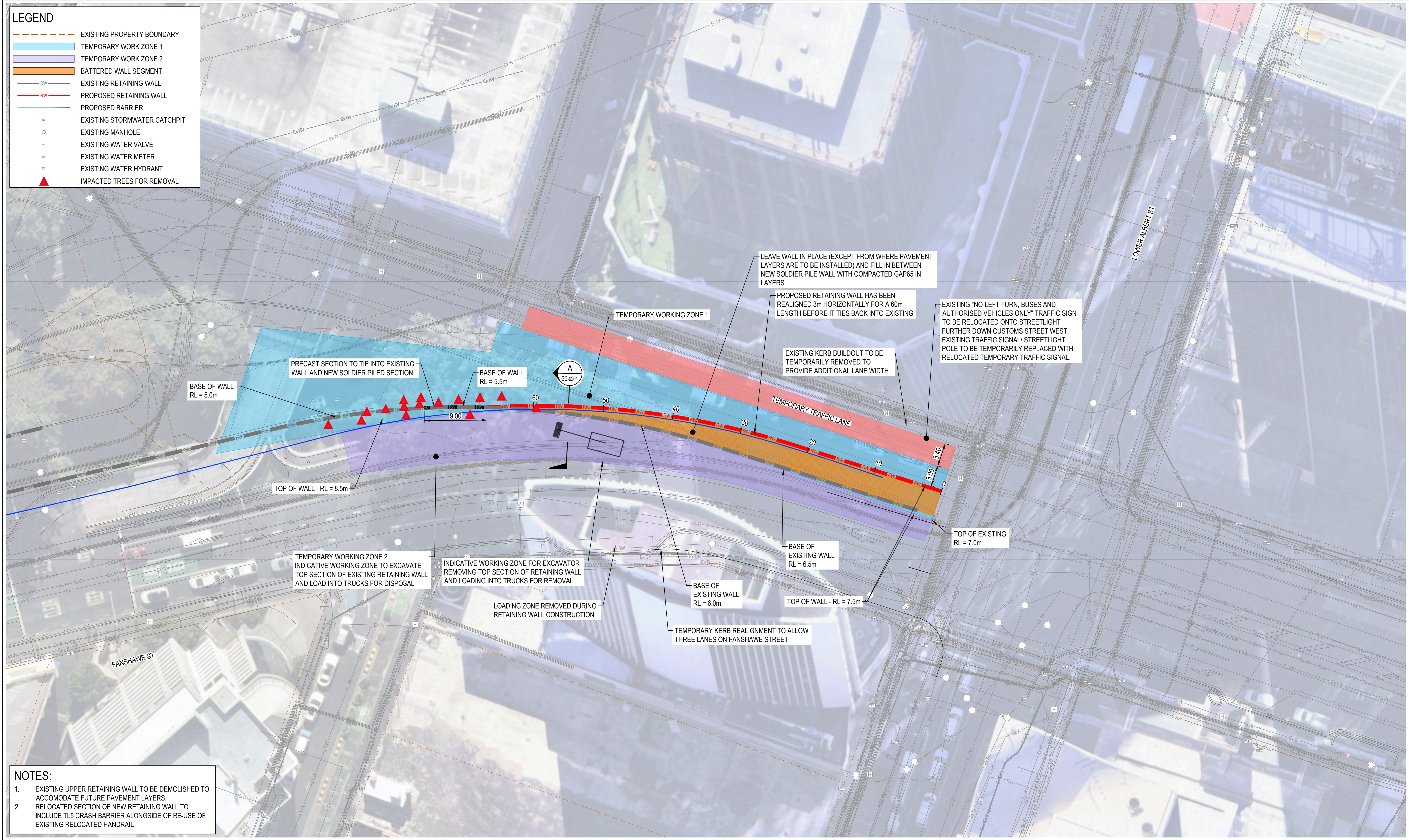




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DETAILED BUSINESS CASE**

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City Centre Bus Plan

Detailed Business Case

Fanshawe Street Retaining Wall – Assessment of Environmental Effects – Tree Works and Contaminated Soils

Auckland Transport

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1 Introduction

1.1 Overview

As part of the City Centre Bus Plan (**CCBP**), Auckland Transport (**AT**) is seeking resource consents from Auckland Council (**AC**) to authorise both tree removals within the road¹ and the disturbance/discharge of contaminated soils (the **proposed works**). The proposed works are associated with the reconstruction and realignment of the Fanshawe Street retaining wall (the retaining wall is hereinafter referred to as 'The Retaining Wall' and the realignment is hereinafter referred to as 'The Retaining Wall Realignment').

Resource consent for the proposed removal of 14 trees within the road (the **tree works**) and the disturbance/discharge of contaminated soils (the **contaminated soil works**) are being sought separately. AT do not propose to bundle this resource consent application. However, this Assessment of Environmental Effects (**AEE**) has been prepared to support the resource consent applications for both the tree works and the contaminated soil works.

This AEE report has been prepared to support both resource consent applications in accordance with Section 88 of the Resource Management Act 1991 (**RMA**). This AEE is intended to provide the information necessary for a full understanding of the proposed works and any actual or potential effects they may have on the environment.

The findings and recommendations presented within this AEE are informed by the following reports:

- Arboricultural Impact Assessment (the **Arborist Assessment**), prepared by Arb-Eco Ltd;
- Arboricultural Memorandum, prepared by Arb-Eco Ltd (the **Arboricultural Memo**);
- Detailed Site Investigation (**DSI**), prepared by Aurecon;
- Contaminated Site Management Plan (**CSMP**);

The following appendices are attached to this AEE to support permitted activity statuses:

- Construction Noise and Vibration Management Plan (**CNVMP**), prepared by Marshall Day Acoustics; and
- Preliminary Design Report, prepared by Tonkin & Taylor Ltd – Sections 14 and 16 only.

Other appendices attached to support this AEE:

- Existing Environment Maps;
- Rules Assessment; and
- General Arrangement Plan.

1.2 Background

The Retaining Wall Realignment is a component of broader infrastructure works being undertaken by AT in Auckland's Central Business District (**CBD**) to enhance public transport services, which are detailed in the sections below. The proposed works are required to enable the Retaining Wall Realignment and are described in Section 3 below. The proposed indicative location of the Retaining Wall Realignment is illustrated in Figure 1-1 below.

¹ In this Application 'road' has the same meaning as in Auckland Unitary Plan Operative in Part 2016 (AUP(OP)).

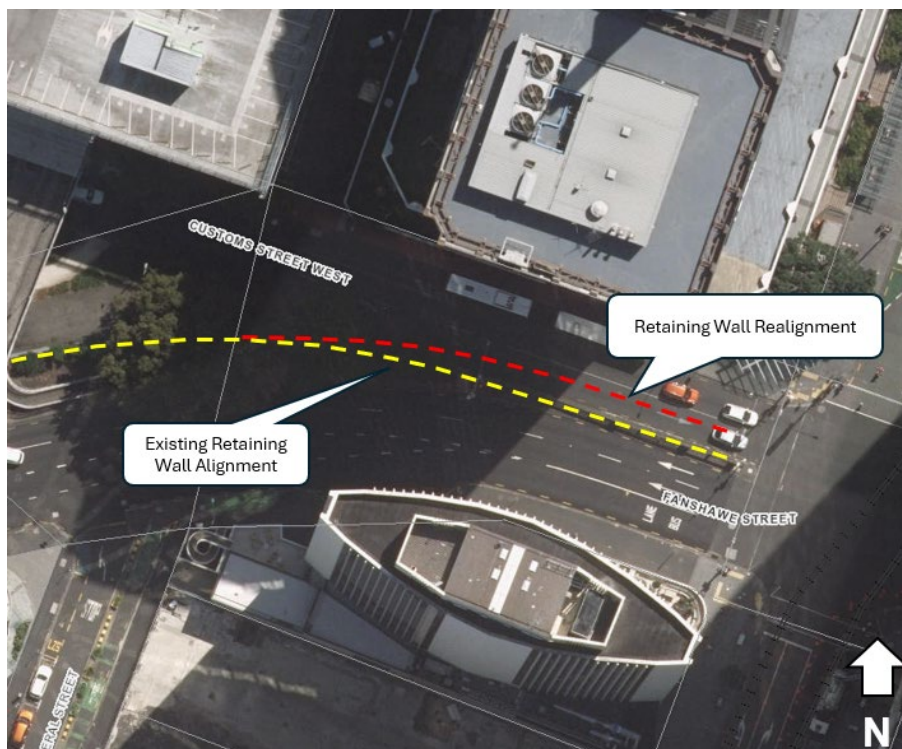


Figure 1-1 Indicative location of the existing Retaining Wall (shown in yellow) and Retaining Wall Realignment (shown in red)

1.2.1 City Centre Bus Plan

The CCBP has been developed as a two-stage business case to support AT's objective of improving bus services within the Auckland CBD in alignment with the City Centre Master Plan (CCMP), which is illustrated and annotated in Figure 1-2 below. The CCBP aims to identify effective design solutions that will increase bus usage and improve service reliability, particularly along the downtown corridor.

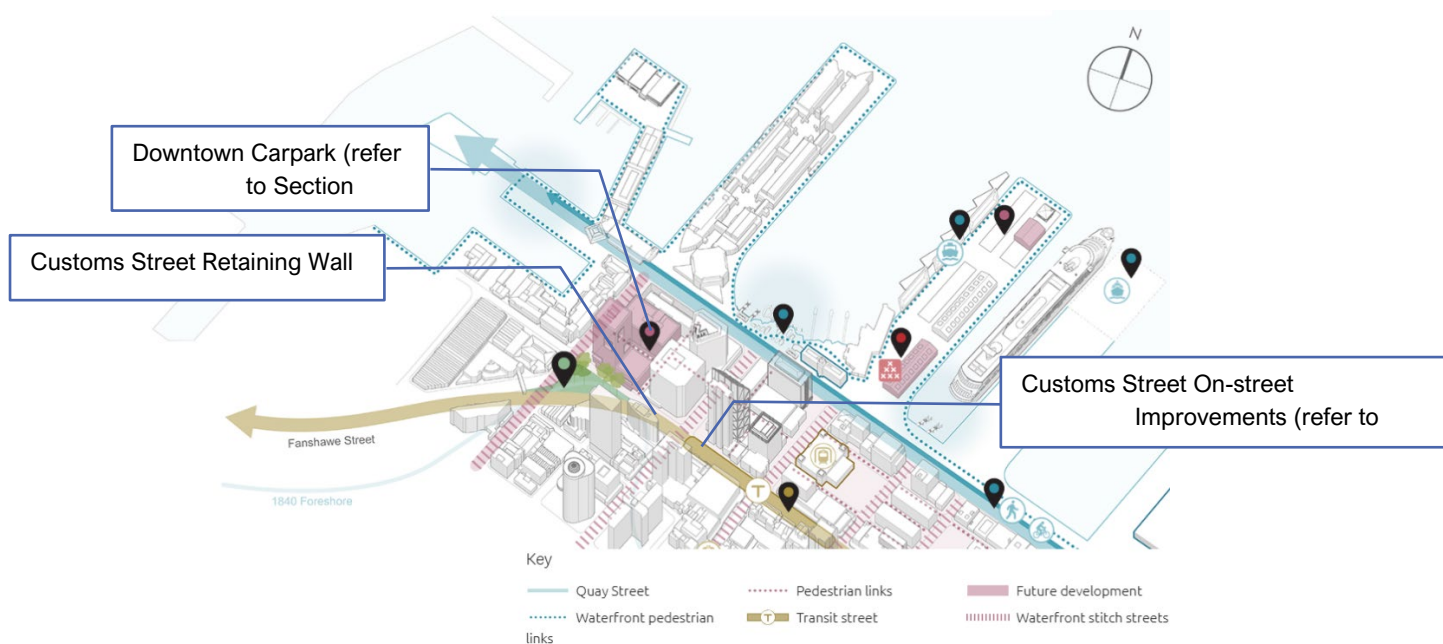


Figure 1-2 City Centre Master Plan 2020 (annotated)

The CCBP components include:



- The Quay Park Off-Street Bus Facility at 154-174 Beach Road;
- The Customs Street On-street Improvements;
- The Wynyard Quarter Facility;
- The Wellesley Street Off-Ramp Improvements; and
- Downtown West and Hobson Street Flyover Removal.

The CCBP has identified a preferred option for on-street improvements along Fanshawe Street and Customs Street West, which will incorporate two dedicated bus lanes by expanding the existing three-lane traffic configuration on Fanshawe Street to four lanes. To facilitate this expansion, the Retaining Wall Realignment – and consequently the proposed works – are required. The resource consents sought in this application relate only to the above component of the Customs Street On-Street Improvements. Any other required resource consents will be sought as/when required.

1.2.2 Downtown Development Program

The Downtown Development Program (**DDP**) is being advanced as a joint initiative between AT and AC to integrate and coordinate multiple projects within Auckland's CBD.

The DDP will deliver a package of capital projects, including the on-street bus improvements identified in the CCBP, the Hobson Street Flyover Removal, urban realm and streetscape upgrades, adjustments to private vehicle movements, and integration with the Downtown Carpark redevelopment, which is being progressed by a private developer, Precinct Properties Limited (**Precinct Properties**). The Sturdee Street Public Space, which will be enabled through the above projects, seeks to provide a green space that will be an integral and defining feature of Downtown West.

Retaining Wall Realignment within the DDP

The Retaining Wall Realignment is an early-works package of the DDP as it will enable two-way movements along Fanshawe Street and alleviate potential network disruption during construction of other DDP packages in the future.

The DDP Integration Agreement between Precinct Properties, Council, and AT provides for a ten-month construction window from 30 September 2026 to July 2027 to undertake works related to the Retaining Wall Realignment. This period includes changing Fanshawe Street from a westbound one-way to a two-way traffic flow between Hobson and Albert Street.

Currently, AT is preparing to engage a multi-disciplinary consultant to undertake the detailed design for the Retaining Wall Realignment.

2 The Site and Existing Environment

The Retaining Wall Realignment is situated within a portion of the road reserve of Customs Street West and Fanshawe Street in Auckland's Central Business District (the Site). Under the Auckland Unitary Plan (Operative in Part 2016) (**AUP(OP)**), the Site is classified as "Road". The proposed works will be undertaken wholly within the road corridor. The existing surrounding land uses comprise high-rise commercial, retail and high-density residential spaces. Waitematā (Britomart) Station is located approximately 125 metres east of the Site. Customs Street West and Fanshawe Street are both arterial roads as identified on the AUP(OP) maps.

2.1 Planning Environment

The planning environment as defined by the provisions of the AUP(OP) is illustrated in Figure 2-1 below and the Existing Environment Maps attached at Appendix A of this AEE. The AUP(OP) provisions are summarised in Table 2-1 below.

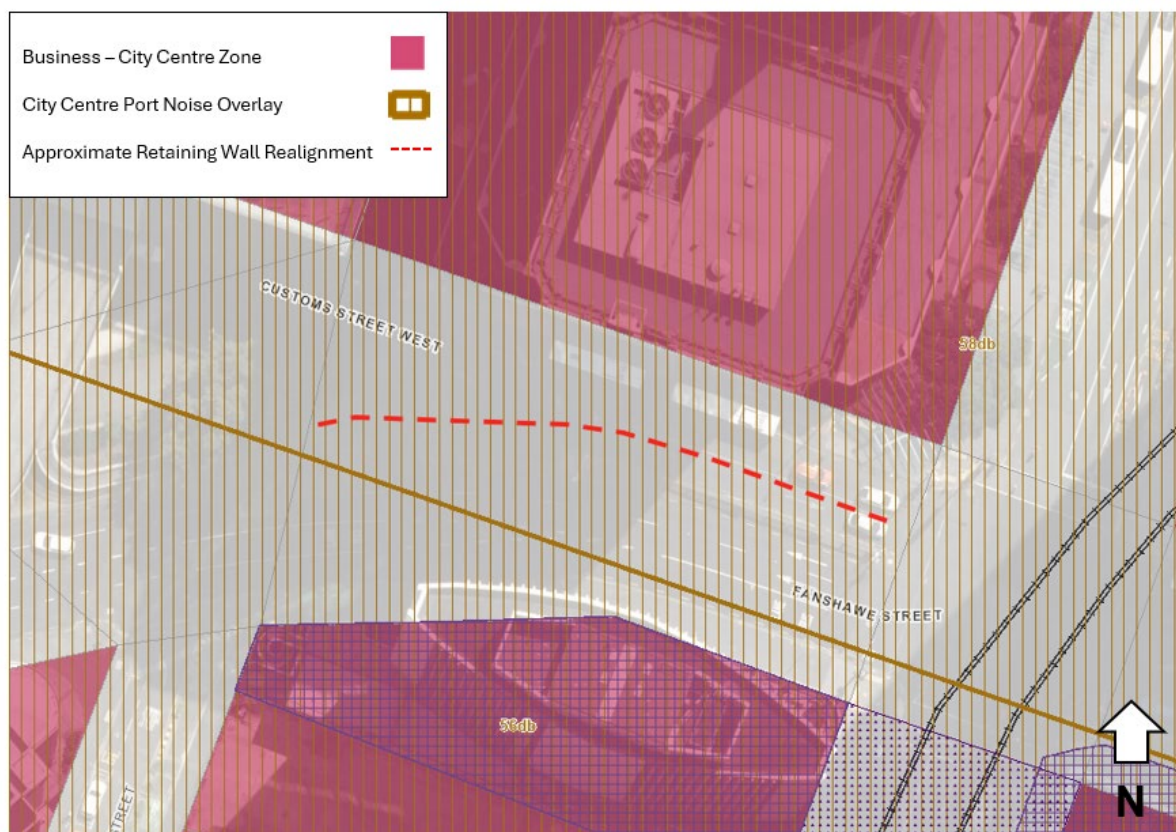


Figure 2-1 The Site and AUP(OP) Zones and Overlays

Table 2-1 Outline of Planning Environment

AUP Provisions	
Zone	Road
Overlays	Infrastructure: City Centre Port Noise Overlay [rcp/dp] - 58db Infrastructure: City Centre Port Noise Overlay [rcp/dp] - 56db Historic Heritage Overlay Extent of Place (1923, West Plaza) – located to the south of the Site, approximately 16 metres from the existing Retaining Wall alignment.

Controls	Controls: Arterial Roads Controls: Macroinvertebrate Community Index - Urban
Designations	Designations: Designations - 2500-1, 2500-1 City Rail Link-Britomart to Aotea Station, Designations, City Rail Link Limited
Modifications	N/A
Other Matters	Precinct: Downtown West sub-precinct B, Sub-precinct

2.2 Natural Hazards

Natural hazards as per the AUP(OP) maps in relation to the Site are summarised in Table 2-2 below.

Table 2-2 Natural Hazards in relation to the Site

Overlay	Comment
1% AEP Flood Plain	The Site is not within an AEP Flood Plain.
Overland Flow Path (OLFP)	An OLFP associated with a catchment of over 25,000 m ² runs along the existing alignment of the Retaining Wall (see Figure 2-2 below).
Flood Hazard Area	There are no Flood Hazard Areas at the Site.
Landslide Susceptibility Assessment Area	The Site is mapped as a 'low' landslide susceptibility area. There is a 'very high' landslide susceptibility area within 150 metres in an uphill direction. Therefore, the run-out susceptibility is high/very high. More information is provided in the Rules Assessment at Appendix B.



Figure 2-2 OLFPs at the Site

2.3 Contaminated Land

A Detailed Site Investigation (DSI), which provides site history and Auckland Contaminated Site Search, identified that activities on the Hazardous Activities and Industries List (**HAIL**) have taken place at the Site, deeming it potentially contaminated under HAIL I 'Reclamation'. Because HAIL activities have occurred on the Site, it meets the definition of a 'piece of land' under regulation 5(7) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**) and is therefore subject to NES-CS regulations. Through the completion of soil tests done as part of the DSI, it was confirmed that heavy metals above



the environmental criteria are present at the Site. Please refer to the DSI (Appendix C) for more information on soil test results and types of contaminants.

3 Proposed Works

3.1 Retaining Wall Realignment

The proposed works are based on the preferred design options for the Retaining Wall Realignment, which is illustrated in Figure 3-1 below and in the 'Plan Layout' drawings (Arrangements A and B) in Appendix B of the Preliminary Design Report (Appendix H). The proposed works are necessary to facilitate the reconstruction and realignment of the Retaining Wall which is located between Fanshawe Street and Customs Street West in Auckland's CBD.

The preferred design option involves shifting the section of the Retaining Wall between the intersections of Albert Street and Federal Street, up to three metres northward over a 70-metre length. The Retaining Wall Realignment will allow the three-lane configuration on Fanshawe Street to be expanded to four lanes, incorporating two dedicated bus lanes. The existing kerb line on the southern side of Fanshawe Street will remain unchanged while providing lane widths, clearances, and vehicle tracking that comply with required standards and will ensure efficient bus operations.

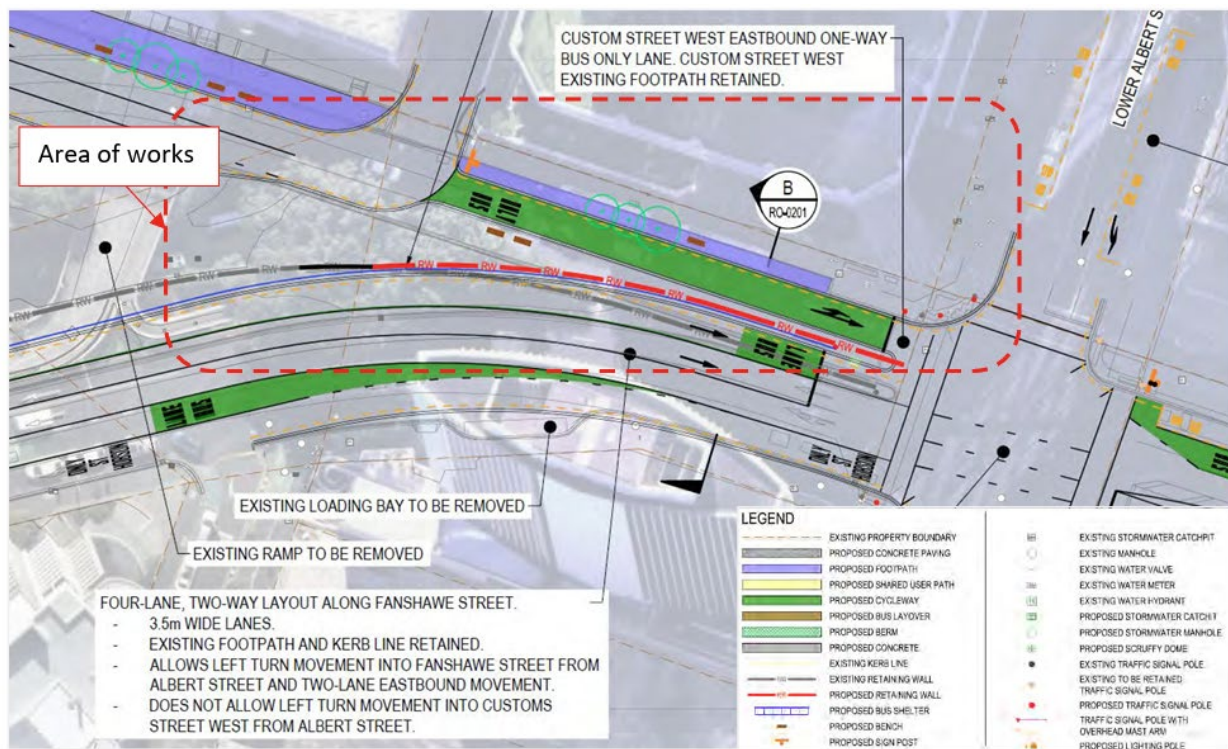


Figure 3-1 Retaining Wall Realignment General Arrangement Plan

3.2 Indicative Construction Methodology

3.2.1 Earthworks

Earthworks for the Retaining Wall Realignment will include shallow excavations and the drilling of bored piles (more information on areas and volumes is provided in Section 16.1 of the Preliminary Design Report). No resource consent is required for the earthworks (refer to the Rules Assessment at Appendix B).

Approximately 340 m³ of earthworks over an area of 250 m² is required to facilitate the Retaining Wall Realignment. Refer to the 'Plan Layout' drawings (Arrangements A and B) in Appendix B of the Preliminary Design Report, wherein the 'extent of works' shown on the drawings represents the



earthworks area proposed. Due to the minimal volume and area of earthworks proposed and the use of stabilised material, staging is not warranted.

The contractor will also ensure the consideration of existing underground utilities during the earthworks stage (refer to Section 3.2.2 below for more information on network utilities).

All earthworks will be undertaken subject to an Erosion and Sediment Control Plan (ESCP) that will be produced by the contractor prior to construction, in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05). Appropriate GD05 erosion and sediment control measures will be included in the ESCP and implemented by the contractor during earthworks. These may include, but are not limited to, the following:

- Progressive stabilisation in limited space;
- Minimising stockpile of materials on site, or covering at the end of each day;
- Use of silt socks to contain potential sediment runoff;
- Dewatering trenches following guideline procedures;
- Protection of existing road catchpits using cloth and/or silt socks;
- Diversion of water away from the Site by way of trenches and excavation to minimise potential dirty water

As addressed in Section 16.6 of the Preliminary Design Report, earthworks will be managed so as to not have any impacts on surrounding buildings, structures, or infrastructure. Moreover, any landslide/landslide risk on or beyond the Site resulting from the earthworks has been confirmed to be very low (refer to the Rules Assessment at Appendix B for more detail).

3.2.2 Utilities

To ensure the protection of existing infrastructure and network utilities, the following measures will be undertaken:

- During construction, the contractor will work in accordance with the relevant guidelines for working near utilities, including any guidelines of the relevant network utility operator;
- The contractor will be suitably qualified, experienced and competent in working near utilities; and
- The contractor will notify the relevant network utility operators, typically through the BeforeUDig process, to obtain the latest plans, organise utility locating and scanning, and stand over when/where required.

Note that the Engineering Plan Approval (**EPA**) requires assessment of the existing infrastructure that may be affected.

3.2.3 Groundwater

Groundwater monitoring (site-specific investigations and electronic data logging) has been completed as part of the geotechnical investigation work.

Through the results of this monitoring and historical records, the Preliminary Design Report confirms that long-term groundwater is at Reduced Level (RL) 1.4 m, increasing to RL 2.4 m when allowing for climate change effects.

Section 16.3 of the Preliminary Design Report confirms that shallow excavations for the Retaining Wall Realignment are not expected to extend below the long-term groundwater level.

Pile drilling may extend 4.5 m below the groundwater level from chainage 25 – 70 m of the Retaining Wall Realignment. The piles will be bored with reinforced concrete and will not require dewatering.

Below ground, the piles are spaced at 1.8 m centres, allowing groundwater to pass between them. As such, it is not expected that groundwater flow paths will be impeded.

As groundwater drawdown is not required, there will be no resultant deflection or settlement impacts on neighbouring structures or utilities.

3.3 Tree Works

The Retaining Wall Realignment will necessitate the tree works, which consist of the removal of 15 identified trees and any understorey self-seeded vegetation located within the road. According to the Arborist Assessment, demolition works and the necessary machinery access zones, coupled with tight working constraints, render tree retention infeasible at this location. Fourteen of the trees to be removed exceed 4 metres in height². The tree works resource consent application seeks to authorise the removal of these 14 trees.

According to the Arborist Assessment (Appendix D), the extent of canopy loss resulting from the tree works is 502.84 m². All tree works will be carried out by a council-approved Arboricultural specialist prior to the start of construction, ensuring that removal procedures are carried out in compliance with regulatory requirements and safety protocols.

The tree works are located within the planted median located between Fanshawe Street and Customs Street West. The stems of these trees are distributed at various points within the Site, with five positioned at the head of the Retaining Wall and the remaining ten located immediately at the base of the Retaining Wall. The location of all 15 trees is shown in Figure 3-2 below.

The Tree Protection Plan (TPP) attached to the Arborist Assessment (Appendix D) will be implemented during construction by an appointed project arborist. The TPP will ensure that all necessary precautions are taken to minimise the risk of collateral damage to trees outside of the immediate scope of operations, guaranteeing compliance with best practice arboricultural standards throughout the development process.

Tree owner approval (TOA) has been obtained from AC and is attached as Appendix F.



Figure 3-2 Location plan of the Site and tree works

² Note: The proposed works also involves the removal of areas of 11 pockets of unmanaged vegetation within the road and one (1) tree less than 4 meters in height. This is a permitted activity for the purposes of infrastructure under E26.4.3.1, Rule (A91).



3.3.1 Tree Inventory

A detailed Tree Inventory is provided in Appendix A of the Arborist Assessment, which is attached to this AEE (Appendix D). The Arborist Assessment also assesses the condition of the trees, quantifies canopy loss and outlines why tree retention and transplantation is not feasible. Each tree referenced in this resource consent application corresponds to its unique identification number from this inventory.

The group of trees includes a variety of native species, which are outlined in Table 3-1 below.³

Table 3-1 Tree Inventory – Native Species

Reference Number	Common Name	Scientific Name	Tree Health
1	Titoki	<i>Alectryon excelsus</i>	Good
2	Karaka	<i>Corynocarpus laevigatus</i>	Good
3	Karaka	<i>Corynocarpus laevigatus</i>	Good
4	Pukanui	<i>Meryta sinclairii</i>	Good
5	Karaka	<i>Corynocarpus laevigatus</i>	Good
6	Pukanui	<i>Meryta sinclairii</i>	Good
7	Ti kōuka	<i>Cordyline australis</i>	Good
8	Pukanui	<i>Meryta sinclairii</i>	Good
9	Titoki	<i>Alectryon excelsus</i>	Good
10	Karo	<i>Pittosporum crassifolium</i>	Good
14	Titoki	<i>Alectryon excelsus</i>	Good
15	Titoki	<i>Alectryon excelsus</i>	Good

In addition to these native species, the group also includes two individual exotic specimens outlined in Table 3-2 below.

Table 3-2 Tree Inventory – Individual Specimens

Reference Number	Species Name	Scientific Name	Tree Health
12	Ornamental Dragon Tree	<i>Dracaena draco</i>	Good
13	She Oak	<i>Casuarina cunninghamiana</i>	Good

3.4 Land Disturbance

The Retaining Wall Realignment requires earthworks within land that has been identified on the HAIL and is confirmed to be contaminated through the completion of the DSI. As noted in Section 3.2.1 above, approximately 340 m³ of earthworks over an area of 250 m² is required for the construction of the Retaining Wall Realignment.

All earthworks will be undertaken in accordance with a Contaminated Site Management Plan (CSMP), which has been prepared for the Retaining Wall Realignment and is attached as Appendix E. The CSMP has been informed by the DSI. The CSMP outlines soil handling and disposal requirements, health and safety mitigation controls, environmental management procedures and protocol for 'unexpected

³ Note: Tree 11 in the Tree Inventory is a Titoki (*Alectryon excelsus*) which is less than 4 metres in height and therefore not subject to resource consent.



contamination discovery' to avoid any adverse effects of disturbing contaminated soils on human health and the environment. More information is included in Section 5.3 of this AEE.



4 Resource Consents Sought

A comprehensive assessment of the Retaining Wall Realignment against the relevant regulations and rules of the NES-CS and the AUP(OP) is provided in the Rules Assessment at Appendix B.

Based on the Rules Assessment, AT is seeking the following resource consents required for the proposed works pursuant to the NES-CS and the AUP(OP). These include the following:

- Disturbing the soil of a piece of land as a **Controlled** activity pursuant to Regulation 9 of the NES-CS;
- A land use consent pursuant to Rule E26.4.3.1 (A92) of the AUP(OP) for the removal of 14 trees over 4 metres in height or 400 mm in girth within the road for infrastructure purposes as a **Restricted Discretionary** activity; and
- A discharge consent pursuant to Rule E30.4.1(A7) of the AUP(OP) for discharges of contaminants into air, or into water, or onto or into land that do not meet permitted activity standards as a **Controlled** activity.

As discussed in Section 1.1, AT do not propose to bundle this resource consent application. As such, there is no 'overall' activity status.

4.1 Permitted Activities

The Retaining Wall Realignment has been assessed against all the relevant sections of the AUP(OP) in the Rules Assessment at Appendix B. It has been confirmed that the works will comply with permitted activity rules and standards related to the following activities:

- Diversion of stormwater runoff;
- Redevelopment of existing impervious areas;
- Construction noise and vibration;
- Earthworks;
- Works within a flood hazard area (OLFPA); and
- Works within a landslide hazard risk area.

4.2 Other Approvals

In addition to this resource consent application, AT has received the following:

- TOA (Appendix F) from AC, dated 05/11/2025; and
- An archaeological authority from Heritage New Zealand Pouhere Taonga for the earthworks, geotechnical investigations and construction of the Retaining Wall Realignment within a recorded archaeological site (R11/3572) dated 20/10/2025.

5 Assessment Against Matters of Control and Discretion

5.1 Overview

The tree works consent is being sought as a **Restricted Discretionary** activity and the contaminated soil works consents are being sought as a **Controlled** activity (under both the NES-CS and the AUP(OP)). Section 5.2 below provides an assessment of the tree works against the relevant matters of discretion contained in Chapter E26 of the AUP(OP). Section 5.3 below provides an assessment of the contaminated soil works against the relevant matters of control contained in the NES-CS and Chapter E30 of the AUP(OP).

5.2 Tree Works

The matters over which AC will reserve its discretion when assessing the tree works resource consent application are detailed in E26.4.7.1(1)(c) of the AUP(OP).

Table 5-1 below sets out an assessment of the actual and potential adverse effects resulting from the tree works, structured around each of the matters of discretion.

Table 5-1 Assessment against the Matters of Discretion in E26 (AUP(OP))

AUP Matter of Discretion (E26.4.7.1.(1)(c))	Assessment/Comment
The effect on the values of the tree or trees	The tree works will adversely affect the value of the 14 trees, as all 14 trees will be removed. The Arborist Assessment (Appendix D) has considered the value of the trees to include: • Their good health and structural integrity, despite root zone constraints caused by their proximity to the Retaining Wall. The proximity may affect their long-term stability and viability, but it does not diminish their current value; and • The contribution these trees currently make to ecological and urban forest values, such as supporting urban wildlife.
Any loss or reduction of amenity values provided by the tree or trees	The tree works will result in the removal of 14 trees, including an estimated canopy loss of approximately 502.85 m². The canopy loss will reduce urban green infrastructure in the CBD, resulting in decreased shading and diminished cooling benefits currently provided by the dense evergreen canopy—effects that help mitigate the urban heat island effect. Beyond these functional impacts, the trees also reasonably contribute to visual amenity by screening the Retaining Wall and enhancing the overall amenity of the streetscape. The tree works will therefore reduce both environmental and visual amenity of the Site, at least in the short term, until appropriate mitigation is implemented. This is addressed further under the relevant assessment criteria below.
The functional and operational requirements and benefits derived from infrastructure	The tree works are required to enable the Retaining Wall Realignment which will deliver considerable functional and operational benefits for Auckland's public transport network. Specifically, the Retaining Wall Realignment will: • Enable the delivery of the DDP which seeks to enhance public transport and downtown useability as part of the CCBP;

	• Increase road capacity to accommodate a rise in bus volumes from the current 30–50 buses per hour to over 100 buses per hour, which is in line with the functional objectives of the CCBP; and • Contribute to achieving the strategic objectives of the CCMP⁴, including; - Access for Everyone; - Transformational move 2: The east and west stitch; - Transformational move 5: Transit oriented development; and - Transformational move 8: Harbour edge stitch (by enabling the 'full potential on the waterfront' as described in the Opportunity: Lower Hobson Street and downtown west.) Overall, the tree works are considered necessary for the Retaining Wall Relocation which has been identified as a critical component of improving public transport accessibility and urban mobility in Auckland's CBD.
Any mitigation proposed	The proposed mitigation will take place as part of the broader DDP project context, as outlined in Section 1.2.2 of this AEE. As discussed in the Arborist Assessment, a landscaping plan is being developed as part of the DDP, which will aim to effectively offset the loss of ecosystem benefits from the tree works. The landscaping plan will factor in proposed new road layouts and new tree plantings will ensure compliance with AT's sustainability goals and objectives by creating suitable rooting environments that support the establishment of large-stature tree stock within a new green space. The Arborist Assessment also recommends that proposed new tree plantings are aligned with AC's Tree Climate Assessment (2022) and should meet criteria set out in AS 2303:2018 – Tree Stock for Landscape Use. This will ensure that the selected species and tree stock are suitable for the urban environment and climate conditions, promoting long-term sustainability and growth. Given the complexity of the planning and design environment, AT will work collaboratively with AC through the progression of the DDP to ensure that mitigation planting appropriately addresses the loss of tree value. Considering the points laid out in this row, specific mitigation at this time is not prescribed. However, the Arboricultural Memo (refer to Appendix I) proposes a proportionate and practicable offsetting framework to address the tree works within the wider context of the DDP. Given the highly constrained urban environment, the memo recommends the trees are replaced at a one (1) replacement tree for each individual tree lost. A minimum of fifteen replacement trees is proposed (compliant with appropriate planting guidance standards) within the general area where practicable or on adjacent side roads and / or local public areas. Additional offsetting opportunities within the wider Waitematā Local Board area will be considered as part of a wider finalised landscape plan for the DDP.

The tree works will result in short-term adverse effects on the immediate environment, primarily due to the loss of amenity, shading, ecological function, and urban green infrastructure. The Arborist Assessment concludes that, given the limited and controlled extent of the tree works and lost canopy, the environmental impact will be localised and discernible only in a local context.

In this context, the Retaining Wall Realignment is functionally and operationally necessary to enable AT to progress the DDP, deliver the objectives of the CCBP, and to support broader strategic outcomes under the CCMP. Considering mitigation planting will be done through the progression of the DDP in accordance with the appropriate AC criteria, the loss of canopy cover will be short term and localised, and effects will be less than minor.

⁴ Refer to the CCMP for a detailed breakdown of the listed strategic objectives – <https://www.aucklandccmp.co.nz/>



5.3 Disturbance/discharge of Contaminated Soils

5.3.1 NES-CS

The matters of control that AC may consider when assessing the contaminated soil works (NES-CS) resource consent application are detailed in Regulation 9(2) of the NES-CS.

Table 5-2 below sets out an assessment of the actual and potential adverse effects resulting from the contaminated soil works, structured around each of the matters of control.

Table 5-2 Assessment against matters of control in the NES-CS

Matters of Control at Regulation 9 (2)	Comment
(a) the adequacy of the detailed site investigation, including— i. site sampling; ii. laboratory analysis; iii. risk assessment:	The DSI included site sampling during the geotechnical investigation works. The DSI outlines where each of the tests were taken from, and the results received from the laboratory analysis. The CSMP provides an overview of the key contamination risks and a corresponding management approach.
(b) how the activity must be— i. managed, which may include the requirement of a site management plan; ii. monitored; iii. reported on:	As discussed in Section 3.4, a CSMP has been prepared for the proposed works and is attached as Appendix E. The CSMP includes measures to be implemented during construction that will ensure the disturbance of contaminated soils is managed appropriately, in accordance with the 'Contaminated land management guidelines No 1: Reporting on contaminated sites in New Zealand guidelines'. The CSMP outlines the following for the proposed works: • Roles and responsibilities; • Site management procedures (including site monitoring); • Environmental management procedures; • Health and safety measures; and • Testing and disposal requirements.
(c) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:	Table 5 of the CSMP outlines the management requirements for the transport, disposal and tracking of materials taken offsite. Requirements include the following: • Accordance with a site-specific ESCP; • Loading of trucks in a designated area where stormwater runoff and potential spills during loading can be controlled; • Material to be transport to a suitably licensed facility for disposal; • Materials to be tracked by way of weighbridge dockets which include the disposal location and weight of the load; and • Plants and vehicles leaving site to be clear of debris and soils.
(d) the timing and nature of the review of the conditions in the resource consent:	Because a CSMP has been provided, no condition is necessary.



(e) the duration of the resource consent.	The standard lapse period of five years is proposed.
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5.3.2 Chapter E30 – AUP(OP)

The matters of control that AC may consider when assessing the contaminated soil works (AUP(OP)) resource consent application are detailed at E30.7.1 of the AUP(OP).

Table 5-3 below sets out an assessment of the actual and potential adverse effects resulting from the contaminated soil works, structured around each of the matters of control.

Table 5-3 Assessment against matters of control in E30 (AUP(OP))

Matters of Control at E30.7.1	Comment
(1) the adequacy of the detailed site investigation report including: (a) site sampling; (b) laboratory analysis; and (c) risk assessment.	The DSI included site sampling during the geotechnical investigation works. The DSI outlines where each of the tests were taken from, and the results received from the laboratory analysis. The CSMP provides an overview of the key contamination risks and a corresponding management approach.
(2) the need for and adequacy of a site management plan (contaminated land);	Through the completion of the DSI, it was determined that a CSMP was required to ensure the appropriate management of contaminated soils during land disturbance. The CSMP has been prepared by a Suitably Qualified and Experienced person and in accordance with the Ministry for the Environment Contaminated Land Management Guidelines No. 1, Reporting on Contaminated Sites in New Zealand. As such, the CSMP is considered adequate for the purpose of controlling the discharge of contaminated soils from land disturbance.
(3) the need for and adequacy of a remedial action plan (contaminated land);	The DSI confirms that a remedial action plan is not required for the proposed works.
(4) how the discharge is to be: (a) managed; (b) monitored, including frequency and location of monitoring; and (c) reported on.	As discussed in Section 3.4, a CSMP has been prepared for the proposed works and is attached as Appendix E. The CSMP includes measures to be implemented during construction that will ensure the disturbance of contaminated soils is managed appropriately, in accordance with the 'Contaminated land management guidelines No 1: Reporting on contaminated sites in New Zealand guidelines'. The CSMP outlines the following for the proposed works: • Roles and responsibilities; • Site management procedures (including site monitoring); • Environmental management procedures; • Health and safety measures; and Testing and disposal requirements.
(5) the physical constraints of the site and operational practicalities;	The CSMP has been prepared specifically for the Site, taking into consideration the physical constraints/practicalities of the Site.

(6) the transport, disposal and tracking of soil and other materials taken away in the course of the activity;	Table 5 of the CSMP outlines the management requirements for the transport, disposal and tracking of materials taken offsite. Requirements include the following: • Accordance with a site-specific ESCP; • Loading of trucks in a designated area where stormwater runoff and potential spills during loading can be controlled; • Material to be transported to a suitably licensed facility for disposal; • Materials to be tracked by way of weighbridge dockets which include the disposal location and weight of the load; and Plants and vehicles leaving site to be clear of debris and soils.
(7) the effect on potable water supplies;	No potable water supplies are located at the Site. Not applicable to the proposed works.
(8) methods to identify contaminant risks prior to works commencing such as qualitative assessments of risk;	Contaminant risks have been identified in the DSI and repeated in the CSMP with appropriate management requirements. The CSMP will be updated should the risk change as detailed design progresses.
(9) protocols around notifying the Council of contaminant risks;	AC have been advised of the contaminant risks through the completion and submission of the DSI. The CSMP lists the AC compliance officer and pollution response hotline phone number as 'emergency response contacts'.
(10) how stormwater is to be managed	Stormwater will be managed in accordance with the contractor-prepared ESCP.
(11) soil management during work and at the completion of the works;	The CSMP outlines the soil management measures to be adopted during the proposed works. In particular, Section 5 of the CSMP provides the environmental controls required to minimise potential adverse effects on human health and the environment. The CSMP provides the requirements to be included in a Works Completion Report should this be necessary.
(12) odour control	Table 5 of the CSMP outlines the management measures to minimise the generation of dust and odour. In summary, these include the following: • Suspending excavation, stockpiling and transport of soil in high wind; • Speed limits on site; • Water spray and covers on exposed soil; • Designated haulage routes; • Any material tracked off-site cleaned up immediately; and • Covered trucks.
(13) vapour control;	
(14) groundwater management	The excavation depth will be above the measured groundwater level. Not applicable to the proposed works.
(15) contingency plans;	Not applicable to the proposed works.

(16) remediation or ongoing management of the site, its timing and standard	The DSI confirms that remediation is not required for the proposed works.
(17) the nature and type of close out criteria if proposed	Not applicable to the proposed works.
(18) the need for a financial bond	Not applicable to the proposed works.
(19) the need for any review conditions in the event that standards to be achieved are not achieved;	Not applicable to the proposed works.
(20) the timing and nature of the review conditions; and	Land disturbance works will be subject to conditions which will be agreed to prior to the commencement of works.
(21) the duration of resource consent	The standard lapse period of five years is proposed.

For the reasons outlined in Table 5-2 and Table 5-3 above (considering the implementation of the CSMP management and mitigation measures outlined above), any adverse effects that may result from the contaminated soil works will be mitigated to the extent that they are less than minor.

5.4 Conclusion on Effects

Considering the short-term and localised nature of effects resulting from the tree works, and the implementation of a site-specific CSMP to control effects of the contaminated soil works, any adverse environmental effects of the proposed works will be less than minor.



6 Consultation

AT has been engaging with AC throughout the preparation of the resource consent application. A pre-application meeting was held with the Premium Resource Consents Team in October 2025, which resulted in the circulation of preliminary technical assessments⁵ for review and comment by the relevant technical specialists at AC. Pre-application advice from contamination, heritage, arborist, noise and vibration, geotechnical and groundwater specialists was received and has been considered in the preparation of this resource consent application. Where relevant, the comments provided have been addressed in the text of this AEE and/or in the Rules Assessment at Appendix B.

6.1 Mana Whenua

AT has engaged with mana whenua in regard to the Retaining Wall Realignment.

AT recognises iwi and hapū have a strong historical association with Tāmaki Makaurau. Mana whenua has occupied the whenua (land) of Tāmaki Makaurau over many generations, and they seek to maintain their relationship with the land and sea. Through their Kaitiaki Forum, AT partners with the 19 hapū and iwi authorities of Tāmaki Makaurau to get their input onto projects and reach collective decisions which shape the city.

Several hui (meetings) have been held to date to discuss the proposed works and are briefly summarised below:

- 8th October 2025 – online with Ngāti Whātua Ōrākei;
- 10th October 2025 – online AT Central Mana Whenua hui; and
- 5th November 2025 – DDP Mana Whenua engagement & partnership hui.

AT is continuing conversations with mana whenua, and engagement will be ongoing throughout the DDP packages. Whilst matters of discretion are limited relating to the consent triggers relevant to this consent application, this information is provided for context.

⁵ Assessments included a Final Consent Strategy, Final Arboricultural Assessment, Draft Construction Noise and Vibration Management Plan and Draft Preliminary Site Investigation.



7 Statutory Assessment

The following section assesses the proposed works against the relevant provisions of the NES-CS and the AUP(OP).

7.1 Part 2 of the RMA

Taking guidance from the Supreme Court decision *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, decisions on resource consents must have regard to the provisions of Part 2 of the RMA, but only where it is appropriate to do so. In this instance, the NES-CS, Auckland Regional Policy Statement (the 'RPS') and the AUP(OP) have been prepared with regard to Part 2 of the RMA (Sections 5-8). There are no matters of uncertainty within the NES-CS or the AUP(OP) and they are considered to be robust in the context of the activities assessed in this AEE. Therefore, no further assessment against Part 2 of the RMA is considered necessary in the determination of the tree works or contaminated soil works consent applications.

7.2 Notification Assessment

The following sections outline a brief notification assessment against the provisions of Section 95 of the RMA, which states that a consent authority must follow the steps set out in this section, in the order given, to determine whether to notify an application for resource consent.

7.2.1 Tree Works

Public Notification (Section 95A)

The tree works application does not meet any of the criteria under Section 95A(3) – AT has not requested public notification, Section 95C does not apply and the tree works application is not being made jointly with an application under Section 15AA of the Reserves Act 1977.

The tree works application does not meet any of the criteria under Section 95A(5) – the tree works application is not for an activity subject to a rule or NES that precludes public notification, nor is it for a Controlled activity or a boundary activity.

The tree works application does not meet any of the criteria under Section 95A(8) – the activity is not subject to a rule or NES that requires public notification and the effects are assessed in Section 5.2 as less than minor.

No special circumstances exist in relation to Section 95A(9) that warrant public notification.

For the reasons outlined above, the tree works application can be processed without public notification.

Limited Notification

Section 95B(2) – there are no affected protected customary rights groups or affected customary marine title groups.

Section 95B(3) – the tree works are not on or adjacent to, nor will they affect, land that is the subject of a statutory acknowledgement

Section 95B(6) – the tree works application is not for an activity subject to rules or NES that preclude limited notification. The tree works application is not for a Controlled activity.

Section 95B(7) – the tree works application is not for a boundary activity.



Section 95B(8) – there are no affected persons in accordance with 95E, effects have been assessed as less than minor.

Section 95B(10) – there are no special circumstances that warrant limited notification.

For the reasons outlined above, the tree works application can be processed without limited notification.

7.2.2 Contaminated Soil Works

Public Notification

The contaminated soil works application does not meet any of the criteria under Section 95A(3) – AT has not requested public notification, Section 95C does not apply and the tree works application is not being made jointly with an application under Section 15AA of the Reserves Act 1977.

The contaminated soil works application meets the criteria of Section 95A(5)(b) – the application is for a Controlled activity, and no other activity. As such, public notification is precluded and Section 95A(8) is not applicable.

No special circumstances exist in relation to Section 95A(9) that warrant public notification.

For the reasons outlined above, the contaminated soil works application can be processed without public notification.

Limited Notification

Section 95B(2) – there are no affected protected customary rights groups or affected customary marine title groups.

Section 95B(3) – the contaminated soil works are not on or adjacent to, nor will they affect, land that is the subject of a statutory acknowledgement.

Section 95B(6) – the contaminated soil works application is not for an activity subject to rules or NES that preclude limited notification. The contaminated soil works application is not solely for a Controlled activity under a district plan (consents are being sought under the AUP(OP) and the NES-CS).

Section 95B(7) – the contaminated soil works application is not for a boundary activity.

Section 95B(8) – there are no affected persons in accordance with 95E, effects have been assessed as less than minor.

Section 95B(10) – there are no special circumstances that warrant limited notification.

For the reasons outlined above, the contaminated soil works application can be processed without limited notification.

The resource consent applications for both the tree works and the contaminated soil works should be processed on a non-notified basis.

7.3 Section 104

Section 104 of the RMA requires consent authorities to have regard to the actual and potential effects on the environment, the relevant objectives, policies and rules of a plan and any other matters that may be considered relevant to determine an application. Section 5 of this AEE has considered the effects of the proposed works and Section 7.4 provides an assessment of the proposed works against any relevant objectives and policies of the NES-CS and the AUP(OP). The Rules Assessment at Appendix B provides an assessment of the Retaining Wall Relocation against all potential rule triggers of any relevant NESs and the AUP(OP).



7.3.1 Section 104C (Tree Works)

Under Section 104C of the RMA, after considering an application for a resource consent for a restricted discretionary activity, a consent authority must only consider those matters over which —

- (a) a discretion is restricted in national environmental standards or other regulations;
- (b) it has restricted the exercise of its discretion in its plan or proposed plan.

The consent authority may grant or refuse the application. However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters of discretion.

Section 5.2 includes an assessment of the actual and potential effects of the tree works in relation to the matters of discretion at E26.4.7.1(1)(c) of the AUP(OP), concluding that effects are temporary in nature and, overall, less than minor. No other matters outside the scope of discretion are relevant. As such, the tree works application meets the requirements of Section 104C of the RMA and consent should be granted on a non-notified basis.

7.3.2 Section 104A (Contaminated soil works)

Section 104A outlines matters of control reserved for Controlled activities. AC must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a Controlled activity. AC may impose conditions on the consent under Section 108 of the RMA only for those matters of control.

The Rules Assessment at Appendix B confirms that the contaminated soil works (NES-CS and AUP(OP)) are both Controlled activities. As such, there is considered to be no impediment to the granting of resource consent as sought, on a non-notified basis.

7.4 RMA Policies and Plans

7.4.1 National Policy Statement for Infrastructure 2025

The National Policy Statement for Infrastructure 2025 (NPS-I) came into effect in January 2026 and sets out nationally consistent objectives and policies to guide efficient infrastructure development. In summary, the objectives seek to:

- Ensure national, regional and local benefits of infrastructure are provided for;
- Enable infrastructure to support wellbeing and the development of urban environments; and
- Ensure infrastructure is well-functioning and resilient.

As discussed, the proposed works are required to enable the Retaining Wall Realignment, which is a key infrastructure component of the DDP. As such, the Retaining Wall Realignment is functionally required to support the improvement of public transport services in Auckland's CBD by increasing road capacity and bus circulation.

Policies 2, 4 and 7 are particularly relevant to the proposed works, seeking to ensure decision-makers recognise the operational or functional need for infrastructure to be in particular locations and environments, and to enable efficient and timely delivery of infrastructure, while assessing and managing adverse effects. Policy 9 requires decision-makers to “*enable new infrastructure or major upgrades of existing infrastructure activities in all environments*”. The proposed works are required to be located at the Site to enable the Retaining Wall Relocation and progression of the DDP works. This AEE has appropriately addressed adverse effects. Being an infrastructure project seeking to improve the function and operation of Auckland CBD's transport infrastructure, the proposed works are strongly supportive of the intent of the NPS-I and appropriately implement the relevant objectives and policies.



7.4.2 National Policy Statement for Natural Hazards 2025

The National Policy Statement for Natural Hazards 2025 (**NPS-NH**), which came into effect in January 2026, specifically excludes infrastructure as defined by the RMA. Therefore, the Act allows for road network activities without restriction.

7.4.3 NES-CS

The NES-CS came into effect on 13 October 2011. It identifies permitted activities and resource consent requirements for certain activities on land affected or potentially affected by contaminants in soil. The NES-CS provides a nationally consistent set of planning controls and soil contaminant values and ensures that land affected by contaminants in soil is appropriately identified, assessed and, if necessary, remediated, before it is developed, to protect human health.

As discussed, earthworks are required within land identified on the HAIL. The potential adverse effects associated with the contaminated soil works will be managed by the CSMP (attached as Appendix E). The CSMP has been prepared by a Suitably Qualified and Experienced Person and includes a suite of controls and mitigation measures required to be implemented during land disturbance activities to protect human health from potential adverse effects. Given the preparation and implementation of the CSMP, any potential for adverse contamination effects will be less than minor. Based on the assessment above, the proposed works are consistent with the NES-CS.

7.4.4 AUP (OP)

Chapter B – Regional Policy Statement

The Regional Policy Statement (**RPS**) is contained within Chapter B of the AUP(OP). It contains nine issues of regional significance for resource management in Auckland. Only Chapter B3 'Regional Policy Statement' is relevant to the proposed works. In summary, the relevant objectives and policies relate to developing, operating, maintaining and upgrading infrastructure while managing adverse effects and ensuring the functional and operational needs of infrastructure are recognised. The tree works are required to enable the Retaining Wall Realignment which, in conjunction with the broader DDP works, will deliver considerable functional and operational benefits for Auckland's public transport network. Mitigation through a landscaping plan to be developed as part of the DDP will be implemented to offset the adverse effects of the tree works. The CSMP will mitigate any adverse effects that may result from the contaminated soil works. Considering the infrastructure benefits that are planned to be delivered by the DDP and the CCBP, the proposed works will provide a balance between upgrading necessary infrastructure and managing adverse effects. The proposed works are consistent with Chapter B3 of the RPS.

Chapter E17 – Trees in roads

Chapter E26 'Infrastructure' refers to Chapter E17 'Trees in Roads' for objectives and policies related to trees in roads. The objectives of Chapter E17 'Trees in Roads' relate to recognising the values that trees in roads provide (ecological, amenity, cultural, landscape) and the importance of quality/extensive tree cover, while ensuring that transport systems and utilities can be safely and efficiently developed, maintained, operated and upgraded. Policy E17.3 (1) seeks to ensure that the development, operation, use, maintenance and upgrading of infrastructure is balanced with the protection of trees in roads. Policy E17.3 (4) seeks to encourage the use of indigenous trees and vegetation for planting within roads. The Arborist Assessment quantifies the loss in canopy cover as a result of the tree works and the assessment in Table 5-1 addresses the effect on the values of the trees. The trees have ecological or amenity value, but the magnitude of value is not considered to be significant. Additionally, the Retaining Wall Realignment is functionally required to enable the DDP and ultimately achieve the



objectives of the CCBP, which seeks to improve essential transport infrastructure in the CBD. As discussed, mitigation planting will be enabled through the landscaping plan as part of the DDP, which will ensure compliance with AT's sustainability goals and objectives.

Chapter E26 – Infrastructure

Chapter E26 'Infrastructure' contains objectives and policies relating to infrastructure and network utilities. In summary, the relevant objectives and policies seek to ensure the benefits of infrastructure are recognised, the replacement, upgrading and renewal of infrastructure is enabled while avoiding, remedying or mitigating adverse effects. As discussed in the sections above, the proposed works are necessary to enable a critical infrastructure component of the DDP, to achieve the wider objectives of the CCBP and improve Auckland's transport network. Appropriate mitigation measures have been discussed in this AEE, including a landscaping plan to address the potential effects of the tree works and a CSMP to address the potential effects of the contaminated soil works. In summary, the proposed works are required for the upgrading of an important transport corridor within Auckland's CBD and are being managed appropriately to ensure potential adverse effects are less than minor.

Chapter E30 – Contaminated land

Chapter E30 'Contaminated Land' contains objectives and policies that seek to address the effects of the discharge of contaminants from disturbing land containing elevated levels of contaminants. Objective E30.2 (1) and Policy E30.3 (2) require that discharge of contaminants into air, water, or onto or into land are managed to protect the environment and human health, enabling land to be used for suitable activities now and into the future. As addressed in Section 5.3 above, the preparation of a CSMP will ensure construction works adopt the necessary management and mitigation measures to ensure the disturbance of soils on the Site is managed appropriately to avoid adverse effects on the environment and human health. The proposed works are therefore consistent with the objectives and policies of Chapter E30 'Contaminated Land'.



8 Conclusion

AT is seeking resource consents for the removal of 14 trees within the road and the disturbance/discharge of contaminated soils, to facilitate the Retaining Wall Realignment. AT does not wish for these consents to be bundled.

The proposed works are essential to facilitate the Retaining Wall Realignment, which is a key infrastructure component of the DDP, supporting improved public transport services in Auckland's CBD as enabled by the CCBP. The Retaining Wall Realignment will enable increased road capacity and bus movements and will contribute to the strategic goals of urban renewal and enhanced mobility within Auckland's CBD.

Overall, considering the temporary and localised nature of the extent of canopy loss and the implementation of the mitigation planting done through the DDP, the adverse effects of the tree works will be adequately addressed and are expected to be less than minor.

The adverse effects of the contaminated soil works are expected to be less than minor given the implementation of the CSMP.

The proposed works align with the relevant objectives and policies of the NES-CS and the AUP(OP) and satisfy the purpose and matters outlined in Sections 95 and 104 of the RMA. As such, there are no impediments to the granting of the resource consents sought in this application (tree works and contaminated soil works) on a non-notified basis.