

## Matters of Discretion and Assessment Criteria

Regional Consent	AUP:OIP Rule	Activity	Standards
Land use (vegetation removal) – Section 9(2) RMA	E26.3.3.1 (A77)	Vegetation alteration or removal (riparian margins) that does not comply with Standards E26.3.5.1 to E26.3.5.4	<p><b>E26.3.5 Standards - Regional (rp)</b></p> <p><b>E26.3.5.2. Vegetation alteration or removal</b></p> <p>(1) Vegetation alteration or removal must not include trees over 6m in height, or 600mm in girth unless their removal is otherwise permitted by a rule in this Plan.</p> <p>(2) Must not result in the removal of more than 20m<sup>2</sup> of vegetation within a significant ecological area, except within the formation width of the road.</p> <p>(3) Must not result in the removal of more than 50m<sup>2</sup> of vegetation within a coastal area or riparian margin not identified as a significant ecological area.</p> <p>(4) Must not result in the removal of more than 20m<sup>2</sup> of vegetation within the legal road or the formation width of the road in the Waitakere Ranges Heritage Area Overlay.</p> <p>(5) Must not result in the removal of more than 500m<sup>2</sup> of vegetation within the legal road or the formation width of the road in a rural zone.</p> <p>(6) Must not result in the removal of more than 250m<sup>2</sup> of vegetation outside the legal road or the formation width of the road in a rural zone.</p> <p>(7) Vegetation alteration or removal from a significant ecological area must be for the purpose of maintaining the safety of the network utility and must be undertaken in any of the following:</p> <ul style="list-style-type: none"> <li>(a) within the formation width of existing roads;</li> <li>(b) within 1m of the network utility, or existing access track;</li> <li>(c) in accordance with the Electricity (Hazards from Trees) Regulations 2003;</li> <li>(d) within state highway designations as at 30 September 2013; or</li> <li>(e) within railway designations as at 30 September 2013.</li> </ul> <p>(8) Standards E26.3.5.2(1)-(7) do not apply to vegetation alteration or removal required to maintain the visibility of road safety signage, vehicle sightlines, carriageway clearance heights and widths as follows:</p> <ul style="list-style-type: none"> <li>(a) clearance of 4.5m height above the road carriage way or up to 5.3m where there is an overhead road signage above the road carriageway;</li> <li>(b) clearance of a 0.5m width back from the road kerb;</li> </ul>

			<p>(c) clearance of a 0.6m width back from the un-kerbed road; or                  (d) clearance for any over dimension route requirement.</p> <p><b>E26.3.7. Assessment – restricted discretionary activities</b></p> <p><b>E26.3.7.1. Matters of discretion</b></p> <p>The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:</p> <p>(1) regional rules - vegetation management in rural zones, coastal areas, riparian margins and the Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:</p> <p>(a) ecological values:</p> <p>(i) the effects that the vegetation alteration or removal will have on ecological values, including on threatened species and ecosystems.</p> <p>(b) sediment, water quality and hydrology:</p> <p>(i) the effects the vegetation alteration or removal will have on soil conservation, water quality and the hydrological function of the catchment.</p> <p>(c) use:</p> <p>(i) the extent to which the vegetation alteration or removal is necessary to provide for the functional and operational needs of infrastructure.</p> <p>(d) methods and location:</p> <p>(i) the minimisation of effects from alteration or removal of vegetation and land disturbance through alternative locations on the site and/or methods of undertaking the works.</p> <p>(e) mitigation measures:</p> <p>(i) the remedy or mitigation of adverse effects, including through revegetation, restoration of other areas of vegetation and ongoing maintenance.</p> <p>(f) bonds and covenants:</p> <p>(i) the benefit of imposing bonds, covenants or similar instruments as conditions of consent in implementing any of the matters of discretion.</p> <p>(g) Mana Whenua values:</p> <p>(i) the effects on Mana Whenua values associated with a Significant Ecological Areas Overlay.</p> <p><b>E26.3.7.2. Assessment criteria</b></p>
--	--	--	---

			<p>The Council will consider the relevant assessment criteria below for restricted discretionary activities:</p> <p>(1) regional rules - vegetation management in rural zones, coastal areas, riparian margins and the D9 Significant Ecological Areas Overlay that do not comply with the permitted activity standards [rp]:</p> <p>(a) ecological values:</p> <p>(i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;</p> <p>(ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and</p> <p>(iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay and E15 Vegetation management and biodiversity.</p> <p>(b) sediment, water quality and hydrology:</p> <p>(i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.</p> <p>(c) use:</p> <p>(i) whether the vegetation alteration or removal will improve the reliance and security of the network utility;</p> <p>(ii) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and</p> <p>(iii) the extent of the benefits derived from infrastructure.</p> <p>(d) methods and location:</p> <p>(i) whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and</p> <p>(ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.</p> <p>(e) mitigation measures:</p> <p>(i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.</p> <p>(f) bonds and covenants:</p>
--	--	--	--

Trig Road Corridor Upgrade Assessment of Environmental Effects - Appendix D: Matters of Discretion and Assessment Criteria

			<p>(i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.</p> <p>(g) Mana Whenua values:</p> <p>(i) the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.</p>
<p><b>Land use (earthworks) – Section 9(2) RMA</b></p>	<p>E26.5.3.2 (A107)</p>	<p>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</p>	<p><b>E26.5.7. Assessment – restricted discretionary activities</b></p> <p><b>E26.5.7.1. Matters of discretion</b></p> <p>The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:</p> <p>(1) all regional restricted discretionary activities [rp]:</p> <ul style="list-style-type: none"> <li>(a) compliance with the standards;</li> <li>(b) the design and suitability of erosion and sediment control measures to be implemented;</li> <li>(c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;</li> <li>(d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;</li> <li>(e) the proportion of the catchment which is exposed;</li> <li>(f) staging of works and progressive stabilisation;</li> <li>(g) timing and duration of works;</li> <li>(h) term of consent;</li> <li>(i) potential effects on significant ecological and indigenous biodiversity values;</li> <li>(j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; and</li> <li>(k) information and monitoring requirements.</li> </ul> <p>(2) all district restricted discretionary activities [dp]:</p> <ul style="list-style-type: none"> <li>(a) compliance with the standards;</li> <li>(b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment;</li> <li>(c) effects on the stability and safety of surrounding land, buildings and structures;</li> <li>(d) effects on overland flow paths and flooding;</li> <li>(e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;</li> <li>(f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;</li> <li>(g) staging of works and progressive stabilisation;</li> </ul>

			<ul style="list-style-type: none"> <li>(h) information and monitoring requirements;</li> <li>(i) timing and duration of works;</li> <li>(j) term of consent;</li> <li>(k) potential effects on significant ecological and indigenous biodiversity values;</li> <li>(l) risk that may occur as a result of natural hazards;</li> <li>(m) protection of or provision of network utilities and road networks. potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and</li> <li>(n) positive effects enabled through the land disturbance.</li> </ul> <p><b>E26.5.7.2. Assessment criteria</b></p> <p>The Council will consider the relevant assessment criteria below for restricted discretionary activities:</p> <ul style="list-style-type: none"> <li>(1) all regional restricted discretionary activities [rp]:             <ul style="list-style-type: none"> <li>(a) whether applicable standards are complied with;</li> <li>(b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:                 <ul style="list-style-type: none"> <li>(i) water quality including of the coastal marine area;</li> <li>(ii) ecological health including of the coastal marine area;</li> <li>(iii) riparian margins;</li> <li>(iv) the mauri of water;</li> </ul> </li> <li>(c) the quality of taiāpure or mahinga mātaītai;</li> <li>(d) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;</li> <li>(e) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;</li> <li>(f) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; or whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.</li> <li>(g) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.</li> </ul> </li> <li>(2) general district assessment criteria [dp]:</li> </ul>
--	--	--	--

Trig Road Corridor Upgrade Assessment of Environmental Effects - Appendix D: Matters of Discretion and Assessment Criteria

			<ul style="list-style-type: none"> <li>(a) whether applicable standards are complied with;</li> <li>(b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;</li> <li>(c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;</li> <li>(d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;</li> <li>(e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;</li> <li>(f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;</li> <li>(g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;</li> <li>(h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;</li> <li>(i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;</li> <li>(j) whether the land disturbance and final ground levels will adversely affect existing utility services;</li> <li>(k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Unitary Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;</li> <li>(l) for land disturbance near Transpower New Zealand Limited transmission towers:             <ul style="list-style-type: none"> <li>(i) the outcome of any consultation with Transpower New Zealand Limited; and</li> <li>(ii) the risk to the structural integrity of transmission lines; or</li> </ul> </li> <li>(m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.</li> </ul>
--	--	--	---