

WATERVIEW: SCHEDULE B: NOTICES OF REQUIREMENT: CONDITIONS REVIEW

NOR	Designation or Resource Consent No	Query	Comment
NOR 1: Sector 1.	EPA 10/2.001 - (WCC. NOR - 2010 – 1034)	<p>Unless NZTA can confirm the absence of blasting in the Sector by reference to consent documentation and/or evidence, CNV.3 is to be included.</p> <p>Question omission of CNV.5. Sub-paragraph (b) specifically refers to vibration effects in Sector 1.</p> <p>If blasting may occur in Sector 1, should CNV.6 not be inserted?</p> <p>AQ.2 which allows for the review of the CAQMP to be inserted.</p> <p>As CL.2 is specifically concerned with Sectors 5 & 7 shouldn't it be omitted?</p> <p>As CL.3 is specifically concerned with Sector 9 shouldn't it be omitted?</p> <p>As CL.9 & .10 are specifically concerned with Sector 8 shouldn't they be omitted.</p> <p>If the freshwater suite of conditions is relevant the Board questions why the groundwater and settlement suite of conditions would not also be relevant in some or all sectors. This query is not repeated for subsequent NOR's.</p>	
NOR 2: Sectors 2, 3, & 4.	EPA 10/2.003 – ACC plan modification 202	<p>Same queries re CNV.3, CNV.5 and CNV.6 as above.</p> <p>Same AQ.2 query as above.</p> <p>CL conditions which do not apply to Sectors 2 – 4 to be omitted.</p>	
NOR 3: Sector 6.	EPA 10/2.004 - ACC Plan modification 202	<p>Vibration OV.1 is imposed on all designations, which is appropriate. Should it be amended to require council approval of the location of NZTA's proposed monitoring sites?</p>	

		<p>Recurring AQ.2 query.</p> <p>Query relevance of OS.16 to Sector 6. Appears more relevant to NOR 4 - where it is also included.</p> <p>Query relevance of V.14 concerning north bank of Oakley Creek to Sector 6. NOR 3 starts just W of Carrington Road and extends eastward.</p>	<p>If there is an overlap between sectors the condition should be retained.</p>
<p>NOR 4: Sectors 5 and 7.</p> <p>Surface designation</p>	<p>EPA 10/2.005 - ACC Plan modification 202</p>	<p>Query exclusion of AQ.9 - .11 when Construction Yd 6 has a concrete batching plant.</p> <p>Should V.14 which applies to north bank of Oakley Creek not be included?</p> <p>Query merits of imposing a single SW condition (SW.24) on the designation.</p>	
<p>NOR 5: Sectors 7 & 8.</p> <p>Subsoil designation</p>	<p>EPA 10/2.006 - ACC Plan modification 202</p>	<p>The contaminated land (CL) suite of conditions is not proposed despite:</p> <ul style="list-style-type: none"> a) Sector 8 passing under a number of closed landfills. b) CL suite being imposed on the preceding NOR. <p>This omission requires correction?</p> <p>CL.9 has a specific Sector 8 requirement for groundwater monitoring and is a “pointer” to inclusion of the CL suite.</p>	
<p>NOR 7: Sector 9.</p>	<p>10/2.008 ACC Plan modification 202</p>	<p>On the face, we would expect AQ.9 - .11 (batching plant) and AQ.12 - .13 (rock crushing) to be included as there’s a batching plant in Construction Yd 10 and a basalt crusher south of the portal.</p>	

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Other Matters pertaining to NOR's

1. NZTA is to correct the typographical errors in the Purpose column throughout Schedule. In NOR 7 rows H and L should be separated. In NOR 4 the AQ conditions should be in correct numerical order.
2. The last sentence in ON.6 has a qualification that the Board finds, at best, ambiguous. The qualification provides that where PPF are identified that require building modification mitigation to achieve 40 dBA indoors with windows closed this "may be required". The sentence is to be re-worked to ensure that this is not a discretionary matter. If it's needed, it is to be offered and followed through in terms of the succeeding conditions.
3. It is not clear to the Board why DC.6 (exemption from OPW) refers back to DC.3 - .4. A reference to DC.7 - .9 would seem more appropriate?
4. The Schedule B "duration" of all NORs is shown as 10 years. The board considers that the column should be headed "Lapse period (s.184(1)(c))". Having said that, it accepts the underlying wish that the period be greater than the statutory baseline of 5 years, and approves of 10.

WATERVIEW SCHEDULE B: RESOURCE CONSENTS: CONDITIONS REVIEW

Consent and Sector	Resource Consent No	Query	Comment
<p>Land Use – construction – land disturbance/earthworks - includes “discharge of sediment laden water as a discharge consent” - Sectors 1 – 9.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.010 ARC 38313</p>	<p>RC.1 describes the consent documentation to be complied with and cross references back to DC.1. The latter includes “.... and supplementary information provided in evidence”.</p> <p>This seems far too open-ended, and could result in problems for both the consent-holder and the council.</p>	<p>It’s implicit that only NZTA’s evidence is intended, but even so that is a large amount of information (9 folders). Answers given in cross examination are also evidence. The Board hesitates to require that NZTA identify relevant passages, but what enforcement issues might arise if the subject were left “open”?</p> <p>The 2nd part of the 1st sentence in DC.1A is also relevant. It refers back to DC.1 and, in turn, RC.1.</p> <p>The Board has also given further thought to its earlier re-draft of the second sentence of DC1A (also, RC3). It should read <i>“At the same time NZTA shall prepare to the satisfaction of Auckland Council a document for each designation [consent] which sets out the designation [consent] and have attached to it</i></p>

		<p>Suggest the relevance of including TT temporary traffic conditions on an earthworks/sediment discharge consent be reviewed.</p> <p>Same comment re inclusion of OT.1 operational traffic.</p> <p>Ditto for the four CNV construction noise and vibration conditions nominated. What does CNV.7 (early installation of permanent noise barriers) have to do with earthworks? Or CNV.13 (process for SSNMP's).</p> <p>It occurs to the Board that AQ.5 - .8, which are applicable to dust emissions beyond site boundaries are more directly relevant to an earthworks consent.</p> <p>As the application expressly includes the " discharge of sediment laden water as a discharge consent" it is notable there are no stormwater (SW) conditions dealing with the quality of construction run off. We have the preliminary view that at least those SW conditions concerned with construction runoff should be included and invite comments.</p>	<p><i>in text format a comprehensive set of the conditions imposed by the Board of Inquiry in its Final Decision as summarised in Schedule B, inclusive of any standard conditions and advice notes.</i></p> <p>Is NZTA offering on an Augier basis that it'll conduct the earthworks in compliance with the CNV conditions? If so, is it avoidable duplication as the CNV conditions apply irrespectively.</p>
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<p>Land use consent – activity on reclaimed land – <u>construction and operation</u> of motorway - Sector 1.</p> <p>Duration 35 years</p>	<p>EPA 10/2.002. WCC: LUC – 2010 - 1035</p>	<p>Unclear why AQ.2, which requires annual review of the Construction AQ Management Plan, should not apply.</p> <p>Unclear why AQ.16, which requires one construction TSP monitoring location in Sector 1, should not apply. If AQ.16 were included AQ.20 & .21 would also need imposition.</p> <p>Same comments apply re absence of AQ.17, which requires construction wind speed monitoring in Sector 1.</p> <p>Question relevance of V.17 & .18 concerning Traherne Island in Sector 4 to Sector 1 consent.</p> <p>Unclear how CL.2, CL.3, CL.9 and CL.10 which deal respectively with Sectors 5, 7, 9, 8 and tunnel construction are relevant to work in Sector 1.</p>	
<p>Land use Consent – activity on Reclaimed land – s.89(2) <u>Construction & operation</u> of motorway - Sectors 2 and 4.</p> <p>Duration 35 years</p>	<p>EPA 10/2.009 – ACC: R/LUC 2010/3396</p>	<p>Are CNV.3, .5(a) and .6 not relevant because blasting isn't proposed in Sectors 2 and 4?</p> <p>Recurring query re relevance of AQ.2 and CAQMP.</p> <p>Is there open space within Sectors 2 and 4 to which OS.1 - .4 need apply? Possibly small areas on Sheets 20.1.11-3-D-L-810-301 and 302?</p> <p>Might V.16 not be relevant to reclamation on south side of</p>	

		<p>Sector 4 at entrance to Oakley Creek? Refer F:18 Sheet 8.</p> <p>Unclear how CL.2, CL.3, CL.9 and CL.10 which deal respectively with Sectors 5, 7, 9, 8 and tunnel construction are relevant to work in Sectors 2 and 4.</p>	
<p>Land use Consent – use, erection or placement of new structures – SW pipe underneath Oakley Creek – Sector 9.</p> <p>Duration 35 years</p>	<p>EPA 10/2.011 – ARC - 38316</p>	<p>Why does CEMP 8, which requires all construction materials be stored within designation boundaries, not apply to this activity?</p> <p>Why exclude CNV.3 [blasting control], CNV.4 [vibration], & CNV.5 - .6?</p>	
<p>Land use consent – new structures over Oakley Creek, including Hendon Bridge and cycleways – Sector 9.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.012 – ARC 38317</p>	<p>Same query re CEMP 8 as above.</p> <p>Why exclude CNV.3 [blasting control], CNV.4 [vibration], & CNV.5 - .6?</p> <p>Would seem appropriate to include LV.2, which amongst other things, deals with design of structures – including bridge railings.</p>	
<p>Land use consent - Use, erection or placement of new structures for SW outfall – Pixie Creek - Sector 1.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.013 ARC 38318</p>	<p>Why would CEMP .8 not apply?</p> <p>Will outfall structure be supported by piles making CNV.8 relevant?</p>	<p>Although C. Yd 1 is some distance away there appears to be storage space within the designation at the W. end of Jack Colvin park.</p>
<p>Land use consent - Use,</p>	<p>EPA</p>	<p>Recurring question of why</p>	<p>Is the same matter</p>

<p>erection or placement of new structures for SW outfall – Oakley Creek – Sectors 7 and 9.</p> <p>Duration 35 years.</p>	<p>10/2.014 ARC 38319</p>	<p>CEMP.8 wouldn't apply given proposed C.Yds in the relevant sectors. NZTA to consider in the context of all subsequent, relevant consents. Not repeated.</p>	<p>covered by other conditions, or indeed the consent documentation?</p>
<p>Land use consent - Use, erection or placement of new structures for SW outfall – Meola Creek – Sector 6.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.015 ARC 38320</p>	<p>Might TT.5 be relevant in this instance given possibility of gaining construction access from GNR?</p> <p>Is NZTA sufficiently confident that blasting and vibrations will not occur for CNV.3 and .4 to not be required?</p>	
<p>Disturbance of Bed of lakes & Rivers – tunnelling under bed of Oakley Creek, stream diversion and infilling (Sector 9)</p> <p>Duration 35 yrs</p>	<p>EPA 10/2.016 - ARC 38321</p>	<p>CEMP 1A - should be included? (Referred to in CEMP1).</p> <p>CEMP 8 – storage of material relevant.</p> <p>CNV11 – follows on from CNV 2 so should be included?</p> <p>LV1 included but not LV2-5 & 8. Aren't these needed for completion?</p> <p>Given the land disturbance inherent in the works and known presence of contaminants at some locations, why are CL and E conditions not proposed?</p>	
<p>Discharge to the Water Table of a road (Sectors 1-9)</p> <p>Duration 35 yrs</p>	<p>EPA 10/2.017 - ARC 38322</p>	<p>General RC + operation SW appropriate.</p>	
<p>Discharge of water from road (S 1-9)</p>	<p>EPA 10/2.018 - ARC 38323</p>	<p>General RC + operation SW appropriate.</p> <p>Should the F conditions also</p>	

Duration 35 yrs		apply?	
S/W Discharge to land & water (S 1,3,5-7, 9) Duration 35 yrs	EPA 10/2.019 - ARC 38324	Should the F conditions also apply?	
Discharge of contaminants from rock crusher – S 9 Duration 10 yrs	EPA 10/2.020 - ARC 38325	Should the AQ conditions be included here as well as ARC 38327? F conditions?	
Discharge of contaminants to land or water from contaminated land - S 1,3 5-9 Duration 35 yrs	EPA 10/2.021 - ARC 36474	Why exclude CL 9 and .10? How are CEMP.3 and the CSMP to apply if not expressly included? Why are there not SW & F conditions for managing effects of the discharges? Why exclude PI conditions when all other discharges (except SW & road works) have them?	
Discharge of contaminants to land & water from concrete batching - S5 & 9 Duration 10 yrs	EPA 10/2.022 - ARC 38326	Why are the Freshwater conditions not included?	
Discharge to Air – crusher activities (S9) Duration 10 yrs	EPA 10/2.023 - ARC 38327	-	
Discharge to Air – concrete batching plants - S5 & 9 Duration 10 yrs	EPA 10/2.024 - ARC 38328	AQ 16-21 monitoring and reporting conditions to be included.	
Discharge to Air – roadworks	EPA 10/2.025 -	AQ 15 to be added. *Note this is incorrect in	It would assist if the activity description were edited to clarify

<p>Duration 35 yrs</p>	<p>ARC 38329*</p>	<p>Schedule B</p>	<p>that it (presumably) applies to roadworks post commissioning.</p>
<p>Diversion of water (other than CMA) S9</p> <p>Duration 35 yrs</p>	<p>EPA 10/2.026 - ARC 38330</p>	<p>STW general conditions 1-16 should be included. Note: STW 27 (included) refers to STW 5 (not included).</p> <p>Add SW operational conditions?</p> <p>Note – Board cannot find original application for this consent in the NZTA <u>Overview, NOR and Consent Application Forms</u> folder. Appendix B in that folder contains a Form 9 which in its Summary, part (d)(i) refers to there being an application for a Water Permit for diversion of water in Sector 9. Then under tab “Consents Form A”, the relevant consent appears to be identified as the 3rd under the heading “Water Permits”, and to correctly identify that a Form B6 is required. However there is no Form 6 for this matter under the Water Permits tab later in the folder. The application has nevertheless been assigned a number by the EPA & notified. The Board understands that its effects on the environment have been fully described and discussed in the AEE and evidence for NZTA.</p>	<p>This appears, amazingly at this late stage of the process, to be a problem of non-compliance with s88(2)(b). It occurs to the Board that it may simply be a problem to do with copying and/or collating in the copies of the 43 volume document prepared for use by Board members. Alternatively it may manifest itself as an omission in the original application documentation. The Board has not had the time to check into matters to that extent.</p> <p>If there is a technical omission from the application documentation in the strict terms of s88(2)(b), but not one of substance in the sense of no application having been made at all and/or no assessment</p>

			of effects having been conducted, s37 RMA could perhaps be used to cure the situation. Subsection (2) would seem to be apposite, and the limitations found in s37A would not come to bear because they appear to relate only to subsection (1) matters. S 37B(b) provides a bridge from s37 to Part 6AA.
Taking & use of groundwater – construction - (S7-8). Duration 10 yrs	EPA 10/2.027 - ARC 38331	Add F.5 to more effectively manage potential effects on base flows and ecology.	
Taking & use of Groundwater – operation - (S7-8). Duration 35 yrs	EPA 10/2.028 - ARC 38332*	*Note this is incorrect in Schedule B	
Diversion and taking of groundwater for tunnels - (S7-8) Duration 35 yrs	EPA 10/2.029 - ARC 38333*	*Note this is incorrect in Schedule B.	

Coastal Consent – activity in CMA –use of CMA for SH transport purposes and construction, including spoil conveyance Duration 35 years.	EPA 10/2.030- ARC 38334	Shouldn't sectors be identified? What reasoning underpins imposition of CNV.3 blasting but not the construction noise conditions? If planting were proposed in the area of CMA to be permanently occupied (F: 12), for example, "along the corridor on Traherne Island," should LV.2 apply? Or would M.9, which is excluded from	As described by Dr de Luca EIC [59] and Slaven EIC [90] &
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		<p>the suite of M marine ecology conditions, better address this?</p> <p>V.11, .17 and .18 deal effectively with aspects of Traherne Island. However F: 12, at Sheet 3 for example, shows other areas of permanent CMA occupation where adverse vegetation effects might arise. Is it not necessary therefore for conditions like V.2 and V.5 to apply (recognising that the designation doesn't include the CMA and therefore "activate" other V conditions)?</p> <p>Are A.5 and .6 which concern vegetation and pest management on Traherne Island, including in the case of .6 in the CMA, not relevant?</p> <p>It is not clear why C.3 - .5 should not apply when "ongoing use of CMA by SH ..." has a permanent flavour. And C.7, .9 and .10? And possibly C.12 and C.16?</p> <p>Unless a compelling reason is provided all the permanent structure conditions on EPA 10/2.032 should apply.</p>	<p>Annexure E. See discussion below about the possibly different activities covered by EPA 10/2.032 and 10/2.030.</p> <p>Perhaps EPA 10/2.032 is intended to authorise permanent structures, which begs the question about the purpose of EPA 10/2.030. Do the applications differentiate between areas</p>
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			of existing occupation and proposed future occupation? Documentation doesn't provide a readily discernable audit trail.
<p>Coastal Consent – for erection of <u>temporary structures</u> in CMA including consequential activities such as vegetation removal – Sectors 1, 2, 4 and 5.</p> <p>Duration 10 years</p>	<p>EPA 10/2.031 ARC 38335</p>	<p>If there is Significant Vegetation and Valued Vegetation identified in the ECOMP in proposed work areas then V.2 and V.5 - .7 should also apply.</p> <p>Why should the effect of V.3 and .4 be limited to “within the designation”? Why exclude any vegetation in CMA below MHWS?</p> <p>Given that work in the CMA is proposed in the vicinity of the Rosebank Road ramps (F:12 sheet 6) , should ARCH.2 not apply (recognising ARCH.4(a) applies to the designation)?</p> <p>Is E.10 properly part of a temporary structures consent? The condition concerns a discharge to the CMA (refer EPA 10/2.046 p29 which includes E.10).</p> <p>Why is LV.7 omitted when it concerns temporary embankments?</p>	
<p>Coastal Consent – erection of permanent structures in CMA and consequential activities – Sectors 1,2, 4 and 5.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.032 ARC 38336</p>	<p>Given that works in the CMA are proposed in the vicinity of the Rosebank Road ramps (F:12 sheet 6) , should ARCH.2 not apply (recognising ARCH.4(a) applies to the designation)?</p> <p>Question relevance of LV.7 which deals with temporary activities.</p> <p>V.11, .17 and .18 deal effectively with aspects of Traherne Island. However F:</p>	

		<p>12, at Sheet 3 for example, shows other areas of permanent CMA occupation where adverse vegetation effects might arise. Is it not necessary therefore for conditions like V.2 and V.5 to apply (recognising that the designation doesn't include the CMA and therefore "activate" other V conditions)?</p> <p>Same comment as above re relevance of E.10 a discharge condition to structures consent.</p> <p>Why is it proposed that this consent for permanent operational structures have a 10 year term? Term does not align with footnote.</p>	<p>Same point as raised above re EPA 10/2.030. It's uncertain to what extent both cover permanent CMA structures.</p>
<p>Coastal consent – temporary structures in CMA and consequential activities – Sectors 3 and 4.</p> <p>Note: EPA 10/2.031 also covers temporary structures in Sector 4.</p> <p>Repetition intended or not? Does it matter?</p> <p>Duration 10 years.</p>	<p>EPA 10/2.033 ARC 38338</p>	<p>If there is Significant Vegetation and Valued Vegetation identified in the ECOMP in proposed work areas then V.2 and V.5 - .7 should also apply.</p> <p>Why should the effect of V.3 and .4 be limited to "within the designation"? Why exclude vegetation in CMA below MHWS?</p> <p>Given that work in the CMA is proposed in the vicinity of the Rosebank Road ramps (F:12 sheet 6) , should ARCH.2 not apply (recognising ARCH.4(a) applies to the designation)?</p> <p>Is E.10 properly part of a temporary structures consent? The condition concerns a discharge to the CMA (refer EPA 10/2.046 p29 which includes E.10).</p> <p>Why is LV.7 omitted when it concerns temporary embankments?</p>	<p>Same issues and queries as arise for EPA 10/2.031.</p>
<p>Coastal Consent – permanent structures in CMA – Sectors 3 and 4.</p> <p>Note repetition of</p>	<p>EPA 10/2.034 ARC 383 39</p>	<p>Why 10 year term for permanent structures?</p> <p>Put CEMP, C and M conditions in</p>	

<p>Sector 4.</p> <p>Duration 10 years</p>		<p>numerical order.</p> <p>Question omission of V.15.</p> <p>Same E.10 query re relevance to structures consent.</p> <p>Is C.15 relevant to Sector 3 or 4? If it's Sector 4, care is required with how duplication around Sector 4 is resolved as between EPA 10/2.032 and .034 (so that C.15 doesn't drop out).</p> <p>Presumably work required to close a culvert constitutes a "structural" activity.</p>	
<p>Coastal consent – temporary structures in CMA – Sector 5.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.035 ARC 38340</p>	<p>Are ARCH.2(b) and . 5 concerning the Oakley Inlet Heritage Area not relevant?</p> <p>Question relevance of E.10 on a structures consent and whether coffer dam discharges are planned in Sector 5.</p> <p>Place M conditions in numerical order.</p>	
<p>Coastal consent – permanent structures in CMA – Sector 5.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.036 ARC 38341</p>	<p>Are ARCH.2(b) and . 5 concerning the Oakley Inlet Heritage Area not relevant? F:9 Sheet 109 shows at least one structure traversing the Archaeological Area in CMA.</p> <p>Recurring E.10 query.</p> <p>Why 10 year term for permanent structures?</p>	
<p>Coastal consent – reclamation in CMA – Sectors 1 and 2.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.037 ARC 36576</p>	<p>Question relevance of E.10 coffer dams discharge to reclamation and to Sectors 1 and 2.</p> <p>Given E.5 is imposed why is E.18 excluded?</p> <p>Why is V.18 not imposed to implement the plan required by imposed V.17?</p>	<p>Summarised, s.123(a) provides that the period for which a coastal permit for a reclamation is granted is unlimited, unless</p>

			otherwise specified in the consent. Section 245 contains relevant post-reclamation provisions.
<p>Coastal consent – reclamation in CMA – Sector 4.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.038 ARC 38342</p>	<p>Why does CEMP.15 become relevant on this consent in this sector when consistently excluded from previous consents?</p> <p>Are V.2 and V.5 and V.9 not relevant - or is there no significant vegetation in Sector 4 that reclamation might adversely affect? V.11 and V.17 - .18 speak specifically of Traherne Island, which suggests otherwise. See also F: 18 sheet 6.</p> <p>Recurring E.10 query.</p> <p>Why is E.18 excluded when E.5 to which former relates is included?</p>	
<p>Coastal consent – disturbance of foreshore and seabed during construction – Sectors 1, 2, 4 and 5.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.039 ARC 38343</p>	<p>Recurring E.18 vis-a-vis V.5 query.</p> <p>Shouldn't C.16 apply within Sector 4?</p>	
<p>Coastal consent – disturbance of foreshore and seabed – vegetation removal – Sector 2.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.040 ARC 38344</p>	<p>Query 35 year term for what appears to be a construction consent. Or is there an ongoing operational need?</p> <p>Put C coastal conditions in numerical order.</p> <p>C.13 refers to work adjacent to the Rosebank Domain access road, which appears to be in Sector 3 and therefore excluded from this consent?</p>	

		Given M.7 is included, shouldn't M.3 - .6 to which it relates also be included?	
Coastal consent – disturbance of foreshore and seabed – vegetation removal/temporary structures – Sectors 4 and 5. Duration 10 years.	EPA 10/2.041 ARC 38345	Remove CNV.8 from CEMP conditions. LV.8 applies to areas within designation and isn't relevant to coastal consent?	
Coastal consent – disturbance of foreshore and seabed – vehicle use – Sectors 4 and 5. Duration 35 years.	EPA 10/2.042 ARC 38346	Query 35 year term. Is there an ongoing operational need?	
Coastal consent – taking and use of coastal water for coffer dams – sectors 2 and 4. Duration 10 years.	EPA 10/2.043 ARC 38347	Recurring query re E.10 discharge. It appears to be correctly imposed on EPA 10/2.046 – discharge of contaminants sectors 1 – 5 p29.	
Coastal consent – damming and impounding coastal water – construction - coffer dam - Sectors 2 and 4 in RCP General Management Area and CPA 1. Duration 10 years.	EPA 10/2.044 ARC 38348 and EPA 10/2.045 ARC 38349	Recurring E.10 query x 2	
Discharge of contaminants into CMA during construction, including sw run off – Sectors 1 – 5. Duration 10 years.	EPA 10/2.046 ARC 38350	Given the consent includes SW run off, it's unclear why E.16 - .19 should not apply. Put M marine conditions in numerical order.	

<p>Discharge of contaminants into CMA during construction, including sw run off – Sectors 1 – 5.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.047 ARC 38351</p>	<p>Given the consent includes SW run off, it's unclear why E.16 - .19 should not apply.</p> <p>This consent appears to be for the same construction activities & to be subject to the same conditions as preceding EPA 10/2.046. The <u>Overview of NOR and Consent Application Forms</u>, Coastal Permits p 4 shows the consents respond to different rules. Although not critical, could the consents not be combined to good effect?</p>	
<p>Discharge of contaminants in sw from operations to CMA – Sector 1.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.048 ARC 38352</p>	<p>Why would V.17 - .18 which concern Traherne Island in Sector 4 apply to a Sector 1 discharge?</p> <p>Given there's to be a permanent SW pond in Jack Colvin Park (F: 02 Sheet 1) why wouldn't SW.23 apply?</p>	
<p>Discharge of contaminants in sw from operations to CMA – Sector 2.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.049 ARC 38353</p>	<p>-</p>	
<p>Discharge of contaminants in sw from operations to CMA – Sector 4 and [GNR] interchange.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.050 ARC 38354</p>	<p>Might SW.20 which is concerned with maintaining overland flow paths be relevant to the area of the interchange?</p>	
<p>Discharge of contaminants in sw from operations to CMA – Sectors 4 and 5 and GNR interchange.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.051 ARC 38355</p>	<p>This consent is for the same activity as EPA 10/2.050 except that Sector 5 is specifically cited as opposed to the more general term "interchange" (which presumably is the same GNR interchange). Both consents respond to the same rule and are subject to the same conditions. Although not critical could they be usefully combined?</p>	

<p>Occupation of CMA by permanent structures – Sectors 1 (wetland pond) and 2 (Whau bridge).</p> <p>Duration 35 years.</p>	<p>EPA 10/2.052 ARC 38356</p>	<p>Why would SW.23, which concerns post-commissioning monitoring, not be relevant to Sector 1 pond?</p>	
<p>Occupation of CMA – permanent sw outfalls – Sector 1.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.053 ARC 38357</p>	<p>Wouldn't Pixie Stream be a better descriptor than Henderson Creek (refer F:15 Sheet 1)?</p> <p>Is SW.11 not relevant? Namely that the "measure" be operated in accordance with G:15 plans and information.</p>	
<p>Occupation of CMA – permanent SWoutfalls – Sector 2.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.054 ARC 38359</p>	<p>Same query re SW.11 as above.</p> <p>It is not readily apparent where the corresponding consent is for the CMA sw outfalls in Sector 3 shown on F: 15 Sheets 4/5. Has it been applied for?</p>	
<p>Occupation of CMA – permanent SWoutfalls – Sector 4.</p> <p>Duration 35 years.</p>	<p>EPA 10/2.055 ARC 38360</p>	<p>Same query re SW.11.</p> <p>C.7 has an operational component which suggests it should be imposed (consistent with EPA 10/2.053).</p>	
<p>Occupation of CMA for construction works – Sectors 4 and 5.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.056 ARC 38361</p>	<p>Given the proximity of parts of the CMA in Sectors 4 and 5 to residential areas, including the propensity for noise to travel across water, a full suite of CNV conditions is required.</p> <p>Isn't V.11 also relevant?</p> <p>Recurring query about E.10 being a discharge condition (rather than an occupation one).</p> <p>Why omit SW.1?</p> <p>Why omit C.9 given inclusion of C.10? Importantly both C.9 and .10 are imposed on Sector 4 CMA reclamation consent p24.</p>	

<p>Occupation of CMA – construction works – Sectors 1 and 2.</p> <p>Duration 10 years.</p>	<p>EPA 10/2.057 ARC 38362</p>	<p>Given the proximity of parts of the CMA in Sector 2 to residential areas in Sector 1 a full suite of CNV conditions is required. The same potential effects arise within Sector 1.</p> <p>Recurring query about E.10.</p> <p>Recurring query about SW.1.</p> <p>Same query as above re omission of C.9</p>	

Consent and Sector if relevant	Resource Consent No	Query	Comment
<p>Occupation of CMA – construction works – Sectors 3 & 4.</p> <p>Duration 10 years</p>	<p>EPA 2.058 ARC 38363</p>	<p>Need additional CNV conditions 1-2 & 13?</p> <p>Notwithstanding that the work is in the CMA, should LV1-5 be included in addition to LV8?</p> <p>LV8 (included) refers to E.3 (not included). More fundamentally, perhaps, are sub-soil and top-soil (the subject of LV.8) found in CMA?</p> <p>Are noise & vibration conditions required to manage effects on neighbouring land uses?</p> <p>Query inclusion of E10 (discharge condition) on CMA occupation consent.</p> <p>C9 (not included) links with C10 (included)</p>	
<p>Occupation of CMA – permanent structures - S4 & 5.</p> <p>Duration 35 years</p>	<p>EPA 2.059 ARC 38364</p>	<p>CNV8 implies pile driving and/or removal may occur under this operation consent. Valid? Construction is to occur under EPA 10/2.056 and 58?</p>	
<p>Ongoing use of the CMA by SH transport activities and associated sw discharges – Sectors 1-9.</p> <p>Duration 35 yrs</p>	<p>EPA 2.060 ARC 38365</p>	<p>Relevance to Sectors 6, 7 – 9 elusive.</p> <p>LV2 should be supported by LV 1 & 3-5.</p> <p>Relevance of <i>associated SW discharges</i> is problematic given consents for permanent discharge of SW to the CMA? Presumably this is why operational SW consents not included.</p>	

<p>Ongoing use of the CMA by SH transport activities and associated SW discharges – Sectors 1-9.</p> <p>Duration 35 years</p>	<p>EPA 2.061 ARC 38366</p>	<p>Not evident on its face how this consent differs from EPA 2.060.</p> <p>Same queries/comments as for EPA 2.060.</p>	
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Other Matters pertaining to Resource Consent Conditions

1. CNV.13 incorrectly refers to CNV.1(xv) and should read CNV1.(xvi)
2. The reclamation consents have been accorded a life of 35 years. Having regard to the provisions of s123(a) and s245, and bearing in mind the decision of the High Court in *Bayswater Marina Holdings Ltd v NSCC (No.2), 9/9/09, Heath J CIV-2009-404-1730*, might not these consents be of indefinite duration ? Arguably there is some permanence about a motorway. Or was NZTA relying on the operation of s245 to subsume the issue of duration in any event ?