

APPENDIX D - REASONS FOR CONSENT

NZTA seeks all necessary resource consents to give effect to the North West Rapid Transit project, except for the permanent diversion of streams in an overlay (SEAs) (Rule E3.4.1(A19) of the AUP) and works within 10m of natural inland wetlands (Regulation 45 of the National Environmental Standards for Freshwater), to authorise the Project, regardless of whether a rule/regulation is specifically identified in this table.

EPA reference: **FTAA 2511-1146**

Council (bundled) reference: **BUN60461580**

The Council is requested to confirm correct consent references against relevant rules

Section 9(1)				
Council reference	Rule	Provision	Activity Status	Assessment
DIS60461582	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) Regulation 11	(1) This regulation applies to an activity described in regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity. (2) The activity is a discretionary activity.	Discretionary	A Detailed Site Investigation has not been prepared, and therefore compliance with regulation 10 is not possible. Therefore, resource consent is sought under Regulation 11 of the NES-CS as a Discretionary Activity
LUC60461581	E26.5.3.2(A103)	General earthworks in all zones and roads greater than 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area (SCPA) other than for maintenance, repair, renewal, minor infrastructure upgrading.	Restricted Discretionary	Earthworks will exceed 50,000m ² . Resource consent as a Restricted Discretionary activity is required.

Section 9(2)				
Council reference	Rule	Provision	Activity Status	Assessment
LUCXXXXXXX	E26.5.3.2(A107)	Earthworks within the Sediment Control Protection Area (SCPA) greater than 2,500m ² within the Sediment Control Protection Area other than for maintenance, repair, renewal, minor infrastructure upgrading.	Restricted Discretionary	Earthworks are likely to exceed 2500m ² in the SPCA and therefore is a Restricted Discretionary Activity.
LUCXXXXXXX	E26.5.3.2 (118)	Earthworks within a Significant Ecological Area (SEA) Overlay greater than 2,500m ² or 2,500m ³ .	Discretionary	Earthworks required in SEA overlay likely to exceed 2,500m ² or 2500m ³ . Resource consent as a Restricted Discretionary Activity is required.
LUCXXXXXXX	E26.3.3.1 (A77)	Vegetation alteration or removal within rural zones, coastal areas, riparian areas and SEA Overlay for the operation, maintenance, renewal, repair, construction and removal of network utilities and electricity generation facilities and minor infrastructure upgrading that does not comply with Standards E26.3.5.1 to E26.3.5.4.	Restricted Discretionary	Works are unlikely to comply with Standards E26.3.5.1 to E26.3.5.4 Resource consent is required as a Restricted Discretionary Activity.
LUCXXXXXXX	E10.4.1(A10)	Development of new or redevelopment of existing impervious areas greater than 5,000m ² for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater	Discretionary <i>Within SMAF-1 or SMAF-2 Overlay</i>	Works may not comply with Standard E10.6.1 and Standard E10.6.4.2 Resource consent is required as a Discretionary Activity.

		management area control – Flow 2 that does not comply with Standard E10.6.1 and Standard E10.6.4.2.		
LUC60461581	E9.4.1(A8)	Development of a new, or redevelopment of an existing high contaminant generating car park that does not comply with the relevant permitted or controlled activity standards.	Restricted Discretionary	Works may not comply with permitted activity Standards E9.6.1 or controlled activity Standards E9.6.2 Resource consent is required as a Restricted Discretionary Activity.
	E9.4.1(A9)	Development of a new or redevelopment of an existing, high use road that does not comply with the relevant permitted or controlled activity standards.	Restricted Discretionary	Works may not comply with permitted activity Standards E9.6.1 or controlled activity Standards E9.6.2 Resource consent is required as a Restricted Discretionary Activity.
Section 12 (Coastal permits)				
Council reference	Rule	Provision	Activity Status	Assessment
CST60461584 (seabed disturbance)	F2.19.4(A34)	Coastal marine area disturbance that is associated with movement of between 1,500m ³ and 10,000m ³ of sediment per 12-month period within the same coastal cell.	Restricted Discretionary <i>Within the CMA</i>	Resource consent is required as a Restricted Discretionary Activity.
CST60461585 (veg removal)	F2.19.4(A42)	Native vegetation alteration or removal, not otherwise provided for.	Restricted Discretionary	Resource consent is required as a Restricted Discretionary Activity.

			<i>Within the CMA</i>	
CST60461585 (veg removal)	F2.19.4(A50)	Mangrove removal, not otherwise provided for.	Discretionary <i>Within the CMA including the associated area which is subject to the relevant Overlays (SEA-M2)</i>	Resource consent is required as a Discretionary Activity for mangrove removal in SEA-M2 in relation to new structures in the CMA.
CST60461583 (structures)	F2.19.8(A84)	Use of the coastal marine area and/or occupation of the common marine and coastal area including any associated area subject to Overlays including SEA-M1, SEA-M2, HH, ONC, HNC, ONF and ONL Overlays by activities that are not otherwise provided for in this table or in table F2.19.10.	Discretionary <i>Within the CMA including the associated area which is subject to the relevant Overlays (SEA-M1, ONC, ONL, SEA-M2, HNC, ONF, HH)</i>	Resource consent is required as a Discretionary Activity for use and activity in the CMA.
CST60461584 (seabed disturbance)	F2.19.8(A114)	Underwater blasting, impact and vibratory piling, marine seismic surveys.	Restricted Discretionary <i>Within the CMA including the associated area which is subject to the relevant Overlays (SEA-M1, ONC, ONL, SEA-M2, HNC, ONF, HH)</i>	Resource consent is required as a Restricted Discretionary Activity for impact or vibratory piling in the CMA.
CST60461583 (structures)	F2.19.10(A121)	Construction of coastal marine area structures and buildings unless provided for elsewhere in this table	Discretionary <i>Within the CMA</i>	Structures are required in the CMA. Resource consent is required as a Discretionary Activity.

		(see table F2.19.8 for the use of the structure).		
CST60461583 (structures)	F2.19.10(A128)	Temporary coastal marine area structures or buildings.	Discretionary <i>Within the CMA including the associated area which is subject to the relevant Overlays (SEA-M1, ONC, SEA-M2, HNC, ONF, HH)</i>	Resource consent is required as a Discretionary Activity for temporary structures in the CMA.
CST60461583 (structures)	F2.19.10 (A133)	Infrastructure in the coastal marine area and structures not otherwise provided for.	Discretionary <i>Within the CMA including the associated area which is subject to the relevant Overlays (SEA-M1, ONC, SEA-M2, HNC, ONF, HH)</i>	Resource consent is required as a Discretionary Activity for infrastructure structures not otherwise provided for.
Section 13 (Rivers and lake beds)				
Council reference	Rule	Provision	Activity Status	Assessment
LUS60461588 (works)	E13.4.1(A19)	Diversion of a river or stream to a new course and associated disturbance and sediment discharge.	Discretionary	Discretionary - outside of overlays
LUS60461587 (structures)	E13.4.1(A27)	Temporary structures complying with standards in E3.6.1.15.	Discretionary	Activity for temporary structures complying with standards E3.6.1.15. Resource consent is

				required as a Discretionary Activity.
LUS60461587 (structures)	E13.4.1(A29)	Bridges or pipe bridges complying with the standards in E3.6.1.16	Discretionary	Activity for temporary structures complying with standard E3.6.1.15. Resource consent is required as a Discretionary Activity.
LUS60461587 (structures)	E13.4.1(A32)	Bridges or pipe bridges complying with the standards in E3.6.1.16.	Discretionary	Activity for culverts or fords less than 30m in length complying with the standards. Resource consent is required as a Discretionary Activity.
LUS60461587 (structures)	E13.4.1(A33)	Culverts or fords more than 30m in length when measured parallel to the direction of water flow.	Discretionary	Activity for culverts or fords less than 30m in length complying with the standards. Resource consent is required as a Discretionary Activity.
LUS60461587 (structures)	E13.4.1(A34)	Erosion control structure less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14.	Discretionary	Activity for culverts or fords less than 30m in length complying with the standards. Resource consent is required as a Discretionary Activity.
LUS60461587 (structures)	E13.4.1(A39)	Erosion control structure less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14.	Discretionary	Activity for new stormwater outfalls complying with standards E3.6.1.14. Resource consent is required as a Discretionary Activity.

LUS60461587 (structures)	E13.4.1(A44)	Erosion control structure less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14.	Discretionary	Works may not comply with the standards. Resource consent is required as a Discretionary Activity.
XXXXXXXXXX	NES-F Regulation 71	(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the conditions in regulation 70(2). <i>Conditions required in resource consent</i> (2) A resource consent granted for the discretionary activity must impose the conditions required by— (a) regulations 62 and 63 (information about structures and passage of fish and about culverts), unless the activity is use; and (b) regulation 69 (monitoring and maintenance).	Discretionary	Resource consent is required under Regulation 71 of the NES-F as works may not comply with Regulation 70(2).
Section 14 (Water permits)				
Council reference	Rule	Provision	Activity Status	Assessment
WATXXXXXXXX	E8.4.1(A2)	Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that does not comply with Standard E8.6.2.1.	Restricted Discretionary	As the works do not comply with Standard E8.6.2.1, resource consent as a Restricted Discretionary Activity is required.

WATXXXXXXX	E8.4.1(A5)	Diversion and discharge of stormwater runoff from additional impervious areas greater than 5,000m ² of road (which include road ancillary areas that are part of a road, motorway or state highway operated by a road controlling authority) or rail corridor that complies with Standard E8.6.1 and Standard E8.6.4.1.	Restricted Discretionary	Works will comply with Standard E8.6.1 and Standard E8.6.4.1. Resource consent as a Restricted Discretionary Activity is required.
WATXXXXXXX	E8.4.1(A11)	Diversion and discharge of stormwater runoff from an existing or a new stormwater network onto land or into water or to the coastal marine area.	Discretionary	Resource consent is required as a Discretionary Activity.

Section 14 (Discharges)

Council reference	Rule	Provision	Activity Status	Assessment
DIS60461582	E30.4.1(A7)	Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1.	Discretionary	As no DSI has been prepared, at this stage of the project, resource consent is required as a Discretionary Activity for discharge into water or into or onto land (does not meet controlled activity standard E30.6.2.1).
DIS60466273	E4.4.1(A15)	Discharge of water or contaminants (including washwater) onto or into land and/or into water not complying with the relevant standards or not otherwise provided for by a rule in the Plan.	Discretionary	Activity may not comply with relevant standards, therefore seeking consent as a Discretionary Activity.