

EW – Earthworks

Section 32

FINAL DRAFT

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1. Overview and Purpose

- (1) Hutt City Council is reviewing the City of Lower Hutt District Plan. This is a full review of the District Plan, including the approach to Earthworks.
- (2) This section 32 (s32) evaluation report is focussed on the Earthworks (EW) chapter. It has been prepared in accordance with the requirements of section 32 of the Resource Management Act 1991 (RMA).
- (3) The purpose of the Earthworks chapter is to enable earthworks to occur whilst managing and mitigating adverse effects that may arise when undertaking this activity.
- (4) Earthworks play an essential part in providing for new land use, subdivision and development, including the preparation of building platforms, construction of new roads and accesses, and trenching for new services. Earthworks are also an essential part of the operation of quarries, cleanfills and landfills.
- (5) However, if not appropriately managed, earthworks have the potential to cause adverse effects on the environment, including through unnecessary scarring of the landscape, and unsightly cuts into the natural ground levels. These can alter the natural topography and detract from the visual amenity values of the area.
- (6) Earthworks have the potential to result in sedimentation of waterbodies and stormwater infrastructure and can cause or exacerbate natural hazard risk by destabilising slopes and altering overland flow paths for stormwater.
- (7) Earthworks also have the potential to affect amenity values experienced by people and create risk to property due to inappropriate management of silt, sedimentation, dust, and erosion.
- (8) If not managed appropriately earthworks can also adversely affect high value areas, such as Outstanding Natural Features and Landscapes, areas of High, Very High or Outstanding Coastal Natural Character, Sites and Areas of Significance to Māori and Historic Heritage. The management of earthworks in these areas is important to ensure maintenance of the values and significance of these areas.
- (9) Any disturbance of land associated with human activity prior to 1900 may require an archaeological authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.
- (10) The Earthworks chapter includes objectives, policies and rules that relate to general earthworks. It also includes policies and rules that relate to earthworks in specific zones and on sites that are subject to planning notations and overlays.
- (11) This report should be read in conjunction with the following s32 evaluation reports.

Table 1: Other relevant s32 reports

Chapter / Report	Relationship to this topic
Infrastructure (INF)	The Earthworks chapter includes policies and rules that relate to earthworks on sites within the National Grid Yard and the Gas Transmission Pipeline Corridor that are not related to infrastructure.
Natural Hazards (NH)	The Earthworks chapter includes policies and rules that relate to and implement objectives of the Natural Hazards chapter on sites that are

Chapter / Report	Relationship to this topic
	subject to identified natural hazards and coastal hazards as well as in the slope hazard overlay.
Historical Heritage (HH) Notable Trees (NT) Sites and Areas of Significance to Māori (SASM)	The Earthworks chapter includes policies and rules that relate the protection of identified sites and values and implement the objectives of the Historic Heritage chapter, the Notable Trees chapter and the Sites and Areas of Significance to Māori chapter.
Natural Character (NATC) Natural Features and Landscapes (NFL)	The Earthworks chapter includes policies and rules that relate to and implement the objectives of the Natural Character chapter and the Natural Features and Landscapes chapter. These provisions manage subdivision within Riparian Margins and Coastal Margins and subdivision of land containing Outstanding Natural Features and Landscapes.
Coastal Environment (CE)	The Earthworks chapter includes policies and rules that relate to and implement the objectives of the Coastal Environment chapter and manage subdivision within High, Very High and Outstanding Coastal Natural Character Areas.

2. Strategic Direction

- (12) The following objectives in the Strategic Direction chapter of the Proposed District Plan are the most relevant to this issue/topic:

Table 2: Strategic Direction Objectives

Strategic Direction Objectives	
Climate Change and Natural Hazards	
CC-O1	Carbon Neutral
The urban form and built development in Lower Hutt supports the transition of the city to be carbon neutral by 2050.	
CC-O2	Natural Hazards
The risk to people, communities, and property from natural hazards, and from the potential effects of climate change on natural hazards, is avoided or minimised to acceptable levels.	
Infrastructure	
INF-O1	Integration
Land use and development is integrated with the provision of infrastructure including transport, three waters services and open space.	
INF-O3	National and Regional Significance
Infrastructure of national and regional significance is supported and protected.	
INF-O5	Movement of People
A range of options for movement of people to the central city and neighbourhood centres that is safe, flexible and resilient, which supports the increased use of public transport, walking and cycling.	
Natural Environment	
NE-O1	Te Awa Kairangi Hutt River
The health and wellbeing of the Te Awa Kairangi Hutt River is restored and protected and the River is recognised as the heart of the city.	
NE-O2	Significant Waterbodies
Protect the values of the city's significant waterbodies, including Te Awa Kairangi Hutt River, Wainuiomata River and Waiwhetū Stream.	
NE-O3	Natural Character, Natural Features and Landscapes, Ecosystems and Indigenous Biodiversity
Protect and enhance the natural character, natural features and landscapes, ecosystems and indigenous biodiversity of the city.	
Tangata Whenua	
TW-O1	Role of Tangata Whenua
The role of tangata whenua as kaitiaki in the protection and management of the natural and physical resources of an area is acknowledged and provided for.	

TW-03	Wāhi taonga and sites of significance to tangata whenua
Wāhi taonga and sites of significance to tangata whenua are protected.	
TW-04	Culture, Traditions and Social and Economic Aspirations
Tangata whenua are able to protect, develop and use Whenua Māori in a way that is consistent with their culture and traditions and their social and economic aspirations.	
Urban Form and Development	
UFD-01	Urban Form
The city's urban form consolidates and intensifies the existing urban area, with greenfield development only taking place within identified areas.	
UFD-02	Location of Urban Development
Urban development takes place within areas identified for this purpose in a manner which uses land and infrastructure most efficiently.	
UFD-03	Well-Functioning Urban Environment
Urban development supports the creation of liveable, well-functioning urban environments that are:	
<ul style="list-style-type: none"> a. Safe and well-designed b. Walkable and connected by public transport and sustainable travel choices, including micro-mobility modes c. Serviced by the necessary infrastructure appropriate to the intensity, scale and function of the development d. Connected to open space and the natural environment e. Ecologically sensitive f. Close to employment opportunities g. Resilient to the impacts of natural hazards and climate change h. Respectful of and integrated with the city's historic heritage i. Adaptable over time and responsive to their evolving, more intensive surrounding context. 	
UFD-07	Rural and Open Space Areas
Rural and open space areas are retained surrounding the urban area in the form a greenbelt which extends along the western and eastern hills, and along the eastern bays to the southern coast, that:	
<ul style="list-style-type: none"> a. Enables the ongoing primary production and active and passive recreation uses; and b. Protects the cultural, heritage, and natural values of these areas. 	
UFD-08	City Wide Network of Open Spaces
A city wide network of open spaces is maintained and enhanced which are valued for their:	
<ul style="list-style-type: none"> a. Active and passive recreation and community uses b. Cultural, heritage and natural values c. Resilience role in emergencies. 	

- (13) It is noted that a number of the objectives forming part of the PDP's Strategic Direction and referenced above inform the earthworks provisions but relate more directly to outstanding, significant and special areas, overlays and values. Therefore these objectives are also referenced and evaluated in the relevant s32 evaluation reports relating to those topics.

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3. Statutory and Policy Context

- (14) The following sections discuss the national, regional and local policy framework that provides the statutory and policy context for earthworks for the District Plan Review.

3.1. Resource Management Act 1991

- (15) Section 32(1)(a) of the RMA requires an evaluation report to examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act. The purpose and principles are set out in Part 2 (Sections 5 to 8) of the Act.

Section 5 - Purpose

- (16) The purpose of the RMA is set out in Section 5. The purpose is to promote the sustainable management of natural and physical resources.
- (17) Under s5(2) of the Act, *sustainable management* means:

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 - Matters of National Importance

- (18) Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the Act shall **recognise and provide for** in achieving the purpose of the RMA. The relevant s6 matters for earthworks are listed below.

Table 3: Section 6 of the RMA

Section	Relevant Matter
6(a)	<p><i>The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.</i></p> <p>Earthworks are a common component of development and the preservation of the natural character of the coastal environment, wetlands, lakes, and rivers could be impacted if earthworks are not managed appropriately.</p>
6(b)	<p><i>The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.</i></p> <p>Earthworks in outstanding features and landscapes can potentially result in visual effects which could impact the value of these areas if not managed appropriately.</p>

6(c)	<i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i> Earthworks in areas containing significant indigenous vegetation and habits could result in the loss of vegetation and/or the modification or destruction of habitats.
6(d)	<i>The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.</i> Earthworks can often be required to create, maintain, and enhance access tracks and roads, walking and cycling tracks along the coastal marine area and rivers.
6(e)	<i>The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</i> Earthworks have the potential to impact sites of significance and statutory acknowledgement areas.
6(f)	<i>The protection of historic heritage from inappropriate subdivision, use, and development.</i> Earthworks can potentially to impact historic heritage values of a place or site if not managed appropriately.
6(h)	<i>The management of significant risks from natural hazards.</i> Earthworks can be required to create flood mitigation measures and earthworks can also exacerbate flood hazards by changing ground levels, displacing flood waters, and obstructing overland flows and stream corridors. Earthworks can also impact slope stability and can increase risk of landslides if not managed appropriately.

Section 7 - Other Matters

- (19) Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall **have particular regard to** in achieving the purpose of the RMA. The relevant s7 matters for earthworks are:

Table 4: Section 7 of the RMA

Section	Relevant Matter
7(a)	<i>Kaitiakitanga</i>
7(aa)	<i>The ethic of stewardship</i>
7(c)	<i>The maintenance and enhancement of amenity values</i>
7(d)	<i>Intrinsic values of ecosystems</i>
7(f)	<i>Maintenance and enhancement of the quality of the environment</i>
7(i)	<i>The effects of climate change</i>
7(j)	<i>The benefits to be derived from the use and development of renewable energy.</i>

Section 8 - Treaty of Waitangi

- (20) Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the Act.
- (21) Council has engaged with Mana Whenua of Lower Hutt as part of the District Plan Review, including with representatives of Taranaki Whānui ki te Upoko o te Ika (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated and Te Rūnanga o Toa Rangatira Incorporated.
- (22) This engagement has demonstrated two key principles of the treaty, the first being the principle of partnership by, recognising and fostering mutual good faith with our existing iwi partnerships and continuing to provide the opportunities for tangata whenua to input meaningfully into the design of the Earthworks Chapter.
- (23) Secondly, the principle of active protection is another key aspect of the treaty principles demonstrated, as it seeks ways to deliver mixed and culturally dynamic communities in a sustainable way.

Section 31 - Functions of Territorial Authorities

- (24) Section 31 lists the functions of territorial authorities. The following are of relevance to the Earthworks chapter:
- The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (s31(1)(a)), and
 - The control of any actual or potential effects of the use, development, or protection of land (s31(1)(b)). This includes for the purpose of the avoidance or mitigation of natural hazards and maintenance of indigenous biological diversity.

Section 31 - Functions of Territorial Authorities under this Act

- (25) Section 31 lists the functions of territorial authorities. The following are of relevance to the Earthworks chapter:
- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*
- (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
- (i) *the avoidance or mitigation of natural hazards; and*
- (ii) *the maintenance of indigenous biological diversity.*
- (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.*

3.2. National Policy Statements

(26) Section 75(3)(a) of the RMA requires district plans to give effect to any national policy statement.

(27) The relevant objectives and policies of these national policy statements are discussed below.

New Zealand Coastal Policy Statement 2010 (NZCPS)

(28) Section 75(3)(b) of the RMA requires district plans to *give effect to* any New Zealand Coastal Policy Statement.

(29) The NZCPS sets out the objectives and policies in order to achieve the purpose of the RMA in relation to the coastal environment. The relevant objectives and policies of the NZCPS as they relate to earthworks are identified below.

Table 5: NZCPS

NZCPS	
Objective 2	<i>To preserve the natural character of the coastal environment and protect natural features and landscape values...</i>
Objective 6	<i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development...</i>
Policy 6	<i>Activities in the coastal environment</i> Gives direction on activities in the coastal environment, including visual effects and activities that may involve associated earthworks.
Policy 7	<i>Strategic planning</i> Gives direction on where, how, and when to provide for residential and urban development, and identifying inappropriate activities and provide protection from inappropriate subdivision, use, and development.
Policy 13	<i>Preservation of natural character</i> Gives direction to preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.
Policy 22	<i>Sedimentation</i> Gives direction to ensure that subdivision, use, or development will not result in increased sedimentation and that land use activities reduce sediment.
Policy 25	<i>Subdivision, use, and development in areas of coastal hazard risk</i> Gives direction on where land is subject to coastal hazards that redevelopment does not increase the risk of adverse effects from coastal hazards.

(30) The full wording of the relevant objectives and policies above is attached as Appendix 1 to this report.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

(31) The objective of the NPS-FM is:

to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future*

- (32) The NPS-FM does not directly address earthworks. However, the following policies are most relevant in relation to the integrated management of land use and freshwater, particularly given the effects development and subdivision can have on freshwater bodies.

Table 6: NPS-FM

NPS-FM	
Objective 1	<i>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</i> <i>(a) first, the health and well-being of water bodies and freshwater ecosystems;</i> <i>(b) second, the health needs of people (such as drinking water); and</i> <i>(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</i>
Policy 1	<i>Freshwater is managed in a way that gives effect to Te Mana o te Wai.</i>
Policy 3	<i>Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</i>
Policy 15	<i>Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.</i>

National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)

- (33) The objective of the NPS-REG is:

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.

- (34) The NPS-REG does not directly address earthworks. However, the following policies are relevant in relation to renewable electricity generation that may require earthworks to be undertaken in conjunction with the development and upgrading of renewable electricity generation.

Table 7: NPS-REG

NPS-REG	
Objective	<i>To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of</i>

	<i>New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.</i>
Policy C1	<p><i>Decision-makers shall have particular regard to the following matters:</i></p> <p><i>a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;</i></p> <p><i>b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;</i></p> <p><i>c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;</i></p> <p><i>d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and</i></p> <p><i>e) adaptive management measures.</i></p>
Policy F	<i>As part of giving effect to Policies E1 to E4, regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.</i>

National Policy Statement on Electricity Transmission 2008 (NPS-ET)

(35) The objective of the NPS-ET is:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and*
- managing the adverse effects of other activities on the network.*

(36) The policies of the NPS-ET do not specifically address earthworks. However, the following policies are relevant in relation to parts of the electricity transmission network that may require earthworks to be undertaken in conjunction with the upgrade of and/or establishment of new transmission infrastructure and assets.

Table 8: NPS-ET

NPS-ET	
Objective	<i>To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while</i>

	<ul style="list-style-type: none"> • <i>managing the adverse environmental effects of the network; and</i> • <i>managing the adverse effects of other activities on the network.</i>
Policy 2	<i>In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.</i>
Policy 4	<i>When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.</i>
Policy 5	<i>When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.</i>

National Policy Statement on Urban Development 2020 (NPS-UD)

- (37) The NPS-UD aims to support well-functioning urban environments to provide for current and future community well-being. Under the NPS-UD Hutt City is within a Tier 1 urban environment, where it requires RMA plans to provide opportunities for land development to meet housing and business needs, supported by adequate development capacity.
- (38) While the NPS-UD does not directly address earthworks, Policies 1 and 3 of the NPS-UD are of some relevance as they require planning decisions contribute to a well-functioning urban environment and to enable densities of urban form commensurate with housing and business demands. Earthworks are commonly associated with development.

National Policy Statement on Indigenous Biodiversity 2023 (NPS-IB)

- (39) The purpose of the NPS-IB is to provide direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPS-IB puts a strong focus on the involvement of tangata whenua as partners and on the engagement with people and communities, including landowners.
- (40) The NPS-IB does not directly address earthworks. However, it is relevant to the extent that it directs territorial authorities to:
- Identify significant natural areas and include them in their district plans (using criteria prescribed by the NPS), and
 - Manage the effects of new subdivision, use and development on the identified areas and indigenous biodiversity in general.
- (41) The prescribed management approach is to avoid the following adverse effects:
- The loss of ecosystem representation and extent;
 - The disruption to sequences, mosaics, or ecosystem function;
 - The fragmentation of SNAs or the loss of buffers or connections within an SNA;
 - A reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems; and

- A reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.
- (42) Any other adverse effects must be managed by applying the effects management hierarchy outlined in the NPS-IB.
- (43) The NPS-IB also requires the management of any adverse effects of new subdivision, use and development on indigenous biodiversity outside of SNA. Any significant adverse effects must be managed applying the effects management hierarchy and any other adverse effects must be managed to give effect to the objective and policies of the NPS-IB.

3.3. National Environmental Standards

- (44) National environmental standards are regulations made under s43 of the RMA, and effectively function like rules in a district or regional plan.
- (45) The following national environmental standards are relevant for earthworks.

NES for Electricity Transmission Activities 2009 (NES-ETA)

- (46) The NES-ETA set out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions to control the environmental effects.
- (47) The most relevant regulations pertain to earthworks relating to an existing transmission line to undertaking earthworks (Regulation 33). Earthworks are permitted activities subject to conditions and elevate to controlled where conditions are breached. There are specific regulations for earthworks relating to an existing transmission line where within a historic heritage area and on contaminated sites (Regulations 35, and 36, respectively), earthworks elevate to restricted discretionary activities where conditions are breached.

NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

- (48) The NES-CS is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.
- (49) The NES-CS addresses removing or replacing fuel storage systems, sampling soil, disturbing soil, and subdividing land, and changing land use. Of relevance to earthworks is regulation 3, which includes restrictions on the volume of soil disturbance, as well as instatement of the area and duration of works.

NES for Telecommunication Facilities 2016 (NES-TF)

- (50) The NES-TF aims to provide national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand while ensuring the effects on the environment are minimised and managed appropriately.
- (51) The most relevant regulation for earthworks is regulation 53 which manages earthworks associated with certain antennas.

NES for Freshwater 2020 (NES-FW)

- (52) The Freshwater NES set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. The NES-FW only covers functions of regional councils, not territorial authorities.
- (53) While the regulations do not deal with the functions of territorial authorities under the Act, it is noted there are regulations that pertain to undertaking earthworks within 10m of a natural inland wetland.

NES for Commercial Forestry 2023 (NES-CF)

- (54) The NES-CF provides a consistent set of regulations for commercial forestry activities. It provides for eight core commercial forestry activities subject to conditions to manage potential effects on the environment.
- (55) Regulation 6 of the NES-CF states that a rule in a District Plan may be more stringent than the regulations of the NES where it gives effect to the NPS-FM or certain policies of the NZCPS. Regulations 23 and 29 regulate earthworks and related setbacks.

3.4. National Planning Standards

- (56) Section 75(3)(ba) requires district plans to *give effect* to national planning standards.
- (57) The National Planning Standards definition of ‘earthworks’ is as follows: “means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.”
- (58) The National Planning Standards require that where earthworks provisions are addressed, they must be included in the Earthworks (EW) Chapter (except as outlined below) under the General District-Wide Matters heading in Part 2.

Table 9: National Planning Standards

Topic & unique identifier	Location in DP structure	Elements included under that topic	Elements addressed under other topic areas
Earthworks EW	Part 2 – District-Wide Matters General District-Wide Matters Earthworks	Provisions for managing earthworks. The Earthworks chapter may also include: (a) provisions for quarries and gravel extraction where managed on a district-wide basis; (b) provisions for mining where they are managed on a district-wide basis.	The Earthworks chapter must include cross-references to any relevant earthworks provisions under the Energy, infrastructure, and transport heading. The Earthworks chapter must include cross-references to any provisions for mining, quarries and or gravel extraction in a Special

Topic & unique identifier	Location in DP structure	Elements included under that topic	Elements addressed under other topic areas
			purpose zone or zone chapter or section.

3.5. Regional Policy Statement for the Wellington Region

- (59) Section 75(3)(c) of the RMA requires district plans to *give effect to* any regional policy statement.
- (60) The Regional Policy Statement for the Wellington Region ('the RPS') identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.
- (61) The relevant objectives and policies of the RPS for earthworks are identified below. The full wording of relevant provisions below is attached as Appendix 2 to this report.
- (62) Air quality is GWRC's responsibility, however section 3.1 has been included due to the direction GWRC gives to territorial authorities to include policies and rules that relates to dust, which is an effect often generated from earthworks activities.

Table 10: RPS

RPS	
Section 3.1 Air Quality	
Objective 1	<i>Discharges of odour, smoke, and dust to air do not adversely affect amenity values and people's wellbeing.</i>
Policy 1	<i>Odour, smoke, and dust</i>
Section 3.2 Coastal Environment	
Objective 3	<i>Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i>
Objective 4	<i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i>
Objective 6	<i>The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.</i>
Objective 7	<i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</i>
Objective 8	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced (objective 8 is shared for the coastal environment and fresh water).</i>
Policy 3	<i>Protecting high natural character in the coastal environment</i>
Policy 26	<i>Protecting outstanding natural features and landscape values</i>

RPS	
Policy 28	<i>Managing special amenity landscape values</i>
Policy 35	<i>Preserving the natural character of the coastal environment</i>
Policy 36	<i>Managing effects on natural character in the coastal environment</i>
Policy 41	<i>Minimising the effects of earthworks and vegetation disturbance</i>
Policy 42	<i>Minimising contamination in stormwater from development</i>
Section 3.4 Freshwater	
Objective 12	<i>The quantity and quality of fresh water: (a) meet the range of uses and values for which water is required; (b) safeguard the life supporting capacity of water bodies; and (c) meet the reasonably foreseeable needs of future generations.</i>
Policy 15	<i>Minimising the effects of earthworks and vegetation disturbance</i>
Policy 41	<i>Minimising the effects of earthworks and vegetation disturbance</i>
Policy 42	<i>Minimising contamination in stormwater from development</i>
Section 3.5 Historic Heritage	
Objective 15	<i>Historic heritage is identified and protected from inappropriate modification, use and development.</i>
Policy 22	<i>Protecting historic heritage values</i>
Policy 46	<i>Managing effects on historic heritage values</i>
Section 3.7 Indigenous Ecosystems	
Objective 16	<i>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</i>
Policy 24	<i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values</i>
Section 3.7 Landscape	
Objective 17	<i>The region's outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development.</i>
Objective 18	<i>The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.</i>
Policy 26	<i>Protecting outstanding natural features and landscape values</i>
Policy 28	<i>Managing special amenity landscape values</i>
Policy 50	<i>Managing effects on outstanding natural features and landscapes</i>
Section 3.8 Natural Hazards	
Objective 19	<i>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</i>

RPS	
Objective 21	<i>Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.</i>
Policy 51	<i>Minimising the risks and consequences of natural hazards</i>
Policy 29	<i>Avoiding inappropriate subdivision and development in areas at high risk from natural hazards</i>
Section 3.9 Regional Form, Design, and Function	
Objective 22	<p><i>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</i></p> <ul style="list-style-type: none"> <i>(a) a viable and vibrant regional central business district in Wellington city;</i> <i>(b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;</i> <i>(c) sufficient industrial-based employment locations or capacity to meet the region's needs;</i> <i>(d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;</i> <i>(e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;</i> <i>(f) strategically planned rural development;</i> <i>(g) a range of housing (including affordable housing);</i> <i>(h) integrated public open spaces;</i> <i>(i) integrated land use and transportation;</i> <i>(j) improved east-west transport linkages;</i> <i>(k) efficiently use existing infrastructure (including transport network infrastructure); and</i> <i>(l) essential social services to meet the region's needs.</i>
Policy 41	<i>Minimising the effects of earthworks and vegetation disturbance</i>
Policy 42	<i>Minimising contamination in stormwater from development</i>
Policy 56	<i>Managing development in rural areas</i>
Policy 58	<i>Co-ordinating land use with development and operation of infrastructure</i>
Section 3.9 Resource Management with Tangata Whenua	
Objective 24	<i>The principles of Te Tiriti o Waitangi are taken into account in a systematic way when resource management decisions are made.</i>
Objective 27	<i>Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.</i>

RPS	
Objective 28	<i>The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.</i>
Policy 48	<i>Principles of Te Tiriti o Waitangi</i>
Policy 49	<i>Recognising and providing for matters of significance to tangata whenua</i>
Section 3.11 Soil and Minerals	
Objective 29	<i>Land management practices do not accelerate soil erosion.</i>
Policy 15	<i>Minimising the effects of earthworks and vegetation disturbance</i>
Policy 41	<i>Minimising the effects of earthworks and vegetation disturbance</i>
Policy 68	<i>Minimising soil erosion</i>

(63) Earthworks is a district-wide chapter therefore many of the objectives and policies across a range of sections are of relevance and have been included for completeness. However the proposed provisions relating to coastal environment, indigenous ecosystems, landscape, historic heritage, and natural hazards, are addressed in the respective s32 reports for those chapters.

Proposed Change 1 to the RPS

(64) On 19 August 2022 Greater Wellington Regional Council notified Proposed RPS Change 1. Decisions on Proposed RPS Change 1 were notified in September 2024, some of which are subject to appeal under Schedule 1 of the RMA and some are operative, having progressed through the Freshwater Planning Process.

(65) The table below lists the changes which are relevant for earthworks as notified. Section 42A reports available at the time of writing this evaluation recommend changes to these provisions as notified. The full wording of relevant provisions below is attached as Appendix 2 to this report.

Table 11: RPS-PC1

RPS-PC1	
Policy 15	<p>Managing <i>Minimising the effects of earthworks and vegetation disturbance</i></p> <p><i>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to <u>minimise the extent necessary to achieve the target attribute states for water bodies and freshwater ecosystems including the effects of these activities on the life-supporting capacity of soils, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</u></i></p> <p>(a) erosion; and</p> <p>(b) silt and sediment runoff into water, or onto land that may enter water, aquatic ecosystem health is safeguarded.</p> <p>Explanation</p> <p><i>An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation</i></p>

	<p><i>disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts of silt and sediment to stormwater and water bodies. This policy is intended to minimise erosion and silt and sedimentation effects associated with these activities.</i></p> <p><i>Minimisation requires effects to be reduced to the extent reasonably achievable whilst recognising that erosion, siltation and sedimentation effects can not always be completely avoided.</i></p> <p><i>This policy is to ensure that Wellington Regional Council and district and city councils integrate the control of earthworks and vegetation disturbance in their regional and district plans. Method 31 is for Wellington Regional Council and city and district councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of the policy.</i></p> <p><i>Some activities, such as major road construction, are likely to require resource consents from both the regional council and city or district councils, which will work together to control the effects of the activity</i></p> <p><i>Vegetation disturbance includes harvesting plantation forestry.</i></p>
<p>Policy 41</p>	<p><u>Controlling</u> <i>Minimising the effects of earthworks and vegetation disturbance</i></p> <p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance by to minimise:</i></p> <p><i>(a) erosion; and</i></p> <p><i>(a) considering whether the activity will achieve environmental outcomes and target attribute states; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and</i></p> <p><i>(b) avoiding discharges to water bodies, and to land where it may enter a waterbody, where limits for suspended sediment are not met.</i></p> <p>Explanation</p> <p><i>An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts of silt and sediment to stormwater and water bodies. This policy is intended to minimise erosion and silt and sedimentation effects associated with these activities.</i></p> <p><i>Minimisation requires effects to be reduced to the extent reasonably achievable whilst recognising that erosion, siltation and sedimentation effects can not always be completely avoided.</i></p> <p><i>This policy provides for consideration of earthworks and vegetation disturbance to minimise erosion and sediment runoff prior to plan controls being adopted by</i></p>

<p><i>regional and district plans in accordance with policy 15. This policy shall cease to have effect once method 31 is implemented and policy 15 is given effect to in regional and district plans.</i></p> <p><i>Policies 15 and 41 are to ensure that Wellington Regional Council and district and city councils integrate the control earthworks and vegetation disturbance in their regional and district plans. Method 31 is for Wellington Regional Council and district and city councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of policies 15 and 41.</i></p> <p><i>Some activities — such as major road construction — are likely to require resource consents from both Wellington regional council and district or city councils, which will work together to control the effects of the activity.</i></p> <p><i>Vegetation disturbance includes harvesting plantation forestry.</i></p>
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3.6. Natural Resources Plan

- (66) Section 74(2)(a)(ii) of the RMA requires territorial authorities, when preparing or changing a district plan, to have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the Act.
- (67) The following provisions of the NRP are of relevance to earthworks. The full wording of relevant provisions below is attached as Appendix 3 to this report.

Table 12: NRP

NRP	
<i>Ki uta ki tai: Mountains to the sea</i>	
<i>Objective O1</i>	<i>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</i>
<i>Objective O2</i>	<i>The importance and contribution of air, land, water and ecosystems to the social, economic and cultural well-being and health of people and the community are recognised in the management of those resources.</i>
<i>Objective O3</i>	<i>Mauri particularly the mauri of fresh and coastal waters is sustained and, where it has been depleted, natural resources and processes are enhanced to replenish mauri.</i>
<i>Beneficial use and development</i>	
<i>Objective O8</i>	<i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i>
<i>Objective O10</i>	<i>Regionally Significant Infrastructure and renewable energy generation activities that meets the needs of present and future generations are enabled in appropriate places and ways.</i>
<i>Policy P6</i>	<i>Uses of land and water</i>
<i>Policy P16</i>	<i>Flood protection activities</i>
<i>Policy P17</i>	<i>New flood protection and erosion control</i>

Māori relationships	
Objective O12	<i>The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including: (d) Protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.</i>
Objective O13	<i>Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources.</i>
Policy P20	<i>Māori values</i>
Policy P21	<i>Exercise of kaitiakitanga</i>
Natural character, form, and function	
Objective O14	<i>The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.</i>
Policy P24	<i>Preserving and protecting natural character from inappropriate use and development</i>
Natural hazards	
Objective O16	<i>Inappropriate use and development in high hazard areas is avoided.</i>
Policy 25	<i>High Hazard Areas</i>
Policy P26	<i>Diversion of flood waters in a floodplain</i>
Sites with significant values	
Objective O26	<i>Outstanding natural features and landscapes and their values are protected from inappropriate use and development.</i>
Objective O27	<i>Significant historic heritage and its values are protected from inappropriate modification, use and development.</i>
Objective O28	<i>Ecosystems and habitats with significant indigenous biodiversity values are protected from the adverse effects of use and development, and where appropriate restored to a healthy functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</i>
Policy P48	<i>Managing adverse effects on sites with significant mana whenua values</i>
Policy P50	<i>Managing adverse effects on sites with significant historic heritage value</i>
Policy P52	<i>Protecting natural features and landscapes from inappropriate use and development</i>
Air quality	
Objective O32	<i>The adverse effects of odour, smoke and dust on amenity values and people's well-being are minimised.</i>

<i>Policy P58</i>	<i>Managing air quality</i>
Land and water quality - Stormwater	
<i>Policy P84</i>	<i>Managing land use impacts on stormwater</i>
Coastal Management	
<i>Policy P141</i>	<i>Public open space values and visual amenity</i>

(68) The following provides a summary of the relevant earthworks rules in the NRP:

- Rule R101: Earthworks – permitted activity. Up to 3,000m² per property per 12 month period, provided the following conditions are met:
 - soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and
 - earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and
 - any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving water [not reproduced here], and
 - earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
 - work areas are stabilised within six months after the completion of the earthworks.
- Rule R102: Construction of a new farm track – permitted activity. Up to 10,000m² per property per 12 month period provided the following conditions are met:
 - The side cutting height measured vertically is less than 2m, or over 2m for continuous length of no more than 150m, and
 - soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and
 - earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and
 - any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving water [not reproduced here], and
 - earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and
 - work areas must be stabilised as soon as reasonably practicable and until the work area is stabilised, erosion and sediment control measures shall be used where a preferential flow path connects with a surface water body or the coastal marine area.
- Rule R103: Construction of a new farm track – controlled activity. Where compliance with Rules R101 and R103 is not met, subject to meeting certain conditions.
- Rule R106: Earthworks and vegetation clearance for renewable energy generation – restricted discretionary activity, subject to meeting certain conditions.

- Rule R107: Earthworks and vegetation clearance – discretionary activity. Where not provided for under Rules R101, R102, R103, R104, R105, and R106.
- 5.4.2: Activities in wetlands general conditions: 5.4.2(h)(i) in relation to plantation forestry activities earthworks must not occur within 10m of a natural wetland.

3.7. Proposed Change 1 to the NRP

- (69) On 30 October 2023 Greater Wellington Regional Council notified Proposed Change 1 to the Natural Resources Plan (NRP PC1).
- (70) The purpose of NRP PC1 is the implementation of regulatory and non-regulatory recommendations from the Whaitua Implementation Programmes (Te Awarua-o-Porirua (TAoP) and Te Whanganui-a-Tara (TWT) Implementation Programmes). It also includes other regulatory amendments relating to air quality rules and beds of lakes and rivers rules and new sites with significant biodiversity values.
- (71) The most relevant amendments and additions of NRP PC1 are listed below. The full wording of relevant provisions below is attached as Appendix 3 to this report.

Table 13: NRP-PC1

NRP	
Chapter 2 - Interpretation	
Earthworks	<p><u>For Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua only:</u></p> <p><u>The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, ‘earthworks’ has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> <p><u>For all other whaitua:</u></p> <p>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.</p> <p>Earthworks do not include:</p> <p>(a) cultivation of the soil for the establishment of crops or pasture, and</p> <p>(b) the harvesting of crops, and</p> <p>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</p> <p>(d) the construction, repair, upgrade or maintenance of:</p> <p>(i) pipelines, and</p> <p>(ii) electricity lines and their support structures, including the National Grid, and</p> <p>(iii) telecommunication structures or lines, and</p>

	<p>(iv) radio communication structures, and</p> <p>(v) firebreaks or fence lines, and</p> <p>(vi) a bore or geotechnical investigation bore, and</p> <p>(e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and</p> <p>(f) maintenance of orchards and shelterbelts, and</p> <p>(g) domestic gardening, and</p> <p>(h) repair, sealing or resealing of a road, footpath, driveway, and</p> <p>(i) discharge of cleanfill material <u>to a cleanfill area.</u></p>
<u>Erosion and sediment management plan</u>	<p>(a) For plantation forestry, a plan prepared in compliance with Schedule 34 (forestry plan), or</p> <p>(b) For vegetation clearance on highest erosion risk land (woody vegetation) a plan prepared in compliance with Schedule 33 (vegetation clearance plan).</p>
Chapter 8 - Wellington Harbour and Hutt Valley Whaitua Te Whanganui-a-Tara	
<u>Objective WH.O2</u>	<u>The health and wellbeing of Te Whanganui-a-Tara's groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora...</u>
<u>Objective WH.O3</u>	<u>The health and wellbeing of coastal water quality, ecosystems and habitats in Te Whanganui-a-Tara is maintained or improved to achieve the coastal water objectives set out in Table 8.1...</u>
<u>Policy WH.P1</u>	<u>Improvement of aquatic ecosystem health</u>
<u>Policy WH.P2</u>	<u>Management of activities to achieve target attributable states and coastal water objectives</u>
<u>Policy WH.P23</u>	<u>Achieving reductions in sediment discharges from farming activities on land with high risk of erosion</u>
<u>Policy WH.P28</u>	<u>Achieving reductions in sediment discharges from plantation forestry</u>
<u>Policy WH.P29</u>	<u>Management of earthworks</u>
<u>Policy WH.P30</u>	<u>Discharge standards for earthworks</u>
<u>Policy WH.P31</u>	<u>Winter shutdown of earthworks</u>

(72) The following provides a summary of the relevant earthworks rules in the NRP-PC1.

- Introduction of two different definitions for earthworks; one applying for Whaitua Te Whanganui-a-Tara and Te-Awarua-o-Porirua Whaitua, and the other applying for all other Whaitua.
- Introduction of a definition for 'stabilisation' that only applies in Whaitua Te Whanganui-a-Tara and Te-Awarua-o-Porirua Whaitua.
- Rule WH.R20: Plantation forestry – controlled activity. Subject to meeting certain conditions.
- Rule WH.R21: Plantation forestry – discretionary activity. Where compliance with WH.R20 is not achieved.

- Rule WH.R22: Plantation forestry on highest erosion risk land – prohibited activity.
- Rule WH.R23: Earthworks – permitted activity. Earthworks are permitted provided the following conditions are met:
 - the earthworks are to implement an action in the erosion risk treatment plan for the farm, or
 - the earthworks are to implement an action in the farm environment plan for the farm, or
 - the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and
 - the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and
 - soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and
 - the area of earthworks must be stabilised within six months after completion of the earthworks, and
 - there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and
 - erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.
- Rule WH.R24: Earthworks – restricted discretionary activity. Where compliance is not achieved with WH.R23 and certain conditions under WH.R24 are met.
- Rule WH.R25: Earthworks – non-complying activity. Where compliance is not achieved with WH.R24.
- Rule P.R21: Plantation forestry – controlled activity. Subject to meeting certain conditions.
- Rule WH.R21: Plantation forestry – discretionary activity. Where compliance with P.R19 is not achieved.
- Rule WH.R22: Plantation forestry on highest erosion risk land – prohibited activity.
- Rule P.R22: Earthworks – permitted activity. Earthworks are permitted provided the following conditions are met:
 - the earthworks are to implement an action in the erosion risk treatment plan for the farm, or
 - the earthworks are to implement an action in the farm environment plan for the farm, or
 - the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and
 - the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and

- soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and
 - the area of earthworks must be stabilised within six months after completion of the earthworks, and
 - there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and
 - erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.
- Rule P.R23: Earthworks – restricted discretionary activity. Where compliance is not achieved with P.R22 and certain conditions under P.R23 are met.
 - Rule P.R24: Earthworks – non-complying activity. Where compliance is not achieved with P.R23.
 - Rules R101, R102, R103, R104, R106, R107 do not apply to Whaitua Te Whanganui-a-Tara and Te-Awarua-o-Porirua Whaitua.

3.8. Iwi Management Plans

- (73) Section 74(2A) requires territorial authorities, when preparing or changing a district plan, to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (74) No Iwi Management Plans have been lodged with Hutt City Council.

3.9. Hutt City Council Plans, Policies and Strategies

- (75) Section 74(2)(b)(i) of the RMA requires that when preparing or changing a District Plan, a territorial authority shall have regard to any management plans and strategies prepared under other Acts.
- (76) In addition, there are other plans, policies and strategies of Council that, while not directly prepared under a specific Act, should be considered as part of the District Plan Review as they set Council's intentions on some matters that need to be addressed through the District Plan Review.
- (77) Following a review of Council's plans, policies and strategies, none are directly relevant to earthworks.

3.10. District Plans of Adjacent Territorial Authorities

- (78) Section 74(2)(c) of the RMA requires territorial authorities, when preparing or changing a district plan, to *have regard to* the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (79) The relevance of the district plans of these adjacent councils are discussed below.

Table 14: District Plans of Adjacent Territorial Authorities

Plan	Relevant Provisions
Wellington City Council (WCC) - Proposed District Plan 2024 Council Decisions Version	<ul style="list-style-type: none"> • Proposed District Plan was notified on 18 July 2022 and the Council Decisions Version was notified on 5 April 2024. • It contains an Earthworks chapter. The WCC Earthworks chapter does not include provisions relating to Quarry Zone, INF chapter, and Airport Zone. • Various non-notification clauses are included. • Key permitted activity standards address earthworks area, cut and fill heights, slope angle, transportation of material, dust, site reinstatement, and height of structures that retain slips/stabilise landslips. Overlays have specific standards.
Porirua City Council (PCC) - Proposed District Plan 2024 Council Decisions Version	<ul style="list-style-type: none"> • Proposed District Plan was notified on 28 August 2022 and the Decisions Version was notified on 7 December 2023. It is currently in the appeals stage. • It contains an Earthworks chapter. In addition to this, earthworks provisions as they relate to overlays and identified sites are also located in other chapters. • Various non-notification clauses are included. • Key permitted activity standards address earthworks area, height, location, and slope, transportation of material, site reinstatement, and silt and sediment retention. Overlays have specific earthworks standards. • The appeal period has closed, and appeals are currently with the Environment Court. There are some appeals that relate to earthworks, including: <ul style="list-style-type: none"> - Earthworks provisions in the Infrastructure chapter - Seeking a non-notification clause is included in the Earthworks chapter. - Provisions in the Earthworks chapter as they relate to earthworks in the National Grid Yard.
Upper Hutt City Council (UHCC) - Operative District Plan, and Plan Change 47	<ul style="list-style-type: none"> • Operative District Plan 2023 • It contains an Earthworks chapter. • Key permitted activity standards in the ODP address earthworks area, cut and fill heights, slope angle, silt, sediment and stormwater controls, site reinstatement, being in accordance the Council's Code of Practice, not being within 10m of any waterbody or within the 1:100 year flood extent. Other standards apply to specific overlay areas. • Plan Change 47 - Natural Hazards is not yet operative; however, new rules and requirements are proposed for earthworks within the High Slope Hazard Overlay. The (proposed) starting point for earthworks to create a building platform in the High Slope Hazard overlay is Restricted Discretionary Activity and a geotechnical assessment is required.
Wairarapa Combined	<ul style="list-style-type: none"> • Operative District Plan 2011 <ul style="list-style-type: none"> ○ It does not contain a specific Earthworks (EW) Chapter.

District Plan - Operative District Plan and Proposed District Plan	<ul style="list-style-type: none"> ○ Specific rules for earthworks in Outstanding Landscapes, Significant Waterbodies, in the Coastal Environment Management Area where within the Rural Zone, in the Foreshore Protection Area, and in Flood Hazard and Erosion Hazard Areas. For contaminated sites, earthworks is a matter of discretion. No zone-wide rules. ● Proposed Wairarapa Combined District Plan was notified on 11 October 2023. <ul style="list-style-type: none"> ○ It does not contain a separate Earthworks (EW) chapter. ○ Earthworks provisions/references are included in various chapters, such as the Natural Features and Landscapes, Natural Character, Sites and Areas of Significance to Māori, Notable Trees, Natural Hazards, Network Utilities, Coastal Environment, Subdivision (matters of discretion only, no rules per se).
Kāpiti Coast District Council (KCDC) - Operative District Plan	<ul style="list-style-type: none"> ● Operative District Plan 2021 ● It contains an Earthworks chapter. In addition to this, earthworks provisions as they relate to overlays and identified sites are also located in other chapters. ● Key permitted activity standards address slope angle, within 20m of water body, volume limits, cut and fill height, erosion, silt, sediment. Other standards apply to extractive industries and some overlays.

(80) The following table provides a comparison of the types of permitted activities in the abovementioned district plans. Note: these only include standards which can be universally applied and do not include specific overlays that are in one council's District Plan and not another's.

Note: SWDC does not have any earthworks standards and there are no zone-wide rules, so in order to provide a comparison the permitted activity rules in certain overlays have been included in this table (whereas the other councils have rules excluded, except where included for context).

Table 15: Earthworks Standards in District Plans of Adjacent Territorial Authorities

Standard	WCC	PCC	UHCC	SWDC	KCDC
Area or volume	EW-S1: up to 250m ² in a 12 month period.	EW-S1: Either 250m ² ¹ or 400m ² ² or 500m ² ³ , or 1,000m ² ⁴ in any 12 month period.	EW-S3: 150m ² in a 12 month period.		EW-R2(2) - standard: Either 50m ³ ⁵ or 100m ³ ⁶

¹ In residential, settlement, and neighbourhood centre zones.

² In local centre, large format retail, mixed use, metropolitan, general industrial, and hospital zones.

³ In Open space and sport and active recreation zones.

⁴ In rural, special purpose, future urban, or Māori purpose zones.

⁵ All zones except Rural zone.

⁶ Rural zones.

Standard	WCC	PCC	UHCC	SWDC	KCDC
		INF-S15: Certain activities have limits but otherwise are the same as EW-S1 where associated with infrastructure.			
Cut height and fill depth	EW-S2: maximum 2.5m ⁷ or 1.5m ⁸ .	EW-S2: 1.5m ⁹ cut and fill, not be within 1m of a site boundary, or 2.5m where retained. INF-S14: 1.5m and not within 1m of a site boundary (where associated with infrastructure).	EW-S1: 1.5m cut and 0.5m fill for all zones except ones below. 1.5m cut and 1.5m fill for rural zones, open space, and development areas 2 and 3.		EW-R2(2)(c) – standard: 1m. EW-R2(3): 1.5m where the earthworks are associated with permitted telecommunications and radio facilities.
Existing slope angle	EW-S3: 34°	EW-S2 and INF-S14: 34°	EW-S4: 28°		EW-R2(1)(a)) - standard: 28°
Transport of cut or fill material	EW-S4: 2,000m ³ in Future Urban Zone, City Centre, Centres, Mixed use and General industrial zones 200m ³ in all other zones.	EW-S3: 200m ³			
Dust management	EW-S5: Earthworks shall not create dust nuisance.				
Site reinstatement	EW-S6: As soon as practicable, but no later than three months.	EW-S4 and INF-S14: As soon as practicable, but no later than three months.	EW-S7: applies only when earthworks are not being worked on for		

⁷ Where any cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing).

⁸ Where a. does not apply and the cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground), when that distance is measured on a horizontal plan.

⁹ Earthworks with a cut height or fill depth no greater than 2.5m measured vertically, where it is retained by a building or structure authorised by a building consent obtained prior to any earthworks commencing

Standard	WCC	PCC	UHCC	SWDC	KCDC
			three months or more.		
Height of structures used to retain or stabilise landslips	EW-S7: 2.5m maximum.				
Cut height and fill depth associated with the construction or maintenance of tracks	EW-S8 in General Rural Zone): 2.5m maximum and The cut height and fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground), when that distance is measured on a horizontal plane.	INF-S14: 1.8m (where associated with infrastructure on public land other than a road and undertaken by PCC, GWRC, DoC, or a nominated contractor or agent). INF-S17: 1.5m or 1.8m (where located in an ONFL, SAL, or Coastal High Natural Character Area and associated with infrastructure and undertaken by PCC, GWRC, DoC, or a nominated contractor or agent).			GRUZ-R4, RPROZ-R4, RLZ-R4, FUZ-R4: 6m and needs to be ancillary to permitted farming activities. Note: this does not apply where within a ONFL.
Track width associated with the construction or maintenance of walking and cycling tracks	EW-S9 (in Open Space and Recreation Zones): 1.5m maximum width.	INF-S17: 2.5m (where associated with infrastructure and undertaken by PCC, GWRC, DoC, or a nominated contractor or agent).			Maintenance of cycle and walking tracks is permitted where not within legal road.
Cultural and Heritage sites (heritage building,	EW-S10: 10m ² in a 12 month period. 10m ³ in	INF-S16: (where associated with infrastructure) 600mm and			EW-R2(6)-standard: Accidental discovery

Standard	WCC	PCC	UHCC	SWDC	KCDC
<p>heritage structure, heritage area, or site and site of significance to Māori (SASM))</p> <p>Earthworks on the site of heritage building, heritage structures or on a site within a heritage area</p>	<p>a 12 month period.</p> <p><i>Note this standard does not include SASM.</i></p>	<p>must be located directly above existing infrastructure or within 200mm either side.</p> <p><i>Note this standard is for historic heritage more broadly and SASM.</i></p> <p>There are rules, not standards, (HH-R4 and SASM-R3), that permits earthworks on certain heritage items, groups, and schedule, and SASMs where associated with burials in an existing cemetery or urupā.</p>			<p>protocol is to be followed for a waahi tapu or cultural site.</p>
<p>High coastal natural character within the Coastal Environment</p> <p>OR</p> <p>Coastal Environment Management Area (SWDC)</p>	<p>EW-S11 : 1.5m maximum and 100m² in a five year period.</p>	<p>INF-S17: 1m and 50m² in a five year period (where associated with infrastructure).</p> <p>CE-S1: 50m² within a five year period and exposed areas must be treated and screened as soon as practical, but no later than three months.</p>		<p>21.1.7(c) ODP: Earthworks in the Coastal Environment Management Area where within the Rural Zone must not exceed:</p> <ul style="list-style-type: none"> - sites less than 20ha: 1.5m cut/fill and where this is exceeded earthworks shall not exceed 3m and a distance of 20m. - sites greater than 20ha: 3m cut/fill and where this is 	

Standard	WCC	PCC	UHCC	SWDC	KCDC
				exceeded earthworks shall not exceed 4.5m and a distance of 500m.	
Natural character		NATC-S1: 25m ² in a 12 month period and 0.5m maximum cut/fill.			
Coastal or riparian margins	EW-S12: 10m ² in a 12 month period. 10m ³ in a 12 month period.	NATC-S1: 25m ² in a 12 month period and 0.5m maximum cut/fill (within 20m CMA or 20/5m from streams depending on size) INF-S15: 25m ² (where associated with infrastructure).			
Outstanding natural features and landscapes (ONFL); special amenity landscapes (SAL)	EW-S13: 1.5m maximum and in a five year period: 100m ² in a ONFL, 200m ² in a SAL.	INF-S17: 1m and 50m ² in a ONFL, 350m ² in a SAL, and 250m ² in a SAL that is within the General Rural Zone (where associated with infrastructure). NFL-S1: 1m maximum cut/fill and within a five year period, not exceed 50m ² in a ONFL, 350m ² in a SAL, and have all exposed faces treated and screened (excluding earthworks for construction, maintenance and upgrading of		21.1.4(a)(i) (ODP) Outstanding landscapes: 100m ³ in a 12 month period.	EW-R4 – standard: Same slope and proximity to waterbodies apply, and 1m vertical alteration (as per EW-R3). 50m ³ per site in a five year period in all zones except rural and 100m ³ per site in a five year period where within rural zones.

Standard	WCC	PCC	UHCC	SWDC	KCDC
		public cycling or walking track).			
National Grid Yard / Transmission Lines	<p>Not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.</p> <p>Not result in vehicular access to a National Grid support structure being permanently obstructed.</p> <p>Not compromise the stability of the National Grid Support Structure.</p>	<p>PCC does not address this via a standard but instead via a rule (INF-R25), being, earthworks do not:</p> <p>Exceed 300mm in depth within 6m of the outer visible edge of a tower support structure;</p> <p>Exceed 3m in depth between 6m and 12m of the outer visible edge of a tower support structure; and</p> <p>Result in a reduction of the existing conductor clearance distances</p>	<p>EW-S10: Earthworks shall not exceed:</p> <p>300mm within 6m of outer visible edge of tower support structure;</p> <p>3m between 6m and 12m of outer visible edge of tower support structure;</p> <p>Create an unstable batter; or</p> <p>Result in a reduction of the existing conductor clearance distances.</p>		
Gas Transmission Pipeline Corridor	EW-S16: disturbance of earth 400mm maximum.	PCC does not address this via a standard but instead via a rule (INF-R25), being: earthworks not exceeding 400mm.			
Proximity to waterbodies		INF-S14: 5m (earthworks associated with infrastructure)	EW-S5: 10m.	21.1.9(a): within 25m of a significant waterbody earthworks can only be for maintenance of drains, fence, man-made dams, access tracks, roads,	EW-R2(1)(b) – standard: 20m including wetlands and coastal water.

Standard	WCC	PCC	UHCC	SWDC	KCDC
				and approaches to culverts.	
Standard cross referencing to a Code of Practice (CoP)	N/A		EW-S8: works to be in accordance with UHCC's CoP.		
Stormwater controls	N/A		EW-S9: Control and manage stormwater.		EW-R2(5): isolating surface runoff, minimising silt and sediment, installing erosion and sediment control measures.
Silt and sediment controls	N/A	EW-S5 and INF-S14: retain silt and sediment on site, install silt and sediment devices.	EW-S6: Implement sediment retention and run-off controls.		EW-R2(5): isolating surface runoff, minimising silt and sediment, installing erosion and sediment control measures.
Significant Natural Areas	Note: WCC does not have a standard, but addresses earthworks in SNAs via EW-R6.	INF: S20: Earthworks are allowed provide no more than 20m ² of indigenous vegetation is removed in a 12 month period. PCC also has a Rule for earthworks in a SNA subject to vegetation removal compliance and not a significant habitat for lizards.	N/A		
Notable trees	No permitted activity standard, starting point is	TREE-S1: 1m ² and directional drilling must be undertaken at a depth of 1m or			

Standard	WCC	PCC	UHCC	SWDC	KCDC
	Discretionary Activity.	greater when within the root protection area of a notable tree.			
Foreshore protection area	N/A	N/A	N/A	21.1.18(a)(iv) (ODP): 0.5m where earthworks are associated with the construction and maintenance of a fence.	
Flooding	Addressed via specific rules	Addressed via specific rules	Addressed via specific rules	21.1.20(a)(ii) (ODP): 20m ³ within a 12m month period in a flood hazard area or erosion hazard area.	Addressed via specific rules.

Notes: UHCC has specific earthworks standards where a site is within Pinehaven or Mangaroa Flood Hazard Extents.

3.11. Other Statutory and Non-statutory Plans, Policies and Strategies

- (81) In addition to the above there are regional and national plans, policies and strategies that, while not mandatory considerations for the District Plan Review, should still be considered as they form part of the management regime for natural and physical resources in the district, and considering these documents can aid integrated management.
- (82) The following other statutory and non-statutory plans, policies and strategies are relevant for earthworks:

Table 16: Other Plans, Policies and Strategies

Plan / Policy / Strategy	Relevant Provisions
GWRC Erosion and Sediment Control Guideline for Land Disturbing Activities in the Wellington Region (2021)	This is non-statutory guideline and it provides technical guidance for the selection, design and use of erosion and sediment control practices and measures for land disturbing activities in the Wellington context. It relates to disturbance of soil/ground for types of activities, including quarrying. The intended audience is for those who construct, operate, and maintain erosion and sediment controls and is also useful for Councils, developers, and households involved in earthworks activities.

<p>GWRC Small Earthworks - Erosion and Sediment Controls for Small Sites (2006)</p>	<p>This is non-statutory guideline and relates to earthworks on small sites, but it is referred to in Chapter 11 - Subdivision as a relevant matter to consider for Standard and Terms on Controlled Activity subdivisions and as a matter of discretion for Restricted Activity subdivisions which involve earthworks. It advises how to minimise erosion and soil loss when completing small scale vegetation clearance, earthworks or construction projects. It includes principles on how to effectively control erosion and soil loss and describes how such principles can be applied.</p>
<p>GWRC Hutt River Floodplain Management Plan (2001)</p>	<p>This is a non-statutory document for managing and implementing programmes that will gradually reduce the effects of flooding from the Hutt River. Section 14I 1.4 of the ODP refers to this document in the ‘explanation and reasons’ section for primary and secondary river corridors and that the outcomes of this document are relevant and should be taken into account in any assessment of effects.</p> <p>The Plan is a foundation for implementing structural and non-structural measures. A non-structural measures “deal with the residual risk of flooding by improving community resilience against the flood hazard and helping people to avoid the flooding problem to start with.” Of relevance to this chapter is:</p> <p>Land use: through policies and rules in district plans or voluntary actions that deal with constructing buildings and structures, doing earthworks and using land in a wise manner.</p> <p>The principles relating to earthworks includes:</p> <ul style="list-style-type: none"> • River Corridor and Higher-risk Floodplain Hazard Areas. • No Adverse Flood Hazard Effects Caused • Earthworks, including filling and excavation, will be required to avoid or mitigate adverse flood hazard effects. • The setback distance from flood defences, the volume, dimensions and timing of earthworks, and the potential for cumulative effects will determine whether the effects are likely to be minor.
<p>NZS 4431 1989 - Code of Practice for Earth Fill for Residential Development</p>	<p>The District Plan (via Chapter 11- Subdivision) refers to Part 2 of this document via the Standards and Terms for Controlled Activity subdivision and via the matters of discretion for Restricted Discretionary Activity subdivision as there is the overlap with earthworks in Chapter 11. The District Plan will consider the degree of compliance with this standard as part of a resource consent application involving earthworks.</p>
<p>NZS 4404:2004 - Land Development and Subdivision Engineering</p>	<p>The District Plan (via Chapter 11- Subdivision) refers to Part 2 of this document via the Standards and Terms for Controlled Activity subdivision and via the matters of discretion for Restricted Discretionary Activity subdivision as there is the overlap with earthworks in Chapter 11. Part 2 of NZS 4404:2004 specifies earthworks and geotechnical requirements and the District Plan will consider the degree of compliance with this standard as part of a resource consent application involving earthworks.</p>

3.12. Other Legislation or Regulations

- (83) In addition to the RMA, other legislation and regulations can be relevant considerations for a district plan, particularly where management of an issue is addressed through multiple pieces of legislation and regulatory bodies.
- (84) The following other legislation and regulations are relevant for earthworks:

Table 17: Other Legislation

Legislation / Regulation	Relevant Matter
Building Act 2004	The Building Consent process manages potential effects of land instability and loading resulting from a proposed building, structure, and associated earthworks.
Reserves Act 1977	Section 3 of the Reserves Act 1977 sets out three main functions as part of the Act's general purpose which includes "the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas." The Reserves Act requires the preparation of reserve management plans which govern in a detailed manner what can and cannot be carried out in the City's reserves. While the Reserves Act ultimately determines the types of uses appropriate for reserve areas that are classified under the Act, the RMA governs environmental policy and management, minimising the adverse effects of use and development, which can include earthworks.

3.13. Statutory Acknowledgements

- (85) The District Plan contains, as an addendum, the relevant provisions and statutory acknowledgement areas as identified by the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 and the Ngati Toa Rangatira Claims Settlement Act 2014. The information provided in the addendum is for the purpose of public information only and does not form part of the District Plan.
- (86) A statutory acknowledgement is a formal acknowledgement by the Crown of the mana of tangata whenua over a specified area. It recognises the particular cultural, spiritual, historical and traditional association of an iwi with the site, which is identified as a statutory area.

Table 18: Statutory Areas

Statutory Area	Location
Taranaki Whānui ki Te Upoko o Te Ika - Port Nicholson Block	
COASTAL MARINE AREA	As shown on SO 408070
HUTT RIVER	As shown on SO 408071
WAIWHETU STREAM	As shown on SO 408072
WELLINGTON HARBOUR	As shown on SO 408073
RIVERSIDE DRIVE MARGINAL STRIP	As shown on SO 408074
SEAVIEW MARGINAL STRIP	As shown on SO 408075
RIMUTAKA FOREST PARK	As shown on SO 408079

WAINUIOMATA SCENIC RESERVE	As shown on SO 408080
TURAKIRAE HEAD SCIENTIFIC RESERVE	As shown on SO 408081
Ngati Toa Rangatira	
HUTT RIVER AND ITS TRIBUTARIES	As shown on Deed Plan OTS-068-45
COOK STRAIT	As shown on Deed Plan OTS-068-38
WELLINGTON HARBOUR (PORT NICHOLSON)	As shown on Deed Plan OTS-068-40

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4. Resource Management Issues Analysis

4.1. Introduction

- (87) Earthworks play an essential part in providing for new land use, subdivision and development, including the preparation of building platforms, construction of new roads and accesses, and trenching for new services. Earthworks are also an essential part of the operation of quarries, cleanfills, and landfills.
- (88) Earthworks are a district-wide matter and apply in all zones in the city. Earthworks are often a pre-requisite for enabling development and uses/activities. There are some activities which are excluded from the definition of earthworks, as per the National Planning Standards.

4.2. Evidence Base – Research, Information and Analysis

- (89) The Council has reviewed the ODP, commissioned technical advice and assistance from various internal and external experts and utilised this review and expert advice, along with internal workshops and community feedback, to assist with developing the proposed District Plan, including for the identification of resource management issues
- (90) Key aspects of this for earthworks have included an evaluation of the review of the approach of the operative District Plan, reviews of district plans of other councils in the Wellington region, a review of relevant guidance documents, and engagement with Mana Whenua, the community and other stakeholders.
- (91) This expert advice received relating to earthworks includes the following:

Table 19: Expert Advice

Title	Author	Brief synopsis
Slope Failure Susceptibility Assessment (2021)	WSP	<p>This report provides a technical assessment of slope failure susceptibility across the district. The objective is to enhance understanding of slope failure susceptibility in the Hutt City district, in order to inform Council decisions on controls on development, to ensure that development activities do not exacerbate or are not impacted by these hazards. This study represents a district-wide appraisal of slope failure susceptibility.</p> <p>The report is largely of relevance to the NH chapter. The report does mention earthworks and that where there is a higher slope failure susceptibility, limits on earthworks should be imposed to minimise alteration of existing slopes that can lead to exacerbated slope failure risks. The report states that this is because these activities can further increase slope failure susceptibility.</p>

Existing approach of City of Lower Hutt District Plan

- (92) The ODP currently contains an Earthworks chapter. In addition to this, earthworks requirements are also included in Subdivision Chapter.
- (93) The key provisions in the ODP of relevance to this topic are summarised below.

Table 20: HCC Operative District Plan

Topic / Chapter	Summary of relevant provisions
Chapter 3 Definitions	Earthworks - Any modification of land associated with subdivision or development, including excavating and filling, removing and replacing soil, contouring, cutting, levelling, deposition of cleanfill, and road, driveway, and access construction.
Chapters 14I and 11 (exemptions)	<p>Chapter 14I</p> <p>These provisions shall not apply to the following:</p> <ul style="list-style-type: none"> (i) Earthworks associated with the establishment of network utilities in accordance with Chapter 13 - Network Utilities, including the National Grid. (ii) Earthworks carried out as part of a subdivision consent under Chapter 11. (iii) Earthworks in the River Recreation Activity Area for the purposes of the management of any river or stream in accordance with Chapter 7C - River Recreation Activity Area. (iv) Earthworks associated with extraction activities in Chapter 6D - Extraction Activity Area. <p>Chapter 11</p> <p>11.2.2.1(3) which are standard and terms for a Controlled Activity subdivision, states the below:</p> <p><i>Exemption: The standards in Rules 14I 2.1.1 (a) and (b) shall not apply to trenching carried out as part of the subdivision.</i></p>
Chapter 14I Issues	<p>Natural Character - Earthworks can cause unnecessary scarring of the landscape, and alterations to the natural topography. This can significantly alter the natural character of the City's landscape. It is important that earthworks are managed to avoid, remedy or mitigate adverse effects upon the natural topography.</p> <p>Amenity, Cultural and Historical Values - Unnecessary scarring of the landscape, removal of vegetation and alteration of the natural topography can affect adversely visual amenity values, historical and cultural values. Earthworks will be managed to ensure such values are maintained.</p> <p>Essential Works - Some earthworks are necessary for the provision of services essential to the health and safety of the community; in particular those associated with the management of a river or stream to avoid, remedy or mitigate a flood event. It is necessary to ensure that opportunity for such works is provided for in the Plan.</p> <p>Primary and Secondary River Corridors - Earthworks can adversely affect flood protection structures in the Primary and Secondary River Corridors of the Hutt River. It is therefore necessary that these adverse effects are avoided or mitigated.</p>

Topic / Chapter	Summary of relevant provisions
Chapter 14l Objective	<p>Natural Character - To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape</p> <p>Amenity, Cultural and Historical Values - To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.</p> <p>Essential Works - To ensure that provision is made for earthworks to be carried out for services which are essential to the health and safety of the community.</p> <p>Primary and Secondary River Corridors - To ensure earthworks in the Primary or Secondary River Corridor of the Hutt River do not affect adversely flood protection structures.</p>
Chapter 14l Policies	<p><i>Natural Character</i></p> <p>(a) To ensure that earthworks are designed to be sympathetic to the natural topography.</p> <p>(b) To protect significant escarpments, steep hillside areas, and the coastal area by ensuring that earthworks are designed to retain the existing topography, protect natural features, and prevent erosion and slips.</p> <p><i>Amenity, Cultural and Historical Values</i></p> <p>(a) To protect the visual amenity values of land which provides a visual backdrop to the City.</p> <p>(b) That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values.</p> <p>(c) To protect any sites with historical significance from inappropriate earthworks.</p> <p>(d) To recognise the importance of cultural and spiritual values to the mana whenua associated with any cultural material that may be disinterred through earthworks and to ensure that these values are protected from inappropriate earthworks.</p> <p><i>Essential Works</i></p> <p>(a) To provide for essential earthworks to be carried out which are necessary for the management of any stream or river.</p> <p><i>Primary and Secondary River Corridors</i></p> <p>(a) To ensure that earthworks in the Primary or Secondary River Corridor have no more than minor adverse effects on flood protection structures.</p>
Chapter 14l Rules	<p><i>Permitted Activity</i></p> <p>(a) Earthworks in all activity 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.</p>

Topic / Chapter	Summary of relevant provisions
	<p><i>(b) Baring Head, Pt 1A2 Parangarahu, earthworks for the purpose of creating a building platform as shown on Appendix Earthworks 2.</i></p> <p><i>Permitted activity conditions:</i></p> <ul style="list-style-type: none"> • <i>Ground level: not altered by more than 1.2m measured vertically.</i> • <i>Quantity: maximum volume of 50m³.</i> • <i>Baring Head, Pt 1A2 Parangarahu, as shown on Appendix Earthworks 2, any earthworks must be limited to the immediate area of the building platforms.</i> • <i>In the Primary and Secondary River Corridors, earthworks must be a minimum distance of 20m from a flood protection structure.</i> <p><i>Restricted Discretionary Activities</i></p> <p><i>(a) In all activity areas except Special Recreation Activity Area, Passive Recreation Activity Area, Hill Residential Activity Area, and the Landscape Protection Residential Activity Area, earthworks which fail to comply with any of the Permitted Activity Conditions.</i></p> <p><i>(b) In the Special Recreation, Passive Recreation, Hill Residential and Landscape Protection Residential Activity Areas and in Maire Street, Eastbourne, Lot 4 DP 14002 as shown on Appendix Earthworks 1, all earthworks.</i></p> <p><i>Discretionary Activities</i></p> <p><i>On 2/76 Normandale Road, Pt Lot 1 DP 7984, any earthworks in that part of the site identified to the north and east of the stream, as shown on Appendix Earthworks 3.</i></p>

Analysis of other District Plans

- (94) The approach of the district plans of other territorial authorities in the Wellington region are outlined in Section 3.10 above.
- (95) In summary all District Plans in the Wellington region contain an Earthworks chapter except for South Wairarapa District Council (the Wairarapa Combined District Plan). These district plans share a similar structure, but there are nuances between plans where some earthworks provisions are located in other chapters. The proposed District Plan's format is more akin to the District Plans of Wellington City and Upper Hutt City in that the majority of provisions are located in the Earthworks chapter. The Kāpiti Coast District Plan and Porirua City Proposed District Plan utilise other chapters to contain specific earthwork provisions as they relate to overlays and identified sites.

National Guidance Documents

- (96) There are no relevant national guidance documents relating to earthworks, however regard has been had to Quality Planning's 'Management Effects of Earthworks' in preparing this chapter, where relevant.

Advice from mana whenua

- (97) Council has engaged with mana whenua on the district plan review through the Kāhui Mana Whenua engagement group. Mana whenua have provided advice on the sites and areas that are of significance to them. The values associated with these sites and areas have potential to be impacted by earthworks.

Feedback on the Draft District Plan

- (98) In late 2023 the Draft District Plan (DDP) was released for public feedback. The feedback and suggestions received were taken into consideration and informed the proposed provisions. A number of comments were received that related to earthworks and the proposed provisions. There was a range of feedback received on the earthworks provisions, with some requesting more restrictive provisions, some requesting more permissive provisions, and others seeking clarification on the provisions. Where supported, the feedback has been carried through to the proposed District Plan.

4.3. Summary of issues analysis

- (99) Based on the research, analysis and consultation outlined above the following issues have been identified:

Table 22: Resource Management Issues

Issue	Comment	Response
Issue 1 Effects of earthworks on amenity values	<ul style="list-style-type: none"> • Earthworks have the potential to adversely affect the amenity values of the environment and neighbouring sites. These include: <ul style="list-style-type: none"> ○ Visual amenity effects and scarring. ○ Adverse effects on natural landforms. ○ Dust, silt, and sedimentation entering adjacent properties and the stormwater system if not managed and mitigated. ○ Noise. ○ Effects on the roading network from transportation of material. 	<ul style="list-style-type: none"> • Inclusion of targeted policies and rules which address and manage the effects of earthworks on amenity values. • Introduction of an integrated approach to earthworks. • Introduction of standards managing: <ul style="list-style-type: none"> ○ The area of permitted earthworks; ○ The height, location and slope of earthworks; ○ The transport of cut and fill materials; and ○ The reinstatement of earthwork areas. • Inclusion of a definition for minor earthworks and a permitted activity standard.
Issue 2	<ul style="list-style-type: none"> • Unmanaged, earthworks can have adverse effects on the 	<ul style="list-style-type: none"> • Introduction of policy guidance.

Issue	Comment	Response
<p>Earthworks can compromise the stability of land and structures</p>	<p>stability of land or structures and cause:</p> <ul style="list-style-type: none"> ○ Damage to land and structures, and structural damage to retaining walls, building foundations, underground services and other structures. ○ Reduced land supporting capacity or compromised structural support for adjoining properties through inappropriate or excessive earthworks especially in close proximity to property boundaries. 	<ul style="list-style-type: none"> • Inclusion of targeted provisions to manage instability issues on the site and avoid instability effects on adjacent sites. • Introduce standards to control: <ul style="list-style-type: none"> ○ The height of cut and fill; ○ Setbacks from boundaries; ○ The area of earthworks; and ○ The slope of the land subject to earthworks.
<p>Issue 3 Managing natural hazard risks</p>	<ul style="list-style-type: none"> • Council has an obligation to manage the risk from Natural Hazards and take into consideration the effects of climate change under s6(h) and 7(i) of the RMA. 	<ul style="list-style-type: none"> • Include specific requirements for earthworks associated with Flood Hazard Overlays, Community Scale Natural Hazard Mitigation Structures, Natural Hazard Mitigation Works, and Soft Engineering Natural Hazard Mitigation Works. • Introduce relevant definitions. • Include specific requirements for earthworks in Coastal Hazards Overlay. • Include specific requirements for earthworks in identified Hazard Overlay.
<p>Issue 4 Effects on cultural, heritage and natural environment values</p>	<ul style="list-style-type: none"> • Earthworks can have adverse effects on identified cultural, heritage and natural environment values. • Currently there are no earthworks provisions for sites containing listed heritage items. • Operative planning framework does not provide sufficiently for earthworks within certain areas with natural environment values. 	<ul style="list-style-type: none"> • Introduce provisions for earthworks on site containing: <ul style="list-style-type: none"> ○ Sites and areas of significance to Māori ○ Historic Heritage ○ Notable Trees ○ Natural Environment Values.

Issue	Comment	Response
<p>Issue 5 HCC and GWRC responsibilities</p>	<ul style="list-style-type: none"> Potential overlap and duplication between HCC and GWRC's provisions, in particular in relation to the management of dust, erosion, and silt and sediment from earthworks. 	<ul style="list-style-type: none"> Delineate GWRC's role and responsibilities at the beginning of the chapter. Better alignment between HCC and GWRC responsibilities, and district plan and NRP provisions, particularly with respect to the scale of earthworks and erosion and sediment management controls.

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5. Scale and Significance Assessment

- (100) Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
- (101) The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules) relative to a series of key criteria.
- (102) Based on this the scale and significance of anticipated effects associated with this proposal are identified below:

Table 23: Scale and Significance

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Basis for change	✓			<ul style="list-style-type: none"> Part of the full District Plan review. Compliance with National Planning Standards. Give effect to and implement national direction, including s6.
Addresses a resource management issue	✓			<ul style="list-style-type: none"> Compliance with National Planning Standards. The ODP contains some provisions on natural hazards but these need to be strengthened and broadened.
Degree of shift from the status quo		✓		<ul style="list-style-type: none"> The existing District Plan provisions provide limited guidance. The proposed earthworks chapter intends to provide a chapter specifically to manage earthworks, providing a clear regulatory framework. This is a shift from current practice. Changes are proposed to the permitted activity standards across the zones and within certain overlays. In all zones, the vertical alteration maximum is being increased from 1.2m to 1.5m except where within 1m of a boundary and up to 2.5m and a new exemption is proposed for earthworks with a cut height or fill depth no greater than 2.5m measured vertically, where it is retained by a building or structure authorised by a building consent obtained prior to any earthworks commencing . A shift is proposed to move away from the volume metric to an area metric instead and have different maximum area disturbances applying to different zones.

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				<ul style="list-style-type: none"> New earthworks provisions are being introduced in certain overlays (Overland Flowpath, Stream Corridor, Slope Hazard overlays for example) which will introduce additional provisions and possibly consenting requirements for land owners whose properties are subject to an overlay which has earthworks restrictions/specific provisions. While there will be changes to the provisions, some are more enabling whereas others are more restrictive as these respond to national direction, such as natural hazards.
Who and how many will be affected / geographical scale of effects		✓		<ul style="list-style-type: none"> Earthworks are often a pre-requisite for enabling development and uses/activities. Therefore, as a District-Wide matter, the changes will be wide reaching across the district. New earthworks provisions are being introduced in certain overlays (Overland Flowpath, Stream Corridor, Slope Hazard overlays for example) which will introduce additional provisions and possibly consenting requirements for land owners whose properties are subject to an overlay which has earthworks restrictions/specific provisions.
Degree of impact on or interest from iwi/ Māori		✓		<ul style="list-style-type: none"> Tangata whenua have an interest in earthworks, particularly when undertaken on, near or adjacent to Statutory Acknowledgement Areas and where koiwi may be uncovered or have the potential to be uncovered.
Timing and duration of effects	✓			<ul style="list-style-type: none"> Effects will be ongoing. The ODP provisions will apply until such time that the proposed provisions are beyond challenge.
Type of effects		✓		<ul style="list-style-type: none"> The proposed Earthworks chapter provides clearer guidance and a more robust regulatory framework for earthworks activities throughout the City. It will increase certainty for future developments and provide for greater guidance for non-compliances.

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				<ul style="list-style-type: none"> • Earthworks effects are well understood but if not managed and mitigated properly, they can have effects on natural hazards, natural character and visual amenity, adjacent sites and the wider environment, topography, and stability. • In some cases, the proposed provisions may introduce additional consenting and information requirements (Slope Hazard Overlay and possibly Overland Flowpath and Stream Corridor Overlays) as they address the effects from earthworks on natural hazards. • In other cases, the proposed provisions may lower the consenting requirements. For example, the maximum cut and fill height has increased from 1.2m to 1.5m and an exemption is included for earthworks with a cut height or fill depth no greater than 2.5m measured vertically, where it is retained by a building or structure authorised by a building consent obtained prior to any earthworks commencing. In some zones the permitted area threshold has noticeably increased (Rural Zones for example have a permitted area of 1,000m² when compared to the 50m³ in the ODP).
Degree of risk and uncertainty	✓			<ul style="list-style-type: none"> • The degree of risk and uncertainty is low. The proposed approach is well understood and widely applied within the Wellington region.

(103) Overall, the scale and significance of the proposed provisions are considered to be low to medium.

5.1. Quantification of Benefits and Costs

(104) Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified.

(105) Based on the assessment of the scale and significance of the proposed provisions above, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic. Instead, this report identifies more generally where any additional costs or cost may lie and a qualitative assessment of identifiable costs and benefits associated with this proposal is provided in the assessment of policies, rules and other methods contained in section 7 of this report.

6. Proposed District Plan Objectives and Provisions

(106) The proposed provisions relevant to this topic are set out in detail in the ePlan and should be referenced to in conjunction with this evaluation report.

6.1. Earthworks – Proposed Provisions

(107) The proposed Earthworks chapter includes objectives, policies and rules that apply at a district-wide scale. The Earthworks chapter does not include provisions for quarrying activities or earthworks associated with Infrastructure. The Earthworks chapter contains provisions relating to earthworks within the National Grid Yard and the Gas Transmission Pipeline Corridor that are not related to infrastructure.

(108) The Earthworks chapter includes provisions that apply to all zones, provisions that are zone specific, and area and transportation of material provisions that have different thresholds depending on which zone a site is within.

(109) The Earthworks chapter introduces provisions where earthworks are undertaken on Sites of Significance to Māori, within root protection of notable trees, and on sites that contain heritage buildings, heritage structures, or within heritage areas. It also introduces provisions for earthworks that occur in overlays, including natural hazards overlays, outstanding natural features and landscapes, coastal and riparian margins and outstanding coastal natural character areas.

(110) The proposed provisions are summarised below.

Table 24: Proposed Earthworks Chapter Provisions

Earthworks – EW	
Objectives	<p>One Objective:</p> <p>EW-O1 Earthworks</p> <p>Earthworks are undertaken in a manner that:</p> <ol style="list-style-type: none"> 1. Is consistent with the anticipated scale and form of development in the underlying zone; 2. Minimises adverse effects on the natural environment, including changes to natural landforms; 3. Minimises adverse effects on visual amenity values; 4. Minimises adverse effects on cultural and historic heritage values; 5. Minimises erosion, dust and sediment effects beyond the site boundary; 6. Does not cause or exacerbate risks from natural hazards; 7. Minimises risks associated with slope instability; and 8. Protects the safety of people and property.
Policies	<p>16 policies that address:</p> <p>EW-P1 Minor Earthworks provides for earthworks where effects are minimal.</p> <p>EW-P1 Appropriate Earthworks enables earthworks associated with subdivision, use, and development.</p>

Earthworks – EW

EW-P3 Earthworks for Public Walking and Cycling Tracks

enables earthworks associated with public walking and cycling tracks.

EW-P4 Earthworks for Farming Tracks

enables earthworks associated with farming tracks where effects are minimal.

EW-P5 Earthworks within Flood Hazards Overlays

provides for earthworks within Flood Hazard Overlays provided that they do not increase the flooding risk to the site or neighbouring properties.

EW-P6 Earthworks associated with Natural Hazard Mitigation Works

enables and manages earthworks associated with Natural hazard mitigation works, green infrastructure, and community scale natural hazard mitigation structures.

EW-P7 Slope Stability

provides for earthworks on slopes greater than 34 degrees or greater, where the 34 degree slope angle is sustained over a distance of at least 3m, measured horizontally where a geotechnical assessment confirms earthworks will minimise the risk from slope instability to people and buildings and the earthworks will not increase the risk of slope failure at adjacent sites.

EW-P7 Earthworks in the Slope Hazard Overlay Stability

provides for earthworks in the Slope Hazard Overlay where a geotechnical assessment confirms earthworks will minimise the risk from slope instability to people and buildings and the earthworks will not increase the risk of slope failure at adjacent sites.

EW-P9 Earthworks on sites with Heritage Buildings or Heritage Structures, or within Heritage Areas

provides for earthworks where the scale and purpose has regard to the significant historic heritage values, and where they do not detract from the significant historic heritage values and/or setting, or alter the significance of the heritage building, structure, or area.

EW-P10 Earthworks on Sites and in Areas of Significance to Māori

enables small scale earthworks within an existing urupā and providing for earthworks on sites and areas of significance where it can be demonstrated that the identified values will be protected.

EW-P11 Earthworks within the Root Protection Area of Notable Trees

allow only for earthworks where they will not compromise the long-term health of or values of the notable tree.

EW-P12 Earthworks within Outstanding Natural Features and Landscapes

allows for and manages minor earthworks associated with certain activities and provides for other earthworks which protect identified values and avoids adverse effects on identified values, and requires certain measures to be incorporated.

EW-P13 Earthworks within Coastal Margins and Riparian Margins

allows for and manages minor earthworks associated with certain activities and provides for other earthworks subject to meeting certain requirements.

Earthworks – EW	
	<p>EW-P14 Earthworks within High, Very High and Outstanding Natural Character Areas allows for and manages minor earthworks associated with certain activities and provides for other earthworks subject to meeting certain requirements and incorporating certain measures.</p> <p>EW-P15 Earthworks and/or Vertical Holes within the National Grid Yard (that are not associated with infrastructure) provides for earthworks and/or vertical holes within the National Grid Yard provided that the National Grid will not be compromised, that risks are managed, and technical advice from the owner and operator has been provided.</p> <p>EW-P16 Earthworks within the Gas Transmission Pipeline Corridor (that are not associated with infrastructure) provides for earthworks and/or vertical holes within the Gas Transmission Pipeline Corridor provided that the Gas Transmission Pipeline Corridor will not be compromised, that risks are managed, and technical advice from the owner and operator has been provided.</p>
Rules	<p>A rule framework that manages earthworks as follows:</p> <p>EW-R1 Minor Earthworks are a permitted activity.</p> <p>EW-R2 General Earthworks are permitted subject to compliance with certain standards and elevate to restricted discretionary in case of non-compliance.</p> <p>EW-R3 Earthworks for the Purposes of Maintaining or Constructing Public Walking and Cycling Tracks are a permitted activity subject to compliance with a certain condition and standard and elevate to restricted discretionary in case of non-compliance.</p> <p>EW-R4 Earthworks for the Purposes of Maintaining or Constructing Farming Tracks are a permitted activity subject to compliance with a certain conditions and elevate to restricted discretionary in case of non-compliance.</p> <p>EW-R5 Earthworks in Flood Hazard Overlays are a permitted activity subject to compliance with certain conditions and elevate to restricted discretionary in case of non-compliance.</p> <p>EW-R6 Earthworks associated with Natural Hazard Mitigation Works or Green Infrastructure within the Flood Hazard Overlays and Coastal Hazard Overlays are permitted subject to compliance with a condition regarding the purpose and who undertakes the work and elevates to discretionary in case of non-compliance.</p> <p>EW-R7 Earthworks on Community Scale Natural Hazard Mitigation Structures are permitted subject to compliance with a condition regarding the purpose and who undertakes the work and elevates to restricted discretionary in case of non-compliance.</p>

Earthworks – EW	
	<p>EW-R8 Earthworks for a building platform in the Slope Hazard Overlay are a restricted discretionary activity where they create a building platform for a Potentially Hazard Sensitive Activity or Hazard Sensitive Activity in the Slope Hazard Overlay.</p> <p>EW-R9 Earthworks on sites with Heritage Buildings or Heritage Structures, or within Heritage Areas are permitted subject to compliance with the relevant standard and elevates to restricted discretionary in case of non-compliance.</p> <p>EW-R10 Earthworks on Sites and in Areas of Significance to Māori are permitted subject to compliance with certain conditions and elevates to restricted discretionary in case of non-compliance.</p> <p>EW-R11 Earthworks within the Root Protection Area of Notable Trees are discretionary.</p> <p>EW-R12 Earthworks within Outstanding Natural Features and Landscapes are permitted subject to certain conditions. Where not provided as a permitted activity, they elevate to either controlled, restricted discretionary, or discretionary depending on underlying zone and degree of non-compliance with conditions and standards.</p> <p>EW-R13 Earthworks within Coastal Margins and Riparian Margins are permitted subject to certain conditions. Where not provided as a permitted activity, they elevate to either controlled, restricted discretionary, or discretionary activity depending on underlying zone and degree of non-compliance with conditions and standards.</p> <p>EW-R14 Earthworks within High and Very High Coastal Natural Character Area are permitted subject to certain conditions. Where not provided as a permitted activity, they elevate to either controlled, restricted discretionary, or discretionary depending on underlying zone and degree of non-compliance with conditions and standards.</p> <p>EW-R15 Earthworks within Outstanding Coastal Natural Character Area are discretionary or non-complying.</p> <p>EW-R16 Earthworks and/or Vertical Holes within the National Grid Yard (that are not associated with infrastructure) are a permitted activity subject to compliance with the relevant standard and elevates to restricted discretionary activity in case of non-compliance.</p> <p>EW-R17 Earthworks within the Gas Transmission Corridor Pipeline (that are not associated with infrastructure) are a permitted activity subject to compliance with the relevant standard and elevates to restricted discretionary activity in case of non-compliance.</p>
Standards	<p>Earthworks standards as follows:</p> <p>EW-S1 Area of Earthworks provides for area of earthworks per site in a 12 month period, with the maximum area depending on the underlying zoning.</p>

Earthworks – EW

EW-S2 Cut Height and Fill Depth

provides for three cut height and fill depths. 0.5m where within 1m of a site boundary, 1.5m for the remainder of the site, and 2.5m where retained by a retaining wall that is authorised by a building consent. This applies to all zones.

EW-S3 Existing Slope Angle (to be replaced by Slope Hazard Overlay)

earthworks in all zones are not to be undertaken on land with a slope of 34 degrees or greater except where they are associated with certain activities.

EW-S4 Transport of Cut and Full Material

provides for the transportation of to and from a site, with the maximum volume depending on the underlying zoning.

EW-S5 Site Reinstatement

requires earthworks in all zones to be stabilised with vegetation or sealed, paved, metalled, or built over as soon as practicable, but no later than three months, after completion of earthworks or each stage of earthworks.

EW-S6 Earthworks for Farming Tracks

in rural zones, provides for cuts associated within farming tracks up to 0.5m where within 1m of a site boundary and 2.5m for the remainder of the site.

EW-S7 Earthworks for Public Walking and Cycling Tracks

in open space and recreation zones, provides for 1.5m wide walking and cycling tracks.

EW-S8 Earthworks on sites with Heritage Buildings or Heritage Structures, or within Heritage Areas

provides for earthworks over an area of 50m² and cut/fill up to 0.5m.

EW-S9 Earthworks on Sites and in Areas of Significance to Māori

provides for earthworks over an area of 50m² and cut/fill up to 0.5m.

EW-S10 Earthworks within Outstanding Natural Features and Landscapes

provides for earthworks within Outstanding Natural Features and Landscapes located outside of the coastal environment per site over an area of 50m² (outstanding natural features) or 100m² (outstanding natural landscape) within a 12 month period and cut height/fill depth up to a maximum 1m.

provides for earthworks within Outstanding Natural Features and Landscapes located within the coastal environment per site over an area of 25m² (outstanding natural features) or 50m² (outstanding natural landscape) within a 12 month period and cut height/fill depth up to a maximum 0.5m.

EW-S11 Earthworks within Coastal Margins and Riparian Margins

provides for earthworks up to 25m² in a 12 month period and limits the maximum cut height or fill depth to 0.5m.

EW-S12 Earthworks within High, Very High and Outstanding Coastal Natural Character Areas

provides for earthworks within High and Very High Coastal Natural Character per site over an area of 100m² and cut height/fill depth up to a maximum 1m.

Earthworks – EW	
	<p>provides for earthworks within Outstanding Coastal Natural Character per site over an area of <u>25m²</u> and cut height/fill depth up to a maximum 0.5m.</p> <p>EW-S13 Earthworks and/or vertical holes within the National Grid Yard (that are not associated with infrastructure) provides for certain earthworks and vertical holes within the National Grid Yard and requirements to be met and includes certain exemptions.</p> <p>EW-S14 Earthworks within the Gas Transmission Pipeline Corridor (that are not associated with infrastructure) provides for certain earthworks within the Gas Transmission Pipeline Corridor includes certain exemptions.</p>
Definitions	<p>The objectives, policies, rules, and standards are supported by definitions on:</p> <ul style="list-style-type: none"> • COMMUNITY SCALE NATURAL HAZARD MITIGATION STRUCTURES • EARTHWORKS – NPS • GREEN INFRASTRUCTURE – NPS • LAND DISTURBANCE – NPS • MINOR EARTHWORKS • NATURAL HAZARD MITIGATION WORKS

(111) The table below summarises the rules, activities and activity status outlined above.

Table 25: Proposed Rules, Activities, and Activity Status

Rule / Activity	PER	CON	RDIS	DIS	NC
General Earthworks					
EW-R1 Minor Earthworks	✓				
EW-R2 General Earthworks	✓		✓		
EW-R3 Earthworks for the Purposes of Maintaining or Constructing Public Walking and Cycling Tracks	✓		✓		
EW-R4 Earthworks for the Purposes of Maintaining or Constructing Farming Tracks	✓		✓		
Earthworks in Overlays					
EW-R5 Earthworks within Flood Hazard Overlays	✓		✓		
EW-R6 Earthworks associated with Natural Hazard Mitigation Works or Green Infrastructure within the Flood Hazard Overlays and Coastal Hazard Overlays	✓			✓	
EW-R7 Earthworks on Community Scale Natural Hazard Mitigation Structures	✓		✓		
EW-R8 Earthworks for a building platform in the Slope Hazard Overlay			✓		

EW-R9 Earthworks on Heritage Buildings or Heritage Structures, within Heritage Areas	✓		✓		
EW-R10 Earthworks on Sites and in Areas of Significance to Māori (Placeholder)	✓		✓		
EW-R11 Earthworks within the Root Protection Area of Notable Trees				✓	
EW-R12 Earthworks within Outstanding Natural Features and Landscapes	✓	✓	✓	✓	
EW-R13 Earthworks within Coastal Margins and Riparian Margins	✓	✓	✓	✓	
EW-R14 Earthworks within High and Very High Coastal Natural Character Areas	✓	✓	✓	✓	
EW-R15 Earthworks within Outstanding Coastal Natural Character Areas				✓	✓
EW-R16 Earthworks and vertical holes within the National Grid Yard (that are not associated with infrastructure)	✓		✓		
EW-R17 Earthworks within the Gas Transmission Pipeline Corridor (that are not associated with infrastructure)	✓		✓		

Non-notification clauses

- (112) The introduction of non-notification clauses has been considered and are proposed under the following rules:
- EW-R2 – General Earthworks: Applications under this rule are precluded from being publicly or limited notified where compliance is not achieved with EW-S4.
 - EW-R2: Where located in a Residential Zone (Medium Density Residential Activity Area or High Density Residential Activity Area) only, applications under this rule are precluded from being publicly notified or limited notified where compliance is not achieved with EW-S1.
 - EW-R3 - Earthworks for the Purposes of Maintaining or Constructing Public Walking and Cycling Tracks: Applications under this rule are precluded from being publicly or limited notified where the where the work is undertaken by the Council, GWRC, DoC or their approved contractor.
 - EW-R4 - Earthworks for the Purposes of Maintaining or Constructing Farming Tracks: Applications under this rule are precluded from being publicly notified.
 - EW-R15: Applications under this rule are precluded from being publicly notified.
 - EW-R16: Applications under this rule are precluded from being publicly notified.
- (113) Where within Medium or High Density Residential zones, and the site is not subject to an overlay, a non-notification clause (both public and limited notification) will apply where a proposal does not comply with EW-S1 (area of earthworks). Often in the residential context, the assessment required and the nature of the conditions placed on earthworks consents require technical input from Council experts such as engineers, but there is little benefit from undertaking an assessment from

potentially affected parties due to the earthworks being temporary in nature and screened at the completion of the development.

- (114) Residential developments that require consent for both the buildings and the earthworks are generally bundled together in terms of notification and overall activity status. As such, without earthworks notification preclusions (for certain standards), the whole development will require consideration of affected parties and will be subject to potential notification. This would be out of step with the requirements in Schedule 3A of the RMA which requires notification preclusions for residential developments.
- (115) A non-notification clause (both public and limited notification) is also proposed across all zones in respect of EW-S4 (transportation of material) where compliance is not achieved. The assessment of the impact on the transport network requires a technical assessment by a traffic engineer. If the traffic engineer is satisfied with the proposal the effects on the transportation networks can be further managed via mitigation measures and conditions of consent, in accordance with the matters of discretion / assessment criteria. In addition, nuisance effects and the retention of silt and sediment on site can be managed and addressed via conditions of consent.
- (116) As earthworks can result in adverse visual amenity effects when not reinstated, a non-notification clause has not been included where a proposal does not reinstate the area of earthworks within three months (EW-S5). A notification preclusion has not been included where compliance with EW-S2 is not achieved. This is because cut heights and fill depths exceeding the permitted thresholds can potentially result in adverse visual effects on adjacent sites and the wider environment as well as potential stability effects on adjacent properties. In addition, a non-notification clause is not proposed where earthworks are undertaken on sites with existing slope angles greater than 34 degrees (EW-S3) due to stability reasons.
- (117) For sites within overlays and identified sites, the proposed rule framework applies in addition to the General Earthworks rules and standards. This is clearly outlined in the beginning of the Earthworks chapter as well. For the avoidance of doubt, earthworks on land subject to a planning notion or overlay must comply with the relevant general rules as well as the overlay specific rules and where there is a conflict between standards and rules the more onerous provisions shall prevail. As no non-notification clauses are proposed for earthworks in overlays (EW-R5 to EW-14) the general earthworks non-notification clause under EW-R2 would be lost and applications would need to be considered for public and limited notification.

Summary

- (118) The proposed policy framework takes a balanced approach – it provides for earthworks to be undertaken in all zones across the City and it introduces more stringent provisions where within an overlay or on an identified site, which apply in addition to the general earthworks provisions.
- (119) In summary, the proposed provisions:
- Include objectives, policies and rules that direct general earthworks outcomes that are consistent with the anticipated scale and form of development in the underlying zone.
 - Introduce provisions for overlays and identified sites that provide a more restrictive framework than the general earthworks provisions. The additional levels of discretion and assessment are tailored to the outcomes sought within the overlays and identified sites.
 - Enable earthworks to be undertaken as a permitted activity where compliance is achieved with the corresponding standards and/or conditions. The exception to this is where earthworks are within outstanding coastal natural character areas – the starting point for earthworks in this overlay is a this is Discretionary Activity.

- Provide clear matters of discretion and assessment criteria for Controlled and Restricted Discretionary Activities and introduce an activity status escalation commensurate with the overlays and where compliance is not achieved with other activity status requirements.
 - Incorporate notification preclusions where appropriate.
- (120) As outlined above the policies and rules relating to earthworks in overlays have been specifically drafted to respond to, protect and manage the identified values and constraints within these overlays. A more detailed assessment can be found in the s32 evaluation of the relevant chapter.

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7. Evaluation of Objectives

7.1. Introduction

- (121) This section is the evaluation of objectives, as required through s32(1)(a) of the RMA.
- (122) An objective is a statement of what is to be achieved through the resolution of a particular resource management issue. A district plan objective should set out a desired end state to be achieved through the implementation of policies and rules.
- (123) Under s75(1)(a) of the Resource Management Act, a district plan must state the objectives for the district.
- (124) Under s32(1)(a) of the Resource Management Act, an evaluation report required under the Act must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA, as stated in s5(1) of the Act, is to promote the sustainable management of natural and physical resources.

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7.2. Evaluation of Objectives

(125) For the purposes of this evaluation, the Council has considered two sets of potential objectives:

1. The proposed objective
2. The relevant status quo objectives
3. Other reasonably practicable alternatives.

Table 26: Evaluation of Objective

Evaluation of Objectives	
Proposed Objective - Preferred	
<p>EW-O1 Earthworks Earthworks are undertaken in a manner that:</p> <ol style="list-style-type: none"> 1. Is consistent with the anticipated scale and form of development in the underlying zone; 2. Minimises adverse effects on the natural environment, including changes to natural landforms; 3. Minimises adverse effects on visual amenity values; 4. Minimises adverse effects on cultural and historic heritage values; 5. Minimises erosion, dust and sediment effects beyond the site boundary; 6. Does not cause or exacerbate risks from natural hazards; 7. Minimises risks associated with slope instability; and 8. Protects the safety of people and property. 	
Relevance	
<p>Addresses a relevant resource management issue</p>	<p>Yes – The objective addresses the relevant resource management issues for earthworks identified in section 4.3 of needing to enable earthworks within the district while acknowledging that there are instances where earthworks can affect the environment.</p>

Evaluation of Objectives	
Assists the Council to undertake its functions under s31 RMA	Yes – The proposed objective sets a clear outcome for Council for the management of effects of the use, development, or protection of land and associated natural and physical resources as they relate to earthworks in the district.
Gives effect to higher level documents	Yes – The proposed objective gives effect to higher level documents. The objective is consistent with the relevant matters of national importance in section 6, through the inclusions of references to minimising effects on cultural and historic heritage values (sections 6(e) and (f)), minimising effects on the natural environment (sections 6(a) and (b)), and references to not causing or exacerbating risk from natural hazards, minimising risk associated with slope stability, and protecting the safety of people and property (section 6(h)). It is also consistent with the relevant matters in section 7 and the identified objectives and policies of RPS and RPS-PC1.
Usefulness	
Guides decision-making	Yes – The proposed objective provides clear guidance on the management of earthworks activities.
Reasonableness	
Will not impose unjustifiably high costs on the community/parts of the community	Yes - While some additional costs may be incurred to do additional consenting requirements, particularly through the introduction of new provisions in certain overlays and on identified sites, these are justifiable in the context of addressing the identified resource management issues.
Acceptable level of uncertainty and risk	Yes – The proposed objective clearly describes the intention for the management of earthworks and associated adverse effects. The approach is well established and is consistent with objectives of other recently development district plans in the Wellington region.
Achievability	
Consistent with identified tangata whenua and community outcomes	Yes – Feedback was received which recommended that the objective is amended to include reference to “minimising adverse effects on cultural and historic heritage values.” This recommendation was accepted and the objective was updated to reflect this. There is nothing to suggest that the proposed objective is inconsistent with identified tangata whenua and community outcomes.
Realistically able to be achieved within the Council’s powers, skills and resources	Yes – The proposed objective is achievable and is within Council’s powers, skills, and resources by implementing the associated policies and rules that are proposed.

Evaluation of Objectives
Other reasonably practicable options for achieving the objective
<p>Operative District Plan – Status Quo</p> <p>The status quo objectives of the Operative District Plan relate to maintaining natural features, visual amenity values, cultural values or historical significance of an area, natural feature or site, essential works, and flood protection structures in identified primary and secondary river corridors.</p> <p>The status quo objectives pertaining to natural character and amenity address effects but are broad in scope and lack specificity. The status quo objective relating to primary and secondary river corridors is limited in extent as it only relates to the protection of flood management structures; it does not reference other areas that are subject to natural hazards or address risk. Similarly, the status quo objective relating to essential works is focused on the management of a river or stream to manage effects associated with a flood event. This enables certain essential works to be undertaken that are essential to the health and safety of the community. The term ‘essential earthworks’ is undefined which lacks clarity. The status quo provisions do not fully align with the intention and wording of higher order documents.</p> <p>Not having an Earthworks chapter and locate objectives in other chapters instead</p> <p>The National Planning Standards state that if provisions for managing earthworks are addressed then they must be located in the Earthworks chapter. The Earthworks chapter must also include cross references to any relevant earthworks provisions under the Energy, infrastructure and transport chapter and cross references to provisions for mining, quarries and or gravel extraction in a special purpose zone or zone chapter or section. Not having an Earthworks chapter and locating provisions in other chapters (except where provided for, as above) would not align with the National Planning Standards.</p>
Summary
<p>The above analysis shows that the proposed objective relating to the management of earthworks is the most appropriate way to achieve the purpose of the RMA when compared to the status quo and the alternative objective.</p> <p>The proposed objective aligns with national other district plans in the region and implements national and regional guidance and direction (s5, s6, s7, RPS and RPS-PC1) by describing the envisaged management of earthworks commensurate with the underlying zoning as well as for earthworks within overlays and on certain identified sites. It provides greater certainty to decision makers and plan users regarding the desired outcomes.</p> <p>While there are objectives in the operative District Plan relating to the management of earthworks, they are outdated, and limited in scope and direction. The option of relating the status quo lacks specificity and does not give effect to higher level direction, nor does it provide the same level of certainty and guidance to decision makers and plan users when compared to the preferred objective. The option of not having an earthworks chapter and locating provisions in other chapters does not align with the National Planning Standards.</p>

8. Evaluation of Policies and Rules

8.1. Introduction

- (126) This section is the evaluation of policies and rules, as required through s32 of the RMA.
- (127) Policies and rules implement, or give effect to, the objectives of a plan.
- (128) Policies of a district plan are the course of action to achieve or implement the plan's objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Rules of a district plan implement the plan's policies, and have the force and effect of a regulation.
- (129) Under s32(1)(b) of the Resource Management Act, an evaluation report required under the Act must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
- (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions.*
- (130) Under s32(2) of the Resource Management Act, the assessment of the efficiency and effectiveness of the provisions must:
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

8.2. Evaluation of Provisions

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions
2. Reasonably practicable alternatives for implementing the objectives have been included with a brief assessment and reasons why they have not been adopted.

Table 27: Evaluation of Provisions

Evaluation of Provisions to Achieve Objectives EW-O1		
<p>EW-O1 Earthworks Earthworks are undertaken in a manner that:</p> <ol style="list-style-type: none"> 1. Is consistent with the anticipated scale and form of development in the underlying zone; 2. Minimises adverse effects on the natural environment, including changes to natural landforms; 3. Minimises adverse effects on visual amenity values; 4. Minimises adverse effects on cultural and historic heritage values; 5. Minimises erosion, dust and sediment effects beyond the site boundary; 6. Does not cause or exacerbate risks from natural hazards; 7. Minimises risks associated with slope instability; and 8. Protects the safety of people and property. 		
Option 1: Proposed provisions (recommended)		
Proposed Provisions	Costs	Benefits
EW-O1	Environmental	
<p>Policies - 16 policies that:</p> <ul style="list-style-type: none"> • Provide guidance and direction for general earthworks (EW-P1 and EW-P2) • Provide guidance and direction 	<p>No environmental costs have been identified for the proposed provisions, noting that earthworks in general can have adverse environmental effects, and that while the proposed provisions do provide for earthworks, they only permit small-scale earthworks and set a consenting</p>	<p>The proposed provisions provide clear guidance on the management of earthworks. As earthworks are often a pre-requisite of development, they will contribute to supporting a well-functioning urban environment.</p> <p>The proposed provisions ensure that the scale of earthworks are appropriate for the zone in which they are</p>

Evaluation of Provisions to Achieve Objectives EW-O1		
<p>for earthworks associated with public walking and cycling tracks, and farm tracks (EW-P3 and EW-P4).</p>	<p>framework to manage adverse effects for larger-scale earthworks.</p>	<p>undertaken in. Sites subject to overlays and identified sites with particular environmental sensitivity (i.e. with a district plan overlay) will benefit from the provisions that are more restrictive which will limit adverse effects on associated values.</p>
<ul style="list-style-type: none"> • Provide specific guidance and direction for earthworks in overlays. 	Economic	
<ul style="list-style-type: none"> ○ Earthworks on sites with a slope greater than 34° (where not within the slope hazard overlay)(EW-P7). ○ Earthworks in natural hazard overlays (EW-P5, EW-P5 and EW-P8). ○ Earthworks in historic heritage and cultural overlays (EW-P9 and EW-P10). ○ Earthworks within root protection of a notable tree (EW-P11). 	<p>Earthworks across the city are currently regulated under the operative District Plan, so there are established economic costs in undertaking earthworks. However, the proposed provisions may introduce new costs, particularly on sites within overlays that do not currently have any specific provisions. In some cases, the proposed provisions will reduce the extent of earthworks that can be undertaken where land is subject to identified values or constraints.</p> <p>There may be increased costs where specialist input to inform proposals is required, such as in Outstanding Natural Features and Landscapes and High and Very High Coastal Natural Character Areas.</p> <p>There may be increased costs where mitigation measures need to be incorporated.</p>	<p>The proposed provisions provide clear guidance on earthworks activities in zones, in overlays and on identified sites. They enable earthworks activities to be undertaken in accordance with what is anticipated for the zone and specifies thresholds for managing adverse effects that are commensurate with the zoning and overlays and identified sites.</p> <p>In some instances, the proposed provisions are more enabling than the status quo, for example, an increase cut height/fill depth to 1.5m from 1.2m and an increase in the permitted area threshold which may reduce need to obtain resource consent and thereby reduce regulation costs.</p>
<ul style="list-style-type: none"> ○ Earthworks in natural environment and coastal environment overlays (EW-P12 to EW-P14). ○ Earthworks in the national grid yard and gas 	Social	
	<p>No direct or indirect social costs have been identified.</p>	<p>The proposed provisions incorporate permitted activity rules for the maintenance and construction of public walking and cycling tracks, which will have social benefits.</p> <p>The proposed provisions introduce permitted activity rules relating to natural hazard mitigation works, green infrastructure, and community scale natural hazard</p>

Evaluation of Provisions to Achieve Objectives EW-O1		
<p>transmission pipeline corridor overlays that are not associated with infrastructure (EW-P15 and EW-P16).</p> <p>Rules - 17 rules comprising:</p> <ul style="list-style-type: none"> • One rule for minor earthworks (EW-R1). • One rule for general earthworks (EW-R2). • Two rules for tracks associated with public walking and cycling tracks, and farm tracks (EW-R3 and EW-R4). • Three rules for earthworks in flood hazard overlay and natural hazard mitigation works/structures (EW-R5 to EW-R7). • One rule for earthworks for a building platform in the Slope Hazard Overlay (EW-R8). • Two rules for earthworks in historic heritage and cultural overlays (EW-R9 and EW-R10). • One rule for earthworks in the 		mitigation structures which will increase resilience and safety. The proposed provisions will limit earthworks in flood hazard overlays which will also increase resilience and safety.
	Cultural	
	No direct or indirect social costs have been identified.	Sites and areas of significance to Māori have been identified in the proposed District Plan and the proposed earthworks provisions will ensure they will be subject to an appropriate level of protection through more restrictive earthworks controls.
	Effectiveness	Efficiency
	<p>The proposed provisions are considered to be the most effective and efficient means to achieve the proposed objective as:</p> <ul style="list-style-type: none"> • They address the relevant effects associated with earthworks. • They provide a more nuanced approach where sites are located in overlays, and on identified sites. • They provide for minor earthworks to be undertaken as a permitted activity. • They enable Council to consider effects in accordance with relevant matters of discretion and in accordance with corresponding activity statuses where these elevate to Discretionary and Non-Complying Activities. • The proposed provisions give effect to and implement higher order direction. • They are nuanced and ensure a logical consent elevation when standards are not met when compared to the status quo. • They have an appropriate level of regulatory stringency relative to the sensitivity of the affected environment • While the proposed provisions will result in some additional economic costs particularly where a site is within an overlay or identified sites, it is considered that the resulting benefits to future occupants of the City and environment outweigh these costs. 	

Evaluation of Provisions to Achieve Objectives EW-O1	
<p>root protection area of notable trees (EW-R11).</p> <ul style="list-style-type: none"> • Three rules for earthworks in natural character or coastal environment overlays (EW-R12 to EW-R15). • Two rules for earthworks in the national grid yard and gas transmission pipeline corridor that are not associated with infrastructure (EW-R16 and EW-R17). <p>Standards - 14 standards relating to:</p> <ul style="list-style-type: none"> • Area of earthworks • Cut height and fill depth • Existing slope angle (where located outside of the Slope Hazard Overlay) • Transport of cut and fill material • Site reinstatement • Earthworks for Farming tracks • Earthworks Public walking and cycling tracks • Earthworks on sites with heritage buildings or heritage structures, 	<p>Overall, the benefits of the proposal are anticipated to outweigh the costs.</p> <p>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</p> <p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as the proposed provisions:</p> <ul style="list-style-type: none"> • Allow Council to undertake its functions under Section 31(b)(i) of the RMA. • Give effect to higher order direction. • Address effects on the environment associated earthworks activities and will ensure that future earthworks are aligned with the proposed objective. • Are generally consistent with existing approaches in the Wellington region. • The risk of not acting is considered to be greater than the risk of acting, particularly in relation to sites that are subject to overlays or are identified sites that are not currently managed or are not clearly managed via specific provisions. <p>Other reasonably practicable options for achieving the objective</p> <p>Status quo The status quo provisions do not provide adequate policy guidance or nuanced methods (rules and standards), particularly where sites are subject to overlays or identified sites, when compared to the proposed option. The status quo provisions are not the most efficient and effective way of achieving the proposed objectives. The status quo provisions also do not align with the National Planning Standards.</p> <p>Not having an Earthworks chapter and locate provisions in other chapters instead The National Planning Standards state that if provisions for managing earthworks are addressed then they must be located in the Earthworks chapter. The Earthworks chapter must also include cross references to any relevant earthworks provisions under the <i>Energy, infrastructure and transport</i> chapter and cross references to provisions for mining, quarries and or gravel extraction in a special purpose zone or zone chapter or section. Not having an Earthworks chapter and locating provisions in other chapters (except where provided for, as above) would not align with the National Planning Standards.</p>

Evaluation of Provisions to Achieve Objectives EW-01

<p>or within heritage areas</p> <ul style="list-style-type: none"> • Earthworks on SASM • Earthworks within Outstanding Natural Features and Landscapes • Earthworks within Coastal Margins and Riparian Margins • Earthworks within High, Very High and Outstanding Coastal Natural Character Areas • Earthworks and/or vertical holes within the National Grid Yard (that are not associated with infrastructure) • Earthworks within the Gas Transmission Pipeline Corridor (that are not associated with infrastructure) <p>Provisions in other chapters:</p> <p>INF – Earthworks policies, rules, and standards relating to earthworks associated with infrastructure.</p> <p>SASM – Earthworks policy that allows for small-scale earthworks for burials within existing urupā.</p> <p>CE – Reference to earthworks in the policy relating to use and</p>	<p>More restrictive framework</p> <p>A more restrictive framework has been considered that could exclude earthworks to be undertaken as a permitted activity in some or all area-specific and district-wide areas and instead have a starting point as a Controlled or even Restricted Discretionary Activity. This was decided against as it is appropriate to enable earthworks in the City without needing consent where they are minor earthworks and where a development complies with the relevant standards. The only overlay where there is not a permitted activity starting point is where earthworks are undertaken within outstanding coastal natural character areas due to the directive in the policy framework that seeks to avoid earthworks in these areas so as to avoid adverse effects on the identified values. This is a proportionate rule framework for this overlay.</p> <hr/> <p>Overall Evaluation</p> <p>The proposed provisions are the most appropriate way to achieve the objectives because they are effective and efficient in terms of managing earthworks and potential adverse effects. The anticipated benefits outweighing costs.</p>
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Evaluation of Provisions to Achieve Objectives EW-01

<p>development in the coastal environment.</p> <p>OSZ and NOSZ – Reference to earthworks in rules relating to quarrying activities.</p>	
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9. Summary

(131) This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- Best gives effect to higher order documents, including the RPS, NPS-UD, NZCPS and National Planning Standards;
- Appropriately addresses and responds to the identified resource management issues; and
- Is the most effective and efficient way to achieve the purpose of the RMA and the strategic objectives of the Proposed District Plan.

Appendix 1 – Full Wording of NZCPS Relevant Provisions

NZCPS	
Objective 2	<p><i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i></p> <ul style="list-style-type: none"> • <i>recognising the characteristics and qualities that contribute to natural character;</i> • <i>natural features and landscape values and their location and distribution;</i> • <i>identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and</i> • <i>encouraging restoration of the coastal environment.</i>
Objective 6	<p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</i></p> <ul style="list-style-type: none"> • <i>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i> • <i>some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</i> • <i>functionally some uses and developments can only be located on the coast or in the coastal marine area;</i> • <i>the coastal environment contains renewable energy resources of significant value;</i> • <i>the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;</i> • <i>the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;</i> • <i>the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and</i> • <i>historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.</i>
Policy 6	<i>Activities in the coastal environment</i>

	<p>(1) <i>In relation to the coastal environment:</i></p> <p>(a) <i>recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</i></p> <p>(b) <i>consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</i></p> <p>(f) <i>consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;</i></p> <p>(h) <i>consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;</i></p> <p>(i) <i>set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment.</i></p>
Policy 7	<p><i>Strategic planning</i></p> <p>(1) <i>In preparing regional policy statements, and plans:</i></p> <p>(b) <i>identify areas of the coastal environment where particular activities and forms of subdivision, use and development:</i></p> <p>(i) <i>are inappropriate; and</i></p> <p>(ii) <i>may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.</i></p>
Policy 13	<p><i>Preservation of natural character</i></p> <p>(1) <i>To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</i></p> <p>(a) <i>avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</i></p> <p>(b) <i>avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;</i></p> <p><i>including by:</i></p> <p>(c) <i>assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and</i></p> <p>(d) <i>ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.</i></p>
Policy 22	<p><i>Sedimentation</i></p> <p>(1) <i>Assess and monitor sedimentation levels and impacts on the coastal environment.</i></p> <p>(2) <i>that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.</i></p>

	<p>(3) <i>Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.</i></p> <p>(4) <i>Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.</i></p>
Policy 25	<p><i>Subdivision, use, and development in areas of coastal hazard risk</i></p> <p><i>In areas potentially affected by coastal hazards over at least the next 100 years:</i></p> <p>(a) <i>avoid increasing the risk¹⁰ of social, environmental and economic harm from coastal hazards;</i></p> <p>(b) <i>avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards.</i></p>

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Appendix 2: Full Wording of RPS and RPS-PC1 Relevant Objectives and Policies

RPS	
Section 3.1 Air Quality	
<i>Objective 1</i>	<i>Discharges of odour, smoke, and dust to air do not adversely affect amenity values and people's wellbeing.</i>
<i>Policy 1</i> <i>Odour, smoke, and dust</i>	<i>District plans shall include policies and/or rules that discourage:</i> <i>(a) new sensitive activities locating near land uses or activities that emit odour, smoke or dust, which can affect the health of people and lower the amenity values of the surrounding area; and</i> <i>(b) new land uses or activities that emit odour, smoke or dust and which can affect the health of people and lower the amenity value of the surrounding areas, locating near sensitive activities.</i>
Section 3.2 Coastal Environment	
<i>Objective 3</i>	<i>Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and</i> <i>Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i>
<i>Objective 4</i>	<i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i>
<i>Objective 6</i>	<i>The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.</i>
<i>Objective 7</i>	<i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</i>
<i>Objective 8</i>	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced (objective 8 is shared for the coastal environment and fresh water).</i>
<i>Policy 3</i> <i>Protecting high natural character in the coastal environment</i>	<i>District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:</i> <i>(a) The extent to which natural elements, patterns and processes occur, including:</i> <i>(i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;</i> <i>(ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;</i> <i>(iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or</i> <i>(iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.</i>

RPS	
	<p>(b) <i>The nature and extent of modifications to the place, site or area, including, but not limited to:</i></p> <ul style="list-style-type: none"> (i) <i>physical alterations by people to the landscape, its landforms, waterforms, vegetation, land cover and to the natural patterns associated with these elements;</i> (ii) <i>the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;</i> (iii) <i>the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and/or</i> (iv) <i>any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.</i> <p>(c) <i>Social values: the place, site or area has meaning for a particular community or communities, including:</i></p> <ul style="list-style-type: none"> (i) <i>sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or</i> (ii) <i>recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community.</i>
<p>Policy 26 <i>Protecting outstanding natural features and landscape values</i></p>	<p><i>Where outstanding natural features and landscapes have been identified in accordance with policy 25, district and regional plans shall include policies, rules and/or methods that protect outstanding natural features and landscape values from inappropriate subdivision, use or development.</i></p>
<p>Policy 28 <i>Managing special amenity landscape values</i></p>	<p><i>Where special amenity landscapes have been identified in accordance with policy 27, district and regional plans shall include policies and/or methods (which may include rules) for managing these landscapes in order to maintain or enhance their landscape values in the context of the continuation of:</i></p> <ul style="list-style-type: none"> (a) <i>existing land uses that contribute to these landscape values,</i> (b) <i>predominant existing land uses that are provided for within the underlying zoning, and</i> (c) <i>other lawfully established activities.</i>
<p>Policy 35 <i>Preserving the natural character of the coastal environment</i></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:</i></p> <ul style="list-style-type: none"> (a) <i>minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;</i> (b) <i>protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained;</i> (c) <i>maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;</i>

RPS	
	<p>(d) <i>minimising any significant adverse effects from use and enjoyment of the coast by the public;</i></p> <p>(e) <i>safeguarding the life supporting capacity of coastal and marine ecosystems;</i></p> <p>(f) <i>maintaining or enhancing biodiversity and the functioning of ecosystems; and</i></p> <p>(g) <i>protecting scientific and geological features from inappropriate subdivision, use and development.</i></p>
<p>Policy 36</p> <p><i>Managing effects on natural character in the coastal environment</i></p>	<p><i>When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect natural character in the coastal environment, and in determining whether an activity is inappropriate particular regard shall be given to:</i></p> <p>(a) <i>the nature and intensity of the proposed activity including:</i></p> <p style="padding-left: 20px;">(i) <i>the functional need or operational requirement to locate within the coastal environment</i></p> <p style="padding-left: 20px;">(ii) <i>the opportunity to mitigate anticipated adverse effects of the activity</i></p> <p>(b) <i>the degree to which the natural character will be modified, damaged or destroyed including:</i></p> <p style="padding-left: 20px;">(i) <i>the duration and frequency of any effect, and/or</i></p> <p style="padding-left: 20px;">(ii) <i>the magnitude or scale of any effect;</i></p> <p style="padding-left: 20px;">(iii) <i>the irreversibility of adverse effects on natural character values;</i></p> <p style="padding-left: 20px;">(iv) <i>whether the activity will lead to cumulative adverse effects on the natural character of the site/area.</i></p> <p>(c) <i>the resilience of the site or area to change;</i></p> <p>(d) <i>the opportunities to remedy or mitigate previous damage to the natural character;</i></p> <p>(e) <i>the existing land uses on the site.</i></p>
<p>Policy 41</p> <p><i>Minimising the effects of earthworks and vegetation disturbance</i></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:</i></p> <p>(a) <i>erosion; and</i></p> <p>(b) <i>silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</i></p>
<p>Policy 42</p> <p><i>Minimising contamination in stormwater from development</i></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, the adverse effects of stormwater run-off from subdivision and development shall be reduced by having particular regard to:</i></p> <p>(a) <i>limiting the area of new impervious surfaces in the stormwater catchment;</i></p> <p>(b) <i>using water permeable surfaces to reduce the volume of stormwater leaving a site;</i></p> <p>(c) <i>restricting zinc or copper roofing materials, or requiring their effects to be mitigated;</i></p> <p>(d) <i>collecting water from roofs for domestic or garden use while protecting public health;</i></p> <p>(e) <i>using soakpits for the disposal of stormwater;</i></p> <p>(f) <i>using roadside swales, filter strips and rain gardens;</i></p> <p>(g) <i>using constructed wetland treatment areas;</i></p>

RPS	
	<p>(h) using in situ treatment devices;</p> <p>(i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and</p> <p>(j) using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.</p>
Section 3.4 Freshwater	
Objective 12	<p>The quantity and quality of fresh water:</p> <p>(a) meet the range of uses and values for which water is required;</p> <p>(b) safeguard the life supporting capacity of water bodies; and</p> <p>(c) meet the reasonably foreseeable needs of future generations.</p>
Policy 15 <i>Minimising the effects of earthworks and vegetation disturbance</i>	<p>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:</p> <p>(a) erosion; and</p> <p>(b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.</p>
Policy 41 <i>Minimising the effects of earthworks and vegetation disturbance</i>	<p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:</p> <p>(a) erosion; and</p> <p>(b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</p>
Policy 42 <i>Minimising contamination in stormwater from development</i>	<p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, the adverse effects of stormwater run-off from subdivision and development shall be reduced by having particular regard to:</p> <p>(a) limiting the area of new impervious surfaces in the stormwater catchment;</p> <p>(b) using water permeable surfaces to reduce the volume of stormwater leaving a site;</p> <p>(c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;</p> <p>(d) collecting water from roofs for domestic or garden use while protecting public health;</p> <p>(e) using soakpits for the disposal of stormwater;</p> <p>(f) using roadside swales, filter strips and rain gardens;</p> <p>(g) using constructed wetland treatment areas;</p> <p>(h) using in situ treatment devices;</p> <p>(i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and</p> <p>(j) using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.</p>
Section 3.5 Historic Heritage	
Objective 15	<p>Historic heritage is identified and protected from inappropriate modification, use and development.</p>

RPS	
<p>Policy 22</p> <p><i>Protecting historic heritage values</i></p>	<p><i>District and regional plans shall include policies, rules and/or other methods that:</i></p> <p>(a) <i>protect the significant historic heritage values associated with places, sites and areas identified in accordance with policy 21, from inappropriate subdivision, use, and development; and</i></p> <p>(b) <i>avoid the destruction of unidentified archaeological sites and wāhi tapu with significant historic heritage values.</i></p>
<p>Policy 46</p> <p><i>Managing effects on historic heritage values</i></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect a place, site or area with historic heritage value, and in determining whether an activity is inappropriate particular regard shall be given to:</i></p> <p>(a) <i>the degree to which historic heritage values will be lost, damaged or destroyed;</i></p> <p>(b) <i>the irreversibility of adverse effects on heritage values;</i></p> <p>(c) <i>the opportunities to remedy or mitigate any previous damage to heritage values;</i></p> <p>(d) <i>the degree to which previous changes that have heritage value in their own right are respected and retained;</i></p> <p>(e) <i>the probability of damage to immediate or adjacent heritage values;</i></p> <p>(f) <i>the magnitude or scale of any effect on heritage values;</i></p> <p>(g) <i>the degree to which unique or special materials and/or craftsmanship are retained;</i></p> <p>(h) <i>whether the activity will lead to cumulative adverse effects on historic heritage; and</i></p> <p>(i) <i>whether the relationships between distinct elements of an historic place, site or area will be maintained.</i></p>
Section 3.7 Indigenous Ecosystems	
<p>Objective 16</p>	<p><i>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</i></p>
<p>Policy 24</p> <p><i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values</i></p>	<p><i>District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.</i></p>
Section 3.7 Landscape	
<p>Objective 17</p>	<p><i>The region's outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development.</i></p>
<p>Objective 18</p>	<p><i>The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.</i></p>
<p>Policy 26</p> <p><i>Protecting outstanding natural features and landscape values</i></p>	<p><i>Where outstanding natural features and landscapes have been identified in accordance with policy 25, district and regional plans shall include policies, rules and/or methods that protect outstanding natural features and landscape values from inappropriate subdivision, use or development.</i></p>

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<p>Policy 28</p> <p><i>Managing special amenity landscape values</i></p>	<p>Where special amenity landscapes have been identified in accordance with policy 27, district and regional plans shall include policies and/or methods (which may include rules) for managing these landscapes in order to maintain or enhance their landscape values in the context of the continuation of:</p> <ul style="list-style-type: none"> (a) existing land uses that contribute to these landscape values, (b) predominant existing land uses that are provided for within the underlying zoning, and (c) other lawfully established activities.
<p>Policy 50</p> <p><i>Managing effects on outstanding natural features and landscapes</i></p>	<p>When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to first, whether an activity may affect an outstanding natural feature and/or landscape, and second, whether or not an activity is inappropriate, having particular regard to the following:</p> <ul style="list-style-type: none"> (a) the degree to which the natural feature or landscape values will be modified, damaged or destroyed including: <ul style="list-style-type: none"> (i) the duration and frequency of any effect, and/or (ii) the magnitude or scale of any effect; (b) the irreversibility of adverse effects on landscape values; (c) the resilience of the natural feature, place or area to change; (d) the opportunities to remedy or mitigate previous damage to natural feature or landscape values; and (e) whether the activity will lead to cumulative adverse effects on the natural feature or landscape values.
Section 3.8 Natural Hazards	
<p>Objective 19</p>	<p>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</p>
<p>Objective 21</p>	<p>Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.</p>
<p>Policy 51</p> <p><i>Minimising the risks and consequences of natural hazards</i></p>	<p>When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"> (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk; (b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event; (c) whether the location of the development will foreseeably require hazard mitigation works in the future; (d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site; (e) any risks and consequences beyond the development site; (f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;

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	<p>(g) <i>avoiding inappropriate subdivision and development in areas at high risk from natural hazards;</i></p> <p>(h) <i>the potential need for hazard adaptation and mitigation measures in moderate risk areas; and</i></p> <p>(i) <i>the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.</i></p>
<p>Policy 29</p> <p><i>Avoiding inappropriate subdivision and development in areas at high risk from natural hazards</i></p>	<p><i>Regional and district plans shall:</i></p> <p>(a) <i>identify areas at high risk from natural hazards; and</i></p> <p>(b) <i>include policies and rules to avoid inappropriate subdivision and development in those areas.</i></p>
Section 3.9 Regional Form, Design, and Function	
<p>Objective 22</p>	<p><i>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</i></p> <p>(a) <i>a viable and vibrant regional central business district in Wellington city;</i></p> <p>(b) <i>an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;</i></p> <p>(c) <i>sufficient industrial-based employment locations or capacity to meet the region's needs;</i></p> <p>(d) <i>development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;</i></p> <p>(e) <i>urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;</i></p> <p>(f) <i>strategically planned rural development;</i></p> <p>(g) <i>a range of housing (including affordable housing);</i></p> <p>(h) <i>integrated public open spaces;</i></p> <p>(i) <i>integrated land use and transportation;</i></p> <p>(j) <i>improved east-west transport linkages;</i></p> <p>(k) <i>efficiently use existing infrastructure (including transport network infrastructure); and</i></p> <p>(l) <i>essential social services to meet the region's needs.</i></p>
<p>Policy 41</p> <p><i>Minimising the effects of earthworks and vegetation disturbance</i></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:</i></p> <p>(a) <i>erosion; and</i></p> <p>(b) <i>silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</i></p>
<p>Policy 42</p> <p><i>Minimising contamination in</i></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, the adverse effects of stormwater run-off from subdivision and development shall be reduced by having particular regard to:</i></p> <p>(a) <i>limiting the area of new impervious surfaces in the stormwater catchment;</i></p>

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<i>stormwater from development</i>	<ul style="list-style-type: none"> (b) <i>using water permeable surfaces to reduce the volume of stormwater leaving a site;</i> (c) <i>restricting zinc or copper roofing materials, or requiring their effects to be mitigated;</i> (d) <i>collecting water from roofs for domestic or garden use while protecting public health;</i> (e) <i>using soakpits for the disposal of stormwater;</i> (f) <i>using roadside swales, filter strips and rain gardens;</i> (g) <i>using constructed wetland treatment areas;</i> (h) <i>using in situ treatment devices;</i> (i) <i>using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and</i> (j) <i>using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.</i>
<i>Policy 56 Managing development in rural areas</i>	<p><i>When considering an application for a resource consent or a change, variation or review of a district plan, in rural areas (as at March 2009), particular regard shall be given to whether:</i></p> <ul style="list-style-type: none"> (a) <i>the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals;</i> (b) <i>the proposal will reduce aesthetic and open space values in rural areas between and around settlements;</i> (c) <i>the proposal's location, design or density will minimise demand for non-renewable energy resources; and</i> (d) <i>the proposal is consistent with the relevant city or district council growth and/or development framework or strategy that addresses future rural development; or</i> (e) <i>in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity.</i>
<i>Policy 58 Co-ordinating land use with development and operation of infrastructure</i>	<p><i>When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:</i></p> <ul style="list-style-type: none"> (a) <i>make efficient and safe use of existing infrastructure capacity; and/or</i> (b) <i>coordinate with the development and operation of new infrastructure.</i>
Section 3.9 Resource Management with Tangata Whenua	
<i>Objective 24</i>	<i>The principles of Te Tiriti o Waitangi are taken into account in a systematic way when resource management decisions are made.</i>
<i>Objective 27</i>	<i>Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.</i>
<i>Objective 28</i>	<i>The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.</i>
<i>Policy 48</i>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:</i></p> <ul style="list-style-type: none"> (a) <i>the principles of Te Tiriti o Waitangi; and</i>

RPS	
	(b) <i>Waitangi Tribunal reports and settlement decisions relating to the Wellington region.</i>
<p>Policy 49 <i>Recognising and providing for matters of significance to tangata whenua</i></p>	<p><i>When preparing a change, variation or review of a district or regional plan, the following matters shall be recognised and provided for:</i></p> <p>(a) <i>the exercise of kaitiakitanga;</i> (b) <i>mauri, particularly in relation to fresh and coastal waters;</i> (c) <i>mahinga kai and areas of natural resources used for customary purposes; and</i> (d) <i>places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.</i></p>
Section 3.11 Soil and Minerals	
Objective 29	<i>Land management practices do not accelerate soil erosion.</i>
<p>Policy 15 <i>Minimising the effects of earthworks and vegetation disturbance</i></p>	<p><i>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:</i></p> <p>(a) <i>erosion; and</i> (b) <i>silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.</i></p>
<p>Policy 41 <i>Minimising the effects of earthworks and vegetation disturbance</i></p>	<p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:</i></p> <p>(a) <i>erosion; and</i> (b) <i>silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</i></p>
<p>Policy 68 <i>Minimising soil erosion</i></p>	<i>To minimise soil erosion by encouraging sustainable land management practices and take a whole of catchment approach.</i>

RPS-PC1	
<p>Policy 15 <i>Managing the effects of earthworks and vegetation disturbance</i></p>	<p><i>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to the extent necessary to achieve the target attribute states for water bodies and freshwater ecosystems including the effects of these activities on the life-supporting capacity of soils, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</i></p>
<p>Policy 41 <i>Controlling the effects of earthworks and vegetation disturbance</i></p>	<p><i>When considering an application for a resource consent, particular regard shall be given to controlling earthworks and vegetation disturbance by:</i></p> <p>(a) <i>considering whether the activity will achieve environmental outcomes and target attribute states; and</i> (b) <i>avoiding discharges to water bodies, and to land where it may enter a waterbody, where limits for suspended sediment are not met.</i></p>

Appendix 3: Full Wording of NRP and NRP-PC1 Relevant Objectives and Policies

NRP	
<i>Ki uta ki tai: Mountains to the sea</i>	
<i>Objective O1</i>	<i>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</i>
<i>Objective O2</i>	<i>The importance and contribution of air, land, water and ecosystems to the social, economic and cultural well-being and health of people and the community are recognised in the management of those resources.</i>
<i>Objective O3</i>	<i>Mauri particularly the mauri of fresh and coastal waters is sustained and, where it has been depleted, natural resources and processes are enhanced to replenish mauri.</i>
<i>Beneficial use and development</i>	
<i>Objective O8</i>	<i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i>
<i>Objective O10</i>	<i>Regionally Significant Infrastructure and renewable energy generation activities that meets the needs of present and future generations are enabled in appropriate places and ways.</i>
<i>Policy P6</i>	<i>Uses of land and water</i> <i>The cultural, social and economic benefits of using land and water for:</i> <i>(j) enabling urban development where it maintains the quality of the natural environment.</i>
<i>Policy P16</i>	<i>Flood protection activities</i> <i>The use, maintenance and ongoing operation of existing catchment based flood and erosion risk management activities to manage the hazard risk of flooding to people, property, infrastructure and communities are provided for.</i>
<i>Policy P17</i>	<i>New flood protection and erosion control.</i> <i>The social, cultural, economic and environmental benefits of new catchment based flood and erosion risk management activities are recognised</i>
<i>Māori relationships</i>	
<i>Objective O12</i>	<i>The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including:</i> <i>(d) Protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.</i>
<i>Objective O13</i>	<i>Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources.</i>
<i>Policy P20</i>	<i>Māori value</i> <i>The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be minimised.</i>
<i>Natural character, form, and function</i>	
<i>Objective O14</i>	<i>The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.</i>
<i>Policy P24</i>	<i>Preserving and protecting natural character from inappropriate use and development.</i>

	<p>To preserve natural character and protect it from inappropriate use and development by:</p> <ul style="list-style-type: none"> (a) avoiding adverse effects of activities on the natural character of areas within the coastal environment that have outstanding natural character, and (b) avoiding significant adverse effects and avoid remedy and mitigate other adverse effects of activities on the natural character of areas within the coastal environment that do not have outstanding natural character, and (c) outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that 72 Natural Resources Plan for the Wellington Region have outstanding natural character, provided that the outstanding natural character of the area taken as a whole is retained, and (d) outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating significant adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that have high natural character, provided that the high natural character of the area taken as a whole is retained, and (e) outside the coastal environment, avoiding, remedying or mitigating other adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that are not addressed under (c) or (d) of Policy P24.
Natural hazards	
Objective O16	Inappropriate use and development in high hazard areas is avoided.
Policy 25	<p>High Hazard Areas</p> <p>Use and development, including hazard mitigation methods, in on or over high hazard areas shall be managed to ensure that:</p> <ul style="list-style-type: none"> (a) they have a functional need or operational requirement or there is no practicable alternative to be so located, and (b) an overall increase in risk of social, environmental and economic harm is avoided, and (c) the hazard risk and/or residual hazard risk to the development, assessed using a risk-based approach, is acceptable or as low as reasonably practicable, recognising that in some instances an increase in risk to the development may be appropriate, and (d) the development does not cause or exacerbate hazard risk in other areas, and unless effects are avoided, remedied or mitigated in accordance with a hazard risk management strategy, and (e) adverse effects on natural processes (coastal, riverine and lake processes) are avoided, remedied, or mitigated, and (f) natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise over at least the next 100 years, are taken into account.
Policy P26	<p>Diversion of flood waters in a floodplain</p> <p>The diversion of flood waters from any river or lake resulting from earthworks or the erection, placement or extension of a structure within stopbanks or through the creation of new stopbanks shall be managed to ensure:</p> <ul style="list-style-type: none"> (a) any increase in hazard risk or residual hazard risk in other areas as a result of the diversion is avoided or mitigated, and (b) any adverse effects on natural processes are avoided, remedied, or mitigated, and

	(c) <i>natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change over at least the next 100 years, are taken into account.</i>
Sites with significant values	
Objective O26	<i>Outstanding natural features and landscapes and their values are protected from inappropriate use and development.</i>
Objective O27	<i>Significant historic heritage and its values are protected from inappropriate modification, use and development.</i>
Objective O28	<i>Ecosystems and habitats with significant indigenous biodiversity values are protected from the adverse effects of use and development, and where appropriate restored to a healthy functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</i>
Policy P48	<i>Managing adverse effects on sites with significant mana whenua values.</i>
Policy P50	<i>Managing adverse effects on sites with significant historic heritage value.</i>
Policy P52	<i>Protecting natural features and landscapes from inappropriate use and development.</i>
Air quality	
Objective O32	<i>The adverse effects of odour, smoke and dust on amenity values and people's well-being are minimised.</i>
Policy P58	<i>Managing air quality. Air quality amenity in urban, rural and the coastal marine areas shall be managed to minimise offensive or objectionable odour, smoke and dust, particulate matter, fumes, ash and visible emissions.</i>
Coastal Management	
Policy P141	<p><i>Public open space values and visual amenity.</i></p> <p><i>The adverse effects of new use and development on public open space and visual amenity viewed within, to and from the coastal marine area shall be avoided, remedied or mitigated by:</i></p> <p>(a) <i>having particular regard to any relevant provisions contained in any bordering territorial authorities' proposed and/or operative district plan, and</i></p> <p>(b) <i>managing use and development to be of a scale, location, density and design which is compatible with the natural character, natural features and landscapes and amenity values of the coastal environment and the functional needs, operational requirements and locational constraints, of the Commercial Port Area and the Wellington International Airport, and</i></p> <p>(c) <i>taking account of the future need for public open space in the coastal marine area.</i></p>
Land and water quality - Stormwater	
Policy P84	<p><i>Managing land use impacts on stormwater.</i></p> <p><i>Land use, subdivision and development, including stormwater discharges, shall be managed so that runoff volumes and peak flows:</i></p> <p>(a) <i>avoid or minimise scour and erosion of stream beds, banks and coastal margins, and</i></p> <p>(b) <i>do not increase risk to human health or safety, or increase the risk of inundation, erosion or damage to property or infrastructure,</i></p> <p><i>including by retaining, as far as practicable, pre-development hydrological conditions in new subdivision and development.</i></p>

Chapter 2 - Interpretation

Earthworks	<p><u>For Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua only:</u> <u>The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, 'earthworks' has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p> <p><u>For all other whaitua:</u></p> <p>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.</p> <p>Earthworks do not include:</p> <ul style="list-style-type: none"> (a) cultivation of the soil for the establishment of crops or pasture, and (b) the harvesting of crops, and (c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and (d) the construction, repair, upgrade or maintenance of: <ul style="list-style-type: none"> (i) pipelines, and (ii) electricity lines and their support structures, including the National Grid, and (iii) telecommunication structures or lines, and (iv) radio communication structures, and (v) firebreaks or fence lines, and (vi) a bore or geotechnical investigation bore, and (e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and (f) maintenance of orchards and shelterbelts, and (g) domestic gardening, and (h) repair, sealing or resealing of a road, footpath, driveway, and (i) discharge of cleanfill material <u>to a cleanfill area.</u>
<u>Erosion and sediment management plan</u>	<ul style="list-style-type: none"> (a) <u>For plantation forestry, a plan prepared in compliance with Schedule 34 (forestry plan), or</u> (b) <u>For vegetation clearance on highest erosion risk land (woody vegetation) a plan prepared in compliance with Schedule 33 (vegetation clearance plan).</u>
Chapter 8 - Wellington Harbour and Hutt Valley Whaitua Te Whanganui-a-Tara	
<u>Objective WH.O2</u>	<p><u>The health and wellbeing of Te Whanganui-a-Tara's groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040:</u></p>

	<p><u>(a) water quality, habitats, water quantity and ecological processes are at a level where the state of aquatic life is maintained, or meaningful progress has been made towards improvement where degraded, and</u></p> <p><u>(b) the hydrology of rivers and erosion processes, including bank stability are improved and sources of sediment are reduced to a more natural level, and</u></p> <p><u>(c) the extent and condition of indigenous riparian vegetation is increased and improved, and</u></p> <p><u>(d) the diversity, abundance, composition, structure and condition of mahinga kai species and communities are increased, and</u></p> <p><u>(e) huanqa of mahinga kai and Māori customary use for locations identified in Schedule B (Nqā Taonqa Nui a Kiwa) are maintained or improved, and</u></p> <p><u>(f) mana whenua can safely connect with freshwater and enjoy a wider range of customary and cultural practices, including mahinga kai gathering, and</u></p> <p><u>(g) mana whenua and communities can safely connect with freshwater and enjoy a wider range of activities, including swimming and food gathering, and</u></p> <p><u>(h) freshwater of a suitable quality is available for the health needs of people.</u></p>
<u>Objective WH.O3</u>	<p><u>The health and wellbeing of coastal water quality, ecosystems and habitats in Te Whanganui-a-Tara is maintained or improved to achieve the coastal water objectives set out in Table 8.1, and by 2040:</u></p> <p><u>(a) sediment inputs into Mākara Estuary are reduced, and</u></p> <p><u>(b) high contaminant concentrations, including around discharge points, are reduced, and</u></p> <p><u>(c) diversity, abundance, composition, structure and condition of mahinga kai species and communities has increased, and</u></p> <p><u>(d) huanqa of mahinga kai and Māori customary use for locations identified in Schedule B (Nqā Taonqa Nui a Kiwa) are maintained or improved, and</u></p> <p><u>(e) the extent and condition of estuarine seagrass, saltmarsh and brackish water submerged macrophytes are increased and improved to support abundant and diverse biota, and</u></p> <p><u>(f) coastal areas support healthy functioning ecosystems, and their water conditions and habitats support the presence, abundance, survival, and recovery of At-risk and Threatened species and taonqa species, and</u></p> <p><u>(g) mana whenua can safely connect with the coastal marine area and enjoy a wider range of customary and cultural practices, including mahinga kai gathering and tauranga waka, and</u></p> <p><u>(h) mana whenua and communities can safely connect with the coastal marine area and enjoy a wider range of activities, including food gathering and swimming.</u></p>
<u>Policy WH.P1</u>	<p><u>Improvement of aquatic ecosystem health</u></p> <p><u>Aquatic ecosystem health will be improved by:</u></p> <p><u>(a) progressively reducing the load or concentration of contaminants, particularly sediment, nutrients, pathogens and metals, entering water, and</u></p> <p><u>(b) restoring habitats, and</u></p>

	<p><u>(c) enhancing the natural flow regime of rivers and managing water flows and levels, including where there is interaction of flows between surface water and groundwater, and</u></p> <p><u>(d) co-ordinating and prioritising work programmes in catchments that require changes to land use activities that impact on water.</u></p>
<u>Policy WH.P2</u>	<p><u>Management of activities to achieve target attributable states and coastal water objectives</u></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p><u>(a) prohibiting unplanned greenfield development and for other greenfield developments minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and</u></p> <p><u>(b) encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p><u>(c) imposing hydrological controls on urban development and stormwater discharges to rivers</u></p> <p><u>(d) requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</u></p> <p><u>(e) stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p><u>(f) requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</u></p> <p><u>(g) soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p><u>(h) requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</u></p>
<u>Policy WH.P23</u>	<p><u>Achieving reductions in sediment discharges from farming activities on land with high risk of erosion</u></p> <p><u>Reduce discharges of sediment from farming activities on high erosion risk land and highest erosion risk land by:</u></p> <p><u>(a) identifying highest erosion risk land (pasture) and high erosion risk land (pasture), and</u></p> <p><u>(b) requiring that farm environment plans prepared for farms with highest erosion risk land (pasture) and/or high erosion risk land (pasture) include an erosion risk treatment plan, and</u></p> <p><u>(c) ensuring erosion risk treatment plans:</u></p> <p><u>(i) deliver permanent woody vegetation cover on at least 50% of highest risk erosion land (pasture) that is in pasture on a farm within 10 years and appropriate erosion control treatment for the remaining highest risk erosion land (pasture) and high erosion risk land (pasture) that is in pasture on the farm, and</u></p> <p><u>(ii) identify and respond to risks of sediment loss on high erosion risk land (pasture) associated with grazing livestock, earthworks or vegetation clearance, by using effective erosion control treatment, and</u></p> <p><u>(d) Wellington Regional Council providing support to landowners to implement erosion risk treatment plans.</u></p>

<p><u>Policy WH.P28</u></p>	<p><u>Achieving reductions in sediment discharges from plantation forestry</u></p> <p><u>Reduce discharges of sediment from plantation forestry by:</u></p> <p><u>(a) identifying highest erosion risk land (plantation forestry), and</u></p> <p><u>(b) improving management of plantation forestry by requiring erosion and sediment management plans to be prepared and complied with, and</u></p> <p><u>(c) requiring that on highest erosion risk land (plantation forestry), plantation forestry is not established or continued beyond the harvest of existing plantation forest.</u></p>
<p><u>Policy WH.P29</u></p>	<p><u>Management of earthworks</u></p> <p><u>The risk of sediment discharges from earthworks shall be managed by:</u></p> <p><u>(a) requiring retention of soil and sediment on the land using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), for the duration of the land disturbance, and</u></p> <p><u>(b) limiting the amount of land disturbed at any time, and</u></p> <p><u>(c) designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p><u>(d) requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p>
<p><u>Policy WH.P30</u></p>	<p><u>Discharge standards for earthworks</u></p> <p><u>The discharge of sediment from earthworks over an area greater than 3,000m² shall:</u></p> <p><u>(a) not exceed 100g/m³ at the point of discharge where the discharge is to a surface water body, coastal water, stormwater network or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p><u>(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p><u>(ii) 30% in any other river, and</u></p> <p><u>(b) be managed using good management practices in accordance with the GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021), to achieve the discharge standard in (a), and</u></p> <p><u>(c) be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council.</u></p>
<p><u>Policy WH.P31</u></p>	<p><u>Winter shutdown of earthworks</u></p> <p><u>Earthworks over 3,000m² in area shall:</u></p> <p><u>(a) be shut down from 1st June to 30th September each year, and</u></p> <p><u>(b) prior to shut down, be stabilised against erosion and have sediment controls in place using good management practices in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).</u></p>