

City Rail Link – NoR Update

Recommendation

That the board:

- i. Receives the report.

Executive summary

On 3 March 2014 Auckland Transport (AT) received a recommendation from independent commissioners to confirm the City Rail Link (CRL) Notices of Requirement (NoR) lodged with Auckland Council (Council) on 23 August 2012. The recommendation included conditions.

On the 11 April 2014 the Chief Development Officer exercised her delegation to issue the decision to confirm the CRL designation with some modifications to the conditions.

Appeals to the Environment Court (EC) on the decision closed on 19th May 2014. Six appeals were received comprising Mediaworks, Precinct Properties Ltd (PPL), Samson Group, Stamford Plaza and Residences and Tram Lease Ltd.

The appeals mostly traverse concerns in regards to the mitigation of construction effects. The specific matters include;

- PPL and MediaWorks concerns in relation to operational noise and vibration;
- Tram Lease Limited and Samson Group's requests that the designation lapse date be reduced to 5 years and 10 years respectively;
- Samson Group and Stamford Plaza and Residences raised the matter of business interruption during construction.

Initial meetings with appellants have been scheduled for June 2014 to work through the matters raised in the appeals. Mediation is anticipated in 3rd/4th quarter of this year and an EC hearing for 1st quarter 2015 for any outstanding matters unresolved through mediation.

Background

Auckland Transport lodged the CRL NoR with the Council on 23 August 2012 (see Attachment 1). The NoR was publically notified on 25 January 2013. A total of 258 submissions were received, 156 in support, 20 in conditional support, 69 opposed and 13 neutral.

The NoR was heard by independent commissioners appointed by Council over the period, 7-20 August 2013 and 11-12 November 2013. The hearing was formally closed on 4 December 2013.

The commissioners' role was to consider the CRL's proposal, submissions, and evidence from the organisation, the submitters who wished to be heard, and Council, and to make a recommendation to AT for consideration in the exercising its decision-making powers under the Resource Management Act 1991 (RMA) as the requiring authority.

The commissioners were also required to consider whether the conditions proposed by AT were sufficient to address the effects generated by the project, including whether any changes to the conditions were required to address those effects.

The commissioners acknowledged in the recommendation that the project will result in significant overall benefits to the people and economy of Auckland. The commissioners also noted that the

project benefits were essentially uncontested and that the focus of the matters raised by submitters related to adequate mitigation of effects generated by the project.

In making the decision to confirm the recommendation and reject or modify some of the recommendations and specific conditions, the Chief Development Officer considered the legislative framework within which the project is delivered, obtained legal, planning and other expert advice, considered project delivery risk, and exercised an overall judgement on the adequacy of the conditions in addressing mitigation of effects generated by the project.

Appeal rights

The appeal period for lodging with the EC was within 15 working days of Council notifying the submitters of the organisation's decision. The 19 May 2014 was the close date for appeals. A total of 6 appeals were received from;

- Samson Group. The key issues raised by the appellant are the lapse date of 15 years and business interruption due to construction effects;
- MediaWorks. The key issues relate to the traffic management, dust mitigation and noise and vibration standards during construction and reradiated noise effects associated with the operation of the CRL;
- Stamford Plaza and Residences (two separate appeals) also raise the issue of noise and vibration and associated effects from the cut and cover methodology and duration of construction and construction related business interruption;
- PPL raising the issue of construction effects through the cut and cover section of Albert Street and operational noise and vibration under the Downtown Shopping Centre site; and
- Tram Lease Limited, which has also raised the effects of construction on the site and the temporary occupation of land including the temporary loss of carparks and final design of permanent works related to the grade separation of Normanby Road.

Next steps

Initial meetings with appellants have been scheduled for June 2014 to work through the matters raised in the appeals. A request will be issued to the EC to deal with the appeal matters under specific topics and related to specific notices, for example, noise and vibration matters in Albert Street separate to noise and vibration matters raised by MediaWorks. Mediation is anticipated in 3rd/4th quarter of this year. Through this process the issues are often narrowed. Where matters are resolved consent orders will be prepared, signed by the parties, and sealed by the EC. Where there is no resolution the parties will proceed to a hearing for the outstanding matters/topics. It is anticipated a hearing would take place in first quarter 2015 with a decision issued 2nd or 3rd quarter (See Attachment 2 Timeline).

Attachments

Number	Description
1	City Rail Link Notices of Requirements
2	Timeline

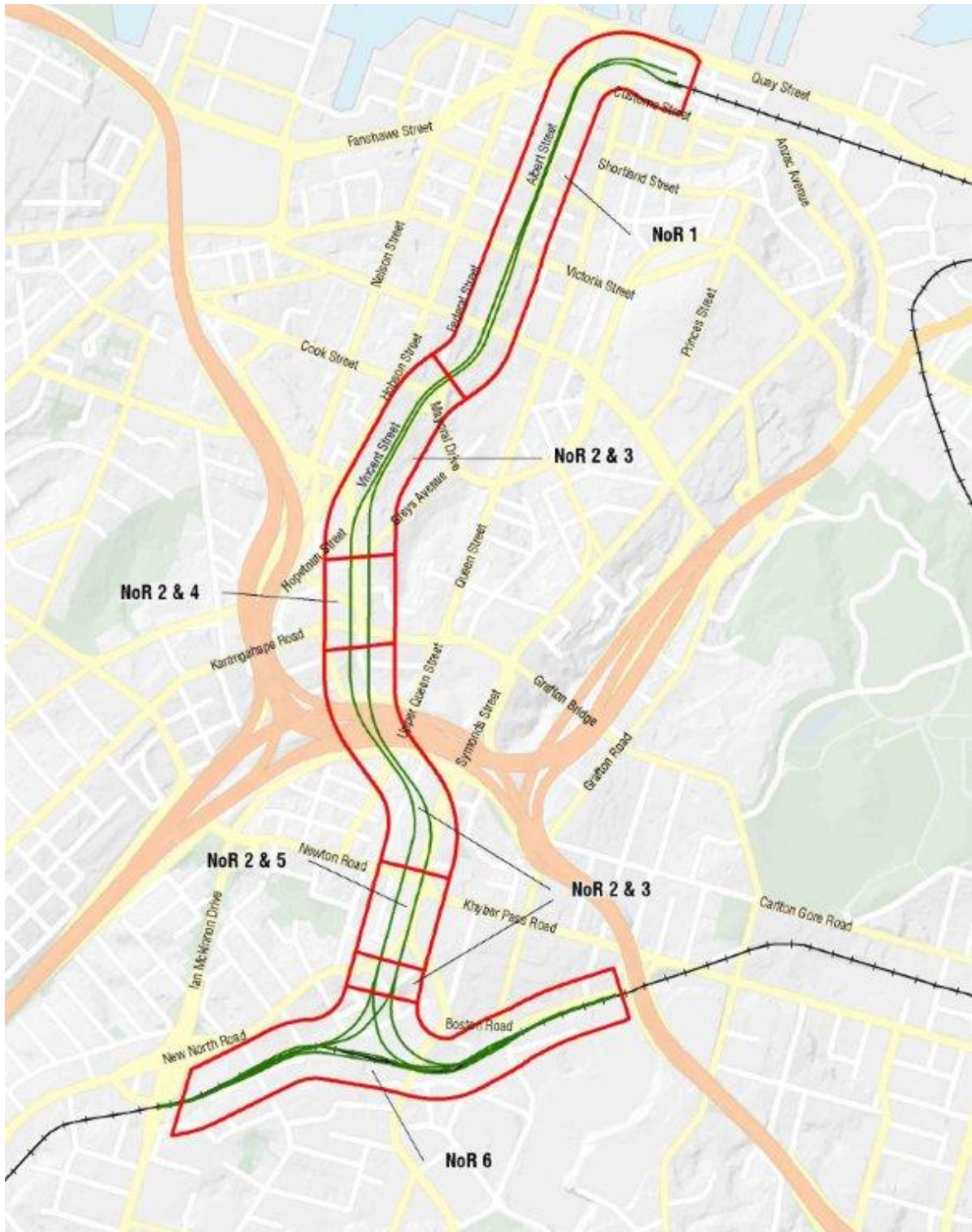
Document ownership

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Approved for submission	David Warburton Chief Executive	

Glossary

Acronym	Description	Business Unit
AT	Auckland Transport	
Council	Auckland Council	
CRL	City Rail Link	
EC	Environment Court	
NoR	Notice(s) of Requirement	
PPL	Precinct Properties Limited	
RMA	Resource Management Act 1991	

City Rail Link Notices of Requirement



Timeline

