

APPENDIX M – RULES ASSESSMENT

Schedule 6, Clause 9 of the FTA details what information is required for consent applications. A summary of the resource consents required for Stage 1B1 is contained in section 3 of this AEE and detailed in this appendix, in accordance with Schedule 6, Clause 9(1)(f) of the FTA. This appendix also details the permitted activities that form part of Stage 1B1, in accordance with Schedule 6, Clause 9(6)(a) of the FTA.

The permitted activities and the activities which require resource consents pursuant to the NES Contaminated Soil, NES Freshwater and the AUP (last updated 15 January 2021) are set out in the sections below. District Plan land use consents are not required for works within the existing Designation 6706, NOR 1 or NOR 2 as part of Stage 1B1.

There are currently 61 plan changes¹ to the AUP. A rule has immediate legal effect if section 86B of the RMA applies. Any minor changes proposed by the plan changes, relevant to the Project, are shown in grey highlight, italics (*example*) and strikethrough (~~example~~) text in the tables below for completeness.

National Environmental Standard Consents

The NES Contaminated Soil applies as disturbing soil is covered by Regulation 5(4) of the NES Contaminated Soil. The HAIL sites are detailed in the Contaminated Land Assessment contained in Appendix T of the AEE. The activities requiring resource consent under the NES Contaminated Soil are set out in **Table 1** below.

Table 1 Resource Consents required pursuant to the NES Contaminated Soil

Reference	Rule	Status
Regulation 11	<p><i>(1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.</i></p> <p><i>(2) The activity is a discretionary activity.</i></p> <p>Comment:</p> <p>Earthworks within various HAIL sites is required for the Stage 1B1. A PSI and a DSI is provided with Contaminated Land Assessment contained in Appendix T of the AEE, however, the DSI does not cover Drury Interchange. Therefore, resource consent is required as a discretionary activity. The Contaminated Land Assessment concludes that the implementation of a CSMP supported by a complete DSI will ensure the potential adverse effects of disturbing contaminated land is less than minor.</p>	Discretionary

¹ As of 3 February 2021.

The NES Freshwater applies to the three proposed wetlands and works on the existing culverts within Stage 1B1. The stormwater management within Stage 1B1 are detailed in the Stormwater and Hydrology Assessment is contained at Appendix G of the AEE. The activities requiring assessment under the NES Freshwater are set out in **Table 2** below.

Table 2 Resource Consents required pursuant to the NES Freshwater

Reference	Rule	Status
Regulation 45	<p><i>Construction of specified infrastructure</i></p> <p>(1) <i>Vegetation clearance within, or within a 10 m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</i></p> <p>(3) <i>Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural wetland is a discretionary activity if it—</i></p> <p><i>(a) is for the purpose of constructing specified infrastructure; and</i></p> <p><i>(b) results, or is likely to result, in the complete or partial drainage of all or part of the natural wetland.</i></p> <p>(4) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</i></p> <p>Comment:</p> <p>There are two areas that are identified as being “wetlands” in the Ecological Assessment contained in Appendix P of the AEE, being the culvert outfalls at 144 Park Estate Road, and the artificial ponded area in Karaka Reserve. Earthworks and vegetation clearance within 10m of these wetlands are for culvert extensions and SUP facilities (specified infrastructure). Therefore, resource consent for these works are required under Regulation 45 of the NES Freshwater as a Discretionary Activity.</p>	Discretionary
Regulation 47	<p><i>Maintenance and operation of specified infrastructure and other infrastructure</i></p> <p>(1) <i>Vegetation clearance within, or within a 10 m setback from, a natural wetland is a restricted discretionary activity if it—</i></p> <p><i>(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p><i>(b) does not comply with any of the conditions in regulation 46(4).</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a restricted discretionary activity if it—</i></p> <p><i>(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p><i>(b) does not comply with any of the conditions in regulation 46(4).</i></p> <p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—</i></p> <p><i>(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p><i>(b) does not comply with any of the conditions in regulation 46(4), but does comply with the conditions in subclause (5) of this regulation.</i></p>	Restricted Discretionary

(4) However, the conditions in subclause (5) of this regulation do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure.

Conditions

(5) The conditions are that—

(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and

(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and

(c) the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.

(6) However, the condition in subclause (5)(c) does not apply to any part of the bed that is in direct contact with a part of the specified infrastructure or other infrastructure that was constructed for maintenance purposes.

Matters to which discretion restricted

(7) The discretion of a consent authority is restricted to the matters set out in regulation 56.

Comment:

There are two areas that are identified as being “wetlands” in the Ecological Assessment contained in Appendix P of the AEE, being the culvert outfalls at 144 Park Estate Road, and the artificial ponded area in Karaka Reserve. Works in the vicinity of these wetlands are for culvert extensions and SUP facilities (specified infrastructure).

The proposed upgrades to the culverts include increasing the size of the infrastructure, which does not comply with subclause (4)(b) of Regulation 46. The proposed riprap on the southern side of Bremner Road is to facilitate the pedestrian and cyclist facilities along Bremner Road, which does not comply with subclause (4)(c) of Regulation 46.

Therefore, resource consent is required under Regulation 47 as a Restricted Discretionary Activity. The proposed works for Stage 1B1 are able to comply with the conditions in Regulation 47.

Regulation 71

Culverts

(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the conditions in regulation 70(2).

Conditions required in resource consent

(2) A resource consent granted for the discretionary activity must impose the conditions required by—

(a) regulations 62 and 63 (information about structures and passage of fish and about culverts), unless the activity is use; and

(b) regulation 69 (monitoring and maintenance).

Comment:

Extensions², rehabilitation³ and installation of erosion control measures in the form of rip rap to existing culverts (consented under Stage 1A) within Stage 1B1 is proposed. Further detail is contained in the Design and Construction Report contained at Appendix

Discretionary

² Culverts 14D (10m upstream, 15m downstream), 14E (15m downstream) and 14F (15m downstream).

³ Replace the internal lining and outlet points of culverts 14G, 14H and 14I.

C of the AEE and the Stormwater and Hydrology Assessment contained at Appendix G of the AEE. The design of the culverts are able to comply with condition 2(b) – (g) of Regulation 70. The design of the culverts are likely to be able to comply with condition 2(a) of Regulation 70, however, due to the location of scruffy domes upstream of the culverts, resource consent will be sought under Regulation 71 as a precautionary measure.

Auckland Unitary Plan Consents

The activities requiring resource consent under the AUP are set out in the following sections.

Freshwater

Chapter E3 of the AUP provides regional and district land use rules for lakes, rivers, streams and wetlands. The activities requiring resource consent are set out in **Table 3** below.

Table 3 Resource Consents required pursuant to Chapters E3 and E15 of the AUP

Reference	Rule	Status
E3.4.1 (A2)	<p><i>Conservation planting complying with the standards in E3.6.1.2</i></p> <p>Comment:</p> <p>It is proposed to provide landscaping planting along the Ngakoroa Stream banks, which will comply with standard E3.6.1.2 as the replacement planting will be with suitable native species as described in the Arboricultural Assessment contained at Appendix J of the AEE. As such, this activity will be a permitted activity.</p>	Permitted
E3.4.1 (A14)	<p><i>Pest plant removal complying with the standards in E3.6.1.8</i></p> <p>Comment:</p> <p>It is proposed to remove pest plants along the Ngakoroa Stream banks, which will comply with standard E3.6.1.8 as a permitted activity. It will comply with the standards because best practice erosion and sediment control measures will be implemented, and the disturbance activities will not result in the infilling of the existing bed.</p>	Permitted
E3.4.1 (A23)	<p>Replacement, upgrading or extension of existing structures complying with Standards in E3.6.1.12</p> <p>Comment:</p> <p>It is proposed to remove and replace Jesmond Bridge over Ngakoroa Stream. Construction of the structure will comply with standard E3.6.1.12 if carried out in accordance with the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE, which is permitted outside overlays and restricted discretionary within overlays.</p>	Restricted Discretionary
E3.4.1 (A24)	<p>Demolition or removal of existing structures complying with the standards in E3.6.1.13</p> <p>Comment:</p> <p>It is proposed to remove and replace Jesmond Bridge over Ngakoroa Stream. The demolition of the structure will comply with standards E3.6.1.10 and E3.6.1.13 if carried out in accordance with the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE.</p>	Permitted
E3.4.1 (A26)	<p><i>Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.10 – E3.6.1.13</i></p> <p>Comment:</p> <p>Stage 1B1 will involve extending three existing culverts (14E, 14D and 14F) and rehabilitating three existing culverts (14G, 14H and 14I). This work requires resource consent as a Discretionary Activity.</p>	Discretionary

E3.4.1 (A27)	<i>Temporary structures complying with standards in E3.6.1.15</i> Comment: It is proposed to remove and replace Jesmond Bridge over Ngakoroa Stream. A temporary bridge will be required during construction, which will comply with standards E3.6.1.14 and E3.6.1.15 if carried out in accordance with the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE, which is permitted outside overlays and restricted discretionary within overlays.	Discretionary
E3.4.1 (A29)	<i>Bridges or pipe bridges complying with the standards in E3.6.1.16</i> Comment: It is proposed to remove and replace Jesmond Bridge over Ngakoroa Stream. The replacement of the bridge will comply with standard E3.6.1.14 if carried out in accordance with the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE. The replacement bridge will comply with standard E3.6.16 as the new piles will be located higher on the banks of Ngakoroa Stream, which is permitted outside overlays and restricted discretionary within overlays.	Discretionary
E3.4.1 (A34)	<i>Erosion control structure less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14</i> Comment: Riprap is proposed at the downstream end of the upgraded culverts (Culverts 14G, 14H, 14I) at 144 Park Estate Road. The riprap is able to comply with standard E3.6.1.14 as it is less than 30m in total length, the structure will not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream and construction material will be removed following completion. As such, this is a permitted activity outside overlays.	Permitted
E3.4.1 (A45)	<i>Removal or demolition of an existing reclamation or drained area complying with the standards in E3.6.1.24</i> Comment: It is proposed to remove the redundant structures from Ngakoroa Stream which will reclaim the previously reclaimed land. The works will comply with the standards in E3.6.1.24 as the redundant structures will be removed from the bed as far as practical and any remaining structures will not be a hazard to public access, navigation or health and safety. As such, the works are a permitted activity.	Permitted

Construction Phase Discharges

The construction phase activities requiring resource consent under Chapters E4 and E30 of the AUP are set out in **Table 4** below. The construction phase of Stage 1B1 is able to comply with the relevant rules under Chapter E14 Air quality.

Table 4 Resource Consents required pursuant to Chapter E4 and E30 of the AUP

Reference	Rule	Status
E4.4.1 (A1)	<i>Discharge of water and/or contaminants (including washwater) onto or into land and/or into water from any of the following activities:</i> <i>(a) concrete/asphalt laying or reworking;</i> <i>(b) drilling (excluding bore development and testing);</i>	Permitted

(c) mobile cleaners;

(d) washing vehicles, plant or machinery;

...

(f) road construction activities;

(g) construction, repair, maintenance, upgrade or removal of any component of the stormwater or wastewater network that does not border, span or otherwise extend over any water body;

(h) construction, repair, maintenance, upgrade or removal of network utility infrastructure that does not border, span or otherwise extend over any water body;

...

(j) dust suppression;

...

Comment:

Minor discharges of water and sediment onto land and possibly to water may be required during the construction of Stage 1B1, which is a permitted activity. Discharges will be managed by the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE to ensure compliance with standard E4.6.1.

E4.4.1 (A5)

Discharge onto or into land and/or into water for the purpose of dewatering trenches or other excavations

Permitted

Comment:

Dewatering excavations may be required during the construction of Stage 1B1, which is a permitted activity. Discharges will be to surface water and/or groundwater in accordance with standard E4.6.2.5(1). Excavations will be managed by the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE, in accordance with standards E4.6.1 and E4.6.2.5(2).

E4.4.1 (A15)

Discharge of water or contaminants (including washwater) onto or into land and/or into water not complying with the relevant standards or not otherwise provided for by a rule in the Plan

Discretionary

Comment:

The construction of Jesmond Bridge spans across a water body (Ngakoroa Stream), which is excluded from permitted activity rule Rule E4.4.1 (A1) (h) above. Resource consent as a discretionary activity will be required in case of any minor discharges of water and sediment onto land and water during the construction of Jesmond Bridge for Stage 1B1. However, it is anticipated that the implementation of the ESCP (Appendix A) will ensure these discharges are avoided wherever possible. Therefore, resource consent is required as a discretionary activity. Discharges will be managed by the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE.

E30.4.1 (A6)

Contaminated Land Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1

Discretionary

Comment:

The levels of contamination do not meet the standards on Chapter E30, as detailed in the Contaminated Land Assessment (and associated PSI in Appendix A) contained at Appendix T of the AEE. A DSI is not provided for the full Project area which does not

comply with standard E30.6.2.1, therefore, resource consent sought as a discretionary activity. The HAIL sites shall be managed by the CSMP at Appendix B of the Contaminated Land Assessment contained at Appendix T of the AEE and the ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE.

Diversion of Groundwater

Chapter E7 of the AUP provides for the taking, using, damming and diversion of surface water and groundwater. The activities requiring resource consent under Chapter E7 are set out in **Table 5** below.

Table 5 Resource Consents required pursuant to Chapter E7 of the AUP

Reference	Rule	Status
E7.4.1 (A28)	<p><i>Diversion of groundwater caused by any excavation (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed</i></p> <p>Comment:</p> <p>The Stage 1B1 works may require the diversion of groundwater⁴ (i.e. groundwater draw down) in particular locations, such as cuts (proposed cut from Ch. 13,650 to Ch. 13,920 is projected to intersect groundwater), construction of new wetlands and trenching for utilities and stormwater devices which may occur within the High-Use Stream Management Areas Overlay.</p> <p>The cut has a low risk of groundwater drawdown but still the possibility (groundwater is likely currently draining towards the existing carriageway). Two wetlands are planned at Drury Interchange, which will be constructed above existing levels and have a low risk of groundwater drawdown. A third wetland is planned for 29 Bremner Road, which has a low risk of groundwater drawdown but still the possibility (groundwater is likely currently draining towards Ngakoroa Stream). Trenching has the potential to result in long-term groundwater drawdown, as trenchlines are typically backfilled with higher permeability fill that can create flow paths for groundwater (groundwater is likely currently draining towards Ngakoroa Stream).</p> <p>The diversion is for network utilities and road network linear trenching activities, will be for less than 10 days in accordance with permitted activity standard E7.6.1.10 (1)(e) as the works will be staged. However, as the location and depth of existing groundwater is yet not confirmed, compliance with permitted activity standards E7.6.1.10 (2), (3), (4) or (5) cannot be assumed. As a precautionary measure, resource consent is required as a restricted discretionary activity.</p>	Restricted Discretionary

⁴ Chapter J1 of the AUP defines Groundwater Diversion as “Significantly changing the permeability of the aquifer and/or rerouting the ambient groundwater flow regime by draining, piping or physically impeding the flow of groundwater.” In this case, the potential groundwater drawdown is changing the ambient groundwater flow regime, if only temporarily.

Operational Discharges

The operational phase activities requiring resource consent under Chapter E8 of the AUP are set out in **Table 6** below.

Table 6 Resource Consents required pursuant to Chapter E8 of the AUP

Reference	Rule	Status
E8.4.1 (A5)	<p><i>Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m² (including road ancillary areas) that complies with Standard E8.6.1 and Standard E8.6.4.1, onto or into land or water or to the CMA</i></p> <p>Comment:</p> <p>The stormwater management is designed to comply with Standard E8.6.1 and Standard E8.6.4.1 as detailed in the Stormwater and Hydrology Assessment contained in Appendix G of the AEE.</p>	Restricted Discretionary

Stormwater Quality – High Use Road

Chapter E9 of the AUP provides regional land use rules for managing stormwater runoff quality from high use roads⁵. The activities requiring resource consent under Chapter E9 are set out in **Table 7** below.

Table 7 Resource Consents required pursuant to Chapter E9 of the AUP

Reference	Rule	Status
E9.4.1 (A1)	<p><i>Development of new or redevelopment of existing impervious areas for any high contaminant generating car park or high use road where stormwater runoff is directed to an existing authorised stormwater management device or system</i></p> <p>Comment:</p> <p>Stage 1B1 involves the development of new impervious area and redevelopment of existing impervious area along SH1 and SH22, which are both high use roads. All stormwater runoff will be directed into an existing authorised stormwater management system. The stormwater management system is sized and designed in accordance with Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01) in accordance with standard E9.6.1.2, as detailed in the Stormwater and Hydrology Assessment contained in Appendix G of the AEE.</p>	Permitted
E9.4.1 (A7)	<p><i>Development of a new or redevelopment of an existing high use road greater than 5,000m²</i></p> <p>Comment:</p> <p>Stage 1B1 involves the development of new impervious area and redevelopment of existing impervious area along SH1 and SH22, which are both high use roads. The upgraded stormwater management system will be sized and designed in accordance with GD01 in accordance with standard E9.6.2.2, as detailed in the Stormwater and Hydrology Assessment contained in Appendix G of the AEE. Therefore, resource consent is required as a controlled activity.</p>	Controlled

⁵ SH1 and SH22 are classified as a high use road under Chapter J as they carry more than 5000 vehicles per day.

Stormwater Quantity – SMAF-1 and SMAF-2

Chapter E10 of the AUP provides regional land use rules for managing stormwater quantity to sites identified in the Stormwater Management Area Control – Flow 1 (SMAF-1) and Flow 2 (SMAF-2) as shown on the AUP maps. Chapter E10 is not currently subject to any plan changes.

As explained in section 2 of the AEE, sections of Stage 1B1 lies within the SMAF-1 and SMAF-2. The activities requiring resource consent under Chapter E10 are set out in **Table 8** below.

Table 8 Resource Consents required pursuant to Chapter E10 of the AUP

Reference	Rule	Status
E10.4.1 (A1)	<p><i>Development of new or redevelopment of existing impervious areas within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that are not directed to a stream or are discharged below RL 1.7m (RL in terms of NZVD2016)</i></p> <p>Comment:</p> <p>The Project involves the development of new impervious area and redevelopment of existing impervious area along SH1, SH22 and local roads.</p> <p>Some of the Project area lies outside of the SMAF-1 and SMAF-2 (as shown in the Existing Environment Maps in Appendix N of the AEE). In addition to this, some of the stormwater discharge rates will be below RL1.7m.</p> <p>The description of the proposed stormwater management in the Stormwater and Hydrology Assessment (contained in Appendix F of the AEE) demonstrates that general standard E10.6.1(1) and (2) will be complied with as a permitted activity. “as built” plans for any stormwater management device or system will be provided, as stated in the proposed conditions in Appendix W in accordance with general standard E10.6.1(3). The proposed stormwater management was designed with a BPO approach in accordance with general standard E10.6.1(4) as a permitted activity.</p>	Permitted
E10.4.1 (A10)	<p><i>Development of new or redevelopment of existing impervious areas greater than 5,000m² for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that does not comply with Standard E10.6.1 and Standard E10.6.4.2</i></p> <p>Comment:</p> <p>The Project involves the development of new impervious area and redevelopment of existing impervious area along SH1, SH22 and local roads.</p> <p>Some of the Project area lies within the SMAF-1 and SMAF-2 (as shown in the Existing Environment Maps in Appendix N of the AEE). In addition to this, some of the stormwater discharge rates will be above RL1.7m.</p> <p>The stormwater management system and treatment devices (for hydrology mitigation) will be built in accordance with design specifications by a suitably qualified service provider and be fully operational prior to use of the impervious area in accordance with standard E10.6.1(1) and (3). “As built” plans for any stormwater management device or system will be provided to the Auckland Council within three months of practical completion of the works in accordance with standard E10.6.1(3). Any stormwater management device or system will be operated and maintained in accordance with best practice for the device or system in accordance with standard E10.6.1(4).</p>	Discretionary

The stormwater management system and treatment devices has been designed in accordance with the hydrology mitigation requirements in Table E10.6.3.1.1 of the AUP, in accordance with standard E10.6.4.2.

Retention (volume reduction) is not practicable for Stage 1B1 due to low soil permeability. Section 2.11.3 of the Stormwater and Hydrology Assessment (contained in Appendix F of the AEE) confirms that the soil infiltration rates are less than 2mm/hour and is therefore excluded under Standard E10.6.3.1 (Table E10.6.3.1.1 (2)(a)) of the AUP.

Rainwater reuse is not available as there are no activities occurring on site that can re-use collected water and is therefore excluded under Standard E10.6.3.1 (Table E10.6.3.1.1 (2)(b)) of the AUP.

Retention (temporary storage) is not proposed, however, three wetlands are proposed (section 4.2.1 Stormwater and Hydrology Assessment contained in Appendix F of the AEE) and will provide detention on site at Bremner Road and Drury Interchange. Existing stormwater ponds provides appropriate detention at Papakura Interchange. The level of detention provided may not meet the requirements of under Standard E10.6.3.1 (Table E10.6.3.1.1 (2)(c)) of the AUP (discharges above RL1.7m), therefore, resource consent is required as a discretionary activity.

Vegetation

Chapter E15 of the AUP provides regional land use rules for vegetation management within the CMA, riparian margins and the SEAs. Chapter E15 is not currently subject to any plan changes. The activities requiring resource consent under Chapter E15 are set out in **Table 9** below.

Table 9 Resource Consents required pursuant to Chapter E15 of the AUP

Reference	Rule	Status
E15.4.1 (A18)	<p><i>Vegetation alteration or removal within 20m of a natural wetland, in the bed of a river or stream (permanent or intermittent), or lake</i></p> <p>Comment:</p> <p>There are two areas that are identified as being “wetlands” in the Ecological Assessment contained in Appendix P of the AEE, being the culvert outfalls at 144 Park Estate Road, and the artificial ponded area in Karaka Reserve. Vegetation removal is required within 20m of two wetlands for culvert extensions and SUP facilities. Vegetation removal is required within 20m of the riparian areas of Ngakoroa Stream for the replacement of Jesmond Bridge. This vegetation removal requires resource consent as a restricted discretionary activity.</p> <p>Any adverse effects of vegetation removal in the riparian areas will be short term and will be mitigated through native riparian planting implemented through a Landscape Planting Plan, as detailed in the Ecology Assessment contained in Appendix P of the AEE.</p>	Restricted Discretionary

Infrastructure

Chapter E26 of the AUP provides regional and district land use rules for development, operation, use, maintenance, repair, upgrading and removal of infrastructure. Regional activities are included in the following sections of Chapter E26:

- E26.3.3.1 Network utilities and electricity generation and vegetation management.

- E26.5.3.2 Earthworks – All zones and roads.
- E26.6.3.1 Earthworks in overlay areas – except Outstanding Natural Features Overlay.

The activities requiring resource consent under Chapter E26 are set out in **Table 10** below.

Table 10 Resource Consents required pursuant to Chapter E26 of the AUP

Reference	Rule	Status
E26.3.3.1 (A74)	<p><i>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading:</i></p> <p><i>Pest plant removal</i></p> <p>Comment:</p> <p>The removal and replacement of Jesmond Bridge (a road network utility) may require pest plant removal within coastal and riparian areas and SEA, which is a permitted activity in these areas.</p>	Permitted
E26.3.3.1 (A76)	<p><i>Operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading:</i></p> <p><i>Vegetation alteration or removal</i></p> <p>Comment:</p> <p>The removal and replacement of Jesmond Bridge (a road network utility) may require vegetation removal within coastal and riparian areas and SEA, which is a permitted activity in these areas.</p> <p>There are no trees over 6 m in height, or 600 mm in girth within the coastal or riparian areas, or the SEA, therefore, standard E26.3.5.2(1) and (7) can be complied with. There would be no more than 50 m² of vegetation removal within coastal or riparian areas, or more than 20m² within the SEA in accordance with standard E26.3.5.2(3).</p> <p>Any adverse effects of vegetation removal in the riparian yard and adjacent to Ngakoroa stream will be short term and will be mitigated through native riparian planting implemented through the landscape planting plan, as detailed in the Ecology Assessment in Appendix P of the AEE.</p>	Permitted
E26.4.3.1 (A82)	<p><i>Pest Plant Removal</i></p> <p>Comment:</p> <p>Three groups of weed species of trees (G3, G10 and G11) located within the road reserve will be removed as part of the Project as a permitted activity, as detailed in the Arboriculture Assessment in Appendix J of the AEE.</p>	Permitted
E26.4.3.1 (A87)	<p><i>Works within the protected root zone that comply with Standard E26.4.5.2</i></p> <p>Comment:</p> <p>Works will be undertaken within the root zones of Trees 1 & 2. The proposed works will be relatively minor, when considering they will be undertaken at the edge of the protected root zone in accordance with Standard E26.4.5.2 as a permitted activity, as detailed in the Arboriculture Assessment in Appendix J of the AEE.</p>	Permitted
E26.4.3.1 (A88)	<p><i>Works within the protected root zone not otherwise provided for</i></p> <p>Comment:</p>	Restricted Discretionary

Works are proposed within the root zones of five trees (G5), which stand directly adjacent to a Notable tree (Tree 6) and have a shared root zone with that Notable tree. No works are proposed within the root zone of the Notable tree (Tree 6), however, resource consent is required as it has a shared root zone with trees that will have works within the root zone (G5).

All works within 7m of this Notable tree will be supervised and undertaken in accordance with the recommended practices, as detailed in the Arboriculture Assessment in Appendix J of the AEE, in accordance with Standards E26.4.5.2 and E26.4.5.4.

**E26.4.3.1
(A92)**

Tree alteration or removal of any tree greater than 4m in height and/or greater than 400mm in girth

**Restricted
Discretionary**

Restricted Discretionary in roads and open space zones.

Comment:

21 protected individual trees (Trees 8, 9, G13 (4), G14 (4), G15 (3) and G16 (3) and G17(5)) and one grouping of trees (G7) are 4m or more in height and/or 400mm or more in girth. These trees will be removed to enable the construction of the Project, therefore, resource consent as a restricted discretionary activity is required.

Replacement planting at a 1:1 ratio is proposed as part of the Project. The replacement trees will be a native species and will provide a similar arboricultural and amenity value in the medium term.

**E26.5.3.2
(A106)**

Greater than 2,500m² where the land has a slope equal to or greater than 10 degrees other than for maintenance, repair, renewal, minor infrastructure upgrading

**Restricted
Discretionary**

Comment:

Earthworks is required for Stage 1B1 in areas with a steep slope, which requires a resource consent as a restricted discretionary activity in all zones. Earthworks on steeper slopes (greater than 10 degrees) will include minor batter earthwork activities. The ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE will ensure compliance with standards E26.5.5.2 (1) to (8).

**E26.5.3.2
(A107)**

Greater than 2,500m² within the Sediment Control Protection Area other than for maintenance, repair, renewal, minor infrastructure upgrading

**Restricted
Discretionary**

Comment:

Earthworks is required for Stage 1B1 within the Sediment Control Protection Area, which requires a resource consent as a restricted discretionary activity in all zones. The ESCP at Appendix F of the AEE and described in the CWESC Assessment contained in Appendix I of the AEE will ensure compliance with standards E26.5.5.2 (1) to (8).

**E26.6.3.1
(A117)**

Earthworks from 10m² to 2500m² and from 5m³ to 2500m³

**Restricted
Discretionary**

Comment:

Areas of Stage 1B1 fall within SEA-T and SEA-M1. The northern (seaward) side of Jesmond Bridge is subject to the SEA-M1 overlay and the southern (upstream) side of Jesmond Bridge is subject to the SEA-T overlay under the AUP. Less than 2500m² and 2500m³ of earthworks is required for Stage 1B1 within the SEA-T and SEA-M1, which requires a resource consent as a restricted discretionary activity. Earthworks within the SEA overlay is a regional matter. The ESCP at Appendix F of the AEE and

described in the CWESC Assessment contained in Appendix I of the AEE will ensure compliance with standards E26.6.5.2 (5) to (10) and (13).

Natural Hazards and Flooding

Chapter E36 of the AUP provides district land use rules for developments and land that may be subject to natural hazards. The activities requiring resource consent pursuant to section 9(3) of the RMA are set out in **Table 11** below.

Table 11 Resource Consents required pursuant to Chapter E36 of the AUP

Reference	Rule	Status
E36.4.1 (A56)	<p><i>All other infrastructure in areas listed in the heading above not otherwise provided for</i></p> <p>Comment:</p> <p>The riprap which is located adjacent to Victoria Street and Bremer Road is within the Altered Designation 6706 (NOR 1). As such, rule E26.2.3.1 (A58) applies and the applicable rule is pursuant to section 9(3) of the RMA.</p> <p>However, there is a portion of the riprap that is located outside the designation. As such, rule E36.4.1 (A56) applies and a resource consent as a Restricted Discretionary Activity pursuant to section 9(3) of the RMA will be required.</p> <p>This rule is applicable as the riprap will be constructed within an existing overland flow path, however the entry and exit points of the overland flow path will remain the same.</p>	Restricted Discretionary

Coastal Marine Area

Chapter F2 of the AUP provides regional and district land use rules for the CMA. For the Project the CMA extends along Ngakoroa Stream up to the northern side of Jesmond Bridge on Bremner Road. The activities requiring resource consent within the CMA are set out in **Table 12** below. Chapter F2 of the AUP is affected by PC15 which has immediate legal effect.

Table 12 Resource Consents required pursuant to Chapter F2 of the AUP

Reference	Rule	Status
F2.19.1 (A6)	<p><i>Declamation</i></p> <p>Comment:</p> <p>The northern (seaward) side of Jesmond Bridge is subject to the SEA-M1 overlay and within the General Coastal Marine Zone.</p> <p>It is proposed to replace Jesmond Bridge, which will be wider than the original bridge and encroach into the CMA (including the SEA-M1 overlay and General Coastal Marine Zone).</p> <p>Redundant structures will be removed from Ngakoroa Stream, declaiming previously reclaimed land. The declaimed land will mainly be located under the bridge, however, some land may be declaimed on either side of the bridge, which is a discretionary activity in the General Coastal Marine Zone and a non-complying activity in the SEA.</p>	Non-Complying
F2.19.4 (A33)	<p><i>Coastal marine area disturbance that is associated with movement of up to 1500m³ of sediment per calendar year 12 month period within the same coastal cell</i></p>	Discretionary

Comment:

The replacement Jesmond Bridge will extend into the CMA (northern/downstream side of the bridge), therefore, only a limited amount of earthworks for the piles (east and west abutments) will actually occur within the CMA (including the SEA-M1 overlay and General Coastal Marine Zone).

Earthworks within the General Coastal Marine Zone is a permitted activity. Earthworks within the SEA-M1 Overlay requires a resource consent as a discretionary activity.

Earthworks will be managed by a SSESCP, which will be based on the ESCP at Appendix F of the AEE as described in the CWESC Assessment contained in Appendix I of the AEE, in order to comply with standards F2.21.1.4 and F2.21.5.3.

**F2.19.5
(A42)**

Native vegetation alteration or removal, not otherwise provided for

Non-Complying

Comment:

The removal and replacement of Jesmond Bridge (a road network utility) may require some native vegetation removal within coastal riparian areas of Ngakoroa Stream and SEA, which is a discretionary activity in the General Coastal Marine Zone and a non-complying activity in the SEA.

There would be no more than 50 m² of vegetation removal within coastal or riparian areas, or more than 20m² within the SEA. Vegetation removal will be appropriately managed as recommended in the Coastal Processes Assessment in Appendix Q of the AEE to ensure compliance with standard F2.21.5.7.

Any adverse effects of vegetation removal in the riparian yard and adjacent to Ngakoroa stream will be short term and will be mitigated through native riparian planting implemented through the landscape planting plan, as detailed in the Ecology Assessment in Appendix P of the AEE.

**F2.19.5
(A43)**

Exotic vegetation alteration or removal, not otherwise provided for

Permitted

Comment:

The removal and replacement of Jesmond Bridge (a road network utility) may require exotic vegetation removal within coastal riparian areas of Ngakoroa Stream and SEA, which is a permitted activity. Vegetation removal will be appropriately managed as recommended in the Coastal Processes Assessment in Appendix Q of the AEE to ensure compliance with standard F2.21.5.7.

Any adverse effects of vegetation removal in the riparian yard and adjacent to Ngakoroa stream will be short term and will be mitigated through native riparian planting implemented through the landscape planting plan, as detailed in the Ecology Assessment in Appendix P of the AEE.

**F2.19.5
(A45)**

Planting of native vegetation

Permitted

Comment:

Replacement planting at a 1:1 ratio is proposed as part of the Project. The replacement trees will be a native species in accordance with standard F2.21.6.1. Native riparian planting will be conducted along the banks of Ngakoroa Stream, in accordance with the recommendations in the Ecology Assessment in Appendix P of the AEE and the Arboricultural Assessment in Appendix J of the AEE. Native vegetation planting is a permitted activity.

F2.19.8 (A99)	<p><i>Vehicle use of the foreshore and seabed by network utility operators for the construction of new infrastructure</i></p> <p>Comment:</p> <p>Vehicle use within the General Coastal Marine Zone is a permitted activity. Earthworks within the SEA-M1 and Historic Heritage Overlays will require a resource consent as a discretionary activity.</p>	Discretionary
F2.19.8 (A114)	<p><i>Underwater blasting, impact and vibratory piling, marine seismic surveys</i></p> <p>Comment:</p> <p>The construction of the replacement Jesmond Bridge requires bored piles at the east and west abutments, which will extend into the General Coastal Marine Zone and therefore requires a resource consent as a restricted discretionary activity.</p>	Restricted Discretionary
F2.19.10 (A121)	<p><i>Construction of coastal marine area structures and buildings unless provided for elsewhere in this table (see table F2.19.8 for the use of the structure)</i></p> <p>Comment:</p> <p>The construction of the replacement Jesmond Bridge requires a resource consent as a discretionary activity in the General Coastal Marine Zone and non-complying activity in the SEA-M1. Works within the CMA will be appropriately managed as described in the Coastal Processes Assessment in Appendix Q of the AEE.</p>	Non-Complying
F2.19.10 (A128)	<p><i>Temporary coastal marine area structures or buildings</i></p> <p>Comment:</p> <p>The demolition and construction required to replace Jesmond Bridge requires a temporary bridge within the CMA, which is a Permitted Activity in Coastal Marine Area Zone and a Discretionary Activity in the SEA-M1. The temporary structure will be in place for construction works and will be in place no longer than the duration of the construction of Jesmond Bridge in accordance with standard F2.21.10.4 (1) and (2). The temporary structure will occupy the minimum space necessary and will maintain safe navigation access in accordance with standard F2.21.10.4 (3) and (4).</p>	Discretionary