

## Rules Assessment

Once a designation is included in a district plan, then consent is not required pursuant to section 9(3) of the RMA for the activities authorised by the designation. However, other activities, which are necessary for the construction, operation and maintenance of the Project which cannot be provided for by a designation, still require consent.

The following table provides an assessment of those activities associated with the Project which cannot be provided for by a designation. This assessment is provided against the applicable rules of the AUP:OIP and the NES Soil.

Activity	Rule	Commentary	Activity Status	Assessment Criteria, Matters of Discretion and Standards
<b>AUP:OIP</b>				
<b>Activities involving planting and the associated diversion of water</b>	E3.4.1 (A2)	Conservation planting complying with the standards in E3.6.1.2	The application includes planting to ensure no net loss to Wetland. The planting will meet the PA standards specified in E3.6.1.2	<b>Permitted</b> N/A
<b>Works on structures lawfully existing on or before 30 September 2013 and the associated bed disturbance or depositing of any substance, diversion of water and incidental temporary damming of water– Sections 13 and 14 RMA</b>  <b>New structures and the associated bed</b>	E3.4.1 (A26) E3.4.1 (A44)	Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.10 – E3.6.1.13  Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.14 to E3.6.1.23	TR-W1 – The proposal involves earthworks and batterslopes within the wetland resulting in a loss of approximately .1h (1000m2) of natural wetland.  TR-W4 – The proposal involves batterslope and culvert extension within the wetland resulting in a loss of approximately .078h (780m2) of natural wetland. As the total length of the extended culvert exceeds 30m, this does not comply with the permitted activity standard (E3.6.1.12).	<b>Discretionary</b> N/A

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<p>disturbance or depositing of any substance, reclamation, diversion of water and incidental temporary damming of water – Sections 13 and 14 RMA</p>					
<p>Stormwater outfall – Sections 14(1) and 14(3) RMA</p>	<p>E3.4.1 (A39)</p>	<p>Stormwater or wastewater outfall complying with the standards in E3.6.1.14</p>	<p>The existing stormwater outfalls at chainage 430 and 640 are proposed to be replaced. The outfalls discharge into ephemeral streams and have been designed to comply with the permitted activity standards in E3.6.1.14:</p> <ul style="list-style-type: none"> <li>• The outfall structure lengths will not exceed 30m in length measured parallel to the direction of water flow. Erosion and scour management works will not exceed 5m in length on either side of the extended structure. No new structures will be erected or placed in individual length of 30m or less where this will progressively encase or otherwise modify the bed of a river or stream.</li> <li>• During construction bed disturbance upstream or downstream of the structure will not exceed 10m either side, excluding the length of the structure.</li> <li>• The structure will not prevent the passage of fish upstream and downstream in waterbodies that contain fish, except that temporary restrictions to fish passage may occur (if fish are present) to enable construction work to be carried out.</li> </ul>	<p><b>Permitted</b></p>	

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			<ul style="list-style-type: none"> <li>The structure will not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream.</li> <li>Construction material and ancillary structures will be removed from the bed following the completion of the activity.</li> <li>The 1% annual exceedance probability flood will be accommodated by the structure and/or by an overland flow path without increasing flood levels up stream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity.</li> <li>Calculation of flow rates have been undertaken using the Auckland Council Technical Publication 108: Guideline for stormwater runoff modelling in the Auckland Region, April 1999.</li> </ul>		
<b>Take and use of Groundwater - Sections 14(1) and 14(3) RMA</b>	E7.4.1 (A17)	Dewatering or groundwater level control associated with a groundwater diversion permitted under the AUP:OP	Limited dewatering may be required as part of construction. However, the Project does not require any significant cut therefore dewatering is anticipated to be discrete and is not expected to result in any long-term changes to groundwater patterns. The Project is likely to comply with the permitted standards outlined in E7.6.1.6. Should during the detailed design, it be determined that consent is required for Groundwater dewatering, consent will be sought at a later date.	<b>Permitted</b>	
<b>Diversion of Groundwater – Sections 14(1) and 14(3) RMA</b>	E7.4.1 (A27)	Diversion of groundwater caused by any excavation (including trench) or tunnel	Any construction works involving diversion of groundwater caused by any excavations (including trenches) will comply with the permitted standards in E7.6.1.10: <ul style="list-style-type: none"> <li>Any excavation that extends below natural groundwater level will not exceed 1ha in total</li> </ul>	<b>Permitted</b>	

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			<p>area or 6m in depth below the natural ground level.</p> <ul style="list-style-type: none"> <li>The natural groundwater level will not be reduced by more than 2m on the boundary of any adjoining site.</li> <li>Any structure (excluding sheet piling) that remains in place for more than 30 days that physically impedes the flow of groundwater through the site will not impede the flow of groundwater over a length of more than 20m or extend more than 2m below the natural groundwater level.</li> </ul> <p>The distance to any existing building or structure (excluding timber fences and small structures on the boundary) on an adjoining site from the edge of any:</p> <p>(a) trench or open excavation that extends below natural groundwater level will be at least equal to the depth of the excavation;</p> <p>(b) tunnel or pipe with an external diameter of 0.2 - 1.5m that extends below natural groundwater level will be 2m or greater; or</p> <p>(c) a tunnel or pipe with an external diameter of up to 0.2m that extends below natural groundwater level will have no separation requirement.</p> <ul style="list-style-type: none"> <li>The distance from the edge of any excavation that extends below natural groundwater level will not be less than 50m from the Wetland Management Areas Overlay, less than 10m from a scheduled Historic Heritage Overlay or less than 10m from a lawful groundwater take, as there are no Wetland Management Areas Overlays, scheduled Historic Heritage Overlays</li> </ul>		
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			<p>or lawful groundwater takes within close proximity to the Project area.</p> <p>Should during the detailed design, it be determined that consent is required for Groundwater dewatering, consent will be sought at a later date.</p>		
<p><b>Take and use of Groundwater – Sections 14(1) and 14(3) RMA</b></p>	E7.4.1 (A18)	Infiltration and leakage into stormwater and sewer pipes	<p>Groundwater seepage has been identified in the upper branch of the Trig Stream (classified as a wetland). To accommodate the widening of the existing Trig Road corridor, fill embankment is required over this seepage area. If required, appropriate groundwater management to capture and convey the constant groundwater feed out of the fill embankment will be provided. This will comply with the permitted standards in E7.6.1.3:</p> <ul style="list-style-type: none"> <li>• The water take will not be geothermal water.</li> <li>• The water take will not be from the Omaha Waitematā High-Use Aquifer Management Area.</li> <li>• The water take will not be for the purpose of dewatering or groundwater level control.</li> <li>• Notice on the prescribed form will be received by the Council 15 working days before undertaking the ground water management.</li> </ul> <p>Should during the detailed design, it be determined that consent is required for Groundwater dewatering, consent will be sought at a later date.</p>	<b>Permitted</b>	
<p><b>Drilling and use of holes and bores - Sections 14(1) and 14(3) RMA</b></p>	E7.4.1. (A36)	Holes for geotechnical investigation/ geological investigation/ contaminated site investigation.	<p>Drilling and the use of boreholes will be required for geotechnical investigations and will comply with the permitted standards in E7.6.1.16 and E7.6.1.17.</p> <p>Permitted standards E7.6.1.16:</p> <ul style="list-style-type: none"> <li>• The drilled holes will not be in a Wetland Management Areas Overlay.</li> </ul>	<b>Permitted</b>	

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			<ul style="list-style-type: none"> <li>The drilled holes will not be for the taking of groundwater, and if required, will only remove samples for groundwater quality analysis.</li> <li>The drilled holes will not destroy, damage or modify any places scheduled in the Historic Heritage Overlay.</li> </ul> <p>Permitted standards E7.6.1.17:</p> <ul style="list-style-type: none"> <li>The drilled holes will meet the standards in E7.6.1.16 (above).</li> <li>The drilled hole will be decommissioned within three months of the start of drilling.</li> <li>Before being decommissioned, the drilled hole will be secured to ensure no contaminants can enter the ground through the hole.</li> <li>If more than one aquifer is penetrated, the drilled hole will be decommissioned on completion of the drilling investigation and the drilled hole will be secured so there is no hydraulic connection between the aquifers.</li> <li>The drilling, construction and decommissioning of the holes will comply with section 1 and 2 of New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001), except that bores for stormwater disposal need not be constructed and maintained to prevent the authorised disposal of surface water entering the bore.</li> </ul>		
<p><b>Land use (vegetation removal) – Section 9(2) RMA</b></p>	<p>E26.3.3.1 (A77)</p>	<p>Vegetation alteration or removal (riparian margins) that does not comply with Standards E26.3.5.1 to E26.3.5.4</p>	<p>Trees which are greater than 6 m in height and located within the riparian yard setback of Trig Stream (wetland) require removal.</p>	<p><b>Restricted Discretionary</b></p>	<p>E26.3.7.1. Matters of discretion</p>

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					E26.3.7.2. Assessment Criteria
<b>Land use (earthworks) – Section 9(2) RMA</b>	E26.5.3.2 (A107)	Greater than 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup> other than for maintenance, repair, renewal, minor infrastructure upgrading – Road and Residential zones	The Trig Stream (wetland) is located adjacent to part of the Project area, and therefore the site is considered to be within the Sediment Control Protection Area.  The total earthworks area is estimated to be 61000m <sup>2</sup> resulting in greater than 2,500m <sup>2</sup> within the Sediment Control Protection zone.	<b>Restricted Discretionary</b>	E26.5.5.2. General standards E26.5.7.1. Matters of discretion
<b>Discharge of contaminants (contaminated land) – Section 15 RMA</b>	E30.4.1(A7)	Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1	The PSI prepared for the Project has identified land which may have been impacted by contaminant generating activities.  As a precautionary measure it is assumed that these soils are contaminated. As a Detailed Site Investigation has not been completed for the Project, resource consent is required under Rule E30.4.1(A7) of the AUP:OP.	<b>Discretionary</b>	N/A
<b>NES Soil</b>					
<b>Disturbing the soil of a piece of land – Section 5(4) and 11 NES: Soil</b>	NES: Soil 11	An activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity.	Soil materials scheduled for land disturbance as part of the Project may have been impacted by contaminants. As a precautionary measure it is assumed that the works may encounter soils that are contaminated. A DSI has not yet been undertaken for the Project (to be completed as part of detailed design) and provided as a condition of consent.	<b>Discretionary</b>	N/A

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			As a DSI has not been completed for the Project, resource consent is required under sub-clause 11 of the NES Soil.		
<b>NES:FW</b>					
<b>NES:FW Regulation 38 Permitted Activities</b>	NES:FW 38	<p>Vegetation clearance within, or within a 10 m setback from, a natural wetland is a permitted activity if it—</p> <p>(a) is for the purpose of natural wetland restoration; and (b)complies with the conditions.</p> <p>(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a permitted activity if it—</p> <p>(a) is for the purpose of natural wetland restoration; and (b)complies with the conditions.</p> <p>...</p> <p>However, the condition in subclause (4)(b) does not apply if the earthworks or land disturbance is for planting.</p>	The applications include natural wetland restoration to ensure no net loss. This meets the requirements of NES:FW 38 as a Permitted Activity.	<b>Permitted</b>	N/A
<b>NES:FW</b>	NES:FW 45		The proposal will result in earthworks, vegetation clearance and land disturbance for specified infrastructure, within and within 100m of natural wetlands (as defined by NPS:FW).	<b>Discretionary</b>	N/A

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Regulation 45 Construction of specified infrastructure					
NES:FW Regulation 57 Reclamation	NES:FW 57		The Project involves the partial reclamation of two watercourses connected to wetlands.	<b>Discretionary</b>	N/A
Regulation 71 Culvert/Piping Wetland and associated disturbance	NES:FW 71		The proposal involves extension of culverts and associated structures and disturbance, within two wetlands	<b>Discretionary</b>	N/A