



6 Reasons for Consent

6.1 Activities requiring Resource Consent

The activities which require resource consents under AUP and NES_{Soil} are set out below. No resource consents are required under the legacy district or regional plans, because all relevant rules of the AUP became operative on 15 November 2016.

All resource consents for the Project are being sought as part of this application. If, after detailed design is complete, further or different resource consents are required, these will be sought at that time. Resource consents for works which are related to the Project (but do not form part of it) will be sought separately. These related works include consents to relocate the NHHS and consents for a possible new Busway station.

Relevant activities that are restricted under the RMA are as follows:

6.1.1 Land use consents

Section 9 imposes restrictions of the use of land. Under section 9(2):

“No person may use land in a manner that contravenes a regional rule unless the use-

(a) is expressly allowed by a resource consent; or

(b) is an activity allowed by section 20A.”

Section 9(1) restricts the use of land that contravenes a national environmental standard; this is discussed in **Section 6.1.4** below. Further, section 9(3) restricts the use of land in contravention of a district rule; these uses will be authorised by designation.

The activities requiring resource consent under section 9(2) are set out in **Table 18** below:

Table 18 Consents pursuant to s9 of the RMA for Construction Activities

Rule Reference	Rule	Activity Status	Comment
Rule E26:A78 Infrastructure	Vegetation alteration or removal in riparian margins not otherwise provided for in relation to the operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading.	Discretionary	Vegetation removal will be required within the riparian margins of Lucas Creek to accommodate a culvert outfall (CU-NEW-01) on the eastern side of the Oteha Valley interchange. Minor vegetation removal may also be required at Alexandra Stream and Oteha Stream to accommodate proposed new stormwater outfalls and rip-rap aprons and resource consent is being applied for out of caution. Tree removal in these areas will not encroach into any SEA. The removal will occur outside of the proposed road formation and is therefore is not covered by Rule E26:A76 or Rule E26:A77.
Rule E26:A78 Infrastructure	Vegetation alteration or removal within a SEA not otherwise provided for in relation to the operation,	Discretionary	Vegetation removal will be required within SEA_T_8365 for the construction of the SUP and Busway along the eastern length of the corridor and to construct the proposed Moro Wetland at the existing Moro Pond site



Rule Reference	Rule	Activity Status	Comment
	maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading.		(adjacent to the RWWTP). The vegetation is located around the Moro Pond and the northern side of Pond 2 near the State highway. Some of the removal will occur outside of the proposed road formation and is therefore is not covered by Rule E26:A76 or Rule E26:A77.
Rule E26:A103 Infrastructure	Earthworks greater than 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area other than for the maintenance, repair, renewal or minor infrastructure upgrading in all zones.	Restricted Discretionary	Earthworks will be required for the mainline works including works within the Rosedale Closed Landfill. These will extend from Oteha Valley Road, south along SH1 to Sunset Road, and along SH18 to Albany Highway. The area of earthworks outside of the Sediment Control Protection Area (SCPA) where the slope is less than 10 degrees will exceed 50,000m ² . Approximately 27.4ha (284,600m ³) of cut and 15.36ha (311,400m ³) of fill is expected where the existing slope is less than 10 degrees. The majority of these areas will be outside of the SCPA.
Rule E26:A106 Infrastructure	Earthworks greater than 2,500m ² where the land has a slope equal to or greater than 10 degrees other than for the maintenance, repair, renewal or minor infrastructure upgrading in all zones.	Restricted Discretionary	Approximately 5.39ha of cut (112,400m ³) and 5.92ha (165,000m ³) of fill is to be undertaken on areas where the slope is greater than 10 degrees. These areas are generally along the margins of watercourses, the Rosedale Closed Landfill, RWWTP ponds, along the lengths of SH1, and some areas along SH18 (mainly in Rosedale Park South).
Rule E26:A107 Infrastructure	Earthworks greater than 2,500m ² within the Sediment Control Protection Area other than for the maintenance, repair, renewal or minor infrastructure upgrading.	Restricted Discretionary	SCPAs are defined in the AUP as “50 metres landward of the edge of a watercourse, or wetland of 1000m ² or more”. Earthworks will be required within 50m of water for the construction of the Project near the RWWTP ponds, Alexandra Stream, Lucas Creek and various existing stormwater ponds and wetlands throughout the Project area. The volume of earthworks required will exceed 2,500m ² . The anticipated area of earthworks within the SCPA is 72,320m ² of cut and 82,760m ² of fill.
Rule E26:A117 Infrastructure	Earthworks from 10m ² to 2,500m ² and from 5m ³ to 2500m ³ within a Significant Ecological Area.	Restricted Discretionary	Earthworks will be required within SEA_T_8364 for the extension of the causeway within RWWTP Pond 1. This extension into the SEA is necessary for the inclusion of additional lanes along SH1. The



Rule Reference	Rule	Activity Status	Comment
			works within SEA_T_8364 will allow for an additional northbound lane and connection to the proposed new ramps between SH1 and SH18. The anticipated earthworks area and volume will be 600m ² /770m ³ of fill.
Rule E26:A118 Infrastructure	Earthworks for infrastructure greater than 2500m ² or 2500m ³ within a Significant Ecological Area.	Discretionary	Earthworks will be required within SEA_T_8365 for the extension of the causeway within RWWTP Pond 2. This extension into the SEA is necessary for the inclusion of an additional southbound lane, Busway extension, SUP, and the construction of the Moro Wetland to the east of SH1. The volume of earthworks required will exceed 2,500m ³ . It is anticipated that there will be 14,190m ² /4.600m ³ of cut and 4,040m ² /2,160m ³ of fill.

Section 13 imposes restrictions on certain uses of beds or lakes and rivers. Under section 13(1):

No person may, in relation to the bed or any lake or river-

- (a) *use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or*
- (b) *excavate, drill, tunnel, or otherwise disturb the bed; or*
- (c) *introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or*
- (d) *deposit any substance in, on, or under the bed; or*
- (e) *reclaim or drain the bed-*

unless expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

Activities requiring resource consent (land use consent) in relation to the use of bed of rivers are set out in **Table 19** below.

Table 19 Consents pursuant to s13 of the RMA for Construction Activities

Rule Reference	Rule	Activity Status	Comment
Rule E3:A23 Lakes, rivers, streams and wetlands	Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water.	Restricted Discretionary	SEA_T_8364: The causeway works within Pond 1 at the RWWTP are partly within the SEA. These works include changes to the batter slopes and rip-rap within the existing footprint of the causeway structure. SEA_T_8365: The causeway works within Pond 2 at the RWWTP are partly within the



Rule Reference	Rule	Activity Status	Comment
	Replacement, upgrading or extension of existing structures complying with the standards in E3.6.1.12 in a Significant Ecological Area.		SEA. These works include changes to the batter slopes and rip-rap within the existing footprint, and the inclusion of additional lanes for the proposed Busway extension and SUP. Compliance will be achieved with the standards in E3.6.1.10 and E3.6.1.2. The causeway works will occur within the footprint of the existing causeway structure. Temporary damming will be required during the construction period to isolate the area within the ponds for the extension of the causeway. Any bed disturbance during construction will not exceed 10m beyond the existing/proposed structure in accordance with the standards listed in E3.6.1.10 and E3.6.1.12.
E3:A26 Lakes, rivers, streams and wetlands	Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water. 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.	Discretionary	Culverts are defined in the AUP as “a structure with an inlet from and an outlet to a lake, river, stream or the coastal marine area, designed to enable access across a river, such as a road or crossing”. Extensions are proposed to the following existing culverts over natural and concrete channels and streams which will increase their length to more than 30m in total: CU-EX-02 (190m + 39m extension), CU-EX-03 (77m + 11m extension), CU-EX-05 (62m + 6m extension), CU-EX-09 (60m + 15m extension), CU-EX-10 (473m + 59m extension), CU-EX-11 (132m + 10m extension), and CU-EX-12 (121m + 124m extension).
Rule E3:A39 Lakes, rivers, streams and wetlands	New structures and the associated bed disturbance or depositing any substance, reclamation, diversion of water and incidental temporary damming of water Stormwater or wastewater outfall complying with the standards in E3.6.1.14 in a Significant Ecological Area	Discretionary	A replacement pond link connection between Pond 1 and Pond 2 at the RWWTP is proposed due to the existing being affected by the Project. The outfall will discharge water from Pond 1 into Pond 2 and is located to the south of the pond.
Rule E3:A41 Lakes, rivers, streams and wetlands	New structures and the associated bed disturbance or depositing any substance, reclamation, diversion of water and incidental temporary damming of water Surface water intake structure in a Significant Ecological Area	Discretionary	A replacement pond link is proposed between Pond 1 and Pond 2 at the RWWTP is proposed due to the existing being affected by the Project. This structure will intake surface water from the south of Pond 1 with the outfall being located within Pond 2.
Rule E3:A49	Reclamation and drainage and associated structures, bed	Non-complying	A series of watercourses lie to the south of Pond 1 at the RWWTP with their headwaters



Rule Reference	Rule	Activity Status	Comment
Lakes, rivers, streams and wetlands	disturbance or depositing any substance, diversion of water, incidental temporary damming of water, and discharges arising from the piping of a reclaimed waterbody associated with: New reclamation or drainage, including over a piped stream.		being near Caribbean Drive on the Unsworth Heights side of SH18. These watercourses are considered to be naturally occurring intermittent or permanent streams, despite being highly modified and predominantly located within a combination of concrete lined channels and grassed areas. The proposed works will see the existing watercourses largely reclaimed and the diversion and piping of the watercourses from Caribbean Drive to a new course. The existing watercourse is to be filled (reclaimed) to accommodate the new Paul Matthews Road connection and the proposed wetlands within the Rosedale South Reserve.

6.1.2 Water permits

Section 14 imposes restrictions in relation to water. Under section 14(2):

No person may take, use, dam, or divert any of the following, unless the taking, using, damming, or diverting is allowed by subsection (3):

(a) water other than open coastal water; or [...]

Under subsection (3):

A person is not prohibited by subsection (2) from taking, using, damming, or diverting any water, heat, or energy if –

(a) the taking, using, damming, or diverting is expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent; or [...]

Consents required under section 14 of the RMA for operational activities are set out in **Table 20** below.



Table 20 Consents pursuant to s14 of the RMA for Operation Activities

Rule Reference	Rule	Activity Status	Comment
Rule E7:A13 Diverting surface water and associated discharge of water	Diverting surface water not meeting the permitted activity standards or not otherwise listed.	Discretionary	Chapter E7 only provides for surface water diversion to artificial watercourses as a permitted activity and therefore resource consent is required for diversions to other watercourses and waterbodies. Surface water is to be diverted during the operation of the Project to discharge into the proposed stormwater wetlands and freshwater bodies via conveyance and treatment swales.

The resource consents required under section 14 of the RMA for the construction of the Project are set out in **Table 21** below:

Table 21 Consents pursuant to s14 of the RMA for Construction Activities

Rule Reference	Rule	Activity Status	Comment
Rule E7:A13 Diverting surface water and associated discharge of water	Diverting surface water not meeting the permitted activity standards or not otherwise listed.	Discretionary	Surface water from proposed sediment retention pond devices are proposed to flow to grass environments which will then discharge to freshwater systems. Water within the ponds at the RWWTP will require temporary diversion during the construction period whilst construction is occurring at the causeway. Chapter E7 only provides for surface water diversion to artificial watercourses as a permitted activity and therefore resource consent is required for diversions to other watercourses and waterbodies.
Rule E7:A20 Groundwater take	Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards or is not otherwise listed.	Restricted Discretionary	Dewatering will be required for the construction of the Project for groundwater encountered during the construction period as well as for groundwater encountered during construction works within the Rosedale Closed Landfill. The proposed dewatering will be unable to meet the permitted activity standards (E7.6.1.3, E7.6.1.4, E7.6.1.5, E7.6.1.6 and E7.6.1.10). Groundwater take across the Project will exceed 5m ³ per day even averaged over any consecutive 20 day period, and will be unable to comply with the time periods for groundwater diversion and dewatering in standard E6.6.1.6. Diversion will be caused by excavation and trenching and will be unable to meet the permitted time period of 10 days at a time.



Rule Reference	Rule	Activity Status	
			The Project will comply with the restricted discretionary activity standard E7.6.3.3 as the groundwater is not geothermal nor is it for municipal water supply.
Rule E7:A28 Diversion of groundwater	The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity controls or is not otherwise provided for in all zones	Restricted Discretionary	<p>Groundwater diversion associated with the Project will be unable to meet the permitted activity standards (E7.6.1.10) as the excavations that will extend below ground level will exceed 1ha in total (approximately 1.3ha).</p> <p>Standard E7.6.1.10 does not provide for diversions in open parts of trenches for more than 10 days.</p> <p>The proposed excavations that extend below ground level will not be within 50m of a Wetland Management Overlay, 10m from a scheduled Historic Heritage Overlay, or 10m from a lawful groundwater take.</p>

6.1.3 Discharge permits

Section 15 places restrictions on the discharge of contaminants. The term ‘contaminants’ is defined in section 2 as:

includes any substance (including any gases, odorous compounds, liquids, solids, micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat-

(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or

(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Under section 15(1):

No person may discharge any-

(a) contaminant or water into water; or

(b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or

(c) contaminant from any industrial or trade premises into air; or

(d) contaminant from any industrial or trade premises onto or into land-

unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

Under section 15(2):

No person may discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a national environmental standard unless the discharge-



- (a) is expressly allowed by other regulations; or
- (b) is expressly allowed by a resource consent; or [...]

Under section 15(2A):

No person may discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a regional rule unless the discharge-

- (a) is expressly allowed by a national environmental standard or other regulations; or
- (b) is expressly allowed by a resource consent; or [...]

Activities requiring resource consent (discharge permit) in relation to the discharge of contaminants include:

- Discharge of stormwater (as associated diversion – as grouped together by the AUP);
- Development of new or redevelopment of existing impervious areas within a stormwater management flow area;
- Discharge of contaminants to water;
- Discharge of contaminants into air; and
- Discharges from closed landfills.

Consents required under section 15 of the RMA for operational activities are set out in **Table 22** below.

Table 22 Consents pursuant to s15 of the RMA for Operational Activities

Rule Reference	Rule	Activity Status	Comment
Rule E8:A10 Stormwater discharge and diversion	All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for.	Discretionary	<p>The proposed stormwater discharges from the Project will be unable to meet E8.6.1(3)(a) and E8.6.1(3)(b) as flooding will be increased at several properties as listed in Table 40 and is therefore unable to comply with the permitted activity standards for Rule E8:A5.</p> <p>The proposed impervious areas will exceed the controlled activity threshold of 5,000m² and therefore cannot comply with the controlled activity Rule E8:A9.</p> <p>Discharges will occur at the following new or relocated NZ Transport Agency outfalls: OF3, OF7, OF8, OF10, OF16 and OF18 (refer to Figure 22).</p>
Rule E9:A9 Stormwater quality- high use roads	Development of a new or redevelopment of an existing high use road that does not comply with the relevant permitted or controlled activity standards.	Restricted Discretionary	<p>The Project involves areas of new and the redevelopment of existing high use road which is defined as having traffic volumes in exceedance of 5,000 vehicles per day.</p> <p>The Project is unable to comply with the controlled activity standards outlined in E9.6.2.2 for E9:A7 as not all runoff from the</p>



Rule Reference	Rule	Activity Status	Comment
			new impervious areas will be treated to TP10 standards, rather an area equivalent across all high use road areas within the Project area (new and existing) will be treated to this standard.
Rule E10:A3 Stormwater management area- Flow 1 and 2	Development of new or redevelopment of existing impervious areas greater than 50m ² within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1	Restricted Discretionary	SMAF 1 and 2 controls cover the entire Project area and therefore this rule will be triggered for the reconfiguration of Constellation Bus Station which will see the construction of a new platform (75m in length) and the extension of one of the existing platforms. In addition, the 6.3km SUP is proposed. The total impervious surface coverage for these areas will exceed 50m ² and is therefore unable to comply with the permitted activity rule, E10:A2. The proposed works will be able to comply with Standards E10.6.1 and E10.6.4.1 as the appropriate hydrology mitigation has been provided.
Rule E10:A7 Stormwater management area- Flow 1 and 2	Development of new or redevelopment of existing impervious areas greater than 5,000m ² 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 complies with Standard E10.6.1 and Standard E10.6.4.2	Restricted Discretionary	SMAF 1 and 2 controls cover the entire Project area. The new and redeveloped impervious surfaces that form part of the Project will meet the standards outlined in E10.6.1 and E10.6.4.2 as detention has been provided in accordance with the hydrology mitigation requirements for SMAF areas. Retention is not required due to insufficient infiltration rates and there being no opportunity to reuse on site in accordance with E10.6.3.1.1(2).

Table 23 below the consents required for the construction activities related to the Project:

Table 23 Consents pursuant to s15 of the RMA for Construction Activities

Rule Reference	Rule	Activity Status	Comment
Rule E4:A11 Discharges of contaminants	Discharge of water and/or contaminants (including washwater) onto or into land and/or into water from any of the following: (a) cleaning, maintenance and preparation of surfaces of buildings, and associated structures;	Controlled	The discharge of water (some of which may contain contaminants) will be required for the upgrading works as part of the Project as the activity involves the construction and upgrading of network utility infrastructure and the construction, repair and upgrading of the stormwater and wastewater network. The construction works associated with the Project will be unable to comply with the permitted activity standards for several activities included in Rule E4:A1 as part of



Rule Reference	Rule	Activity Status	Comment
	<p>(b) construction, repair, maintenance, upgrade or removal of network utility infrastructure; or</p> <p>(c) construction, repair, maintenance, upgrade or removal of any component of the stormwater or wastewater network</p>		<p>the infrastructure borders and extends over a waterbody.</p> <p>Sediment and erosion control measures are proposed to ensure that after reasonable mixing the discharge will be able to comply with the standards set out within E4.6.1. Any water generated that is not able to meet this standard will not be discharged to land or water but treated and disposed of off-site.</p>
<p>Rule E14:A82</p> <p>Air quality</p>	<p>Earthworks and the construction, maintenance and repair of public roads and railways not meeting the general permitted activity standards.</p>	<p>Restricted Discretionary</p>	<p>Dust will be generated as a result of the earthworks and construction activities.</p> <p>Permitted activity standard E14.6.1.1(1) requires that the discharge must not contain contaminants that cause, or are likely to cause, adverse effects on human health, property or the environment beyond the boundary of the premises that the activity takes place. Any discharges to air as a result of the construction of the road (such as dust and odour) are likely to traverse beyond the boundary of some parts of the Project area and will therefore be unable to meet the permitted activity standards.</p>
<p>Rule E14: A158</p> <p>Air quality</p>	<p>Discharges of contaminants to air from waste processes</p> <p>Landfills that ceased receiving waste materials (closed landfill) after 1 October 1991, and contained at least 200,000 tonnes of waste materials at the time of closure</p>	<p>Restricted Discretionary</p>	<p>The Rosedale Closed Landfill ceased operation in 2002 and it contained at least 200,000 tonnes of waste material at the time of closure as it received over 3.3 million tonnes during its operation.</p> <p>The earthworks within the landfill will perforate the cap of the landfill resulting in the discharge of landfill gases, dust and contaminants to air during the construction of the Busway and SUP within the landfill.</p>
<p>Rule E30:A7</p> <p>Contaminated land</p>	<p>Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1</p>	<p>Discretionary</p>	<p>Discharges to air from contaminated land is required for the Project, including discharges from the Rosedale Closed Landfill including landfill gas.</p> <p>A Preliminary Site Investigation has been undertaken to determine potential sites with land contamination and expected contaminants. A Draft Contaminated Site Management Plan has been prepared.</p> <p>Compliance with the permitted or controlled activity standards will not be achieved with the standards in E30.6.2.1 as a Detailed Site Investigation has not been produced.</p>



6.1.4 Other resource consents required

6.1.4.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

Several sites within the Project area have been identified as containing activities on the Hazardous Activities and Industries List (HAIL) or as a potential HAIL site. A Preliminary Site Investigation (PSI) for the Project has been undertaken in accordance with the NES_{Soil} and is included in **Technical Assessment 6**. It is proposed that a Detailed Site Investigation (DSI) is undertaken to establish contaminant concentrations where works are proposed on a HAIL or potential HAIL site.

The Project will comply with Regulation 8(2) of the NES_{Soil} for any sampling undertaken of any contaminated or potentially contaminated sites.

However, as a DSI has not yet been completed, the Project will be unable to comply with the controlled and restricted discretionary regulation standards and therefore resource consent for a discretionary activity is sought under the NES_{Soil} for the disturbance of soil and the change in land use (Regulation 8(3)).

6.2 Activities considered to be permitted

The following tables summarise those aspects of the Project that are permitted by the regional rules in the AUP, and where compliance with the relevant development controls will be achieved.

6.2.1 Land use activities

The activities considered to be permitted under section 9(2) of the RMA are set out in **Table 24** below:

Table 24 Permitted Activities pursuant to s9(2) of the RMA

Rule Reference	Rule	Activity Status	Comment
E26:A9 Infrastructure	Pipes and cables for the conveyance of water, wastewater, stormwater, electricity, gas and telecommunications	Permitted	Some network utility infrastructure is required to be relocated or replaced to accommodate for the main Project works. The extent of these relocation and replacement works are outlined in Section 5.8 . This rule has been included for completeness as it appears to be a matter under section 9(3) of the RMA (but the AUP is not clear).
E26:A49 Infrastructure	Underground pipelines and ancillary structures for the conveyance of water, wastewater and stormwater (including above ground ancillary structures associated with underground pipelines)	Permitted	Stormwater pipes, including culverts that do not meet the definition of a culvert under the AUP, are proposed throughout the Project area. This rule has been included for completeness as it appears to be a matter under section 9(3) of the RMA (but the AUP is not clear).
Rule E26:A109/ Rule E11:A14 Infrastructure/ Land disturbance - regional	Activities ancillary to erosion and sediment control. The temporary diversion and damming of surface water and the discharge of treated sediment laden water from any land disturbance allowed by a	Permitted	Rule E26:A109 refers to Table E11.4.2 (Activity table for all zones and roads- diversion, damming and discharge of treated sediment laden water) where activities ancillary to erosion and sediment control are permitted activities (including temporary diversion and damming of surface water).



Rule Reference	Rule	Activity Status	Comment
	land use consent in the above tables.		Erosion and sediment control activities such as sediment ponds, bunds, and temporary diversion of sediment laden water will be required to treat discharges of water generated as a result of earthworks.

The land use activities considered to be permitted under section 14 of the RMA are described in **Table 25**:

Table 25 Permitted Activities pursuant to s14 of the RMA

Rule Reference	Rule	Activity Status	Comment
Rule E3:A22 Lakes, rivers, streams and wetlands	Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water. Minor upgrades to existing infrastructure related structures complying with the standards in E3.6.1.12 not within an overlay.	Permitted	Minor upgrades and repairs are proposed to existing culverts and outfall structures within the Project area to accommodate the proposed increases in stormwater discharges. These upgrades comply with the permitted activity standards in E3.6.1.12 as there will be small amounts of bed disturbance and only small increases in the size of the structures.
E3:A23 Lakes, rivers, streams and wetlands	Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water. Replacement, upgrading or extension of existing structures complying with the standards in E3.6.1.12 not within an overlay.	Permitted	For upgrading of the causeway structure between the two RWWTP ponds outside of the SEA overlay. The causeway was constructed in the 1960s and is lawfully established. The upgrading works outside the SEA overlay are permitted as the upgrade will occur within the existing footprint of the causeway structure and will be able to comply with the standards in E3.6.1.12.
E3:A34 Lakes, rivers, streams and wetlands	Erosion control structures less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14.	Permitted	Several rip-rap aprons are proposed at outfalls within the Project area. Rip-rap aprons and other small erosion protection mechanisms will not exceed 30m in length nor will disturbance of the bed exceed 10m either side of the outfall structure. The installation will not increase flooding above the 1 per cent annual exceedance probability and will be able to comply with the permitted activity standards in E3.6.1.14.



Rule Reference	Rule	Activity Status	Comment
			New rip-rap aprons are proposed for the following outfalls in streams: OF3, OF8, OF10, and OF18 (Refer to Figure 22).
E3:A39 Lakes, rivers, streams and wetlands	Stormwater or wastewater outfalls complying with the standards in E3.6.1.14.	Permitted	Five stormwater outfalls are proposed to be constructed or modified as part of the Project and are within streams (OF1, OF8, OF10, OF16 and OF18). None of these are located within overlays. The construction of the outfalls will be able to comply with the permitted activity standards outlined in E3.6.1.14.
E3:A53 Lakes, rivers, streams and wetlands	Any activity that is undertaken in, on, over or within the bed of an ephemeral river and streams complying with the standards in E3.6.1.1.	Permitted	Ephemeral streams are defined in the AUP as streams with reaches above the water table at all time with water flowing during and shortly after rain events. No ephemeral streams have been identified within the Project area that are likely to be affected by the works. However if, after a rainfall event, an ephemeral stream were to become apparent, the Project will be able to comply with the permitted activity standards in E3.6.1.1.

6.2.2 Diversion of water

Set out in **Table 26** are the water diversion activities considered to be permitted under section 14 of the RMA:

Table 26 Permitted Activities pursuant to s14 of the RMA

Rule Reference	Rule	Activity Status	Comment
Rule E7:A11 Diverting surface water and associated discharge of water	Diversion into an artificial watercourse.	Permitted	Dirty water runoff diversion channels will be sized to cater for the 1% annual exceedance probability rainfall event to prevent uncontrolled runoff within the site boundaries. Diversions of surface water will not reduce the water quality of any downstream waterbody, including effects associated with the discharge of sediment.
Rule E8:A1 Stormwater – Discharge and diversion	Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that complies with Standard E8.6.2.1.	Permitted	There are existing impervious areas within the Project area that were established prior to the date the AUP became operative in part. The diversion of stormwater into an authorised stormwater network is permitted as the NZ Transport Agency has asset owner approval in



			principle for diversion to the network as per the permitted activity standard in E8.6.2.1(1).
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6.2.3 Discharges

Set out in **Table 27** are the activities considered to be permitted under section 15 of the RMA:

Table 27 Permitted Activities pursuant to s15 of the RMA

Rule Reference	Rule	Activity Status	Comment
Rule E4:A1 Other discharges of contaminants	Discharge of water and/or contaminants (including washwater) onto or into land and/or into water from any of the following activities: concrete/asphalt laying or reworking, drilling, mobile cleaners, washing vehicles, plant or machinery, road construction activities and dust suppression.	Permitted	Various construction activities may result in the discharge of contaminants which are able to comply with the permitted activity standards in E4.6.1. Resource consent is sought for other activities listed in E4:A1 that are unable to meet the permitted activity standards under Rule E4:A11.
Rule E4:A5 Other discharges of contaminants	Discharge onto or into land and/or into water for the purpose of dewatering trenches or other excavations	Permitted	Any discharges from trenches will be able to comply with the permitted activity standards in E4.6.1 and E4.6.2.4. The origin of all discharges will be limited to surface water and/or groundwater. Appropriate sediment control measures will be implemented to ensure discharges are compliant with the standards in E4.6.2.4(2).

6.3 Resource Management Act 1991 Assessment

Overall, resource consent is sought as a non-complying activity. For avoidance of doubt, the NZ Transport Agency is seeking resource consents under the above rules and any other rules which may apply to the activity, even if not specifically noted. Therefore, all resource consents directly required for the Project are being sought at this time. However, after detailed design is complete, if further or different consents are required, these will be sought at that time

Resource consents for works which are related to the Project (but not part of it) will be sought separately. These related works include consents to relocate the NHHS, network utilities and any in respect of a possible further busway station.

6.4 Existing Resource Consents

A search of the NZ Transport Agency’s and AC’s records has identified a number of existing resource consents relating to the on-going operation of the State highway within the Project area. **Table 28** details the resource consents which relate to stormwater discharges from the existing network. Where the outfalls listed below are being retained and used for the Project, new discharge consents are being sought as part of these applications.



Table 28 Existing Resource Consents relevant to the Project

Consent reference	Project Name	Relevant Stormwater Conditions
29776	SH1 Albany Bus Station Ramps	<p>Oteha Valley Road Pond South – Alpur A1 Pond 30 – 27,590m² for TSS removal and 34.5mm detention</p> <p>McClymonts Road Pond South- Alpur A1 Pond 32 – 11,880m² for 75% TSS removal</p> <p>McClymonts Road Pond North – Alpur A1 Pond 31 – 10,019m² for TSS removal and 34.5mm detention</p>

The AC Network Discharge Consent 31819/33076 (NDC) covers the stormwater discharges from AC owned assets within the Project area and the surrounding catchments. Upgrades to two of AC’s outfalls are proposed as part of the Project. Some stormwater from the Project is proposed to discharge through AC assets (see Section 5 for detail). The discharges from the Project that utilise the AC stormwater outfalls will comply with the conditions set out in the NDC. Condition 9(c) of the NDC specifically requires that stormwater discharges from developments with more than 1,000m² of impervious areas are to incorporate mitigation including source control initiatives and a treatment level of 75% TSS removal on a long term average basis.