

Before the Board of Inquiry  
Waterview Connection Project

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*in the matter of:* the Resource Management Act 1991

*and*

*in the matter of:* a Board of Inquiry appointed under s 149J of the Resource Management Act 1991 to decide notices of requirement and resource consent applications by the NZ Transport Agency for the Waterview Connection Project

First Statement of evidence of Owen Burn (Planning - Consents) on behalf of the **NZ Transport Agency**

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Dated: 13 November 2010

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## **STATEMENT OF EVIDENCE OF OWEN BURN ON BEHALF OF THE NZ TRANSPORT AGENCY**

### **INTRODUCTION**

- 1 My full name is Cedric Owen Burn. I am the joint Planning Team Leader (with Amelia Linzey) for the Waterview Connection Project (*Project*).
- 2 I am a director of Green Group Limited, a resource management consultancy specialising in infrastructure and statutory planning. I hold a Masters Degree in Geography and a Diploma in Town Planning from the University of Auckland. I am a full member of the New Zealand Planning Institute and a Councillor for the Auckland Region. I am also a member of the Resource Management Law Association and a certified hearing commissioner.
- 3 I have over 20 years experience in resource management planning. Prior to joining Green Group, I was the New Zealand Planning Leader at Connell Wagner Limited (now Aurecon). I have had extensive experience in planning for transport infrastructure and major infrastructure projects.
- 4 This experience includes leading planning teams engaged in the consenting processes, consultation and assessments of environmental effects necessary for a variety of large-scale infrastructure projects including rollout of nationwide mobile telecommunications networks (BellSouth and Vodafone New Zealand), a fibre optic cable network (CLEAR communications), satellite stations (British Telecom) and power station and oil refinery expansion projects (Transpower and NZ Refining Company).
- 5 State highway projects for which I have been responsible for the preparation of assessments of environmental effects (AEE) and statutory processes include:
  - 5.1 Preparation of the AEE, Notice of Requirement (NOR) and consent applications for Stage 1 of the State Highway 1 Kamo Bypass in Whangarei;
  - 5.2 Preparation of Environmental Management Plans for the northern sector of the North Shore Busway project;
  - 5.3 Preparation of NORs and applications for resource consent for the duplication of the Upper Harbour Bridge; and
  - 5.4 Preparation of NOR and consents for the State Highway 1 Puhinui Interchange.

- 6 I am also currently responsible for the preparation of NOR and resource consents for planned upgrades to State Highway 16 from the Henderson Creek Bridge to Westgate.
- 7 My involvement in all of the above projects has included the management of programmes of consultation and the preparation of NORs and resource consent documents and their supporting assessments of environmental effects as required by the Resource Management Act 1991 (RMA).
- 8 My evidence is given in support of notices of requirement and applications for resource consents lodged with the Environmental Protection Authority (*EPA*) by the NZ Transport Agency (*NZTA*) on 20 August 2010 in relation to the Waterview Connection Project (*Project*). The Project comprises works previously investigated and developed as two separate projects, being:
- 8.1 The State Highway 16 (*SH16*) Causeway Project; and
- 8.2 The State Highway 20 (*SH20*) Waterview Connection Project.
- 9 I am familiar with the area that the Project covers, and the State highway and roading network in the vicinity of the Project.
- 10 I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Consolidated Practice Note (2006), and agree to comply with it. In preparing my evidence, I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed.

#### **SCOPE OF EVIDENCE**

- 11 My evidence will deal with the following:
- 11.1 Executive summary;
- 11.2 Background and role in the Project;
- 11.3 Overview of the resource consent applications for the Project;
- 11.4 Statutory considerations relating to the resource consent applications;
- 11.5 Other statutory approvals required; and
- 11.6 Comments on submissions
- 12 My evidence will focus on planning matters related to the resource consent applications lodged for the Project. It complements Ms Amelia Linzey's evidence, which focused on planning matters

related to the NORs seeking new and altered designations for the Project.

- 13 I have also prepared a second statement of evidence which will summarise the assessment of effects generally for the Project, and then assess the Project against the relevant statutory tests for resource consents (as outlined in this evidence).

#### **EXECUTIVE SUMMARY**

- 14 The Project requires a suite of 54 individual resource consents covering activities necessary for its construction and operation. These include land use consents, discharge consents and coastal permits, including the requirements for consent to a restricted coastal activity for reclamation.
- 15 A full assessment of these consents in terms of the requirements of the Fourth Schedule of the RMA is contained in the AEE lodged with the resource consent applications and NORs. Where appropriate and as required by the Fourth Schedule and the New Zealand Coastal Policy Statement, the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal, an assessment of alternatives has been undertaken and is documented in the AEE.

#### **BACKGROUND AND ROLE IN THE PROJECT**

- 16 In 2005, the NZTA (then Transit New Zealand) retained Connell Wagner Limited to provide professional engineering, statutory planning and environmental assessment services to investigate and report on the upgrade of State Highway 16. My role in the Project team at that time was Deputy Team Leader with particular responsibility for managing consultation and the statutory planning and environmental aspects of the Project.
- 17 I filled this role until I left Connell Wagner in 2007, at which time I was retained as a sub-consultant to that company to continue to lead the statutory planning, environmental assessment and consultation workstreams in the investigation and reporting on upgrades to SH16.
- 18 Since 2009, when the section of the SH16 Project from the St Lukes intersection to the Henderson Creek was amalgamated with the SH20 Waterview Connection Project, my role has been that of joint Planning Team Leader. My responsibilities (shared with Ms Linzey) since that time have been in coordinating the environmental assessments for the AEE and consent applications, and supporting the NZTA in consultation with key stakeholders for the SH16 component of the combined Project.

- 19 I have also had particular responsibility for the elements of the Project affecting the coastal environment and have been responsible for the preparation of the separate application required for the Project under the provisions of the Marine Reserves Act 1991.

### **OVERVIEW OF THE RESOURCE CONSENT APPLICATIONS FOR THE PROJECT**

- 20 A comprehensive suite of resource consents are required for the Project. These include consents under Regional Planning instruments to undertake activities within the Coastal Marine Area (CMA), discharge and divert water, undertake works within watercourses, carry out earthworks and other land disturbance activities and to discharge contaminants.
- 21 Land use consents are also required in terms of the provision of the Operative Auckland City District Plan: Isthmus Section and Waitakere City District Plan.<sup>1</sup>
- 22 In total, 54 resource consents are required pursuant to the relevant regional and district planning instruments in order to construct, operate and maintain the Project. A list of the relevant consents is provided in the tables at **Annexure B** of my evidence.
- 23 Given the scale and geographic extent of the Project, it has been divided into "Sectors"<sup>2</sup> based upon physically distinct components of the work. The sector model has also been used to structure the AEE and the analysis in the supporting technical documents.
- 24 The division of the Project into sectors was also in part determined by the suite of statutory processes (including NORs and resource consents) required for the Project. Ms Linzey has explained the location of the NORs required for the Project in terms of the sectors.
- 25 In summary, the elements of the Project that are contained within each sector and the consents that are required for these are as follows;

#### 25.1 Sector 1

- (a) Sector 1 includes works to reconfigure the Te Atatu Interchange and for the treatment of stormwater runoff.
- (b) The consents required for Sector 1 include land use consents for land disturbance and activities on

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<sup>1</sup> A list of the relevant planning documents is contained in **Annexure A** to my evidence.

<sup>2</sup> Refer to Annexure B of Amelia Linzey's first statement of evidence.

reclaimed land, works within watercourse consents, discharge permits for stormwater and contaminants and to air, and coastal permits for structures, occupation, reclamation, disturbance, discharge and activities.

#### 25.2 Sector 2

- (a) Sector 2 involves works and structures within the CMA required to enlarge the existing Whau River Bridge and construct a new separate pedestrian/cycle bridge.
- (b) The consents required for Sector 2 include land use consents for land disturbance and activities on reclaimed land and coastal permits for structures, occupation, reclamation, disturbance, damming, impounding and use of inner coastal water, discharge and activities.

#### 25.3 Sector 3

- (a) Sector 3 involves re-configuration of the existing Rosebank Interchange and the widening of SH16. A new Patiki Cycle Bridge is also proposed.
- (b) The consents required for Sector 3 include land use consents for land disturbance, discharge permits for stormwater and contaminants to air and coastal permits for occupation, discharge and activities.

#### 25.4 Sector 4

- (a) Sector 4 largely comprises works associated with the reclamation required to upgrade the SH16 causeway and to provide a new pedestrian/cycle way bridge that will be constructed alongside the westbound carriageway of the Causeway Bridge.
- (b) The consents required for Sector 4 include land use consents for land disturbance and activities of reclaimed land, discharge permits for stormwater and contaminants and coastal permits for structures, occupation, reclamation, disturbance, damming, impounding and use of inner coastal water, discharge and activities.

#### 25.5 Sector 5

- (a) Sector 5 includes a new motorway interchange to provide motorway to motorway connections for SH16 and SH20.
- (b) The consents required for Sector 5 include land use consents for land disturbance, discharge permits for stormwater and contaminants to air and coastal permits for structures, occupation, disturbance, discharge and activities.

#### 25.6 Sector 6

- (a) Sector 6 applies to the lane widening required in both directions between St Lukes Interchange and the Great North Road Interchange on SH16.
- (b) The consents required for Sector 6 include land use consents for land disturbance, works within watercourse consents and discharge permits for stormwater and contaminants to air.

#### 25.7 Sector 7

- (a) Sector 7 comprises the 'cut and cover' section of tunnel extending from a northern portal at Waterview Park and connecting with the excavated tunnel at Oakley Creek Reserve.
- (b) The consents necessary for Sector 7 include land use consents for land disturbance, works within watercourse consents and discharge permits for stormwater and contaminants to air and water permits for groundwater.

#### 25.8 Sector 8

- (a) Sector 8 comprises the two excavated tunnels that extend in a southerly direction from the cut and cover tunnel section in Sector 7 through to Alan Wood Reserve.
- (b) The consents required for Sector 8 include land use consents for land disturbance, works within watercourse consents and discharge permits for stormwater and contaminants to air and water permits for groundwater.



## 25.9 Sector 9

- (a) Sector 9 includes the work associated with the excavated tunnels in Alan Wood Reserve and the southern portals and the at-grade carriageway through Alan Wood Reserve, under the proposed Richardson Road Bridge to join with the existing SH20 at the Maioro Street Interchange.
- (b) The consents necessary for this Sector include land use consents for land disturbance, works within watercourse consents and discharge permits for stormwater and contaminants to air and water permits for diversion of water.

### **Alternatives**

- 26 Clause (1)(b) of Schedule 4 of the RMA requires that an assessment of environmental effects include a description of any possible alternative locations or methods for undertaking the activity where it is likely that an activity will result in any significant adverse effects on the environment.
- 27 Clause (1)(f) of Schedule 4 of the RMA requires that where there is a discharge of a contaminant, an assessment of environmental effects includes a description of any possible alternative methods of discharge, including discharge into any other receiving environment.
- 28 Policy 4.1.6 of the New Zealand Coastal Policy Statement and Policy 7.4.10.4 of the Regional Policy Statement also require that where a reclamation is proposed regard be had to alternatives. The latter Policy also requires such an assessment for applications to occupy the CMA.
- 29 Assessments of alternatives were undertaken throughout the development and evaluation of options for key elements of the Project. With respect to those elements of the Project requiring resource consent, assessments were undertaken:
  - 29.1 Where potentially significant effects on the environment had been identified;
  - 29.2 Where the relevant planning instruments required that regard be had to alternatives; and/or
  - 29.3 Where mitigation options had a range of different environmental effects.
- 30 Ms Linzey and I were responsible for coordinating the alternatives assessments and these are described detail in Chapter 11 of the AEE at sections 11.5 and 11.6.

- 31 I do not repeat these in this evidence, however in my second statement of evidence I will assess alternatives as required in terms of the provisions of the relevant planning instruments. In particular I will address the alternatives that were considered with respect to the reclamation proposed for the SH16 causeway.

### **STATUTORY CONSIDERATIONS RELATING TO THE RESOURCE CONSENT APPLICATIONS**

- 32 Section 104 of the RMA sets out the principal matters, subject to Part 2, which a consent authority shall have regard to (and other matters it must disregard) when considering an application for resource consent. The table appended to my evidence as **Annexure B** lists the resource consents that are required for the Project. The comprehensive and related nature of the Project works which are subject of the consents means that it is appropriate to regard these as a "bundle of uses" for the purposes of undertaking an assessment pursuant to the RMA.
- 33 On this basis, the Project works that require resource consents require that an overall assessment of these be undertaken in terms of the statutory tests for non-complying activities. The consents for the Project must therefore be assessed against the threshold tests of section 104D of the RMA and in terms of the matters set out in section 104.
- 34 Part D of the AEE<sup>3</sup> contains an assessment of the actual and potential effects of the Project on the environment in accordance with the requirements of sections 104(1) and 104D(1)(a).
- 35 Chapter 23 of the AEE contains an assessment of the relevant provision of the planning instruments that apply to a consideration of the applications in terms of sections 104(1)(b) and 104D(1)(b).
- 36 I will assess the Project against these statutory criteria in my second statement of evidence.

#### **Updates since lodgement**

- 37 I note the following post-lodgement changes to the statutory instruments relevant to consideration of the Project:
- 37.1 An additional controlled activity resource consent is required pursuant to Rule 12.5.11 of the Auckland Regional Plan: Coastal (ARPC) for the modification of the heritage sea wall (Item 177 of Cultural Heritage Schedule 2 – Sea Wall Associated with the Thomas Flour Mill) pursuant to Rule 12.5.11. I note that the assessment of effects on heritage contained in Technical Report G.2 (Assessment of

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<sup>3</sup> Refer Chapters 12 to 22.

Archaeological Effects) already contains the necessary assessment applicable to this consent.

- 37.2 The Auckland Regional Plan: Air, Land and Water (ARP:ALW) was made operative in part on 29 October 2010. Chapters 3 – 7 remain subject to appeal,<sup>4</sup> and apply to consideration of the resource consents for the Project.
- 37.3 The Auckland Regional Policy Statement: Proposed Plan Change 8 – Volcanic Features was amended by consent order dated 19 October 2010. I have reviewed the amendments that are the subject of this consent order and consider that none of these changes would affect the assessments in the AEE relevant to this Project.
- 37.4 The New Zealand Coastal Policy Statement (NZCPS) 2010 was approved by Order in Council on 1 November 2010 and is to take effect on 3 December 2010. I will refer to the relevant provisions of the NZCPS 2010 as they apply to consideration of the resource consents required for the Project in my second brief of evidence.

#### **OTHER STATUTORY APPROVALS REQUIRED FOR THE PROJECT**

- 38 In addition to the consents required under the Resource Management Act, an approval is required under the Marine Reserves Act 1971 (*MRA*) for works within the Motu Manawa (Pollen Island) Marine Reserve. Section 3 of the *MRA* requires the consent of the Minister of Conservation and the Minister of Transport to any public work in any area included in a marine reserve.
- 39 As the existing SH16 causeway bisects the Motu Manawa (Pollen Island) Marine Reserve, the works associated with the reclamation adjacent to the existing causeway will require consent under the *MRA*. At the time of writing this evidence, the NZTA anticipates lodging the requisite Marine Reserves Act application in January 2011.
- 40 Approval will be required under the Wildlife Act to relocate copper skinks or any other fauna protected by this statute that is found within the footprint prior to construction.

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<sup>4</sup> Chapters 3 – 7 deal with Management Areas, Air Quality and Water Quality.

## COMMENTS ON SUBMISSIONS

41 Ms Linzey and I have reviewed all of the submissions lodged on the Project. Those that raise issues of a technical nature have been referred to and are addressed in the evidence of the technical experts (to the extent not already covered in the AEE). I will address submissions that raise particular planning matters in my second brief of evidence.

42 In this section of my evidence, I will address submissions that raise more general issues regarding the AEE and consenting matters. I have grouped these according to the principal issues raised. .

### **Assessment of Environmental Effects**

43 Some submissions<sup>5</sup> questioned the adequacy of the assessments of environmental effects and question whether all effects of the Project have been comprehensively assessed. I have reviewed the assessments undertaken of the actual and potential effects that arise from the elements of the Project that require resource consent, and the additional analyses undertaken post-lodgement and referred to in expert evidence. These comprise 30 technical reports. I am confident that these assessments address all effects of the Project.

### **Amendments to Proposed Conditions of Consent**

44 Submissions<sup>6</sup> also sought amendments to the suite of draft consent conditions contained in the AEE.<sup>7</sup> The technical experts who have provided evidence to the Board have further evaluated these proposed conditions. Where these experts have considered it appropriate, they have appended revised or additional proposed conditions to their evidence. A complete revised set of conditions of consent is appended to the third statement of evidence of Ms Linzey.

### **Motu Manawa (Pollen Island) Marine Reserve**

45 Some submissions sought the enlargement of the Motu Manawa Marine Reserve as a form of mitigation for the area of Reserve lost as a result of the proposed reclamation.<sup>8</sup>

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<sup>5</sup> Adequacy of information has been raised in numerous submissions, including for example Submitter Nos. 43, 121, 126, 153, 160, 167, 179, 213, 217, 225, 229

<sup>6</sup> Changes to consent conditions have been raised in numerous submissions, including for example Submitter Nos. 52, 80, 111, 153, 166, 167, 179, 207, 217.

<sup>7</sup> See AEE, Part E, Appendix E.1, as updated in Technical Addendum Report G.31 (Appendix 9).

<sup>8</sup> The Marine Reserve Act 1971 approval process has been raised in numerous submissions, including for example Submitter Nos. 27, 32, 43, 96, 111, 112, 129, 156, 207, 208, 209, 217.

- 46 Any extension of the area of the Marine Reserve must follow the process set out in Section 5 of the Marine Reserves Act 1971. That process is outside the scope of the Project.

**Access to the Motu Manawa (Pollen Island) Marine Reserve**

- 47 Some submissions<sup>9</sup> expressed the view that the Project offers an opportunity to improve public access to the Motu Manawa Marine Reserve.
- 48 Currently access to this Reserve is available from several locations in the vicinity, including the existing cycle way on the SH16 Causeway. This existing level of public access to the Reserve will be maintained by the Project (via the proposed pedestrian/cycle way). It is not proposed to provide further public access to the Marine Reserve from the Project area, and access to the northern part of the Reserve is not considered appropriate given the ongoing operational requirements of a motorway.
- 49 The provision of a cycleway and pedestrian access on the northern side of the causeway would require new crossing structures (ie either tunnels or bridges) to link with the existing cycleway at Great North Road Interchange and the existing Rosebank and Patiki connections. It was considered that the provision of such links would add unacceptable cost and complexity to the construction process and generate additional environmental effects within the CMA that could not be justified.

**Minimising the size of the proposed reclamation**

- 50 Some submitters<sup>10</sup> challenged the size of the proposed reclamation. The evidence provided by Dr Jeff Hsi and Mr Jon Hind identifies the requirement for the form, area and location of the reclamation proposed as part of the Project. As detailed by Mr Hind, the width of the reclamation is a result of the need for the various elements of the Causeway including the additional lanes, cycle/pedestrian way, stormwater treatment devices (the present causeway generally lacks any treatment<sup>11</sup>, at the expense of the ecology of the Marine Reserve), and to address geotechnical design requirements.

**Emissions from Motor Vehicles**

- 51 Some submissions<sup>12</sup> expressed the view that control should be imposed on discharges to air from motor vehicles. Discharges from contaminants into air from motor vehicles are specifically permitted

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<sup>9</sup> The provision of access to the Motu Manawa (Pollen Island) Marine Reserve has been raised by Submitter Nos. 115, 119, 156, 209, 217.

<sup>10</sup> For example, Submitter Nos. 33, 55, 142, 155, 156, 169, 185, 192, 207, 208, 250.

<sup>11</sup> Only 11.6% of the existing causeway has stormwater treatment.

<sup>12</sup> Emissions from motor vehicles and their consent status has been raised by Submitter No. 46, 129, 153, 156, 167, 204

under the Proposed Auckland Regional Plan: Air, Land and Water and no further assessments are required.



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**Owen Burn**  
**November 2010**

**Annexures:**

Annexure A – List of Relevant Planning Documents

Annexure B - List of Consents required for the Project

**ANNEXURE A – LIST OF RELEVANT PLANNING DOCUMENTS**

- National Environmental Standard – Air Quality;
- Hauraki Gulf Marine Park Act 2000;
- New Zealand Coastal Policy Statement 1994;
- New Zealand Coastal Policy Statement 2010;
- Auckland Regional Policy Statement 1999;
- Auckland Regional Plan: Coastal 2004;
- Auckland Regional Plan: Sediment Control 1993;
- Operative provisions of the Auckland Regional Plan: Air, Land and Water (indicating provisions appealed June 2005);
- Provisions of the Auckland Regional Plan: Air, Land and Water (indicating provisions subject to appeal);
- Auckland Regional Plan: Air, Land and Water (Operative in Part);
- Transitional Auckland Regional Plan 1991;
- Operative Auckland City District Plan (Isthmus Section) 1999;
- Operative Waitakere City District Plan 1995.

**ANNEXURE B – LIST OF CONSENTS REQUIRED FOR THE PROJECT**



**Table 1: Land Use Consents**

EPA Ref. No	Consents	Plan Ref	Status	Comments
EPA 10/2.010 (ARC: 38313)	Land Use Consents – Land Disturbance	Sediment Control Plan – Rule 5.4.3.1	Restricted Discretionary (RMA:s9(2))	Earthworks and roading/ tracking/ trenching during construction - within and outside the Sediment Control Protection Area (includes the associated discharge of sediment laden water as a discharge consent) Relates to Sectors 1 – 9 inclusive
EPA 10/2.002 (WCC: LUC – 2010 – 1035)	Land Use Consents – Activity on Reclaimed Land	District Plan – Waitakere (Section 87B of RMA)	Innominate Activity – Discretionary (RMA: s89)	Land Use Consent pursuant to Section 89(2) for the construction, operation and maintenance and ancillary activities of a State highway. Relates to Sector 1
EPA 10/2.009 (ACC: R/LUC/ 2010/3396)	Land Use Consents - Activity on reclaimed land	District Plan – Auckland (Section 87B of RMA)	Innominate Activity – Discretionary (RMA: s89)	Land Use Consent pursuant to Section 89(2) for the construction, operation and maintenance and ancillary activities of a State highway. Relates to Sectors 2 and 4
EPA 10/2.011 (ARC: 38316)	Use, Erection or Placement of New Structures	PARP: ALW 2005 – Rule 7.5.12	Discretionary (RMA s13(1))	For a stormwater pipe underneath Oakley Creek as a permanent stream (over 50m). Relates to Sector 9
EPA 10/2.012 (ARC: 38317)	Use, Erection or Placement of New Structures	PARP: ALW 2005 – Rule 7.5.12	Discretionary (RMA s13(1))	For bridges constructed over Oakley Creek (Natural Stream) within Sector 9 – includes Hendon Park bridge and cycleway bridges. Relates to Sector 9
EPA 10/2.013 (ARC: 38318)	Use, Erection or Placement of New Structures	PARP: ALW 2005 – Rule 7.5.9	Restricted Discretionary (RMA s13(1))	Stormwater outfall structures in Sector 1 (Pixie Stream as a permanent stream or culvert, pipe or channel greater than 30m in length). Relates to Sector 1
EPA 10/2.014 (ARC: 38319)	Use, Erection or Placement of New Structures	PARP: ALW 2005 – Rule 7.5.12	Discretionary (RMA s13(1))	Stormwater outfall structures for Oakley Creek in Sectors 7 & 9. Relates to Sector 7 & 9

<b>EPA Ref. No</b>	<b>Consents</b>	<b>Plan Ref</b>	<b>Status</b>	<b>Comments</b>
EPA 10/2.015 (ARC: 38320)	Use, Erection or Placement of New Structures	PARP: ALW 2005 – Rule 7.5.9	Restricted Discretionary (RMA s13(1))	Stormwater outfall structures for Meola Creek in Sector 6. Relates to Sector 6
EPA 10/2.016 (ARC: 38321)	Disturbance of Bed of Lakes and Rivers	PARP: ALW 2005 – Rule 7.5.23 (and/or 7.5.38 for same activity)	Non-Complying (RMA s13(1))	Excavation, drilling or tunnelling or other disturbance in, on, or under the bed of a permanent river or stream and any associated discharge of sediment, for the purpose of diverting a permanent river or stream to a new course, and the associated infilling of the existing bed and the diversion of water on Oakley Creek and unnamed tributary of Oakley Creek. Relates to Sector 9

**Table 2: Discharge Consents**

EPA Ref. No	Consents	Plan Ref	Status	Comments
EPA 10/2.017 (ARC: 38322)	Discharge to the Water Table of a Road	ARC Transitional Plan (General Authorisation 13)	Innominate Activity – Discretionary (RMA: s15)	Diversion and discharge of stormwater from impermeable areas into the water table of a road. Relates to Sectors 1 – 9 inclusive
EPA 10/2.018 (ARC: 38323)	Discharge of Water from Roads	ARC Transitional Plan (General Authorisation 15)	Innominate Activity – Discretionary (RMA: s15)	Diversion and discharge of stormwater into any watercourse for the purpose of draining roads. Relates to Sectors 1 – 9 inclusive
EPA 10/2.019 (ARC: 38324)	Stormwater Discharge - Network Operator Activities within Urban Areas	PARP: ALW 2005 - Rule 5.5.12	Discretionary (RMA: s15)	Stormwater discharge onto land and water. This includes discharges into Oakley Creek, Meola Stream & Pixie Stream. Relates to Sectors 1, 3, 5, 6, 7, 9
EPA 10/2.020 (ARC: 38325)	Discharge of contaminants from an industrial or trade process (that is listed as high risk in Schedule 3)	PARP: ALW 2005 – Rule 5.5.19	Discretionary (RMA: s15)	The discharge of contaminants to air, land and water from a rock crusher. Sector 9
EPA 10/2.021 (ARC: 36474)	Discharge of contaminants to land or water from contaminated land (that is undergoing disturbance or remediation)	PARP: ALW 2005 - Rule 5.5.44A	Restricted Discretionary (RMA: s15)	It cannot be determined at this time whether compliance with Rule 5.5.44 can be met and so, in an abundance of caution consent is being sought under Rule 5.5.44A. Relates to Sectors 1, 3, 5, 6, 7, 8 <sup>13</sup> and 9
EPA 10/2.022 (ARC: 38326)	Discharge of contaminants from an industrial or trade process	PARP: ALW 2005 – Rule 5.5.19	Discretionary (RMA: s15)	The discharge of contaminants to land and water from a concrete batching plant. Sectors 5 and 9

<sup>13</sup> While it is considered that the discharge of contaminants from contaminated groundwater is unlikely given the depth of tunnelling in Sector 8, it is proposed that this consent be sought in an abundance of caution.

EPA Ref. No	Consents	Plan Ref	Status	Comments
EPA 10/2.023 (ARC: 38327)	Discharge to Air – Crusher Activities	PARP: ALW 2005 – Rule 4.5.55 ARP:ALW (October 2010) – Rule 4.5.58	Restricted Discretionary (RMA: s15(2))	The discharge of contaminants into air from the temporary crushing of concrete, masonry products, minerals, ores and/or aggregates with a mobile crusher at a rate not exceeding a total on-site capacity of 60 tonnes per hour that does not comply with Rule 4.5.48. This consent is sought as the potential is that material from the crusher will be removed off-site (depending on the feasibility of reuse, which is the first preference). Sector 9
EPA 10/2.024 (ARC: 38328)	Discharge to Air – Concrete Batching Plant	PARP: ALW 2005 – Rule 4.5.54 ARP:ALW (October 2010) – Rule 4.5.57	Restricted Discretionary (RMA: s15(2))	The discharge of contaminants into air, through a bag filter system, from the mixing of cement powder with other materials to manufacture concrete or concrete products at a rate exceeding a total production capacity of 110 tonnes per day. Sectors 5 and 9
EPA 10/2.025 (ARC: 38328)	Discharge to Air – Roadworks	PARP: ALW 2005 – Rule 4.5H	Restricted Discretionary (RMA: s15(2))	Taking a precautionary approach consent is sought for discharges to air associated with roadworks (including dust emissions) 14.

<sup>14</sup> While it is considered that this activity could be managed within the permitted activity performance standards, in an abundance of caution consent has been sought for this activity.

**Table 3: Water Permits**

EPA Ref. No	Consents	Plan Ref	Status	Comments
EPA 10/2026 (ARC: 38330)	Diversion of water other than open coastal water	PARP: ALW 2005 (Section 87B of RMA)	Innominate Activity – Discretionary (RMA: s14 <sup>15</sup> )	Structures for the road diverting the water flows of a floodplain and associated diversion and deposition of material in Sector 9. Relates to Sector 9
EPA 10/2.027 (ARC: 38321)	Taking and Use of Groundwater	PARP: ALW 2005 - Rule 6.5.39 ARP:ALW (October 2010) – Rule 6.5.43	Restricted Discretionary (RMA: s14(2))	The taking of groundwater for the purposes of groundwater diversion during construction, under Rule 6.5.69. Sectors 7 to 8
EPA 10/2.027 (ARC: 38321)	Taking and Use of Groundwater	PARP: ALW 2005 - Rule 6.5.39 ARP:ALW (October 2010) – Rule 6.5.77	Restricted Discretionary (RMA: s14(2))	The taking of groundwater for the purposes of groundwater diversion - operation, under Rule 6.5.69. Sectors 7 to 8
EPA 10/2.028 (ARC: 38322)	Diversion of Groundwater	PARP: ALW 2005 - Rule 6.5.69	Restricted Discretionary (RMA: s14(2))	Diversion of Groundwater for the tunnel (taking of groundwater for disposal). Relates to Sectors 7 and 8

<sup>15</sup> Under section 14, no person may take, use, dam, or divert any water other than open coastal water, unless expressly allowed by an NES, a rule in a regional plan or a resource consent (s14(2)(a), s 14(3)(a) under the RMA.

**Table 4: Coastal Consents**

EPA Ref. No	Consents	Plan Ref	Status	Comments
EPA 10/2.030 (ARC: 38334)	Activities within the CMA	Regional Coastal Plan - Rule 11.5.5	Discretionary (RMA: s12(3))	For ongoing use of CMA by the State highway for transport purposes and associated construction activities including conveyance of spoil.
	<i>Maintenance and Repair of any structure listed in the Cultural Heritage Schedule 1 or 2</i>	<i>Regional Coastal Plan 12.5.11</i>	<i>Controlled (RMA: s12(1)(b))</i>	<i>This consent relates to the modification for the purpose of retaining the heritage sea wall (Item 177 of Schedule 2 – Sea Wall Associated with the Thomas Flour Mill). Sector 5</i>
EPA 10/2.031 (ARC: 38335)	Erection of Temporary Structures in the CMA	Regional Coastal Plan - Rule 12.5.18	Discretionary (RMA: s12(1)(b))	This consent relates to the erection of temporary (construction) structures within the CMA including piers, ramps, bridges, conveyor structures, temporary staging platforms, temporary bird roost, stormwater discharge outfalls and other consequential activities such as disturbance and/or vegetation removal. In GMA, CPA 2 and Mooring Management Area – Henderson Creek, Whau River and Pt Chevalier. Sectors 1, 2, 4 & 5
EPA 10/2.032 (ARC: 38336)	Erection of Permanent Structures in the CMA	Regional Coastal Plan - Rule 12.5.18	Discretionary (RMA: s12(1) (b))	This consent relates to the erection of permanent (operational phase) structures within the CMA including piers, ramps, bridges, stormwater discharge outfalls and other consequential activities such as disturbance and/or vegetation removal. In GMA, CPA 2 and Mooring Management Area – Henderson Creek, Whau River and Pt Chevalier. Sectors 1, 2, 4 & 5
EPA 10/2.033 (ARC: 38338)	Erection of Temporary Structures in the CMA	Regional Coastal Plan - Rule 12.5.22	Non complying (RMA: s12(1) (b))	This consent relates to the erection of temporary (construction) structures within the CMA including piers, ramps, bridges, conveyor structures, temporary staging platforms, stormwater discharge outfalls and other consequential activities such as disturbance and/or vegetation removal. In CPA 1 – Waterview Estuary. Sectors 3 & 4

<b>EPA Ref. No</b>	<b>Consents</b>	<b>Plan Ref</b>	<b>Status</b>	<b>Comments</b>
EPA 10/2.034 (ARC: 38339)	Erection of Permanent Structures in the CMA	Regional Coastal Plan - Rule 12.5.22	Non complying (RMA: s12(1) (b))	This consent relates to the erection of permanent (operational phase) structures within the CMA including piers, ramps, stormwater discharge outfalls and other consequential activities such as disturbance and/or vegetation removal. In CPA 1 – Waterview Estuary. Sectors 3 & 4
EPA 10/2.035 (ARC: 38340)	Erection of Temporary Structures in the CMA	Regional Coastal Plan - Rule 12.5.22	Non complying (RMA: s12(1) (b))	This consent relates to the erection of temporary (construction) structures within the CMA including piers for ramps, conveyor structures, temporary staging platforms, stormwater discharge devices and other consequential activities such as disturbance and/or vegetation removal. In CPA 1 – Oakley Creek Inlet. Sector 5
EPA 10/2.036 (ARC: 38341)	Erection of Permanent Structures in the CMA	Regional Coastal Plan - Rule 12.5.22	Non complying (RMA: s12(1) (b))	This consent relates to the erection of permanent (operational phase) structures within the CMA including piers, ramps, stormwater discharge devices, heritage bridge and other consequential activities such as disturbance and/or vegetation removal. In CPA 1 – Oakley Creek Inlet. Sector 5
EPA 10/2.037 (ARC: 36576)	Reclamation in the CMA	Regional Coastal Plan - Rule 13.5.3	Non-complying (RMA: s12(1)(a))	This consent relates to the temporary reclamation for access and construction purposes and permanent reclamation associated with motorway widening in CPA 2. Sectors 1 (0.11ha) and 2 (approx 0.4ha)
EPA 10/2.038 (ARC: 38342)	Reclamation in the CMA	Regional Coastal Plan - Rule 13.5.4 (and 13.5.6 as non-complying)	Restricted Coastal Activity (RMA: s12(1)(a))	This consent relates to reclamation for access and construction purposes and permanent reclamation associated with motorway widening in CPA 1, north and south of causeway and includes associated vegetation removal and diversion of estuarine channels (including sediment works associated with diversion) required for the mitigation of effects on the reclamation. The Plan states that any non-complying consent under 13.5.3 is a restricted coastal activity in specific conditions. Sector 4 (approx 4.5ha)

EPA Ref. No	Consents	Plan Ref	Status	Comments
EPA 10/2.039 (ARC: 38343)	Disturbance of Foreshore and Seabed	Regional Coastal Plan - Rule 16.5.15	Discretionary (RMA: s12(1)(c))	<p>Disturbance of the foreshore and seabed during construction including vegetation removal, use of motor vehicles, disturbance of sediment, temporary structures and erosion and sediment control measures including, in a GMA, CPA2 and Mooring Management Area for construction:</p> <p>Sector 1 Stormwater wetland and associated reclamation; Outfall discharging into Henderson Creek;</p> <p>Sector 2 Temporary staging platforms within Whau River; Piles for Whau River Bridges; Piles for new pedestrian/cycle facility; Rock lined channels.</p> <p>Sectors 4 and 5 (north eastern side of causeway) Temporary staging platforms adjacent to Pt Chevalier ; Piles for ramps adjacent to Pt Chevalier.</p>
EPA 10/2.040 (ARC: 38344)	Disturbance of Foreshore and Seabed	Regional Coastal Plan - Rule 16.5.16	Discretionary (RMA: s12(1)(c))	<p>Removal of vegetation, including mangrove removal, in any CPA 2.</p> <p>This includes the removal of mangroves to the west of Rosebank Park Domain.</p> <p>Sector 2</p>



<b>EPA Ref. No</b>	<b>Consents</b>	<b>Plan Ref</b>	<b>Status</b>	<b>Comments</b>
EPA 10/2.041 (ARC: 38345)	Disturbance of Foreshore and Seabed	Regional Coastal Plan - Rule 16.5.21	Non Complying (RMA: s12(1)(c))	Disturbance of the foreshore and seabed during construction including vegetation removal and mangrove removal, use of motor vehicles, disturbance of sediment, temporary structures and erosion and sediment control measures including, in CPA1, to access existing lawful structures, but excluding the disturbance consequential to activities under which other consents are sought.  This includes disturbance for activities such as machinery access to temporary construction areas in the CMA (e.g. the estuary, Causeway Bridges, pedestrian/cycle way facility, coastal protection works, rock revetment / batters, and temporary staging platforms within Oakley Inlet etc). Sectors 4 and 5
EPA 10/2.042 (ARC: 38346)	Disturbance of Foreshore and Seabed	Regional Coastal Plan - Rule 16.5.22	Non Complying (RMA: s12(1)(c))	The use of motor vehicles in any CPA Sectors 4 and 5
EPA 10/2.043 (ARC: 38347)	Taking and use of inner coastal water	Regional Coastal Plan - Rule 19.5.5	Discretionary (RMA: s14)	The taking and use of inner coastal water for use in the proposed coffer dam (construction of the reclamation). Sectors 2 and 4
EPA 10/2.044 (ARC: 38348)	Damming and impounding of inner coastal water	Regional Coastal Plan - Rule 19.5.6	Discretionary Activity (RMA: s14)	The damming and impounding of inner coastal water in the coffer dam during construction - General Management Area Sectors 2 and 4
EPA 10/2.045 (ARC: 38349)	Damming and impounding of inner coastal water	Regional Coastal Plan - Rule 19.5.7	Non-complying (RMA: s14)	The damming and impounding of inner coastal water in the coffer dam during construction - CPA1 Sectors 2 and 4
EPA 10/2.046 (ARC: 38350)	Discharge of Contaminants	Regional Coastal Plan - Rule 20.5.6	Discretionary (RMA: s15)	This consent relates to the discharge of contaminants during construction into the CMA and discharge of contaminants in stormwater flows during construction along Sectors 1 - 5, including point source and sheet flow discharges. Sectors 1 through 5

<b>EPA Ref. No</b>	<b>Consents</b>	<b>Plan Ref</b>	<b>Status</b>	<b>Comments</b>
EPA 10/2.047 (ARC: 38351)	Discharge of Contaminants	Regional Coastal Plan - Rule 20.5.13	Discretionary (RMA: s15)	This consent relates to the discharge of contaminants during construction into the CMA and discharge of stormwater during construction along Sectors 1 – 5, including point source and sheet flow discharges Sectors 1 through to 5
EPA 10/2.048 (ARC: 38352)	Discharge of Contaminants	Regional Coastal Plan - Rule 20.5.13	Discretionary (RMA: s15)	This consent relates to the permanent discharge of stormwater to the CMA for the operation of the Project – Sector 1 (Henderson Creek, CPA 2). Sector 1
EPA 10/2.049 (ARC: 38353)	Discharge of Contaminants	Regional Coastal Plan - Rule 20.5.13	Discretionary (RMA: s15)	This consent relates to the permanent discharge of stormwater to the CMA for the operation of the Project – Sector 2 (Whau River, CPA 2 and Mooring Management Area). Sector 2
EPA 10/2.050 (ARC: 38354)	Discharge of Contaminants	Regional Coastal Plan - Rule 20.5.13	Discretionary (RMA: s15)	This consent relates to the permanent discharge of stormwater to the CMA for the operation of the Project in Sector 4 (Causeway and Interchange, CPA1). Sector 4
EPA 10/2.051 (ARC: 38355)	Discharge of Contaminants	Regional Coastal Plan - Rule 20.5.13	Discretionary (RMA: s15)	This consent relates to the permanent discharge of stormwater to the CMA for the operation of the Project in Sectors 4 and 5 (Great North Road Interchange, Point Chevalier, General Management Area). Sector 5
EPA 10/2.052 (ARC: 38356)	Occupation of CMA	Regional Coastal Plan - Rule 10.5.9	Discretionary (RMA: s12(2))	Occupation of the CMA by permanent structures in, on and over the seabed and foreshore for general state highway widening including piles and piers for new and widened structures including, Sector 1- Stormwater wetland pond Sector 2- Whau River Bridge; Whau River pedestrian/cycle facility

<b>EPA Ref. No</b>	<b>Consents</b>	<b>Plan Ref</b>	<b>Status</b>	<b>Comments</b>
EPA 10/2.053 (ARC: 38357)	Occupation of CMA	Regional Coastal Plan - Rule 10.5.9	Discretionary (RMA: s12(2))	This consent relates to the occupation of the stormwater outfalls for – Sector 1 (Henderson Creek, CPA 2). Sector 1
EPA 10/2.054 (ARC: 38359)	Occupation of CMA	Regional Coastal Plan - Rule 10.5.9	Discretionary (RMA: s12(2))	This consent relates to the occupation of the stormwater outfalls for – Sector 2 (Whau River, CPA 2 and Mooring Management Area). Sector 2
EPA 10/2.055 (ARC: 38360)	Occupation of CMA	Regional Coastal Plan - Rule 10.5.9	Discretionary (RMA: s12(2))	This consent relates to the occupation of the stormwater outfalls for – Sector 4 (Causeway _ Interchange (Waterview Inlet and surrounds, CPA 1). Sector 4
EPA 10/2.056 (ARC: 38361)	Occupation of CMA	Regional Coastal Plan - Rule 10.5.9	Discretionary (RMA: s12(2))	Occupation of the CMA for construction works in, on and over the seabed and foreshore for Project works including stormwater outfall and ancillary works in General Management Area. Sectors 4 and 5
EPA 10/2.057 (ARC: 38362)	Occupation of CMA	Regional Coastal Plan - Rule 10.5.9	Discretionary (RMA: s12(2))	Occupation of the CMA for construction works in, on and over the seabed and foreshore for Project works including piles and piers construction, reclamation construction and ancillary works in CPA2. Sectors 1 and 2.
EPA 10/2.058 (ARC: 38363)	Occupation of the CMA	Regional Coastal Plan - Rule 10.5.10	Non-Complying (RMA: s12(2))	Occupation of the CMA for construction works in, on and over the seabed and foreshore for Project works including piles and piers construction, reclamation construction and ancillary works in CPA1 Sectors 3 and 4

EPA Ref. No	Consents	Plan Ref	Status	Comments
EPA 10/2.059 (ARC: 38364)	Occupation of the CMA	Regional Coastal Plan - Rule 10.5.10	Non-Complying (RMA: s12(2))	Occupation of the CMA by permanent structures in, on and over the seabed and foreshore for general motorway widening including piles and piers for new and widened structures including: Sector 4- Causeway Bridges Causeway pedestrian/cycle facility Stormwater outfalls Sector 5- Great North Interchange Ramps, Heritage bridge (pedestrian) Stormwater outfalls
EPA 10/2.060 (ARC: 38365)	Activities within the CMA	Regional Coastal Plan - Rule 11.5.5	Discretionary (RMA: s12(3))	This consent relates to the ongoing use, operation and maintenance of CMA by the State highway for transport purposes and associated stormwater discharge. Sectors 1-9
EPA 10/2.061 (ARC: 38366)	Activities within the CMA	Regional Coastal Plan - Rule 11.5.5	Discretionary (RMA: s12(3))	This consent relates to the ongoing use, operation and maintenance of CMA by the State highway for transport purposes and associated stormwater discharge (as an activity not provided for as a permitted, controlled or restricted discretionary activity, and is not prohibited by the Plan). Sectors 1 – 9