



National Planning Instruments Compliance Assessment

531 & 535 Mill Road Fast Track Application

Prepared for Carter Group Limited



NES - Soil

9 Controlled activities

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| (1) Removing or replacing fuel storage system, sampling soil, or disturbing soil | C |
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10 Restricted discretionary activities

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| (2) Activities meeting the requirements under this rule | RD | Subdivision and change of use where the presence of soil contamination is above the applicable standards in regulation 7. |
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NES - Freshwater

Part 3 Standards for other activities that relate to freshwater

Subpart 1 - Natural inland wetlands

Drainage of natural inland wetlands

52 Non-complying activities

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| (1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and
(b) does not have another status under any of regulations 38 to 51. | NC | The proposed earthworks within the 100 metres setback of a natural inland wetland would result in the drainage of the wetlands.

While the wetlands to be retained on site are proposed would be enhanced, it is possible that some partial drainage of the wetlands may occur temporarily during works. The wetlands to be retained are generally located at springheads and they likely continue to have a water source. The potential effects on the springheads and wetlands would be managed via consent conditions requiring monitoring during construction activities (via the groundwater and spring monitoring plan requirements), and preparation of springhead and wetland restoration plans. |
| (2) The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and
(b) does not have another status under any of regulations 38 to 51. | NC | As above, the works may result in partial drainage of the wetlands to be retained. |

53 Prohibited activities

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| (1) Earthworks within a natural inland wetland is a prohibited activity if it—
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and
(b) does not have another status under any of regulations 38 to 51. | Prohibited | The proposed works include the complete drainage and removal of natural inland wetlands on the site.

The wetlands to be removed are 2, 3, 4, 5, 6, 10, 11, part of 12, part of 13, 14 and 15 (as numbered in a wetland delineation assessment prepared by PDP Appendix 21). |
| (2) The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if it—
(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and | Prohibited | The wetlands to be removed on the site are to be filled which would result in the drainage of the wetlands (water would naturally divert to groundwater). |



(b) does not have another status under any of regulations 38 to 51.

The wetlands to be removed are 2, 3, 4, 5, 6, 10, 11, part of 12, part of 13, 14 and 15 (as numbered in a wetland delineation assessment prepared by PDP.

Other activities

54 Non-complying

The following activities are non-complying activities if they do not have another status under this subpart:

- (a) vegetation clearance within, or within a 10 m setback from, a natural inland wetland:
- (b) earthworks within, or within a 10 m setback from, a natural inland wetland:
- (c) the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—
 - i. there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and
 - ii. the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:
- (d) the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—
 - i. there is a hydrological connection between the discharge and the wetland; and
 - ii. the discharge will enter the wetland; and
 - iii. the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.

NC

Vegetation clearance and minor earthworks will occur within 10m of a natural inland wetland. These works will be undertaken in accordance with the Site Management Plan (**Appendix 30**) and the Ecological Management Plan that is to be provided to satisfy consent conditions to manage the enhancement and maintenance of wetlands on site.

In relation to taking of water within 100m setback from a natural inland wetland – the proposed community water supply bores will be taken from much deeper bores than the irrigation water supply and are therefore unlikely to change the hydrological function of the wetlands being retained.

The stormwater discharge from the SMA's to be created on site, will discharge to surface water. The stormwater system is designed so that stormwater will not enter the wetlands.

Subpart 2 - Reclamation of rivers

57 Discretionary activities

(1) Reclamation of the bed of any river is a discretionary activity.

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ECan consider that any waterways within areas that previously were identified as Raupo swamp areas are 'rivers', this includes naturally modified watercourses on site, such as drains, as well as spring-fed waterways and streams.

It is proposed to reclaim the bed of the following waterways on site:

- South Ōhoka stream (portion of the stream is to be reclaimed and new channel created.
- Northern spring channel (the southern portion of this is to be reclaimed, the channel is to be realigned)
- Groundwater seep channel (to be realigned)
- Three modified natural drains on site are to be filled in (Farm Drains 1-3)

(2) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—



(a) satisfied itself that there is a functional need for the reclamation of the river bed in that location; and

Complies

The proposed reclamation seeks to rationalise the waterways on site, to reclaim the naturally modified drains and realign waterways.

The focus of the proposal is to enhance and prioritise the health and wellbeing of the spring-fed waterways on site and the two higher ecological value streams

The works are limited to those locations where reclamation is necessary to facilitate the servicing and stormwater management of the site to establish a functioning urban environment..

The functional need arises from:

- The existing modified natural watercourses that are to be filled (and not realigned) are generally overgrown drains, which can fragment development, constrain road and utility alignments, and reduce the efficiency of land use. The loss of river has been avoided to the extent practicable and seeks to naturalise the spring-fed watercourses, with ecological oversight provided on the new alignments.
- Retaining all existing drains and modified waterway alignments is not a feasible or practicable option, as it would:
 - (a) require the installation of multiple culverts, which would adversely affect aquatic ecology and limit opportunities for riparian enhancement;
 - (b) fail to achieve the necessary stormwater management outcomes, as the proposed reclamation (together with the revised layout and watercourse alignments) is required to ensure that runoff is appropriately managed and that discharges to receiving environments do not exceed pre-development peak flows, thereby avoiding increased flood risk and downstream hydraulic effects;
 - (c) result in significantly increased infrastructure and roading costs;
 - (d) compromise connectivity within the proposed urban development;
 - (e) constrain development yield and adversely affect overall project viability; and
 - (f) give rise to higher ongoing operation and maintenance costs for roading and associated infrastructure.
- There are no reasonably practicable alternative locations available to accommodate the proposed development. While other settlements within the wider area are identified in the RPS, their expansion is significantly constrained by factors such as flooding hazard and land fragmentation, and would not feasibly enable or support the required development capacity or a well-functioning urban form.
- The location of the proposal is also prescribed, as the project is specifically identified in Schedule 2 of the FTAA. As such, the development has been identified by legislation to occur at this particular site, and its functional need must be assessed in that statutory context.



Therefore, it is considered that there is a functional need to reclaim these low ecological value waterways, and to consolidate and realign the modified spring-fed-waterways, in the locations identified.

(b) applied the effects management hierarchy.

Complies

The effects management hierarchy has been addressed in the LWRP policy assessment provided in **Appendix 42**.

Subpart 3 - Passage of fish affected by structures

Culverts

70 Permitted activities

(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the conditions.

Complies

The proposal meets the conditions set out in regulation 70(2).

(2) The conditions are that—
(a) the culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and
(b) the culvert must be laid parallel to the slope of the bed of the river or connected area; and
(c) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and
(d) the culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, must compare as follows:
(i) where $w \leq 3$, $s \geq 1.3 \times w$;
(ii) where $w > 3$, $s \geq (1.2 \times w) + 0.6$; and
(e) the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and
(f) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and
(g) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).

Complies

- a. The culverts would provide for fish passage.
- b. The culverts would be laid parallel to the slope of the bed of the river/waterway.
- c. The mean cross-sectional water velocity in the culverts would comply.
- d. The width of culverts to be installed in rivers would be designed to comply, refer to indicative drawings (**Appendix 27**).
- e. All culverts would have the invert placed so that at least 25% of the culvert's diameter is below the level of the bed.
- f. The bed substrate would be over the full length of the culvert and would be stable at the applicable flow rate.
- g. The culverts would provide for the continuity of geomorphic processes.

For the culvert design refer to **Appendix 27**.

See also regulations 62 and 63 for information requirements that apply to the permitted activity.

Complies

The requirements for culverts and passage of fish, as well as monitoring and maintenance will be required as conditions of the consent relating to works in waterways.