

# Application for resource consent under the Resource Management Act 1991



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Proposed public pathway at Tamaki Foreshore, Auckland.

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## 1. Application description

**Applicant's name:** Auckland Council Parks and Community Facilities

**Site address:** 254 Point England Road, Point England 1072  
5 Tahaki Road Wai O Taiki Bay Auckland 1072  
Road Reserve

**Legal Descriptions:** Sect 2 SO 503726  
Lot 248 DP 41242, Lot 253 DP 41243, Lot 256 DP 43191

**Site Area:** 32.9213 hectares (254 Point England Road)  
6.2603 hectares (5 Tahaki Road Wai O Taiki Bay)  
Total: 39.1816 hectares

**Auckland Unitary Plan (Operative in Part) Zoning:** Coastal - General Coastal Marine Zone  
Open Space - Informal Recreation Zone  
Open Space – Active Sport and Recreation  
Road

### Relevant special features, overlays etc:

#### Overlays

Natural Resources: Significant Ecological Areas Overlay - SEA-M2-49a, Marine 2  
Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_6088, Terrestrial  
Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_6089, Terrestrial  
Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_3140, Terrestrial  
Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_3196, Terrestrial  
Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W12, Mount Wellington, Viewshafts

#### Controls

Controls: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise  
Controls: Macroinvertebrate Community Index - Native  
Controls: Macroinvertebrate Community Index - Urban  
Controls: Stormwater Management Area Control - OMARU STREAM, Flow 2



the Tamaki foreshore. It will connect to other public walkways and footpaths in streets, including those consented as part of the first stage of this pathway project, granted under reference: **BUN60309548**.

The proposed Tamaki Path is part of the Auckland Council's initiative known as "Greenway Paths". These paths enhance connectivity across the City linking parks, local shopping centres and schools. The pathway also forms part of Tamaki Regeneration's Tamaki Loop project. The TRC master plan features 14 Key moves that will collectively deliver their regeneration outcomes including the Tamaki Loop and its secondary linkages.

For more details, see: <https://tamakiregeneration.co.nz/regen/regeneration-programme/14/>

A pathway exists along some proportion of the route. Consequently, some of the proposed works involve up-grading via widening and re-surfacing. New bridges and boardwalks will be constructed with retaining walls or stairs used in some places to create a level path at sloping sites or where there is existing slope instability.

The proposed path is designed to meet the specifications for a "Local Path". This is typically a 2.5m to 3m wide shared path for walking and cycling. The primary route sections of the Tamaki Path will be 4.7km overall. This includes the previous sections of 3.9km in length with 2.6km within the South Section and 1.3km within the North Section, plus the sections TP4-TP9 as part of this development which is 789m.

The path construction will be a mixture of finishes and details, as detailed in the plans supplied. This includes:

- 2m and 3m wide shared paths of concrete finish
- 2m wide aggregate bush tracks
- Timber boardwalk sections, a small section of which is in the coastal marine area.
- Staircases with or without bicycle rails
- Retaining walls where the ground cannot be re-contoured to meet the surrounding landform.
- Park benches, picnic tables, fencing and bollards for controlling vehicle access.
- Decommissioning of some pathways

The application includes:

- Trimming trees and works in the protected rootzones of trees;
- Removal of trees including areas of vegetation on the banks of the Omaru Creek;
- Structures in the coastal inundation area, floodplains and in overland flowpaths;
- Structures in the coastal protection yard and riparian yard in open space zones;
- Impervious area of approximately 2,759m<sup>2</sup> and earthworks of approximately 4,700m<sup>2</sup> and 1,700m<sup>3</sup>.

A summary of the various sections of the proposal includes:

Section	Total Length (m)	Concrete Path (m)	Aggregate Path (m)	Structure (m)	Width (m)	Concrete Area (m <sup>2</sup> )	Aggregate Area (m <sup>2</sup> )	Structure Area (m <sup>2</sup> )
TP0	22			22	2			44
TP1	217	155			2	310		
				62	2			124
TP2	503	25			2	50		
			445		1.5		667.5	
				33	2			66
TP3	250	220			2	440		
				30	2			60
TP4	108	45			3	135		
				63	3			189
TP5	29	29			3	87		
TP6	330	330			3	990		
TP7	3	3			3	9		
TP8	107	82			3	246		
				25	3			75
TP9	162	142			3	426		
				20	3			60
TP10	50	33			2	66		
				17	2			34
<b>Total</b>	<b>1781</b>	<b>1064</b>	<b>445</b>	<b>272</b>		<b>2759</b>	<b>667.5</b>	<b>652</b>

## Stormwater Design

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Where the Path intersects with overland flows, these are to be diverted under the pathway via a low flow pipe, maintaining existing flow paths. At times of high rainfall, it is anticipated that the flow will go over the top of the Path (100 year ARI events).

Water running off the Path's impervious surface will discharge directly to grassed / vegetated areas.

## Existing bridge removal

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An existing bridge is proposed to be removed over Omaru Creek. This bridge is over the coastal marine area and has an existing consent reference: **25087** (granted 23 July 2001). This bridge has become unnecessary given the replacement bridge recently completed. When the structure is demolished, the consent holder will apply for the surrender of this consent. The existing bridge to be removed and the new bridge are detailed in **image 2** below.



**Image 2:** existing bridge shown to the west, new bridge to the east (completed 2021)



**Image 3:** existing bridge to be decommissioned.

## Background / project context

Resource consent has been previously granted for the wider project to give effect to the Greenways plan as follows:

**BUN60309548** was granted on 21 March 2018 by duty Commissioner Leigh McGregor for the first stage of the Tamiki Pathway. This project was constructed in 2018/19 and is now completed.

## Engagement

Engagement has occurred for this project as follows:

### 1) Engagement with the Maungakiekie-Tāmaki Local Board

This pathway project is funded and supported by the Maungakiekie-Tāmaki Local Board. The Maungakiekie-Tāmaki Local Board have been actively involved in the project to date. Since project inception the Parks and Community Facilities department has presented project updates to the Maungakiekie-Tāmaki Local Board.

The Maungakiekie-Tāmaki Local Board resolved (under resolution FY24-MT/2023/86) to include this section of the pathway in their work programme. This section of pathway is also included in the adopted Tamaki Open Space Network Plan.

### 2) Engagement with Mana Whenua

Mana whenua engagement on this project began in 2016 with several iwi groups, including Ngāti Whātua o Kaipara, Ngāti Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngāti Whanaunga, Ngāti Whātua Ōrākei, Te Ākitai, Ngāti Tamaoho, Ngāti Te Ata, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua and Waikato Tainui

In early 2017, Ngāti Pāoa and Ngāi Tai ki Tāmaki confirmed their interest in a co-design process to integration of iwi narratives into the project. Both Ngāti Paoa and Ngāi Tai ki Tāmaki provided an artist for the project.

The co-design process confirmed the Omaru Creek Bridge as one of the key opportunities along the pathway for local iwi to contribute to rich design outcome. The other opportunity for creative expression was confirmed on the path surface and etched concrete on the path leading up to all bridge structures and pathway connections.

An email to mana whenua specifically for this stage of the project was sent on 28 May 2024 and is provided in **Appendix 9**.

### **3) Engagement with Auckland Council**

A specific pre-application meeting has not been held with Auckland Council regulatory services.

## **Site and locality**

The site is reserve owned by Council.

The wider pathway development traverses land on the western coastline of the Tamaki Estuary, stretching from the Wai O Taiki Nature Reserve in the north, through the Point England, Riverside, Dunkirk and Mt Wellington War Memorial Reserves and the Tamaki Football Grounds to the Panmure Wharf Reserve in the south. Accordingly, the alignment of the Path generally falls within public open space and coastal edge reserves, traversing land that sits between the coast and areas of residential properties and community facilities.

This section of the pathway is principally over open space zoned land along the shores of the Tamaki Estuary from Point England Reserve, north of Omaru Creek, through to the Wai O Taiki Reserve / Fernwood Place to the north, and a connecting path to the west connecting to Taniwha Street.

The majority of the length of the proposed Path is already utilised by the public for walking and cycling, with informal paths (a mix of concrete, gravel and grass), boardwalks and bridges present (including an existing footbridge over the Omaru Creek).

To the east of the site is the Tamiki River / estuary with Half Moon to on the eastern side of the Tamiki Rover. To the west of the site is the suburb of Tamiki, experiencing significant development and growth, including significant investment in housing intensification.

### 3. Reasons for the application and status

#### Land Use Consent (s9)

##### Auckland Unitary Plan: Operative in Part

##### Open Space Informal Recreation and Sport and Active Recreation zones

- Coastal protection and riparian yard controls

The bridge/boardwalk structures are considered a building in the Unitary Plan, with a maximum height of 7.2m. Some parts of the path (including retaining walls up to 1m), and the boardwalks, are within the yard controls for the zones (H7.11.3). This includes the following areas:

- The Open Space Informal Recreation zone has a 20 metre coastal protection yard. One of the boardwalk sections along Omaru Creek is located in this yard;
- The Open Space Informal Recreation has a 10m riparian yard. Three of the boardwalk sections are located in the riparian yard.

This requires a **discretionary activity** consent (H7.9.1 (A39)).

##### Earthworks

- Earthworks of 1170m<sup>2</sup> and 330m<sup>3</sup> is proposed in the coastal protection yard, and 170m<sup>2</sup> and 60m<sup>3</sup> in the riparian yard. This is more than 5m<sup>2</sup> or 5m<sup>3</sup> in the coastal protection yard and riparian yard E12.6.2(1)). This requires consent as a **restricted discretionary activity** (C1.9(2)).

##### Trees / vegetation

- vegetation alteration or removal within 10m of urban streams. This requires consent as a **restricted discretionary activity** pursuant to rule E15.4.1(A19);
- vegetation alteration or removal of greater than 25m<sup>2</sup> of contiguous vegetation and tree removal of any indigenous tree over 3m in height, that is within 150m of mean high water springs. This requires consent as a **restricted discretionary activity** pursuant to rule E15.4.1(A22);
- Rule A43 in Activity table E15.4.2 states that vegetation alteration or removal in a SEA not otherwise provided for is a **Discretionary activity**. Up to 120m<sup>2</sup> of SEA removal is proposed depending on final alignment.
- trees in open space zones that are greater than 4m or 400mm in girth are proposed to be removed. This requires consent as a **restricted discretionary activity** pursuant to E16.4.1(A10);
- trimming and alteration and works within the protected root zone of trees in open space zones do not comply with standards (E16.6.1 and E16.6.2). This requires consent as a **restricted discretionary activity** pursuant to E16.4.1(A6) and (A8).

### Overland flowpaths

The proposed path will cross a number of overland flowpaths along its route. Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located in or over an overland flowpath are a **restricted discretionary activity** (E36.4.1(A42)).

### Floodplains

Foundations of the proposed boardwalks lie in a floodplain. New structures and buildings within the 1 per cent annual exceedance probability (“AEP”) floodplain require a **restricted discretionary activity** consent (Table E36.4.1(A37)).

### Coastal inundation area

The proposed bridge and one of the boardwalks is in the coastal inundation area. Buildings and structures on land in the coastal storm inundation 1 per cent AEP area require a **restricted discretionary activity** consent (Table E36.4.1(A9)).

## **Stormwater discharge consent (section 15)**

Auckland Unitary Plan: Operative in Part

Consent is required under rule E8.4.1(A9) for the diversion and discharge of stormwater from impervious areas greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup>, which complies with the standards. This is a **controlled activity**.

## **Coastal permit (section 12)**

The proposed Omaru Creek pathway has a boardwalk section which will cross the Coastal Marine Area. This requires the following regional resource consents.

### Auckland Regional Plan: Coastal (operative plan provisions)

- Rule 10.5.9: Occupation of the common marine and coastal area by the proposed boardwalk is a **discretionary activity**;
- Rule 11.5.5: The use of the boardwalk to provide for access is a **discretionary activity**;
- Rule 12.5.18: Construction of the boardwalk is a **discretionary activity**;
- Observation areas, viewing platforms and boardwalks in the Significant Ecological Areas Overlay – Marine require consent as a **discretionary activity** (F2.19.10. (A143));
- Impact and vibratory piling in the SEA-M2 overlay area requires consent as a **restricted discretionary activity** (F2.19.8 (A114));

Overall, the application is assessed as a **discretionary activity**.

In considering the reasons for consent, the following is noted:

- **SMAF provisions:** The site is in the Stormwater Management Control Area for the OMARU STREAM, (Flow 2). The proposed works contain no point source stormwater discharges and will primarily discharge to the Omaru stream or into the coastal marine area. All discharge points are less than RL 1.7m and are considered a permitted activity under E10.4.1(A1).
- The demolition of buildings or coastal marine area structures is a permitted activity in the SEA-M2 area under F2.19.10 (A125)
- Activity Table H7.9.1 provides for a number of permitted activity community uses in the Open Space Informal recreation zone. These permitted activities include: public amenities, gardens, conservation planting, informal recreation, recreational trails and parks maintenance.
- Activity Table H7.9.1 provides for a number of permitted activity development uses in the Open Space Informal recreation zone. These permitted activities include: buildings for public amenities, parks infrastructure, artworks, accessory buildings and fences.

#### **Archaeology:**

- An archaeological report has been prepared for the application and is provided as **appendix 3**.
- This report (prepared by Don Prince) concludes that while no consent is required under the Auckland Unitary Plan, earthworks associated with the project require a program of mitigation to be established prior to the commencement of earthworks. This includes the seeking and obtaining of a General Authority from Heritage NZ Pouhere Taonga under conditions contained within the Heritage NZ Pouhere Taonga Act (2014).

## **4. Public notification assessment (sections 95A, 95C-95D)**

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### **Step 1: mandatory public notification in certain circumstances**

No mandatory notification is required as:

- the applicant does not request that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

### **Step 2: if not required by step 1, public notification precluded in certain circumstances**

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)), and

- the application does not involve one or more of the following activities exclusively: a controlled activity; a restricted discretionary or discretionary activity for a residential activity (as defined in s95A of the RMA) or a subdivision; a boundary activity; or a prescribed activity (s95A(5)(b)).

### Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activity on the environment, as public notification is required if the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

As a discretionary activity, a full range of effects can be considered.

### Adverse effects assessment (sections 95A(8)(b) and 95D)

The following assessment addresses the adverse effects of the activity on the environment.

#### Effects that must be disregarded

##### **Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land**

Effects are to be disregarded on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is significant and therefore not all properties are listed. The alignment includes being adjacent to properties on Taniwha Street, Concord Place, Manaaki Circle, Tuturiwhatu Lane, Teuila Grove, Kestrel Place, Rita Meredith Road, Kiano Place, Marion Place, Kotae Road, Silverton Avenue, Inglewood Street and Fernwood Place.

For the purposes of s95D(e), no persons have provided their written approval.

#### Effects that may be disregarded

##### Permitted baseline

The permitted baseline may be taken into account and the council has the discretion to disregard those effects. Overall the permitted baseline is considered relevant to the sections of the pathway where only earthworks are proposed where vegetation alteration or buildings / structures are not proposed. Large sections of the pathway, particularly those north of Kotae Road. In addition, the activity of a recreation trail is a permitted activity.

Overall, the permitted baseline is considered relevant. Effects on amenity and character for establishing a recreation trail are considered part of the permitted baseline.

## Assessment

### Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

In this case the receiving environment is a subject site which is reserve with residential development and the coastal marine area surrounding.

### Adverse effects

As a discretionary activity, a full range of effects can be considered.

### Land disturbance

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- Standards in E12.6 and general standards in E12.6.2 have been reviewed. It is considered that the proposal will comply with all of these standards. In particular:
  - Accidental discovery protocols will be adopted and are offered as a condition of consent.
  - Land disturbance will not result in any instability. The excavations are generally shallow.
  - The earthworks will maintain the same entry and exit points for overland flow paths.
  - Land disturbance will not cause malfunction or result in damage to network utilities
  - Restricting access to the public footpath during construction is necessary to prevent harm to the public during construction. Access will be reinstalled once the construction work on the new footpath is completed.
- The land disturbance is a relatively simple footpath excavation. It is not expected that there will be any adverse noise, vibration, odour, dust, lighting or traffic effects. Works will be undertaken in normal business hours and given the limited level of construction works, will be relatively short in duration (estimated to be 6-9 months).
- The land disturbance is a relatively simple footpath excavation and replacement. It is not expected that there will be any adverse stability and safety effects. The depth of excavations will be generally no more than 500mm below existing ground levels with the exception of the some limited sections and holes required for the piles to construct the boardwalk sections.
- There are known floodplains in the reserve and small overland flow paths are located in the works area. The footpath replacement will be at a similar gradient with boardwalks to allow stormwater to pass under, therefore not adversely affecting the functioning of any overland flow path.
- Accidental discovery protocols of kōiwi, archaeology and artefacts of Māori origin will occur and it is recommended that a condition of consent is imposed to this effect.

- It is not anticipated that any large sized stock piles will be required, possibly small mounds of topsoil will be placed to the side of the footpath and used for back filling once the path formation is complete.
- Given the scale of the project, staging is likely and progressive stabilisation will be considered by the appointed contractor.
- Monitoring of earthworks will occur on site by the appointed contractor. Best practice erosion and sediment controls will be adopted in accordance with TP90 / GDO5. While no specific erosion and sediment control plan has been prepared to support this application, it is anticipated that the appointed contractor will prepare their own erosion and sediment and control plan. This will be presented to Regulatory Services for approval prior to works commencement. A condition of consent is offered to this effect. It is anticipated that a mixture of silt fences and filter socks will be used along the length of the footpath alignment.
- The works are anticipated to occur generally in the 2024/35 construction season and it is anticipated that a six to nine month period will be required for works completion.
- An expiry of consent is not sought. It is anticipated that the works will occur in the next two years. A standard lapse period of 5 years is considered appropriate.
- Significant ecological areas are identified on site. The mapping of one area appears to be poorly done, particularly area SEA-T 6089 where there are large pine trees with very sparsely under canopy growth.
- Given the depth of excavations and type of work proposed, it is not considered that any adverse effects to network utilities will occur.
- The site is located in proximity to the coastal environment. The coastal protection yard applies. The built form is limited to that required for public use and enjoyment. None of the structures proposed are considered to be excessively built and are identified as having a direct functional purpose
- The land disturbance will have positive effects by enabling better and safer public access through a reserve
- The nature and form of the works are relatively basic and involve (with the exception of the boardwalk sections) removal of the existing topsoil and soil to provide for the required width for forming, including concreting in some sections. The extent of the proposed works is similar to the area previously modified for the existing footpath in some parts.
- A formal erosion and sediment control plan has not been prepared for the project as part of the application. A Preliminary Construction Methodology and erosion and sediment control plan has been prepared (**appendix 8**) and a construction management plan will be prepared by the appointed contractor and an experienced contractor will be supervising these works. This will include erosion and sediment controls installed. Works will be staged and small sections will be completed in the dryer months of the year.



**Image 4:** extent of SEA-T 6089.

## Overland flowpaths

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- The activity currently exists on site with no significant known flooding effects on current users of the reserve. There is however a known localised ponding effect that occurs after rain events to parts of the walkway and lower contours. In this regard, the design of the walkway has been considered to avoid these areas. In some parts, the walkway surface has been raised and the swales installed to assist with adequately managing stormwater runoff. Boardwalks have also been used in five areas to avoid ponding areas, overland flow paths and /or across the coastal marine area (in one location). The proposed swales and re-contouring of the overland flow paths will improve the use of the footpath after rain events.
- The recreation trail activity is considered a flood tolerant activity as defined by the AUP:OP.
- No habitable rooms are proposed in the overland flow path.
- No buildings are proposed in the overland flow path aside from the boardwalks.
- During a flood event, users of the reserve would experience possible surface flooding of the

footpath at some points. This currently exists.

- Overall, the proposal will have no adverse effects on current overland flow paths and the proposal will generally improve the functioning of overland flow paths to reach the adjacent coastal marine area.

## Ecology

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An Ecological Impact Assessment has been undertaken by SLR, authored by Sanaz Safavian, dated 9 May 2024. This report is provided in **appendix 4**. This assessment is relied upon and not repeated in full here.

This assessment has evaluated the ecological values of the site, assessed effects of the proposed activity and provided an assessment of effects post management. The assessment considers the effects of construction activities on the freshwater, coastal and terrestrial ecological values in the locality. Several recommendations are made which are supported and where applicable, offered as conditions of consent. I have reviewed this report and concur with its findings. In review of this assessment, the following summary and assessment is provided:

- The extent of the significant ecological area on site is very limited.
- The bush, serving as riparian corridor along the coastline and streams, is predominantly characterised by semi-mature and regenerating native trees generally including māhoe (*Melicytus ramiflorus* subsp. *ramiflorus*), karamū (*Coprosma robusta*), mapau (*Myrsine australis*), pōhutukawa (*Metrosideros excelsa*), and mānuka (*Leptospermum scoparium* var. *scoparium*). Other native species such as kānuka (*Kunzea robusta*), tītoki (*Alectryon excelsus* subsp. *excelsus*), pūriri (*Vitex lucens*), karaka (*Corynocarpus laevigatus*), taupata (*Coprosma repens*), karo (*Pittosporum crassifolium*), lemonwood (*Pittosporum eugenioides*), tōtara (*Podocarpus totara* var. *totara*), and kawakawa (*Piper excelsum*) contribute to the canopy and understory although in less quantity (Photo 1). In addition, species such as cabbage tree (*Cordyline australis*), harakeke (*Phormium tenax*), oioi (*Apodasmia similis*), and swamp sedge (*Carex virgata*) are also present.
- The TP3 alignment crosses over a small stream at approximately chainage 150. It is a small, short tributary to the north of Omaru Creek. The stream was found dry at the time of survey and identified as an intermittent stream.
- A small, degraded area classified as exotic wetland of about 5m<sup>2</sup> (2x2.5m) in accordance with the NPS-FM 2020 was located alongside this stream. The wetland comprises of mainly buttercup (*Ranunculus repens*) and willow weed (*Persicaria maculosa*) and lies slightly north and upstream of the proposed bridge alignment on the lower bank of the intermittent stream (Photo 4 of the EIA). The bridge alignment will be adjusted so works will not be required within 10m of the wetland so that there will be no NES-FW triggers related to works near wetland for the proposal.
- The Omaru Creek runs alongside the TP2 track alignment and existing track in this location (Photo 5 of the EIA).
- A stream tributary that discharges directly to Tamaki River is located at the north end of the TP4 alignment in the location of the existing bridge crossing.
- Fauna assessments have been undertaken for Birds, Lizards, Bats and fish.
- The EIA describes in Table A the track sections with the vegetation impacted.
- Fauna impacts are addressed in section 4.2 of the EIA.

- Management and mitigation is proposed as described in section 5 including adherence to arborist good practice, weed control, mitigation planting, restrictions to vegetation clearance during the bird breeding season, lizard management and appropriate erosion and sediment controls.
- Wider ecological values will be maintained on site. No vegetation of significance will be removed by the proposal.
- Natural character values will be maintained, noting the extensive vegetation that will be retained.
- Effects on the Significant Ecological Area are minimal and no significant amounts of mature vegetation will be removed.
- No significant residual adverse effects arise from the proposal. With post management of effects, the level of each ecological effect on the respective features (Vegetation – botanical values, Avifauna / Birds, Herpetofauna / Lizards, Chiropteran Fauna / Bats) is very low or low.

I support the recommendations and conclusions reached. To enable the proposed development, limited vegetation removal is necessary. A restoration plan is proposed and offered to be prepared as a condition of consent. It is offered that this restoration plan is prepared within 3 months of the consent being granted and revegetation planting occurring in the first season following physical works.

The set of plans details a provisional area for revegetation planting, including areas in figure 5 of the EIA. These areas will be confirmed through the preparation of the restoration plan.

## Arboriculture

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An Arboricultural Assessment of Effects has been undertaken by the Tree Consultancy, authored by Sean McBride, dated 28 March 2024. This report is provided in **appendix 7**. This assessment is relied upon and not repeated in full here.

- Works are proposed in the protected rootzone of trees and tree / bush removal is proposed. The trees / bushes for removal are generally small in scale, generally less than 3 metres in height. Some mature trees are proposed for removal and are listed in the tree inventory in the Arboricultural Assessment of Effects
- Asset owner approval for the tree has been sought and advice is provided in **appendix 10**.
- Arboricultural methodologies for works in the dripline of vegetation have been developed and are provided in appendix A of the Arboricultural Assessment of Effects.
- Any tree / vegetation loss envisaged will be adequately mitigated by the replacement planting that will increase the quality and quantity of the tree cover, noting that a proportion of the trees for removal are considered pest plants. The replacement planting will take into account the existing constraints and functional requirements of the site by selecting the appropriate species and location to allow for its long term development. This is further detailed in the ecological impact assessment in **appendix 4** and below.
- The Arboricultural Assessment describes the range of potential effects that could occur as a result of the proposed construction activity. These include:
  - Removal of trees
  - Disturbance to tree root systems arising from the formation of the access to Oamaru Creek, excavation or the placement of fill generally along the Path.

- Damage to above-ground parts of the trees resulting in tree health or aesthetic effects. This damage may result from poor pruning techniques, or conflict between machinery (during construction) or path users (post-construction) from low hanging limbs.
- The proposed Path alignment will require the removal of a number of indigenous and exotic trees within the riparian margins of the Omaru Creek.
- To address these effects, a number of mitigation measures are proposed, including:
  - Altering the alignment of the Path to reduce encroachment on the Protected Root Zones of trees
  - Use of timber boardwalks or root bridging to traverse vulnerable root zones where there is limited space to re-route the Path
  - Adherence to best practice arboricultural techniques for pruning
  - Compliance with tree protection methodologies for works within Protected Root Zones
  - Briefing all contractors and sub-contractors working on the site the tree protection methodologies identified above
  - Requiring the supervision of works by a qualified arborist
  - Recording works undertaken to trees
- In addition, detailed methodologies have been provided for protection of the Protected Root Zones and for Tree Trimming and Removal in the assessment. Both of these methodologies require the engagement of a qualified arborist to undertake tree works and to monitor construction activities.

## Coastal Processes

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A coastal assessment has been undertaken by Jo Morriss, Senior Coastal Specialist, Resilient Land and Coasts, Auckland Council, dated 27 May 2024. This report is provided in **appendix 6**. This assessment is relied upon and not repeated in full here.

- The proposal has one small section of boardwalk across the coastal marine area, across a narrow gully located on the northern shoreline of the Omaru Creek, Tamaki River. Omaru Creek is a narrow tidal inlet that flows into Wai-o-Taiki Bay, a sheltered embayment on the western shoreline of Tamaki River between Point England and Tahuna Torea.
- Potential coastal processes effects of the proposal relate to changes in the wave patterns and sediment transport (which can result in scour of river sediments adjacent to piles). The boardwalks effects on coastal processes are expected to be negligible due to the following reasons:
  - Wave energy within Tamaki River is low due to the limited fetch distance to the east, and due to shallow water depth over the intertidal area.
  - The location of the proposed boardwalk, some 250m west of the Omaru Creek entrance from Tamaki River, is a very low energy coastal environment. Fine muddy sediment within Omaru Creek is characteristic of sheltered estuarine environment.
  - The creek is infilled with dense stands of mangrove vegetation, and wave energy does not propagate into the confined and sheltered inlet.
  - The location of the proposed boardwalk is at least 15m north of the outside meander bend at the closest point to the small gully, with established mangroves established along the fringe. The mature vegetation indicates low energy and low

- tidal flows that have enabled mangroves to establish.
  - The piled nature of the structure allows waves and currents to pass beneath the boardwalk.
  - The design height for the boardwalk deck should be elevated above the present day 1%AEP extreme storm event. Based on Auckland Councils regional assessment of coastal inundation by storm tides and waves (2020), this yields an RL of 2.25m. An additional allowance for freeboard, and appropriate consideration of relative sea-level rise (including vertical land movement) should also be made within the expected asset life (e.g. 25 or 50 years). Supporting sea-level rise and vertical land movement information is available using the NZ SeaRise website.
- Overall, it is considered that the proposed coastal structure will have less than minor effect on coastal processes.

## Amenity, landscape, natural character and visual effects

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- The site is currently has limited built form. The proposal will have limited built form which is consistent with the amenity of the area and the site's function as a public reserve.
- The proposal is consistent with the intended amenity, character and landscape for public open space. The site is identified as part of the wider public open space network.
- The development of the reserve will provide an attractive area for public use with high amenity.
- When viewed in the context of the wider environment, the proposed additional built form will be consistent with the surrounding environment which has high quality built form of modest proportions. The built elements have very limited built form.
- The built form is limited to that required for public use and enjoyment. None of the structures proposed are considered to be excessively built and are identified as having a direct functional purpose.
- The development has recognised its relevance to the surrounding landscape. The pathway generally follows the existing landform and to avoid significant landform modification, boardwalks / bridges are proposed.
- The subject coastline is relatively modified, with other coastal structures including seawalls stormwater outfalls and other bridges and boardwalks including the bridge constructed as part of the previous stage of this pathway. Adjacent is residential development. The inward landscape of this section of coastline is not pristine as it has been modified to form paths, open space reserve and the local road network. The surrounding land use including a mix of different residential land uses has also modified the surrounding landscape.
- The proposal is not located in an outstanding natural landscape or an area of high natural character (as identified by the AUP:OP). All elements of the proposal are considered typical features found in this type of transitional coastal/residential environment and are often found in parks, reserve and in the CMA.
- Remaining elements of natural character and landscape values include established mature trees along the coastal edge, mature mangrove stands within the wider environment, and muddy intertidal flats.
- The earthworks required to construct the pathway will not create a noticeable difference on the form of the land, or affect the natural character of the coastline as they are limited to the

extent of the boardwalk piles only.

## Recreation and navigational use of the CMA

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- The boardwalk over the CMA provides for informal recreational amenity, for public access over the water.
- The boardwalk is located inward outside of the narrow tidal channel that meanders through the mangroves. There is no known recreational vessel use in this small section away from the tidal channel. Existing vegetation would make it extremely difficult to navigate. As such it is considered that this coastal structure does not create a physical impediment for recreational users of this part of the inlet. Therefore any adverse effects on recreation or navigational use resulting from the proposal will be less than minor.

## Noise and vibration

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- For piling undertaken in the seabed when there is no water cover there will be no underwater noise generated and therefore no effects on marine fauna or people. It is not anticipated that there will be any significant depth of water when piling occurs and given its location, it is highly likely that piling will occur in the CMA when there is no water cover.
- If piling is undertaken between mid-tide and high-tide the propagation path for underwater noise would be through very shallow water and over very soft sediments predominantly covered by mangroves. In these circumstances the underwater noise levels will be low by virtue of the very shallow water column in which they are generated, and will attenuate very quickly due to the shallow water and soft sediment. The effects radii for auditory masking and behavioural impacts on any marine mammal would be very localised.
- Furthermore, the area is not known as a foraging ground or critical habitat for any marine mammals and no recorded sightings of marine mammals are noted in this area. The area is not used for recreational diving.
- For these reasons, it is considered that the underwater noise that will be generated by the proposal will not adversely affect the health and wellbeing of marine fauna or people.
- Noise and vibration resulting from construction will be temporary, occur during normal day time hours and are expected to comply with the permitted activity standards contained in Chapter E25 of the AUP:OP. As such any adverse noise and vibration effects on the surrounding environment will be less than minor.

## Archaeology

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A preliminary archaeological survey and assessment has been undertaken by Don Prince of Time Depth Enterprises Heritage Consultants Archaeology, dated February 2024. This report is provided in **appendix 3**. This assessment is relied upon and not repeated in full here.

Previous archaeological survey and research has identified 13 previously recorded archaeological sites within the vicinity of the current upgrade project for the Tamaki Path.

Five archaeological sites are identified either on the existing or re-alignment of the track and there is potential that unidentified sites exist that may be exposed during the proposed works. A detailed account of each of these archaeological sites is provided in the archaeological assessment.

The visible archaeological features identified form part of a wider cultural/archaeological landscape that extends around the Tamaki Estuary. Those archaeological features including pa, occupation terraces, crop storage pits and shell midden are evidence of human occupation. This occupation predominantly comprised of undefended living with storage complexes and associated cultivations on and in the immediate vicinity of the visible archaeological features.

In assessing archaeological effects, the archaeological report recommends earthworks associated with the project require a program of mitigation to be established prior to the commencement of earthworks. This includes the seeking and obtaining of a General Authority from Heritage NZ Pouhere Taonga under conditions contained within the Heritage NZ Pouhere Taonga Act (2014).

The report also recommends the following which is offered by the applicant:

- That protection and preservation of archaeological evidence within the proximity of the proposed alignment of the Point England Reserve Path should be paramount.
- That prior to any ground disturbance a General Authority should be sought and obtained from the HNZPT under conditions contained in the HNZPT Act (2014).
- That a condition of the authority should be that all ground disturbance within the vicinity of identified archaeological sites should be monitored by a suitably qualified archaeologist in order to determine whether undetected subsurface features exist.
- That prior to the commencement of work all sites currently identified are fenced with high visibility fence to avoid accidental damage
- If it is unable to avoid any archaeological features they should be investigated as per current archaeological practice.
- That all contractors working on the project are briefed on the possibility of encountering archaeological evidence and the contractors' responsibility with regard to notification of any discovery of archaeological evidence.
- Where possible, significant archaeological material encountered should be preserved and protected in situ.
- That if unidentified archaeological sites are encountered during ground disturbance associated with the development all work should cease in the immediate vicinity and the HNZPT, project archaeologist and tangata whenua contacted.
- That if koiwi (human remains) should be exposed during development, work should cease in the immediate vicinity and the tangata whenua and HNZPT should be contacted so that appropriate arrangements can be made.
- That since archaeological survey cannot always detect wahi tapu and sites of traditional significance to Maori, the tangata whenua should be consulted regarding the Maori values of this area and the recommendations in this report (this has occurred with the provision of the application to mana whenua for their review).

## Contamination

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GHD Ltd completed a Preliminary and Detailed Site Investigation to identify any consents required under the National Environmental Standard for Assessing and Managing Contaminants in the Soil. This assessment was undertaken for the entire alignment as part of the initial project work.

This investigation has included a site inspection, a review of aerial imagery, research of historic land use and intrusive sampling to a maximum depth of 15cm below ground level. The report in **Appendix 5** provides the detailed results of these investigations.

Land within Point England Reserve was historically farmland, used for pastoral and a range of cropping activities. Between 1940 and 1959 land surrounding the Reserve was converted to residential subdivision. Possible HAIL activities include sports turf, cropping and possible filling.

North of Omaru Creek, the most significant land use change was the conversion of agricultural land to residential. No HAIL activities were identified.

The overall results from the investigations concluded that the volumes of contaminated soils to be disturbed is low and the presence of contaminants is not statistically significant.

Overall, it is considered that the effects of the proposal are less than minor.

### Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary
- outside of the common run of applications of this nature, or
- circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

### Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for an activity other than those specified in s95A(5)(b).

- Under step 3, public notification is not required as the application is for an activity that is not subject to a rule that specifically requires it, and it is considered that the activity will have or is likely to have adverse effects on the environment that are less than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore requested that this application be processed without public notification.

## 5. **Limited notification assessment (sections 95B, 95E-95G)**

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

### Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

In addition, the council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)).

Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāti Tai Ki Tamaki Claims Settlement Act 2018

In this instance, the proposal is adjacent to the coastal marine areas that is subject to a statutory acknowledgement by Ngai Tai ki Tamaki. The site contains no items listed as Sites or Places of Value to Mana Whenua or any historic heritage overlay in the unitary plan. Given the scale of the project and the assessment provided above, it is not considered to result in adversely affected persons in this regard.

### Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)), and
- the application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

### Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor)
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded
- the adverse effects on those persons who have provided their written approval must be disregarded, and
- as a restricted discretionary activity, only those effects on persons that fall within the matters of discretion restricted under the plan can be considered.

### Adversely affected persons assessment (sections 95B(8) and 95E)

In noting that no persons have provided their written approval, no person is considered adversely affected by the proposal because:

- The path will be located on a number of overland flowpaths but will provide minimal obstruction to the flowpaths, plus many will be piped for smaller rain events. In larger rain events the flows will simply run over the path. The overland flowpaths all drain to the coast and all persons on adjacent land will be above where the path crosses the overland flow paths. It is not anticipated that the path will block the overland flow paths or cause ponding on adjacent land.
- The pathway alignment largest currently existing for the northern section, with an informal track in place. While more people will use the path for recreational purposes when formalised, the adverse effects of any increased intensity of use would have less than minor noise, visual amenity and residential amenity effects on adjacent persons. This use is also permitted and forms part of the permitted baseline.
- In terms of the proposed bridges/boardwalks and vegetation removal necessary to construct the proposed pathway, the bridge and boardwalk locations are not highly visible from adjacent land or the separation distance to the affected area is such that any adverse effects on residential amenity or visual amenity will be less than minor. In respect of any tree works in other parts of the path, the large distance to adjacent persons ensures that any adverse effects on residential amenity or visual amenity will be negligible and less than minor.
- the owners and / or occupiers of adjacent properties will not see a significant change in the reserve use, noting that the reserve is currently used for a passive recreation.
- Construction effects associated with the works will be minimal and temporary, as typically associated with typical works in open spaces (for example, similar construction activities include the construction of playgrounds, toilet blocks, walking paths, etc).
- Construction works are expected to occur during normal business hours and some weekend work at reasonable times.

- The physical works proposed are of a modest duration, with physical works occurring along a very linear pathway alignment (therefore any adjacent property will not experience a significant duration of physical works in any one area.
- The built form is not excessively built and is common in the open space network to activate these spaces for public use and enjoyment.

#### Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant it being notified to any other persons not already determined as eligible for limited notification.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

#### Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

It is therefore requested that this application be processed without limited notification.

## 6. Notification request

Given the above assessment, it is requested that the application be processed without notification.

## 7. Relevant Statutory Documents

Section 104(1)(b) of the RMA requires the Council consider the relevant provisions of the District Plan or Proposed District Plan, Regional Plans and Policy Statements and National Policy Statements. These matters are addressed below.

When considering an application for resource consent, Section 104(1)(b) of the RMA requires the Council to have regard to the relevant provisions of:

- a) A national environment standard;
- b) Other regulations;
- c) A national policy statement;
- d) A New Zealand coastal policy statement;
- e) A regional policy statement or proposed regional policy statement; and
- f) A plan or proposed plan

In consideration of the above matters, the following assessment is provided:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - The proposal will avoid significant modification of the estuary and coastal landscape by using modest scaled structures that will not change the existing ground level in the coastal marine area and will be located on an already modified and degraded location along the creek banks. Adverse effects on visual amenity will be low due to vegetation screening from many locations.
  - Vegetation will be removed to create the pathways and to construct the boardwalks. Some of the vegetation along the coastal marine area and stream is of low quality. The vegetation removals will be mitigated by reinstatement planting that in the long term will enhance the vegetated banks and landscape to ensure that the coastal character is maintained.
  - The proposed vegetation alterations and removals have been assessed by a suitably qualified arborist who has concluded that the proposal will give rise to an acceptable level of adverse effects that will be mitigated by retention of adjacent vegetation and appropriate replacement planting.
  - Several archaeological sites are recorded on the site. However, none of those sites are scheduled as historic heritage places in the Unitary Plan and few of these sites are potentially affected by the proposed works. The pathway alignment has been designed to mitigate effects on the archaeological landscape and by modifying the design and placement of the pathway to avoid impacts on the historic heritage of the area as far as practicable.
  - The pathway avoids tree roots where necessary and possible. Trees that will be pruned or work within the protective root zone will be subject to appropriate methodologies to protect tree health. Trees to be removed include vegetation on the banks of the Omaru Creek on the north bank of the creek to enable the access path and boardwalks to be constructed. Vegetation on the banks of the creek will be remediated by planting along the margins of an ephemeral watercourse elsewhere along the path.
  - The proposed methodology for minimising damage caused during construction has been assessed as appropriate.
  - The proposed pathway is not considered to be a source of significant pollutants and therefore no stormwater quality treatment is proposed. The narrow and linear nature of the pathway ensures that the proposed impervious area will not create significant accumulation of stormwater or displacement of overland flowpaths. The proposed pathway will provide minimal obstruction to the flowpaths as in larger rain events the flows will simply run over the alignment.

- Some of the boardwalk foundations are in a floodplain but displacement will be insignificant and the works have been assessed as not to affect the flood plain and flowpath dynamics. The pathway alignment has sought to avoid coastal inundation areas, coastal protection yard and riparian yards where practical. The structure has been designed for the coastal location in terms of its foundations and structural elements. Use of the path and bridge during extreme weather events is difficult to control but in such situations civil defence advice can be expected to warn people to stay away from coastal areas.
- Appropriate erosion and sediment control measures will be provided to prevent sediment mobilising into the receiving environment.
- The proposal will not have adverse effects on open space character as the path will be mostly at ground level, not easily visible, retain trees wherever possible and complement the open and spacious character, function and amenity values of the zone. In regard to public open space access, although there is already an informal path over much of the route, the path and associated boardwalk structures will increase access to public open space as it will attract more users to the area.
- Iwi have been appropriately consulted on the proposal.
- The removal of vegetation along the coastal margin may result in minor reduction in coastal fringe habitats and loss of feeding and breeding habitat for indigenous bird species. However, given the area of vegetation to be removed, loss of habitat is minimal and mitigation planting is proposed that will reintroduce habitat for indigenous bird species.
- The landscape in the location of this section of the pathway is not pristine and has been modified to form open space reserve network.
- The proposal is not located in an outstanding natural landscape or an area of high natural character (as identified by the AUP:OP). All elements of the proposed section of concrete walkway are considered typical features that can be found in parks, reserves and in the CMA.
- The earthworks required will not create a noticeable difference on the form of the land, or affect the natural character of the coastline.
- The built form has been limited and it is not considered that the size and scale of the modifications are excessive or inappropriate for its setting. The scale of the proposed structures will generate acceptable adverse effects on the environment in terms of visual and landscape effects.
- For users of the CMA, construction materials will be in keeping with the coastal environment and will not result in a visually prominent structure in the CMA.
- The proposed coastal structure does not create a physical impediment for recreational users of this part of the inlet. Therefore any adverse effects on recreation or navigational use resulting from the proposal will be acceptable.

## 2. In terms of positive effects:

- The proposal enables better quality public facilities for public users in the reserve and will result in an enhancement of community wellbeing for local residents and reserve users;

- Provides new recreational opportunities for the community to improve health and wellbeing through walking, cycling etc;
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular:

**National Policy Statement – s104(1)(b)(iii)**

The only National Policy Statement considered relevant to this proposal is the National Policy Statement for Freshwater Management. The National Policy Statement for Freshwater Management (NPS FM) provides direction on how local authorities should carry out their responsibilities under the Act 1991 for managing fresh water.

The AUP:OP gives effect to the NPS for Freshwater through its Regional Policy Statement and objectives and policies that relate to freshwater. An assessment of the relevant objectives and policies that relate to freshwater management is provided in section 8.4 of this report. The NES FW also gives effect to the NPS for Freshwater. The relevant provisions of the NES FW have been considered in this application, including the reasons for consent and the assessment criteria for construction of wetland utility management structures.

As such the proposal is not inconsistent with the NPS FM.

**New Zealand Coastal Policy Statement – s104(1)(b)(iv)**

The purpose of the New Zealand Coastal Policy Statement 2010 (NZCPS) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Local authorities are required by the Act to give effect to the NZCPS through their plans and policy statements, and consenting authorities are required to have regard to the relevant provisions of the NZCPS when considering an application for resource consent. The NZCPS guides local authorities in their day to day management of the coastal environment and provides policies relating to the protection of natural character, outstanding landscapes, biodiversity, water quality, public access and coastal hazards.

The following policies can be considered generally relevant to the application:

- Policy 1: Extent and characteristics of the coastal environment
- Policy 2: The Treaty of Waitangi, Tāngata whenua and Māori heritage
- Policy 3: Precautionary approach
- Policy 4: Integration
- Policy 5 Land or waters managed or held under other Acts
- Policy 6: Activities in the coastal environment
- Policy 11: Indigenous biological diversity (biodiversity)
- Policy 13: Preservation of natural character
- Policy 14: Restoration of natural character
- Policy 15: Natural features and natural landscapes
- Policy 18: Public open space
- Policy 19: Walking access
- Policy 22: Sedimentation
- Policy 23: Discharge of contaminants
- Policy 24: Identification of coastal hazards

- Policy 25: Subdivision, use, and development in areas of coastal hazard risk

The extent and particular characteristics of the coastal environment are recognised within the application. The proposal recognises the relationship that tāngata whenua have with the coastal environment. Consultation and engagement have occurred with mana whenua. The proposal is not considered uncommon as coastal boardwalks are found in comparable coastal environments. It is unlikely that any adverse environmental effects above those that have been discussed previously in this report will result from the proposal. An overly precautionary approach is not warranted in this case.

The proposal requires regional and district consents under the AUP OP and consent as well as a coastal permit. As such the application is for integrated consent which will ensure that the project is considered in an integrated manner.

The applicant has notified and sought views of all groups that have applied for recognition of customary marine title and protection of customary rights. The proposed boardwalk in the coastal marine area will have less than minor effects on coastal processes such as waves, currents and sediment transport. The proposal will therefore maintain physical processes in the coastal environment.

Effects on benthic fauna are expected to be less than minor as the contaminated nature of the river means that most species are unlikely to be sensitive to disturbance from the proposed works. No saltmarsh removal or disturbance is required for this proposal. In consideration of the management and mitigation measures included, the proposal adequately protects indigenous biodiversity in the coastal environment and avoids or mitigates significant adverse effects on indigenous vegetation, habitats and ecosystems in the coastal environment.

The proposal safeguards the coastal environment and its ecosystems through minimising disturbance of the coastal environment and employing good practice guidelines for works. The potential visual impact of the boardwalk has been considered and as far as practical and reasonable and the boardwalk in the CMA will be positioned at a height to avoid it being a dominant structure in the landscape.

It is considered that the boardwalk is an appropriate structure in this location especially as there is an existing boardwalks/bridge structure previously consented and to be removed by this project. Natural coastal character will be preserved, visual impacts on character will be low and amenity values will be maintained.

The proposed boardwalk has been designed to minimise the risk of coastal hazards affecting the use of the boardwalk. There is not expected to be any wave overtopping in the short term or long term.

The proposal will enable people to provide for their social wellbeing and health and safety through the provision of a renewed recreational structure, whilst protecting those parts of the CMA and river with higher natural character values.

Overall, the proposal will provide for sustainable management and enhanced amenity, and enjoyment of coastal resources and will not lead to significant adverse effects on the coastal environment. Overall, the proposal is not considered to be contrary to the relevant objectives and policies of the NZCPS.

### **Hauraki Gulf Marine Park Act 2000 (HGMPA) – s104(1)(b)(iv)**

The council must have regard to sections 7 and 8 of the HGMPA when it is considering an application for resource consent for the Hauraki Gulf, its islands, and catchments. These sections are treated as a New Zealand Coastal policy statement. Section 7 recognises its national significance, while Section 8 outlines the objectives of the management of the Hauraki Gulf, its islands and catchments.

The proposal will maintain the natural and physical resources of the inlet. The proposal will also contribute to the social wellbeing of reserve users, and enhance recreational and enjoyment opportunities for people and communities using the boardwalk, reserve and surrounding areas. Overall, the proposal is consistent with the HGMPA.

### **A National Policy Statement or Proposed Regional Policy Statement – s104(1)(b)(v)**

Section 104(1)(b)(v) of the RMA requires that regard is given to any relevant provisions of a regional policy statement or proposed regional policy statement. The relevant provisions of the Regional Policy Statement (RPS) are included in Chapter B of the AUP:OP and relate to:

- Urban growth and form
- Natural heritage
- Natural resources
- Coastal environment
- Environmental risk

The objectives and policies in the AUP:OP give effect to these provisions and are discussed below.

### **A plan or proposed plan – s104(1)(b)(vi)**

Section 104(1)(b)(vi) of the Act requires that regard is given to any relevant provisions of a plan or proposed plan.

The relevant plan in this instance is the AUP:OP. Section C1.8 of the AUP:OP states:

*(1) When considering an application for resource consent for an activity that is classed as a restricted discretionary, discretionary, or non-complying activity, the Council will consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.*

The relevant objectives and policies are outlined below along with commentary.

### **AUP(OP) Regional Policy Statement:**

Chapter B3 highlights that the quality of the environment and the well-being of people and communities are affected by choices about the management of, and investment in infrastructure. Objective B3.2.1(1) requires infrastructure to be efficient and effective, whilst Objective B3.2.1(2) recognises that infrastructure provides benefits for communities,

including providing essential services for the functioning of communities, businesses and industries, enabling economic growth, and providing for the safety and wellbeing of people and communities. Objective B3.2.1(3), and Policies B3.2.2(1), (6) require upgrading of infrastructure to be enabled, including in areas with historic heritage, whilst avoiding where practicable, or otherwise remedying, mitigating, and managing adverse effects on the quality of the environment. Policy B3.2.2(3) provides for the locational requirements of infrastructure, in particular the functional need to be located in areas with physical resources that have been scheduled in the AUP:OP.

The works to construct the public pathway will provide for the wellbeing of people by providing a convenient connection along the Tamiki foreshore to passive recreation and enjoyment. The public pathway supports the social and economic development of the area, including supporting the Tamiki regeneration project.

Public access and open space objectives B8.4.1 and policies B8.4.2 – The proposal is consistent with these objectives and policies as the pathway is an appropriate use of this reserve area as the activity is existing and supportive of the local neighbourhood. In order to construct the pathway, access must be restricted in the reserve for the duration of the construction. By restricting access during construction, it will protect people's health and safety until construction is complete.

#### AUP(OP) E15 Vegetation management and biodiversity

Objectives: E15.2(1), Policies: E15.3(1), (2), (6), (7), (10). The works have been designed to retain vegetation where possible, make use of already cleared areas and provide mitigation planting to therefore retain ecological habitat where possible. The works will be undertaken in accordance with best arboricultural practice to ensure that the trees to be retained are protected from damage during construction.

#### AUP(OP) E16 Trees in open space zones

Objectives: E16.2(1), (2) Policies: E16.3(1), (2), (3). As stated above, the works have been designed to retain vegetation where possible, the works will be undertaken in accordance with best arboricultural practice to ensure that the trees to be retained are protected from damage so they can continue to contribute to the amenity, landscape and ecological values.

The Open Space - Informal Recreation Zone seeks to ensure that there is increase in the quality and extent of tree cover in open space zones. The proposal includes mitigation planting of indigenous species. The use of indigenous mitigation planting is also consistent with policy E16.3(3) where indigenous plants are encouraged in the zone.

#### AUP(OP) E18 Natural character of the coastal environment and E19 Natural features and natural landscapes in the coastal environment

Objectives: E18.2(1), E19.2(1) Policies: E18.3(3), (4) and Policy E19.3(2). The natural character will not be significantly adversely affected by the proposal given the existing built landscape, including residential development adjacent, as well as roads and existing walkways, and given that the current status of the reserve (in that it is not considered pristine).

#### AUP(OP) F2 Coastal – General Coastal Marine Zone

### **Disturbance of the Foreshore and Seabed**

Objectives: F2.5.2(1)(2) Policies F2.5.3(1), (3), (4), (5), (7). The General Coastal Marine Area provides for an encourages public access which is inclusive and accessible. The pathway and associated infrastructure allows all users to access the jetty and marine area with improved ease and safety by providing structures with improved functionality and safety, built to improve the coastal environment. The development provides for the passive recreational needs of the public while retaining cultural, amenity, landscape and ecological values.

Disturbance of the foreshore and seabed is proposed during construction only to enable construction of the pathway elements. The extent of disturbance will depend on the final construction methodology. The effects on coastal processes is expected to be less than minor particularly given the use of piling for the structures and their general location in an intertidal zone.

The ecological effects of the project in regard to terrestrial and estuarine habitats and in summary the ecological effects are considered less than minor. The disturbance will provide for the construction of the pathway which will enhance public access to the inlet and enable people to better appreciate the values of the inlet. It is intended that all temporary structures in the foreshore and seabed will be removed following construction.

### **Use, Development, and occupation in the coastal marine area**

Objectives: F2.14(1) (2) Policies F2.14.3(3) The purpose of the project is to reconnect the public with the coastal edge and coastal activities. As such there is a need for the pathway to be located in the CMA and coastal environment.

Access to/from the CMA is proposed via a number of open space parcels along the Tamiki River which will improve accessibility to the CMA from a large community catchment.

The operation of the project is considered to enhance amenity values for the users by providing a recreational and commuter walking route through the CMA and coastal environment.

In relation to conflicts with marine activities, the boardwalk in the CMA will be located in an area where watercraft users do not currently access and therefore avoids conflicts with marine recreational activities.

### **Structures**

Objectives: F2.16.2(1), (2), (3) Policies F2.16.3(1)-(3), (7)-(8), (10)-(12). The proposed boardwalk will improve public access to CMA and enhance coastal connections for the wider community. The assessment of environmental effects in this report has considered the effects of the proposed structures in relation to ecological, natural character, landscape, archaeological, mana whenua values of the CMA and coastal processes.

The structure height has taken into account coastal processes and sea level rise. The location of the project is in an urban area which is surrounding by residential activities. The activity is existing albeit not operational therefore as there is already the presence of structures and built form in this coastal location.

### AUP(OP) H7 Open Space

Objectives: H7.2(1)-(2), H7.5(1)-(2) Policies H7.3(1)-(2), H7.5.3(1)-(5) The project provides for the recreational needs of the community for both passive and active activities and enables the use of the open spaces for a variety of functions and for a range of ages and abilities.

The adverse effects of the proposed are discussed in this report and it is considered that adverse effects will be appropriately avoided and mitigated. The works have been designed and the construction methodology developed to minimise disturbance to the land and limit the amount of vegetation removal.

4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.

Overall, the proposal is considered acceptable because it will promote the sustainable management of natural and physical resources by allowing the provision of public amenity facilities to be located at a location that is accessible, convenient and visible for the community and its visitors, without adversely affecting the character of the Heritage environment and the amenity values of the local environment and neighbouring sites.

It is requested that consent be granted subject to appropriate conditions of consent. If is offered that similar condition of consent that were imposed for the previous stage are reasonable and are offered as part of this resource consent application.

Prepared on behalf of **Community Facilities, Auckland Council** by:



**Graham Hooper**  
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Date: 29 May 2024

# Appendices

<b>Appendix 1</b>	Plans
<b>Appendix 2</b>	Certificate of title information
<b>Appendix 3</b>	archaeological report
<b>Appendix 4</b>	ecological report
<b>Appendix 5</b>	detailed site investigation report
<b>Appendix 6</b>	coastal assessment
<b>Appendix 7</b>	arboricultural assessment
<b>Appendix 8</b>	Preliminary Construction Methodology and erosion and sediment control plan
<b>Appendix 9</b>	Mana whenua emails
<b>Appendix 10</b>	Tree asset owner communication