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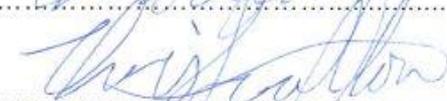
Proposed District Plan - Benchmarking of Earthworks Provisions

Prepared for Kapiti Coast District Council
September 2014

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Executive Summary

Kapiti Coast District Council (Council) notified its Proposed District Plan (PDP) in November 2012. Given that Council is progressing the PDP and in the process of considering points raised in submissions, it wishes to understand the approaches other Councils have taken in terms of the triggers for which resource consents are required for earthworks.

The PDP defines earthworks as:

Earthworks means any alteration to the land contour or disturbance of land including the deposition of cleanfill and the excavation and backfilling or recompaction of existing natural ground, but excludes cultivation and domestic gardening. The limits on earthworks in the standards apply to any earthworks within any 5 year period except in relation to overflow paths, ponding areas and the River Corridor.

In other district plans the term 'earthworks' is used in a wide range of situations. However it is not exclusively referred to in plans and other related terms such as 'soil disturbance', 'land modification' and 'excavations' are also commonly used. The Environment Court has been asked to determine the meaning of 'earthworks' on a number of occasions. Based on these determinations, a definition of earthworks can include details on what physical activities constitute earthworks, such as:

- Blading
- Contouring
- Ripping
- Moving
- Removing
- Placing
- Replacing
- Excavation
- Cutting
- Filling.

Earthworks is often a component of a broader activity, such as subdivision, building, drainage works, the construction of farm tracks, tree removals, road works, and the laying of underground cables.

Earthworks have the potential to have adverse visual effects on steep slopes and have an adverse effect on the character and visual amenity of natural landforms by disrupting natural ground contours and landscape patterns and by secondary effects such as erosion and sedimentation.

For the purposes of this benchmarking analysis, the permitted limits / conditions for earthworks are of particular interest for:

- Urban areas
- Rural areas
- Farm tracks

Regional councils and territorial authorities are jointly responsible for managing the effects of earthworks under the Resource Management Act (RMA). Regional councils and territorial authorities are responsible for controlling different aspects of earthwork activities. Consequently, councils need to direct

specific attention towards the mechanisms they use to manage areas of potential overlap and to ensure that unnecessary duplication of consent processes in relation to earthwork activities is avoided.

Section 30 of the RMA sets out the statutory responsibilities of regional councils. These include controlling the use of land for soil conservation purposes, maintenance and enhancement of water quality and ecosystems, and controlling discharges of contaminants.

Accelerated loads of sediment have the ability to change the physical, chemical, or biological condition of water and, therefore, fall within the definition of 'contaminant' under the RMA.

The two primary approaches available to regional councils to manage the effects of earthworks are:

- Control of the use of land
- Control of the discharge of contaminants.

Section 31(1) of the RMA sets out the statutory responsibilities for territorial authorities. Controlling the use, development or subdivision of land covers a wide range of issues, including vegetation cover, amenity values, infrastructure, roading, and natural hazards. As earthworks can have adverse effects on all these matters, territorial authorities will need to evaluate how these matters are to be appropriately managed.

Section 106 of the RMA amongst other things requires territorial authorities to consider land stability issues (erosion, falling debris, subsidence, slippage and inundation) and access when determining subdivision applications.

Typically regional councils focus on the effects of earthworks on water quality and ecosystems, and territorial authorities tend to focus on land-use effects such as amenity and dust generation. However, overlapping of these functions does occur and can result in duplication, particularly in relation to activities requiring resource consent.

The provisions for earthworks in the PDP are very similar to those rules in the operative district plan. The key difference is inclusion of specific standards for farm tracks. The PDP proposes the following permitted standards for earthworks on a normal site not subject to overlays:

- Maximum slope of 28 degrees
- Minimum 20 metres distance from a waterbody
- Maximum 1m height
- Maximum 50m³ in living zones per 5 years
- Maximum 100m³ in rural zones per 5 years

The standards for farm tracks are:

- Maximum 4 metres width
- Maximum 1m height

A number of submissions were received regarding the earthworks provisions. The most common issues raised in the submissions regarding the structure of the PDP were:

- Amend the rules so that only the extent of the sensitive natural feature is subject to lower permitted earthworks standards rather than the whole site
- Amend the maximum earthworks to reflect the size of the site
- Amend the rules so that extractive industries are not constrained or prevented
- Support for the earthworks policies

- Oppose the policies related to earthworks
- Oppose the limits to farm tracks and seek to permit farm tracks
- Amend rules to allow for modification and upgrading of farm tracks as a permitted activity
- Enable earthworks and development as a permitted activity to allow one dwelling to be constructed
- Amend the rules to better enable cumulative earthworks for productive activities
- Earthworks associated with normal agriculture, horticulture and forestry activities should be permitted
- Oppose the restrictions on the height of cuts in the rural area
- Oppose the sensitive natural features and landscape rules regarding earthworks
- Allow earthworks to the extent of 500m² and cuts of up to 3m to allow a building platform as a permitted activity
- Enable earthworks associated with network utilities as a permitted activity
- Permit earthworks in all rural areas regardless of the planning map features
- Amend the policies to remove prohibitive terms such as “avoid”, “protect” and “requirements” to enable a more balanced approach to allow appropriate rural activities, earthworks and built form.

Ten district plans, including plans from other Councils adjoining Kapiti Coast District Council were assessed around New Zealand to evaluate their permitted earthworks standards. The district plans canvassed were:

- Wairarapa Combined District Plan
- Proposed Horowhenua District Plan
- Upper Hutt City District Plan
- Porirua City District Plan
- Hutt City
- Wellington City
- Ruapehu District Plan
- Proposed Otorohanga District Plan
- Western Bay of Plenty District Plan
- Rotorua District Plan

As to be expected, there is a wide range of permitted standards for earthworks across the various district plans. Some standards are numerically based such as maximum volume while others such as Proposed Rotorua District Plan are more descriptive e.g. not disrupting the passage or habitat of any indigenous species.

Some district plans differentiate between earthworks standards for urban and rural although the following district plans have the same standards across both:

- Wairarapa Combined District Plan
- Proposed Horowhenua District Plan
- Proposed Rotorua District Plan
- Wellington City District Plan
- Porirua City District Plan
- Upper Hutt City District Plan

- Proposed Otorohanga District Plan

The most common standards are around area, volume, slope and maximum cut face. The following ranges can be found:

Parameters	Range of values (only for those district plans which specify standards)	Kapiti Coast PDP Standards
Maximum Area	50m ² - 5000m ²	N/A
Maximum Volume	50m ³ – 5000m ³	Urban 50m ³ Rural 100m ³
Maximum Slope of existing ground level	28° – 45°	28°
Maximum cut face	1.5m – 2m	1m

Table 1 Comparison of the Range of Values for Permitted Standards

Many of the district plans analysed require earthworks to be a minimum distance from waterways. These include:

Wellington City District Plan:	Minimum 20m from streams
Ruapehu District Plan:	Minimum 20m from waterways
Proposed Otorohanga District Plan:	Minimum 5m from waterways
Proposed Rotorua District Plan:	Minimum 25m from the margins of a lake, river or stream
Kapiti Coast PDP:	Minimum 20m from waterways

Very few district plans distinguish between farm tracks from general earthworks. The district plans that have identified them as a separate activity tend to only have standards for maintaining access tracks. It seems that the creation of tracks in most cases is encompassed by the definition of general earthworks. Wairarapa Combined District Plan allows earthworks within 25m of a significant waterbody for the purposes of maintaining access tracks and roads. Porirua City District Plan specifies that the earthworks standards for the rural zones shall not apply to earthworks for the purposes of the maintenance of existing farm roads and tracks. The Proposed Horowhenua District Plan makes an exclusion for tracks within Flood Hazard Overlay Areas where the existing ground level is not altered by more than 0.1m per year. Wellington City District Plan has specific standards for the construction and maintenance of tracks associated with permitted rural activities in the Rural Area.

When compared to the earthworks permitted standards from a range of district plans around New Zealand, those proposed in the PDP are towards the more restrictive end of the spectrum. In terms of permissive standards, at one end of the spectrum are Wairarapa Combined District Plan and the Proposed Horowhenua District Plan which have no limits for normal urban and rural zones. This can be contrasted with the most restrictive standards which are in the Hutt City District Plan where there is a maximum of 50m³ and a maximum vertical height of 1.2m which applies across the district.

The maximum slope used in the PDP is the same as that used in the Upper Hutt City District Plan. The distance from a waterbody is not unusual either, with Wellington City District Plan and Ruapehu District Plan both requiring earthworks to be a minimum distance of 20m from waterways.

There are three key differences between the PDP and other district plans however. Firstly, the PDP applies the permitted standards over a 5 year period as opposed to other district plans which apply the standards over a single calendar year. If the PDP volumes were averaged over the 5 years to which they apply, it would result in a yearly standard of 10m³ per year for the urban areas and 20m³ per year for the rural areas which is significantly lower than other district plans assessed.

The second difference is the maximum 1m vertical cut height in the PDP is 0.5m lower than the lowest value (Porirua City District Council).

The third difference is that the PDP has separate standards for farm tracks. Very few district plans distinguish farm tracks from general earthworks. The district plans that have identified them as a separate activity tend to only have standards for maintaining access tracks. It seems that the creation of tracks in most cases is encompassed by the definition of general earthworks. Where farm tracks are identified as a separate activity from earthworks in other district plans, it is normally as an exclusion e.g. particular standards do not apply to the maintenance of tracks and accesses.

Kapiti Coast District Council

Proposed District Plan – Benchmarking of Earthworks Provisions

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1 Introduction

Kapiti Coast District Council (Council) notified its Proposed District Plan (PDP) in November 2012. Given that Council is progressing the PDP and in the process of considering points raised in submissions, it wishes to understand the approaches other Councils have taken in terms of the triggers for which resource consents are required for earthworks. The district plans chosen for the comparison include all the councils adjoining Kapiti Coast District Council as well as those around the country with recent second or third generation district plans. District plans were selected where the topography and patterns of development are similar to Kapiti Coast eg those with hill backdrops and a large proportion of rural land.

The PDP defines earthworks as:

Earthworks means any alteration to the land contour or disturbance of land including the deposition of cleanfill and the excavation and backfilling or recompaction of existing natural ground, but excludes cultivation and domestic gardening. The limits on earthworks in the standards apply to any earthworks within any 5 year period except in relation to overflow paths, ponding areas and the River Corridor.

In other district plans and Environment Court decisions, the term 'earthworks' is used in a wide range of situations. However it is not exclusively referred to in plans and other related terms such as 'soil disturbance', 'land modification' and 'excavations' are also commonly used. The Environment Court has been asked to determine the meaning of 'earthworks' on a number of occasions¹. Based on these determinations, a definition of earthworks can include details on what physical activities constitute earthworks, such as:

- Blading
- Contouring
- Ripping
- Moving
- Removing
- Placing
- Replacing
- Excavation
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- Filling.

Earthworks is often a component of a broader activity, such as subdivision, building, drainage works, the construction of a farm tracks, tree removals, road works, and the laying of underground cables.

Earthworks have the potential to have adverse visual effects on steep slopes and have an adverse effect on the character and visual amenity of natural landforms by disrupting natural ground contours and landscape patterns and by secondary effects such as erosion and sedimentation.

For the purposes of this benchmarking analysis, the permitted limits / conditions for earthworks are of particular interest for:

- Urban areas
- Rural areas

¹ For example, IHG Queenstown Limited and Carter Queenstown Limited v Queenstown Lakes District Council ENV-2009-CHC-029

- Farm tracks

1.1 Legislative Requirements

Regional councils and territorial authorities are jointly responsible for managing the effects of earthworks under the Resource Management Act (RMA). Regional councils and territorial authorities are responsible for controlling different aspects of earthwork activities. Consequently, councils need to direct specific attention towards the mechanisms they use to manage areas of potential overlap and to ensure that unnecessary duplication of consent processes in relation to earthwork activities is avoided.

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Section 31(1) of the RMA sets out the statutory responsibilities for territorial authorities. Controlling the use, development or subdivision of land covers a wide range of issues, including vegetation cover, amenity values, infrastructure, roading, and natural hazards. As earthworks can have adverse effects on all these matters, territorial authorities will need to evaluate how these matters are to be appropriately managed.

Section 106 of the RMA amongst other things requires territorial authorities to consider land stability issues (erosion, falling debris, subsidence, slippage and inundation) and access when determining subdivision applications.

Typically regional councils focus on the effects of earthworks on water quality and ecosystems, and territorial authorities tend to focus on land-use effects such as amenity. However, overlapping of these functions does occur and can result in duplication, particularly in relation to activities requiring resource consent.

1.2 Operative District Plan

The KCDC Operative District Plan defines earthworks as:

Includes any alteration to the land contour or disturbance of land including the deposition of cleanfill and the excavation and backfilling or re-compaction of existing natural ground, but excludes cultivation and domestic gardening. For the Residential, Commercial/ Retail, Paraparaumu Town Centre and Industrial / service zone, any earthworks associated with the construction of buildings subject to a building consent, provided all work is contained within 2m outside the exterior foundations shall be exempt from the permitted activity standards. The limits on earthworks in the standards apply to any earthworks within any 5 year period except in relation to overflow paths, ponding areas and the river corridor zone.

1.2.1 Policy Framework

Although a number of Issues identified in the Operative Plan arguably relate to earthworks (particularly those that address development and activities in the rural environment), there are very few that specifically address earthworks:

B10 Coastal Issues

The cumulative adverse effects of subdivision, use and development in the coastal environment, including:

- i) The effect of activities, including farming practices and lifestyle development and associated earthworks on the indigenous vegetation and plant communities and habitats of indigenous species*
- ii) The effect of land use activities, particularly earthworks for dwellings and re-contouring of land for farming purposes on the landscapes and landforms of the coastal environment*

B11 landscape Issues

Effects of earthworks and other landform modifications on the significant landscape features of the district and associated amenity values

Earthworks have its own suite of objectives and policies in Section C.7.3:

Objective 1.0

To maintain the District's natural landforms by ensuring any adverse effects of earthworks on the natural, physical and cultural environment are avoided, remedied or mitigated.

Policy 1: General Assessment Criteria

Ensure the adverse effects of earthworks on the environment are avoided, remedied or mitigated when considering applications for resource consents for earthworks by taking into account the following:

- The extent to which any earthworks may impact on prominent or visually sensitive landforms, including the coastal marine area, ridgelines, dunes, escarpments, native vegetation, wetlands and waterbodies and the effects of earthworks on water quality;*
- The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces;*
- The extent of screening by vegetation;*
- The extent to which any cut or fill will remove existing vegetation, alter existing landforms, affect water quality through siltation or affect existing natural features such as waterbodies;*
- The provision of acceptable roading gradients, practicability of drainage systems, minimum site building levels, drive on access to all lots and creation of practical reserve areas;*
- The necessity for carrying out the works; and*
- Whether the earthworks proposed increase or decrease flood hazards*
- The outcome of consultation with Tangata Whenua in accordance with the requirements contained in the Fourth Schedule of the Resource Management Act 1991*

Policy 2 – Outstanding Landscapes

Avoid, remedy or mitigate the adverse effects of earthworks on the outstanding landscapes, and have regard to the extent to which the earthworks maintain and affect:

- i) The integrity and character of the underlying landform;*
- ii) The visual character, including legibility (clear definition) and coherence (continuity of pattern which gives the landscape a sense of unity);*
- iii) The cultural heritage values, including special meanings of sites and resources of the landscape to Maori;*
- iv) Indigenous vegetation, habitats and biological processes;*
- v) Access and recreational opportunities;*
- vi) Views towards the landscape*

Policy 3 – Waahi Tapu and Cultural Sites

Protect sites of significance to Tangata Whenua from inadvertent destruction caused by earthworks

C9 Coastal Environment

Objective 1 – protection of the Natural Coastal values

To protect and enhance the natural character, natural values and associated amenity values of the coastal environment

Policy 5

Ensure that new buildings, structures and earthworks in the coastal environment are designed and located so that they will not be visually dominant within the landscape (eg below the ridgelines of prominent sandhills and dunes where practicable).

C10 Landscape

Objective 1

That the District's outstanding landscapes are identified and protected from the adverse environmental effects of subdivision, use and development.

Policy 1

Ensure new buildings, structures, services and earthworks within outstanding landscapes are located so that they will not be visually dominant (eg below the dominant ridgeline where practicable).

C18 Transport

Policy 11

Ensure the adverse effects of earthworks associated with the new roads are avoided, remedied or mitigated.

1.2.2 Provisions

Part D contains the Operative Plan rules relating to earthworks and are summarised for each zone in the table below:

Table 2: Summary of the Provisions Relating to Earthworks in the Operative Kapiti District Plan

Environment	Activity	Rule	Activity Status	Performance Standards
Residential	Earthworks within the Residual Overflow Path	D1.1.2.viii	Controlled	
	Earthworks for any activity apart from road maintenance activities within the legal road and activities associated with maintenance of a watercourse or stormwater control	D1.2.1	Permitted	The permitted standards are: <ul style="list-style-type: none"> • Slope less than 28 degrees • Greater than 20m from a waterbody including wetlands and coastal water • Not within overflow or residual overflow paths • Not within fill control areas The standard applies to both total and cumulative earthworks. <p>ii) In all other areas no earthworks shall involve the disturbance of more than 50m³ (volume) of land and shall alter the existing ground level by more than 1.0m measured vertically</p> Except that this standard shall not apply in respect of earthworks associated with approved building developments, subject to a building consent, provided that the earthworks do not extend more than 2metres beyond the foundation line of the building in any 5 year period. In the Ferndale Area, earthworks associated with approved building developments that are within 2m of the foundation line of the building, are excluded from the 50m ³ limit but shall not alter the existing ground level by more than 1m.
	Earthworks in the Ferndale Area in excess of the permitted activity standards	D1.2.3	Discretionary	
Rural	Farmtracks on private land for permitted farming activities not within outstanding landscapes shown on the District Wide Zone Maps	D2.1.1	Permitted	
	Earthworks within the Residual Overflow Path	D2.1.2(x)	Controlled	
	Earthworks for any activity apart from road maintenance activities within the legal road	D2.2.1	Permitted	The permitted standards are: <ul style="list-style-type: none"> • Slope less than 28 degrees • Greater than 20m from a waterbody including wetlands

Environment	Activity	Rule	Activity Status	Performance Standards
	and activities associated with maintenance of a watercourse or stormwater control, or farmtracks			<p>and coastal water</p> <p>ii) In any overflow path or residual overflow path, no earthworks shall:</p> <ul style="list-style-type: none"> Involve the disturbance of more than 10m³ (volume) of land in any 10 year period; or Alter the existing ground level by more than 0.5m measured vertically <p>iii) In all other areas, no earthworks shall involve the disturbance of more than 100m³ (volume) of land and alter the existing ground level by more than 1m measured vertically in any 5 year period.</p>
Commercial / Retail Zone	Earthworks within the Residual Overflow Path	D3.1.2(v)	Controlled	
Paraparaumu Town Centre Zone	Earthworks	D3.2.1	Permitted	<p>The permitted standards are:</p> <ul style="list-style-type: none"> Slope less than 28 degrees Greater than 20m from a waterbody including wetlands and coastal water Not within overflow or residual overflow paths Not within fill control areas <p>The standard applies to both total and cumulative earthworks.</p> <p>ii) In all other areas no earthworks shall involve the disturbance of more than 50m³ (volume) of land and shall alter the existing ground level by more than 1.0m measured vertically</p> <p>Except that this standard shall not apply in respect of earthworks associated with approved building developments, subject to a building consent, provided that the earthworks do not extend more than 2metres beyond the foundation line of the building in any 5 year period.</p>
Industrial / Service Zone	Earthworks			
Open Space Zone	Earthworks within the Residual Overflow Path	D6.1.2(v)	Controlled	
	Earthworks	D6.2.1	Permitted	<p>The permitted standards are:</p> <ul style="list-style-type: none"> Slope less than 28 degrees Greater than 20m from a waterbody including wetlands and coastal water

Environment	Activity	Rule	Activity Status	Performance Standards
				ii) In any overflow path or residual overflow path, no earthworks shall: <ul style="list-style-type: none"> • Involve the disturbance of more than 10m³ (volume) of land in any 10 year period; or • Alter the existing ground level by more than 0.5m measured vertically iii) In all other areas, no earthworks shall involve the disturbance of more than 50m ³ (volume) of land and alter the existing ground level by more than 1m measured vertically in any 5 year period.
River Corridor Conservation Zone	Earthworks which are less than 20m ³ for any activity.	D7.1.1	Permitted	The permitted standards are: <ul style="list-style-type: none"> • Slope less than 28 degrees • Greater than 20m from a waterbody including wetlands and coastal water ii) In any overflow path or residual overflow path, no earthworks shall: <ul style="list-style-type: none"> • Involve the disturbance of more than 20m³ (volume) of land; or • Alter the existing ground level by more than 1m measured vertically This standard applies whether in relation to a particular work or as a total of cumulative.
	All other earthworks	D7.1.3	Discretionary	Earthworks undertaken: <ul style="list-style-type: none"> • Within 20m of a waterbody including wetlands and coastal water; • On slopes of more than 28 degrees • Earthworks that exceed 20m³ for any activity or alter the existing ground level by no more than 1m measured vertically. This standard applies whether in relation to a particular earthwork or as a total of cumulative earthworks.

Basically the permitted standards under the Operative District Plan for earthworks on a site are:

- Maximum slope of 28 degrees
- Minimum 20 metres distance from a waterbody
- Maximum 1m height
- Not within fill control areas
- Not within overflow or residual flow paths for the urban zones
- Maximum 50m³ in the Residential, Commercial, Industrial, Retail, Open Space and Town Centre Zones within 5 years
- Maximum 100m³ in the Rural Zone within 5 years
- Within overflow and residual flow paths, maximum 10m³ and 0.5m height in the Rural Zone
- Within overflow and residual flow paths, maximum 20m³ and 1m height in the River Corridor Zone

There are no standards for farmtracks not within outstanding landscapes shown on the District Wide Zone Maps

1.3 Proposed District Plan Approach

The PDP is structured slightly differently from the Operative District Plan in that there are no issues and the objectives are centralised into Chapter 2 rather than being scattered through the zone chapters. A similar approach is taken to the earthworks rules and rather than having discrete earthworks rules for each zone, the PDP centralises the earthworks rules into Chapter 3 Natural Environment.

The PDP defines earthworks as:

any alteration to the land contour or disturbance of land including the deposition of cleanfill and the excavation and backfilling or re-compaction of existing natural ground, but excludes cultivation and domestic gardening. The limits on earthworks in the standards apply to any earthworks within any 5 year period except in relation to overflow paths, ponding areas and the River Corridor.

This differs from the Operative District Plan insofar as it does not exempt earthworks associated with the construction of buildings subject to a building consent in certain zones.

1.3.1 Policy Framework

There are no objectives in the PDP which specifically address the activity or effects of earthworks. There are a number of objectives which may be relevant such as:

Objective 2.2 Ecology and Biodiversity – insofar as the objective seeks to enhance the health of terrestrial and aquatic ecosystems. Earthworks have the potential to reduce water quality through unmanaged runoff and sedimentation.

Objective 2.6 Rural Productivity – earthworks and tracks are often required to maximise the primary productivity of the rural environment. The Objective also seeks to ensure natural systems and processes are protected.

Objective 2.9 Landscapes – earthworks in high amenity areas and highly visible locations has the potential to affect the quality of the District's landscapes.

Earthworks are arguably included in policies regarding development and there are a number of those in the PDP. Earthworks are specifically targeted in Chapter 3 Natural Environment with the following policies:

Policy 3.7 Subdivision and sensitive natural features

When considering applications for subdivision of land containing sensitive natural features the following principles will be applied;

d) Requiring sensitive natural features to be mapped and legally protected to prevent buildings and earthworks in mapped areas.

Policy 3.18 – Development in outstanding natural landscapes

Subdivision and development in areas identified as being outstanding natural landscapes will only be considered if there is no alternative location for the activity. Applications for activities must demonstrate that the identified landscape values are not compromised and the application demonstrates that:

b) earthworks are minimised

Policy 3.19 – Significant amenity landscapes

Development in significant amenity landscapes will be undertaken according to the following principles to ensure that these areas' high amenity values, as listed in Schedule 3.5, are recognised and provided for;

d) minimise earthworks to retain natural landforms.

Policy 3.22 – Earthworks

All earthworks activities will be managed to:

a) protect waahi tapu and archaeological values from disturbance; and

b) avoid contaminants (including dust, sediment or any hazardous substance) from entering a waterbody causing contamination, discolouration, or siltation.

c) ensure that any development activity disturbing the soil is carried out in a way to prevent soil erosion and to stop silt and sediment from entering the stormwater system or watercourses.

Policy 3.23 – Earthworks - natural landforms

Earthworks will be minimised to retain natural landforms, particularly on dunes and steep slopes, around water bodies, in riparian margins or surrounding historic heritage. Where earthworks are undertaken the following principles shall be considered:

- a) retain the integrity of sensitive natural features, dominant ridgelines and dominant dunes as undeveloped features;*
- b) ensure development is sympathetically located and scaled in and within close proximity to sensitive natural areas or lookout points and dominant ridgelines and dominant sand dunes;*
- c) take into account the natural landform (i.e. rivers, floodplains) and landform processes (i.e. flooding and erosion) in order for subsequent development to follow the natural landform.*

Policy 7.23 – K piti and outer Islands

Subdivision and development on K piti Island and the outer islands will be undertaken in a manner and at a rate that:

- a) minimises adverse visual impact, including through:*
 - iii) limiting the scale and duration of earthworks;*

In terms of the Living Environment, there are two policies regarding earthworks:

Policy 5.16 – Development and landforms

Subdivision and development (including associated driveways) should be sited, designed and undertaken to integrate with the natural topography and landform of the land and to minimise:

- b) the extent of cut and fill;*

Policy 5.29 – Ngarara Zone structure plan

Subdivision and development in the Ngarara Zone will provide for a mix of land uses and densities appropriate to the existing environment and will be undertaken in accordance with the Neighbourhood Development Areas and Management Principles set out in the Ngarara Zone Structure Plan and in a manner which is consistent with the following principles:

- a) within the Neighbourhood Development Areas that adjoin the Kawakahia Wetland (K066), any development will satisfy the following ecological requirements:*

- v) the alignment, design and construction of roading (including parking and manoeuvring areas), walkways and other accessways shall be sensitive to existing dune topography (involving minimal earthworks) and the potential adverse effects on wetland ecology;*

1.3.2 Provisions

The provisions in the PDP relating to earthworks are largely contained in Chapter 3 Natural Environment and are summarised below:

Table 3 Summary of Provisions Relating to Earthworks in the Proposed Kapiti District Plan

Broad Activity	Activity	Activity Status	Performance Standards
<p>Earthworks in significant landscapes and district-wide</p>	<p>Earthworks in all areas except areas subject to flood hazards, sensitive natural areas and historic heritage features and areas.</p>	<p>Permitted</p>	<p>Rule 3A.1.7</p> <p>2. Earthworks shall not be undertaken:</p> <ul style="list-style-type: none"> a) On slopes of more than 28 degrees; and b) Within 20 metres of a waterbody, including wetlands and coastal water, except cultivation of a field or domestic gardening. <p>3. In all other areas no earthworks shall involve the disturbance of more than 50m³ (volume) of land in living zones and 100m³ in rural zones and shall alter the original ground level by more than 1 metre, measured vertically.</p> <p>4. These standards do not apply, however,</p> <ul style="list-style-type: none"> a) to road maintenance activities within the legal road and activities associated with maintenance of the watercourse or stormwater control. b) a more specific earthworks provision is provided for in the zone or precinct methods. <p>5. The volume standard (50m³ or 100m³) does not apply to earthworks associated with approved building developments, subject to a building consent, provided that the earthworks do not extend more than 2 metres beyond the foundation line of the building in any 5 year period.</p> <p>6. Any earthworks shall ensure that:</p> <ul style="list-style-type: none"> a) Surface runoff from the site is isolated from other sites and existing infrastructure; and b) Surface runoff from the site containing silt and sediment is prevented from entering the stormwater system or water courses; and c) Erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary. <p>Note: attention is drawn to the Wellington Regional Council publications ‘Erosion and Sediment Control Guidelines for the Wellington Region’ and ‘Small Earthworks – Erosion and sediment control for small sites’. Applying the appropriate recommended treatments from these publications is a means of compliance with this standard.</p>

Broad Activity	Activity	Activity Status	Performance Standards
	Buildings and earthworks on sites containing an ecological site where buildings are located: a) within 10 metres of the mapped ecological site boundary in living and working zones; and b) within 20 metres of the mapped ecological site boundary in rural and open space zones.	Controlled	Individual building platforms and associated services (including roading infrastructure) shall be not be located within the ecological site, or within: a) 10 metres of the ecological site on rural and open space zone site, or b) 5 metres of the ecological site on living and working zoned sites.
	Earthworks (including farm tracks for permitted farming activities) on sites containing a sensitive natural feature or historic heritage feature (eg waahi tapu).	Controlled	<ol style="list-style-type: none"> 1. Earthworks shall not be undertaken: <ol style="list-style-type: none"> a) On slopes of more than 28 degrees. b) Within 20 metres of a waterbody, including wetlands and coastal water, except Cultivation of a field or domestic gardening. 2. Earthworks shall not result in a vertical change (cut or fill) that exceeds 1 metre. 3. Volume of earthworks shall not exceed 100m³ in any 10 year period.
	Earthworks exceeding permitted activity standards in all areas except areas subject to flood hazards or which contain sensitive natural features.	Restricted Discretionary	<ol style="list-style-type: none"> 1. Earthworks shall not result in a vertical change (cut or fill) that exceeds 1 metre. 2. Volume of earthworks shall not exceed 50m² in any 1 year period.
	Earthworks on land identified as having a sensitive natural feature or historic heritage feature (eg waahi tapu).	Restricted Discretionary	<ol style="list-style-type: none"> 1. Earthworks shall not result in a vertical change (cut or fill) that exceeds 1 metre. 2. Volume of Earthworks shall not exceed 50m² in any 1 year period.
	Earthworks for the	Restricted	<ol style="list-style-type: none"> 1. Earthworks shall not result in a vertical change (cut or fill) that exceeds 1 metre.

Broad Activity	Activity	Activity Status	Performance Standards
	purposes of establishing or modifying any farm tracks for permitted farming activities on land within outstanding natural landscapes.	Discretionary	2. Volume of earthworks shall not exceed 50m ² in any 1 year period
	Earthworks in significant amenity landscapes which is not a permitted activity under Rule 3A.1.7 or a controlled activity under Rule 3A.2.4 or a geological feature listed in Schedule 3.7.	Discretionary	
	Earthworks in the outstanding natural landscapes which are not a permitted or controlled activity.	Non complying	
Rural Environment	Farm tracks on private land for permitted farming activities on land in all rural zones which is not within outstanding natural or significant amenity landscapes shown on the District Wide Zone Maps.	Permitted	1. Farm tracks shall not exceed 4 metres in width and shall be ancillary to agricultural or horticultural activities on the site. 2. Earthworks cut or fill shall not exceed 1 metre of vertical distance.
Earthworks in overflow or residual overflow paths, ponding areas, stream and river	a) This rule does not apply to earthworks associated with: i. The maintenance of a watercourse or	Permitted	Rule 9B.1.4 1. In an overflow path or residual overflow path (excluding fill): a) shall not involve the disturbance of more than 10m ³ of land in any 10 year period; b) shall not alter the existing ground level by more than 0.5 metres, measured vertically; and

Broad Activity	Activity	Activity Status	Performance Standards
corridors	<ul style="list-style-type: none"> stormwater control ii. Flood protection works covered by a designation iii. To maintenance activities within the legal road iv. Private farm tracks which are ancillary to permitted farming activities and are not within an outstanding natural landscape shown on the planning maps v. Residual ponding areas where the earthworks permitted activity standards for the relevant zone are complied with (See chapter 3 for policies and rules on earthworks). vi. Earthworks subject to rule 9b.2.1 and 9b.4.4 		<p>c) The earthworks shall not impede the flow of floodwaters.</p> <p>2. In ponding areas (excluding residual ponding areas):</p> <ul style="list-style-type: none"> a) shall involve the disturbance of more than 20m³ (volume) of land in any 10 year period; b) Shall not alter the existing ground level by more than 1.0 metre, measured vertically. <p>3. In a Stream corridor or River corridor (excluding fill):</p> <ul style="list-style-type: none"> a) Shall not exceed 10m³ in any 10 year period. This standard applies whether in relation to a particular work or as a total or cumulative; b) All works must be carried out by Wellington Regional Council, K piti Coast District Council, the Department of Conservation or their nominated contractors.
	Earthworks within any flood storage or fill control area.	Controlled	<p>Rule 9B.2.1</p> <ul style="list-style-type: none"> 1. Equivalent compensatory storage or another solution to achieve hydraulic neutrality shall be created. 2. Development proposals shall be accompanied by detailed and extensive hydraulic modelling of relevant streams to fully test consequences of the activity.

Basically the permitted standards in the PDP for earthworks on a normal site not subject to overlays are:

- Maximum slope of 28 degrees
- Minimum 20 metres distance from a waterbody
- Maximum 1m height
- Maximum 50m³ in living zones per 5 years
- Maximum 100m³ in rural zones per 5 years

The standards for farm tracks are:

- Maximum 4 metres width
- Maximum 1m height

1.4 Changes from the Operative District Plan

The provisions for earthworks in the PDP are very similar to those rules in the operative district plan. The key difference is inclusion of specific standards for farm tracks.

1.5 Issues Raised in Submission to the PDP Structure

There were a number of submissions received regarding the earthworks and tracking and these are summarised in Appendix A.

The most common issues raised in the submissions regarding the structure of the PDP are:

- Amend the rules so that only the extent of the sensitive natural feature is subject to lower permitted earthworks standards rather than the whole site
- Amend the maximum earthworks to reflect the size of the site
- Amend the rules so that extractive industries are not constrained or prevented
- Support for the earthworks policies
- Oppose the policies related to earthworks
- Oppose the limits to farm tracks and seek to permit farm tracks
- Amend rules to allow for modification and upgrading of farm tracks as a permitted activity
- Enable earthworks and development as a permitted activity to allow one dwelling to be constructed
- Amend the rules to better enable cumulative earthworks for productive activities
- Earthworks associated with normal agriculture, horticulture and forestry activities should be permitted
- Oppose the restrictions on the height of cuts in the rural area
- Oppose the sensitive natural features and landscape rules regarding earthworks
- Allow earthworks to the extent of 500m² and cuts of up to 3m to allow a building platform as a permitted activity
- Enable earthworks associated with network utilities as a permitted activity
- Permit earthworks in all rural areas regardless of the planning map features

- Amend the policies to remove prohibitive terms such as “avoid”, “protect” and “requirements” to enable a more balanced approach to allow appropriate rural activities, earthworks and built form.

Approaches of Other District Plans

The main purpose of this report is to understand the approach others councils are taking to earthworks and tracking rules. This section looks at a selection of councils adjoining Kapiti Coast District Council and a number of other councils through New Zealand that have developed second and third generation district plans.

Although the earthworks provisions for special / unusual areas such as significant natural areas or outstanding natural landscapes have been included in this section for completeness, the main focus of the comparison with the PDP is the permitted earthworks standards for:

- Urban areas
- Rural areas
- Farm tracks.

The details of the earthworks provisions for the following district plans are contained in Appendix B:

- Wairarapa Combined District Plan
- Proposed Horowhenua District Plan
- Upper Hutt City District Plan
- Porirua City District Plan
- Hutt City
- Wellington City
- Ruapehu District Plan
- Proposed Otorohanga District Plan
- Western Bay of Plenty District Plan
- Rotorua District Plan

1.6 Comparison of the Different Approaches

As to be expected, there is a wide range of permitted standards for earthworks across the various district plans. Some standards are numerically based such as maximum volume while others such as Proposed Rotorua District Plan are more descriptive eg not disrupting the passage or habitat of any indigenous species.

Some district plans differentiate between earthworks standards for urban and rural although the following district plans have the same standards across both:

- Wairarapa Combined District Plan
- Proposed Horowhenua District Plan
- Proposed Rotorua District Plan
- Wellington City District Plan
- Porirua City District Plan
- Upper Hutt City District Plan
- Proposed Otorohanga District Plan

In terms of permissive standards, at one end of the spectrum are Wairarapa Combined District Plan and the Proposed Horowhenua District Plan which have no limits for normal urban and rural zones. This can

be contrasted with the most restrictive standards which are in the Hutt City District Plan where there is a maximum of 50m³ and a maximum vertical height of 1.2m which applies across the district.

The most common standards are around area, volume, slope and maximum cut face. The following ranges can be found:

Table 4 Comparison of the Range of Values for Permitted Standards

Parameters	Range of Values (only for those District Plans which specify standards)	Kapiti Coast PDP Standards
Maximum Area	50m ² - 5000m ²	N/A
Maximum Volume	50m ³ – 5000m ³	Urban 50m ³ Rural 100m ³
Maximum Slope of existing ground level	28° – 45°	28°
Maximum cut face	1.5m – 2m	1m

Many of the district plans analysed require earthworks to be a minimum distance from waterways. These include:

Wellington City District Plan:	Minimum 20m from streams
Ruapehu District Plan:	Minimum 20m from waterways
Proposed Otorohanga District Plan:	Minimum 5m from waterways
Proposed Rotorua District Plan:	Minimum 25m from the margins of a lake, river or stream
Kapiti Coast PDP;	Minimum 20m from waterways

In contrast to the PDP, very few district plans distinguish farm tracks from general earthworks. The district plans that have identified them as a separate activity tend to only have standards for maintaining access tracks. It seems that the creation of tracks in most cases is encompassed by the definition of general earthworks. Wairarapa Combined District Plan allows earthworks within 25m of a significant waterbody for the purposes of maintaining access tracks and roads. Porirua City District Plan specifies that the earthworks standards for the rural zones shall not apply to earthworks for the purposes of the maintenance of existing farm roads and tracks. The Proposed Horowhenua District Plan makes an exclusion for tracks within Flood Hazard Overlay Areas where the existing ground level is not altered by more than 0.1m per year. Wellington City District Plan has specific standards for the construction and maintenance of tracks associated with permitted rural activities in the Rural Area.

Virtually all of the standards outlined in the various district plans relate to earthworks within a single site over a single calendar year. This contrasts with the 5 year period used under the PDP.

The table below compares the permitted standards for urban environment, rural environment and special areas such as outstanding natural landscapes.

Table 5 Comparison of the Permitted Earthworks Standards Across a Variety of District Plans

District Plan	Urban Environments	Rural Environments	Special Areas
<p><i>Kapiti Coast PDP</i></p>	<p><i>Maximum slope 28 degrees Minimum 20 metres of a waterbody, including wetlands and coastal water, Maximum 50m³ (volume) Maximum ground level alteration 1 metre, measured vertically.</i></p> <p><i>These standards do not apply to,</i></p> <ul style="list-style-type: none"> <i>• road maintenance activities</i> <i>• earthworks associated with approved building developments</i> <p><i>a) Surface runoff from the site is isolated from other sites and existing infrastructure; and b) Surface runoff from the site containing silt and sediment is prevented from entering the stormwater system or water courses; and c) Erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.</i></p>	<p><i>Maximum slope 28 degrees Minimum 20 metres of a waterbody, including wetlands and coastal water, Maximum 100m³ (volume) Maximum ground level alteration 1 metre, measured vertically.</i></p> <p><i>These standards do not apply to,</i></p> <ul style="list-style-type: none"> <i>• road maintenance activities</i> <i>• earthworks associated with approved building developments</i> <p><i>a) Surface runoff from the site is isolated from other sites and existing infrastructure; and b) Surface runoff from the site containing silt and sediment is prevented from entering the stormwater system or water courses; and c) Erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.</i></p> <p><i>Farm tracks shall not exceed 4 metres in width. Earthworks cut or fill shall not exceed 1 metre of vertical distance.</i></p>	<p><i>In an overflow path or residual overflow path (excluding fill):</i></p> <ul style="list-style-type: none"> <i>• Maximum 10m³ of land in any 10 year period;</i> <i>• Maximum 0.5 metres, measured vertically</i> <i>• Shall not impede the flow of floodwaters.</i> <p><i>In ponding areas (excluding residual ponding areas):</i></p> <ul style="list-style-type: none"> <i>• Maximum 20m³ (volume) of land in any 10 year period;</i> <i>• Maximum 1.0 metre, measured vertically.</i> <p><i>In a Stream corridor or River corridor (excluding fill):</i></p> <ul style="list-style-type: none"> <i>• Maximum 10m³ in any 10 year period</i> <i>• All works must be carried out by Wellington Regional Council, Kapiti Coast District Council, the Department of Conservation or their nominated contractors.</i>

District Plan	Urban Environments	Rural Environments	Special Areas
Wairarapa Combined District Plan	No limits	No limits	<p>Outstanding Landscapes: max 100m³ per site in any 12 month period</p> <p>Significant waterbodies: min 25m from a significant waterbody</p> <p>Coastal areas: Less than 20ha: max 3m cut or fill and max 20m length</p> <p>Greater than 20ha: max 4.5m cut or fill and max 500m length</p> <p>Flood Hazard Area and Erosion Hazard Area: max 20m³ per site within any 12 month period</p>
Proposed Horowhenua District Plan	No limits	No limits	<p>Flood Hazard Overlay Area: max 20m³ per site within any 12 month period. The exception is that the earthworks volume does not apply to tracks where the existing ground level is not altered by greater than 0.1m in any 12 month period.</p> <p>Coastal Outstanding Natural Feature and Landscape and Coastal Fore-dune Area and Outstanding Natural Landscape and Feature: max 3.5m cut or fill, max 50m length</p> <p>Flood Hazard Overlay Area: max 20m³ per site within any 12 month period. The exception is that the earthworks volume does not apply to tracks where the existing ground level is not altered by greater than 0.1m in any 12 month</p>

District Plan	Urban Environments	Rural Environments	Special Areas
			<p>period.</p> <p>Hill Country Landscape Domain: max 5m cut or fill and max 100m length.</p> <p>Exception:</p> <p>Earthworks provisions shall not apply to production forestry harvesting.</p> <p>Foxton Dunefields Landscape Domain: max 5m cut or fill and max 50m length.</p>
<p>Upper Hutt City District Plan</p>	<p>Existing ground level shall not be altered by cutting by a vertical height of more than 1.5m, or filling by a vertical height of more than 0.5m.</p> <p>Earthworks must extend no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.</p> <p>Max 150m² in surface area on any one site within any continuous 12 month period.</p> <p>Earthworks shall not be undertaken on land with a gradient steeper than 28 degrees, or within 10m of a downhill slope with a gradient steeper than 28 degrees</p>	<p>Existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m.</p> <p>Earthworks must extend no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.</p> <p>Max 150m² in surface area on any one site within any continuous 12 month period.</p> <p>Earthworks shall not be undertaken on land with a gradient steeper than 28 degrees, or within 10m of a downhill slope with a gradient steeper than 28 degrees</p>	<p>Min 10m of any water body</p> <p>Outside the 1 in 100 year flood extent of the Hutt River</p> <p>Sediment retention and run-off controls shall be implemented</p> <p>Southern Hills Overlay Area: existing ground level shall not be altered by cutting or filling by a vertical height of more than 2.5m.</p> <p>Southern Hills Overlay Area: the physical extent of earthworks shall not exceed 300m² in surface area on any one site within any continuous 12 month period.</p>
<p>Porirua City District Plan</p>	<p>In a 12 month period: Max 100m² in area</p>	<p>In a 12 month period: Max 1000m² in area</p>	<p>In a 12 month period: Max 25m² in area within a riparian setback</p>

District Plan	Urban Environments	Rural Environments	Special Areas
	<p>1.5 metres in height or depth</p> <p>Earthworks shall not be undertaken on land with a slope in excess of 45 degrees.</p> <p>Earthworks within a yard shall not exceed a height recession plane measured at an angle of 45 degrees from the closest boundary into the site.</p> <p>No limits for earthworks (cut and fill) under a proposed building and building platform which do not extend further than 2 metres beyond the exterior walls of any proposed building when measured in plan view</p>	<p>Max 1.5 metres in height or depth</p> <p>No limits for earthworks for the purposes of the maintenance of existing farm roads and tracks, or for the construction or maintenance of drains or fences.</p> <p>No limits for earthworks (cut and fill) under a proposed building and building platform which do not extend further than 2 metres beyond the exterior walls of any proposed building when measured in plan view</p> <p>Earthworks shall not be undertaken on land with a slope in excess of 45 degrees.</p> <p>Earthworks within a yard shall not exceed a height recession plane measured at an angle of 45 degrees from the closest boundary into the site.</p>	<p>Max 0.5 metres in height or depth in a riparian setback</p> <p>Max 500m² in area in a Landscape Protection Area</p>
Hutt City District Plan	<p>The natural ground level may not be altered by more than 1.2m, measured vertically.</p> <p>Maximum volume of 50m³ (solid measure) per site.</p>	<p>The natural ground level may not be altered by more than 1.2m, measured vertically.</p> <p>Maximum volume of 50m³ (solid measure) per site.</p>	<p>Baring Head, Pt 1A2 Parangarahu, any earthworks must be limited to the immediate area of the building platforms.</p> <p>In the Primary and Secondary River Corridors, min 20m from a flood protection structure.</p>
Wellington City District Plan	<p>Max cut height or fill depth 1.5m measured vertically; and</p> <p>Max existing slope angle 34 degrees; and</p> <p>Min distance from the nearest site</p>	<p>Max cut height or fill depth 1.5m measured vertically; and</p> <p>Max existing slope angle 34 degrees; and</p> <p>Min distance from the nearest site</p>	<p>There are different limits for earthworks in the:</p> <p>(i) Urban Coastal Edge (as shown on Map 62 and Map 63);</p> <p>(ii) Open Space B Areas;</p>

District Plan	Urban Environments	Rural Environments	Special Areas
	<p>boundary, building or structure (above or below ground) measured on a horizontal plane; and Max area 250m².</p> <p>OR</p> <p>Max cut height or fill depth 2.5m measured vertically; and The cut or fill is retained by a building or structure authorised by a building consent; and Max area to be cut and/or filled 250m².</p> <p>AND</p> <p>The cut or fill is no closer than the following (measured on a horizontal plane) to a stream, a wetland or the coastal marine area: Suburban Centre Area adjoining the Porirua Stream 10m All other areas 5m</p> <p>AND</p> <p>The cut or fill is not in a Hazard (Flooding) Area;</p> <p>AND</p>	<p>boundary, building or structure (above or below ground) measured on a horizontal plane; and Max area 250m².</p> <p>For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area: Max cut height or fill depth 2.5m; and The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane);</p> <p>The cut or fill is no closer than the following (measured on a horizontal plane) to a stream, a wetland or the coastal marine area: Rural Area 20m</p>	<p>(iii) Conservation Sites; (iv) Ridgelines and Hilltops Overlay (Rural Area); and (v) in Heritage Areas and on sites containing listed Heritage Items</p> <p>Max cut height or fill depth 1.5m measured vertically; and The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and Max existing slope angle 34 degrees; and Max area to be cut or filled 100m².</p> <p>OR</p> <p>Max cut height or fill depth 1.5m; and The cut or fill is retained by a building or structure authorised by a building consent Max area to be cut and/or filled 100m².</p> <p>OR</p> <p>(c) For the construction and maintenance of tracks associated with permitted rural activities in the Rural</p>

District Plan	Urban Environments	Rural Environments	Special Areas
	<p>There is no visible evidence of settled dust beyond the boundaries of the site.</p> <ul style="list-style-type: none"> i. The cut or fill is no closer than 12m to the closest visible edge of the foundation of a high voltage transmission line support structure; and ii. Earthworks do not reduce the clearance distance from conductor to ground to less than 10m within 12m of the centreline of an electricity transmission line (as shown on the Planning Maps). 		<p>Area:</p> <p>Max cut height and fill depth 1.5m; and</p> <p>The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane</p> <p>The cut or fill is no closer than the following (measured on a horizontal plane) to a stream, a wetland or the coastal marine area:</p> <p>Ridgelines and Hilltops (Rural Area) Conservation Sites</p> <p>Open Space B 20m</p> <p>Suburban Centre Area adjoining the Porirua Stream 10m</p> <p>All other areas 5m</p> <p>The cut or fill must not be in a Hazard (Flooding) Area;</p> <p>AND</p> <p>30.1.2.4 There must be no visible evidence of settled dust beyond the boundaries of the site.</p> <p>AND</p> <p>30.1.2.5 (i) The cut or fill is no closer than 12m to the closest visible edge of the foundation of a high voltage</p>

District Plan	Urban Environments	Rural Environments	Special Areas
			<p>transmission line support structure; and</p> <p>(ii) Earthworks do not reduce the clearance distance from conductor to ground to less than 10m within 12m of the centreline of an electricity transmission line (as shown on the Planning Maps).</p> <p>Earthworks in the Central Area (excluding in Heritage Areas and sites containing listed Heritage Items) has different standards again:</p> <p>Max cut height or fill depth 1.5m measured vertically; and</p> <p>The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure</p> <p>Max existing slope angle 34 degrees.</p> <p>OR</p> <p>(iv) The cut or fill is to be retained by a structure or building authorised by a building consent (</p> <p>Max area to be cut and filled 250m²</p> <p>AND</p> <p>The cut or fill is no closer than 5m to the coastal marine area (except for the maintenance of reclamation facings and the maintenance of foundations which support existing equipment and</p>

District Plan	Urban Environments	Rural Environments	Special Areas
			<p>structures in the Operational Port Area and the Port Redevelopment Precinct).</p> <p>AND</p> <p>There is no visible evidence of settled dust beyond the boundaries of the site.</p>
<p>Ruapehu District Plan</p>	<p>Noise from earthworks shall comply with condition US3.3.7</p> <p>Earthworks shall only occur between 7.00am and 8.00pm Monday to Saturday inclusive, excluding public holidays.</p> <p>All earthworks sites shall be kept tidy and reinstated as soon as practically possible</p> <p>Min 20m of the banks of a waterway.</p> <p>Max 50m³ of material measured in its non-compacted form per year</p> <p>Re-vegetated within 12 months of the earthworks being undertaken.</p> <p>All earthworks must comply with the requirements of NZS 4431:1989 Code of Practice for earth fill for residential development.</p>	<p>Noise from earthworks shall comply with condition RU3.3.6</p> <p>All earthworks sites shall be kept tidy and shall be reinstated as soon as practically possible</p> <p>Max 1000m³ of material measured in its non-compacted form shall be removed from the site per year unless:</p> <p>Associated with an approved subdivision or land use consent; or</p> <p>The material is to be used for rural activities or forestry activities within the site from which it was sourced and the material is not transported on a public road.</p> <p>The material is to be used for ancillary activities, maintenance and repair associated with consented electricity generation activities within the site from which it was sourced and the material is not transported on a public road.</p> <p>Re-vegetated within 12 months of the earthworks being undertaken.</p> <p>Compliance with the requirements of the New Zealand Electrical Code of Practice (NZECP) 34:2001 or any</p>	

District Plan	Urban Environments	Rural Environments	Special Areas
Proposed Otorohanga District Plan	<p>Min 5m from natural waterbodies except at the point of crossings;</p> <p>Min 12 metres from the centreline of any existing high voltage electricity transmission line and/or support structure identified on the planning maps;</p> <p>Max exposed working area of 5000m²</p> <p>Will not be undertaken within the Te Tahī Water Catchment Area.</p> <p>Max 100m³ of soil and/or rock during any 12 month period; and</p> <p>Max cut face or fill height of 2m</p>	<p>subsequent amendment.</p> <p>Min 5m from natural waterbodies except at the point of crossings;</p> <p>Min 12 metres from the centreline of any existing high voltage electricity transmission line and/or support structure identified on the planning maps;</p> <p>Max exposed working area of 5000m²</p> <p>Will not be undertaken within the Te Tahī Water Catchment Area.</p> <p>Max movement of soil and/or rock of 1000m³ during any 12 month period</p> <p>Min cut face or fill height of 2m</p> <p>OR</p> <p>Max movement of soil and/or rock of 5000m³ during any 12 month period</p> <p>Max cut face or fill height 2m.</p>	<p>Coastal Policy Area are for the sole purpose of track maintenance, fencing, establishing a building platform in association with any building consent or resource consent granted by Council, constructing a firebreak or survey line;</p> <p>Max movement of soil and/or rock of less than 1000m³ during any 12 month period</p> <p>Max cut face or fill height of 2m.</p>
Western Bay of Plenty District Plan	No limits	No limits apart from around electricity transmission support structures such as poles and towers or under conductors.	<p>Landscape Management Areas</p> <p>Max cumulative volume of 200m³ per lot</p> <p>Max cumulative vertical face of 1.5m.</p>
Rotorua District Plan	<p>Min 25m from the margin of a lake, river or stream</p> <p>The earthworks are incidental to either an approved subdivision, or construction of a building platform, or installation of utility services, or to provide access which is a permitted activity or authorised by a resource</p>	<p>Min 25m from the margin of a lake, river or stream</p> <p>The earthworks are incidental to either an approved subdivision, or construction of a building platform, or installation of utility services, or to provide access which is a permitted activity or authorised by a resource</p>	No permitted earthworks within an outstanding natural feature or landscape is discretionary.

District Plan	Urban Environments	Rural Environments	Special Areas
	<p>consent.</p> <p>Earthworks associated with the maintenance, renewal and minor upgrading of network utilities.</p> <p>Outside the dripline of a notable tree</p> <p>They do not take place on any site that includes potentially contaminated land, unless consented or for site investigation purposes</p> <p>Max cleanfill 100m³ or a depth of 450mm.</p> <p>Max vertical excavation 1.5 metres.</p> <p>It does not result in the loss or disturbance of a heritage feature, historic place, archaeological site of waahi tapu, or vegetation in a SNA.</p> <p>It does not disrupt the passage or habitat of any indigenous species.</p> <p>Max height of retaining structures 1.5m or max 20m length</p> <p>Max slope 15%.</p> <p>It is outside an ephemeral water course.</p> <p>Must be completed within three months of starting</p>	<p>consent.</p> <p>Earthworks associated with the maintenance, renewal and minor upgrading of network utilities.</p> <p>Outside the dripline of a notable tree</p> <p>They do not take place on any site that includes potentially contaminated land, unless consented or for site investigation purposes</p> <p>Max cleanfill 100m³ or a depth of 450mm.</p> <p>Max vertical excavation 1.5 metres.</p> <p>It does not result in the loss or disturbance of a heritage feature, historic place, archaeological site of waahi tapu, or vegetation in a SNA.</p> <p>It does not disrupt the passage or habitat of any indigenous species.</p> <p>Max height of retaining structures 1.5m or max 20m length</p> <p>Max slope 15%.</p> <p>It is outside an ephemeral water course.</p> <p>Must be completed within three months of starting</p>	

2 Conclusions

Council notified its Proposed District Plan (PDP) in November 2012 and although the permitted standards for earthworks were similar to those contained in the Operative Kapiti District Plan, a number of submissions were received.

The key difference is inclusion of specific standards for farm tracks in the PDP. The permitted standards for earthworks on a normal site not subject to overlays are:

- Maximum slope of 28 degrees
- Minimum 20 metres distance from a waterbody
- Maximum 1m height
- Maximum 50m³ in living zones per 5 years
- Maximum 100m³ in rural zones per 5 years

The standards for farm tracks are:

- Maximum 4 metres width
- Maximum 1m height

When compared to the earthworks permitted standards from a range of district plans from neighbouring councils and around New Zealand, those proposed in the PDP are towards the more restrictive end of the spectrum. In terms of permissive standards, at one end of the spectrum are Wairarapa Combined District Plan and the Proposed Horowhenua District Plan which have no limits for normal urban and rural zones. This can be contrasted with the most restrictive standards which are in the Hutt City District Plan where there is a maximum of 50m³ and a maximum vertical height of 1.2m which applies across the district.

The maximum slope used in the PDP is the same as that used in the Upper Hutt City District Plan. The distance from a waterbody is not unusual either, with Wellington City District Plan and Ruapehu District Plan both requiring earthworks to be a minimum distance of 20m from waterways and a minimum of 25m in the Proposed Rotorua District Council.

There are three key differences between the PDP and other district plans however.

1. the PDP applies the permitted standards over a 5 year period as opposed to other district plans which apply the standards over a single calendar year. If the PDP volumes were averaged over the 5 years to which they apply, it would result in a yearly standard of 10m³ per year for the urban areas and 20m³ per year for the rural areas which is significantly lower than other district plans assessed. Although this has been rolled over from the Operative District Plan, the reasoning for this is unclear.
2. the maximum 1m vertical cut height standard in the PDP is 0.5m lower than the lowest value (Porirua City District Council).
3. the PDP has separate standards for farm tracks. Very few district plans distinguish between farm tracks from general earthworks. This approach appears to be unusual and it is unclear in terms of the policy framework provided by the PDP why farm tracks are identified as a separate activity with specific standards. The absence of policy framework addressing farm tracks does not assist in identifying the effects that are to be managed by adopting this approach. The district plans that have identified them as a separate activity tend to only have standards for maintaining access tracks. It seems that the creation of tracks in most cases is encompassed by the definition of general earthworks. Where farm tracks are identified as a separate activity from earthworks in other district plans, it is normally as an exclusion eg particular earthworks standards do not apply to the maintenance of tracks and accesses.

Appendix A Summary of PDP Submissions Related to Earthworks Provisions

Submission and Submitter	Summary of Relevant Point of Submission
38: North Otaki Beach Residents Group Inc	Add discretionary activity rule that authorises coastal erosion hazard protection infrastructure in sensitive natural features or significant amenity landscapes including associated earthworks and vegetation clearance.
39: DF & AE Smith Partnership & Ratanui Farming	Remove Policy 3.18(c). Amend Rules 3A.1.7, 3A.2.4 and 3A.3.9 to allow for unrestricted maintenance of access tracks.
44: Mitchell Law	Remove all Rules 3A.1 to 3A.5 and/or amend permitted activity standards
92: Winstone Aggregates	<p>Amend Policy 3.19 clause (d) as follows: "minimise earthworks to retain natural landforms (except for gravel extraction for flood management)"</p> <p>Delete Policy 3.23 or alternatively, amend the definition of earthworks so that extractive industries are excluded.</p> <p>Amend the definition of earthworks so that extractive industries are excluded.</p> <p>Amend Rule 3A.1.7 Earthworks in all areas except areas subject to flood hazards, sensitive natural areas and historic heritage features and areas which comply with permitted activity standards so that land based activities associated with river gravel extraction and/or extractive industries are not prevented from occurring within flood hazards and sensitive natural areas.</p> <p>Amend Rule 3A.3.7 Earthworks exceeding permitted activity standards in all areas except areas subject to flood hazards and sensitive natural features so that land based activities associated with river gravel extraction and/or extractive industries are not prevented from occurring within flood hazards and sensitive natural areas.</p> <p>Delete rule 3A.4.4 Earthworks in significant amenity landscapes which is not a permitted activity under Rule 3A.1.7 or a controlled activity under Rule 3A.2A or geological feature.</p> <p>Or alternatively, insert a new permitted activity rule as follows: "Extractive industries (gravel extraction) within areas subject to flood hazards and significant amenity landscapes on the Otaki River."</p> <p>Consequently amend the explanations and performance standards of the relevant rules to reflect and implement this relief.</p>
100: Egon Guttke	<p>Amend standard 2(g) under Rule 3A.1.5. to allow the maintenance of tracks, fords, bridges and fences.</p> <p>Delete standard 2 under Rule 3A.1.6.</p> <p>Amend proposed Policy 3.23 to recognise that some landforms are already modified. Amend to read "Earthworks will be managed to retain natural landforms, particularly on dunes and steep slopes, around water bodies, in riparian margins or surrounding historic heritage. Where earthworks are undertaken the following principles shall be considered:</p> <p>a) retain the integrity of sensitive natural features, dominant</p>

Submission and Submitter	Summary of Relevant Point of Submission
	<p>ridgelines and dominant dunes as largely undeveloped features;"</p> <p>Amend Rule 3A.1.7 to express the maximum volume of earthworks as a function of property size with a maximum of 1,000m³.</p> <p>Amend Rule 3A.1.7 to create a new Permitted Activity under that rule as follows: "earthworks within sensitive natural features to maintain existing farm tracks, and access ways"</p> <p>Amend Rule 3A.2.4 so that earthworks covered by this rule are limited to those within the sensitive natural feature rather than the entire lot containing the feature. And, adjust the rule as per suggested amendment to Rule 3A.1.7 above.</p> <p>Amend Rule 3A.3.7 and 3A.3.9 to reflect the changes as per the submitter's request to Rule 3A.1.7 above.</p>
102: Irena Guttke	<p>Amend rule 3A.1.3 by adding the following words "other than required for pest control, fire control or to maintain access tracks".</p> <p>Amend standard 2(g) under rule 3A.1.5. to allow the maintenance of tracks, fords, bridges and fences.</p> <p>Amend proposed Policy 3.23 to recognise that some landforms are already modified. Amend to read "Earthworks will be managed to retain natural landforms, particularly on dunes and steep slopes, around water bodies, in riparian margins or surrounding historic heritage. Where earthworks are undertaken the following principles shall be considered:</p> <p>a) retain the integrity of sensitive natural features, dominant ridgelines and dominant dunes as largely undeveloped features;"</p> <p>Amend Rule 3A.1.7 to express the maximum volume of earthworks as a function of property size with a maximum of 1,000m³.</p> <p>Amend Rule 3A.1.7 to create a new Permitted Activity under that rule as follows: "earthworks within sensitive natural features to maintain existing farm tracks, and access ways"</p> <p>Amend Rule 3A.2.4 so that earthworks covered by this rule are limited to those within the sensitive natural feature rather than the entire lot containing the feature. And, adjust the rule as per suggested amendment to Rule 3A.1.7 above.</p> <p>Amend Rule 3A.3.7 and 3A.3.9 to reflect the changes as per the submitter's request to Rule 3A.1.7 above.</p>
127: Neil Bagley	<p>Amend Rule 3A.2.4 in relation to earthworks to add soil testing as identified in the MFE HAIL (Hazardous Activities and Industries list) where any dumping or use of fill is in proximity to sensitive areas i.e. wetlands.</p> <p>Amend policies relating to the proposed earthworks and use of fill in both residential and rural zoned land to include reference to MFE HAIL guidelines as detailed in submission</p>
150: Te Runanga o Toa Rangatira Inc	Support the following Policies in principle, Policies 3.22, 3.23.

Submission and Submitter	Summary of Relevant Point of Submission
200: Mangaone Forest Trust	Oppose sensitive natural features and landscape rules especially Rules 3A.1.7 and 3A.2.4
201: Joan Barbalich 206: Hadyen 224: Malcolm Morris Gaisford 226: Isabella Barbalich 238: Zoran Barbalich 241: Antony David Grenfell 270: Antipodes NZ Ltd	<p>Oppose Rule 3A.2.3 and amend to allow one dwelling and one family flat and earthworks to the extent of 500m² and cut or fills of up to 3m high to be a permitted activity on the submitters property. Rule 3A.3.8 will always over-ride Rule 3A.2.3.</p> <p>Oppose Rule 3A.3.9 and amend to allow for modification and/or upgrade of farm tracks as a permitted activity.</p> <p>Oppose Rule 3A.3.8 and amend to allow earthworks to the extent of 500m² and cut or fills of up to 3m high and a house of 200m² to be a permitted activity on the submitters property,</p> <p>Oppose Rule 3A.4.4 and amend to extend the quantity of earthworks to 500m² and cuts of up to 3 m to allow a building platform and drive on access as a permitted activity.</p> <p>Oppose Rule 3A.3.8.</p> <p>Oppose Rule 3A.2.3 and amend the rule so that it is clear that buildings and development in and within 10 m of an Ecological Site is a discretionary activity.</p>
202: Department of Conservation	<p>Support Objective 3.7, 3.8, 3.9 and 3.10</p> <p>Support provisions in section 3A (District-wide Rules and Standards)</p> <p>Support in part Rule 3A.1.7 permitted activities seeking to protect waterbodies and vegetation in all areas</p> <p>Support in part Rule 3A.2.4 which seeks to protect waterbodies, wetlands and coastal waters from the activity of earthworks</p> <p>Amend Policy 3.18 to be more clearly worded to indicate that activities in outstanding natural landscapes should be avoided and clause b) is reworded and clear in its direction</p> <p>Amend Policy 3.19 to delete word “minimise”, or reword policy to give clear direction</p> <p>Support Policies 3.20, 3.21 and 3.22</p> <p>Amend Policy 3.23 to delete word “minimise”, or reword policy to give clear direction</p>
205: Margaret Bilsland	<p>Oppose restrictions on development and earthworks within a specified distance of a waterway or ecological area where that restriction applies to the residentially zoned property.</p> <p>Remove Rules 3A.1.3, 3A.1.4 and 3A.1.7 and amend all policies consequentially or reduce separation distance to 5m.</p>
208: Transpower New Zealand Ltd	Oppose Policy 3.18 in outstanding natural landscapes and amend by adding the words “and no practicable alternative for regionally significant infrastructure recognising the operational and technical requirements of regionally significant infrastructure.” Before the word “Application” and change “must” to “should”.

Submission and Submitter	Summary of Relevant Point of Submission
	Add a new Rule as 3A.4.7 for Earthworks associated with network utilities in the outstanding natural landscapes.
212: The NZ Anglican Church Pension Board	<p>Oppose and remove Policy 3.7.</p> <p>Oppose Rules 3A.5(1), (2) and (4) and remove rules and replace with discretionary activity rules.</p> <p>Oppose Policy 3.18 and explanation. Amend the Policy to remove "Subdivision and development in areas identified as being outstanding natural landscapes will only be considered if there is no alternative location of the activity" and "c) new plantation forestry or shelter belt planting is avoided"</p> <p>Oppose Policy 3.22 and amend clause (b) and (c) to read: '(b) comply with industry best practice in relation to water contaminants', and '(c)ensure that.... carried out in a manner consistent with Greater Wellington Regional Council guidance on erosion and sediment control'.</p> <p>Oppose Rules 3A.3(7), (8), (10) and (11) and delete the standards attached to these rules.</p> <p>Support Policy 3.23 and retain unchanged or such other relief as satisfies this submission.</p>
219: Horticulture New Zealand	Amend rule 3A.1. 7.2) to add 'and harvesting of the horticultural crop' after 'cultivation'.
222: Takahe Family Trust 260: Hendrik Timmer	<p>Oppose Rule 3A.3.8.</p> <p>Oppose Rule 3A.2.3 and amend the rule so that it is clear that buildings and development in and within 10 m of an Ecological Site is a discretionary activity.</p> <p>Oppose Rule 3A.2.3 and amend to allow one dwelling and one family flat and earthworks to the extent of 500m² and cut or fills of up to 3m high to be a permitted activity on the submitters property. Rule 3A.3.8 will always over-ride Rule 3A.2.3.</p> <p>Oppose Rule 3A.3.9 and amend to allow for modification and/or upgrade of farm tracks as a permitted activity.</p> <p>Oppose Rule 3A.3.8 and amend to allow earthworks to the extent of 500m² and cut or fills of up to 3m high and a house of 200m² to be a permitted activity on the submitters property,</p> <p>Oppose Rule 3A.4.4 and amend to extend the quantity of earthworks to 500m² and cuts of up to 3 m to allow a building platform and drive on access as a permitted activity.</p>
229: Gordon & Sylvia Moller	<p>Amend Rule 3.1.7 in particular the wording of Standard 4 a) to clarify its meaning</p> <p>Ensure that no rules in Chapter 3 override the permitted activity Rule 9B.1.6</p>
231: Richard Swan	<p>Oppose Policy 3.23 and amend policy and rules to permit farm tracks and recognise that the landforms are already compromised</p> <p>Oppose Rule 3A.2.4. Amend to better enable cumulative earthworks required for productive activities.</p> <p>Amend the policies and rules to enable pest management to</p>

Submission and Submitter	Summary of Relevant Point of Submission
	occur within areas of indigenous biodiversity which may require cutting tracks and trimming activities which the rules as currently drafted would require resource consent.
250: Federated Farmers of New Zealand	Submission seeks that Rule 3A.2.3 is deleted Submission seeks a number of amendments relating to rules for earthworks, including: -That the rule stream for earthworks on rural land be simplified, and -That Rules 3A.1.7, 3A.2.4, 3A.3.8, 3A.3.9 and 3A.4.4 are deleted, and -That earthworks associated with normal agriculture, horticulture and forestry are permitted activities in the rural zone with no limits. Submission seeks Rule 3A.1.7 is deleted, and that farming earthworks are permitted with no volume limit
251: Margaret Niven	Remove the provisions for subdivision relating to sensitive natural features/earthworks and buildings and restrictions on trees and tracks. Amend provisions to support pest management within ecological sites, including track maintenance. Amend policy 3.12 to allow pest and weed management within ecological sites and the maintenance of existing tracks and distinguishing between ecological sites and eco-domains.
253: M Delany	Oppose the restriction on the height of the cut on farm tracks to 1m.
258: Peter Adlam	Clarify policy 3.7 and explanation text and the matters covered including sensitive natural features and land form and landscapes. Amend subdivision rules requiring legal protection preventing buildings and earthworks in mapped areas as considered on a case by case basis and is not appropriate in all circumstances. Amend sensitive natural features earthworks volumes rules so that the rural zones earthwork volumes rules apply to all rural zoned properties whether or not their property contain sensitive natural features. Amend rules so that the maintenance and construction of farm tracks in sensitive natural features is permitted. Amend farm track rules to allow farm tracks of 4m width with a maximum vertical cut of 2m on a slope of up to 28 degrees is permitted.
263: Maypole Environmental Ltd	Amend Rule, 38.2.3, 3A.4.5, 3A.3.1, 3A.1.2, 3A.1.3, 3A.1.4, 3A.1.5, 3A.3.2, 3A.4.2 so it is clear that they do not apply to any activity within an identified Neighbourhood Development Area that is in accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5C.4.2 or within the Ngarara Precinct.

Submission and Submitter	Summary of Relevant Point of Submission
	<p>Delete Policies 3.5 & 3.7.</p> <p>Amend Rules 3A.2.4, 3A.3.5, 3A.3.8, 3A.3.10, 3A.3.11, 3A.5.2 so it is clear that they do not apply to any activity within an identified Neighbourhood Development Area that is in accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5C.4.2 or within the Ngarara Precinct.</p> <p>Amend Policies 3.21 - 3.25 to exempt Ngarara Zone and Precinct.</p> <p>Amend Rule 3A.1.7, 3A.3.9, 3A.5.4, 3A.5.6 to ensure there are appropriate thresholds for earthworks within outstanding natural landscapes.</p> <p>Amend Rule 3A.1.7, 3A.3.9, 3A.5.4, 3A.5.6 to ensure it is clear that they do not apply to any activity within an identified Neighbourhood Development that is in accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5.4.2 or within the Ngarara Precinct.</p>
271: Lyndon Enterprises Ltd	<p>Amend the definition and mapping of sensitive natural features so they should real outstanding natural features (rather than large areas where such features may, or may not, exist) or remove Policy 3.7 and Policy 3.8.</p> <p>Clarify Rule 3A.1.7 to identify whether the exclusion applies to sensitive natural features and if so, reword to remove the exclusion for sensitive natural features as set out in the submission.</p> <p>Amend Rule 3.A.2.4 to remove 'sensitive natural features' as set out in the submission.</p> <p>Amend Rule 3A.3.7 to remove the exclusion for 'sensitive natural features' as set out in the submission.</p> <p>Amend Rule 3A.3.8 to remove 'sensitive natural features' as set out in the submission.</p> <p>Amend the definition and mapping of outstanding natural features so they should real outstanding natural features (rather than large areas where such features may, or may not, exist) or remove Policy 3.23.</p> <p>Concerned that some measures proposed in Policy 3.19 would not contribute to and may work against this aim.</p> <p>Amend Policy 3.18 to replace "only considered if there is no alternative location for the activity" with "be permitted", replace "must" with "shall", remove "the application" and remove clauses a) to c).</p> <p>Amend Rule 3A.3.9 so that "earthworks for the purposes of establishing or modifying any farm tracks for permitted farming activities or rights of way on land within outstanding natural landscapes" are a permitted activity with no cut and volume conditions.</p> <p>Remove Rule 3A.5.4 as if recommendation for 3A.3.9 is implemented, there is no need for this rule.</p>

Submission and Submitter	Summary of Relevant Point of Submission
273: Steven Brohashire 278: Paul Perniskie	<p>Oppose Rule 3A.2.3 and amend the common boundary between Outstanding Natural Landscape and special amenity landscape to mirror the "Moderate Erosion Susceptibility" (yellow hatch) area and allow a 200m² floor area within the 'significant amenity landscape' as a Permitted Activity to reflect the existing situation under the operative District Plan.</p> <p>Oppose Rule 3A.3.9 and amend to allow the modification and/or upgrading of any farm track on this site as a permitted activity.</p> <p>Oppose Rules 3A.3.8 and 3A.4.4. an amend to allow up to 500m² earthworks and cut or fill up to 3m high to allow for a building platform, on any existing or new site, for a house within a gross area of 200m² and drive one access thereto.</p> <p>Oppose Rules 3A.2.3 and 3A.4.5 and amend so that buildings and development in and within 10 metres of an ecological site is a discretionary activity and amend the common boundary between ecological site and special amenity landscape to mirror the "Moderate Erosion Susceptibility" yellow hatch area.</p>
280: Bryce Wilkinson	<p>Oppose Policies 3.1, 3.3, 3.5, 3.7, 3.8, 3.12-3.14, 3.17-3.19, 3.21-3.26</p> <p>Amend these policies and rules following the amendment of the relevant governing principles in Chapter 2 including the removal of the bias against property rights in indigenous species.</p>
320: Carter Family of Reikorangi	<p>Oppose earthworks rules where entire sites are affected because of the presence of a sensitive natural feature, outstanding natural landscape or ecological site.</p> <p>Oppose all rules that restrict the permitted activity status of constructing and maintaining farm tracks associated with permitted rural activities.</p> <p>Remove Rule 3A.3.9.</p> <p>Oppose Rules that have immediate legal effect that differ from the operative District Plan including Rule 3A.1.1, 3A.2.3, 3A.3.3, 3A.3.1.a) and d), 3A.3.5, 3A.3.7, 3A.3.8, 3A.3.10, 3A.3.11, 3A.4.2.a) d) and f) and 3A.5.2.</p> <p>Amend Rule 3A.2 for earthworks in areas containing sensitive natural features to read as follows:</p> <p>"Earthworks (excluding farm tracks for permitted farming activities) within an Ecological site, outstanding natural feature, significant natural feature or historic heritage feature (e.g. waahi tapu).</p> <ol style="list-style-type: none"> 1. [Retain] 2. Earthworks associated with a permitted rural land use such as forestry, farming and horticulture. 3. [delete]" <p>Amend Rule 3A.3.7 to also apply to earthworks exceeding controlled activity standards. Replace "sensitive natural features" with "ecological sites, outstanding natural features and significant</p>

Submission and Submitter	Summary of Relevant Point of Submission
	<p>amenity features" as set out in the submission. Remove Standards 1 and 2 relating to limits on vertical change, volume and time period.</p> <p>Amend Rule 3A.3.8 to replace "sensitive natural features" with "ecological sites, outstanding natural features and significant amenity features" as set out in the submission. Remove Standards 1 and 2 relating to limits on vertical change, volume and time period.</p>
327: Waa Rata Estate	<p>Amend rules 3A.3.1, 3A.3.2, 3A.3.3, 3A.3.4, 3A.3.5, 3A.3.6, 3A.3.7, 3A.3.8, and 3A.3.9, associated standards and matters of control, to be practical and consistent with proposed amendments to policies above, as per pages 60-64 of submission.</p> <p>Amend 3A.3.7 to change the 1 metre restriction to a 2 metre restriction and 50m restriction to a 150m³ restriction in standards 1 and 2.</p> <p>Amend 3A.3.8 to delete "having" after "identified as", amend the 1metre restriction to a 1.6metre restriction in Standard 1 and delete standard 2.</p> <p>Amend 3A.3.9 to amend the 1metre restriction to a 1.6metre restriction in Standard 1 and delete standard 2.</p> <p>Amend Rule 3A.4.5 to change the 10m restriction to a 5m restriction.</p> <p>Amend Controlled rules 3A.2.2, 3A.2.3 and 3A.2.4, associated standards and matters of control to be practical and consistent with proposed amendments to policies above, as per pages 58&59 of submission.</p> <p>Amend Rule 3A.2.3 as follows: Add "except K017" after "containing an ecological site" Delete "in living and working zones; and" from the end of a) Delete b)</p> <p>Amend Standard 1 to delete a) and delete "on living and working zoned sites from b)</p> <p>Amend Rule 3A.2.4 to read "Earthworks (including farm tracks for permitted farming activities) within sensitive natural features or historic heritage feature (e.g. waahi tapu).</p> <p>Amend Standard 1. b) by adding "or to maintain existing farm tracks or access ways" at the end.</p> <p>Amend Standard 2. by adding "except for the purpose of construction farm tracks in Rural Zones" to the end.</p> <p>Delete Standard 3</p> <p>Add a Standard to read: "Earthworks for the purpose of constructing or modifying farm tracks shall not exceed a cut or fill of 1.6 metres vertical distance in Rural zones.</p> <p>Amend discretion 3. d) to add "listed in schedules 3.2"</p> <p>Amend Policy 3.18 – 'Development in outstanding natural</p>

Submission and Submitter	Summary of Relevant Point of Submission
	<p>landscapes' as follows: delete "only" following "as being outstanding natural landscapes will and add "or it positively complements the landform in which it is located. Following "if there is no alternative location for the activity", as per page 41 of submission.</p> <p>Amend proposed 'Policy 3.23 - Earthworks – natural landforms' as follows: replace "minimised" with "managed" in the first sentence and delete "particularly" before "on dunes and steep slopes" In (a) added "largely" before "undeveloped features", and in (b) delete "sand" in "and dominant sand dunes", as per page 46 of submission.</p> <p>Amend the earthworks rules relating to sites containing sensitive natural features and sensitive natural features to be reworked in consultation with rural landowners to make them practical.</p> <p>Amend Rule 3A.1.7 as follows:</p> <p>Amend Standard 1 to delete "whether in relation to a particular earthwork or as a total of cumulative earthworks" and replace with "on the site within a continuous 12 month period" at the end of Standard 1.</p> <p>Amend Standard 2 b) to add "to construct or maintain a fence, farm tracks or to maintain existing access ways." at the end of sub clause b).</p> <p>Amend Standard 4 b) to add "where" at beginning of sub clause.</p> <p>Add sub clause c) to Standard 4 to read "maintenance or construction of farm tracks or foot access ways.</p> <p>Amend Standard 5 to read "earthworks do not extend more than 3 metres" and delete "beyond the foundation line of the building in any 5 year period."</p> <p>Add New Permitted Activities:</p> <p>"Earthworks to maintain existing farm tracks and access ways within sensitive natural features or areas;</p> <p>Earthworks within sensitive natural areas to maintain existing farm tracks and access ways to the same existing form as far as reasonably practicable" and:</p> <p>"Buildings in Outstanding Natural Landscapes:</p> <ol style="list-style-type: none"> 1. Any building shall not be visible from any public road or reserve 2. Building shall not be located within 10m of the apex along the length of the identified dominant ridgeline or dominant dune 3. Buildings shall have a gross floor area of no greater than 54m² [except sites covered 90-100% by

Submission and Submitter	Summary of Relevant Point of Submission
	<p>outstanding natural landscapes in which case a residential building permitted by zone rules is permitted]</p> <p>4. Buildings shall have a height no greater than 6 metres</p> <p>5. Building height shall be no more than 1 metre above the height of dominant ridgelines and dominant dunes</p> <p>6. Building colours and materials (excluding glazing) shall be non-reflective and recessive."</p>
334: Kapiti Architectural Design Limited on behalf of J	<p>Amend the associated provisions (see below) to ensure the subject vegetation in not restricted from development as proposed.</p> <p>- Rule 3A 2.3: Buildings and earthworks on sites containing an ecological site</p>
356: Christopher Ruthe	<p>Oppose Policies 3.1, 3.3, 3.5, 3.7, 3.8, 3.12 - 3.14, 3.17 - 3.19 and 3.21 - 3.26 and amend policies following the reworking of the relevant governing principles in chapter 2.</p> <p>Oppose chapter 3 Rules</p> <p>Consequential reworking of the rules implementing the revised policies would also be required.</p>
358: Salima Padamsey	<p>Oppose policies 3.1, 3.3, 3.5, 3.7, 3.8, 3.12, 3.13, 3.14, 3.17, 3.18, 3.19, 3.21, 3.22, 3.23, 3.24, 3.25 and 3.26 and rework to be consistent with the reworking of the relevant governing principles in chapter 2, along with any required consequential reworking of the rules implementing the revised policies.</p>
369: Anthony and Anne McEwan	<p>Delete Policies 3.1,3.2, 3.3,3.5, 3.7, 3.8, 3.12,3.13, 3.14 and 3.21. Or (alternatively) amend the policies and explanations to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The re-wording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to enable a fair</p> <p>consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Delete Rules 3A.2.1, 3A.2.3 and 3A.2.4 as proposed, because they require resource consent for buildings / earthworks in significant amenity landscapes and sensitive natural features. Replace these rules with permitted activity rules and appropriate standards. Buildings should not have an area limit in the new rules</p> <p>Oppose Rule 3A.3.7 and amend to remove the reference to resource consents in sensitive natural features. Replace with a permitted activity rule and appropriate standards.</p>

Submission and Submitter	Summary of Relevant Point of Submission
372: Michael and Elizabeth Welch	<p>Delete Policies 3.1,3.2, 3.3,3.5, 3.7, 3.8, 3.12,3.13, 3.14 and 3.21. Or (alternatively) amend the policies and explanations to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The re-wording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Delete Rules 3A.2.1, 3A.2.3 and 3A.2.4. as they require resource consent for buildings/earthworks in significant amenity landscapes and sensitive natural features. Replace these rules with permitted activity rules and appropriate standards.</p> <p>Amend Rule 3A.3.7 to remove reference to resource consents in sensitive natural features. Replace with a permitted activity rule and appropriate standards.</p>
380: Barry, Suzanne and Timothy Mansell	<p>Oppose policies in Chapter 3.1, particularly Policies 3.1, 3.2, 3.3, 3.5, 3.7, 3.8 and supporting explanations.</p> <p>Delete policies 3.1, 3.2, 3.3, 3.5, 3.7, 3.8, 3.12, 3.13, 3.14 (including the explanations); or (alternatively)the policies and explanations should be re-worded to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The re-wording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.7. to permit earthworks in all rural areas regardless of the planning maps features relating to the submitters land and in particular for farm tracks.</p> <p>Delete Rules 3A.2.1, 3A.2.3 and 3A.2.4. as they require resource consent for buildings/earthworks in significant amenity landscapes and sensitive natural features. Replace these rules with permitted activity rules and appropriate standards.</p> <p>Amend Rule 3A.3.7 to remove reference to resource consents in sensitive natural features. Replace with a permitted activity rule and appropriate standards.</p> <p>Delete Rule 3A.3.8 and replace with permitted activity rules in identified areas.</p>
399: New Zealand Police	<p>Amend Rule 3A.1.7 to provide for the earthworks associated with permitted telecommunications and radio communications activities as a permitted activity subject to the following restrictions:</p>

Submission and Submitter	Summary of Relevant Point of Submission
	<p>-the earthworks are not on a historic heritage feature or area, or on a conservation or ecological site</p> <p>-the earthworks do not exceed 1 metre measured vertically, except pile foundations and excavations for concrete pad foundations or similar for network utility masts not exceeding 2 metres in depth.</p> <p>-the earthworks are not within 20 metres of a waterbody.</p> <p>Include a default of Restricted Discretionary Activity where the above permitted activity standards are not met, otherwise a default status of Discretionary Activity applies. All existing earthworks rules that are applicable to telecommunications and radio communications are to be amended accordingly.</p>
408: USNZ Forestry Group Limited	<p>Oppose Policies 3.1, 3.2, 3.3, 3.5, 3.7 , 3.12, 3.13, and 3.14 and related explanations and remove or alternatively, amend policies and explanations to reword to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The re-wording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Oppose Policies in Chapter 3.3, particularly Policy 3.21 and supporting explanations and remove, or alternatively, amend the policies and explanations should be re-worded to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The re-wording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.7. to permit earthworks in all rural areas regardless of the planning map features relating to the submitters land and in particular for forestry tracks.</p> <p>Remove Rules 3A.2.1, 3A.2.3 and 3A.2.4. as they require resource consent for buildings/earthworks in significant amenity landscapes and sensitive natural features. Replace these rules with permitted activity rules and appropriate standards.</p> <p>Relocate Rules 3A.3.3 - 3A.3.5. under Rule 3A.2 so that they are assessed as controlled activity rules (subject to meeting minimum lot area requirements in the rural chapter). The standards for priority areas for restoration and sensitive natural features are open to interpretation and need to be clearer for compliance</p>

Submission and Submitter	Summary of Relevant Point of Submission
	<p>reasons. Delete and simplify the conditions to only relate to protection of significant indigenous vegetation (ecological sites) through appropriate title registrations.</p> <p>Amend Rule 3A.3.7 to remove reference to resource consents in sensitive natural features. Replace with a permitted activity rule and appropriate standards.</p> <p>Delete Rule 3A.3.8 and 3A.3.9 and replace with permitted activity rules in identified areas.</p>
<p>411: Land Matters Limited 416: Hamish and Leigh Wells</p>	<p>Oppose Policies 3.1, 3.2, 3.3, 3.5, 3.7, 3.12, 3.13, and 3.14 and related explanations and remove the policies (including the explanations) or alternatively amend policies and explanations to reword to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The rewording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.7. to permit earthworks in all rural areas regardless of the planning map features relating to the submitters land and in particular for forestry tracks.</p> <p>Delete Rules 3A.2.1, 3A.2.3 and 3A.2.4. as they require resource consent for buildings/earthworks in significant amenity landscapes and sensitive natural features. Replace these rules with permitted activity rules and appropriate standards.</p> <p>Amend Rule 3A.3.7 to remove reference to resource consents in sensitive natural features. Replace with a permitted activity rule and appropriate standards.</p> <p>Delete Rule 3A.3.8 and replace with permitted activity rules in identified areas.</p>
<p>424: C D Bowie 425: Lutz Brothers Limited and C E Lutz</p>	<p>Oppose policies in part 3.1, 3.2 and 3.3 of the Proposed Plan, in particular Policies 3.1, 3.2, 3.3, 3.5, 3.7, 3.14 and 3.21 and related explanations. Remove policies and explanations or amend the policies and explanations to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. Amend to replace prohibitive terms such as 'avoid', 'protect' and 'requirements' to enable a fair consideration of resource consents and take onto account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Amend Rule 3A.1.7. to permit earthworks in all rural areas regardless of the planning maps features relating to the submitters land and in particular for farm tracks.</p> <p>Delete Rules 3A.2.1, 3A.2.3 and 3A.2.4. and replace these rules with permitted activity rules and appropriate standards.</p>

Submission and Submitter	Summary of Relevant Point of Submission
	Delete Rule 3A.3.8. and replace with a permitted activity rules in those identified areas.
440: Kaitiaki Coast District Council	<p>Amend rule 3A.1.7.1 to add the words “undertaken within a 5 year period” at the end of standard 1 and delete “in any 5 year period” from standard 5.</p> <p>Amend Rule 3A.2.4 to add the words:” where the earthworks are not being undertaken within the sensitive natural feature or historic heritage feature”.</p> <p>Amend 3A.2.3 to replace ”sites containing an ecological site where buildings are located” with “land”.</p>
441: Greater Wellington Regional Council	<p>Policy 3.18 - Supports the identification of outstanding natural landscapes and notes the criteria used in schedule 3.4 are generally consistent with the factors in Policy 24 of the PRPS that should be taken into account.</p> <p>Policy 3.19 - Support policy. Amend to reflect the change to policy 26 and 27 or the Proposed WRPS appeals which now refer to “special’ rather than “significant” amenity landscapes.</p> <p>Policy 3.23 - Supports policy but considers the wording of this policy could be made clearer. GWRC asks that Policy 3.23(b) should be reworded:</p> <p>“...ensure development is sympathetically located and scaled ...and of an appropriate scale when within close proximity to...”.</p> <p>Policy 3.7 - Supports the intent of this policy in protecting sensitive natural features from certain types of subdivision or subdivision that has particular adverse effects.</p>
442: Chorus New Zealand Limited	<p>Oppose in part and amend rules to add a rule for earthworks associated with the construction of permitted telecommunications and radiocommunications and their maintenance , renewal and minor upgrading outside legal road provided that earthworks are: not on a heritage site, conservation area or ecological site; do not exceed 1.5m measured vertically, except pile foundations and excavations for concrete pad foundations or similar for network utility masts not exceeding 2m in depth; are not within 20m of a waterbody.</p> <p>Add a restricted discretionary activity rule for earthworks that do not comply with the permitted activity standards.</p> <p>Add a discretionary activity rule, for all other earthworks.</p> <p>All earthworks that are applicable to telecommunications and radiocommunications are amended accordingly.</p>
443: Allan A Smith	Amend Policy 3.18 to read as follows: "Applications for subdivision and....landscapes are unlikely to be successful unless there is no alternative..., delete clause a) and amend clause b) to read “any earthworks are in harmony with the identified landscape values; and amend clause c) to replace “is avoided” with “does not compromise the identified landscape

Submission and Submitter	Summary of Relevant Point of Submission
	values of the area”.
444: Telecom New Zealand Limited	<p>Amend Chapter 3 to provide the following new Permitted Activities for earthworks associated with the telecommunications and radio communications as follows:</p> <ul style="list-style-type: none"> - Earthworks associated with the construction of permitted telecommunication and radio communication facilities, and their maintenance, renewal and minor upgrading in legal road. - Earthworks associated with the construction of permitted telecommunication and radio communication facilities, and the maintenance, renewal and minor upgrading outside legal road provided that: <ul style="list-style-type: none"> > The earthworks are not on a historic heritage feature or area, or on a conservation or ecological site > The earthworks do not exceed 1.5m measured vertically, except pile foundations and excavations for concrete pad foundations or similar for network utility masts not exceeding 2m in depth. > The earthworks are not within 20m of a waterbody. <p>Amend Chapter 3 to include a default of Restricted Discretionary Activity where the above permitted activity standards are not met, otherwise a default status of Discretionary Activity applies.</p>
451: Rob Crozier & Joan Allin	<p>Amend earthworks Rule 3A.1.7 and in particular the wording of standard ‘4a)’ to clarify its meaning in relation to clearance of Mangaone Stream.</p> <p>Where rules refer to "development", including Rule 3A.4.5, ensure that such rules do not restrict river and stream clearance permitted activities.</p>
460: New Zealand Historic Places Trust	<p>Add at the beginning of Chapter 3 (re: Earthworks), the Advice note in Schedule 10.2 or reference to the amended Scheduled 10.2.</p> <p>Supports with amendment Policy 3.23 ‘Earthworks’ to add a new principle (d) “effects on historic heritage values”.</p> <p>Oppose in part Rule 3A.2.4 and seeks a new matter be added as follows: “e) effects on historic heritage values”.</p> <p>Oppose in part Rule 3A.3.8 and seeks a new matter be added as follows: “5. Effects on historic heritage values”.</p>
487: Bellcamp Trust Company Ltd	<p>Oppose policies in part 3.1 of the Proposed Plan, in particular Policies 3.1 - 3.3, 3.5, 3.7, 3.8.</p> <p>Remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities,</p>

Submission and Submitter	Summary of Relevant Point of Submission
	<p>earthworks, and built form.</p> <p>Amend Rules 3A.2.1, 3A.2.3 and 3A.2.4 and replace with permitted activity rules and appropriate standards. Buildings should not have an area limit in the new rules.</p> <p>Amend Rule 3A.3.7 to remove the reference to resource consents in sensitive natural features and replace with a permitted activity rule and appropriate standards.</p>
492: Kennott Trust Company Limited & Kauri Trust	<p>Oppose policies in part 3.1 and 3.3 of the Proposed Plan, in particular Policies 3.1 - 3.3, 3.5, 3.7, 3.8, 3.21 and remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form.</p> <p>Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Amend Rule 3A.3.7 to remove the reference to resource consents in sensitive natural features and replace with a permitted activity rule and appropriate standards.</p> <p>Amend Rules 3A.2.1, 3A.2.3 and 3A.2.4 and replace with permitted activity rules and appropriate standards. Buildings should not have an area limit in the new rules.</p> <p>Amend Rule 3A.3.7 to remove the reference to resource consents in sensitive natural features and replace with a permitted activity rule and appropriate standards.</p>
493: Kumototo Nominees Limited and Patone Holdings	<p>Oppose policies in part 3.1 the Proposed Plan, in particular Policies 3.1 - 3.3, 3.5, 3.7, and remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.7 and standards to permit earthworks in all rural areas regardless of the planning maps features relating to the submitters land and in particular for farm tracks.</p> <p>Remove Rules 3A.2.1, 3A.2.3 and 3A.2.4 and replace with permitted activity rules and appropriate standards. Buildings should not have an area limit in the new rules.</p> <p>Amend Rule 3A.3.7 to remove the reference to resource consents in sensitive natural features and replace with a permitted activity</p>

Submission and Submitter	Summary of Relevant Point of Submission
	<p>rule and appropriate standards.</p> <p>Remove Rule 3A.3.8 and replace with permitted activity rules in those identified areas.</p>
494: Millhaven Limited	Remove Rules 3A.2.1, 3A.2.3 and 3A.2.4 and replace with permitted activity rules and appropriate standards.
495: Mahaki Holdings Limited	<p>Oppose policies in part 3.1 -3.3 of the Proposed Plan, in particular Policies 3.1 - 3.3, 3.5, 3.7 and remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form.</p> <p>Amend Rule 3A.1.7 and standards to permit earthworks in all rural areas regardless of the planning maps features relating to the submitters land and in particular for farm tracks.</p> <p>Remove Rules 3A.2.1, 3A.2.3 and 3A.2.4 and replace with permitted activity rules and appropriate standards.</p> <p>Amend Rule 3A.3.7 to remove the reference to resource consents in sensitive natural features and replace with a permitted activity rule and appropriate standards.</p> <p>Remove Rule 3A.3.8 and 3A.3.9 and replace with permitted activity rules in those identified areas.</p>
500: Ngatotara Farms Limited and Rod Agar	<p>Oppose all Chapter 3 policies.</p> <p>Oppose policies in part 3.1, of the Proposed Plan, in particular Policies 3.1 - 3.3, 3.5, 3.7 and 3.8, remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Remove Rules 3A.2.1, 3A.2.3 and 3A.2.4 as they require resource consent for buildings/earthworks in significant amenity landscapes and sensitive natural features. Replace these rules with permitted activity rules and appropriate standards. Buildings should not have an area limit in the new rules.</p> <p>Amend Rule 3A.3.7 to remove the reference to resource consents in sensitive natural features and replace with a permitted activity rule and appropriate standards</p>
509: Errol Croad	<p>Oppose or amend priority areas for restoration and dominant ridgelines.</p> <p>Oppose buffer zones, earthworks, farm tracks and trimming vegetation, subdivision, sensitive natural areas, outstanding natural landscapes, commercial wind turbines, forestry.</p>

Submission and Submitter	Summary of Relevant Point of Submission
550: Cuttriss Consultants Ltd	Amend Standard 3 to Rule 3A.1.7 to read: "in all other areas the following standards shall apply: a) Maximum volume 50m ³ (living zones) and 100m ³ in rural zones; and b) Maximum height 1 metre." The standard should also be amended to include working environment and open space zones, not just living and rural environments.
586: Frank & Catherine Wafer 590: Peter and Lyndia Wood 617: Stewart & Catherine Fraser 618: David & Helen Walshaw 631: Michael Alexander	Amend Policies 3.22 and 3.23 to recognise the importance of earthworks at river and stream mouths (for example mouth straightening), and also in rivers and streams further inland from the mouths (for example weed clearance), so as not to restrict such activities, and with rules that do not restrict these activities.
756: Pascal Odijk 757: Marianne Tavenier	Oppose Policies 3.7, 3.18, 3.19, 3.23
762: Lydia Johnston	<p>Amend Policies 3.22 and 3.23 to recognise the importance of earthworks (a defined term) at river and stream mouths for e.g. mouth straightening, and also in rivers and streams further inland from the mouths for e.g. weed clearance, and so as not to restrict such activities and with rules that do not restrict these activities.</p> <p>Amend Policy 3.22 by deleting the last sentence in the explanation.</p> <p>Amend Policy 3.23 first sentence to qualify the references to retaining natural landforms, around water bodies and in riparian margins.</p> <p>Amend Policy 3.23 c) by deleting, or exclude activities carried out in rivers and streams, or qualify it in some appropriate way to address the submitter's concerns.</p>

Appendix B Comparison of District Plan Earthworks Provisions

Wairarapa Combined District Plan

The Wairarapa Combined District Plan was publicly notified in 2006. There are no limits for normal urban and rural areas, just specially identified areas of the district.

Permitted activities:

21.1.4 Outstanding Landscapes

(a) Any activity or structure within an area identified as an Outstanding Landscape in Appendix 1.1 which meets the following standards:

(i) Earthworks do not exceed 100m³ per site in any 12 month period;

21.1.9 Significant Waterbodies

(a) Earthworks within 25 metres of any Significant Waterbody listed in Appendix 1.9 for the following purposes:

(i) The maintenance of drains, fences, man-made dams, access tracks and roads;

(ii) Approaches to culverts.

21.1.17 Coastal Environment Management Area

(c) Earthworks

(i) In that part of the Coastal Environment Management Area that is within the Rural Zone, earthworks shall not exceed any of the following standards:

(1) For sites less than 20 hectares in area:

(a) 1.5 metres (cut or fill) measured vertically;

(b) Where earthworks exceed 1.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.0 metres (cut or fill) measured vertically and shall not exceed a distance of 20 metres in continuous horizontal length;

(2) For sites of 20 hectares or greater in area:

(a) 3.0 metres (cut or fill) measured vertically;

(b) Where earthworks exceed 3.0 metres (cut or fill) measured vertically, those earthworks shall not exceed 4.5 metres (cut or fill) measured vertically and shall not exceed a distance of 500 metres in continuous horizontal length.

21.1.18 Foreshore Protection Area

(a) Any structure constructed or located within the Foreshore Protection Area, being 50 metres landward of Mean High Water Springs for all areas, except as otherwise identified in the Planning Maps, shall comply with the following standards:

(iv) Earthworks associated with the construction and maintenance of a fence to a maximum 0.5 metres (cut or fill) measured vertically.

21.1.20 Flood Hazard Area and Erosion Hazard Area

(a) Any activity within the Flood Hazard Area or Erosion Hazard Area that does not involve one or more of the following:

(ii) Earthworks of more than 20m³ per site within any 12 month period;

Proposed Horowhenua District Plan

Horowhenua District Council reviewed their operative district plan and notified the Proposed Horowhenua District Plan on 14 September 2012. The period for lodging an appeal on the Proposed District Plan Decisions has now closed. Most of the provisions in the Proposed District Plan are operative, although there are a few outstanding appeals. For this reason, only the Proposed Horowhenua District Plan provisions have been considered rather than the Operative District Plan.

Urban

Rule 15.1 lists earthworks as a permitted activity other than on a site with a scheduled historic heritage feature.

Rule 15.6.16 limits earthworks in a Flood Hazard Overlay Area to 20m³ per site within any 12 month period. The exception is that the earthworks volume does not apply to tracks where the existing ground level is not altered by greater than 0.1m in any 12 month period.

Rural

Earthworks are a permitted activity apart from the following sites:

- On a site with a scheduled historic heritage feature
- Within an outstanding natural feature or landscape

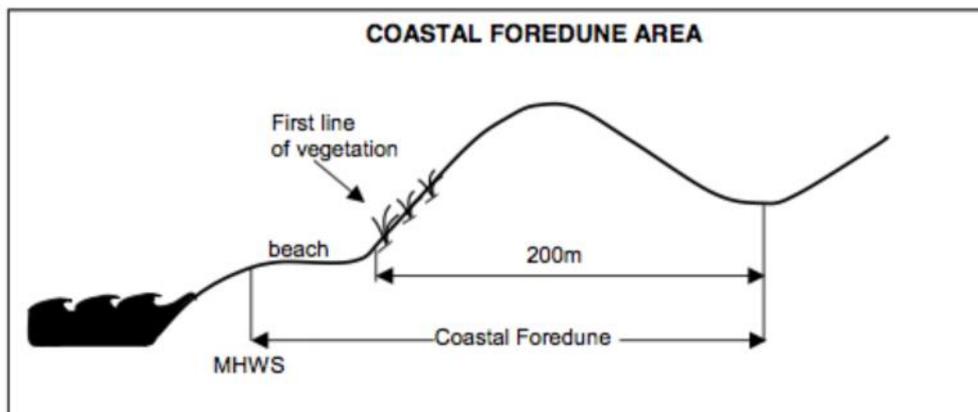
The special areas with limited earthworks are outlined below:

Earthworks within both the Coastal Outstanding Natural Feature and Landscape and Coastal Fore-dune Area, being the strip of land between the coastal marine area and a line roughly parallel with the beach, extending 200 metres inland of the first line of vegetation, for which a consent is not required by the Manawatu-Wanganui Regional Council, or for which a consent has been granted by the Manawatu-Wanganui Regional Council and has been provided to the Council prior to any earthworks being undertaken.

(x) Earthworks within the Coastal Outstanding Natural Feature and Landscape, but outside the Coastal Fore-dune Area, being the strip of land between the coastal marine area and a line roughly parallel with the beach, extending 200 metres inland of the first line of vegetation, that comply with the following:

- (i) No more than 2.5 metres (cut or fill) measured vertically
- (ii) Where earthworks exceed 2.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length
- (iii) Where the earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10 metres from toe to summit.
- (iv) All disturbed surfaces shall be revegetated within 6 months of the completion of the earthworks.

Note: The figure below illustrates the Coastal Fore-dune Area



Rule 19.6.11 limits earthworks in a Flood Hazard Overlay Area to 20m³ per site within any 12 month period. The exception is that the earthworks volume does not apply to tracks where the existing ground level is not altered by greater than 0.1m in any 12 month period.

19.6.12 Earthworks– Specific Landscape Domains

(a) Earthworks, other than cut for a building platform, on land that is not an Outstanding Natural Landscape and Feature, shall not exceed the following:

(i) Coastal Environment and Coastal Lakes Landscape Domains

- 2.5 metres (cut or fill) measured vertically
- Where earthworks exceed 2.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length.
- Where earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10 metres from toe to summit.

Exception:

Earthworks provisions shall not apply to production forestry harvesting on a dune 10 metres in height or lower.

(ii) Hill Country Landscape Domain

- metres (cut or fill) measured vertically

Where earthworks exceed 3 metres (cut or fill) measured vertically, those earthworks shall not exceed 5 metres (cut or fill) measured vertically and shall not exceed a distance of 100 metres in continuous horizontal length.

Exception:

Earthworks provisions shall not apply to production forestry harvesting.

(iii) Foxton Dunefields Landscape Domain

- Metres (cut or fill) measured vertically
- Where earthworks exceed 3 metres (cut or fill) measured vertically, those earthworks shall not exceed 5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length.
- Where earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10 metres from toe to summit.

Exception:

Earthworks provisions shall not apply to production forestry harvesting on a dune 10 metres in height or lower.

(b) All disturbed surfaces shall be re-vegetated within 6 months of the completion of the earthworks.

Note 1: The term earthworks does not include activities such as digging post holes, cultivation of crops, planting trees, burials, drilling bores, digging offal pits and installation of services where these activities do not reshape or re-contour the land.

Upper Hutt City District Plan

The Upper Hutt City Council approved the District Plan for the Upper Hutt City by resolution on 4 August 2004 and it became operative on 1 October 2004. Although there have been a number of plan changes since the plan was made operative, there have been no changes to the earthworks rules .

Earthworks is a permitted activity provided it meets the following standards:

Rule 23.3

In the Residential, Business and Special Activity Zones, existing ground level shall not be altered by cutting by a vertical height of more than 1.5m, or filling by a vertical height of more than 0.5m.

The exemption to this is that for a specific building, earthworks must extend no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.

Rule 23.4

In the Open Space and Rural Zones, existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m.

Rule 23.5

The physical extent of earthworks shall not exceed 150m² in surface area on any one site within any continuous 12 month period.

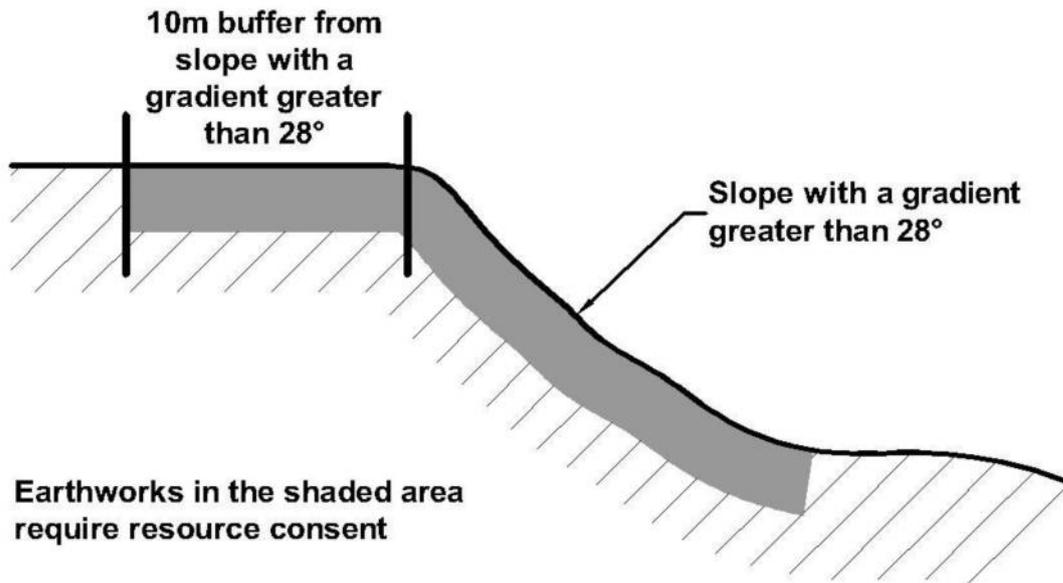
Exemption:

In the Residential, Business, Special Activity and Rural Zones, earthworks exceeding the foundations of a specific building by more than 2 metres are exempt from the 150m² surface area limit provided that the earthworks beyond the 2 metre foundation line of a building:

- Do not exceed a vertical cut height of 1.5m or a vertical fill height of 0.5m; and
- Do not go closer than 1 metre to any boundary; and
- Comply with an earthworks plane (as defined in chapter 35) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.

Rule 23.6

Earthworks shall not be undertaken on erosion prone land, identified as land with a gradient steeper than 28 degrees, or within 10m of a downhill slope with a gradient steeper than 28 degrees (see diagram below).

**Rule 23.7**

Earthworks shall not be undertaken within 10m of any water body (measured from the bank of the water body), or within the 1 in 100 year flood extent of the Hutt River (as defined on the Planning Maps).

Rule 23.8

Sediment retention and run-off controls shall be implemented to ensure there is no contamination of natural water by sediment.

Rule 23.9

Earthworks which are not being worked for three months or more, shall be hydroseeded or sown in order to achieve ground cover.

Rule 23.10

Earthworks shall be undertaken in accordance with the relevant provisions of the Code of Practice for Civil Engineering Works.

Exemption:

The above standards shall not apply to earthworks for flood mitigation purposes undertaken or approved by a local authority.

Rule 23.11

Stormwater resulting from earthworks development is to be controlled and managed so as to avoid, remedy or mitigate adverse effects on other land.

Rule 23.13

Within an area identified as Southern Hills Overlay Area, existing ground level shall not be altered by cutting or filling by a vertical height of more than 2.5m.

Rule 23.14

Within an area identified as Southern Hills Overlay Area, the physical extent of earthworks shall not exceed 300m² in surface area on any one site within any continuous 12 month period.

Porirua City District Plan

The Porirua City District Plan became operative on 1 November 1999. Since 2002, Council has been undertaking a rolling review of the District Plan. Although a number of plan changes have been progressed and the majority of them are operative, there have been no changes to the earthworks rules.

Residential Zone

Earthworks in the Suburban Zone is permitted provided the following standards in Rule D3.2.1(iii) are complied with:

The following shall apply to earthworks on a site, except for:

- *Earthworks (cut and fill) under a proposed building and building platform which do not extend further than 2 metres beyond the exterior walls of any proposed building when measured in plan view; and*
- *Earthworks (cut) for a swimming pool which do not extend further than 2 metres from the edge of the swimming pool:*

(a) Earthworks, in a 12 month period, shall not exceed:

- (i) 25m² in area within a riparian setback, or*
- (ii) 100m² in area elsewhere in the Suburban Zone, or*
- (iii) 0.5 metres in height or depth in a riparian setback and 1.5 metres in height or depth elsewhere.*

(b) Earthworks shall not be undertaken on land with a slope in excess of 45 degrees.

(c) Earthworks within a yard shall not exceed a height recession plane measured at an angle of 45 degrees from the closest boundary into the site.

Rural Zone

Earthworks is permitted provided it complies with the standards in D4.1:

The following shall apply to earthworks on a site:

(i) Earthworks, except earthworks as part of any dwelling or building shall not exceed, in a 12 month period:

- (a) 25m² in area within a riparian setback, or*
- (b) 500m² in area in a Landscape Protection Area, or*
- (c) 1000m² in area elsewhere in the Rural Zone, or*
- (d) 0.5 metres in height or depth in a riparian setback and 1.5 metres in height or depth elsewhere.*

(b) and (c) shall not apply to earthworks for the purposes of the maintenance of existing farm roads and tracks, or for the construction or maintenance of drains or fences.

(ii) Earthworks as part of any proposed dwelling or building on the site, except for:

- *Earthworks (cut and fill) under a proposed building and building platform which do not extend further than 2 metres beyond the exterior walls of any proposed building when measured in plan view; and*
- *Earthworks (cut) for a swimming pool which do not extend further than 2 metres from the edge of the swimming pool: shall not exceed, in a 12 month period:*

- (a) 25m² in area within a riparian setback, or*
- (b) 100m² in area elsewhere in the Rural Zone, or*

- (c) *0.5 metres in height or depth in a riparian setback and 1.5 metres in height or depth elsewhere.*
- (iii) *Earthworks shall not be undertaken on land with a slope in excess of 45 degrees.*
- (iv) *Earthworks within a yard shall not exceed a height recession plane measured at an angle of 45 degrees from the closest boundary into the site.*

Hutt City

Most of the City of Lower Hutt Operative District Plan provisions were made operative from 24 June 2003, while 3 areas of the plan were made operative on 18 March 2004.

As set out in Rule 14I 2.1 earthworks is permitted in largely all areas except Special Recreation Activity Area, Passive Recreation Activity Area, Hill Residential Activity Area and Landscape Protection Residential Activity Area and in Maire Street, Eastbourne, Lot 4 DP 14002 as shown on Appendix Earthworks 1.

Rule 14I 2.1.1 sets out the conditions for Permitted Activities

- (a) *Ground Level: The natural ground level may not be altered by more than 1.2m, measured vertically.*
- (b) *Quantity: Maximum volume of 50m³ (solid measure) per site.*
- (c) *Baring Head, Pt 1A2 Parangarahu, as shown on Appendix Earthworks 2, any earthworks must be limited to the immediate area of the building platforms.*
- (d) *In the Primary and Secondary River Corridors, earthworks must be a minimum distance of 20m from a flood protection structure.*

Wellington City

The Wellington City District Plan was made operative on 27 July 2000. Council has undertaken a rolling review approach which means a number of changes have been promulgated since the district plan was made operative (including a plan change regarding earthworks). Volume 1 contains the objectives, policies and rules; Volume 2 contains the design guides and Volume 3 contains the planning maps.

30.1.1 *Earthworks in the:*

- (i) *Residential Area (except the Urban Coastal Edge shown on Map 62 and Map 63);*
- (ii) *Suburban Centre Area (except the Churton Park Concept Area as shown in Appendix 1 to this chapter);*
- (iii) *Institutional Precincts;*
- (iv) *Rural Area (excluding the Ridgelines and Hilltops Overlay); and*
- (v) *Open Space A and C Areas;*
- are Permitted Activities provided that they comply with the following conditions:*

30.1.1.1

- (a) (i) *The cut height or fill depth does not exceed 1.5m measured vertically; and*
- (ii) *The cut or fill is not on an existing slope angle exceeding 34 degrees; and*
- (iii) *The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and*
- (iv) *The area to be cut or filled does not exceed 250m².*
- OR
- (b) (i) *The cut height or fill depth does not exceed 2.5m measured vertically; and*

(ii) The cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing);

and

(iii) The area to be cut and/or filled does not exceed 250m².

OR

(c) For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area:

(i) The cut height or fill depth does not exceed 2.5m; and

The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane);

OR

(d) The earthworks are for the construction or maintenance of walking or cycling tracks in Open Space A and C Areas and the track surface does not exceed 1.5m wide (Conditions 30.1.1.2 to 30.1.1.4 do not apply).

AND

30.1.1.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a stream, a wetland or the coastal marine area:

<i>Rural Area</i>	<i>20m</i>
<i>Suburban Centre Area adjoining the Porirua Stream</i>	<i>10m</i>
<i>All other areas</i>	<i>5m</i>

AND

30.1.1.3 The cut or fill is not in a Hazard (Flooding) Area;

AND

30.1.1.4 There is no visible evidence of settled dust beyond the boundaries of the site.

AND

30.1.1.5 (i) The cut or fill is no closer than 12m to the closest visible edge of the foundation of a high voltage transmission line support structure; and

(ii) earthworks do not reduce the clearance distance from conductor to ground to less than 10m within 12m of the centreline of an electricity transmission line (as shown on the Planning Maps).

There are different limits for earthworks in the:

(i) Urban Coastal Edge (as shown on Map 62 and Map 63);

(ii) Open Space B Areas;

(iii) Conservation Sites;

(iv) Ridgelines and Hilltops Overlay (Rural Area); and

(v) in Heritage Areas and on sites containing listed Heritage Items

The rules for these specially identified areas are outlined below:

30.1.2.1 (a) (i) The cut height or fill depth does not exceed 1.5m measured vertically; and

(ii) The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and

(iii) The cut or fill is not on an existing slope angle exceeding 34 degrees; and

(iv) The area to be cut or filled does not exceed 100m².

OR

*(b) (i) The cut height or fill depth does not exceed 1.5m;
and*

(ii) The cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and

(iii) The area to be cut and/or filled does not exceed 100m².

OR

(c) For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area:

(i) The cut height and fill depth does not exceed 1.5m; and

The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane

OR

(d) The earthworks are for the construction or maintenance of walking or cycling tracks in Open Space B Areas and Conservation Sites and the track surface does not exceed 1.5m wide (Conditions 30.1.2.2 to 30.1.2.4 do not apply).

AND

30.1.2.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a stream, a wetland or the coastal marine area:

<i>Ridgelines and Hilltops (Rural Area) Conservation Sites Open Space B</i>	<i>20m</i>
<i>Suburban Centre Area adjoining the Porirua Stream</i>	<i>10m</i>
<i>All other areas</i>	<i>5m</i>

30.1.2.3 The cut or fill must not be in a Hazard (Flooding) Area;

AND

30.1.2.4 There must be no visible evidence of settled dust beyond the boundaries of the site.

AND

30.1.2.5 (i) The cut or fill is no closer than 12m to the closest visible edge of the foundation of a high voltage transmission line support structure; and

(ii) Earthworks do not reduce the clearance distance from conductor to ground to less than 10m within 12m of the centreline of an electricity transmission line (as shown on the Planning Maps).

Earthworks in the Central Area (excluding in Heritage Areas and sites containing listed Heritage Items) has different standards again:

30.1.3.1 (i) The cut height or fill depth does not exceed 1.5m measured vertically; and

(ii) The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane); and

(iii) The cut or fill is not on an existing slope angle exceeding 34 degrees.

OR

(iv) The cut or fill is to be retained by a structure or building authorised by a building consent (which is obtained prior to any earthworks commencing).

30.1.3.2 The area to be cut and filled does not exceed 250m²

AND

30.1.3.3 The cut or fill is no closer than 5m to the coastal marine area (except for the maintenance of reclamation facings and the maintenance of foundations which support existing equipment and structures in the Operational Port Area and the Port Redevelopment Precinct).

AND

30.1.3.4 There is no visible evidence of settled dust beyond the boundaries of the site.

Ruapehu District Plan

From the 1 October 2013 Ruapehu had a nearly operative district plan except for two discrete outstanding issues which are under appeal. Farm tracks are not specifically identified as an activity, they fall under the definition of earthworks.

Urban

Under rule US3.2.1(g) earthworks is identified as a permitted activity, The performance standards which must be complied with are outlined in US3.4.5 as follows:

- a) *Noise*
 - i. *Noise from earthworks shall comply with condition US3.3.7*
 - ii. *Earthworks shall only occur between 7.00am and 8.00pm Monday to Saturday inclusive, excluding public holidays.*
- b) *Appearance*
 - i. *All earthworks sites shall be kept tidy and reinstated as soon as practically possible so as to avoid a prolonged visual change in the character of the area*
- c) *Separation*
 - i. *No earthworks activity, including stockpiling shall occur within 20m of the banks of a waterway.*
- d) *Volume*
 - i. *No more than 50m³ of material measured in its non-compacted form, within one certificate of title, shall be removed or relocated within the site in any calendar year unless the earthworks are identified in and provided for through an approved subdivision or land use consent.*
- e) *Vegetation Clearance*
 - i. *Where vegetation clearance occurs in association with earthworks, disturbed areas shall be re-vegetated within 12 months of the earthworks being undertaken.*
- f) *Standards*
 - i. *All earthworks must comply with the requirements of NZS 4431:1989 Code of Practice for earth fill for residential development.*

Rural

Under Rule RU3.2.1(k) earthworks is identified as a permitted activity. The performance standards which must be complied with are outlined in RU3.4.10 as follows:

- a) *Noise*
 - i. *Noise from earthworks shall comply with condition RU3.3.6*
- b) *Appearance*
 - i. *All earthworks sites shall be kept tidy and shall be reinstated as soon as practically possible so as to avoid a prolonged visual change in the character of the area*
- c) *Volume*
 - i. *No more than 1000m³ of material measured in its non-compacted form, within one certificate of title, shall be removed from the site in any calendar year unless:*
 1. *The earthworks are identified in and provided for through an approved subdivision or land use consent; or*
 2. *The material is to be used for rural activities or forestry activities within the site from which it was sourced and the material is not transported on a public road.*
 3. *The material is to be used for ancillary activities, maintenance and repair associated with consented electricity generation activities within the site from which it was sourced and the material is not transported on a public road.*
- d) *Vegetation Clearance*
 - i. *Where vegetation clearance occurs in association with earthworks, disturbed areas shall be re-vegetated within 12 months of the earthworks being undertaken.*
- e) *Any person undertaking earthworks must comply with the requirements of the New Zealand Electrical Code of Practice (NZECP) 34:2001 or any subsequent amendment.*

Proposed Otorohanga District Plan

Decisions on the Proposed Otorohanga District Plan were notified on the 6 March 2012 but as there are outstanding appeals, the Operative District Plan is still relevant. In terms of this benchmarking report, only the Proposed District Plan provisions have been considered. Section 5 of the Proposed District Plan contains the earthworks standards which must be complied with district-wide:

- 5.1 Any activity which complies with standards 5A and 5B is a permitted activity.
- 5.2 Any activity which complies with standards 5A and 5C is a permitted activity.
- 5.3 Any activity which complies with standards 5A and 5D is a permitted activity.
- 5.4 Any activity which complies with standards 5A and 5E is a controlled activity.
- 5.5 Any activity which does not comply with rules 5.1, 5.2, or 5.3 is a discretionary activity.
- 5.6 Any activity which does not comply with rule 5.4 is a non-complying activity.

5A The earthworks:

- (i) are undertaken more than 5 metres from natural waterbodies except at the point of crossings;
- (ii) are to be more than 12 metres from the centreline of any existing high voltage electricity transmission line and/or support structure identified on the planning maps;
- (iii) will involve exposing and working an area of less than 5000m²; and
- (iv) will not be undertaken within the Te Tahi Water Catchment Area.

5B The earthworks are to be undertaken within the Urban Services or Urban Limited Services Effects Area and:

- (i) involve the movement of less than 100m³ of soil and/or rock during any 12 month period; and
- (ii) have a cut face or fill height of less than 2 metres.

5C The earthworks are to be undertaken within the Rural Effects Area, including any Landscape Policy Area (but are outside the Coastal Policy Area) and:

- (i) involve the movement of soil and/or rock of less than 1000m³ during any 12 month period and have a cut face or fill height of more than 2 metres; or
- (ii) involve the movement of soil and/or rock of less than 5000m³ during any 12 month period and have a cut face or fill height less than 2 metres.

5D The earthworks are undertaken outside the Coastal Policy Area and are for the purpose of:

- (i) constructing a firebreak; or
- (ii) constructing a fenceline; or
- (iii) constructing a survey line; or
- (iv) reconstructing or maintaining any road or track.

5E The earthworks are undertaken within the Coastal Policy Area and are for the sole purpose of track maintenance, fencing, establishing a building platform in association with any building consent or resource consent granted by Council, constructing a firebreak or survey line; and

- (i) involve the movement of soil and/or rock of less than 1000m³ during any 12 month period; and
- (ii) have a cut face or fill height less than 2 metres.

In the Coastal Policy Area, earthworks are permitted so long as it is not causing impediment, disturbance or modification or destruction to the following:

- (i) the Coastal Marine Area;
- (ii) indigenous coastal vegetation;
- (iii) habitats of indigenous coastal species, including migratory birds;
- (iv) indigenous biodiversity;
- (v) feeding, breeding, or roosting grounds of coastal birds or fauna (including areas which provide animals with access to these grounds);
- (vi) features in the coastal environment including estuaries, coastal wetlands, mangrove swamps, salt or reed marshes, beaches, sea cliffs or sand dunes;
- (vii) coastal landforms recognised as being of geological interest, significance or importance;
- (viii) natural coastal processes;
- (ix) water quality in the Coastal Marine Area; and
- (x) recognised customary activity.

Earthworks in any of the above areas is a discretionary activity.

Western Bay of Plenty District Plan

The Western Bay of Plenty District Plan became operative on 16 June 2012 except for specific provisions relating to Matakana Island which remain under appeal from the District Plan Review and which are subject to Plan Change 46/Variation 2 – Matakana Island.

Rule 4A.5 states that all earthworks are permitted throughout the district except where:

- a. Earthworks are listed as requiring resource consent elsewhere in the district plan
- b. Earthworks are undertaken in association with an activity for which a resource consent for discretionary or non-complying activity is required
- c. Earthworks is listed as a matter of control or discretion

The only limit on earthworks in the Rural Zone is around electricity transmission support structures such as poles and towers or under conductors.

Any earthworks is a restricted discretionary activity in identified Significant Ecological Features.

Earthworks within specified distances from Landscape Management Areas have restricted levels of earthworks. For example Rule 6.4.1.2 within 50m from the MHWS in the Tauranga Harbour Landscape Management Area, the maximum earthworks permitted is a cumulative volume of 200m³ per lot resulting in a maximum cumulative vertical face of 1.5m.

Proposed Rotorua District Plan

The Proposed Rotorua District Plan was notified on 31 October 2012 and is currently in the process of hearings. The hearings are likely to be completed on the 26 August 2014.

Earthworks located within 25m from the margin of a lake, river or stream is discretionary regardless of the zone.

In the urban environment, earthworks within an outstanding natural feature or landscape is discretionary.

Appendix 10 sets out performance standards for earthworks across the district. In order for earthworks to be a permitted activity in both the Residential and Rural zones, it must comply with the following:

A10.2.1 Performance Standards for all Zones

1. *The earthworks are incidental to either an approved subdivision, or construction of a building platform, or installation of utility services, or to provide access which is a permitted activity or authorised by a resource consent.*
2. *Earthworks associated with the maintenance, renewal and minor upgrading of network utilities.*
3. *They do not take place within the dripline of a notable tree*
4. *They do not take place on any site that includes potentially contaminated land, unless:*
 - a. *A consent for remediation has been obtained from the Bay of Plenty Regional Council;*
 - b. *A site investigation report prepared by a suitably qualified contaminated site investigator is submitted to the council in accordance with MfE Guideline No.1 – Reporting on Contaminated Sites in New Zealand demonstrating that either the site does not have potentially contaminated land or the potentially contaminated land is separated from the earthworks by a safe distance (determined by the substance causing soil contamination);*

5. *They are associated with sub-surface investigations of contaminated and potentially contaminated land to determine the presence, extent and nature of any contamination. This work shall be coordinated by a suitably qualified contaminated site investigator.*
6. *Any Fill is cleanfill and does not exceed 100m³ or a depth of 450mm.*
7. *Excavation has a vertical dimension that does not exceed 1.5 metres.*
8. *It does not result in the loss or disturbance of a heritage feature, historic place, archaeological site of waahi tapu, or vegetation in a SNA.*
9. *It does not disrupt the passage or habitat of any indigenous species.*
10. *It does not require retaining structures that are either in excess of 1.5 metres in height (measured from the finished ground level) at any point, or in excess of 20.0 metres in total length.*
11. *It is not carried out on a slope in excess of 15%.*
12. *It is outside an ephemeral water course.*
13. *The works are completed within three months of starting.*