

APPENDIX E: CONSENT REQUIREMENTS AND PERMITTED ACTIVITIES

Consents required

Table 1: NES-F consent requirements

Regulation	Assessment
Regulation 45 Construction of specified infrastructure – Discretionary activities (1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure. (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure. (3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it— (a) is for the purpose of constructing specified infrastructure; and (b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland. (4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the activity is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland. (5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the discharge is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the discharge and the wetland; and (c) the discharge will enter the wetland; and	The Project comprises specified infrastructure, as it is regionally significant infrastructure identified in a regional policy statement. The <i>Strategic Transport Network</i> is listed as regionally significant infrastructure in the Regional Policy Statement for the Wellington region. The <i>Strategic Transport Network (including ancillary structures required to operate, maintain, upgrade and develop that network)</i> is listed in the GWRC RPS as regionally significant infrastructure. The proposed widening of Ruahine St within the Town Belt will require vegetation clearance and earthworks within or within the specified setbacks for four natural inland wetlands. The works are expected to result in drainage or partial drainage of the wetlands, triggering a consent requirement (as a discretionary activity) for taking, use, damming and diversion of water from a natural inland wetland. In addition, water and sediment are expected to be discharged to the wetlands during construction works. Earthworks and land disturbance within a 10m setback from a natural wetland as well as earthworks or land disturbance outside a 10m but within a 100m setback is also required. The application includes an assessment of the national and regional benefits of the proposed specified infrastructure, the functional and operational need for the infrastructure in this location and has applied the effects management hierarchy.

Regulation	Assessment
(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland. (6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first— (a) satisfied itself that the specified infrastructure will provide significant national or regional benefits; and (b) satisfied itself that there is a functional or an operational need for the specified infrastructure in that location; and (c) applied the effects management hierarchy.	

Table 2: NES-CS consent requirements

Regulation	Assessment
Regulation 8(3) Disturbing Soil Disturbing the soil of a piece of land is a permitted activity while the following requirements are met: (a) controls to minimise the exposure of humans to mobilised contaminants must – (i) be in place when the activity begins (ii) be effective while the activity is done (iii) be effective until the soil is reinstated to an erosion resistant state: (b) the soil must be reinstated to an erosion resistant state, within 1 month after the end of the course of sampling for which the activity was done (c) the volume of disturbance of the soil of the piece of land must be no more than 25m³ per 500 m² (d) soil must not be taken away from the course of the activity, except that – (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples (ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year: (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind (f) the duration of the activity must be no longer than 2 months (g) the integrity of the structure designed to contain contaminated soil or other contaminated materials must not be compromised	The proposal involves disturbance of soil that may contain contaminants. A preliminary site investigation (PSI) has been completed identifying two potentially contaminated sites within the project area (Kilbirnie Park and Gazley Mitsubishi, Kent Tce). Detailed Site Investigations (DSIs) have been undertaken on these sites, but further investigations are required for one, once buildings have been removed. Regulation 8(3): The proposed earthworks are expected to be above the permitted volume of disturbance threshold of 25 m³ per 500 m², soil taken away will exceed 5m³ per 500 m² of soil per year and the duration of the activity will exceed two months. Regulation 9 and 10: A DSI may not be available for all parcels of land identified in the PSI at the time of consenting so the activity may not meet the requirements of Regulation 9 or 10. Regulation 11: As a DSI may not be available for all parcels of land identified in the PSI as potentially contaminated, consent is required as a discretionary activity under Regulation 11.
Regulation 9(1) If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met: (a) a detailed site investigation of the piece of land must exist (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7 (c) the consent authority must have the report (d) conditions arising from the application of subclause (2), if there are any, must be complied with	

Regulation	Assessment
Regulation 10(1) (1) This regulation applies to 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 or controlled activity. (2) The activity is a restricted discretionary activity while the following requirements are met: (a) a detailed site investigation of the piece of land must exist: (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (3), if there are any, must be complied with.	
Regulation 11 (1) This regulation applies to an activity described in any of <u>regulation 5(2) to (6)</u> on a piece of land described in regulation 5(7) or (8) that is not a permitted activity, controlled activity, or restricted discretionary activity. (2) The activity is a discretionary activity.	

Table 3: Operational consent requirements (Operative NRP)

Rule	Summary
Discharges to air	
Rule R34: Mobile source emissions – permitted activity The discharge of contaminants into air from a mobile source is a permitted activity.	Under the Operative Natural Resources Plan for the Wellington Region 2023 (NRP), discharges of contaminants into air from motor vehicle operation on roads and through tunnels is a permitted activity as a ‘mobile source’ discharge activity under Rule R34 of the plan. Mobile sources are defined in the NRP to include motor vehicles. The proposal includes dispersal of emissions created by motor vehicles via tunnel ventilation systems which involve fans circulating air towards the tunnel portals associated with the new and existing tunnels. Consistent with the Board of Inquiry decision for the Waterview Tunnel in Auckland (which involved ventilation stacks rather than portal ventilation) it was noted the regional plan in that case was focused on activities that discharge, in this case motor vehicles, rather than the method by which those emissions are subsequently dispersed. As the underlying discharge is a permitted activity, the discharge does not contravene a regional rule irrespective of the method of dispersal. Similar activity focused rules are the basis of the NRP air quality rules, so the dispersal of the vehicle contaminants via tunnel ventilation is also covered. Accordingly, no operational air discharge permit is required for the project.
Discharges of operational stormwater	
Rule R49: Stormwater from new subdivision and development – permitted activity The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority or state highway stormwater network, from: (a) a new urban subdivision or new urban development associated with earthworks up to a total area of 3,000m² per property per 12 month period, or (b) a new or redeveloped state highway associated with earthworks up to a total area of 3,000 m², or (c) a new urban subdivision or new urban development, or new or redeveloped state highway in an area where a stormwater management strategy in accordance with Schedule N (stormwater strategy) applies is a permitted activity provided the following condition is met: (d) the discharge shall comply with the conditions of Rule R48 except condition R48(c).	The Project will require redevelopment of state highway brownfield sites and existing impervious areas for construction laydown and hardstand areas to support construction activities. This will involve the discharge of stormwater run-off from a redeveloped state highway. Earthworks associated with redevelopment of these areas will exceed 3,000m² and therefore require consent under Rule R50.

Rule	Summary
Rule R50: Stormwater from new subdivision and development – restricted discretionary activity The discharge of stormwater from a new urban subdivision or new urban development, or new or redeveloped state highway into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority or state highway stormwater network, that is not permitted by Rule R49 is a restricted discretionary activity.	
Rule R53: Stormwater from a local authority or state highway network with a stormwater management strategy – restricted discretionary activity The discharge of stormwater, including stormwater that may be contaminated by wastewater, into water, or onto or into land where it may enter water, from a local authority or state highway stormwater network that is not provided for by Rule R52 is a restricted discretionary activity, provided the following condition is met: (a) the resource consent application includes a stormwater management strategy in accordance with Schedule N (stormwater strategy).	NZTA is seeking approval to discharge stormwater from a redeveloped state highway through existing stormwater networks (under Rule R50 above). The application does not seek to authorise stormwater discharges from those networks more broadly (under Rule R53), thus this rule is not applicable.
Rule R55: All other stormwater – discretionary activity The discharge of stormwater, including stormwater that may be contaminated by wastewater into water or onto or into land where it may enter water that is not permitted by Rules R48, R49 or R51, or controlled by Rule R52, or a restricted discretionary activity under Rules R50, R53, or R54 is a discretionary activity.	This rule does not apply, as the stormwater related activities are covered by Rule R50.
Passive discharges from contaminated land	
Rule R82: Discharges from contaminated land – permitted activity The discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided the following conditions are met: (a) a DSI has been completed and provided to Wellington Regional Council and (b) the DSI indicates that the discharge does not pose unacceptable risks to human health or the environment – on-site or off-site, or (c) the discharge from SLUR Category III land or SLUR Category IV land does not, or is not likely to, result in: (i) water quality exceeding the maximum acceptable value (MAV) in the Drinking-Water Standards New Zealand 2005 (Revised 2008) or 50% of the MAV at the property boundary or within 50m of the source of the discharge	Passive discharges from potentially contaminated land included within the Project footprint or created from relocation or disposal of contaminated soil during the Project works may not comply with the standards in Rule R82 as DSIs may not be available for the identified contaminated sites. Therefore, these discharges, if arising, require consent as discretionary activities under either Rule R83 and R94 depending on the site.

Rule	Summary
(ii) water quality in a surface water body within the property boundary or within 50m from the source of the discharge, whichever is the lesser distance, exceeding a value in Schedule V for the protection of 95% of species. Rule R83: Investigation of, or discharges from contaminated land – discretionary activity The use of land to undertake a detailed site investigation of contaminated land that is not permitted by Rule R81, or the discharge from SLUR Category III land or SLUR Category IV land where a contaminant may enter water, that is not permitted by Rule R82 is a discretionary activity. Rule R94: All other discharges – discretionary activity The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not: (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and (b) a permitted, controlled, restricted discretionary, or non-complying activity under any other rule in the Plan, or a discretionary activity under Rules R55, R56, R58, R65, R83 or R90, is a discretionary activity.	
Minor discharges – Tunnel operation	
Rule R91: Minor discharges – permitted activity The discharge of a contaminant into water, or onto or into land where it may enter water not covered by any other rule is a permitted activity provided the following conditions are met: .. (c) where the discharge is onto or into land, or onto or into land where a contaminant may enter groundwater, the discharge: .. (ii) if a point source discharge, shall not cause an adverse effect beyond the boundary of the property, and (iii) shall not result in the creation of contaminated land, and (iv) is not from, onto or into SLUR Category III land, unless the discharge does not come into contact with SLUR Category III land, or	Discharges of contaminants to land (stormwater network) associated with tunnel operation activities, i.e. discharge of deluge water from fire suppression systems, are not explicitly covered by the NRP. Where discharges of 'other' contaminants to land, where it may enter water (i.e. the stormwater network), cannot meet the requirements of Rule R91, consent is required under Rules R93 and/or R94, depending on the location of the discharge in terms of direct impact on certain scheduled sites or not. An audit of the conditions for R91 has been undertaken and it was confirmed that other minor discharges from tunnel operations can comply with these requirements, so that no resource consent for minor discharges is required. In regard to 2.(ii) and (iii) the discharge is not expected to cause any erosion of the coastal marine area or any other water body and will not give rise to the listed effects after the zone of reasonable mixing. It is noted that there are no Schedule C, F1, F3, F4 or H1 sites within the location of the proposed tunnels so there are no scheduled sites applicable at the discharge location.

Rule	Summary
(d) where the discharge is a point source discharge and may enter coastal water, (i) the concentration of total suspended solids in the discharge shall not exceed: 1. 50g/m³ where the discharge enters a site or habitat identified in Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), or 2. 100g/m³ where the discharge enters any other water, and (ii) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and (iii) the discharge shall not give rise to the following effects after the zone of reasonable mixing site: 1. a change in the pH of ± 0.5 pH unit, or 2. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or 3. any conspicuous change in the colour or visual clarity .. 5. any emission of objectionable odour, or 7. any significant adverse effects on aquatic life, and (iv) after the zone of reasonable mixing, the discharge shall not cause: .. 2. a value in Schedule V for the protection of 95% of species to be exceeded in any coastal water.	However, it is acknowledged that the downstream marine receiving environment includes a Schedule C site in the Lambton Harbour, recorded as Te Aro Pā.
Rule R94: All other discharges – discretionary activity The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not: (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and (b) a permitted, controlled, restricted discretionary, or non-complying activity under any other rule in the Plan, or a discretionary activity under Rules R55, R56, R58, R65, R83 or R90, is a discretionary activity.	

Rule	Summary
Permanent diversion of groundwater	
<i>Rule R146: Diversion of groundwater – permitted activity</i> Diversion of groundwater is a permitted activity, provided the following conditions are met: (a) there shall be no flooding or erosion of any neighbouring property, and (b) there shall be no lowering of water levels in any river or natural wetland, and (c) there shall be no lowering of groundwater levels on any neighbouring property <i>Rule R151: General rule for damming and diverting water – discretionary activity</i> The damming or diverting of water that would otherwise contravene sections 14(2) or 14(3) of the RMA and is not permitted, controlled, restricted discretionary, discretionary, non-complying or a prohibited activity is a discretionary activity.	The potential for tunnel and Sussex St trench related groundwater diversion may result in a risk of groundwater lowering on neighbouring properties. Accordingly, consent is sought under Rule R151. These works are not close to the identified wetlands within the project area and wetland groundwater diversion is addressed in the more specific rule for wetlands (above).

Table 4: Operational consent requirements (PC1)

Rule	Summary
Air discharges	
Rule R34: Mobile source emissions – permitted activity The discharge of contaminants into air from a mobile source is a permitted activity.	No consent required as per the NRP Rule R34 assessment above. The only change to this rule under PC1 is the removal of the coastal icon, which means the permitted rule no longer applies in the coastal marine area. This does not change the NRP Rule R34 assessment above, i.e. that no operational air discharge consent is required.
New and redeveloped impervious areas / operational stormwater discharges	
Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment activities of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or new local authority stormwater network, that is not a high risk industrial or trade premise or unplanned greenfield development, is a permitted activity, provided the following conditions are met: (a) the proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000m² (baseline property existing impervious area as at 30 October 2023) and (b)... (c) from the date the decisions on submissions to Proposed Plan change 1 for the Natural Resources Plan for the Wellington Region (2023) is publicly notified¹, the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network): (i) for all impervious areas associated with a greenfield development, or (ii) for all redeveloped and new impervious areas involving greater than 30m² of impervious area of a redevelopment (of an existing urbanised property), and (d) the discharge is not from, onto or into SLUR Category III land, unless the stormwater does not come into contact with SLUR Category III land, and (e) the discharge does not contain wastewater, and (f) the concentration of total suspended solids in the discharge shall not exceed:	The area of proposed new and redeveloped impervious surfaces to support the Project will exceed the 1,000m² permitted activity standards in WH.R5 and the 1,000m² and 3,000m² controlled activity standards in Rule WH.R7 and therefore the Project requires consent under rule WH.R11.

¹ Blue underlined text is from Variation 1 to PC1

- (i) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or
- (ii) 100g/m³ where the discharge enters any other water, and where the discharge is not via an existing or new local authority stormwater network:
- (g) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
- (h) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:
 - (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in the colour, or
 - (iii) a decrease in water clarity of more than
 - 1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or
 - 2. 30% in any other river, or
 - (iv) any emission of objectionable odour, or
 - (v) the freshwater is unsuitable for consumption by farm animals, or
 - (vi) any significant adverse effects on aquatic life

Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity

The use of land for the creation of new and/or redevelopment of impervious surfaces of an existing urbanised property and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority stormwater network, that is not a high risk industrial or trade premise, is a controlled activity, provided the following conditions are met:

- (a) the proposal involves the creation of new, or redevelopment of impervious surfaces of between 1,000m² and 3,000m² (baseline property existing impervious area as at 30 October 2023) or,
- (b) the proposal involves the creation of new, or redevelopment of impervious areas of less than 1,000m² but is not permitted under the conditions of Rule WH.R5, and,
- (c) where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:
 - (i) on-site, or
 - (ii) off-site through an existing local authority stormwater network or privately owned stormwater network that has been sized to accommodate the proposed stormwater discharges, and
 - (d) contaminant treatment of stormwater is provided either:
 - (i) on-site through a stormwater treatment system, or

(ii) off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site	
Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment of existing urbanised property) and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority stormwater network, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or Rule WH.R7, or prohibited under WH.R13 is a discretionary activity provided the following conditions are met: (a) the resource consent application includes a Stormwater Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and (b) if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).	
Rule WH.R9: Stormwater from a local authority or state highway network – restricted discretionary activity The discharge of stormwater into water, or onto or into land where it may enter water, from a local authority or state highway stormwater network, including discharges via another stormwater network, except those from a high risk industrial or trade premise, or ports and airports, is a restricted discretionary activity, provided the resource consent application includes a stormwater management strategy prepared in accordance with Schedule 31 (stormwater strategy – whaitua) to progressively improve discharge quality, including a reduction of copper and zinc commensurate with what is required in the receiving environment to meet the target attribute state in Tables 8.4 or coastal water objective in Table 8.1 for the relevant part Freshwater Management Unit or coastal water management unit.	NZTA is seeking approval to discharge stormwater from a redeveloped state highway through existing stormwater networks. The application does not seek to authorise stormwater discharges from those networks more broadly, thus this rule is not applicable.
Rule WH.R10: Stormwater from new state highways – discretionary activity The use of land for the creation of new impervious surfaces and the associated discharge of stormwater from a new state highway into water, or onto or into land where it may enter a surface water body or coastal water, is a discretionary activity, provided the resource consent application includes: ...	It is assessed that this rule does not apply to the Project, as the proposal does not involve creation of a new greenfield state highway, i.e. it is modification and widening of the existing SH1 state highway. The proposed widening for the state highway involves conversion of existing permeable and impermeable land currently used for urban development, as well as widening into Town Belt and reserve land.

Table 5: Construction consent requirements (Operative NRP)

Rule	Summary
Discharges to air	
Rule R27: Handling of bulk solid materials – permitted activity The discharge of contaminants into air from the handling of bulk solid materials including from the activities of quarrying, mining, cleanfilling, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, sorting, and storage is a permitted activity, provided the following conditions are met: (a)... and (b) for all other areas, the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.	Discharges of dust emissions to air associated with blasting, tunnel mining and extraction of material, stockpiling or storage of bulk solid materials, including excavated rock and soils may arise during Project construction. Given the Project extends across multiple existing properties, there may be effects beyond internal property boundaries within the Project area, and in windy conditions, effects may extend beyond the boundaries of the Project area to land not owned or proposed to be acquired by the Crown for the Project and therefore requires consent under Rule R42.
Rule R42: All other discharges – discretionary activity The discharge of contaminants into air that are not permitted, controlled, discretionary, non-complying or prohibited is a discretionary activity	
Discharges to land and water (construction related contaminants)	
Rule R91: Minor discharges – permitted activity The discharge of a contaminant into water, or onto or into land where it may enter water not covered by any other rule is a permitted activity provided the following conditions are met: .. (c) where the discharge is onto or into land, or onto or into land where a contaminant may enter groundwater, the discharge: .. (ii) if a point source discharge, shall not cause an adverse effect beyond the boundary of the property, and (iii) shall not result in the creation of contaminated land, and (iv) is not from, onto or into SLUR Category III land, unless the discharge does not come into contact with SLUR Category III land, or (d) where the discharge is a point source discharge and may enter coastal water, (i) the concentration of total suspended solids in the discharge shall not exceed:	Discharges of contaminants to land (stormwater network) associated with construction activities other than sediment during construction e.g. blasting residues, cement or solvents associated with tunnel construction are not explicitly covered by the NRP, and are classified as 'other' contaminants. Where discharges of 'other' contaminants cannot meet the requirements of Rule R91 consent is required under Rules R93 and/or R94. An audit of the conditions for R91 has been undertaken and it was confirmed that discharges from tunnel construction contaminants can comply with these requirements, such that no resource consent for minor discharges is required. Discharges of contaminated soil excavated from a site and disposed of or stockpiled at a site that is not contaminated at the time of disposal requires assessment under Rule R91 also. It is assumed that management of contaminated soil during construction can be undertaken to meet the standards in Rule R91 through either immediate material removal or covering material and/or managing drainage water to avoid contaminated soil runoff from discharging into stormwater drains or other water. There are no Schedule C, F1, F3, F4 or H1 sites within the tunnel locations, so there are no scheduled site applicable at the discharge location. However, it is acknowledged

1. 50g/m³ where the discharge enters a site or habitat identified in Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), or 2. 100g/m³ where the discharge enters any other water, and (ii) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and (iii) the discharge shall not give rise to the following effects after the zone of reasonable mixing site: 1. a change in the pH of ± 0.5 pH unit, or 2. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or 3. any conspicuous change in the colour or visual clarity .. 5. any emission of objectionable odour, or 7. any significant adverse effects on aquatic life, and (iv) after the zone of reasonable mixing, the discharge shall not cause: .. 2. a value in Schedule V for the protection of 95% of species to be exceeded in any coastal water.	that the downstream marine receiving environment includes a Schedule C site in the Lambton Harbour, recorded as Te Aro Pā.
Rule R93: All other discharges to sites of significance – non-complying activity The discharge of water or contaminants into water, or onto or into land where it may enter water: (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and (b) that is not a permitted, controlled, restricted discretionary, or discretionary activity under any rule in the Plan, or a non-complying activity under Rules R66, R74 or R88 is a non-complying activity.	

Rule R94: All other discharges – discretionary activity The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not: (a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and (b) a permitted, controlled, restricted discretionary, or non-complying activity under any other rule in the Plan, or a discretionary activity under Rules R55, R56, R58, R65, R83 or R90, is a discretionary activity.	
Contaminated land	
Rule R81: Detailed site investigation – permitted activity The use of land to undertake a detailed site investigation of contaminated land and any associated discharge into air is a permitted activity, provided the following conditions are met: (a) the investigation is undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011), and (b) the investigation is reported in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Land (2011), and (c) a copy of the report is provided to the Wellington Regional Council within two months following the completion of the investigation.	Use of land and discharges to air associated with detailed site investigations will meet the requirements of Rule R81 as a permitted activity.
Earthworks and vegetation clearance	
Rule R101: Earthworks – permitted activity The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks up to a total area of 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met: (a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and (b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and (c) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:	Earthworks will exceed 3,000m² and may not comply with permitted discharge standards in Rule R101 in all situations. Consent is required under Rule R107. Vegetation clearance of up to 5ha is proposed across the Project, some of which occurs on erosion prone land as defined in the NRP (where the pre-existing slope of the land exceeds 20 degrees). Steep land with a slope of up to 65 degrees occurs in the location for the eastern portal for the Mt Victoria Tunnel, where vegetation removal is proposed within the Town Belt. As the Project wide vegetation removal includes some land defined as erosion prone and other land consent is sought under Rule R107 for vegetation removal.

- (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
- (ii) any conspicuous change in colour or visual clarity, or
- (iii) any emission of objectionable odour, or
- (iv) the rendering of fresh water unsuitable for consumption by animals, or
- (v) any significant adverse effect on aquatic life, and
- (d) earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
- (e) work areas are stabilised within six months after the completion of the earthworks.

Rule R104: Vegetation clearance on erosion prone land – permitted activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from vegetation clearance up to a total area of 2ha per property per 12 month period on erosion prone land is a permitted activity, provided the following conditions are met:

- (a) any soil or debris from the vegetation clearance is not placed where it can enter a surface water body or the coastal marine area, and
- (b) any soil disturbances associated with the vegetation clearance shall not after the zone of reasonable mixing, result in any of the following effects in receiving waters:
 - (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or
 - (ii) any conspicuous change in colour or visual clarity, or
 - (iii) any emission of objectionable odour, or Natural Resources Plan for the Wellington Region 205
 - (iv) the rendering of fresh water unsuitable for consumption by animals, or
 - (v) any significant effect on aquatic life, and
- (c) vegetation clearance shall not occur within 5m of a surface water body except for vegetation clearance undertaken in association with by Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139.

Rule R107: Earthworks and vegetation clearance – discretionary activity

The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks, or vegetation clearance on erosion prone land that is not permitted by Rules R101, R102, R104 and R105, and not controlled by Rule R103, or not restricted discretionary by Rule R106 is a discretionary activity.

Activities in wetlands	
Rule R118: Activities in natural wetlands – non-complying activity The following activities, in a natural wetland except for those stipulated in and carried out in accordance with a wetland restoration management plan under Rule R116 or Regulation 39 of the <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i>: (a) take, use, damming or diverting water into, within, or from the natural wetland, or the take and use of water within 50m of the natural wetland, and (b) land disturbance including excavation and deposition, and (c) reclamation of a natural wetland, including any associated: (d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and (e) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and (f) damage to a part of the foreshore or seabed that forms part of a natural wetland, and (g) diversion of water, and (h) discharge of sediment to water are non-complying activities.	The Project involves construction activities in natural wetlands including diverting water, land disturbance, reclamation and discharge of sediment, which is covered by this rule, so consent is required as a non-complying activity.
Dewatering	
Rule R159: Dewatering – permitted activity The take of groundwater and the associated diversion and discharge of that water for the purpose of dewatering a site (including the use of land associated with well pointing), is a permitted activity, provided the following conditions are met: (a) the take continues only for the time required to carry out the work but does not exceed one month, and (b) the discharge point is not located within 20m of a bore used for water abstraction for potable supply or stock water; (c) the take and diversion and discharge is not from, onto or into: (i) SLUR Category III land, or (ii) land within a community drinking water supply protection area shown on Maps 40, 41, 42 or 43, or	Construction dewatering is unlikely to meet permitted activity standards in all situations as the duration of dewatering will exceed one month, the Project area includes land identified as HAIL, and dewatering may cause ground subsidence and may not meet discharge standards in all situations. In addition, any dewatering and construction associated with stormwater outlet works in Evans Bay (if required) is within the Hutt Aquifer Protection Zone which extends to the coastal marine area boundary, and excavation may exceed a depth of 5m bgl. Accordingly, consent is required under Rule R160.

(iii) land where an activity or industry described in the Ministry for the Environment Hazardous Activities and Industries List 2011 is, or has been undertaken, and

(d) the take does not cause ground subsidence, and

(e) the take does not deplete water in a surface water body, and

(f) there is no flooding beyond the boundary of the property, and

(g) where a discharge is to water, or to land where it may enter a surface water body,;

(i) at the point of discharge the quality of the discharge shall not exceed:

1. 50g/m³ of total suspended solids where the discharge is to a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (Mana Whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation); or
2. 100g/m³ of total suspended solids where the discharge is to any site or habitat not referred to in condition (i); or
- 3... and

(ii) after the zone of reasonable mixing, the discharge shall not cause:

1. ...
2. ...

(h)....

(i) where the dewatering is located within the Hutt Valley Aquifer Protection Zone shown on Map 49, any construction or removal of building foundations or earth retention structures or excavation (permanent or temporary) associated with the dewatering does not exceed a depth of 5m below the natural ground level.

Rule R160: Dewatering – restricted discretionary activity

The take of groundwater and the associated diversion and discharge of that water (including the use of land associated with well pointing) for the purpose of dewatering a site that is not permitted by Rule R159 is a restricted discretionary activity, provided the following condition is met:

(a) where the dewatering is located within a community drinking water supply protection area shown on Map 40, Map 41, Map 42 or Map 43, or the Hutt Valley Aquifer Protection Zone shown on Map 49, any construction or removal of building foundations or earth retention structures or excavation (permanent or temporary) associated with the dewatering does not exceed a depth of 5m below the natural ground level.

Maintenance, repair, additions and alterations to existing structures (coastal)

Rule R181: New structures, additions or alterations to structures outside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – discretionary activity

The placement of a new structure, addition or alteration to a structure and the associated use of the structure outside a site or habitat identified in Schedule C (Mana Whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the common marine and coastal area, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by R176, Rule R197, Rule R198, or controlled by R171 or Rule R177 or Rule R196 or restricted discretionary under Rule R175 or prohibited under Rule R179 is a discretionary activity.

Rule R182: New structures, additions or alterations to structures inside Schedule C, Schedule F4, Schedule F5 or Schedule J sites – non-complying activity

The placement of a new structure, addition or alteration to a structure and the associated use of the structure inside a site or habitat identified in Schedule C (Mana Whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, including any associated:

- (a) occupation of space in the common marine and coastal area, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants, and
- (e) diversion of open coastal water

that is not permitted by R176, Rule R197, Rule R198, or a controlled by Rule R171 or Rule R177 or Rule R196 or a restricted discretionary under Rule R175 or a discretionary activity under Rule R180 or Rule R189, or prohibited under Rule R179 is a non-complying activity.

The upgrade of an existing stormwater outfall within Evans Bay will be required and is located in the coastal marine area, which does not include habitat identified in Schedule F5 (algal beds) of the NRP in the Evans Bay area. Accordingly, consent is required as a discretionary activity under Rule R181.

Table 6: Construction consent requirements (PC1)

Rule	Summary
Discharges to air	
Rule R27: Handling of bulk solid materials – permitted activity The discharge of contaminants into air from the handling of bulk solid materials including from the activities of quarrying, mining, cleanfilling, blasting, extraction, crushing, screening, processing, stockpiling, handling, conveying, sorting, and storage is a permitted activity, provided the following conditions are met: (a)... and (b) for all other areas, the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property.	Discharges of dust emissions to air during construction associated with cleanfilling, blasting, stockpiling or storage of bulk solid materials, including excavated rock and soils during Project construction, that causes effects beyond internal property boundaries within the project area, and beyond the external boundaries of the project area to land not owned or proposed to be acquired by the Crown for the Project requires consent under Rule R42. <i>Note: PC1 doesn't change the operative NRP rules referenced here, the only change is removal of the coastal icon.</i>
Rule R42: All other discharges – discretionary activity The discharge of contaminants into air that are not permitted, controlled, discretionary, non-complying or prohibited is a discretionary activity	
Discharges of construction related contaminants to land and water	
Rule WH.R1: Point source discharges of specific contaminants – prohibited activity The point source discharge of: (a)... (b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or (c) solvents including paint stripper, or (d) liquid fuels, including diesel, petrol, oil, grease, except where these have been treated by an interceptor system to collect hazardous contaminants and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, or (e)... (f)... (g) cement wash, cement slurry and concrete cutting waste, or (h) drill cooling water into water or onto or into land, including via a stormwater network, where it may enter a surface water body or coastal water is a prohibited activity	Discharges of the contaminants listed in this rule will be avoided during construction works through good site management practices, including appropriate handling, storage and disposal of hazardous materials, and no such discharges will arise as a result of normal operation of the state highway. Accordingly, consent is not required as a discretionary activity under s86b (applicable activity status until such time as PC1 is operative).

Rule	Summary
Vegetation clearance	
Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity Vegetation clearance on highest erosion risk land (woody vegetation), of more than a total area of 200m² per property in any consecutive 12-month period, and any associated discharge of sediment to a surface water body is a controlled activity provided an erosion and sediment management plan has been prepared in accordance with Schedule 33 (vegetation clearance plan) and submitted with the application for resource consent under this Rule.	Highest erosion risk land (woody vegetation) is mapped in the vicinity of the proposed eastern Mt Victoria Tunnel portal where vegetation removal within Town Belt is proposed. The mapped extent of land in this location is not in excess of 200m², so while the total area of vegetation removal within this property will be more than 200m² no consent requirement is triggered under Rule WH.R18. Accordingly, no high erosion risk vegetation removal consent is triggered under PC1.
Rule WH.R19: Vegetation clearance – discretionary activity Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body that does not comply with one or more of the conditions of Rule WH.R17 or Rule WH.R18 is a discretionary activity.	
Earthworks	
Rule WH.R23: Earthworks – permitted activity Earthworks is a permitted activity, provided the following conditions are met: (a) (b) (c) the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and (i) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and (ii) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and (iii) the area of earthworks must be stabilised within six months after completion of the earthworks, and (iv) there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and (v) erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.	Earthworks will exceed 3,000m² and will not be able to be managed to avoid an off-site discharge to the stormwater network. Earthworks are also sought during winter months. Consent is required under Rule WH.R25 as a non-complying activity because of the allowance for some winter earthworks.

Rule	Summary
Rule WH.R24: Earthworks – restricted discretionary activity Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is a restricted discretionary activity, provided the following conditions are met: (a) the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m³, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than: (i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or (ii) 30% in any other river, and (b) earthworks shall not occur between 1st June and 30th September in any year. Rule WH.R25: Earthworks – non-complying activity Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water from earthworks, including via a stormwater network, that does not comply with Rule WH.R24 is a non-complying activity.	

Permitted activities

Geotechnical investigations, including to those needed to inform the DSI and groundwater report for the substantive consent applications, are generally expected to be permitted activities within the project area, as set out below.

Table 7: Geotechnical investigations pre/post consent lodgement – NRP – Permitted activities

Rule	Comment
Bore construction, alteration or decommissioning	
Rule R91: Minor discharges – Permitted Activity The discharge of a contaminant into water, or onto or into land where it may enter water that is not specifically provided for by any other rule in this Plan is a permitted activity provided the following conditions are met: (a) the discharge is not a restricted discretionary activity, discretionary activity or non-complying activity under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, (b) the discharge does not or is not likely to result in the Drinking-Water Standards New Zealand 2005 (Revised 2018) being exceeded in a community drinking water supply protection area as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and (c) where the discharge is onto or into land, or onto or into land where a contaminant may enter groundwater, (i) the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and (ii) if a point source discharge, shall not cause an adverse effect beyond the boundary of the property, and (iii) shall not result in the creation of contaminated land, and (iv) is not from, onto or into SLUR Category III land, unless the discharge 1. does not come into contact with SLUR Category III land, or	Permitted Activity The discharge of water to land used for the drilling of boreholes and the development of any piezometers are expected to meet the relevant Permitted Activity conditions under Rule R91, assessed as follows: (a) The discharge will not be subject to the National Environmental Standards for Freshwater. (b) The site is not within a community drinking water supply protection area. (c) The discharge will be to land, and: (i) There are no abstraction bores expected within the project area. (ii) The discharge will be confined to the site of investigations (e.g. through the use of silt fences). (iii) The discharge will not create contaminated land. (iv) The discharge is not to or from SLUR Category III land. (d) Not applicable, the discharge is not to water.

Rule	Comment
2. results from the performance or exercise of Fire and Emergency New Zealand's emergency functions, duties or powers (d) where the discharge is a point source discharge and may enter a surface water body or coastal water, [...]	
Rule R165: Investigation and monitoring bores – Permitted Activity The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a bore for the purpose of investigation or monitoring the conditions below the ground surface is a permitted activity, provided the following conditions are met: a. where the bore is located within a community drinking water supply protection area shown on Map 40, Map 41, Map 42 or Map 43, the depth below ground level will not exceed 5m, and b. there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and c. a Wellington Regional Council bore/well log form is submitted to the Wellington Regional Council within one month of the bore being constructed, and d. there is no flooding beyond the boundary of the property, and e. where the bore is located within the Hutt Valley Aquifer Protection Zone shown on Map 48 the depth below ground level will not exceed 5m on land or 5m below the seabed in the coastal marine area, and f. a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R91, and g. where the bore is located within the coastal marine area, the activity shall comply with the coastal management general conditions specified in Section 5.6.2, excluding conditions (b) and (c), and h. the bore shall be decommissioned in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock as soon as practical after the investigation and monitoring is completed, and the bore is not associated with hydrocarbon exploration or production	Permitted Activity It is expected that borehole investigations required for the Project will meet the specified Permitted Activity conditions under Rule R165, assessed as follows: a. Not applicable, as the project area is not within a community drinking water supply protection area. b. Drilling will comply with NZS 4411:2001. c. It is expected that all necessary bore log information will be submitted to GWRC following completion of drilling. d. It is assumed that there will be no flooding beyond the property boundaries. e. Not applicable, the site is not within the Hutt Valley Aquifer Protection Zone. f. The discharge of water is expected to meet the conditions of Rule R91, as assessed above. g. Not applicable, assuming no drilling is required within the coastal marine area. h. Decommissioning will comply with NZS 4411:2001. i. No investigations will be associated with hydrocarbon exploration or production.

Rule	Comment
Earthworks and vegetation clearance	
Rule R101: Earthworks – Permitted Activity The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks up to a total area of 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met: (a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and (b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and (c) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters: (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or (ii) any conspicuous change in colour or visual clarity, or (iii) any emission of objectionable odour, or (iv) the rendering of fresh water unsuitable for consumption by animals, or (v) any significant adverse effect on aquatic life, and (d) earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and (e) work areas are stabilised within six months after the completion of the earthworks.	Permitted Activity This rule would only apply to minor ancillary works associated with establishing access to proposed investigation sites, if this was required. It is expected such ancillary works can be undertaken such that the specified Permitted Activity conditions under Rule R101 would be met: (a) Soil or debris from earthworks would be placed such that it would not be able to enter a water body. (b) Earthworks will not result in instability or subsidence. It is expected that the depth of any ancillary earthworks (excluding for boreholes themselves) would be of a sufficiently small scale that there would be minimal potential for instability or subsidence. (c) Erosion and sediment control measures will be implemented if needed and as appropriate to ensure none of the specified effects would arise in receiving waters (noting there are no water bodies within the vicinity of an investigation site). (d) Given minimal of water bodies in project area, the 5 m separation to waterbodies can be accommodated. (e) Earthworked areas will be stabilised within six months of completion.

Table 8: Geotechnical investigations pre/post consent lodgement -PC1 rules

Rule	Summary
Earthworks	
Rule WH.R23: Earthworks – Permitted Activity Earthworks is a permitted activity, provided the following conditions are met: a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or b) the earthworks are to implement an action in the farm environment plan for the farm, or c) the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and i. the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and ii. soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and iii. the area of earthworks must be stabilised within six months after completion of the earthworks, and iv. there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and v. erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.	Permitted Activity Paragraphs (a) and (b) do not apply as proposed investigations are not related to farming activities. However, if ancillary works to establish access to a site were required, it is expected they would be undertaken such that all of the specified Permitted Activity conditions under Rule WH.R23(c) were met: (c) Earthworks will not exceed an area of 3,000 m². (i) A 5 m separation to water bodies can be maintained. (ii) Soil or debris from earthworks will be placed such that it would not be able to enter a water body. (iii) Earthworked areas will be stabilised within six months of completion. (iv) Erosion and sediment control measures will be implemented if needed and as appropriate to ensure there was no discharge of sediment from earthworks or flocculant into a water body. (v) There are no open freshwater bodies within the vicinity of the project area, other than small wetland areas in the Ruahine St section of Town Belt.

Table 9: Permitted Enabling Works

Rule	Assessment
District Plan <i>EW-R1(1) – Permitted Activity</i> Earthworks for the purposes of piling, trenching, maintaining sports fields, undertaking geotechnical investigations and grave digging, the replacement or removal of underground petroleum storage systems, where: Compliance with the following standards is achieved: i. EW-S5; and ii. EW-S6.	Advice from WCC planning officers is that geotechnical investigations are permitted under Rule EW-R1 of the Earthworks chapter of the 2024 District Plan. Drilling bores to gain an understanding of geological and hydrogeological conditions are also considered to be geotechnical investigations and are therefore permitted. Appropriate management will be in place to manage any dust nuisance and to reinstate each site once the monitoring bores have been drilled. i. The earthworks will not create a dust nuisance ii. All disturbed areas will be stabilised with vegetation or sealed, paved, metalled or built over within three months after completion of earthworks.
District Plan <i>EW-R4(1) – Permitted Activity</i> General earthworks, where: Compliance with the following standards is achieved: i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; and vi. EW-S6.	Minor ancillary earthworks required to establish access to the geotechnical investigation site (excluding borehole drilling) may be undertaken as a Permitted Activity. Where this is done they comply with specified standards relating to area, cut and fill depth, slope stability, material volumes, dust control, and site stabilisation as per the requirements in Rule EW-R4(1). The drilling of boreholes is separately provided for under Rule EW-R1(1). i. The total area of earthworks required for the geotechnical investigations will not exceed 250m² per site in any 12-month period ii. Earthworks will not exceed the maximum cut height or fill depth specified iii. Earthworks will not be undertaken on an existing slope angle of 34° or greater, where angles of 34° or greater are sustained over a distance of at least 3m, measured horizontally. iv. The combined volume of cut material resulting from earthworks transported off the site and cleanfill material required for earthworks transported onto the site will not exceed 2,000m³ in the City Centre, Centres, Mixed use and General industrial zones; or 200m³ in all other Zones. v. The earthworks will not create a dust nuisance vi. All disturbed areas will be stabilised with vegetation or sealed, paved, metalled or built over within three months after completion of earthworks.

NRP

Rule R91: Minor discharges – Permitted Activity

The discharge of a contaminant into water, or onto or into land where it may enter water that is not specifically provided for by any other rule in this Plan is a permitted activity provided the conditions are met:

- a. the discharge is not a restricted discretionary activity, discretionary activity or non-complying activity under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020,
- b. the discharge does not or is not likely to result in the Drinking-Water Standards New Zealand 2005 (Revised 2018) being exceeded in a community drinking water supply protection area as shown on Map 39, Map 40, Map 41, Map 42 or Map 43, and
- c. where the discharge is onto or into land, or onto or into land where a contaminant may enter groundwater, the discharge:
 - i. is not located within 20m of a bore used for water abstraction for potable supply or stock water, and
 - ii. if a point source discharge, shall not cause an adverse effect beyond the boundary of the property, and
 - iii. shall not result in the creation of contaminated land, and
 - iv. is not from, onto or into SLUR category III land, unless the discharge:
 1. does not come into contact with SLUR Category III land, or
 2. results from the performance or exercise of Fire and Emergency New Zealand's emergency functions, duties or powers.
- d. where the discharge is a point source discharge and may enter a surface water body or coastal water,
 - i. the concentration of total suspended solids in the discharge shall not exceed:
50g/m³, where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (Mana Whenua),

The discharge of water to land used for the drilling of boreholes and development of piezometers will comply with Permitted Activity Rule R91, as it is not subject to the NES for Freshwater, is outside a drinking water supply protection area, will be fully managed on land with no contamination or effects on existing abstraction bores, is not on SLUR Category III land, and does not involve discharge to surface or coastal water.

Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 coastal sites) or Schedule H1 (contact recreation), or

1. 100g/m³, where the discharge enters any other water, and
- ii. the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and
the discharge shall not give rise to the following effects after the zone of reasonable mixing or within a Schedule C (Mana Whenua) site:
 1. a change in the pH of ± 0.5 pH unit, or
 2. the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 3. any conspicuous change in the colour or visual clarity, including
 - in Schedule A and Schedule F1 surface water bodies a decrease in water clarity of no more than 20%, or
 - in any other surface water body a decrease in water clarity of no more than 30%, or
 4. a change in temperature of no more than:
 - 2°C in river classes 1 or 2, or
 - 2°C in any river or lake identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or
 - 3°C in any other surface water body, and
 5. any emission of objectionable odour, or
 6. the fresh water is unsuitable for consumption by farm animals, or
 7. any significant adverse effects on aquatic life, and
- iii. after the zone of reasonable mixing, the discharge shall not cause:

1. a value in Schedule V for the protection of 99% of species to be exceeded in a river identified in Schedule F1 (rivers/lakes) as having high macroinvertebrate community health, or 2. a value in Schedule V for the protection of 95% of species to be exceeded in any other river or lake, or coastal water.	
NRP <i>Rule R101: Earthworks – Permitted Activity</i> The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks up to a total area of 3,000m² per property per 12 month period is a permitted activity, provided the conditions are met: a. soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and b. earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and c. any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters: i. the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or ii. any conspicuous change in colour or visual clarity, or iii. any emission of objectionable odour, or iv. the rendering of fresh water unsuitable for consumption by animals, or v. any significant adverse effect on aquatic life, and d. earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and e. work areas are stabilised within six months after the completion of the earthworks.	The rule applies only to minor ancillary earthworks required to establish access to the geotechnical investigations site (excluding borehole drilling). These works will meet Permitted Activity conditions, including preventing soil or debris from entering water bodies, avoiding instability or subsidence, implementing erosion and sediment controls if needed, and stabilising earthwork areas within six months. There are no water bodies within or near the site, including within 5 m.

NRP <i>Rule R165: Investigation and monitoring bores – Permitted Activity</i> The use of land and the associated diversion and discharge of water or contaminants for the drilling, construction or alteration of a bore for the purpose of investigation or monitoring the conditions below the ground surface is a permitted activity, provided the conditions are met: a. where the bore is located within a community drinking water supply protection area shown on Map 40, Map 41, Map 42 or Map 43, the depth below ground level will not exceed 5m, and b. there is compliance with the NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock, and c. a Wellington Regional Council bore/well log form is submitted to the Wellington Regional Council within one month of the bore being constructed, and d. there is no flooding beyond the boundary of the property, and e. where the bore is located within the Hutt Valley Aquifer Protection Zone shown on Map 48 the depth below ground level will not exceed 5m on land or 5m below the seabed in the coastal marine area, and f. a discharge to water, or onto or into land where it may enter water meets the conditions of Rule R91, and g. where the bore is located within the coastal marine area, the activity shall comply with the coastal management general conditions specified in Section 5.6.2, excluding conditions (b) and (c), and h. the bore shall be decommissioned in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock as soon as practical after the investigation and monitoring is completed, and i. the bore is not associated with hydrocarbon exploration or production.	The proposed monitoring bores will typically comply with the relevant Permitted Activity conditions under Rule R165. The site is not located within a drinking water supply protection area, aquifer protection zone, or the coastal marine area, and the boreholes are not associated with hydrocarbon exploration. Drilling and any decommissioning will comply with NZS 4411, required information will be provided to GWRC, flooding beyond the site is not anticipated, and any discharge of water will meet the conditions of Rule R91.
NRP <i>PC1 Rule WH.R23: Earthworks – Permitted Activity</i> Earthworks is a permitted activity, provided the conditions are met:	If minor ancillary works are required to establish site access, they will comply with the Permitted Activity conditions under Rule WH.R23(c), including limits on earthworks area, stabilisation within six months, and implementation of erosion and sediment controls as required. There are no water bodies within or near the site.

a. the earthworks are to implement an action in the erosion risk treatment plan for the farm, or b. the earthworks are to implement an action in the farm environment plan for the farm, or c. the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and i. the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and ii. soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and iii. the area of earthworks must be stabilised within six months after completion of the earthworks, and iv. there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.	
NES-CS <i>Regulation 8(2) – Sampling soil</i> Sampling the soil of the piece of land is a permitted activity while the following requirements are met: a. controls to minimise the exposure of humans to mobilised contaminants must— i. be in place when the activity begins: ii. be effective while the activity is done: iii. be effective until the soil is reinstated to an erosion-resistant state:	Any investigation related soil sampling (including any related soil disturbance) is expected to comply with the permitted activity standards specified in Regulation 8(2) and 8(3). Accordingly, these activities may be conducted during enabling works as permitted activities, where any soil is able to be reinstated to an erosion-resistant state within 1 month of sampling, soil is only be taken for the purpose of laboratory analysis, and the volume of disturbance of soil will not be greater than 25m³ per 500m².

- b. the soil must be reinstated to an erosion-resistant state within 1 month after the end of the course of sampling for which the activity was done:
- c. soil must not be taken away in the course of the activity except as samples taken for the purpose of laboratory analysis:
- d. the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

Regulation 8(3) – Disturbing soil

Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:

- a. controls to minimise the exposure of humans to mobilised contaminants must—
 - i. be in place when the activity begins:
 - ii. be effective while the activity is done:
 - iii. be effective until the soil is reinstated to an erosion-resistant state:
- b. the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:
- c. the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:
- d. soil must not be taken away in the course of the activity, except that,—
 - i. for the purpose of laboratory analysis, any amount of soil may be taken away as samples:
 - ii. for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:
- e. soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
- f. the duration of the activity must be no longer than 2 months:
- g. the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

District Plan <i>INF-R9 – Permitted Activity</i> Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological), where: Compliance is achieved with the following standards: i. INF-S3; ii. INF-S6; iii. INF-S7; iv. INF-S8; and v. INF-NG-S1.	The installation of environmental monitoring equipment (noise and vibration monitoring, air quality, ecological surveys) required for enabling works, including data collection or to conduct baseline environmental monitoring, can be carried out as a permitted activity under the District Plan. i. Earthworks will not create dust nuisance, all earthwork areas will be stabilised with vegetation or sealed, paved, metalled or built over within three months after completion of earthworks, trenching will be progressively closed and stabilised such that no more than 120m of continuous trench is exposed at any one time, land disturbed will be stabilised by revegetation, grassing or other suitable means as soon as practicable after completion of works, the works will not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs. ii. The height of new buildings or structures will not exceed maximum height of 3.5 metres; or maximum area of 20m² in Residential Zones and 30m² in all other Zones. iii. No infrastructure will be located on land or in land within 10 metres of the bed of any river. iv. Meteorological masts will not exceed a maximum height of the permitted height for the relevant zone. v. N/A
District Plan <i>HRZ-R10 – Demolition or removal of buildings and structures</i> <i>MRZ-R10 – Demolition or removal of buildings and structures</i> <i>WTBZ-R9 – Demolition or removal of buildings and structures</i> <i>SARZ-R14 – Demolition or removal of buildings and structures</i> <i>OSZ-R12 – Demolition or removal of buildings and structures</i>	The demolition and removal of buildings and structures located within the: High Density Residential Zone, Medium Density Residential Zone, Special Purpose Wellington Town Belt Zone, Sport and Active Recreation Zone and the Open Space Zone may be carried out as part of enabling works, as a permitted activity (other than scheduled heritage buildings)^[1]. ^[1] Demolition of buildings is not permitted where located within the City Centre Zone as it is anticipated that the conditions of permitted Rule CCZ-R22 may not be satisfied (however, the existing and proposed alteration to NZTA-1 will supersede this requirement).
District Plan <i>LCZ-R18 – Permitted Activity</i> Demolition or removal of buildings and structures, where:	The demolition and removal of buildings and structures may be undertaken as a permitted activity where it is required to avoid a threat to life and/or property, enables the creation of public space or private outdoor living space, facilitates the construction of a new building or structure or alterations to an existing building or structure, occurs on a site that does not have an active or non-residential activity frontage, or involves

a. The <u>demolition</u> or removal of a <u>building</u>: i. Is required to avoid a threat to life and/or property; ii. Enables the creation of <u>public space</u> or private <u>outdoor living space</u> associated with the use of a <u>building</u>; iii. Is required for the purposes of constructing a new <u>building</u> or <u>structure</u>, or adding to or altering an existing <u>building</u> or <u>structure</u>, that is a <u>permitted activity</u> under <u>LCZ-R19</u>, or has an approved resource consent, or resource consent is being sought concurrently; or b. The <u>building</u> or <u>structure</u> for <u>demolition</u> or removal is not on a <u>site</u> that has an <u>active frontage</u> or non-residential activity frontage; or c. The <u>demolition</u> or removal involves a <u>structure</u>, excluding any <u>building</u>.	the removal of a structure (excluding buildings). For the Project, demolition and removal works are proposed as enabling works associated with the construction of the Project and are anticipated to satisfy the relevant permitted activity provisions of LCZ-R18.
District Plan <i>NOISE-R2(1) – Permitted Activity</i> Noise from construction, maintenance, earthworks, and demolition activities, where: a. All work will occur within the hours of 7.30am to 6.00pm Monday to Saturday; and b. Compliance with <u>NOISE-S2 (Construction Activities)</u> is achieved.	As for geotechnical investigations discussed above, noise generated from the demolition and removal of buildings and structures as part of enabling works is expected to comply with NOISE-S2 (Construction Activities) and can be managed to occur during the hours of 7.30 am to 6.00 pm Monday to Saturday.
District Plan <i>INF-R1 – Operation, maintenance and repair or removal of existing above and underground infrastructure and ancillary vehicle access tracks</i>	Where any removal of redundant structures is required for the Project, this is expected to be able to be carried out in accordance with the conditions of this permitted activity rule.
District Plan <i>INF-R3 – Permitted Activity</i> Upgrading of existing aboveground infrastructure, where: a. Compliance is achieved with <u>INF-S1</u>; and b. Compliance with the following standards is achieved:	Enabling activities associated with the upgrading of existing aboveground infrastructure such as establishment of erosion and sediment control measures and, trench widening can be managed to comply with permitted activity standards INF-S1(Health and Safety), INF-S3 (Earthworks), INF-S4 (upgrading of existing aboveground infrastructure) and INF-NG-S1 (Buildings, Structures and Activities in the National Grid Yard).

i. <u>INF-S3</u>; ii. <u>INF-S4</u>; and iii. <u>INF-NG-S1</u>.	In addition, construction works for minor safety improvements on local roads (e.g. Moxham Avenue, kerb extensions at Cuba Street, etc where proposed outside the footprint of the altered designation are permitted under Rule INF-R3. i. Earthworks will not create dust nuisance, all earthwork areas will be stabilised with vegetation or sealed, paved, metalled or built over within three months after completion of earthworks, trenching will be progressively closed and stabilised such that no more than 120m of continuous trench is exposed at any one time, land disturbed will be stabilised by revegetation, grassing or other suitable means as soon as practicable after completion of works, the works will not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.
District Plan <i>INF-R6 – Permitted Activity</i> Temporary infrastructure, where: a. All temporary <u>infrastructure structures</u> cease operating and are removed from the <u>site</u> within 12 months of the work commencing; b. Compliance is achieved with <u>INF-S1</u>; and c. Compliance is achieved with the following standards: i. <u>INF-S3</u>; ii. <u>INF-S6</u>; iii. <u>INF-S7</u>; iv. <u>INF-S8</u>; v. <u>INF-S9</u>; vi. <u>INF-S10</u>; vii. <u>INF-NG-S1</u>; and viii. <u>INF-S15</u>.	If required, temporary infrastructure required for enabling works can be established as a permitted activity if the infrastructure ceases operating and is removed from the site within 12 months of the work commencing and complies with INF-S1, INF-3, INF-S6, INF-S7, INF-S8, INF-S9, INF-S10, INF-NG-S1 and INF-S15. If required, temporary service connections required for enabling works will be completed as a permitted activity if the infrastructure ceases operating and is removed from the site within 12 months of the work commencing. i. Earthworks will not create dust nuisance, all earthwork areas will be stabilised with vegetation or sealed, paved, metalled or built over within three months after completion of earthworks, trenching will be progressively closed and stabilised such that no more than 120m of continuous trench is exposed at any one time, land disturbed will be stabilised by revegetation, grassing or other suitable means as soon as practicable after completion of works, the works will not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs. ii. The height of new buildings or structures will not exceed maximum height of 3.5 metres; or maximum area of 20m² in Residential Zones and 30m² in all other Zones. iii. No infrastructure will be located on land or in land within 10 metres of the bed of any river. iv. Meteorological masts will not exceed a maximum height of the permitted height for the relevant zone.
NRP <i>PC1 - Rule WH.R23: Earthworks – Permitted Activity</i>	Minor ancillary earthworks required to relocate existing aboveground utilities and establish site access, will comply with the Permitted Activity conditions under Rule WH.R23(c), including limits on earthworks area, stabilisation within six months, and

Earthworks is a permitted activity, provided the conditions are met: a. the earthworks are to implement an action in the erosion risk treatment plan for the farm, or b. the earthworks are to implement an action in the farm environment plan for the farm, or c. the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and i. the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and ii. soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and iii. the area of earthworks must be stabilised within six months after completion of the earthworks, and iv. there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and v. erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.	implementation of erosion and sediment controls as required. Earthworks will not be undertaken within 5 m from a surface water body or coastal marine area.
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