

3 November 2023

Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Attention: Warwick Pascoe-Principal Project Lead, Auckland Council
Celia Wong-Senior Planner, Resource Consents South, Auckland Council

By email: warwick.pascoe@aucklandcouncil.govt.nz, celia.wong@aucklandcouncil.govt.nz

Dear Warwick,

Re. Response to Council further information requests for the resource consents for EB3C and EB4L Application Packages

The Eastern Busway Alliance (EBA) on behalf of Auckland Transport are writing in response to Auckland Council's (the Council) request for further information dated 17th October 2023 for the resource consents for Eastern Busway 3 Commercial (EB3C) and Eastern Busway 4 Link (EB4L). The relevant resource consent reference numbers are as follows:

EB3C

- BUN60423907 (Council Reference)
- CST60423908 (vegetation removal)
- CST60423955 (planting)
- CST60423956 (reclamation)
- CST60423957 (structure)
- DIS60423909 (contaminated site)
- DIS60423958 (stormwater)
- WAT60423930 (groundwater)
- LUC60423931 (land use)
- LUS60423990 (streamworks)

EB4L

- BUN60423878 (Council Reference)
- DIS60423878 (contaminated site)
- LUC60423920 (land use)

- LUS60423921 (streamworks)

The EBA provides the following responses in relation to Council's queries. To provide context we have included the Council's explanation for each question and then the question, both in *italics*. These responses are also supported by Attachments 1-9. This includes:

- **Attachment 1:** EB3C and EB4L Indicative Cut/Fill Plans
- **Attachment 2:** EB3C and EB4L Riparian and Wetland Setback Plans
- **Attachment 3:** EB3C Areas of Coastal Vegetation Removal in the CMA Plan
- **Attachment 4:** EB3C and EB4L updated conditions sets
- **Attachment 5:** EB3C and EB4L Draft Erosion and Sediment Control Plans
- **Attachment 6:** EB3C Updated General Arrangement Plans (inclusion of MHWS for project extent)
- **Attachment 7:** CMA/River Interface Plan
- **Attachment 8:** Outfalls in the CMA at a Closer Scale Plan
- **Attachment 9:** Geotechnical Factual Report

EB3C and EB4L RCs – Planning General

Confirmation of child applications sought – EB3C and EB4L

Explanation

1. *Having reviewed the AEE, some applications appear to have been created in circumstances where consent has not been sought/is not required. To ensure that the correct applications have been applied for, please confirm:*
 - a. *Discharge Permits: that a discharge permit is sought only in relation to the discharge of contaminated soil, where at this point no stormwater discharge under E8 or air discharge permits under E14 are sought.*

Response

We confirm that a discharge permit is only sought for discharge relating to contaminated soil. The discharge of stormwater from the project is proposed to be authorised by the Auckland Council Network Discharge Consent (NDC) once the final design has been completed. The final design and a Stormwater Management Plan will be submitted to Auckland Council for connection approval under the NDC via the Engineering Plans Approval process.

We confirm that air discharge permits are not required for the project. We note that Council's Air Quality Specialist (Mr Crimmins) agrees that air discharge permits are not required for the project (refer page 3 of the further information request).

- b. *Coastal Permits: that coastal permits are sought in relation to reclamation, structures, disturbance, and vegetation removal within the CMA only, where coastal planting is limited to native species (which is a permitted activity under Rule F2.19.5(A51)).*

The number of child applications may be reduced or amended as a result.

Response

We confirm that this interpretation is correct. As outlined in Section 7 of the AEE, we confirm that Coastal Permits are sought pursuant to Section 12(1), 12(2) and 12(3) of the RMA, for the reclamation, construction, coastal disturbance, occupation and use of infrastructure associated with EB3C, in the Coastal Marine Area (CMA).

Section 7 of the AEE accurately summarises the consents sought, the relevant rules of the AUP (OP) and activity status for the proposed works in the CMA.

To summarise, the following works are proposed in the CMA associated with EB3C:

- Stormwater infrastructure structures and use of the outfalls.
- Two areas of coastal reclamation; the reinforced embankment for proposed Bridge B which requires approximately 549m² of reclamation and retaining wall RW304 located between 242 and 254 Ti Rakau Drive which requires a total area of reclamation of approximately 4m².
- Permanent and temporary bridge structures (including the piles, abutments and scour protection) and use of these structures.
- Removal of coastal vegetation and mangroves in the CMA, for the temporary and permanent bridge structures, stormwater outfalls and reclamation.
- Coastal marine disturbance associated with the construction of the above infrastructure (temporary and permanent bridge structures, stormwater outfalls and reclamation).

Further to the above, we confirm that the project will comply with Rule F2.19.5 (A51) and relevant permitted activity Standard F2.21.6.1 for the planting of native vegetation in the CMA.

We further note that, no works are proposed in the CMA for EB4L. Therefore, a coastal permit is not sought for EB4L.

Construction Plans

Consent is sought with regard to the following matters:

EB3C requires resource consent for the following activities:

- *Earthworks (s9(2))*
- *Vegetation Clearance (s9(2))*
- *Works in the CMA (s 12)*
- *Occupation of the CMA (s 12)*
- *Streamworks (s 13)*
- *Diversion of groundwater (s 14)*
- *Disturbance and discharge of contaminated soil (s 15)*

Overall, the activity status of EB3C is for a non-complying activity

EB4L requires resource consent for the following activities:

- *Earthworks (s 9(2))*
- *Vegetation Clearance (s 9(2))*
- *Streamworks (s 13)*
- *Disturbance and discharge of contaminated soil (s 15)*

Overall, the activity status of EB4L is for a discretionary activity.

Further, consent (EB3C and EB4L) is also sought with regard to:

- *NES-CS, and*
- *NES-FW.*

That said, it is difficult to easily locate plans associated with the matters for which consent is required, and correspondingly to visually identify in particular the extent of earthworks, vegetation clearance, works within the CMA, and stream works. Rather than a comprehensive plan set being provided, a number of references are made to figures within the AEE or within individual assessments.

This compromises the ability of (potential) submitters to easily comprehend the nature of the proposed works and Council Compliance Monitoring Officers the ability to accurately monitor consented works.

- 2. Therefore, please provide a collated set of plans that identify construction works including, but not limited to;*

Response

We have updated the plans set to address the matters raised in this further information request. Please refer to the responses provided in 2a-2e below.

- a. The extent of earthworks proposed as part of construction including details of cut and fill,*

Response

Indicative cut and fill plans have been prepared for EB3C and EB4L (refer to **Attachment 1**). We have also replicated the cut and fill tables for EB3C and EB4L from the Erosion and Sediment Control Effects Assessment and AEE below:

EB3C

The table below provides approximate earthworks for EB3C. Refer to Section 4.3.11 (Earthworks) and table 4-5 in the AEE.

Extent	Approximate Cut (m ³)	Approximate Fill (m ³)	Approximate Area (m ²)
Bridge A to Bridge B (including works for 4m ² reclamation)	2,600	250	7,100
Bridge B Northern Abutment (note the abutment fill includes an area of coastal reclamation)	Negligible	11,000	2,000
Burswood Drive Busway (CH30670-CH30788)	1,400	300	9,100
Burswood Bus Station	5,000	800	1,600
Burswood Reserve Busway	6,000	200	5,200
Service relocation and installations	Negligible	Negligible	Negligible
MSE Wall Construction	Negligible	5,000	Negligible
Milling Volumes	4,650	NA	
Total	15,000 (excluding milling)	17,550	25,000

EB4L

The table below provides approximate earthworks for EB4L. Refer to Section 4.6.9 (Earthworks) and table 4-13 in the AEE.

Extent	Approximate Cut (m³)	Approximate Fill (m³)
Busway (including Bridge C)	200	2,960
Shared pathway and retaining walls along the southern and western boundaries of Guy Reserve and Whaka Maumahara Reserve	200	620
Temporary Access Embankment	0	17,000
Temporary construction laydown areas	500	500
Te Irirangi Drive/Town Centre Drive intersection works	250	250
Total	1,150	21,330

The cut and fill plans for EB4L contains less detail noting that the EB4L designation is for route protection only and that detailed cut and fill plans will be supplied as part of future Outline Plan of Works applications. Please note that there are no planned bulk earthworks cuts as part of EB4L works. Only small earthworks cuts are proposed mostly consisting of scraping off topsoil to allow construction of the busway, laydown areas, the shared path and intersection works.

- b. The extent of temporary and permanent vegetation clearance within the riparian yard,*

Response

Plans are attached (refer to **Attachment 2**) showing the extent of temporary and permanent vegetation clearance (construction footprint) within the riparian yard and within 10m of a wetland. We have also included tables below for EB3C and EB4L setting out the volume of permanent and temporary vegetation removal within the riparian yard and 10m setback of wetlands.

EB3C

The table below sets out temporary and permanent vegetation clearance (construction footprint) within the riparian yard and within 10m of a wetland within EB3C:

Outfall	MCC_108482 (EB3C)		MCC_108481 (EB3C)		MCC_988531(upgrade) (EB3C)	
	Riparian (10m buffer)	Wetland (within 10m)	Riparian (10m buffer)	Wetland (within 10m)	Riparian (10m buffer)	Wetland (within 10m)
Temporary vegetation loss (m ²)	580.76	38.77	NA	151.61	130.96	NA
Permanent vegetation loss (m ²)	NA	NA	NA	NA	NA	NA

EB4L

The table below sets out temporary and permanent vegetation clearance (construction footprint) within the riparian yard and within 10m of a wetland within EB4L:

Outfall	1-1 (EB4L)	
	Riparian (10m buffer)	Wetland (within 10m)
Temporary vegetation loss (m ²)	74.30	46.96
Permanent vegetation loss (m ²)	NA	4

c. *The extent of mangrove removal within the CMA;*

Response

A plan is attached showing the general areas of mangrove removal within the CMA (refer to **Attachment 3**). As noted in the EB3C Marine Ecology and Coastal Avifauna Assessment (Appendix 28), the project will involve the following volumes of vegetation removal within the CMA:

- Bridge A = 67m²
- Bridge B = 643m²
- Retaining Wall RW304 – 70m²
- Stormwater outlets (01A-1,09-1, MCC-108479 and MCC-108409) - 100m² each (total of 400m²)

d. *The extent of earthworks and vegetation clearance located in or within 100m and 10m of a natural wetland respectively;*

Response

Plans are attached showing the extent of earthworks and vegetation clearance (construction footprint) located in or within 100m and 10m of a natural wetland (refer to **Attachment 2**). The response to question 2b sets out the volume of vegetation clearance within 10m of wetlands.

e. *The location and extent of streamworks.*

Response

As above, refer to the Plans attached in **Attachment 2** which shows the location and extent of streamworks.

Draft Conditions

Explanation

As part of monitoring the conditions for EB2 and EB3R, feedback from Compliance Monitoring Officers is that the process would be greatly improved for both Council and the consent holder with the implementation of Pre-Commencement Meetings for the various aspects of the proposal. This had been identified as part of Council's response to Proposed Conditions but not adopted. Please note that this condition will be recommended as part of these applications.

Response

In regard to pre-commencement meetings, we draw attention to Condition 17 of the proposed EB3C resource consent conditions set and Condition 15 of the proposed EB4L resource consent conditions set (the condition sets are attached in **Attachment 4** of this response and are also provided at Appendix 5 and 6 of the resource consent application). Both conditions state:

“Prior to the commencement of consented earthworks..., the Consent Holder must hold a pre-start meeting that... The Consent Holder must ensure that the erosion and sediment control measures, management plans, the earthworks methodology, streamworks methodology and monitoring regime are discussed at the meeting.”

It is considered that this condition adequately provides for a pre-commencement meeting with Council representatives and allows for discussion of the matters most relevant for such meetings (i.e., earthworks, streamworks and management plans).

Furthermore, both Project packages require the certification of a range of management plans prior to the related works commencing. An inherent element of the certification process is pre-commencement communication with Council’s monitoring officers.

Given these factors, the EBA does not consider that further conditions or changes to the proposed condition sets are warranted in regard to this matter.

Air Quality – Resource Consents

Explanation

Paul Crimmins, Council’s Senior Specialist – Air, Climate & Contamination, has reviewed the two applications with regard to the requirements of the Auckland Unitary Plan (Operative in Part) (AUP(OP)), Chapter E14: Air Quality, and the National Environmental Standards for Air Quality (NES:AQ).

Mr Crimmins confirms that:

- *air discharges from the construction and operation of the Stage 3 Eastern Busway project do not necessitate resource consent, being considered as Permitted Activities under the AUP(OP) Chapter E14, Rules E14.4.1(A1 & A114); where the air discharges are not restricted by the NES:AQ*
- *Appendix 23 (Air Quality Assessment) contains sufficient detail and assessment of the actual and potential air discharges and associated effects, hence no further information is required with respect to air quality matters under s92 of the RMA.*
- *Proposed Resource Consent Conditions 30-32 (EB3C) and 28-30 (EB3L) specifically relate to dust controls, and that these are similar to those proposed for the Stage 2 Eastern Busway works. It is considered that this management approach will be suitable to maintain compliance with the relevant Permitted Activity Standards (E14.6.1.1) during the construction activities.*

Response

Noted, no further information is required as part of this response.

Archaeology – Resource Consents and NOR

Explanation

Myfanwy Eaves, Council’s Senior Specialist: Archaeology, having visited the site and reviewed the application, where her comments are attached to this correspondence (Attachment 1). Given the proposed works require consent with respect to Chapter D17 and F2 of the Unitary Plan, this assessment relates to both the resource consent and NOR applications lodged with Council.

Based on the matters raised, the following feedback is made and information is sought:

HHMP requirement

Explanation

It appears that the Archaeological Assessment may have become confused between the recommendation for the permit sought (Arch Authority and the Archaeological Management Plan as part of that) and /or the Historic Heritage Management Plan (HHMP) with relation to the consideration of the proposed reclamation as a non-complying activity under Rule F2.19.1(A4)(HH) and a restricted discretionary activity under Rule D17.4.2 (A34).

Having noted that the HHMP addresses the non-complying activity [reclamation within the historic heritage extent of place] under Chapter F2, please note that as no primary feature is identified within the Unitary Plan for McCallum's Wharf and Quarry R11_1263 (also referred to as Donnelly's Quarry), all features within the Extent of Place (EOP) are considered of equal significance.

- 3. Having regard to this, to inform the consideration of Rule F2.19.1(A4)(HH) and Rule D17.4.2 (A34), please provide an updated assessment in sections 3.3.3 and 6 of Archaeological Effects Assessment.*

Response

The Project Archaeologist (Arden Cruickshank) spoke with Myfanwy Eaves, Council’s Senior Specialist: Archaeology on 24 October 2023. It was determined during this call that the archaeological assessment submitted with the application was correct to indicate that in lieu of recorded primary features within the scheduled extent of McCallum's Wharf and Quarry R11_1263 (also referred to as Donnelly's Quarry) the identified features have been avoided, therefore it remains a restricted discretionary

activity as outlined in Chapter D.17 (Table D17.4.1 (A10)) of the AUP (OP). We can confirm that the project has avoided all known features within the Scheduled Extent of the site.

Archaeological assessment - Figure 4.4, page 25.

Explanation

4. Please confirm that this figure is from the mapping and survey undertaken by Trilford and Glover? Is the mapping more extensive (that is, outside and further north of the EOP) or was it limited to the HH EOP?

The reasoning for this question is to ascertain if additional quarry sites and dressing floors were identified in the greater Burswood/coastal location during the survey but outside the AUP HH EOP. This information will inform the HHMP content and/or other conditions. Under regional rules, reclamation (and other potential effects) in a HH EOP triggers activity tables in F2.19.[A4]).

Outcome sought: complete recording (GPS and photogrammetry) of ALL dressing floors and related quarrying features along this coastline prior to any earthworks commencing [Geotech testing excepted]. From the site visit on 13 October 2023, Ms Eaves considers it likely that a later (C20th) dressing floor exists north of the HH EOP and will need to be recorded prior to destruction.

Archaeological assessment – page 32.

Explanation

Please note that Council will recommend that the removal of all vegetation occurs in the first instance to enable thorough detailed recording as there is disagreement with the statement made on p32:[using assessment criteria from Chapter D.17.8.2] The proposed works will not result in adverse effects (including cumulative adverse effects) on heritage values.[Potential for dressing floor to be destroyed if it was not part of the survey at 2 above so clarification sought on this] The scheduled extent that was created around the quarry is indicative and does not accurately represent the visible features of the quarry which have since been mapped as part of this assessment. [Please provide additional detail for this statement as I believe the HH EOP is potentially not large enough] Although the embankment for Bridge B comes close to one of the features in the scheduled extent, it should avoid it as the proposed embankment works have been designed to avoid the features identified in the scheduled extent shown in Figure 4-4. In the unlikely event it is deemed during detailed design that it will not, the feature will require recording and removal. Refer to Figure 6.1 showing the Bridge B design relative to the identified

features in the scheduled extent. Please also refer to Section 6.1.1.2 Assessment of Effects.

Furthermore, the highlighted portions of the above statement appear at odds with the following plans, where: General arrangement (App 7) EB-2-R-4-PL-DG-000102 Revision A (overleaf) shows the bridge going through the middle of the scheduled site as does Figure 6-1 Extent of works near R11/1263 Donnelly's Quarry on page 35 of the Archaeological assessment.

Response

Figure 4.4 is based on the mapping undertaken by Trilford and Glover as part of this assessment. Although survey was undertaken outside of the Scheduled Extent, the vegetation coverage means it is possible that associated features outside of the Scheduled Extent may have been missed. We will note in the HHMP that once this land has been acquired for the Project, a full survey and mapping of any additional features will be undertaken **prior** to vegetation removal to ensure that features are not damaged through vegetation removal. Once vegetation removal has been undertaken, a full record of identified features will be undertaken including RTK GPS and photogrammetry prior to any ground disturbance in the vicinity of McCallum's Wharf and Quarry R11_1263 (also referred to as Donnelly's Quarry).

- 5. To confirm the potential archaeological effects on the quarry, and having discussed with Ms Eaves a design that avoids the features of Donnelly Quarry as set out in Figure 4-4 of the Archaeological Assessment including the Quarry Face, please provide the revised plans to this effect.*

Response

The plans in Figure 4.4 do show that the design avoids known features within the HHEP/Scheduled Extent including the quarry face therefore the figure does not need to be updated.

Coastal – Resource Consents

Dr Kala Sivaguru, Council's Coastal Senior Specialist, has reviewed the Coastal and Marine Ecology and Avifauna aspects of the proposed works. In this regard, Dr Sivaguru has no questions on Marine Ecology and Avifauna matters but has made the following comments/requests on Coastal matters.

Underwater noise

Explanation

I note that AEE (Section 7.22) states that installation of temporary piles in the CMA associated with bridge structures will use impact and/or vibratory piling, hence included Rule A114 as one of the consent triggers. However, I note, any Noise and Vibration Reports or the construction noise and vibration assessment provided address underwater noise level or underwater noise effects from piling on marine fauna including marine mammals. We seek the following:

- 6. Please provide details on number, size and type of piles that are likely to utilise impact driving and/or vibratory piling for the proposed works. Please also provide the underwater noise levels from those piling works and assessment of effects on marine fauna, marine mammals in particular as per the assessment criteria.*
- 7. Construction methodology (Appendix 13) Report is silent on piling methodology and time frame required for piling. Please provide detailed information on piling methodology (impact driving and/or vibratory piling) and underwater noise levels from the piling works to relate to the underwater noise effects on marine fauna.*

Response

We have addressed both coastal ecology queries in a single response given the cross-over between both queries. We further note that as a non-complying activity assessment against the AUP(OP)'s individual assessment criteria is not required.

However, we can provide further clarification regarding piling and the measures that the EBA proposes to address the Project's construction effects. Firstly, the coastal works are described in detailed by both the AEE (Section 4.5.2) and the Construction Methodology (Appendix 13). These documents identify that the following piling is proposed:

Bridge A

- Approximately 60 x 700mm diameter temporary piles
- 8 x 1.5m permanent piles arranged in pairs within the CMA.

Bridge B

- Approximately 30 x 700mm diameter temporary piles
- 3 x 1.8 permanent piles within the CMA.

The temporary piles are needed to provide a stable construction platform during construction and will be removed, where practicable, at the end of the construction period. A specific methodology (including timing) for the piling has yet to be confirmed,

but a conservative assessment of the associated noise/vibration effects on fish species has been undertaken. Modelling has provided the following results:

Pile type and methodology	Isopleth for onset of physical injury (m) – Fishes <2g (based on $L_{E,p,12h}$: 183 dB)	Isopleth for onset of physical injury (m) – Fishes \geq 2g (based on $L_{E,p,12h}$: 187 dB)	Worst-case isopleth for behavioural change (m) (based on L_{RMS} : 150 dB)
Permanent piles - Impact Piling	1,535	831	10,000
Permanent piles - Vibratory Piling	-	-	63
Temporary piles - Impact Piling	450	243	4,642
Temporary piles - Vibratory Piling	-	-	293

While these results indicate that fish species could experience some physical injuries from piling related noise/vibration we note that:

- The modelling has taken a conservative approach to piling related noise/vibration. The modelling has not taken into account the shallow morphology of Pakuranga Creek, such as its narrow width and distance from the Tāmaki River mouth (where a greater number of marine fauna may be expected).
- Only one set of piles (for Bridge A) are within the primary stream channel. The remaining piles are located within intertidal areas of Pakuranga Creek, which are exposed and without fish species during low tide conditions.
- Fish species are naturally transient and are unlikely to remain at the Project site should they experience discomfort or mistake piling activities as actions made by predator species.
- Fish injury can range from discomfort to impacts on their sensory organs.

Please note that we have only considered impacts on fish, as we understand no marine mammals are expected near the works. We are not aware of any published criteria

around assessing underwater noise effects from anthropogenic sound on invertebrates¹, however we expect that mitigation measures to be adopted for fish species would also be beneficial to invertebrates.

A potential mitigation measure to minimise impacts on fish could involve soft starts to the vibratory and impact piling. However, given the uncertainty at the current time regarding piling methodology, the EBA have proposed that confirmation of piling (and other construction in the CMA) will be governed by the Coastal Works Management Plan (CWMP). The CWMP is a requirement of the proposed conditions (Condition 70 in the EB3C conditions set at **Attachment 4**), with Condition 70 stating:

“The CWMP must include details of...

b) Confirmation of the construction methodology, including:

- i. Installation of temporary structures*
- iv. Plans (including dimensioned cross sections, elevations, and site plans) of any temporary structures in the CMA during the construction*
- v. The piling methodology for the bridge...*
- vii. ...Methods to remedy any disturbance resulting from works*
- viii. Methodology for removal of temporary piles associated with temporary access/support and any existing structures if required; ...”*

The CWMP is subject to certification by Auckland Council and must be provided (and certified) prior to the commencement of works within the CMA. It is our view that this is an appropriate response to potential effects arising from piling and provides Council with a further opportunity to review and confirm the appropriateness of the selected construction methodology.

Coastal processes report

Explanation

Bridge A includes 4 piers, each consisting of a single 1.5 diameter concrete pile. No scour protection is currently proposed for these four Bridge A piles. However, the Structure Design Report notes that “further scour modelling is required to confirm that this will not result in pile instability or failure. Coastal Processes Report states that this modelling will be provided at detailed design.”

In this regard:

¹ Popper et al., 2023. Marine energy converters, potential acoustic effects on fishes and aquatic invertebrates. Journal of Acoustical Society of America, Vol 154, 518-532.

8. *Please clarify when the scour modelling is likely to be undertaken to inform the detailed design of Bridge A.*

Response

Proposed conditions 70(ii) and 70(iii) require scour modelling of any bridge piles in the CMA prior to the commencement of works in the CMA. This scour modelling forms part of the Coastal Works Management Plan (CWMP) while the timing of the CWMP's certification is enshrined by Condition 67:

“Prior to the commencement of works within the Coastal Marine Area (CMA), the Consent Holder must submit a Coastal Works Management Plan (CWMP) to Council for certification in accordance with Conditions 12 above.”

Please refer to the EB3C conditions set (**Attachment 4**).

9. *Pier 4 is located within the main channel. During low tides water would be confined to the channel, and the pile has greater potential to impede water flows. We assume that the scour modelling would be used to assess this risk. Please confirm.*

Response

This matter has been considered by Mr. Todd, coastal processes specialist for the Project.

Mr. Todd states that ‘Scour is a function of flow velocity rather than level, with the greatest tidal velocities occurring at mid tide rather than the peak of the tide. With combined tide and river flow, it is anticipated that the velocity peak will be during the falling tide, and it is anticipated that this will be recognised in the scour modelling, using a range of river flows in combination with spring tides (e.g., max tidal flows & velocities).’

Based on the above, we can confirm that it is the intention that **all** bridge piles (including pier 4) within the CMA will be subject to the modelling requirements of Condition 70 (refer to the EB3C conditions set (**Attachment 4**)).

Contamination – Resource Consents

Explanation

Following a review of the AEE, Contaminated Land Assessment and Proposed Conditions together with a site visit, Fiona Rudsits, Council’s Senior Specialist – Contaminated Land, has completed a preliminary commentary as attached (Attachment 2). This commentary refers to earlier comments made on information provided at the pre-application stage.

The key aspects raised relate to:

The presence of a large soil stockpiled bund located to the rear of businesses on Torrens Road, which is understood to contain soil/construction waste and is identified to be an area of potential contamination concern and may need to be disturbed during the proposed works, and

Consideration of all the land to be disturbed (within EB3C and 4L) to be covered under the NES:CS land use consent and the E30 discharge consent).

Further correspondence from Ms Rudsits has noted that:

“Rather than only using CLMPs at certain sites I think it would be more sensible to have a contamination management plan (and consents) that cover the entire project with additional controls/testing requirements highlighted for identified areas of known concern. These plans are expected to be live documents continually updated as new information is obtained (for example if contamination is discovered plan can be updated to inform appropriate management). From a regulatory perspective there is no requirement for them to have contamination consents outside of the HAIL areas. But for a large project going through multiple industrial/commercial properties taking a conservative approach may be better option.”

In this regard, the following information is sought:

- 10. Please confirm the extent of works proposed within 8 to 28 Torrens Road.*

Response

Having regard to the soil stockpiled bund located to the rear of businesses at 8 to 28 Torrens Road, only minimal disturbance is proposed to this bund. This consists of earthworks cut to accommodate a proposed pedestrian pathway linking the Burswood Bus Station to Torrens Road (refer design snip below and to the cut and fill plans at **Attachment 1**).

All areas where soil disturbance activities will be undertaken will be sampled in advance to determine if the soil can be re-used as cleanfill on the project or to determine soil disposal options. Based on the results, soils will be managed according to the CLMP.



11. Please note that should any disturbance be proposed within these properties they will be considered as potential 'HAIL' sites where confirmation on how work will be managed (i.e., under a CLMP that incorporates testing) will be required.

Please confirm whether you wish to incorporate additional land parcels (i.e., the entire project) to be covered as part of the contaminated consent applications, or whether consent is sought solely for the land parcels set out in Sections 6 and 8 of the Contaminated Land Assessment.

Response

We confirm that we wish to incorporate the entire project (both EB3C and EB4L) to be covered as part of the contaminated consent applications. We acknowledge that this could have been made clearer in the EB3C/EB4L Contaminated Land Effects Assessment. We have updated the conditions set (condition 55 for EB3C and Condition 53 for EB4L) to remove reference to specific land parcels (refer conditions sets at **Attachment 4**).

EBA has already implemented a CLMP which was approved by Auckland Council in September 2023. The same CLMP will be updated to include EB3C and EB4L (i.e. the entire project footprint) once consent has been obtained.

Earthworks and Streamworks – Resource Consents

Explanation

Having reviewed the regional earthworks and streamworks components of the applications, Sam Langdon Council's Specialist – Earth, Streams and Trees, has requested the following information:

Appendix 17 ESCP Assessment

12. Section 3.2.3 discusses proposed streamworks, which states: “The erosion protection rock riprap outfalls are expected to extend into the stream bed. This will be determined during detailed design”. This is also stated in relation to the Guys Reserve stormwater outfall. The proposed length of rip rap has been discussed in the other documents. The ESCP will need to clarify the extent of streamworks proposed within the bed of a natural inland wetland or stream.

Response

Please refer to conditions 13 and 14 (for EB3C) and conditions 11 and 12 (for EB4L) (refer condition sets attached as **Attachment 4**) which are based on the EB2 and EB3R granted resource consent conditions BUN60407133 and BUN60407121. Condition 13 (for EB3C) and condition 11 (for EB4L) require preparation and submission for certification of an erosion and sediment control plan prior to the commencement of earthworks. For information purposes we also attach a draft Erosion and Sediment Control Plan template that has been prepared for EB3C and EB4L (refer to **Attachment 5**). This is a ‘living’ document and will be updated with the information requirements set out in the conditions prior to submission for certification.

Condition 14 (for EB3C) and condition 12 (for EB4L) require preparation and submission to the Council for certification of Site-Specific Erosion and Sediment Control Plans (SSESCP's). The conditions require that these plans show:

- *Contour information (existing and post earthworks)*
- *Identification of the location of any permanent and intermittent streams and wetlands within 10m of proposed earthworks*
- *Erosion and sediment control measures for the works to be undertaken within a particular construction area....to meet outcomes of GD05*

- *Management practices specific to works within riparian margins...including a plan showing length of stream works...and a detailed methodology for the installation of structures...*

We therefore confirm that the SSESCP's will show the extent of works relative to streams and wetlands and include appropriate erosion and sediment control measures in accordance with GD05.

13. *Section 3.2.3, last sentence on page 21 states: "the work area will be isolated by bunding or silt fences". Silt Fences are generally not appropriate to 'isolate' or form a 'dam/divert' methodology. Please revise this statement to be consistent with GD05.*

Response

The works area will be isolated from the stream flows. Note, the outfall structures themselves are not within the stream channel. They are clear and above any stream channel. The outfall structure will be isolated by bunding or silt fences (in the dry). The rock rip rap may extend into the stream channel (subject to detailed design). If excavation works are required, and there is flowing water a dam and divert operation will be used in accordance with GD05.

The Erosion and Sediment Control Effects Assessment makes multiple references that controls and methodologies will be in accordance with GD05. The Project will comply with GD05. The Specific detail will be addressed through the SSESCP's (Condition 14 (for EB3C) and condition 12 (for EB4L)) to be submitted to Auckland Council for approval.

14. *Also, it should be clarified that 'bunding' would be formed by 'coffer dams' / 'sandbag dams or similar' as opposed to constructing earth bunds across the stream. The use of this wording is correct in some areas of the reports, but not others. Please submit this document (with any necessary amendments) to support the current applications.*

Response

If a "dam" across a stream is required [note, this is yet to be determined. Note the outfalls will be clear of the stream and will be isolated by bunding or silt fences (in the dry)], then the stream "dam" will be a stabilised dam in accordance with GD05.

The Erosion and Sediment Control Effects Assessment makes multiple references that controls and methodologies will be in accordance with GD05. The Project will comply with GD05. The Specific detail will be addressed through the SSESCP's to be submitted to Auckland Council for approval.

15. *Section 3.4 of the ESC Assessment defers to the ESCP for EB2 and EB3R. As this document forms the overarching principles for EB3C and EB4L, it will need to be submitted with this application. Please submit this document (with any necessary amendments) to support the current applications.*

Response

Please find attached (in **Attachment 5**) a draft Erosion and Sediment Control Plan that has been prepared for EB3C and EB4L. This draft plan is a living document and will be updated and submitted for certification as required by condition 13 (EB3C) and condition 11 (EB4L).

Drawings

16. *Please identify the indicative CMA boundary, streams, wetlands and the associated riparian margins and vegetated buffers on the drawings, including the designation boundary plans, general arrangement plans and bridge elevation plans. (Noting that the location of designation works areas in relation to natural features has been an issue in recent compliance scenarios, please ensure this is clear on the drawings to avoid uncertainty at compliance stage).*

Response

We have updated the General Arrangement Plans to show the CMA boundary (refer to **Attachment 6**). The CMA boundary is shown in green.

Plans are attached showing the extent of works within and in proximity to streams and wetlands (refer to **Attachment 2**).

We have also prepared a further plan showing the location of the CMA/river boundary interface relative to the project (refer to **Attachment 7**).

17. *Please provide drawings of the outfalls at a closer scale, showing the location of each outfall, the extent of upgrade and approximate length of erosion and scour protection (particularly if proposed to be placed within the stream bed) and construction boundary (including estimated extent of erosion and sediment controls), in context to the indicative CMA boundary, streams and/or natural inland wetlands, and riparian margin or vegetated buffer (where applicable).*

Response

Please find attached drawings (**Attachment 2** (freshwater outfalls) and **Attachment 8** (coastal outfalls)) at a closer scale showing the location of outfalls, extent of upgrade,

approximate length of erosion and scour protection and construction boundary for each outfall. We have also included the CMA boundary (shown in green on the plans), riparian margin (10m) setback and 100m setback from streams/wetlands where applicable. We have not included the estimated extent of erosion and sediment control measures. Please refer to our response provided to questions 12 and 15.

Ecological Assessment

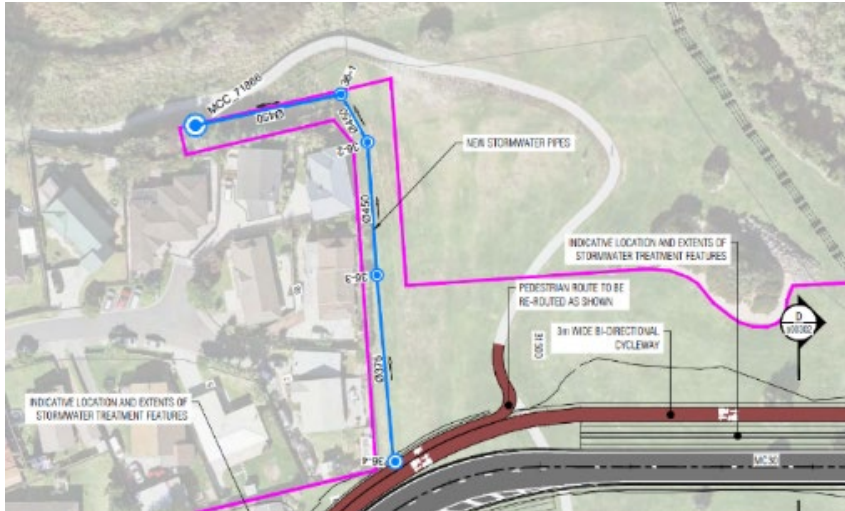
18. *Figures 6-1 to 6-4 includes a circle showing the 10m setback and 100m setback from the wetlands. However, for outfalls MCC_108481 and bridge works the 10m setback circle does not clearly show all works proposed within this setback. Furthermore, the 100m setback should be represented as 100m setback when measured from the edge of each wetland. Please amend the 10m setbacks to be a linear line to better clarify what works will be undertaken within this setback. Please amend the 100m setback to clearly identify proposed works within this setback.*

Response

Please refer to the drawings at **Attachment 2**. The drawings have been updated for both EB3C and EB4L to accurately represent the 10m and 100m setbacks from wetlands and a 10m riparian setback from streams. The setbacks have been redrawn to match the wetland shape more accurately, but these are not linear because the wetlands are irregularly shaped (oblong shaped).

Having regard to outfall MCC_108481, this outfall is not being upgraded as part of the Project. The extent of works in this location relates to a pipe upgrade which finishes at manhole MCC-7186 (refer snip from the General Arrangement drawings below). Figure 6-1 in the Terrestrial and Freshwater Ecological Effects Assessment shows the location of existing outfall MCC_108481 for information purposes only. This may have led to a misunderstanding around the extent of works in this location.

We have updated the drawings (refer **Attachment 2**) to show the extent of the construction footprint relative to the pipe upgrade and the NES: FW 10m and 100m setbacks.



19. For the new/upgraded outfall erosion and scour structures proposed within the stream bed, information to support the length of erosion and scour should be provided, to demonstrate that (the footprint of) structures within the streambed are being minimised.

Response

All new/upgraded outfall erosion and scour structures proposed within the stream bed will be designed based on HEC-14 for the design flows (10-year event where no overland flow is conveyed and 100-year for where overland flow is conveyed by pipe) as has been carried out for EB2 and EB3R. The design will implement the minimum required erosion and scour structures as supported by the calculations while taking into account constraints such as steep banks and retaining walls. The amount of rip rap will be minimised to what is only required to prevent scour to reduce impacts to the receiving environment and associated cost to construction. The information provided for EB3C and EB4L is consistent with that provided for EB2 and EB3R (BUN60407133 and BUN60407121). Final design will be approved via the EPA process and Network Discharge Consent connection approval process.

20. For works within 100m of the natural inland wetlands and streams plans showing the existing contours and the proposed post-development contours should be provided for these areas (at an appropriate scale to understand effects) to better demonstrate that earthworks and/or diversion will not result in the partial drainage of wetlands or streams.

Please note that site visits to the specific stormwater outfalls have not yet occurred. Further queries may result from these site visits.

Response

We have not shown contours on the drawings sets. The cut and fill plans attached as **Attachment 1** provides a good representation as to the contouring that will take place for the project.

In terms of partial drainage to wetlands or streams, the waterways in Burswood Reserve that have wetlands are in the greater than 100-hectare overland flow path category according to Auckland Council GeoMaps. This is the largest category on GeoMaps and the existing 2-year, 10-year, and 100-year flows (from GeoMaps) for the western stream are 11, 26, and 45 m³/s which increases to 21, 44, and 75 m³/s in the future with climate change (3.8-degree temperature increase). For the eastern stream, the existing 2-year, 10-year, and 100-year flows for the western stream are 15, 32, and 54 m³/s which increases to 26, 53 and 87 m³/s in the future with climate change (3.8-degree temperature increase). Downstream of the confluence of the two streams the existing 2-year, 10-year and 100-year flows are 25, 54 and 94 m³/s which increases to 44, 91 and 152 m³/s in the future with climate change (3.8-degree temperature increase).

The increase in stormwater network discharges will not be measurable based on the existing flows and would be even more insignificant compared to the flow increases the wetlands will experience with future climate change predictions. The project is not noticeably increasing stormwater runoff, rather it is increasing the amount of the flow captured by the stormwater network and reducing the amount of overland flow crossing roads.

Therefore, there isn't a noticeable increase in total flow from the pipe networks and overland flow paths. As such, we consider that the water level range and hydrological functions will remain largely unchanged as a result of the upgrade in stormwater discharge. The underlying character, composition and attributes of the existing wetland habitats will not change from pre-development conditions. We do not consider that pre and post development contours are required to confirm this situation.

Ecological – Resource Consents

Explanation

Having reviewed the application, Claire Webb, Consultant Ecologist has confirmed that there are no formal requests for further information on terrestrial and wetland ecology in relation to the application documentation.

That said, having viewed Terrestrial and Freshwater Effects Assessment Ms Webb has advised that minor points of clarification are anticipated to be required in terms of

understanding the Stream Ecological Valuation (SEV) calculations. Please confirm available times to discuss these matters.

Response

Claire Webb and Fiona Davies (Project Freshwater and Terrestrial Ecologist) are currently communicating in relation to minor points of clarification on the SEV calculations.

Groundwater – Resource Consents

Explanation

This element of the proposal has been reviewed by Richard Simonds, Consultant Engineering Geologist, where the following comments and requests have been made:

In Section 3.1, EBA state: “Its purpose is to inform the AEE relating to the Notices of Requirement, and required regional consents and consents required under National Environment Standards for EB3C and EB4L and identify the ways in which any groundwater-related adverse effects will be mitigated.” However in relation to the Resource Consent (National Environmental Standards for Freshwater) Regulations 2020 (NES:FW 2020) the report does not indicate if there are any “Natural Inland Wetlands” within the site or within 100m of the site. If Natural Inland Wetlands are identified within the site or within 100m of the site, then please apply for a Discretionary Activity Consent for the “Construction of Specified Infrastructure” in accordance with NES:FW 2020 45 (4), supported by an assessment of the effects of dewatering/groundwater diversion on the Natural Wetlands by a suitably qualified Hydrogeologist.

- 21. Having noted the location of Natural Wetlands within the Freshwater Terrestrial Ecology Report, please confirm the potential effects of dewatering/groundwater diversion on the natural wetlands.*

Response

This is addressed in the AEE and Terrestrial and Freshwater Ecology Report for works within 100m of a natural inland wetland. Refer to the AEE (Section 7: Reasons for consent), and Appendix 27 – EB3C-EB4L Terrestrial and Freshwater Ecological Effects Assessment.

Please refer to the updates in Section 3.1 and Section 3.3.2 of the Groundwater Effects Assessment lodged with the application. A comment has been inserted in the report which confirms that there will be no effects on dewatering/groundwater diversion on the natural wetlands. The retaining wall (RW307) supporting the cycleway (adjacent to the intersection of Greenmount Drive) near the wetland will be soldier piles, but no

dewatering will be required. The retaining walls (RM309, RW310, RW311, RM312) near the wetlands supporting the cycleway at the rear of Howick and Eastern Bus Depot, will be gravity walls and therefore no dewatering will be required.

Please also refer to the response to Question 20 above.

22. *In addition to Figure 14 of the Groundwater Effects Assessment where the data has been plotted in mbgl, please plot the data graphically in mRL for each piezometer (or groups of piezometers) to show the range of measured groundwater levels and also show the RL of the proposed excavation levels at those piezometer locations. This will assist in verifying the statement in Section 6.2. “..... the main areas of earthworks cut are located in Burswood Reserve, this area is shown in Figure 13. Groundwater in this area is anticipated to be around 4 m bgl.”*

Response

Please refer to the updated tables 2 and 3, and updated figure 14 in the Groundwater Effects Assessment lodged with the application.

23. *Please provide an assessment of settlement effects on: the car parking area to the north and west of the building , the retaining wall supporting the car parking area if any), public services (if any) and the China Town Buildings at 262 Ti Rakau Drive as a result of the installation and operation of the proposed 8m deep wick drains for the eastern approach embankment to Bridge B and subsequently prepare consolidation settlement profiles at critical locations. The assessment should be informed by a review of the property file to determine the nature of the existing foundations China Town Buildings. Depending on the findings of the assessment, settlement monitoring of the car parking area and the building may be required.*

Response

Please refer to updates in Section 3.3.5 (Ground Improvement) in the Groundwater Effects Assessment lodged with the application.

24. *Please provide a copy of the Geotechnical Factual Reports for Eastern Busway EB3C & EB4L that informs the Groundwater Effects Assessment Report.*

Response

This report is attached as **Attachment 9**.

25. Please include a cut fill plan along the route of EB3C & EB4L which clearly shows the maximum proposed excavation and fill depths and clearly identifies all buildings that are to be demolished.

Response

Please refer to cut and fill plans for EB3C and EB4L attached as **Attachment 1**. The plans have been overlayed on an aerial photo to show buildings that are to be deconstructed or demolished.

The approximate earthwork quantities are set out in the AEE (Section 4.3.11 Earthworks for EB3C and Section 4.69 Earthworks for EB4L) and replicated below:

EB3C

Extent	Approximate Cut (m ³)	Approximate Fill (m ³)	Approximate Area (m ²)
Bridge A to Bridge B (including works for 4m ² reclamation)	2,600	250	7,100
Bridge B Northern Abutment (note the abutment fill includes an area of coastal reclamation)	Negligible	11,000	2,000
Burswood Drive Busway (CH30670-CH30788)	1,400	300	9,100
Burswood Bus Station	5,000	800	1,600
Burswood Reserve Busway	6,000	200	5,200
Service relocation and installations	Negligible	Negligible	Negligible
MSE Wall Construction	Negligible	5,000	Negligible
Milling Volumes	4,650	NA	
Total	15,000 (excluding milling)	17,550	25,000

EB4L

Extent	Approximate Cut (m ³)	Approximate Fill (m ³)
Busway (including Bridge C)	200	2,960
Shared pathway and retaining walls along the southern and western boundaries of Guy Reserve and Whaka Maumahara Reserve	200	620
Temporary Access Embankment	0	17,000
Temporary construction laydown areas	500	500

Te Irirangi Drive/Town Centre Drive intersection works	250	250
Total	1,150	21,330

A draft indicative Erosion and Sediment Control Plan is attached as **Attachment 5**. This will be updated and submitted prior to commencement of earthworks as required by the conditions of consent. Please refer to **Attachment 4** for the EB3C and EB4L Conditions. The relevant erosion and sediment control conditions are conditions 13 and 14 for EB3C and Conditions 11 and 12 for EB4L.

The General Arrangement Plans also include cross sections and long sections. Refer to **Attachment 6** for updated EB3C Plans, and Appendix 8 of the application documents for EB4L Plans.

26. In relation to the construction of all proposed MSE walls and the potential for over excavation of unsuitable subgrade soils and the subsequent installation of drainage measures / granular fill, please provide confirmation as to whether or not these structures comply with the requirements of E7.6.1.6 (2 and 3). If they do not, then please include appropriate assessments of settlement effects at critical locations. An assessment of long-term dewatering and groundwater diversion effects was required for an MSE wall to support road widening as part of AMETI Stage 2 at 20R Kerswill Corner Reserve.

Response

Please refer to updated sections Section 3.1 and Section 3.3.2 of the Groundwater Effects Assessment lodged with the application.

The Groundwater Effects Assessment confirms the retaining walls for EB3C and EB4L do not require any dewatering or groundwater diversions.

No dewatering will be required and therefore there are no groundwater diversion effects.

Explanation

It is acknowledged that a summary table of the responses to questions raised at pre-application stage (including some of the above matters) has been submitted by the applicant since lodgement. A full review of this response will be undertaken on Mr Simonds’ return from leave and any subsequent requests for further information will be forwarded upon receipt.

Stormwater and Industrial Trade Activities – Resource Consents

Following an assessment of the proposed Stormwater and Industrial Trade Activity arrangements, Dr Arsini Hanna, Council's Senior Specialist Advisor has provided the attached feedback (Attachment 3). In this regard, the following information is sought:

Stormwater Quality

Explanation

The ITA report sets out on page 117 that the proposal will result in an increase of public transport trips from 3,700 to 18,000 per day, whilst Table 23 on page 137 identifies that 48 buses per peak hour are estimated to utilise Burswood Bus Station.

The provided information shows that the project area will meet the definition of a 'high use' road and high contaminated generating car parking (HCGC) – with more than 30 car parking spaces within the developed area, the stormwater from these roads and the busway are proposed to be discharged via the Healthy Waters Regionwide Stormwater Network Discharge Consent (some catchments via existing outlets, and via upgraded outlets and some via new outlets).

27. To confirm whether HCGC or High use Road consents are required under E9, please provide:

- Confirmation of whether the 'public transport trips' noted above refer to passenger trips or vehicle trips together with the estimated vehicle trips per day,
- The total HCGC impervious area and total developed high use road impervious area specifically within EB3C. clarifying the receiving environment for each catchment, and
- An assessment against the relevant standards in E9.6 Standards.

Subject to confirmation of the total new impervious areas of the high use road and car parking areas the proposed development may trigger a discretionary or restricted discretionary consent.

In Section 4.4.2 of the Stormwater Report the application states that the Stormwater Management Option and BPO Report will be finished and included in the SMP.

Please note that: "The Stormwater Management Plan must demonstrate and confirm that the development of the BPO applied as integrated stormwater management approach must meet the objectives and outcomes of Schedule 2 and the E1 policies."

Response

The stormwater from roads and the busway are proposed to be discharged via the Healthy Waters Regionwide Stormwater Network Discharge Consent (NDC) (some catchments via existing outlets, and via upgraded outlets and some via new outlets). This approach has been agreed with Healthy Waters for the entire Eastern Busway project area. We draw your attention to the Stormwater Effects Assessment attached as Appendix 11 to the EB3C/EB4L NoR/resource consent applications. In particular section 3.3 of this Assessment sets out an overview of NDC connection requirements and the category (3 & 4) that applies to the Project. Under the NDC Auckland Transport projects are covered under a special section in schedule 4, which outlines connection requirements. EB3C falls under Category 3 which covers new/development of impervious areas of existing high use roads greater than 1000m² and other roads that include new impervious areas greater than 5,000m². EB4L falls under Category 2 - *“off pedestrian and cycling facilities and new impervious area greater than 1000m².”*

The proposed EB3C works does modify Tī Rākau Drive. Ti Rakau Drive meets the definition of ‘high use road’. However, the busway itself is not a ‘high use road’ with only approximately 700 bus movements a day. Burswood Drive is also a ‘high use road’ with approximately 5,230 vehicle movements a day. The busway intersects with Burswood Drive at two locations. EB3C includes new or redevelopment of impervious carriageway area greater than 1,000 m² on high use roads (Tī Rākau Drive and Burswood Drive), and/or areas greater than 5,000 m² on other roads (the busway falls under this definition). Therefore, EB3C is within the scope of Category 3 (individual and combined) of Schedule 4 connection requirements for the NDC.

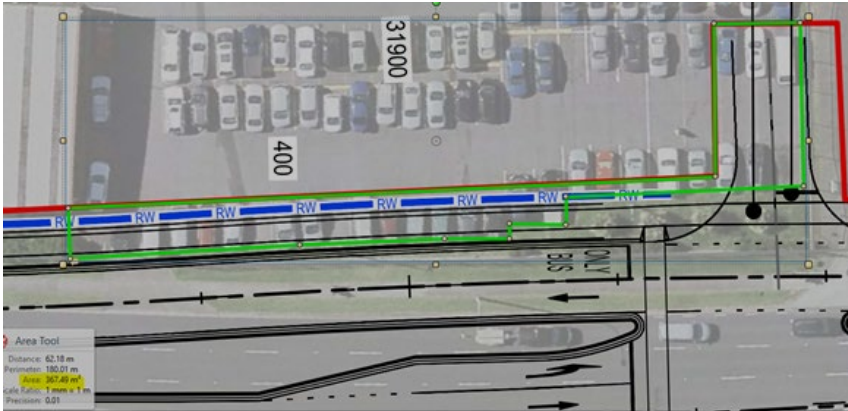
The proposed EB4L works involve an elevated busway on a bridge structure with tie in works on Tī Rākau Drive and Te Irirangi Drive and intersection improvements at Te Irirangi Drive/Town Centre Drive. As indicated above, the busway is not a ‘high use road’. EB4L includes only minimal tie in works and includes new or redevelopment of impervious carriageway area much less than 1,000 m² on high use roads, and areas greater than 5,000 m² on other roads (i.e. the busway). Therefore, EB4L is covered under Category 2 of Schedule 4 connection requirements for the NDC when considered separately to EB3C and Category 3 when combined with EB3C.

Having regard to high contaminated generating car parking (HCGC) – the project will require redevelopment of carparking areas within EB3C (approximately 120m² within the Chinatown carpark and 368m² within the Howick & Eastern bus depot carpark). Please refer snips below –extent of works in carparks shown in green.

120m², Chinatown



368m², Howick and Eastern bus depot



Category 4 of Schedule 4 of the NDC covers development/redevelopment of HCGC of more than 1,000m². In this instance, development in the carparks is approximately 488m² which is well below the 1000m² threshold to be considered under Category 4. Development within EB3C carparks is therefore appropriately covered under Category 3 of the NDC.

Please also note that under the NDC, a Stormwater Management Plan (SMP) is required to be developed and the SMP is required to be submitted during the NDC connection process. The SMP is therefore developed based on the final detailed design and connection and SMP approval is obtained following completion of detailed design rather than during the resource consent application process.

We therefore confirm that consent is not required under Chapter E9 of the AUP (OP) for HCGC or High Use Roads.

Industrial Trade Activities

Explanation

Under Chapter J of the AUP(OP), the industrial or trade activity area is defined by: ‘all outdoor storage, handling or processing areas of materials and/or products that may

contribute to the quality or quantity of environmentally hazardous substance discharges (including occasional or temporary use of areas)'.

Figure 46 from the ITA report identifies the location of a Construction Support Area (CSA) within Burswood Esplanade, where the applicant has stated that Construction Support Areas (CSA, CSA1, CSA2) and Site Access Points (SAP's) will be mitigated for stormwater runoff, without any details.

A wheel wash facility has also been proposed at the CSA sites and recycling area (where the recycling of aggregates may be involved).

It is noted that the Construction Methodology documents do not include details relating to the stormwater runoff mitigation specifically from the CSA's and SAP's. As noted in sections 6.1.1 and 6.2.1, details of stormwater during construction are excluded from the Stormwater Effects Assessment and detailed within the Construction Environmental Management Plan (CEMP) and Erosion and Sediment Control Plan (ESCP).

28. *In the absence of a CEMP as part of the application, please advise how stormwater will be managed from the Construction Areas listed above.*

Response

The proposed conditions of consent (refer **Attachment 4**) require submission and certification by the Council of a CEMP (Notice of Requirement conditions 12 and 13 for EB3C and conditions 13 and 14 for EB4L). Stormwater from the listed construction areas will be managed under the CEMP.

Draft Erosion and Sediment Control Plans are attached as **Attachment 5** which will be updated and submitted to the Council for certification as required by Resource Consent conditions 13 and 14 (EB3C) and conditions 11 and 12 (EB4L).

Stormwater – Network Discharge Consent (Healthy Waters)

Explanation

As part of feedback received from Lee Te - Senior Healthy Waters Specialist as part of the NOR, I note the following comments have been made in relation to the proposal to utilize the Network Discharge Consent (NDC):

“The report states that the projects propose to use the NDC. Will there be any effects on the stormwater network connection/use for adjacent sites, how will the project ensure that if there are any effects, the effects will be addressed and the existing stormwater

network connection/use will not be affected, to ensure no increase in flooding on adjacent sites. Can this be addressed in a condition?”

I note Auckland Transport’s provision of a Stormwater Management Plan during the Engineering Plan Approval process in relation to earlier consents associated with the Eastern Busway Project confirmed the ability to use the NDC. I am comfortable with this approach being replicated for Stages 3C and 4L of Eastern Busway with an Advice Note being recommended accordingly.

Response

Any flood effects associated with the proposed stormwater management approach will be managed through and within the scope of the NDC. A Stormwater Management Plan (SMP) is required to be developed and the SMP is required to be submitted during the NDC connection process. The SMP is developed based on the final detailed design and connection and SMP approval is obtained following completion of detailed design. Part of this approvals process requires demonstration that there will be no increase in flooding on adjacent sites.

There is not a need for this to be addressed in either a condition or an advice note. At the Eastern Busway EB2/EB3R hearing Susan Andrews from Auckland Council Healthy Waters confirmed that a condition is unnecessary because the requirements of the NDC process will ensure any flood effects of the project are appropriately and fully addressed. The Council reporting planner accepted the Healthy Waters representative view and confirmed that additional conditions relating to management of flood effects are not required under the RMA.

Based on the above points and the attached documents, AT considers that Council can proceed with the public notification of the EB3C and EB4L resource consents. This is based both on the significant volume of application material previously provided to Council, as well as the additional material provided with this response letter.

We would be happy to meet to answer any questions or queries that either yourself or your specialist team have on the application or supplied material.

A handwritten signature in blue ink, appearing to read 'Matt Zame', with a long horizontal flourish extending to the right.

Yours sincerely
Matt Zame
Eastern Busway Alliance Director