

PART I

STATUTORY MATTERS

14.0 Statutory Framework

This analysis has been set out to address the requirements of sections 104 (for the resource consent applications) and 171 (for the NoRs) of the RMA.

14.1 The Transport Agency

The Transport Agency is the requiring authority and applicant for the Project. The sections below set out the objectives, principles and functions of the Transport Agency.

14.1.1 The Transport Agency – Operating Principles and Functions

The Land Transport Management Act 2003 (LTMA) provides the statutory framework for New Zealand's land transport system. It is also the statute under which the Transport Agency operates (in conjunction with the Government Rounding Powers Act 1989 and the Land Transport Act 1998).

The Transport Agency's objective is set out in section 94 of the LTMA as being:

“to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest.”

The Transport Agency's functions are set out in section 95(1). Of specific relevance to the Project is:

(a) to contribute to an effective, efficient, and safe land transport system in the public interest:

[...]

(c) to manage the State highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Rounding Powers Act 1989:

The principles under which the Transport Agency must operate are set out in section 96. Of specific relevance to the Project are those in subsection (1):

“In meeting its objective and undertaking its functions, the Agency must -

(a) exhibit a sense of social and environmental responsibility, and, -

(b) use its revenue in a manner that seeks value for money, and,—

(i) if the revenue is part of the national land transport fund, in accordance with section 10(3); and

(ii) in all other cases, for the purpose for which it is collected; and

(c) ensure that its revenue and expenditure are accounted for in a transparent manner; and

(d) ensure that—

(i) it acts in a transparent manner in its decision making under this Act; and

(ii) it gives, when making decisions in respect of land transport planning and funding under subpart 1 of Part 2, the same level of scrutiny to its own proposed activities and combinations of activities as it would give to those proposed by approved organisations.”

14.1.2 Power to construct and operate roads

The Government Roding Powers Act 1989 grants the Transport Agency certain powers in relation to the construction, operation and maintenance of state highways.

Section 61 of the Government Roding Powers Act sets out the powers and duties of the Transport Agency in relation to state highways. Subsection 61(2) provides the Transport Agency various powers in respect of roads granted to local authorities under the Local Government Act 1974, including the ability to construct footpaths and cycleways. Of specific relevance to the Project are those powers under subsection 61(4) which states the following:

“(4)The Agency shall have power to do all things necessary to construct and maintain in good repair any State highway, and in particular, but without limiting any power conferred on the Agency elsewhere in this Act, to do the following things:

- (b) To increase or diminish the width of any State highway:*
- (c) To determine what part of a State highway shall be a carriageway and what part a cycle track or footpath only:*
- (d) To construct, erect, dig, or grow on any State highway, or remove from it, such barriers, dividing strips, guide or sign posts, pillars, or other markers, trees, hedges, lawns, gardens, and other devices, as may in the opinion of the Agency be necessary or desirable:*
- (e) To place or construct temporarily or permanently on any carriageway any reasonable device or thing for the purpose of controlling vehicle speeds, if it is desirable for the safety of road workers or users of the State highway, or members of the public, or to protect any part of the State highway:*
- (f) To place or construct, or allow to be placed or constructed, on any State highway clear of the carriageway any road-making or maintenance materials, plant and equipment, traffic weigh stations, traffic control aids, and stations, facilities, and amenities for State highway users:*
- (g) To alter the level of any State highway:*
- (h) To stop, divert, or otherwise control the traffic upon any State highway temporarily while any work or investigation is being undertaken or for the structural protection of any part of the State highway:*
- (i) To close to traffic any State highway, or any part of it, for such period as the Agency considers necessary to execute repairs or to remove any obstruction: ...”*

SH20 and SH1 are declared as motorway under section 71 of the Government Roding Powers Act. Motorway status provides particular restrictions on the use of and access to a road. For example, pedestrians are not permitted to walk on motorways, and horses cannot be ridden on motorways (sections 82 to 84 of the Act).

Under section 88 of the Government Roding Powers Act, the Transport Agency is also able to declare a state highway, or part of a state highway, a limited access road. The limited access road provisions allow the Transport Agency a higher level of control over where, and the extent to which, access to a state highway can occur. In particular, access to a limited access road is restricted to crossing places authorised by the Transport Agency.

14.1.3 Requiring Authority Status

The Transport Agency was confirmed as a Requiring Authority in accordance with section 167 of the RMA via Gazette Notices on 3 March 1994 (GO1500) and 19 November 2015 (GO6742). A copy of these gazette notices is attached to the NoR. The Transport Agency has the ability to designate, construct and

operate state highways, motorways, cycleways, shared paths and directly associated works. Therefore, the Transport Agency has the authority to designate all matters relating to the NoRs.

14.2 Introduction to the statutory framework

When considering the NoRs under section 171 of the RMA and the applications for resource consent under section 104, the Bol must have regard to various matters.

Section 171(1)(a) requires particular regard to be had to any relevant provisions of:

- A national policy statement;
- A New Zealand coastal policy statement;
- A regional policy statement or proposed regional policy statement;
- A plan or proposed plan; and
- Any other relevant matters.

Section 104(1)(b) requires regard to be had to all of the same matters, as well as any relevant provisions of:

- National environmental standards; and
- Other regulations.

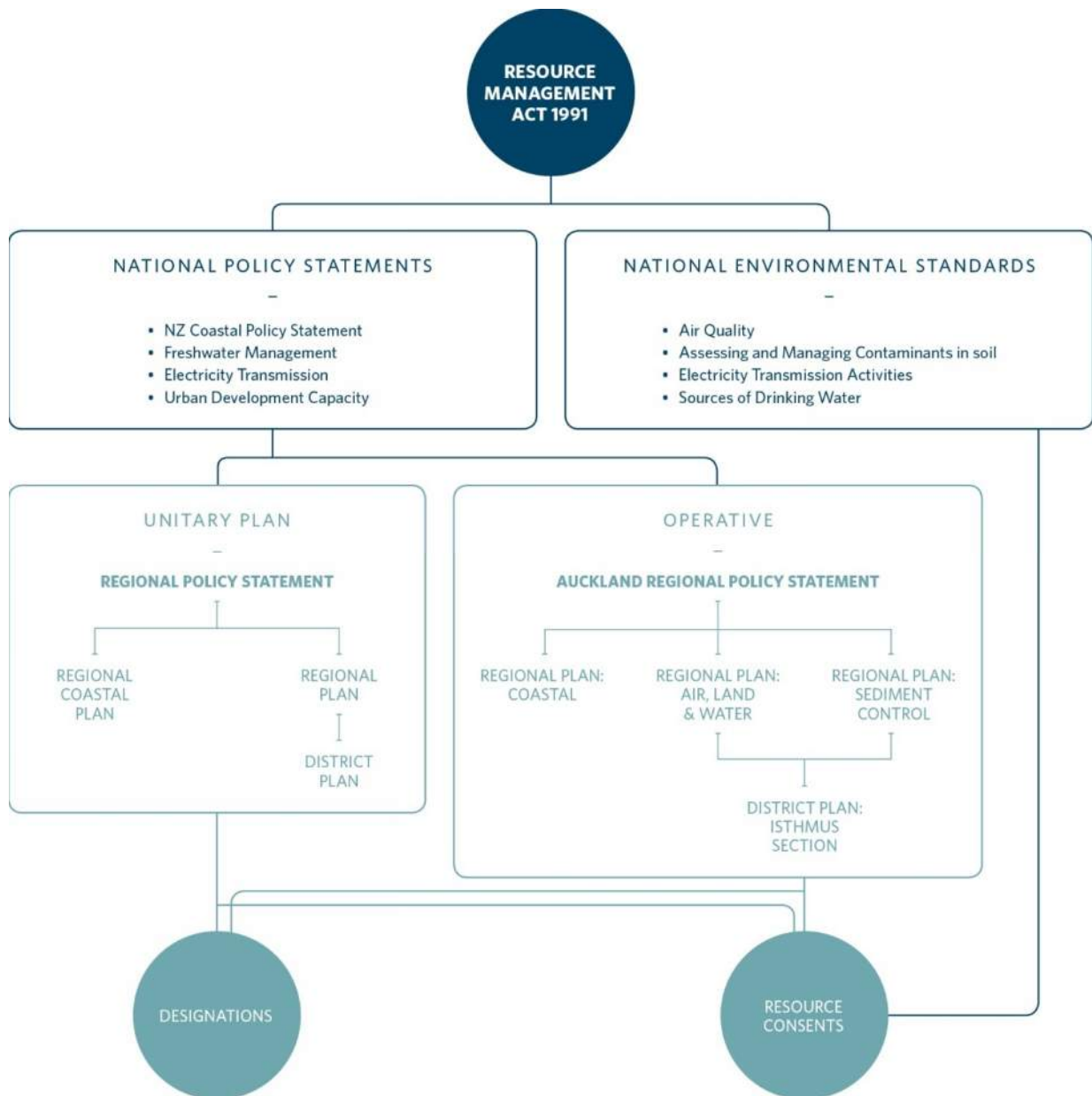
Both of these assessments are subject to Part 2 of the RMA.

Section 171(b) and (c) are addressed below. Additional matters for consents are also addressed:

- Section 104D – for non-complying activities;
- Section 107; and
- Section 105.

The full structure of the relevant provisions is contained in *Volume 3: Report 2 - Statutory Context* and summarised in Figure 14-1.

Figure 14-1: Relevant provisions



14.3 National policy statements

14.3.1 The New Zealand Coastal Policy Statement

The NZCPS came into effect on 3 December 2010 and contains objectives and policies relating to New Zealand’s coastal environment. As the Project will directly impact on the coastal environment, the NZCPS must be considered.

There are seven overarching objectives of the NZCPS which set out the high level direction for management of the CMA, and the policies follow this direction. All seven objectives are considered relevant to the Project.

The objectives of the NZCPS include to safeguard and preserve the natural character of the coastal environment including its function, resilience, and sustaining ecosystems for future generations, take into

account the principles of the Treaty of Waitangi, maintain public access and open space opportunities in the coastal environment, and enable people and communities to provide for their social, economic and cultural wellbeing.

14.3.2 Other National Policy Statements

The purpose of a National Policy Statement (NPS) (other than the NZCPS) is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of section 45(1) of the RMA. There are three relevant operative NPS's:

- The NPS for Freshwater Management 2014 (NPSFM);
- The NPS on Electricity Transmission 2008 (NPSET);
- The NPS on Urban Development Capacity 2016 (NPSUDC); and
- The proposed NPS on Indigenous Biodiversity 2011.

The NPSUDC was gazetted on 3 November 2016 and came into effect on 1 December 2016.

14.4 National Environmental Standards

National Environmental Standards (NES) are regulations issued under Sections 43 and 44 of the RMA and apply nationally. The relevant NESs are set out in Table 14-1.

Table 14-1: Relevant National Environmental Standards

NES	Relevance
NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	Sections of the Project area have, or are being used for hazardous activities and industries and therefore require consent under the NES Soil.
NES for Air Quality 2004	Vehicle emissions not do specifically require consent under this NES. An analysis of air quality effects has been prepared as part of the assessment of effects of the Project.
NES for Electricity Transmission Activities 2009	This NES is applicable to the Project as relocation of some transmission lines will be required. Engagement with Transpower has occurred through the development of the Project.
NES for Sources of Human Drinking Water 2007	The NES aims to reduce the risk of contamination of drinking water sources by requiring regional councils to consider the effects of certain activities on drinking water sources when granting water permits or discharge permits.

14.5 Regional Policy Statements

The relevant regional policy statements are:

- Auckland Unitary Plan (Operative in Part) 2016;
- Auckland Regional Policy Statement.

14.6 Relevant Plans and Proposed Plans

The relevant plans are:

- Auckland Unitary Plan(Operative in Part);

- Operative Auckland Regional Plan: Coastal 2004;
- Auckland Regional Plan: Air Land & Water 2013 (air quality provisions only – due to status of AUP (OP) appeals); and
- Operative Auckland City District Plan: Isthmus Section 1999 (certain zoning and other provisions)

There are no appeals on the AUP (OP) that are directly relevant to the matters in the Auckland Regional Plan: Sediment Control, and thus this Plan has not been considered further.

14.7 Other relevant matters

When considering the resource consent applications and the NoRs, the Bol must have regard to any other matter it considers relevant and reasonably necessary to determine the matter (sections 104(1)(c) and 171(1)(d) of the RMA). Other matters are set out and assessed in following sections.

15.0 Statutory Analysis

15.1 Summary

In summary, the Project has been developed specifically to respond to the direction of statutory policy and framework and meets the Section 104D(1)(b) test. The Project will not be contrary to the relevant objectives and policies of the Plan or proposed Plan. This is with reference to the AUP (OP) (Coastal and Regional Plan sections) and the legacy regional plans where relevant.

15.2 Methodology for Analysis of Relevant Statutory Planning Documents

The AUP (OP) is new, and responds to the direction of the Auckland Plan which recognises that Auckland is a growing City. As a document prepared under the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Plan is a directly relevant “other matter” that is assessed in the analysis below. It is relevant to mention here as it provides the direction and context for the AUP (OP). The Auckland Plan also recognises the East West Link project as a priority project for Auckland.

The AUP (OP) is required to give effect to “higher order” statutory planning documents including the NZCPS. The exception to this is the proposed National Policy Statement: Urban Development Capacity, which was released for consultation after the majority of the AUP (OP) hearings were completed. Careful consideration has been given to the provisions of this proposed National Policy Statement, which is not currently reflected in the AUP (OP).

In giving effect to the NZCPS, the AUP (OP)'s Regional Coastal Plan sections provide bespoke application of the NZCPS specific to the Auckland Region. These provisions seek to recognise that Auckland's coastline and coastal environment has been modified in the past through urban growth and development, that Auckland is a growing City and that infrastructure needs to be provided for as part of that growth, and that there are opportunities to restore areas of the coastal environment that have been adversely affected by past development. This needs to be balanced with protection of characteristics of the coastal environment. A detailed analysis against the NZCPS is required and has been undertaken. The bespoke AUP (OP) regional plan provisions give effect to the NZ Coastal Policy Statement whilst providing for growth specifically relevant to Auckland, thereby creating an appropriate direction in the Auckland context. It is noted this is subject to appeal. This statutory analysis has been prepared on this basis.

This analysis has been prepared specifically in relation to the requirement of the Act to, subject to Part 2, have regard, or particular regard in the case of NoRs, to specific provisions of statutory documents when assessing the Project. These statutory documents have been instrumental in the development of the Project, though noting that the Act does not require an activity to “comply with” specific provisions as though they were akin to rules. This means that where there are directive provisions (such as those policies using “avoid”), specific consideration has been given to the outcomes that are sought to be achieved. Further, the analysis seeks to balance all the relevant planning provisions and consider them as a whole, recognising that there are specific enabling provisions for infrastructure, that need to be considered along with prescriptive provisions seeking environmental protection.

This analysis has been prepared in the order set out below, providing analysis against the objective and policy frameworks in the National, Regional and District planning documents – followed by the relevant National Environmental Standards which contain limited objective and policy direction, but all have relevant provisions:

- National Policy Statements;
- Regional Policy Statements, Regional Plans and District Plans;
- National Environmental Standards; and
- Other matters.

An analysis against Sections 171, 104, 104D, 105 and 107 follows.

15.3 National Policy Statements

15.3.1 New Zealand Coastal Policy Statement

The majority of the Project is located in the coastal environment as defined in Policy 2 of the NZCPS. The NZCPS sets out issues and challenges relevant to New Zealand's coastal environment. Issues set out (in the Preamble) of particular relevance to EWL include:

- *Loss of natural character, landscape values and wild or scenic areas along extensive areas of the coast, particularly in areas closer to population centres or accessible for rural residential development;*
- *Continuing decline in species, habitats and ecosystems in the coastal environment under pressures from subdivision and use, vegetation clearance, loss of intertidal areas, plant and animal pests, poor water quality, and sedimentation in estuaries and the coastal marine area;*
- *Demand for coastal sites for infrastructure uses (including energy generation) and for aquaculture to meet the economic, social and cultural needs of people and communities;*
- *Poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;*
- *Adverse effects of poor water quality on aquatic life and opportunities for aquaculture, mahinga kai gathering and recreational uses such as swimming and kayaking;*
- *Loss of natural, built and cultural heritage from subdivision, use, and development;*
- *Compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area; and*
- *Continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property.*

All seven of the NZCPS objectives and the majority of the policies are relevant to the Project. Particular regard has been given to relevant NZCPS objectives and policies in the development of the Project and design. The Project has recognised the characteristics of the coastal environment, recognised and involved Mana Whenua, providing for kaitiakitanga. Particular consideration has been given where public use and enjoyment of public space is affected, and coastal hazard areas have been identified and assessed. Furthermore, the Project has been designed to avoid protected natural features. Balancing the range of issues covered by these provisions has strongly influenced the design of the Project as set out in *Section 6.0: Description of the Project* of this AEE.

15.3.2 The Coastal Environment

Relevant Provisions: Objective 1, Policy 1, 4

Objective 1 relates to safeguarding the integrity, form, function and resilience of the coastal environment and sustain its ecosystems. The objective seeks to maintain coastal water quality, enhancing it where it has deteriorated from what would otherwise be its natural condition, and including consideration of significant adverse effects on ecology and habitat as a result of water quality from discharges associated with human activity. Policy 1 addresses the extent and characteristics of the coastal environment. The majority of EWL is located in the coastal environment.

The Project has been assessed as achieving Objective 1 and Policy 1 for the following reasons. The Project maintains the biological and physical processes in the CMA, the proposed foreshore form has

been specifically designed to maintain the physical coastal processes, recognising they are dynamic, complex and interdependent in nature.

While adverse effects from loss of intertidal areas will be significant, affecting New Zealand's indigenous coastal flora and fauna there will also be notable benefits through the establishment of new ecological habitat and significant improvement in water quality discharging to the coastal environment. The improvement in water quality will largely result from treatment of existing untreated water from industrial land uses and closed landfills adjoining the CMA, which currently results in a neglected coastal foreshore and also deteriorated water quality within the CMA from human activity. There are few opportunities to carry out a substantial improvement in water quality discharges from a long-established and largely impervious urban catchment, and the Project, with the support of Auckland Council as future asset owner, can deliver this through integration of transport and stormwater management solutions. At SH1, new stormwater treatment for the whole state highway will also improve quality of discharges to the Ōtāhuhu Creek.

The Project includes an integrated treatment of the Māngere Inlet coastal edge, designed to replicate the historic volcanic landforms that were once present before reclamation created an unnaturally straight edge. The Project also includes a new coastal edge planting and ecological habitat creation, and providing for public access and recreation.

All activities undertaken within the coastal environment as a result of the Project have been carefully considered and where practicable integrated and managed. Collaboration and input from Auckland Council, mana whenua, the community and the DOC has influenced the Project design. The future management and ownership of assets (where applicable) and land has been or will be determined in consultation with the above parties.

15.3.2.1 Treaty of Waitangi

Relevant Provisions: Objective 3, Policy 2

Objective 3 and Policy 2 relate to taking into account the principles of the Treaty of Waitangi and are achieved as the Project has been developed using an integrated design approach through all phases involving Mana Whenua as partners and seeking to enable a long term kaitiaki role. The process has included regular workshopping of ideas from early route options consideration, through to concept design refinement. All Mana Whenua having interest in the broad Project area have been involved in information sharing and decision-making in the development of the Project. This has enabled prioritisation of issues and understanding of issues of significance to Mana Whenua to be translated into Project design and the development of measures to avoid, remedy or mitigate actual and potential adverse effects.

A Māori world view, in particular a holistic and long term inter-generational view, has been incorporated through the Project design. The development of stormwater (and leachate) treatment solutions on the outer edge of the new road is part of a journey towards improving the health of the Māngere Inlet and treating the coast with more respect than has been afforded in the past. The design philosophy recognises long term historic associations with the area such as the Kāretu and Ōtāhuhu portages – which have been east west transport routes for hundreds of years.

15.3.2.2 Use and development

Relevant Provisions: Objective 6, Policy 6

Objective 6 relates to use and development of the coastal environment and recognises that there are some uses of activities and locations within the coastal environment that are appropriate, operational requirements of linear infrastructure being one of those uses. Policy 6 outlines activities which do not have a functional need to be located in the CMA, and generally should not be located here, whilst recognising there are activities which have a functional need to be located in the CMA. This suggests there is an exception to activities which do not have a functional need but rather an operation need to be within the CMA, such as this Project. The Project will significantly improve efficiency of freight movement

in the Onehunga-Penrose area which will enable people and communities to provide for their social and economic wellbeing. The foreseeable needs of the population have been considered, determining public infrastructure is required in this location, which in turn aids the economic growth of Auckland.

The Project provides for coastal recreation and public access, whilst recognising and responding to the need of necessary infrastructure in this location. The Project would sit well within the existing built environment being largely industrial sites with low built character (such as stacked shipping containers). A change in character in this area of the CMA would therefore not be unacceptable. The Project has responded to the potential visual impact along the foreshore by restoring the headlands to their former shape as far as practicable. Public access will be provided and enhanced along the foreshore with planting, softening the Projects visual impacts.

The protection of natural character, open space, public access and the amenity values of the coastal environment has been considered through the assessment of alternatives and ultimately setting back the Project as far as practicable from the CMA, whilst providing quality public access and improving aesthetics of this part of the coastal environment.

The Project achieves these outcomes by enabling infrastructure, without compromising other values of the coastal environment. Integrated decision-making has involved inputs from different public agencies along with Mana Whenua and has resulted in the integrated development of a Project that is a transport solution, and an integrated environmental solution, and delivers significant social and environmental benefits.

15.3.2.3 Land held under other Acts

Relevant Provisions: Policy 5

Policy 5 sets out the considerations for land or waters held under various Acts and the potential effects on the land and waters in the coastal environment and having regard for the purposes for which the land or waters are held and managed. The Project recognises land held as public open space or recreation land held under other Acts such as the Reserves Act 1977 within the coastal environment such as Anns Creek, Manukau Foreshore West and East Walkways by assessing and addressing effects on their characteristics and usability for reserve purposes. It is also recognised that there are broad Treaty claims on the Manukau Harbour that are yet to be settled.

15.3.2.4 Reclamation

Relevant Provision: Policy 10

Policy 10 sets out considerations for reclamation of land in the CMA. This Policy sets the direction to generally avoid reclamation unless specific considerations are met. An extensive range of options for achieving the Project objectives have been considered, and these are summarised in the Consideration of Alternatives section of this AEE.

A key outcome of the early stages of assessment was identifying that limited land is available in this narrow part of the region that is suitable for construction of an efficient and effective transport link that supports businesses and freight, provides pedestrian and cycle links and improves public transport movements. This is because being located in an established industrial-urban environment and on a narrow isthmus means there are many existing constraints to work around. These include existing transport networks, local roads and State highways, strategic land uses, existing designated works (including strategically located rail lines and railyards), social, community and environmental constraints, an already congested transport network and a range of in-ground and above ground infrastructure networks. The area is also of great significance to Mana Whenua for many reasons, including being at portage points between the Manukau and Waitemata Harbours the site of historic transport routes. These and other cultural considerations have been integrated into the design development (as set out in *Section 12.6: Effects on values of importance to Mana Whenua* of this AEE).

Having particular regard to Policy 10(1)(a), land-based options were considered as part of the alternatives assessment process, and the resulting concept design seeks to avoid reclamation where practicable. The road carriageway, and much of the walking and cycling infrastructure along the Māngere Inlet is located either on land or on structure where it is a practicable to do so. At the western end of the foreshore, the new road is located fully within the CMA on reclamation in order to avoid the Waikaraka Cemetery and surrounding historic heritage extent of place, and achieving a geometric alignment that ties in to the Neilson Street Interchange efficiently.

Having particular regard to Policy 10(1)(b), achieving all the identified activates and associated outcomes could not be achieved in a location away from the CMA.

Having particular regard to Policy 10(1)(c), that part of the Project located within the CMA requiring reclamation has been assessed to be an effective and efficient use with the potential to deliver positive environmental outcomes that have been developed in an integrated manner. Through engagement with Mana Whenua and Auckland Council, a reclamation option was identified to be the preferred option as it enables delivery of wider benefits associated with stormwater capture and treatment, resulting in improved water quality discharges to the CMA. Furthermore, the proposed stormwater treatment located within the CMA is constrained by the existing catchment, network and topography. Mana Whenua engagement has also identified the importance of a naturalised water treatment methodology whereby water passes over and through land prior to discharge. It would not be practicable to achieve this type of treatment with a land-based option due to engineering design, space and geographical constraints, and maintaining the ability to capture flows at the “end of pipe”.

Having particular regard to Policy (1)(d), the Project responds to the policy direction by enabling significant national and regional benefits in delivering transport including active modes (walking and cycling), restoration of the foreshore, opening it up to greater public use and access, and enabling the kaitiaki function of Mana Whenua assisting to restore the mauri of the Inlet. The reclamation structure, and not only the infrastructure activity, ultimately achieves positive outcomes for the environment, in conjunction with social and economic benefits. These outcomes, in combination with an efficient transport outcome, would not be achieved effectively without using a reclamation solution.

Having regard to Policy 10(2), the reclamation has been designed to achieve a high amenity public access to the coastal edge, and landscape enhancement with responding to the previous landforms before reclamation occurred. It also enables outcomes that achieve positive cultural effects – including a being part of a long term process of environmental improvement in the harbour. The use of reclamation in this location also has other positive outcomes including being designed to accommodate sea level rise, both for the benefit of the alignment, and achieving protection of low-lying land in the area. The reclamation has been designed to achieve a naturalised look using materials consistent with the area.

Having regard to Policy 10(3), the reclamation will provide for the efficient operation of both transport and stormwater treatment infrastructure, and a coastal road, walking and cycling facilities.

15.3.2.5 Biodiversity

Relevant Provision: Policy 11

Policy 11 is about protecting indigenous biological diversity and in particular, seeks to identify and avoid adverse effects on rare and threatened species. To recognise Policy 11, the Ecology Assessment Report has identified, firstly, whether there is, or is likely to be, rare or threatened species present within the Project area, and then, methods to avoid adverse effects on indigenous biological diversity. There has been sighting of rare birds, potential identified for the presence of some rare birds that have not been sighted, and further, there are rare plants and vegetation present in and around Anns Creek, including native herbs and geranium species. The special characteristics of this area are a result of the coincidence of lava flows with rare and threatened ecosystems, the interface with freshwater and the CMA and significant indigenous taxa on the coastal fringe. Methods to avoid effects on rare and threatened species have included design refinements to avoid sensitive areas, and long term mitigation strategies to improve and enhance habitat. Such as, restoration planting of land-based and coastal fringe areas and pest management comprise part of the methods to mitigate effects.

Positive effects from the Project include the reduction of sediment, particulate and dissolved contaminant load discharging to the CMA, which will have benefits for ecology in the long term. The project in the long term provides for positive outcomes which are identified in detail in the *Ecological Impact Assessment* demonstrating how effects have been avoided long term. The *Technical Report 16: Ecological Impact Assessment* in Volume 3 identifies specific recommendations for protecting marine avifauna species, including the scheduling of certain activities outside bird breeding season.

Some adverse effects on rare and threatened species (within the scope of Policy 11(a)) cannot be completely avoided (including disruption to some bird species, loss of intertidal foraging habitat due to the reclamation and loss of unique vegetation in Anns Creek). Although individual birds may be affected there will be only a negligible impact on bird populations and on species as a whole. Similarly the majority of the assemblage of unique vegetation in Anns Creek will not be affected by the construction of the road in that area.

The Policy is responded to through careful design, construction and consideration of these rare and threatened species and mitigation measures will be implemented to minimise impacts and to enhance the quality of the environment in the long term.

15.3.2.6 Natural Character, landscape and heritage

Relevant Provisions: Objective 2, Policies 13, 14, 15

Objective 2 relates to the preservation of the natural character of the coastal environment, protection of natural features and landscapes, and the restoration of the coastal environment. Policies 13, 14, and 15 identify ways in which this can be achieved. The preservation of natural character is complemented by seeking out opportunities to restore and enhance the environment which are set out in Policy 14.

The Project alignment sits within a highly modified environment with little natural character, with the exception of the outstanding natural features. The Project will avoid adverse effects on outstanding natural features as far as practicable by the avoidance of adverse effects on the specific values identified as part of the assessment and design processes. Site investigations were undertaken in order to more specifically identify the remaining extent of the tuff ring, and intrusion into the feature is avoided by the physical works. Opportunities to restore and enhance these features, including improving visibility of them, and education and understanding have also been considered and incorporated in the design, including through engagement with Mana Whenua on opportunities to deliver positive cultural outcomes.

The Project will also achieve significant restoration outcomes as promoted by Policy 14, and is entirely consistent with all elements of Policy 14. The objectives and policies regarding natural character, landscape and heritage have strongly influenced the Project, and consequently the outcomes are generally able to be achieved.

15.3.2.7 Water Quality

Relevant Provisions: Objective 1, Policy 21, 22, 23

These provisions seek to maintain, and where possible enhance water quality and the discharge of contaminants within the CMA. For the Māngere Inlet sector of the Project, by virtue of its location on the coastal edge, the Project offers opportunity to both treat stormwater from the new and existing road alignment, and to improve stormwater quality discharging from the wider catchments. This opportunity has been particularly important in developing the concept for the Māngere Inlet foreshore, having regard to the policy direction of the NZCPS, and the partnership approach that the Transport Agency has taken in developing the design. With the support of Auckland Council as future asset owner, the Project incorporates a stormwater treatment solution that would be unlikely to have been addressed to this extent in the near future. This will also enable capture and treatment of contaminants from historic landfills. It is intended that Auckland Council will eventually own and manage the stormwater assets in the long term. A combined water treatment and recreational solution, complements the transportation functions, and provides an integrated approach to infrastructure development.

For the SH1 sector of the Project, new stormwater treatment along the existing State highway, will improve discharges to the CMA in Ōtāhuhu Creek.

15.3.2.8 Public Access, Open Space and Recreation

Relevant Provisions: Objective 4, Policy 18, 19, 20

Objective 4 and policies 18, 19 and 20 seek to maintain and enhance public open space qualities of the coastal environment including by recognising the CMA as an extensive area of open space, by maintaining and enhancing public access, and recognising coastal processes and the effects of climate change that can impact on access. The Project responds to this policy direction, particularly with respect to the northern foreshore of the Māngere Inlet, where there is access to the CMA from the existing walkway and cycleway. The Project will replace or enhance the existing walkway and associated amenity (green) space surrounding it, as a result of construction of the Project on the coastal edge.

New public recreational walking and cycling facilities will be established along the northern side of the Māngere Inlet on the newly constructed coastal edge on the seaward side of the new road. New recreational space will be developed in the moderated shoreline shape within the new headlands. The Project incorporates shared paths, a boardwalk and off-road pedestrian and cycle facilities to provide accessibility and safety for pedestrian and cycle use, and provide for safe and easy access across the new road at signalised intersections. These connections, mean that, despite the road being located along the coastal edge, it will not act as a barrier for people accessing the CMA, and is therefore consistent with responding to the objectives and policies of the NZCPS.

15.3.2.9 Natural Hazards

Relevant Provisions: Objective 5, Policy 24, 25, 26, 27

Objective 5 is about ensuring coastal hazards and climate change are managed. The Project achieves these outcomes through the design of the Māngere Inlet foreshore to accommodate predicted sea level rise as a result of climate change as set out in *Technical Report 16: Coastal Processes Assessment* in Volume 3, with the road surface being above predicted sea level rise. Policy 27 in particular is relevant to the Project because it relates to protection of significant existing development. The Project responds to Policy 27 delivering the additional benefit of acting as a defence against flooding and inundation for low lying properties in the Onehunga and Penrose areas, including the Waikaraka Cemetery and historic landfills, and thereby providing additional protection for flooding and inundation.

15.3.3 Hauraki Gulf Marine Park Act 2000

For the coastal environment of the Hauraki Gulf, the Hauraki Gulf Marine Park Act 2000 (HGMPA) requires that Sections 7 and 8 of that Act must be treated as a New Zealand coastal policy statement issued under the Act. Section 7 requires the recognition of the Hauraki Gulf, its islands and catchments and its interrelationship to sustain life supporting capacity of its environment are consideration as matters of national significance. Section 8 outlines the objectives of the management of the Hauraki Gulf, islands and catchments. The SH1 portion of the Project is located within the coastal environment of the Hauraki Gulf as the upper reaches of the Tāmaki River and Ōtāhuhu Creek drain to the Gulf. The Project meets Sections 7 and 8 of the HGMPA through directly responding to Section 7 which recognises the national significance of the Hauraki Gulf, by contributing to the life supporting capacity through improvement in stormwater quality discharging to the Ōtāhuhu Creek; and directly recognising, in particular, Section 8(d) which is to recognise the protection of the cultural and historic associations of people and communities, by the opening up and enhanced recognition of the Ōtāhuhu portage and its long history as a transport route and the narrowest part of the North Island.

15.3.4 National Policy Statement – Freshwater Management

The NPSFM aims to drive national consistency in local RMA planning and decision-making in regards to freshwater management. The NPSFM contains five groups of objectives and policies which include:

- Water quality (A);
- Water quantity (B);
- Integrated management (C);
- Tangata Whenua roles and interests (D); and
- Progressive implementation programme (E).

As the Project will have actual and potential effects on watercourses, wetland areas and will also require the use of groundwater during construction and the temporary diversion of streams, the NPSFM is relevant to the consideration of the Project. The Project responds to the Policy direction in the NPSFM through the development of innovative solutions to reduce long term discharge of contaminants to the environment.

The Project is assessed against the relevant objectives and policies in Table 15-1 below.

Table 15-1: NPS FM Assessment

Topic area	Assessment
Water quality (A)	<p>Technical Reports assessing effects on Surface Water and Groundwater have assessed the existing values and effect of the Project (on freshwater and groundwater).</p> <p>While effects will be avoided and minimised as far as practicable, the construction works will have some adverse effects on water courses. Following construction, the rehabilitation, replanting and restoration works will overall improve the freshwater resources in the Project area. In the long term, the project will achieve positive outcomes for surface water.</p> <p>The stormwater treatment proposed alignment-wide will treat both new road surfaces, and significantly, existing State Highway surfaces plus the wider Onehunga-Penrose urban catchment. This means this transport project delivers both transport benefits, as well as realises the opportunity for achieving positive water quality benefits – improving discharge quality.</p>
Water quantity (B)	
Integrated management (C)	<p>A multi-party approach has been taken bringing together inputs from the Auckland Council, mana whenua, Auckland Transport, local stakeholders and the wider community (business and local). This has resulted in the identification of key issues in the integrated development of the Project that while a transport project also provides significant environmental benefits.</p> <p>The Project demonstrates the integrated management of natural and physical resources as it is a transport project seeking positive environmental outcomes which are not necessary alone for the achievement of the Project objectives.</p>
Tangata Whenua roles and interests (D)	<p>A partnership approach has been undertaken to the development of the Project with mana whenua. This has allowed the incorporation of mana whenua values and expression of kaitiakitanga in the alternatives assessment process, and concept design development.</p>

15.3.5 National Policy Statement – Electricity Transmission

The National Policy Statement on Electricity Transmission (NPSET) sets out the objective and policies for managing the electricity transmission network under the Act and seeks to achieve efficient transmission of electricity whilst managing adverse effects. Whilst the Project has sought to minimise impact on transmission assets, the design may require the relocation of some towers and lines. Having particular regard to the NPSET, the Transport Agency and Transpower have been working closely together to develop a solution for modification and relocation of transmission lines and towers affected by the Project whilst appropriately managing adverse effects and maintaining security of supply.

15.3.6 National Policy Statement – Urban Development capacity

The NPSUDC was gazetted on 3 November and came into effect from 1 December 2016.

Particularly Relevant Provisions include: Objectives OA1, OA2, OA3, OC1, OC2, OD1 and OD2; and Policies PA1, PA2, PA3, PA4, PD1, PD2, PD3 and PD4

The NPSUDC provides direction to decision-makers under the RMA to provide for sufficient development capacity for housing and businesses to enable urban areas to grow and change in response to the needs of communities. In the proposed NPSUDC, development capacity is defined as: the capacity of land intended for urban development based on: the zoning, objectives, policies, rules and overlays that apply to the land; and the provision of adequate infrastructure to support the development of the land. This is directly relevant to the Project because it has a core function of improving transport access for freight in and around the Onehunga – Penrose area (Project Objective 1) and securing the long term usability of the land as a major employment centre and contributor to Auckland's GDP.

The key matters addressed by the NPSUDC relevant to the Project include providing for sufficient residential and business development capacity and integrated planning and development (*Objective C1*). The NPSUDC requires Councils to provide for development capacity and recognises the need for this to be facilitated by infrastructure provision. The Project achieves the outcomes of the NPSUDC by supporting growth and development, jobs and economic wellbeing.

The EWL will support achieving the outcomes of the NPSUDC through:

- Maximising the usability of significant areas of existing industrial and commercially zoned land in Auckland which is entirely consistent with the NPSUDC direction of providing for sufficient business land to accommodate growth.
- Supporting the growth of businesses located in and around the Heavy and Light Industry zoned land in the Onehunga and Penrose areas, which currently experience high traffic congestion. This existing industrial zoned land and transport improvements to support it, in turn provides for significant economic growth and employment opportunity to be realised (refer to *Report No. 3 Economic Assessment*.)
- Supporting more efficient use of the existing local and State highway transport networks, and in particular, the rail freight network that serves Southdown and the upper north island.
- Improving vehicle, pedestrian and cycle access to residential areas in the Ōtāhuhu area that are zoned for higher density development, including to the east of SH1 in the Panama Road and Princes Street East areas.
- Infrastructure development in an integrated cross-agency manner that supports the social, economic, cultural and environmental well-being of people, communities and future generations.
- Effective and efficient urban environments where transport and other infrastructure facilities are integrated and good recreation, environmental and community outcomes can be achieved.

15.3.7 Proposed National Policy Statement – Indigenous Biodiversity

The Proposed National Policy Statement on Biodiversity was issued in 2011 for consultation, though has not been finalised. The Proposed National Policy Statement on Biodiversity is relevant for activities that impact on indigenous biological diversity (which includes naturally uncommon ecosystems, indigenous vegetation or habitats associated with wetlands).

- The Project alignment has been carefully considered to avoid, where practicable, and otherwise minimise adverse effects on areas identified to have significant indigenous biodiversity. Specific areas where construction and operation activities are to be excluded have been identified to respond to the presence of specific ecological values. There will be some adverse effects that cannot be avoided, remedied or mitigated.

- Areas of indigenous vegetation will be required to be removed during construction. This will include the mangrove areas and lava shrublands around the coastal fringe and vegetation in Anns Creek East. Replanting will be undertaken post construction to mitigate the effect of this.
- The replanting and habitat restoration works following construction will in the long term enhance the biodiversity values of the area.

The effect of the Project on indigenous biological diversity is addressed further in the RPS and regional plan assessment.

15.4 Auckland Unitary Plan (Operative in Part)

This section is structured as follows:

1. Regional Policy Statement;
2. Regional Coastal Plan;
3. Regional Plan; and
4. District Plan and Zoning.

15.4.1 AUP (OP) – Regional Policy Statement

The RPS sets out issues of regional significance in Section B1 of the AUP (OP). All issues are of direct relevance to the EWL other than (8) the rural environment. The RPS addresses inter-regional and cross-boundary issues which are population growth, transport linkages, economic development and natural environment. These are all directly relevant to the Project, particularly given the Project has a key function in supporting growth and development, and transport linkages, including the road and rail networks, are a critical part of that.

All RPS issues will be considered together as a whole.

15.4.1.1 Urban growth and form – B2

Relevant Provisions: B2.2, B2.5, B2.7 Objectives and B2.2.2, B2.5.2, B2.7.2 Policies

The RPS recognises that Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities and services, and the Project is a critical part of responding to that demand.

Objectives and policies B2.2 seek to ensure quality compact urban form, including greater productivity, economic growth and efficient provision of new infrastructure. The Project will support a high quality compact urban form by providing improved access to town centres and businesses, and improving integrated land uses.

Objectives and policies B2.5 seek to address commercial and industrial growth and recognise the importance of employment, and that these areas are enabled, well planned and efficient. The Project achieves these objectives and policies through supporting the efficient function of the Onehunga-Penrose industrial area, a significant employment area. The RPS also recognises the particular locational requirements of some activities, including the inland ports and proximity to the railway, and the efficiencies gained by co-location of other land uses that complement and support – such as logistics, warehousing, storage and manufacturing operations. The RPS recognises the importance of maintaining large strategic industrial land holdings (e.g. B2.5.2.7 and 8) and EWL supports this through minimising land severance and improving access. The Project also supports the function and growth of town centres at Onehunga and Sylvia Park by improving accessibility for transport modes including walking, cycling and public

transport, and for residents on the eastern side of SH1 through improved connectivity across SH1 at Panama Road and Princes Street.

Objectives and policies B2.7 seek to ensure recreational need, public access to the coast and promotion of the physical connection between open spaces are provided for. The Project achieves these objectives and policies by providing greater interconnectivity between existing public open spaces and communities. Furthermore, public access along the CMA is expanded and enhanced.

15.4.1.2 Infrastructure Transport and Energy – B3

Relevant Provisions: B3.2.1, B3.3 Objectives and B3.2.2, B3.3.2 Policies

The RPS recognises the importance of infrastructure in realising Auckland's full economic potential, including, of particular relevance to EWL, integrating the provision of infrastructure with urban growth, traffic management, avoiding incompatible land uses and increasing resilience.

The policies seek to enable the development and operation of infrastructure, including in areas that are scheduled in the Plan in relation to natural heritage, the coastal environment and historic heritage, while avoiding adverse effects where practicable. The Project achieves these policies.

There are specific provisions for transport infrastructure that recognise the importance of the transport network in movement of people, goods and services, urban form, enabling growth, and providing choices. The Project does all these things and achieves these objectives and policies through: supporting movement of people, goods and services to, in and around the Onehunga-Penrose area, supports the continued use of the area for industrial land uses, and ongoing efficient economic growth of this area and associated employment. It also integrates road, rail and active transport modes. New local connections at Princes Street and Panama Road improve network resilience for residents by providing more capacity and safer walking and cycling facilities.

15.4.1.3 Natural Heritage – B4

Relevant Provisions: B4.2.1, B4.3.1 Objectives and B4.2.2, B4.3.2 Policies

The RPS recognises and protects natural heritage, including outstanding natural features and the ancestral relationships of Mana Whenua to these features and (at B4.3) significant viewshafts.

The policies of Chapter B4.2 list factors that have been used to identify the features with outstanding natural feature values. The policies are also to identify, evaluate and schedule outstanding natural features, to protect the physical and visual integrity of those features from inappropriate subdivision use, and development, and, where practicable and appropriate, to enhance outstanding natural features.

The volcanic heritage of Auckland is a particularly notable feature across the region. The Project area includes volcanic features in the form of remnant lava flows along the shoreline and the Hōpua Tuff Crater at the Neilson Street Interchange, though all have been modified by past urban development. The Project has had regard to protected view shafts and significant views from public places to the coastal environment and of remaining areas where volcanic heritage is present and visible. Effects on viewshafts are avoided. The Project will improve the visual amenity of this area of the CMA compared to its existing appearance (being industrial and largely neglected), particularly from existing public views. Landscaping will soften and enhance the amenity of the Project, providing a greener more natural looking space, and enhancing the legibility of remnant volcanic heritage features. The proposed educational signage and interpretation information will provide more information for people about the volcanic formation of Auckland and this is a positive outcome consistent with the policy direction.

The Project achieves these objectives and policies by recognising the presence of volcanic features, identifying them on the ground, mapping and then developing the design to avoid them as far as practicable, whilst also highlighting their presence, enhancing their legibility and providing for information

sharing. Acknowledged important views and view shafts are not adversely affected by the Project, through careful design and recognising their presence.

15.4.1.4 Built heritage and character – B5

Relevant Provisions: B5.2.1 Objectives and B5.2.2 Policies

The RPS recognises the importance of heritage to the identity of Auckland, and the importance of active stewardship to protect it from inappropriate subdivision use and development. In particular, the objectives and policies require the identification and evaluation of historic heritage according to eight factors. The provisions also seek to avoid significant adverse effects on scheduled historic heritage, where practicable, and to encourage new development to have due regard to significant historic heritage.

The Aotea Sea Scouts building, and the Waikaraka Cemetery are the identified heritage places that may be affected by the Project. Other places have been identified that are located adjacent and in the wider environs of the Project, including the Landing hotel, woollen mill in Neilson Street, and the grouping of older buildings of Onehunga town centre – plus the Onehunga wharf itself and Mutukāroa-Hamllins Hill. The alignment and design avoids any physical works on these heritage features (Aotea Sea Scouts Hall and Waikaraka Cemetery) and any potential vibration and settlement effects can be managed during construction, including through monitoring of effects at key stages.

There are potential adverse effects impacts on the context of both places and the link between the historic Onehunga Port area and the Onehunga Town centre. Design features will improve connectivity and amenity of the street environment. The Project has had regard to the protection and conservation of historic heritage values as far as practicable, through design and avoidance of direct effects. As stated above, the presence of the Waikaraka Cemetery was a key driver for choosing a wider reclamation, in order to avoid impacts on the cemetery. Construction within or through the cemetery was not assessed as being a reasonably practicable alternative to reclamation.

The route traverses close to the edge of the Mutukāroa-Hamllins Hill extent of place at the intersection of Great South Road and Sylvia Park Road. The area is currently a paved walkway and the technical assessment has shown that the works on this area will have no adverse effects at all on the values of the heritage place.

15.4.1.5 Issues of significance to mana whenua – B6

Relevant Provisions: B6.2.1, B6.3.1, B6.4.1, B6.5.1 Objectives and B6.2.2, B6.3.2, B6.4.2, B6.5.2 Policies; AUP (OP) Notified Version only: E5.2 Sites and Places of value to Mana Whenua

The RPS requires recognition of and provision for the principles of Te Tiriti o Waitangi, in particular through Mana Whenua participation in resource management processes. Recognition of Te Tiriti o Waitangi partnerships is inextricably embedded in the Project through the Transport Agency being an agent of the Crown, taking responsibility for that partnership commitment. The Project achieves these objectives through Mana Whenua having been involved from early concept design through to the development of the design for consenting, identification of opportunities for mitigation, and representation of cultural features in the landscape such as the portages and their significance for both transport and economic function.

The principles of the Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources, wāhi tapu and other taonga. The Project through design has generally sought to avoid wāhi tapu and other taonga. The philosophy of a long term (inter-generational) view of the environment has underpinned the development of the concept for the Māngere Inlet foreshore which has as its fundamental goal, restoring the mauri of the Inlet and enabling the kaitiaki role. During the course of the Project Mana Whenua have been involved as project partners throughout development of the early concepts, through alternatives assessment and identification of the preferred option. This aligns closely with the RPS' long term view, which is also represented in the commitment to ongoing development of the Project post-consenting phase.

The Project has recognised Mana Whenua cultural values, particularly with regards to the mauri of, and the relationships of Mana Whenua with natural and physical resources including freshwater, land, air and coastal resources. The Project provides for a significant improvement of the water quality entering the Māngere Inlet catchment by providing natural wetland treatment, a preferred water treatment method. Early Mana Whenua involvement within the Project has influenced the design by identifying their values, taonga, freshwater, biodiversity and historic heritage places and areas. The Project has responded to these through design and provided for them by improving the long term water quality into the Māngere Inlet, including reducing uncontrolled leachate levels, removing culverts at Ōtāhuhu Creek reinstating natural flows and providing for waka access (tidal dependent). Accidental discovery protocols will be followed during construction of the Project and will be developed in consultation with Mana Whenua. Appropriate actions will be taken ensuring tikanga Maori is adhered to particularly where any kōiwi are accidentally discovered.

It is noted the Sites and Places of Value to Mana Whenua previously contained within the AUP (OP) Notified Version, has been removed from the AUP (OP) Decisions Version, this is the subject of an appeal and therefore relevant, because sites of value were formerly mapped in the vicinity of the Project, at Gloucester Park, Mutukāroa and George Bourke Drive. The Project has responded to the policies and objectives contained E5.2 of the AUP (OP) Notified Version which sought to ensure the tangible and intangible values of sites and places to value Mana Whenua are protected and enhanced.

15.4.1.6 Natural resources – B7

Relevant Provisions: B7.2.1, B7.3.1, B7.4.1, B7.5.1 Objectives and B7.2.2, B7.3.2, B7.4.2, B7.5.2 Policies

The RPS recognises that increased pressure on natural resources comes with growth, and seeks to manage effects on biodiversity, fresh and coastal waters, air and mineral resources. The Māngere Inlet is classified as “degraded 1” in Figure B7.4.2.1 which annotates areas of degraded water quality. The Project responds to these RPS outcomes through recognising and providing for improvement of water quality discharging to the coastal environment. The zoning in a large part of the Project area is intended to facilitate the future efficient use of heavy industrial zoned land and the recognition of a lower standard of air quality than the Plan otherwise provides for. This zoning is important to allow industry to operate efficiently, and the Project supports that outcome.

Part B7 of the RPS seeks to avoid adverse effects on SEAs. The Project will have adverse effects on a terrestrial SEA in Anns Creek East, through clearance of vegetation to enable construction of the Project, and on the marine SEA in the Māngere Inlet, through reclamation and permanent loss of intertidal foraging habitat for birds. The bridge structure over the SEA-M1 in Anns Creek estuary will have temporary adverse effects through construction but will have minimal adverse long term impact on particular values of this SEA.

The Project will achieve improved stormwater treatment for the wider catchment area of Māngere Inlet, thereby improving water quality of discharges to this environment.

The construction of the Project will generate dust, this will be mitigated by construction roads being well metalled and regularly watered during dry periods and excavated surfaces can be watered and stabilised immediately after works.

Operational air pollutants arising from vehicle traffic are predicted to slightly exceed the Nitrogen Dioxide guideline level in one sector of the Project, both with and without the Project. Overall the effects of transport operations on air quality are improved as a result of the Project. Reduced general traffic and heavy vehicles on key arterials and local roads will be beneficial for local air quality.

15.4.1.7 The coastal environment – B8

Relevant Provisions: B8.2.1, B8.3.1, B8.4.1, B8.5.1 Objectives and B8.2.2, B8.3.2, B8.4.2, B8.5.2 Policies

The RPS seeks to preserve natural character, including opportunities to rehabilitate or restore areas of degraded natural character, avoid inappropriate use and development, provide for public access and open space, and achieve the outcomes of the HGMPA.

The Project, is restoring and rehabilitating the Māngere Inlet where the natural character has been degraded. Particularly where the Industrial properties adjoining the CMA has been neglected. The environment in which the Project sits has been heavily modified and does not exhibit high natural character.

The Project has been designed in order to minimise CMA occupation, and takes into account the range of uses and values of the coastal environment within appropriate limits. The Project is constrained by the existing heavily built up environment in conjunction with the limited land availability as determined by the alternatives assessment. The reclamation of the CMA achieves positive outcomes to the social, economic and cultural well-being of people and communities. Areas with natural and physical resources as scheduled in the AUP (OP) in relation to Mana Whenua, natural resources, and historic heritage have been recognised by avoiding these areas where practicable.

Public access to and along the CMA is maintained and enhanced by providing improved safety and access in the long term which is sensitive to the use and values of the adjoining area. Furthermore, improved interconnectivity is provided through public access between key destinations such as Māngere, Onehunga Town Centre and Sylvia Park Town Centre.

The coastal environment is addressed above under the NZCPS and below in relation to the Regional Coastal Plan, and these assessments conclude that appropriate regard has been had to these provisions in determining methods to avoid, remedy and mitigate adverse effects, and that there are significant potential positive outcomes for the coastal environment.

15.4.1.8 Environmental risk – B10

Relevant Provisions: B10.2, B10.4.1 Objectives and B10.2.2, B10.4.2 Policies

The RPS sets out objectives and policies for coastal and natural hazards, and for contaminated land. The Project achieves these provisions through recognising coastal hazard risk in the design, providing an opportunity to provide climate change protection with the construction of the Māngere Inlet foreshore alignment and providing an important opportunity to better manage discharges from urban stormwater runoff and historic land contamination.

15.4.1.9 Auckland Unitary Plan (Operative in Part) – Regional Coastal Plan

This section provides an analysis against relevant provisions of the AUP (OP) and the relevant provisions of the Operative ARP: C. In the AUP (OP), relevant coastal provisions are found throughout the Plan, including in Sections D, E and F. The following assessment has had regard to all the relevant provisions, regardless of whether they are specifically referenced, as well as in analysis against the regional and district plan provisions.

This assessment has been prepared on the basis of the AUP (OP) provisions having a high weighting given the limited scope of appeals, and the likelihood of the AUP (OP) being made operative in a form that is consistent with the Council's decision version. The regional coastal plan provisions have been developed to give effect to the NZCPS and naturally address similar topics, though the AUP (OP) provides more specificity for the Auckland environment and recognises that, for example, there are situations where activities in the coastal environment can be appropriate. The AUP (OP) also synthesises the various parts of the NZCPS. Wording of the provisions is consequently more nuanced in some instances. The regional coastal plan provides the framework to promote the integrated and sustainable management of Auckland's coastal environment. As discussed above, the Project provides positive effects in relation to water quality, public access and recreation, and is reflected in the NZCPS analysis. A number of coastal permits are required for the Project, relating to reclamation, temporary and permanent occupation,

activities and structures in the CMA, discharges and the taking, use and diversion of coastal waters. This section assesses the Project against the relevant objectives and policies.

15.4.1.10 Natural Character of the Coastal Environment

Relevant provisions include: E18.2 Objectives and E18.3 Policies

The AUP (OP) seeks to maintain the natural characteristics and qualities that contribute to the coastal environment whilst providing for subdivision and development, and also restoring and rehabilitating the natural character values. The natural characteristics and qualities of the northern foreshore of the inlet and the area around the Port of Onehunga have been compromised and degraded through reclamation and previous development. The area is not assessed as having high natural character, though notable elements of natural character remain. Whilst the Project reclaims a portion of the CMA thereby affecting the existing natural character, the Project also seeks to restore the natural character of the Māngere Inlet by recreating the shapes of the original volcanic headlands as far as practicable, taking into account the natural movements of the sediment and water within the Māngere Inlet, positive ecological outcomes, water treatment and the new headland forms. New landscape planting also compliments the foreshore treatment and proposed headlands, and seeks to contribute to positive ecological outcomes.

The Project achieves these objectives and policies, particularly through promoting outcomes that will enhance natural character values in the northern part of the Māngere Inlet where natural character is present, though has been compromised, and through opening of the portage at Ōtāhuhu Creek underneath SH1.

The opening up of the portage, and recognition through the elevated shared path (the Kāretu portage shared path), will improve legibility of this historic transport route and site of significance to Mana Whenua, and improve natural character of the environment at the narrowest point of the North Island. An holistic view of the design for the Māngere Inlet foreshore is explained in *Technical Report 6: Landscape and Visual Assessment* in Volume 3, with the outcomes being: providing amenity and public access, recreating references to the historic rocky volcanic edge, maintaining coastal processes by avoiding work in main channels, and seeking opportunities to improve water quality and discharges and provide ecological habitat.

15.4.1.11 Natural features and landscapes

Relevant Provisions include: D10.2 Objectives and 10.3 Policies; E19.2 Objectives and E19.3 Policies

The provisions of Chapter D10 give effect to policy 15(a) of the NZCPS and Chapter B4.2 of the RPS. Of particular relevance to the Project are objectives (1) and policy (3), which seek to protect outstanding natural features from inappropriate subdivision, use and development, and to recognise and provide for the relationships of mana whenua with those features. Policy 4 specifies matters to be taken into account in protecting outstanding natural features, including: the particular values of the feature in its context; the extent of anthropogenic changes to the feature; the presence or absence of structures or infrastructure; and the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.

The AUP (OP) has identified two outstanding natural features in the vicinity of the Project (being Te Hōpua tuff crater and pahoehoe lava flows in and around Anns Creek), and one outstanding natural feature adjacent (Mutukāroa-Hamllins Hill).

The relevant objectives and policies are also taken account of through the recognition and incorporation of the identified natural features and landscapes in the design of the Project. This includes avoiding effects on the characteristics of the features that contribute to the values for which they are deemed to be outstanding, and through enhancing the features including legibility and understanding of the features through mitigation measures. Mana Whenua involvement in the design has reiterated the cultural values of outstanding natural features from a cultural perspective, and cultural values have been embedded in

the design and option selection process, and will continue to be recognised into the future with mitigation measures to enhance these features. In particular:

- Site investigations were undertaken in order to more specifically define the remaining extent of Te Hōpua tuff ring geological feature through site walkover and geotechnical testing. The proposed Neilson Street Interchange design avoids works that affect the geology as far as practicable. From a landscape perspective, mitigation measures are proposed to improve legibility of the already compromised feature; and
- The pahoehoe lava flows and remnant features on the Māngere Inlet foreshore have been verified on the ground by experts, and the design of the proposed viaduct and Great South Road intersection has been developed so that they are avoided as far as practicable, particularly where coincident with rare vegetation types. There is opportunity for mitigation through weed clearance, and exposing hidden lava features, as well as educational signage to enhance understanding of the areas geological history.

15.4.1.12 Historic Heritage

Relevant Provisions: D17.2 Objectives and D17.3 Policies

The provisions seek to recognise and enable protection of historic heritage. There is recognition of the functional or operational need, in some instances, for infrastructure to be developed in the vicinity of historic heritage features.

The Project is consistent with these provisions because the alignment has generally avoided direct impact on mapped historic heritage extent place, there is no reasonable practicable alternative and the Project provides significant public benefits.

The historic heritage extent of place and the specific heritage features have, for example, strongly influenced the alignment being located within the CMA in order to avoid the Waikaraka Cemetery surrounds. In this instance, reclamation avoids compromising this area.

15.4.1.13 Drainage, reclamation and declamation

Relevant Provisions include: F2.2.2 Objective 1, 2, 3 F2.2.3 Policy 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

The reclamation objectives and policies recognise that reclamation can have significant and often irreversible adverse effects on natural character, ecological values, coastal processes public amenity and Mana Whenua values. The objectives and policies seek to avoid inappropriate reclamation and to avoid, remedy or mitigate the adverse effects of reclamation and drainage, and to provide for restoration and declamation of the CMA. An appropriate reclamation is one that meets the criteria identified in the policies. These key themes are responded to below.

Inappropriate reclamation

The Project incorporates 18.4ha of reclamation in the CMA.

The AUP (OP) contains a number of policies regarding reclamation. The suite of policies give effect, in the Auckland context, to the NZCPS Policy 10 and other parts of the NZCPS regarding use and development in the CMA.

Policy 1 of F2.2.3 states that the reclamation is avoided except where all of the following apply:

- *The reclamation will provide significant regional or national benefit;*
- *There are no practicable alternative ways of providing for the activity including locating it on land outside the CMA;*

- *Efficient use will be made of the CMA area by using the minimum area necessary to provide for the proposed use, or to enable drainage; and*
- *Significant adverse effects on sites scheduled in the D17 Historic Heritage (d) Overlay or D21 Sites and Places of Significance to Mana Whenua Overlay are avoided or mitigated.*

In addition, under Policy 2 reclamation and works are provided for if they are necessary to enable the construction and/or efficient operation of infrastructure, including roads, or to create or enhance habitat for indigenous species. Policy 4 requires proposals for reclamation to mitigate effects through the form and design of reclamation.

The reclamation associated with the Project has the following features:

- Allows for the best transport outcomes that can deliver enduring transport benefits for the network;
- Maximises use of the existing modified land edge where practicable for the road alignment;
- Enables development of a barrier along the foreshore around the edge of historic reclamations which will improve management of contaminated groundwater flows (i.e. leachate from landfills) towards the coast;
- Enables development of new naturalised stormwater treatment areas to collect and treat runoff from the Onehunga-Penrose urban catchment;
- The use of naturalised stormwater treatment is a preferred methodology by Mana Whenua, enabling water to travel through and over land for treatment before discharge;
- The required CMA reclamation area has efficiently used the minimum area necessary to accommodate the Project through developing innovative stormwater treatment methods that deliver high quality treatment in a smaller land area, and using boardwalks to provide public access instead of reclamation, and including cultural principles in the design;
- Creates a more naturalised shoreline, reflecting the original rocky volcanic shoreline of the area which existed prior to the historic reclamations. The Project will result in changes to the existing coastal edge, and this is assessed as achieving positive outcomes in the long term. The new graduated coastline on the northern shore of the Māngere Inlet with headlands designed to mirror the original rocky coastline, pebbled banks, and ecological enhancements that are proposed, will improve the existing coastal margin in the area;
- Maintains and enhances public access to and along the coast; and
- Incorporates landscape amenity features and planting to enhance the coastal edge.

Having regard to Policy 1:

- The Project has a range of significant regional and national benefits, as described in other parts of the AEE;
- A wide range of alternatives have been considered for the Project. Practicable alternative ways of providing for the activity are highly constrained as set out in the assessment of alternatives section of this AEE;
- As far as practicable, the new road is located landward of the existing coastal edge, whilst also avoiding key on-land constraints including the Neilson Street Interchange, Waikaraka Cemetery, and avoiding coastal features including Pikes Point remnant lava flow (which is also SEA-land). The reclamation has been designed to recreate natural character of the coastal environment, and the footprint has been minimised to what is necessary to make sense, from a landscape and visual perspective, and to achieve the environmental opportunities identified in partnership with Mana Whenua and Auckland Council. In short, where land is reasonably available, the new road is located on land;

- The proposed wetlands and stormwater treatment ponds need to be located at the lowest point in the catchment to function efficiently and effectively, and thus land availability to locate those ponds is constrained;
- The reclamation comprising new coastal landscape, headlands, wetlands and public access will result in the loss of intertidal habitat. However none of the species or assemblages that are within the proposed footprint of the reclamation are assessed as being rare or unique and the quality of the environment is assessed as being low-moderate in quality; and
- The Project will not have any significant effects on any identified Site of Significance to Mana Whenua and physical impacts on the Waikaraka Cemetery (a scheduled historic heritage extent of place) will be minimal.

The Project will achieve Policy F2.2.3(2) of the Plan as the reclamation is required to enable the construction and efficient operation of the transport network, will enhance public access and linkages to the CMA, will carry out rehabilitation works, including improving the stormwater network, and will create habitat in a degraded environment.

Objective 2 of F2.2.2 states that ecological values of the CMA should not be adversely affected by the reclamation.

Restoration and declamation

The Project will achieve Policy F2.2.3(4) through the incorporation of design features and development of a comprehensive and integrated mitigation package. This will respond to the loss of intertidal habitat including creation of new wetland habitat, new saltmarsh establishment on the eastern edge of the Māngere Inlet, rehabilitation of Ngarango Otainui Island (subject to landowner agreement) and creation of new coastal access and education measures that will allow people to better appreciate the significance of the birdlife in the Inlet. The Project also includes mitigation with the removal of an existing triple box culvert at the SH1 crossing of Ōtāhuhu Creek and declamation of areas around this crossing. This will achieve significant positive cultural benefits through the restoration of Ōtāhuhu portage, and through declamation and restoration of natural character.

The Project responds to policies F2.2.3 (5, 6, 7, 10 and 12) by undertaking the following: public access is provided and enhanced along the Māngere Inlet foreshore, in conjunction with some environmental enhancement such as improved water quality and wetland areas. The Project has been designed to accommodate the potential effects of climate change and has benefits of protecting land, including sea level rise. Contaminated materials will not be used in the reclamation area and the Project provides for the efficient operation of nationally significant and regionally significant infrastructure.

15.4.1.14 Depositing and disposal of material

Relevant Provisions: F2.3.2 Objectives and F2.3.3 Policies

The AUP (OP) seeks to manage the effects of the placement of sand, shell, shingle or other natural material in the CMA where the intended design purpose is associated with a beneficial end use. The Project involves the placement of new materials as part of the construction of the foreshore form, materials required for the reclamation and salt marsh area. The materials will not be contaminated and will not impinge navigational channels. The Project avoids the disposal of material in the D17 Historic Heritage Overlay or D21 Sites and Places of Significance to Mana Whenua Overlay. The depositing of materials, including for the salt marsh, will not contain contaminants resulting in adverse water quality, sediment quality or ecological effects. Similarly, the material to be deposited will not contain aquatic organisms deemed to be harmful to the Project works area. The sensitivity of the receiving environment with regards the deposition of material and its relationship with the receiving environments natural character and ecological values has been considered by the Project, through mimicking the natural headland shape and recognising and avoiding (where practicable) the locations of the most sensitive ecological areas within the Māngere Inlet. The Project provides for public use of the area and improves connectivity. Alternative deposition methods are not practicable, given the location of the Project.

Mitigation measures proposed to address adverse ecological effects in the marine environment involve creating new salt marsh habitat through depositing material.

15.4.1.15 Dredging

Relevant Provisions: F2.4.2 Objectives and F2.4.3 Policies

The dredging objectives and policies seek to enable dredging and to manage dredging activities to avoid, remedy and mitigate adverse effects on the environment. The Project is considered to be consistent with these provisions because careful site selection for potential dredging activities can minimise ecological effects, maximise the opportunity for the dredged area to re-establish once works are complete, and achieve positive environmental outcomes.

Specifically, dredging is proposed within the sub-tidal zone of the Māngere Inlet to source material for the construction of the Project (using mudcrete). This is consistent with the direction of the Plan because it can be undertaken with minimal adverse effects on coastal processes, and reduces traffic disruption on the transport network through use of imported materials. Positive environmental outcomes can be achieved including through removal of an area of invasive species (Asian date mussels) which have smothered most native organisms. The proposed dredging location is in the sub-tidal area, instead of the inter-tidal area.

Consent is being sought to enable dredging, but import of material may also be considered by the contractor.

15.4.1.16 Disturbance of the foreshore and seabed

Relevant Provisions: F2.5 disturbance of the foreshore and seabed and F2.7 Mangrove Management

These objectives and policies seek to enable use and development where the impacts are minor and short term and to avoid, remedy or mitigate adverse effects of activities that have long-term impacts on the CMA or more than minor level of disturbance. The Project will have short term and long term adverse effects on the CMA.

As discussed above, the area of disturbance (including reclamation) has been carefully considered, having regard to the potential long term benefits of the Project, as well as adverse effects arising as a direct result of constructing the Project. Overall, incorporating both its transport and broader environmental outcomes, the design has sought to optimise use of the CMA by locating road infrastructure partly on land and partly in the CMA along the modified coastal edge.

The Project will involve the removal of a substantial amount of mangroves along the northern foreshore of the Māngere Inlet. The mangroves are not identified in the AUP (OP) as having high ecological value and this is confirmed by the ecological assessment. The mangroves to be removed do not provide a significant contribution to the natural character of the area and mangroves do not provide a buffer against active erosion. Over time mangroves are likely to re-establish along the new coast line.

15.4.1.17 Vegetation management and Indigenous biological diversity

Relevant Provisions: Objectives D9.2 and Policies D9.3; Objectives E15.2 and Policies 15.3; Objectives F2.8 and Policies F2.9 (these are also Regional Plan provisions)

Objectives F2.8.2, F2.9.2 and policies F2.9.3 seek to control exotic species and manage planting in the CMA. Objectives E15.2 and policies E15.3 seek to protect and manage the effects on biodiversity values, sensitive environments and areas of contiguous indigenous vegetation. Objectives D9.2 and policies D9.3 seek to protect areas of significant indigenous biodiversity and manage effects of activities located within both Terrestrial and Marine SEAs.

These provisions seek, on the whole, to protect and better provide for the management of areas that contribute significantly to Auckland's biodiversity, recognising the importance of biodiversity for a healthy environment, and that development has resulted in the loss of habitats and a reduction of biodiversity. The Project has responded to and recognises the presence of SEAs within the corridor, both on land and within the CMA and the presence of threatened and endangered species.

The general approach to the policy framework is to:

- Avoid adverse effects, where practicable, on ecological values of SEAs otherwise remedy or mitigate adverse effects and then offset any significant residual effects;
- Enhance indigenous biodiversity values through restoration, protection and enhancement; and
- Avoid certain uses and effects in the coastal environment.

The provisions of the AUP (OP) (in particular, Policies 9 and 10 of E15.1) seek to give effect to the NZCPS Policy 11 and the analysis of that policy above is also relevant to the assessment against the AUP (OP).

Policies 9, 10 and 11 of D9.3 seek to:

- Avoid permanent use or occupation in the CMA and SEAs - Marine, alter its physical processes, or fragment values;
- Manage adverse effects on the SEAs Marine habitat, operation or ecological and physical processes, viability of regionally or nationally threatened plants or animals; and
- Avoid structures in SEA –M1 except where it is necessary for scientific research, navigation, habitat maintenance, benefits the regional and national community, including structures for significant infrastructure where there is no reasonable or practicable alternative location on land or elsewhere in the CMA outside the SEA –M1.

The Project will have significant effects on marine ecology through the permanent loss of intertidal mudflats along the northern Māngere Inlet from construction of the road embankment, landscape features and stormwater wetlands. This significant effect also applies to avifauna as a result of the permanent loss of vegetation and habitat in Anns Creek and the loss of foraging habitat in the Inlet. The loss of habitat at Anns Creek will put the Banded Rail and Bittern further at risk, especially if any works occur during breeding season.

The details of the nature and significance of effects are set out in *Technical Report 16: Ecological Impact Assessment* in Volume 3. The loss of intertidal feeding area is assessed as potentially having a high adverse effect. However, in the context of modifications that have occurred in the past to the Māngere Inlet, and the remaining Manukau Harbour intertidal areas, the area is small. Post construction, the rocky shoreline and wetlands will provide new habitat and mitigation is proposed in order to encourage quicker recolonisation of species (although this will not completely mitigate or offset the loss of foraging habitat). There may be displacement during construction of birds and fish (marine mammals are considered unlikely to be present), however these effects will be temporary and are not assessed as being significant. Opportunities to mitigate adverse ecological effects have been identified within the local area.

Exotic vegetation species will be removed from the coastal environment and replaced with planting sourced from the same ecological district. Landscape planting proposed for the new coastal edge is an integrated part of the design of the new rocky form, and is part of the mechanism to mitigate adverse effects on natural character and amenity. The new wetlands will appear as part of the new headland features and have some ecological function.

Notwithstanding the above, the design of the Project has sought to avoid directly affecting SEAs but this has not been practicable in three locations:

- There is no practicable alternative to locating the new eastern-most foreshore headland within the SEA-M2 along the northern foreshore of the Inlet, due to the need to locate at the bottom of the

stormwater catchment where current discharge points are located, and to achieve an appropriately balanced foreshore form;

- There is no practicable alternative to constructing a bridge over the SEA-M1 in Anns Creek estuary because a land-based route would adversely impact on designated railway land (KiwiRail is the Requiring Authority) and planned future railway upgrade works that are provided for by this designation; and
- Alternative alignments within Anns Creek east would require substantial land acquisition from strategically located industrial land. This includes the Southdown Co-Generation site which has a Heavy Industry zoning, enjoys close proximity to the high pressure gas line, and has plans for future development. Taking into account those restrictions, the current alignment avoids as much as of the Anns Creek area as practicable, and proposes specific restrictions on use of ONF areas where the vegetation is of the highest quality and where remnant lava flows are present.

The adverse effects of the bridge structure over Anns Creek estuary will largely be temporary but even after mitigation there will be residual adverse effects on the intertidal foraging habitat and on unique vegetation.

However, Policies 8 and 11 of D9.3 specifically anticipate and address instances where the development of infrastructure is not able to practicably avoid all effects on a SEA. Policy 8 is a general policy which identifies that it is appropriate to locate some infrastructure within SEAs and specifically resolves the tension between parts of the RPS regarding natural heritage values and provision for infrastructure. Policy 11(d) is more specific and anticipates where structures are necessary to be located within SEA-M1 and have benefit to the regional and national community. This policy is particularly important in the context of the Project because there are strategic transport benefits delivered by the Project, and the area is very constrained for development meaning options are limited.

It is not practicable to completely avoid all effects on SEAs, and the Plan recognises this in the policy framework as it applies to infrastructure. The proposed ecological mitigation and offset strategy set out in *Part H: Management of Effects on the Environment* of this AEE has recommended a series of measures which will mitigate most adverse effects of the Project and enhance existing biodiversity values through the recreation of new habitat and better management of existing areas of habitat.

The vegetation management objectives and policies seek to allow for the removal of exotic species from within the coastal environment whilst minimising the adverse effects of their removal. The objectives and policies also recognise the benefit of planting in the CMA for enhancement and for coastal hazard mitigation, as well as seeking to avoid the introduction of exotics and promote the use of native plants from within the same ecological district. This Project will achieve these outcomes through the careful selection of species for new planting, in order to complement the unique range of vegetation already present, including unique species in and around Anns Creek that are coincident with the saline/freshwater environment and lava flows. A programme of pest management is also proposed.

Wherever practicable plants will be sourced from the same ecological district. The landscape planting proposed for the new coastal edge is an integrated part of the design of the new rocky form, and is part of the mechanism to mitigate adverse effects on natural character and amenity. The new wetlands will appear as part of new shoreline, and have some ecological function. Weed removal and weed management is a significant positive outcome this Project can deliver, particularly in the Anns Creek, and Ōtāhuhu Creek areas, as well as around the fringe of the Māngere Inlet within the project area.

In addition, the provisions will provide for the role of Mana Whenua as kaitiaki in managing biodiversity, and for cultural practices and cultural harvesting in significant ecological areas where the mauri of the resource is sustained. The Project has embedded the kaitiaki role in the integrated development of the Project design and through incorporating Mana Whenua views, taking a long term, holistic view of the environment and looking further into the future at a journey towards restoring the mauri of the Māngere Inlet.

The significance of the Ōtāhuhu portage has also been recognised through its proposed reopening with the replacement of the SH1 culverts. Specific consideration of the ability to view the portage is proposed with careful placement of noise barriers to provide for views from passing traffic, and for weed removal and plant clearance where practicable.

The Project responds to Policy 3 of D9.3 by controlling where possible plant and animal pests, revegetate areas using indigenous species sourced from the same ecology district, provides for Mana Whenua, kaitiaki and kaitiakitanga.

15.4.1.18 Taking, use and damming or diverting of coastal waters

Relevant Provisions: F10.2 Objective and F10.3 Policies

The Plan seeks to appropriately manage the effects of taking, use or diversion of coastal water while protecting environmental values. The Project, particularly during construction works, will require temporary taking, damming and diversion of coastal water. The objective of the Coastal Plan is achieved through long term outcomes delivering positive environmental benefits, and minimal impact on coastal processes as a result of the diversion of coastal waters.

15.4.1.19 Discharges, Water Quality and Integrated Management

Relevant Provisions: E1.2 Objective and E1.3 Policies, F2.11.2 Objective and F2.11.3 Policies

The objectives and policies relating to discharges seek to maintain water quality where it is good and progressively improve it over time in degraded areas and for discharges from stormwater networks, prevent or minimise adverse effects of contaminants on the coastal water quality. The provisions recognise that a key concern to Mana Whenua is the effects on the mauri of water caused by pollution of a stream, river, catchment or harbour.

The Project achieves these Coastal Plan objectives and policies because its development has arisen through integrated decision-making process with Mana Whenua and Auckland Council – to deliver on opportunities identified to improve the quality of discharges to the CMA from the stormwater network and historic landfill leachate discharges. The development of the Project has involved an integrated decision-making process, and will achieve an outcome of long term multi-agency responsibility (Auckland Council and Transport Agency) for the ongoing operation and maintenance of assets.

The Project provides a unique opportunity to deliver positive environmental outcomes, despite some permanent occupation and use of the CMA with better management of discharges and restoration of natural character. This represents part of a long term journey to achieving improvement in the environment of the Manukau Harbour and is part of a joint vision between Mana Whenua, Auckland Council and the Transport Agency that this Project can deliver.

15.4.1.20 Use, development and occupation in the CMA

Relevant Provisions: F2.14 Use, development and occupation objectives F2.14.2 and policies F2.14.3, F2.16 Structures objectives F2.16.2 and policies F2.16.3, F2.18 Underwater noise

The objectives and policies in relation to the use, development and occupation in the CMA, seek to maintain the high public value of the coast and the CMA as open space area with free public access and to provide for occupation rights in appropriate locations and in appropriate circumstances for infrastructure that has an operational need to be located in the CMA. Policy 5 of F2.14.3 provides for infrastructure which has an operational need to occupy the CMA, particularly where it cannot be practicably located on land and avoids, remedies or mitigates other adverse effects on the existing use, character and value, public access, recreational use and amenity values, and water quality which are applicable to the Project.

The Project achieves these provisions by significantly improving quality of access to the CMA for the public.

Policy 6 of F2.16 requires structures to be located to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the values of the following areas as relevant to the Project;

- D9 Significant Ecological Areas Overlay – Marine 1 and 2;
- D17 Historic Heritage Overlay;
- D21 Sites and Places of Significance to Mana Whenua Overlay; and
- D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay.

The Project has responded to this policy by avoiding as far as practicable the following; D17 Historic Heritage Overlay, D21 Sites and Places of Significance to Mana Whenua Overlay and D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay. As explained above, there is no practicable alternative location for the Project outside of the D9 SEA-M1 and M2. As explained above, various alternative options have been considered and overall the Project has been assessed to be the most effective and efficient method of providing for the activity (refer assessment above – including reclamation). Whilst temporary occupation of the CMA is required to undertake construction, and access to the Manukau Foreshore Walkway will be restricted during this time, there are opportunities to provide alternative routes to enable people to continue to travel through and around the area during construction activities.

15.4.1.21 Other provisions

Additional relevant Coastal Plan provisions are found throughout the Plan as both Regional Coastal and Regional Plan provisions (and sometimes District Plan) and are considered as part of the assessments following.

15.4.2 AUP (OP) – Regional Plan

15.4.2.1 Infrastructure

Relevant Provisions: E26.2.1 Objectives and E26.2.2 Policies

The Plan states that infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment. The objectives and policies anticipate development, operation, use, repair, maintenance, upgrading and removal of infrastructure and acknowledge both the benefits infrastructure can have, as well as a range of adverse effects. Avoiding constraints on the operation of infrastructure arising from reverse sensitivity effects is recognised as essential. EWL achieves these objectives and policies by providing transport benefits including travel time savings, resilience and improved active transport modes and public transport. Supporting economic growth is a key outcome of the Project, through unlocking congested networks and supporting growth of business. The Project integrates road and rail freight transport by supporting the strategic use of the rail network into the inland ports at Southdown. There will be benefits to the Auckland regional economy and beyond, giving effect to key policies and there is a policy framework which specifically recognises and provides for infrastructure in sensitive areas where it delivers regional benefits.

It is recognised that there will be adverse effects on the environment, particularly the CMA. The policy framework recognises there is sometimes operational need for the chosen location. The combination of a new transport link realising the significant environmental opportunities of naturalising the Māngere Inlet foreshore, wider catchment stormwater and leachate capture and treatment, means the proposed location preferred to realise all these benefits.

The Project incorporates a wide range of mitigation for the potential adverse effects on people and communities, and includes, for example, permanent noise mitigation along the SH1 corridor adjacent to residential properties.

15.4.2.2 Mana Whenua

Relevant Provisions: D21, E20, E21

Sites and places of significance to Mana Whenua are recognised and provided for in the objectives and policies. The partnership approach that the Transport Agency has taken with Mana Whenua in developing the Project, means that Mana Whenua values are embedded in the Project giving effect to these provisions. The Project has sought to avoid destruction of sites of significance, and importantly, also gives priority to restoring and transforming valued areas. Restoring the Ōtāhuhu portage so that it can be traversed by people will go some way towards improving the values of this area, and the Māngere Inlet foreshore will benefit from multi-modal transport function, enhanced access to the CMA and improved discharge quality. Having involved Mana Whenua in design development and decision-making, has resulted in a unique transformational outcome for the social, cultural, and economic environment.

15.4.2.3 Natural Resources

Relevant Provisions: D9, E1, E2, E3, E4, E7, E8, E9, E10, E14, E15, E16, E17,

See also regional coastal plan assessment above.

The Project is located in a highly modified urban environment. The Project recognises the importance of managing impacts on air, land and water resources, and seeking opportunities to restore and enhance the environment. These issues are addressed in response to various objectives and policies already discussed in this section.

15.4.2.4 Natural Heritage

Relevant Provisions: D10

See regional coastal plan assessment above.

15.4.2.5 Land Disturbance

Relevant Provisions: Land disturbance provisions E11 and E12

Section E11 sets out regional objectives and policies for land disturbance and Section E12 sets out the district objectives and policies. The objectives and policies seek that land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment. Large scale earthworks will be required Project wide. Having regard to these provisions, the earthworks will be undertaken using accepted industry practice, using a management plan framework to achieve good environmental outcomes, whilst allowing some contractor flexibility.

The Transport Agency has had an accidental discovery protocol in place for site investigations undertaken as part of the information gathering process. HNZPT authorities will be applied for in due course and these, in combination with the resource consent condition framework, will manage the process for if kōiwi, archaeological finds or artefacts of Māori origin are discovered.

15.4.2.6 Environmental Risk

Relevant Provisions: E13, E30, E31, E33, E36

The Plan seeks to manage the effects from contaminated land and hazardous substances, industrial and trade activities, natural hazards and flooding. Historic land contamination has been a key influence on the design solution chosen for the Māngere Inlet foreshore, achieving the relevant objectives and policies using a methodology that better manages discharges. Where practicable, soil disturbance is minimised and structures are proposed. Natural hazards have also informed design, with anticipated climate change levels being built into the design, and opportunity for flood hazard and sea level rise protection achieved

for low lying land. Any adverse effects from disturbing the closed landfills along the Project will be appropriately mitigated to minimise any adverse changes to the groundwater regime, and to maintain and enhance the operation of the existing leachate interception system.

15.4.3 AUP (OP) – District Plan and Zoning

15.4.3.1 Port activity

Relevant Provisions: F5

The AUP (OP) zoning reflects the Operative Plan provision for the integrated and efficient operation and development of particular ports in the Auckland Region. The Port of Onehunga is identified in the Auckland Plan as part of critical infrastructure and plays an important role in the regional economy. The “Minor Port Zone” provides for the integrated and efficient operation and development of the Port of Onehunga. A wide range of land uses related to port activities are provided for as a permitted land use activity in this zone including general marine and port activities, related industrial activities, public amenities, some office uses, maritime passenger operations, and car parking. The existing land uses on the port include cement offloading and storage, fishing industry and some recreational uses. Over time, the activities using the port have changed in nature and character, and it is expected that change will continue as future uses for the area are planned.

The EWL Project provides for the continued efficient use of the Port of Onehunga and seeks to accommodate opportunities for future development, and improves connections into and out of the site. The Project supports varied transport modes including walking and cycling connectivity, and linkages to the wider region and thereby supports the Port of Onehunga current and future use both as a port and for other possible activities into the future.

15.4.3.2 Business activity

Relevant Provisions: H8, H9, H10, H11, H12, H13, H14, H15, H16, H17

The AUP (OP) zoning patterns in the Project area broadly reflect those in the operative plans seeking to maintain the Onehunga-Penrose area as a light and heavy industrial area. A key reason for the Project is to support the continued use and growth of this industrial hub and employment area (as set out in Part A of this AEE). The importance of the area and maintaining the integrity of the industrial zoning is reflected in the planning provisions whereby certain more sensitive land uses such as residential dwellings are prohibited activities. The plan also seeks to discourage activities such as retail, seeking to maintain the ability for important manufacturing, and increasingly, logistics and distribution activities, to remain in this area. The road-rail interface is a critical part of the importance of the area, providing access to the rail network which is used for freight. The Port of Tauranga to Auckland rail/road route is well used as a method for getting goods from the port into the Auckland and Northland markets. EWL will support the continued growth and development of these commercial and industrial activities by improving access into and out of the area.

The AUP (OP) zoning provides for the Onehunga Town Centre to be maintained as a local centre surrounded by light commercial/business land uses, and higher residential densities provided for in the area to the north. Sylvia Park is also an identified Town Centre in the AUP (OP) zones. The Project supports the town centre zonings within the Project area, by enhancing access to the business areas, supporting the growth of access by people through active transport modes (walking and cycling) and bus travel time reliability, and access to and along the coast. Connectivity for people into and through the area will be improved, supporting these land use zone patterns.

15.4.3.3 Residential activity

Relevant Provisions: H3, H4, H5, H6

Parts of Onehunga have been targeted for higher density residential zoning. Ōtāhuhu residential areas have been targeted as potential areas for future residential intensification, with new medium to higher density residential zones proposed on the eastern side of SH1. The Project supports future intensification through providing for improved transport linkages for people in residential areas, and this is particularly important in the Princes Street East area where access across SH1 is congested, constrained and would benefit from safer pedestrian and cycle provision. The Project removes congestion from local roads and will have a positive effect on residential amenity. The Project therefore gives effect to the residential provisions of the Plan.

15.4.3.4 Open Space and Community Facilities

Relevant Provisions: H7, H24, H26, H27,

The Project generally avoids direct impact on open space and community facilities, with the exception of minor works around the boundary of Waikaraka Park and Gloucester Reserve, and temporary construction works in a future Waikaraka Park development area. Improved open space and recreation facilities will be a key outcome from EWL including improving walking and cycling facilities, enhanced legibility of natural features along the foreshore and in Anns Creek, new local access across Ōtāhuhu Creek, access along the Māngere Inlet foreshore and towards Onehunga Mall and Sylvia Park Town Centre.

15.4.3.5 Transport corridors

Relevant Provisions: includes E27

Chapter E27 provisions are District Plan matters. The provisions in Chapter E26 support and manage the effects on the operation and development of an integrated transport network and set out specific methods to manage matters including parking and access. Land use and transport integration is recognised as important and EWL has been developed specifically to support the land use plans of Auckland. The Project will also support increased cycling and walking by providing well-designed walking and cycling facilities for a range of users. Commuter lanes are provided in addition to new recreational paths adjacent to and over the coastal edge.

In addition to objectives and policies, the district planning maps also identify particular constraints for development including designations. Existing designations have influenced the alignment of the Project. For example, the existing KiwiRail designations at Southdown (shown earlier in Figure 6-9) depict a large area of land that KiwiRail has aspirations for developing in the future. The Project will support the use of this designation through improving access to and from the rail head.

15.4.3.6 Lighting, Noise and Vibration

Relevant Provisions: E24, E25

The Plan seeks to control effects from lighting and noise so as to avoid causing nuisance to people and the environment, and conversely, to provide for a safe and healthy environment for people. The Project achieves these provisions through application of appropriate standards and controls.

15.4.3.7 Other

Some district plan matters have previously been addressed in the above provisions where they are both a regional and district plan matter. For example, Historic Heritage Overlay and Significant Ecological Areas Overlay. The Historic Heritage provisions are considered further here as directly relevant to the effects of the proposed work covered by the NoR.

Relevant provisions: Objectives D17.2 and Policies D17.3(3-7), D17.3(24-26)

The Project will have an effects on, and will change, the outlook and surrounds of the Aotea Sea Scouts Hall. The building itself will remain unchanged and the fabric of the building is not expected to be directly affected. The building will be able to remain in its current location, and thus its relationship to the coastal marine area will not change. The scouting land use includes accessing Gloucester Park for various activities (such as tent pitching), will be affected during construction and an alternative area will need to be provided for these activities. For these reasons, the Project is assessed as being generally consistent with these provisions.

15.4.3.8 Legacy plans

As discussed above, it is considered that the AUP (OP) generally carries greater weight than the legacy regional and district plans given the progress it has made towards becoming operative. An assessment of weighting is made based on the nature of the appeals.

Although parts of the Regional Policy Statement from the AUP (OP) have been made operative, for completeness and in light of the extant appeals, the RPS 1999 has also been assessed.

15.4.4 Regional Policy Statement

In the Introduction, the RPS sets out how diverse the natural environment of the Auckland Region is, with a long coastline, bush, volcanic cones, and its harbours. The Auckland Region also has significant physical resources which include the urban areas, extensive infrastructure, including transport and utilities infrastructure, and a large industrial base. The RPS recognises the need to consider all these elements to achieve sustainable management.

15.4.4.1 Issues

Issues of relevance are set out in Chapter 2.4. These issues demonstrate that there are some similar challenges recognised in the RPS from 1999 as are being experienced at present and are covered in the AUP (OP). Of note is the consistent themes recognising the importance of the integration of the transportation system and land use and development.

15.4.4.2 Objectives and Policies

The relevant RPS Strategic Objectives are set out in 2.6.1 and Strategic Policies in (for example) 2.6.2, 2.6.5, 2.6.8, 2.6.11 and 2.6.14. These set out how the policies and methods will achieve the integrated management of the natural and physical resources of the whole Region. Strategic policies for land use and transport integration (for example Policy 2.6.11) and infrastructure (for example Policy 2.6.14) recognise the importance of transport infrastructure to support growth and economic development and integrate with urban form and land use development over time. The Project has a key function of supporting industrial and commercial land use and economic growth and development which achieves these provisions.

Other relevant chapters include:

- Chapter 3 is about Matters of Significance to Iwi. EWL achieves these provisions through involving mana whenua as a project partner in resource management processes. This includes through practical recognition of kaitiakitanga in recognising a long term vision for restoration of the Māngere Inlet and the Ōtāhuhu portage, improvement in discharge water quality and access to the coastal marine area.
- Chapter 4 is about transport, which is recognised as a significant physical resource for the Auckland region. The RPS recognises that the pattern of development in Auckland has been heavily influenced by the transport system, including the low density urban form, and the RPS recognises that this is not sustainable in the long term, promoting compact sustainable urban form. These themes are consistent in the AUP (OP), albeit with a new focus on a more compact city. The Project supports the transport objectives and policies of the RPS which recognise the importance of enhancing

accessibility, and improving efficiency of road and rail transport networks for goods, services and people, whilst also managing effects on the environment.

- Chapter 6 addresses heritage, and includes Proposed Plan Change 8 relating to volcanic features. The RPS recognises that the heritage of the region is under threat, and considers both built and natural heritage including landscape, geological features and outstanding natural features. These are consistent themes as with those set out in the NZCPS and AUP (OP). As discussed above, the Project will achieve these objectives and policies through identifying heritage and notable characteristics, and specifying measures to avoid, remedy and mitigate adverse effects, at the same time as enhancing legibility and knowledge (with regard to 6.4.19 and 6.4.22) of the built and natural heritage of the area. Evaluation and knowledge (of heritage), along with restoration are key tenets of the EWL, consistent with (for example) 6.4.10, 6.4.13 and 6.4.16.
- Chapter 7 sets out the framework for management of the coastal environment recognising that it is complex and diverse and includes areas that are highly modified. The RPS recognises the importance of the coastal environment to mana whenua. The EWL achieves the objectives and policies of the RPS for the coastal environment through (and as discussed earlier) recognising a diverse range of values, balancing and managing adverse effects, enhancing natural character, improving water quality discharges and enhancing connectivity to and access along a higher amenity coastline. The RPS also encourages integrated management (for example 7.4.25) and EWL has demonstrated a high level of integration with mana whenua, Auckland Council and the Transport Agency working together to achieve outcomes.
- Chapter 8 is about water quality and recognises that there are parts of the region with degraded water quality, including from discharge of contaminants, and seeks opportunities to achieve improvements. The Project achieves these objectives and policies through the integrated approach with Auckland Council to better managing legacy stormwater and leachate issues.
- Chapter 9 relates to water conservation and allocation. The Project achieves these objectives through the management of groundwater in the vicinity of the site and seeking to avoid adverse effects on groundwater.
- Chapter 10 relates to air quality and recognises that vehicle emissions are a significant contributor to air quality in the region. The Project responds to the policy framework with some air quality improvements arising through reducing traffic congestion on local roads.
- Chapter 11 relates to natural hazards. The Project achieves these provisions through recognising and accommodating climate change considerations within the design of the Project.
- Chapter 14 relates to pests and pest management. The Project incorporates a strong focus on pest management including proposals for weed management and restoration around parts of the coastal edge and within the CMA.

EWL is assessed as achieving an appropriate balance between these issues.

15.4.5 Operative Regional Plan – Coastal

There is an appeal to the AUP (OP) on coastal matters, and the AUP (OP) has not had approval from the Minister of Conservation (a requirement before it can become fully operative), and therefore the Coastal Plan remains relevant for consideration. The Coastal Plan has themes consistent with both the NZCPS and the coastal parts of the AUP (OP) – refer to the assessments above. Having regard to the Coastal Plan, the following points are noted:

- The Coastal Plan recognises parts of Anns Creek as a Coastal Protection Area 1 (CPA1), being an area of regional, national or international significance, specifically related to wading bird habitat. Chapters 2.9, 5.3 and 5.4 seek to protect and preserve these areas from inappropriate subdivision, use and development that will have more than minor adverse effects, while recognising that activities and structures will continue to exist in these areas. In particular, Chapter 12.4.7 recognises that structures may be appropriate in a CPA1 where they are of benefit to the regional or national community and there are no reasonable or practicable alternatives for their location.

- The Coastal Plan also recognises the entire Manukau Harbour and the 'Māngere Mount Foreshore (including Pahoehoe Lava Flow)' as Areas of Significant Conservation Value (schedule references 7 and 59, respectively). These areas have been identified by DOC for their biodiversity or ecosystem values, significant geological features and/or cultural or historic significance. Where these areas occur outside a CPA1 or 2, they are managed by the general rules of the Coastal Plan.
- The Plan recognises the importance of the coastal environment including that it is a finite resource (for example 10.2.2) and that inappropriate subdivision, use and development is generally to be avoided. Whilst the EWL does require works in the CMA, the Project will also deliver positive outcomes that would otherwise not be able to be achieved. The Plan (for example at 10.4.5) sets out guidance for where appropriate development may occur, and the EWL has been assessed as being appropriate.
- Efficient use of the coastal environment is a consistent theme in the Coastal Plan (e.g. 11.3) and the other statutory documents. The Project, having been development as an integrated solution for this area delivering social, economic and environmental benefits, as well as delivering Auckland Council and Transport Agency responsibilities together, whilst achieving positive transport outcomes, is assessed as being an efficient outcome.
- Whilst the Coastal Plan, similar to the NZCPS and AUP (OP), sets a strong test for activities requiring reclamation of the CMA, reclamation has been assessed as being an appropriate use of the CMA (refer to earlier assessments in this section under the NZCPS and AUP (OP)).

15.4.6 Operative Regional Plans – Air, Land and Water

There are appeals on air quality matters on the AUP (OP) on natural resources matters, and therefore the ALW Plan remains relevant for consideration. The Plan has consistent themes with the AUP (OP) (refer assessment above). Having regard to these, the following points are noted:

- The Plan promotes maintaining and enhancing the quality of the environment, including air and water quality (e.g. Objectives 2.1.3.1, 5.3.1) and minimising the discharge of contaminants to the marine environment, which the EWL will achieve as discussed in the above analysis. The Project specifically seeks to address both transport improvements, and environmental outcomes in an integrated manner.
- Preserving natural character of wetlands and protecting indigenous vegetation and fauna (e.g. Objectives 2.1.3.2 and 2.1.3.3 and Policies 2.1.4.1, 2.1.4.6 and 2.1.4.8) is a key outcome that the EWL achieves. Whilst there are adverse effects identified, there are important opportunities to also achieve positive outcomes, consistent with the policy framework.
- Much of the Onehunga-Penrose industrial area is classified as an Industrial Air Quality Management Area which denotes a lower level of air quality amenity consistent with the heavier industrial zoning. This recognises that there are a number of activities present that lower air quality amenity, and that are better provided for in specified areas, whilst limiting the ability of more sensitive land uses from establishing in those areas.

Overall, the EWL is assessed as being generally aligned with the ALW Plan.

15.4.7 Auckland District Plan: Isthmus Section

There are broad appeals to the AUP (OP) on zoning, largely in relation to residential zones and density, and therefore the Isthmus Plan remains relevant for consideration, particularly in relation to residential matters. The Onehunga-Penrose area to the north and east of the Māngere Inlet is generally zoned for heavy industrial purposes. The area around the Princes Street Interchange and along SH1 to the north is zoned residential. The AUP (OP) retains the heavy industrial zoning and for the most part, up-zones (i.e. proposes greater intensity) in these residential areas, as well as around the Onehunga and Sylvia Park centres.

The Project supports the continued use of these areas for these industrial land uses. It will support these land use patterns through improving accessibility and connectivity for the industrial areas, whilst also improving amenity for residential areas through reducing freight trips through and around these local areas.

15.5 Section 104D assessment

15.5.1 Section 104D

As noted in Section 5.0 of this AEE, some activities for which consent is required are non-complying activities. The Project overall is therefore assessed as a non-complying activity. As noted in Section 104D sets out the “gateway tests” for non-complying activities that must be passed before the application is considered under section 104 of the RMA. Section 104D provides that a consent authority may grant a resource consent for non-complying activities only if it is satisfied that either (a) the adverse effects of the activity on the environment will be minor or (b) the application will not be contrary to the relevant objectives and policies in the operative and proposed plan. The Project has been assessed as having potentially significant adverse effects on the environment, and therefore the Project cannot pass the “effects gateway test” under Section 104D(1)(a) of the RMA. Therefore to be further considered, the Project must pass the second gateway test under Section 104D(1)(b) to not be contrary to the relevant objectives and policies.

The relevant rules that trigger a non-complying activity status for the activity are in the AUP (OP) Regional Plan and Regional Coastal Plan, and the Operative ARP: C. The activities requiring non-complying resource consents under the Regional Coastal Plan include the reclamation provisions, and activities within significant ecological areas and outstanding natural features. Regional activities with a non-complying activity status include works in streambeds and reclamation of stream beds. Since the applications are “bundled” the consent applications are, overall, treated as non-complying. Thus, the complete Regional Plan and Regional Coastal Plan policy framework (AUP (OP) and relevant Operative Plan) requires consideration under Section 104D(1)(b).

This involves a balanced assessment of the objectives and policies of the relevant statutory plan objectives and policies as a whole. That assessment should identify the most relevant objectives and policies, followed by an assessment of those provisions which are more broadly relevant, and consideration of whether the Project is “contrary” to the objectives and policies, as in “opposed in nature, different to or opposite to”. An activity does not need to be consistent with every policy. Case law has acknowledged that for a non-complying activity it is expected that the activity will not meet every objective or policy.

The Project will provide significant regional and national benefits, by supporting an established community and business/industrial area in the Onehunga-Penrose area through improved connections for freight transport. This has an important impact on wellbeing, by improving productivity and securing the importance of this area as a major employment hub for Auckland. It also makes efficient use of existing transport networks, linking into the existing State highways and major arterials in this area, and improving access to the rail network, consistent with provisions in E26.2 of the AUP (OP). Improvements to walking and cycling linkages, and public transport will enhance accessibility for people using the area for commuting trips, as well as recreational opportunities, consistent with provisions E26.2 of the AUP (OP). The residential and business zones of the AUP (OP) seek to accommodate significant population and employment growth over the next 30 years (projected medium population growth of 700,000 and high population growth of one million people for Auckland over the next 30 years).

The Transport Agency has partnered with Mana Whenua in selecting the preferred alignment, and in developing the Project as described earlier in this AEE. This has enabled an inter-generational holistic view of the environment to be incorporated in the design. In this instance, environmental benefits achieved by this Project achieve improvement of the amenity and quality of the coastal environment and enables Mana Whenua status as kaitiaki, (for example, F2.2.2(3) of the AUP (OP) and 6.3 and 6.4 of the Operative Coastal Plan). This approach is consistent with the Treaty obligations with the Transport Agency’s role representing the Crown and as set out in the planning documents.

The statutory planning documents give effect to the overarching principles set out in Part 2 of the Act, and include maintaining and enhancing the natural character of the coastal environment (for example E18 of the AUP (OP) and 3.3 and 3.4 of the Operative Coastal Plan), its ecological values, water quality and public access (consistent with 7.3 and 7.4 of the Operative Coastal Plan) – as well as enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The statutory planning documents acknowledge both the importance of protecting the environment, whilst allowing for growth to occur.

Overall, the assessment demonstrates that there will be adverse effects on natural character of the coastal environment in the short term, and some significant adverse effects on the coastal environment and ecological resources. Importantly both E15 and F2 of the AUP (OP) contemplate that infrastructure cannot always avoid locating in important ecological areas and so some level of effects is contemplated.

In the longer term, effects will be positive, through naturalisation of the foreshore, new habitats and reconnection of people to the coast, as well as natural resources improvements (discharge water quality) consistent with provisions in E18 of the AUP (OP). Long term, coastal processes are expected to reach an equilibrium over time such that natural channels and flows are maintained (consistent with, for example, 5.3 and 5.4 of the Operative Coastal Plan). The approach is also consistent with the Mana Whenua approach expressed in relation to whole environment (for example, F2.2.2(3) of the AUP (OP) and 6.3 and 6.4 of the Operative Coastal Plan), and demonstrates that the Project is not contrary to the overall direction of the planning documents.

Reclamation is generally discouraged, however the planning documents recognise that in some instances reclamation can be appropriate (for example F2.2.3(1) and F2.2.3(2) of the AUP (OP) and 13.3 and 13.4 of the Operative Coastal Plan). The project is assessed as not contrary to these provisions because the Project meets the criteria within F2.2.3(1) and will be designed to be consistent with F2.2.3(2). In general the Project represents a balanced approach between adverse and positive outcomes that can be achieved with the reclamation and associated activities in the longer term, including rehabilitating degraded environments, enhancing public access and encouraging indigenous species to establish, as against loss of intertidal habitats and associated adverse ecological effects.

Along with natural character, maintaining and enhancing access to the coast is an important focus of the planning documents. Whilst there will be some restrictions on public access during construction, including the foreshore walkway, the Project will, in the long term, provide for more direct and higher amenity public access to the coastal environment and CMA by opening up opportunities for walking, cycling and recreation. This is consistent with provisions in (for example) F2.2 of the AUP (OP).

Efficient use of resources, including efficient use of the CMA is also an overarching theme (for example 11.3 and 11.4 of the Operative Coastal Plan), including use of the environment for structures and making sure they are able to be used for multiple purposes and/or for public use (for example 12.2 and 12.3 of the Operative Coastal Plan). The EWL provides multiple opportunities for enhanced access to the coastal environment, and no structures are proposed that would reduce or inhibit public access.

In summary, the Regional Plan and Regional Coastal Plan (both AUP (OP) and the operative plans) specifically recognise the importance of transport infrastructure, protect certain resources and values and generally seek a balance with social, cultural, environmental and economic outcomes. Having regard to all the relevant provisions, it is concluded that the Project will not be contrary to the objectives and policies of these, when these objectives and policies are considered as a whole.

15.6 National Environmental Standards

NES set rule frameworks that are applicable to the whole country and must be given regard to through consideration of applications for resource consents. They are not relevant to the assessment of the NoRs.

15.6.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

As land disturbance is proposed on contaminated land, the NES Soil is relevant to the assessment of the Project. The NES Soil has a particular focus on human health. There are other provisions in regional planning documents that have a wider remit, including environmental health. *Technical Report 17 - Contaminated Land Assessment* in Volume 3 identifies a number of contaminated sites in the Project area and catchments, which is indicative of the long history of land use and development in the area. Due to the potential level of contamination and the volume of soil disturbance proposed, the permitted activity thresholds are exceeded and resource consent is required. A CLMP forming part of the CEMP will be developed to manage risk and uncertainty relating to contamination along the Project so that adverse effects on human health and receiving environment do not occur. A draft of the CLMP is included in *Technical Report 17 - Contaminated Land Assessment*.

15.6.2 National Environmental Standards for Air Quality 2004

It is the responsibility of Auckland Council to manage air quality and to comply with the Regional Air Quality targets for their airshed(s). No specific consents relating to this standard are required, though the relevant regulations in the NESAQ have informed the assessment of construction and operational air quality effects and proposed measures to manage effects included in *Technical Report 9: Air Quality Assessment* in Volume 3.

15.6.3 National Environmental Standard: Electricity Transmission Activities 2009

The NESETA contains regulations relating to the relocation of existing transmission lines. The Project will require the relocation/alteration of existing transmission towers and lines. Any work on the existing transmission towers and lines will be undertaken in liaison with Transpower and subject to their agreement in accordance with the provisions of the NESETA. Transpower-specific conditions will be included that will address any actual and potential effects on Transpower assets, particularly during construction.

15.6.4 National Environmental Standards for Sources of Human Drinking Water 2007

This NES requires regional councils to ensure that effects on drinking water sources are considered in decisions on resource consents and regional plans. No consents relating to this standard are required. Watercare's Onehunga groundwater supply is located in the vicinity of the Project. The potential effects of the Project on Auckland's groundwater resources that are used for water supply are addressed in *Technical Report 13: Groundwater Assessment* in Volume 3. The assessment concludes that there will be no adverse effect on potable water supplies.

15.7 Additional statutory consideration relevant to designations

15.7.1 Adequate consideration of alternatives

The following section responds to Section 171(1)(b)

Section 171(1)(b) requires the Board of Inquiry to have regard to whether adequate consideration has been given to alternative sites, routes and methods for undertaking the work when considering a NoR if either:

(a) *the requiring authority does not have an interest in the land sufficient for undertaking the work;*

or

(b) *the work is likely to have a significant adverse effect on the environment.*

The section only requires that a requiring authority give adequate consideration to alternatives. A decision maker is entitled to review the process and ensure that it not arbitrary or cursory. A clear and logical process for consideration of alternatives is appropriate in order to determine adequacy. The Act does not require the best or the most preferred option to be selected. The choice of site, method and route remains the Transport Agency's. A suitable range of alternatives should be considered and the requiring authority is not required to consider every feasible alternative. The process followed for EWL is set out in *Section 8.0: Consideration of alternatives* of this AEE.

The process of consideration of alternatives involved an extensive option evaluation process to arrive first at a preferred corridor and then Preferred Alignment within the Preferred Corridor. The assessment process included consideration of meeting operational (transport) needs, potential environmental constraints, and the social, cultural and economic environment in which the area is located. The process was robust, comprehensive and iterative. It involved significant engagement and assessment of options by relevant independent experts. A wide range of factors needed to be considered. The assessment of alternatives section of this AEE sets out the process. The assessment of alternatives clearly meets the relevant statutory tests.

15.7.2 Reasonably necessary to achieve objectives

The following section responds to Section 171(1)(c)

Section 171(1)(c) of the RMA provides that when considering a NoR the Board of Inquiry must have particular regard to - *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.*

It is important to understand the interpretation of the words “reasonably necessary” in RMA terms. The context in which s171(1)(c) is to be interpreted is that ‘reasonably necessary’ indicates something less than absolute necessity or being essential is contemplated. It is important to acknowledge that a requiring authority may set its own priorities to establish its network, achieve its objectives or meet its obligations to implement a wider network, provided it does not predetermine the outcome of the alternatives assessment.

The Project objectives are set out in *Section 3.3: The Project objectives for East West Link* of this AEE and the NoRs.

The Project is assessed as being necessary to achieve the objectives of the requiring authority for the reasons below.

15.7.3 Necessity of project to achieve the objectives

The existing road network is heavily congested and that congestion is having negative impacts on the performance of the transport network, the operation of businesses and the general economic potential of the area. The Traffic and Transportation chapter of this AEE demonstrates that an additional link and connections between SH1 and SH20 will improve travel times and travel time reliability, as well as improve network resilience. There is future growth projected for Auckland and therefore demand for freight transport, industrial and commercial land, employment opportunities and more capacity in the transport network generally, needs to be provided for. The area is uniquely located at the road/rail interface (as set out in *Report 3: Economic Assessment* in Volume 3), meaning the Project enhances the access to this important freight hub and improves the efficiency of both the road and rail network in the upper North Island.

The additional demand for transport networks and access to transport facilities cannot be met solely by public transport. Population growth will also increase demand for recreational facilities such as walking and cycling opportunities.

The Project is therefore reasonably necessary to meet the Project objectives.

15.7.3.1 Necessity of designation as a method to achieve objectives

The designation mechanism under the RMA is reasonably necessary to achieve the Transport Agency's objectives. The designation, if confirmed will protect the land from other development, provide certainty that the Project can be constructed, operated and maintained, and provide certainty to the community as to the nature of the work and its location through inclusion in the AUP (OP). The Transport Agency has proposed a designation lapse period (pursuant to section 184 of the RMA) of 15 years. The reason for 15 years is to allow enough time for staging of construction of the Project. Alternative "consenting" methods (instead of designation) were also considered, including land use consents. Whilst a number of regional resource consents, including coastal permits are still required to authorise the Project, the designation remains a mechanism that is well understood for linear transport projects which cross multiple zones, and, with the Outline Plan process provides a mechanism for ongoing engagement on design development.

15.8 Other Matters

This section responds to Sections 171(1)(d) and 104(1)(c).

Other matters that are considered to be directly relevant to have regard to – or particular regard to in the case of a NoR – in consideration of the Project are discussed below. As stated above, case-by-case consideration of what other matters are relevant, is made by the consent authority considering resource consents and NoRs. As (generally) non-RMA planning documents, these "other matters" have been selected as being particularly relevant for a range of reasons including:

- Having been through a public engagement process where feedback from the public has been sought;
- Prepared in accordance with other related legislation;
- Specifically mention the East West Link project; or
- Are directly related to the objectives the Project is seeking to achieve (refer to *Section 3.0: Project Development* of this AEE).

Table 15-2: Any Other Matters

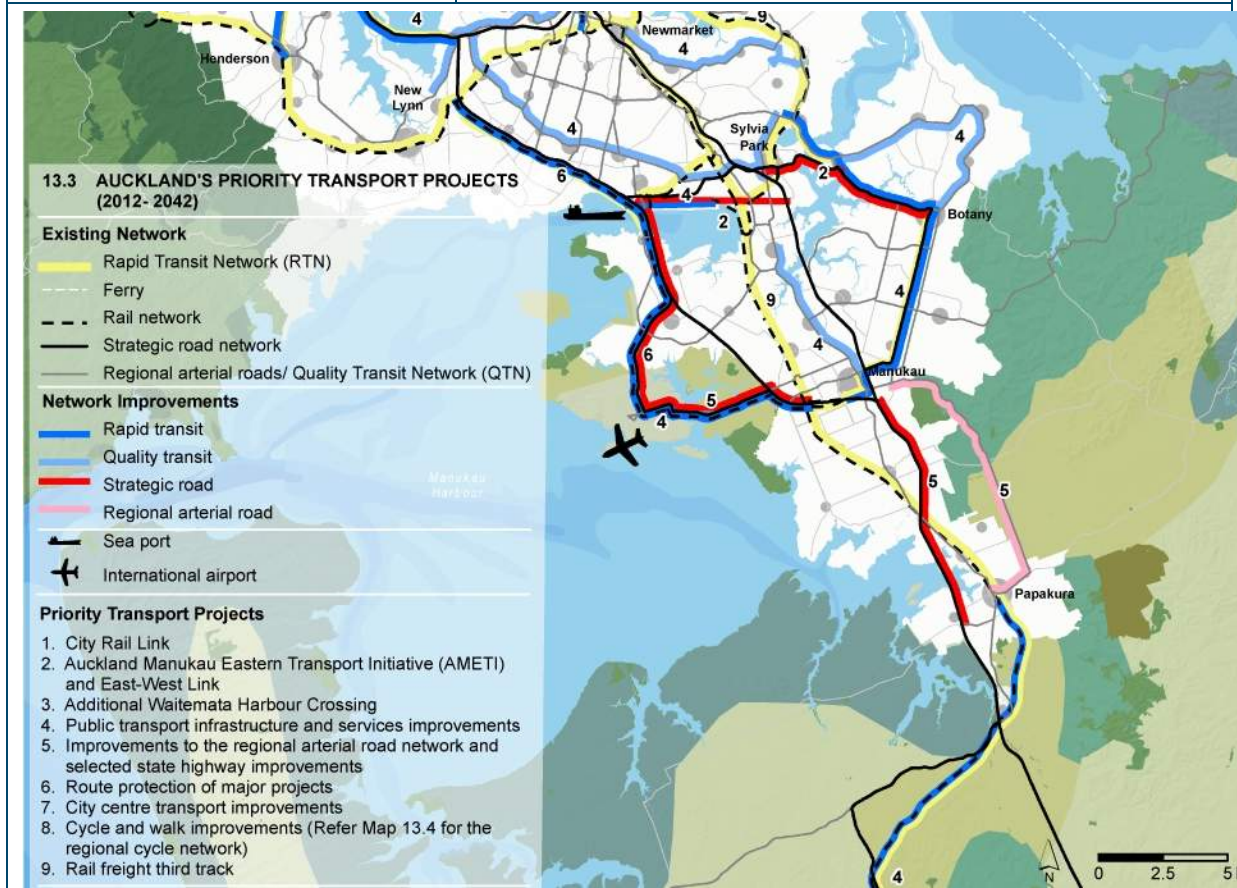
Matter	Discussion
Mana Whenua	
<i>As part of the development of the Project, all relevant iwi groups which have shown interest in the Project have been closely involved and provided input to the final design. In addition, regard has been given to iwi management plans which have been made available to the Project team. These are discussed below.</i>	
<i>Ngāti Whātua Ōrākei Iwi Management Plan 2012</i>	The intent of this Iwi Management Plan is to illuminate the issues of importance to Ngāti Whātua Ōrākei, provide a consistent approach for involvement/consultation in projects and to educate and form effective partnerships with key stakeholders. The objectives and policies contained within the Plan vary from place to place, but as a whole Ngāti Whātua Ōrākei is interested in any aspect of a project which may affect their tribal area. EWL is within that area. Ngāti Whātua representatives have been part of the engagement on the Project.
<i>Ngāti Whātua Ōrākei Strategic Plan 2010-2020</i>	This document sets out the strategic priorities of Ngāti Whātua Ōrākei and the actions which will be taken. Of note, one of the plans actions is centred on Whenua which includes Kaitiakitanga and political influence. This relates to influencing Council documents and influencing decision making over their area. Ngāti Whātua Ōrākei has been heavily involved in this project and have been provided with the opportunity to work alongside the Transport Agency in the development of the Project.

Matter	Discussion
Environmental Strategy	
<i>A Vision for the Māngere Inlet</i>	This Vision for the Māngere Inlet has been jointly prepared by Mana Whenua, the Transport Agency, Auckland Council, Auckland Transport, KiwiRail, and Watercare to provide a joint and long term focus on improving the health of the Māngere Inlet. The Project is entirely consistent with this strategy, being a first step on a path towards restoring the Inlet.
Transport Planning matters	
<i>Government Policy Statement on Land Transport Funding 2015/2016 – 2024/2025</i>	<p>The Government Policy Statement on Land Transport Funding looks to provide funding for land transport systems which are effective, efficient, safe and in the public’s interest regarding economic, social, cultural and environmental wellbeing. The Government Policy Statement on Land Transport Funding acknowledges the projected population growth within Auckland and the need for continual land transport improvements.</p> <p>The Project will create a more effective and efficient roading network which will reduce congestion and provide for future growth within Auckland.</p>
<i>Thirty Year New Zealand Infrastructure Plan 2015</i>	<p>The Thirty Year New Zealand Infrastructure Plan looks to advance the debate of long-term provisions, make changes to the current approach to planning and management and to encourage investment in New Zealand’s infrastructure. In regards to Auckland, the Plan notes that challenges exist around projected population growth with \$18.7 billion expected to be spent on infrastructure between 2015 and 2025.</p> <p>EWL forms a large part of this spending and falls within the scope of this plan.</p>
<i>Auckland Transport Alignment Project</i>	ATAP is a joint project involving Auckland Council, the Ministry of Transport, Auckland Transport, the Transport Agency, the Treasury and the State Services Commission. The final report was released in October 2016 and recommends an aligned strategic approach, including an indicative package of transport investment, for the next 30 years. The EWL project is specifically planned for as a committed project in ATAP as shown in the following diagram (grey boxes are committed projects).

Matter	Discussion
<p><i>Connecting New Zealand 2011</i></p>	<p>Connecting New Zealand summarises for stakeholders the Government’s broad policy direction for the transport sector between 2011 and 2021. In regards to freight movements, the documents notes that there is a large increase in freight movements expected therefore connections between key export areas need to be established.</p> <p>The EWL is aimed at creating more efficient freight movements between industrial areas located within Auckland and the wider New Zealand.</p>
<p><i>NZ Transport Agency Statement of intent 2015-2019</i></p>	<p>This document sets the Transport Agency statement of intent and what is hoped to be achieved in terms of transport infrastructure over the next few decades. The integration of transport networks, improving the efficiency, safety and resilience of transport options open to New Zealanders, and to maximise returns on all transport investments.</p> <p>The Project forms part of the Accelerated Auckland Transport Programme which is focused around bringing forward a package of infrastructure works which will provide congestion relief, support economic growth and improve safety outcomes for Auckland and wider New Zealand.</p>
<p><i>Draft State Highway Activity Management Plan 2015-2018</i></p>	<p>This Management Plan sets out the rationale for investment in and activities on the State highway network. The outputs that the Transport Agency hopes to achieve from 2014 moving forward is planning the land transport network, providing access to and providing the use of land transport systems, managing the State Highway Network and investing in land transport.</p> <p>This is relevant to the Project as it forms a significant part of the Transport Agency’s funding and it will work to achieve the goals set out under this management plan.</p>

Matter	Discussion
<i>The Upper North Island Freight Strategy 2013</i>	<p>This document predicts that freight movements within the upper North Island will more than double by 2035. This will have a major impact on Auckland as the region is home to a number of key exporting destinations. The critical issues to freight movements are outlined as:</p> <ul style="list-style-type: none"> • Strategic road and rail network constraints; • Delivery on the high productivity motor vehicle programme; • Utilisation of industrial land; • Lack of strategic, integrated land use and transport planning and investment; • Lack of shared and accurate data; • Need to understand costs of freight supply chains for critical industries in the upper North Island; and • Challenging local government and central government funding structures. <p>Overall, the resolution of these issues, which the Project plays a major part in, will lead to an improvement in freight efficiency and will promote economic growth and productivity ensuring New Zealand has a prosperous future.</p>
<i>Auckland Regional Land Transport Strategy 2010 – 2040</i>	<p>The RLTS is a statutory document prepared under the Land Transport Management Act. It is prepared every six years and covers a period of at least 30 years, enabling Auckland Council to provide guidance on the land transport outcomes sought by the region.</p>
<i>Regional Land Transport Strategy 2015-2018</i>	<p>This strategy was prepared by Auckland's transport delivery agencies and sets out an investment programme for Auckland in order to provide continual transport improvements to the extent possible with current funding constraints. This strategy includes all forms of transport including road, cycling and walking.</p> <p>Specific mention is made of the Project under section 4.8.2 as an improvement project of inter-regional significance.</p>
<i>Auckland Regional Road Safety Plan 2009-2012</i>	<p>This plan aims to have no deaths or serious injuries suffered on Auckland's transport system by law abiding road users and a 3% decline in the number of casualties per 10,000 people per kilometre travelled. The Plan sets out a number of strategies to achieve the above goals.</p> <p>Safety is a top priority for the EWL and has been taken into account in its design.</p>
<i>The Auckland Integrated Transport Plan 2012-2041</i>	<p>This document was created in response to the Auckland Plan and sets out the 30 year investment programme to meet the transport priorities that are contained within the Auckland plan. EWL is one of three transport projects that have been labelled as critical to Auckland's growth.</p>
<i>National Freight Demand Study 2014</i>	<p>The Ministry of Transport published the second National Freight Demand study in early March 2014. The study seeks to improve understanding of freight demand and movement, trends and changes, and associated infrastructure (e.g. transport network) requirements. The study identifies a number of themes including around the use of the Auckland-Tauranga corridor, distribution, sustainability and high productivity motor vehicles (Executive Summary page 2-3). The EWL is an important part of supporting the growth in freight in the upper North Island, and associated transport requirements, and the strategic importance of the location in relation to the rail network and port land.</p>

Matter	Discussion
Local Government Act Policies	
<p><i>Auckland Plan</i></p>	<p>The Auckland Plan provides a long-term strategy for growth and development in Auckland.</p> <p>The Plan identifies the EWL as the second highest priority transport project for the Auckland Region, along with AMETI. Therefore there is strong strategic direction from Council for the Project – Clause 775 and annotated on Figure 13.3 below.</p> <p>The Project will improve roading efficiency within Auckland, as well as better connecting New Zealand exports to the rest of the world. The Project is included as one of three Auckland priority transport projects under Section 13.3 of the Auckland Plan.</p> <p>The role of the transport system in facilitating liveability, economic growth and productivity is defined in the Auckland Plan by the overarching direction to “<i>Create Better Connections and Accessibility within Auckland, across New Zealand and to the world</i>” and includes four key priorities:</p> <ul style="list-style-type: none"> • Manage Auckland’s transport as a single system; • Integrate transport planning and investment with land use development; • Prioritise and optimise investment across transport modes; and • Implement new transport funding mechanisms.



Matter	Discussion
<p><i>Auckland Long Term Plan 2012-2022</i></p>	<p>The Auckland Long Term Plan 2012-2022 (“the LTP”), which is required under Local Government Act 2002, sets out the Council’s 10-year financial plan, and is guided by the strategic direction set by the Auckland Plan. The Project will provide quicker freight movements within and out of the area therefore improving economic efficiency. A better connection to and from the Onehunga-Penrose commercial area to and from SH20 and SH1 will be created.</p>
<p><i>Local Board Plan 2014 Maungakiekie-Tāmaki</i></p>	<p>The Maungakiekie-Tāmaki Local Board Plan is the guiding document for the local board and is their strategic three-year plan to outline their communities’ priorities and preferences. There are six local board plan outcomes:</p> <ul style="list-style-type: none"> • <i>Transport that meets our communities’ and businesses’ needs</i> • <i>Successful businesses and good jobs for our people</i> • <i>A built environment that strengthens our communities and reinforces our heritage and local character</i> • <i>A healthy natural environment enjoyed by our communities</i> • <i>Strong and thriving communities that are enabled to participate, celebrate and contribute</i> • <i>Parks, sports and recreational facilities that promote healthy lifestyles and enhance well-being</i> <p>The EWL will contribute to all these outcomes and more specifically, the Local Board has demonstrated support for the Project.</p> <p>Under the first objective, one of the key initiatives to provide for more freight efficiency with minimal impact on residents is to: <i>‘Advocate for the East West Connections to deliver on community and business expectations.’</i></p> <p>Further:</p> <p>one of the key initiatives to achieve healthy waterways and harbours in the area is to: <i>“Advocate and provide advice for ecological restoration along the water’s edge as part of transport projects, i.e. East West Connections”.</i></p> <p>EWL will better connect this area to the rest of Auckland whilst reducing congestion within Onehunga and the surrounding suburbs. EWL will create more efficient freight movements between key industrial areas, the airport and the motorways within Auckland. The foreshore component assists in managing water quality and improving access to the Māngere Inlet. Walking and cycleways will be constructed along the foreshore helping cater for healthier lifestyles within the area.</p>
<p><i>Māngere-Ōtāhuhu Local Board Plan 2014</i></p>	<p>The Project will provide better linkages to SH1 for businesses operating in this area and for freight travelling in an east west direction. The overall project will also provide better walking and cycling facilities helping to better connect the Māngere-Ōtāhuhu area.</p>
<p>Environmental</p>	
<p><i>Draft The New Zealand Biodiversity Strategy 2012</i></p>	<p>This Strategy establishes a strategic framework for action, to conserve and sustainably use and manage New Zealand’s biodiversity. The main objectives are to promote community and individual action, protect Mana Whenua interests, halt the decline of New Zealand’s indigenous species and maintain the genetic resources of introduced species which contribute to the wellbeing of New Zealanders.</p> <p>Works will occur within the Manukau Harbour and a number of reserves and open spaces. Mana Whenua interests will be protected as iwi/hapū groups within an interest in the Project area have been project partners and closely involved in the design of the EWL.</p>

Matter	Discussion
<i>Auckland Indigenous Biodiversity Strategy 2012</i>	<p>The Auckland Indigenous Biodiversity Strategy seeks to protect, maintain and restore the indigenous biodiversity within Auckland. This involves conserving as many species as possible with particular attention being given to those species which are threatened, implementing iwi values, educating Auckland's communities and fostering guardianship and the collaboration of governmental organisations.</p> <p>Biodiversity has been a key consideration of the Project in particular in efforts to avoid, remedy or mitigate the potential adverse construction effects and to achieve post construction benefits.</p>
<i>Auckland Closed Landfills Asset Management Plan 2013</i>	<p>This Plan sets out Auckland Council's actions in regards to the management of closed landfills and any adverse human health and effects on the environment. The approach is centred on regulation, education and communication, demand substitution, incentives and operations. As part of effectively managing these landfills Auckland Council intends to include Māori in this management and to provide for the social, cultural, environmental and economic sustainability of the surrounding environment.</p>
<i>Economic Development Strategy</i>	<p>The Auckland Economic Development Strategy sets out Auckland Council's 10-year strategy to make Auckland an internationally prosperous city. The top priority of the Auckland Economic Development Strategy is to — <i>Grow a business-friendly and well-functioning city.</i></p> <p>This strategy aims to strengthen collaboration, provide and develop supporting infrastructure, and attract, build and retain talent and business capital in Auckland. Part of this purpose is to make Auckland more internationally connected and increase Auckland's exporting capacity.</p> <p>The Project will provide better connections to and from areas of Onehunga-Penrose. As this area is responsible for a large proportion of Auckland's industrial activity, the improved accessibility for these locations will improve freight movement efficiency and will therefore better connect these areas.</p>
Parks and Reserves	
<i>Auckland Parks and Open Spaces Strategic Action Plan 2013</i>	<p>This Action Plan seeks to protect, and conserve Auckland's environment, heritage and landscape, expand and develop Auckland's park and open space networks, and to connect and utilise these parks and open spaces.</p> <p>The Project will require the acquisition of land from a number of parks/open spaces along the route during construction. This will reduce the amount of park space available to Auckland residents for the construction period. However, once complete the Project will reinstate parks, improve the environmental health of the Manukau Harbour, and provide connections between existing parks and open spaces via cycling/walking</p>
<i>Auckland Sport and Recreation Strategic Action Plan</i>	<p>This plan seeks to increase the availability to, and participation in, physical activities, recreation and sport within Auckland. In particular, the Plan focuses on increasing participation in informal recreation, providing infrastructure to improve access to open spaces and waterbodies, sporting achievement and improving Council's parks and recreation sector.</p> <p>This plan is of relevance as cycleway/walkway connections are proposed which will help increase informal physical activity and improve access to open spaces</p>

Matter	Discussion
NZ Transport Agency Guidance	
<i>Z Series</i>	<p>The Transport Agency has required standards for its projects that have been used in the development of the Project and in the assessments described in this AEE. These include: Z/19 Environmental and social responsibility standard; and Z/22 Archaeological discovery procedures. These have been used to guide the Project thus far, e.g. in undertaking site investigations, and in the preparation of the AEE and technical documentation.</p>
<i>Guidance</i>	<p>The Transport Agency has a range of documents that provide a good practice approach for assessing state highway projects, including achieving compliance with legislation and consistency across the country. These have all been used in the assessments informing this AEE:</p> <ul style="list-style-type: none"> • Safety and geometric design • Environmental and social responsibility • Stormwater, erosion and sediment control • Community and stakeholders • Structures • Coastal • Urban design and landscaping • Transport modelling • Air quality and climate • Noise and vibration • Property • Resilience project
Other Guidance and Research	
<i>Guidance on Good Practice Biodiversity Offsetting in New Zealand – 2014</i>	<p>This is administered by the DOC and has been had regard to in the preparation of the ecological impact assessment, and measures to manage effects (avoid, remedy and mitigate). Early engagement identified the opportunity to develop this corridor as part of a wider “green corridor” to link the Waitakere Ranges and east Auckland. This principle has been brought forward in an integrated landscape and ecological response through mitigation measures set out in <i>Part G: Assessment of effects on the environment</i> of this AEE.</p>
<i>NZ Urban Design Protocol</i>	<p>The Transport Agency is a signatory to the NZ Urban Design protocol. The Urban Design Protocol identifies seven essential design qualities that together create quality urban design:</p> <ul style="list-style-type: none"> • Context: seeing buildings, places and spaces as part of whole towns and cities • Character: reflecting and enhancing the distinctive character, heritage and identity of our urban environment • Choice: ensuring diversity and choice for people • Connections: enhancing how different networks link together for people • Creativity: encouraging innovative and imaginative solutions • Custodianship: ensuring design is environmentally sustainable, safe and healthy • Collaboration: communicating and sharing knowledge across sectors, professions and with communities. <p>The Project has prepared a ULDF which has close regard to the above.</p>

15.9 Section 105

Some of the applications are for discharge permits, involving discharges to air, and discharges of contaminants into water and onto land. The applications are also to undertake reclamation and occupy the CMA with permanent structures. Therefore, section 105 is relevant. Section 105 outlines additional matters than must be considered by consent authorities for discharge and coastal permits in addition to the matters in section 104(1). Consideration of the relevant aspects of the Project against the matters included within section 105, is undertaken in Table 15-3 of this AEE.

This assessment is based on there being these types of discharges that trigger Section 15:

- Discharge contaminants or water to water (s.15(1)(a)) – e.g. the stormwater runoff from new impervious surfaces and some existing impervious surfaces in SH1;
- Discharge contaminant onto or into land in circumstances which may result in that contaminant entering water (s.15(1)(b)) – e.g. the surface contaminants from the main alignment;
- Discharge contaminants from an industrial or trade premises to air (s.15(1)(c)) – i.e. the concrete batching activities; and
- Discharge contaminants from an industrial or trade premises to land (s.15(1)(d)) – i.e. the concrete batching activities.

Table 15-3: Relevant matters for section 105(1) and (2)

Section 105	Comments	Cross-references
Nature of the discharge and sensitivity of the receiving environment to adverse effects (Section 105(1)(a))	<p>The receiving environments in remnant freshwater streams and the Māngere Inlet, are already adapted to a contaminant load consistent with the industrial urbanised environment.</p> <p>General construction works will result in discharges containing higher levels of sediment than normal, and disturbances of historic contaminated land will result in the discharges of contaminants.</p> <p>Anns Creek has significant ecological values and rare ecosystems. Specific erosion and sediment controls in will be required within and upstream of this environment.</p> <p>In the long term, once construction is completed, discharges to the CMA will improve through enhanced treatment.</p>	<p>Sections 12 and 13 of this AEE</p> <p>Technical Report 15- Coastal Processes Assessment (Volume 3)</p>
The applicant’s reasons for the proposed choice (Section 105(1)(b))	<p>The design process and construction methodologies to date have, as far as possible, avoided creating adverse effects on sensitive receiving environments.</p>	<p>Sections 12 and 13 of this AEE</p>
Any possible alternative methods of discharge, including discharge into any other receiving environment (Section 105(1)(c))	<p>In circumstances where this has not been achievable the BPO is to be employed to remedy, mitigate or offset any actual and potential effects on these areas as no other feasible alternative method of discharge is available. This may, for example, include seeking to achieve a balance between the amount of area occupied by treatment facilities and the percentage treatment (TSS removal) achieved.</p> <p>The location of the Project within the various catchments means there are few alternative sites or methods of discharge.</p>	<p>Technical Report 16- Ecological Impact Assessment (Volume 3)</p>

Section 105	Comments	Cross-references
Section 105(2) ...consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent	The Project will construct over an existing amenity strip along the Māngere Inlet northern foreshore than is administered by Auckland Council. Access to the CMA will be replaced through the Project with the construction of new recreational access, walking and cycling paths.	Volume 2: Drawing Set

15.10 Section 105(1) – Discharges

The existing environment sections of this AEE address the nature of the discharge and the sensitivity of the receiving environment to adverse effects. The Transport Agency’s reasons for the proposed choice is also well set out. Any possible alternative methods of discharge, including discharge into any other receiving environment.

Discharges to air

The discharges to air that require resource consent under Section 15 arise from the establishment of a construction-related concrete batching facility. This will be a temporary activity that would be established during the construction phase and removed after construction is completed. It will generate discharges to air for this period only. The receiving environment for the discharges is identified in the AUP (OP) as "Air Quality: Reduced Amenity" and this has been confirmed within the technical assessments on air quality. Like the AUP (OP), the ALW Plan identifies much of the industrial area as “Industrial Air Quality Management Area”, also providing for reduced air quality. The air discharges are of a similar nature to other discharges within this lower air quality amenity, industrial area.

The need for a concrete batching facility located at the site arises from the potential use of material generated from dredging for the manufacture of mudcrete for embankment construction. An on-site location is the most efficient location because it is close to the source of the raw material. Alternatives could include manufacture at another off-site location though that would generate additional vehicle movements and associated effects, and any discharges would be in a different location.

At this stage, alternative methods for construction of the embankment have been broadly considered. However, the Transport Agency expects to engage a contractor to build the project in the future, and this would involve the contractor developing its own methodology for construction of the project, including sourcing raw materials and any concrete batching requirements. There are a number of different alternative methods that might be used by the contractor. It is therefore intended that some flexibility be retained for the contractor to make that decision in future.

Discharges to land and water

Construction of the Project

During construction of the Project, discharges to land and water will occur to both the Manukau Harbour and the Tamaki River receiving environments. This will largely involve discharge of contaminated soil, silt and sediment run off from earthworks and general construction activities. Both marine receiving environments are identified in the AUP (OP) as being Degraded Marine 1 and so are not of high value that will be sensitive to the discharges. The expert assessments are that the discharges will be acceptable, as standard conditions and construction management techniques are used.

These discharges are a necessary part of the construction process and cannot practicably discharge to an alternative receiving environment due to their geographic location. A range of methods were reviewed and appropriate options identified in the technical report on erosion and sediment control.

However, it is critical that industry best practice methodology is used for the construction phase to minimise effects on people and the environment, particularly given works are required in known contaminated soils and very close to high value ecological areas and the coastal marine area.

Once a contractor is appointed, the contractor will confirm proposed methodology for construction and will develop detailed procedures for management of construction related effects, including discharges to land and water.

Operation of the Project

The permanent works and operation of the Project will generate new discharge of contaminants from the road surface. These contaminants will be picked up in stormwater which will then be treated before discharge to the coastal marine area of either the Māngere Inlet or the Tamaki River. The Transport Agency is applying for a discharge consent for the stormwater from the new road and other new impervious surfaces.

In the catchments that drain to the Māngere Inlet, contaminants would be picked up in stormwater that drains to the same or similar locations as the existing Council stormwater network. The Project has also been designed to capture and treat stormwater from that Council network, as well as from the new road alignment, and thus discharge of stormwater to other alternative receiving environments is not considered to be practicable, due to the need to take account of existing discharge points and the need for any new discharge points to be located at the lowest points in the catchment.

A range of alternative methods for managing stormwater have been considered. These include:

- Treatment of the main alignment surfaces only, with the Council network remaining as current (status quo);
- Treatment of both main alignment and Council stormwater using proprietary devices (mechanical treatment chambers);
- Treatment of both main alignment and Council stormwater using naturalised wetland treatment systems;
- Treatment of both main alignment and Council stormwater using naturalised wetland treatment systems combined with biofiltration; and
- Treatment of both main alignment and Council stormwater using a combination of proprietary devices and wetlands.

Careful consideration of all these methods has been undertaken. During the assessment of different corridor options, the opportunity to achieve positive environmental outcomes from a corridor along the foreshore, including wider stormwater network treatment, was identified. This opportunity was then considered in greater detail when different alignment options were considered. The option of treating only stormwater from the road was identified as part of that process but discarded early on because the preferred option had the opportunity for achieving an integrated infrastructure solution that works in this location could deliver.

The consideration of options and choice of treatment methods has involved many elements which have included:

- the efficacy of treatment and contaminant removal;
- space efficiency of each of the methods – particularly considering the constrained urban environment and the potential for treatment methods to be located within the coastal marine area (and the strong policy direction seeking to minimise reclamation in the CMA);
- cultural preferences for more natural treatment systems where water passes over and through land for filtration and treatment prior to discharge to the receiving environment;

- the ability to gain multiple benefits from natural treatment systems, including being part of foreshore restoration works, and the significant improvement afforded to wider catchment discharge quality, which would otherwise not be able to be readily achieved;
- the efficiency afforded by the integrated approach from the Transport Agency and Auckland Council to using the opportunity that the EWL project brings for achieving an integrated solution for both the road and existing network together; and
- opportunities to use innovative methods to achieve positive environmental outcomes using the best practicable option.

In consideration of the alternatives and including these relevant considerations, the preferred method was a naturalised treatment method that was able to be integrated within the foreshore landforms.

For the balance of the Project alignment similar methods were considered for the treatment of the State highway road surfaces (new and existing), again having regard to the constrained urban environment, though with more cognisance of the ability to minimise the impact on useable land.

The conclusion is that alternative sites and methods, and therefore other receiving environments, have been properly considered.

15.10.1 Section 105(2) – Reclamation

The Māngere Inlet foreshore works will create new public open space that will be available for public access and use. At this stage it has not been determined whether an esplanade reserve or strip would be created. Because the land is available for public access, and is not being created for a private land use, this determination will be made at the time land is formally vested.

15.11 Section 107

The Board of Inquiry cannot grant a discharge permit if the discharge is likely to result in certain effects specified. For the EWL Project these are not generally expected to occur, subject to good management (of construction in particular). The Act also states that a consent authority may grant a discharge permit which gives rise to these effects if it is satisfied—

- (a) *That exceptional circumstances justify the granting of the permit; or*
- (b) *That the discharge is of a temporary nature; or*
- (c) *That the discharge is associated with necessary maintenance work— and that it is consistent with the purpose of this Act to do so.*

The assessments in this AEE and in the technical reports demonstrate that the Project will pass the tests within Section 107(2)(b) because:

- The discharges will be short term and any effects will occur at limited times, though not necessarily consistently, over the duration of construction, as demonstrated in the erosion and sediment control effects assessment (for example, Plan Set 10);
- It is inevitable that some sediment will be discharged into streams and the CMA, however measures will be put in place to manage and minimise discharges during construction; and
- There will be no ongoing adverse effects once construction has been completed, and an improvement in the quality of discharges from existing impervious surfaces to the CMA is anticipated.

In summary, the Project is assessed as meeting the tests outlined in section 107 of the RMA.

15.12 Section 89

The Project requires consent for land use activities on the future reclamation under Section 87 and 89. The RMA provides for applications to be made in anticipation of the future reclamation becoming land, and for the activities occurring on that land:

(2) *Where—*

(a) *an application is made to a territorial authority for a resource consent for an activity which an applicant intends to undertake within the district of that authority once the proposed location of the activity has been reclaimed; and*

(b) *on the date the application is made the proposed location of the activity is still within the CMA,—*

then the authority may hear and decide the application as if the application related to an activity within its district, and the provisions of this Act shall apply accordingly.

The activities that will be occurring on the future reclamation include:

- New State highway (an arterial road and links into new or extended local roads) and associated works including street furniture, signage and safety requirements;
- Walking and cycling paths; and
- Associated works including stormwater treatment, landscape planting and creation of new public access.

In future, it is anticipated that the Transport Agency may seek to alter the designation so that it applied to the parts of the State highway required for permanent works, operation and maintenance. This could only occur once land was vested (as land).

15.13 Part 2 Assessment

The purpose of the RMA is to promote the sustainable management of natural and physical resources as defined by section 5(2). In promoting sustainable management, there is often the requirement to balance consideration of the competing resource values and the benefits and adverse effects associated with a proposal. The designation of a public work involves careful consideration of the local, regional or national benefits that might accrue from the Project and the more localised adverse effects that the Project (and its activities) might have on the environment, including on people, communities, and natural resources and values.

15.13.1 Section 5 – Purpose and Principles

In terms of Section 5 of the RMA, the Project will enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, by:

- Providing for economic growth, by improving accessibility and connectivity, and through new connections in and out of the Project area and across the Region;
- Providing significant community, social and transport benefits including improved connectivity between town centres, improved cycling and walking, accessibility and safety and reduction in traffic congestion:
 - Travel time improvements for buses between Māngere Bridge and Onehunga;
 - Making the local environments more pleasant – e.g. through making it easier to get into and out of side streets, to and from work places, and walk along the road and cross the road with less traffic passing;
 - Pedestrian and cycling links;

- Improved reliability for freight movements and resulting economic benefits; and
- Cultural well-being is provided for through mana whenua kaitiaki and improved mauri.

Sustainable management also involves the promotion of the matters in section 5(2) (a) through to (c) of the RMA. In this regard, the following conclusions from the planning assessment set out in this report are made:

- In terms of sustaining the potential of natural and physical resources for future generations, the Project will deliver positive environmental benefits for water quality discharges;
- Occupies an existing area of foreshore and coastal marine area that is compromised and / or degraded by historic activities but, through naturalisation of the proposed coastal edge and other enhancement measures, provides an area of enhanced natural character, accessibility, and water quality;
- Is intended to meet the growing transportation needs of the Region;
- Increases the growth and capacity of the surrounding industrial, commercial and residential land resource, to provide for future demand;
- Does not preclude future opportunities for other land transport development, such as improvements to public transport, particularly rail;
- The Project safeguards the life supporting capacity:
 - Of air – by reducing congestion and improving air quality at a local level;
 - Of water – although there will be a short term adverse effect on water quality from sediment discharges, there will be important long terms benefits arising from improvement in ground water stormwater treatment and water quality discharging both to the Māngere Inlet and the Ōtāhuhu Creek;
 - Of soils – by the management of construction works and improving existing drainage systems in historic landfills;
 - Of ecosystems – by avoiding (where practicable), remedying and mitigating the adverse effects on, particularly, the coastal environment, Anns Creek and avifauna; and
 - Of people and communities – by managing actual and potential adverse effects both during construction and operation, and by having significant positive effects on the transport network, potential economic growth, and the wider community; and
- The Project avoids where practicable, remedies and mitigates the majority of adverse effects on the environment in the design concept developed to date, and through identification of mitigation measures (*Part H: Management of Effects on the Environment* of this AEE).

15.13.2 Section 6 – Matters of national importance

The Project recognises and provides for the matters within section 6 of the RMA. In particular, the Project recognises and provides for specific matters:

- The Project has been assessed to be an appropriate use and development of the coastal environment, recognising that the Project is located within a highly modified part of the CMA, and that there are opportunities to improve the amenity and ecological habitats in the area, and enhance access for people and communities;
- The Project will have an adverse effect on some elements of the natural character of the coastal environment. However taking into account the significant modification of the CMA that has been undertaken to date, the comparative scale of the modification proposed as part of this Project, and the opportunity to improve the amenity and naturalise the coastal edge of the Māngere Inlet, the effects are assessed as being generally positive. At Ōtāhuhu Creek, the natural character will be improved through reinstating a navigable channel along the Creek;

- There are two outstanding natural features identified within the Project area, and both have been modified in the past through urban development. The Project has generally avoided these volcanic features by carefully identifying their location on the ground visually and through physical investigations, whilst also identifying opportunities to enhance legibility and improve understanding of the Auckland volcanic field which recognises and provides for protection of these features;
- Areas which exhibit significant indigenous biodiversity characteristics have been avoided as far as practicable. The Project will, however, involve the removal of indigenous vegetation and permanent loss of marine intertidal habitat. The majority of the affected areas have not been assessed to be of high value, though it is a noted wading bird foraging and roosting area. Habitat creation is proposed post construction, and there are opportunities for significant habitat improvement. As all practicable measures have been undertaken to avoid and minimise adverse effects on significant indigenous vegetation and habitats and enhancement and restoration measures are proposed, the protection of indigenous biodiversity has been recognised and provided for;
- Existing public access to and along the CMA has been recognised by the Project. Public access has been provided and enhanced and in some instances provides for improved connectivity to the existing wider public access network. A boardwalk is proposed within the CMA to reduce reclamation area and provide access to the CMA;
- The relationship of Mana Whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga has been recognised and provided through embedding Māori cultural values in the Project. Mana Whenua have had significant involvement in developing the Project scope and have been strongly influential in viewing the Project as enabling a kaitiaki role. The improvement in quality of discharges to the Inlet is expected to improve the mauri of the environment; and
- The protection of historic heritage has been recognised and provided for through the route selection which avoids any direct effect on scheduled heritage sites and includes measures to mitigate adverse effects. Outcomes will include improving visibility/legibility of historic lava flows in the area, and educational information about the volcanic heritage of the area.

15.13.3 Section 7 – Other matters

The Project has had particular regard and appropriately responded to the matters in section 7 of the RMA. In particular:

- The kaitiakitanga of Mana Whenua has been recognised through engagement at all stages of the Project development and will continue through construction and operation. The Project is seen through a long term viewpoint as an opportunity to repair damage to the environment that has occurred through previous urban development;
- The ethic of stewardship has been recognised in the engagement with and participation of community groups who have a specific interest in and exercise stewardship over particular resources;
- Input throughout the design process from various agencies has enabled the integrated development of an option that is an economic and transport solution, and that provides important community and environmental outcomes;
- Improvements in the transportation system will address congestion and improve freight efficiency. The Project will address these issues and significantly improve the efficiency and effectiveness of the state highway network and local connections. Through the alternatives assessment process, the Project was determined to be the most efficient use of natural and physical resources;
- The selection of the alignment and design has sought to avoid adverse effects on ecosystems as far as practicable;
- The alignment selection and design process has sought to avoid adverse effects on existing amenity values. Particular regard has been given to the maintenance and enhancement of amenity values in the assessment of alternatives for the Project, in both the natural environment and built environment

solutions. Walking and cycling facilities will be notably improved throughout the Project improving the safety and amenity of the urban environment; and

- The Project has been designed to respond to the effects of climate change. The new road will be designed to accommodate sea level rise, and will provide protection for urban land in the Onehunga-Penrose area.

15.13.4 Section 8 – Treaty of Waitangi

The Transport Agency has formed a long term partnership with Mana Whenua for the delivery of this Project. As an agent for the Crown this is consistent with the principles of the Treaty.

15.13.5 Part 2 Conclusion

On balance, and while the Project will have adverse effects, when considering the significant national and regional benefits of the Project, alongside the measures proposed to avoid, remedy and mitigate the adverse effects, it is concluded that the Project achieves the purpose and principles of the RMA.