

## Jacob Paget

**From:** Philip Brown s 9(2)(a)  
**Sent:** Friday, 14 April 2023 11:34 am  
**To:** Zen Gerente  
**Cc:** Fast Track Consenting; Michelle Kemp  
**Subject:** RE: [COMMERCIAL]Further Information Request for Teal Park

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Kia ora Zen,

Thanks for your email. Michelle is not available today, so I am responding on her behalf.

My responses to your queries are set out below:

#### Implications of January 2023 amendments to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:

The amendments to the NES-F do alter the consenting requirements in respect of the application, although only by removing a previous reason for consent that is no longer applicable. The application had identified that resource consent was required as a discretionary activity due to the proximity of the stormwater outfall to a 'coastal wetland' (being the Coastal Marine Area):

National Environmental Standards for Freshwater 2020		
Rule	Reason	Activity Status
45 Discretionary Activities (Construction of Specified Infrastructure)	<p>Vegetation clearance, earthworks or land disturbance, discharge of water outside a 10m, but within a 100m setback from a natural wetland for the purpose of constructing specified infrastructure.</p> <p>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</p>	<p><b>Discretionary Activity</b></p> <p>Construction of discharge point and discharge of water within 100m of coastal wetland. Removal of wetland vegetation is not required.</p>

However, The NPS-FM definition of wetland is now limited to a "*natural inland wetland*" and specifically excludes wetlands that are in the coastal marine area. The NES-F uses this definition from the NPS. Therefore, the previous reason for consent noted above now falls away.

#### Coastal Erosion Hazard Area (CEHA) consenting requirements:

It is acknowledged that the outfall location falls within the AUP definition of the CEHA, and is therefore subject to any applicable rules and standards. This triggers one additional reason for consent, assessed as a restricted discretionary activity, as follows:

- E36.4 Activity Table E36.4.1 (A5) On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal erosion hazard area. The proposed stormwater outfall is a **restricted discretionary activity** under this rule.

I trust that this addresses the additional matters raised. Please let me know if there are any questions arising.

Have a nice weekend!

Ngā mihi

Philip Brown | Director

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**From:** Zen Gerente s 9(2)(a)  
**Sent:** Thursday, April 13, 2023 12:20 PM  
**To:** Michelle Kemp s 9(2)(a)  
**Cc:** Philip Brown s 9(2)(a) Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>  
**Subject:** [COMMERCIAL]Further Information Request for Teal Park

Kia ora Michelle

As I've discussed earlier with you, Auckland Council has advised in their consultation response that Resource Management (National Environmental Standards for Freshwater) Regulations 2020 has been amended on 05/01/2023 and the project may need to be re-assessed against NES-F regulations. Confirm if there are any additional consent requirements in addition to what is noted in the application and whether there is any change on the overall activity status.

They have also noted that the proposed outfall is within the area described under part (b) of the definition of coastal erosion hazard area (CEHA) under the AUP. Therefore, an assessment is also required in this regard in terms of consent requirements and its activity status. Please provide.

I am hoping to get a response from you on the above matters until tomorrow morning.

## Coastal erosion hazard area

Any land which is:

- (a) within a horizontal distance of 20m landward from the top of any coastal cliff with a slope angle steeper than 1 in 3 (18 degrees); or
- (b) at an elevation less than 7m above mean high water springs if the activity is within:
  - (i) Inner Harbours and Inner Hauraki Gulf: 40m of mean high water springs; or
  - (ii) Open west, outer and Mid Hauraki Gulf: 50m of mean high water springs; or
- (c) within a lesser distance from the top of any coastal cliff, or mean high water springs, than that stated in (a) and (b), where identified in a site-specific coastal hazard assessment technical report prepared by a suitably qualified and experienced professional to establish the extent of land which may be subject to coastal erosion over at least a 100 year time frame.

Ngā mihi,

**Zen Gerente (she/her)**

*Senior Analyst | Kaitātari Matua  
Fast Track Consenting Team*

Ministry for the Environment | Manatū Mō Te Taiao  
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