildings within points 659+715 to 660+005 (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 (works in vicinity of 100 Hospital Road, Mangere East) of the NIMT:

- a) exceed the thresholds in Table 3; and
- b) increase by at least 3 decibels above levels as at **[the date this NoR is confirmed]** as a result of the operation of the Third Main.

Table 3: Operational Rail Noise Mitigation thresholds

Day (0700 – 2200hrs)	Night (2200 – 0700hrs)
65 dB L_{Aeq}	60 dB L_{Aeq}
85 dB L_{AFmax}	85 dB L_{AFmax}

21. Prior to the operation of the Third Main, the Requiring Authority shall install noise barriers on the western side of the NIMT to mitigate rail noise received at Existing Buildings identified in condition 20. The noise barriers shall ensure the increase in rail noise level as a result of the operation of the Third Main is less than 3 decibels and shall be:

- a) at least 3.8 metres in height above rail track level within the rail corridor between points:
 - i) 659+715 and 659+926 of the NIMT (works in vicinity of 12 Wyllie Road); and
 - ii) 662+102 and 662+191 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
 - iii) 662+249 to 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East); and
- b) constructed with a surface mass of at least 10kg/m²; and
- c) constructed without gaps (except for station access, where required); and

- d) constructed in general accordance with the memorandum from Boffa Miskell (Oliver May) dated 30 November 2021.
22. Prior to the operation of the Third Main, the Requiring Authority shall install ballast mats under ballasted track to mitigate rail vibration at Existing Buildings between points 659+715 to 660+005 NIMT (works in vicinity of 12 Wyllie Road) and 662+117 to 662+519 NIMT (works in vicinity of 100 Hospital Road, Mangere East). The objective is to achieve NS 8176:2017 Class C as far as practicable. The ballast mats shall be installed between points:
- a) 659+715 and 660+005 of the NIMT (works in vicinity of 12 Wyllie Road); and
 - b) 662+102 and 662+545 of the NIMT (works in vicinity of 100 Hospital Road, Mangere East).
23. Within three months of the commencement of freight operations on the Third Main, the Requiring Authority shall engage a suitably qualified and experienced person to:
- a) undertake representative noise monitoring to quantify the noise mitigation provided by the noise barrier(s) in condition 21; and
 - b) undertake representative vibration monitoring to quantify the vibration mitigation provided by the ballast mats in condition 22; and
 - c) prepare a report confirming compliance with conditions 21 and 22, which shall be provided to the Council for certification and a copy shall be provided to CMDHB; and
 - d) If the report required in condition 23c) above indicates non-compliance with conditions 21 and 22 remedial measures shall be undertaken to ensure compliance and this condition repeated for that work.

Middlemore Design Plan

24. Subject to condition 28, the works in the vicinity of the Middlemore Station shall be undertaken in general accordance with the Jacobs plan DR-NIMT-CV-HS-00701 entitled "Middlemore Station Works Plan" dated 26/11/21.
25. Prior to submitting an OPW for Middlemore Station, the Requiring Authority must prepare a Middlemore Design Plan.
26. The purpose of the Middlemore Design Plan is to demonstrate how safe, efficient and well integrated transport facilities to enable access to Middlemore train station will be provided, as well as how the transport effects of the Third Main on 100 Hospital Road and the surrounding road network will be avoided, remedied or mitigated. The Middlemore Design Plan shall include details of:
- a) parking and other road markings on Orakau Road;
 - b) the turning head facility to access Middlemore Station;
 - c) the pedestrian overbridge / lift to provide access to Middlemore Station and between Middlemore Hospital Campuses;
 - d) vehicular access to 100 Hospital Road;

- e) the reinstatement of any at-grade parking areas at 100 Hospital Road affected by these works;
 - f) access to the northern carpark at 100 Hospital Road, including measures to prevent pedestrians from using the access at 64 Rosella Road as access to and from Middlemore Station;
 - g) noise barriers; and
 - h) mitigation planting, including in relation to the loss of existing trees.
27. The Requiring Authority shall provide a draft of the Middlemore Design Plan to Auckland Transport and CMDHB at least two months prior to submitting the OPW for Middlemore Station and invite them to comment on the plan within 15 working days of receiving the draft plan. The Requiring Authority must consider any feedback received and amend the draft Middlemore Design Plan to incorporate that feedback. If aspects of the feedback are unable to be incorporated, the Requiring Authority shall provide reasons in writing to those parties as to why that feedback was not included, prior to submitting the OPW. Such feedback shall also be provided to the Council as part of the OPW.

Advice Note: *Where the Middlemore Design Plan requires changes within the existing road reserve of Orakau Road or any potential extension of the existing road reserve to be vested with Auckland Council, Engineering Plan Approval will be required.*

28. Any relevant OPW and the construction of the Third Main and any related mitigation works shall be undertaken in accordance with the Middlemore Design Plan.

Access and parking at Middlemore Station

29. The Requiring Authority shall, in consultation with CMDHB, provide legal access to the northern car park at 100 Hospital Road as identified in the plan referenced in condition 24 for CMDHB staff via 64 Rosella Road (LOT 13 DP 19404 NA82C/132) and provide 10 carparking spaces on 64 Rosella Road for CMDHB staff use. The designation shall remain in place with access and carparks continuing to be provided until such time as:
- a) an alternative legal access to the northern car park and replacement carparking is provided by CMDHB or the Requiring Authority; or
 - b) CMDHB confirms in writing to the Requiring Authority that it no longer requires access to the northern carpark via 64 Rosella Road and the carparking spaces on 64 Rosella Road.
30. The Requiring Authority shall secure CMDHB's use of 64 Rosella Road for access and car parking in condition 29 by way of legal instrument.
31. The Requiring Authority shall ensure the design of safe access through 64 Rosella Road includes measures to restrict a public pedestrian connection to the Middlemore train station.

Watercare Utility Protection Plan

32. Prior to undertaking any works for the Wiri to Quay Park project within the land requirement area shown on the plans listed in condition 7, the Requiring Authority shall, in consultation with Watercare, prepare a Watercare Utility Protection Plan that:

- a) ensures Watercare's existing assets within the land requirement area are protected from any damage that may arise as a result of the works;
- b) does not preclude Watercare's ability to construct and operate new infrastructure in the land requirement area in the future, where it is compatible with the works the Requiring Authority is undertaking;
- c) establishes a process for consultation with Watercare on the proposed relocation of any existing Watercare assets that is required as a result of works undertaken by the Requiring Authority within the land requirement area;
- d) makes the Requiring Authority wholly responsible for the cost of any relocation of Watercare assets that are required as a result of works undertaken by the Requiring Authority within the land requirement area; and
- e) ensures Watercare maintains access to its assets within the land requirement area 24 hours a day, 7 days a week for maintenance, safety and operation, provided that:
 - i. Watercare holds a permit to enter the land requirement area; and
 - ii. Watercare staff and / or contractors provide advance notice to Train Control before entering the land requirement area.

Review of Designation

33. As soon as practicable following completion of construction of the Third Main in the locations set out in condition 7, the Requiring Authority shall:
- a) review the designation extent between these locations;
 - b) identify areas of designated land that the Requiring Authority considers are no longer necessary; and
 - c) give notice to the Council and other parties required under section 182 of the RMA to remove those parts of the designation that it no longer requires under (b). For the avoidance of doubt, this will include those parts of the designation identified as "temporary" on the plans listed in condition 7 (except in the case of the designation over 64 Rosella Road which shall remain in place until such time that condition 29(a) or (b) is satisfied).
34. Notwithstanding condition 33, the Requiring Authority must apply to Council to remove the designation identified as temporary on the relevant plan in condition 7 at 12 and 14 Wyllie Road (being Lot 1 DP 152288 NA90C/848 and Part Lot 1 DP 136372 NA80B/675) within 3 months of construction being completed or the site no longer being required as a construction yard, whichever occurs earliest.

APPENDIX C: LIST OF SUBMITTERS TO BE SERVED WITH A COPY OF THE NOTICE

Submitter name	Contact Information	Address for Service
Accident Compensation Corporation	Email: Rachel.Devine@minterellison.co.nz Holly-Marie.Noone@minterellison.co.nz Address: The Accident Compensation Corporation c/- MinterEllisonRuddWatts PO Box 3798 Auckland 1140 Attention: R Devine / H Noone Telephone No: (09) 353 9700 Fax No: (09) 353 9701	Rachel.Devine@minterellison.co.nz Holly-Marie.Noone@minterellison.co.nz
Auckland Transport	Email: kevin.wong-toi@at.govt.nz Address: Kevin Wong-Toi Auckland Transport Private Bag 92250 Auckland 1142	Kevin Wong-Toi Auckland Transport Private Bag 92250 Auckland 1142
B Herring and JL Heering (Brujen Holdings Limited)	Email: Nick@civix.co.nz Address: B Herring and JL Herring (Brujen Holdings Limited) C/- Nick Mattison Level 1, 87 Albert Street, Auckland, PO Box 5204 Wellesley St, Auckland 1141	Nick@civix.co.nz

	Telephone No: 021733232	
Heritage New Zealand Pouhere Taonga	Email: sandrews@heritage.org.nz Address: Susan Andrews Heritage New Zealand Pouhere Taonga PO Box 105 291 Auckland Telephone No: (09) 307 9920	sandrews@heritage.org.nz
Kāinga Ora-Homes and Communities	Address: Dane Grey Kāinga Ora-Homes and Communities 80 Boulcott Street, Wellington Central, PO Box 2628, Wellington 6140	Dane Grey Kāinga Ora-Homes and Communities 80 Boulcott Street, Wellington Central, PO Box 2628, Wellington 6140
New Zealand Transport Agency Waka Kotahi	Email: Tessa.Robins@nzta.govt.nz Address: Level 5, AMP Tower, Customs Street West, Private Bag 106602, Auckland 1143, New Zealand Telephone No: 021 049 3359	Tessa.Robins@nzta.govt.nz
Watercare Services Limited	Email: Lindsay.Wilson@water.co.nz Address: Lindsay Wilson Policy Planner	Lindsay.Wilson@water.co.nz

	<p>Watercare Services Limited Private Bag 92521 Wellesley Street, Auckland 1141</p> <p>Telephone No: 022 011 6507</p>	
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