This section has rules that have legal effect.

EW — Earthworks

The purpose of the Earthworks chapter is to assist the Council to carry out its functions under the RMA to provide for the sustainable management through the management of earthworks.

Earthworks are an essential part in providing for new land use, subdivision, and development, including the preparation of building platforms, construction of new roads and accessways, and trenching for new services. Earthworks are also an essential part of the operation of quarries, cleanfills, and landfills.

However, if not appropriately managed, earthworks have the potential to cause adverse effects on the environment, This includes the unnecessary scarring of landscapes and unsightly cuts into natural ground levels. These can alter the natural topography of an area and detract from visual amenity values.

Earthworks also have the potential to result in sedimentation of water bodies and stormwater infrastructure and can cause or exacerbate natural hazard risk by destabilising slopes and altering overland flowpaths for stormwater.

Functions of Hutt City Council and Wellington Regional Council

Hutt City Council and Wellington Regional Council both have functions under the RMA in relation to the management of earthworks.

While Hutt City Council has general functions of controlling any actual or potential effects of the use, development or protection of land, Wellington Regional Council's functions has specific functions which include controlling the use of land for soil conservation purposes, maintenance and enhancement of water quality and ecosystems, and controlling the discharge of contaminants, including discharges of sediment to water (or land where it may enter water) and discharges of dust to air.

Other relevant legislation and planning documents

Earthworks are managed through a range of planning documents in addition to the District Plan. These include:

- The Natural Resources Plan for the Wellington Region, which applies to earthworks throughout the region, including Lower Hutt.
- The Heritage New Zealand Pouhere Taonga Act 2014 (any disturbance of land associated with human activity prior to 1900 may require an archaeological authority from Heritage New Zealand Pouhere Taonga under this Act).
- The following National Environmental Standards:
  - National Environmental Standards for Electricity Transmission Activities 2009,
  - National Environmental Standards for Assessing and Manging Contaminants in Soil to Protect Human Health 2011,
  - National Environmental Standards for Telecommunication Facilities 2016,
  - National Environmental Standards for Plantation Forestry 2017, and
  - National Environmental Standards for Freshwater 2020.

Other relevant chapters of the District Plan

This chapter includes the core objectives, policies, and rules in relation to earthworks, including earthworks provisions for all zones and overlays, with two exceptions:

1. The provisions of this chapter do not apply to quarrying activities in the Quarry Zone, and
2. All provisions relating to earthworks for infrastructure are contained in the Infrastructure chapter. However, policies and rules on earthworks within the National Grid Yard and the Gas Transmission Pipeline Corridor that are not related to providing for National Grid and Gas Transmission Pipeline are included in this chapter.

How this chapter works

This chapter includes objectives, policies, and rules that relate to earthworks in general as well as for earthworks in specific zones, overlays, and sites and areas with other planning notations.

The general earthworks policies (EW-P1: Minor earthworks and EW-P2: Appropriate earthworks) and rules (EW-R1: Minor earthworks and EW-R2: General earthworks) apply to all earthworks, including earthworks on land with more specific policies and rules due to the zone, overlays or other planning notations. *The only exception* to this is that EW-

R2: General earthworks does not apply to earthworks covered by EW-R3: Earthworks for the purposes of maintaining or constructing public walking and cycling tracks in conjunction.

The zone-specific and topic-specific policies (EW-P3 to EW-P15) and related rules (EW-R3 to EW-R16) apply to earthworks on land subject to specified overlays and other planning notations. These policies and rules apply *in addition to* the general earthworks provisions.

For the avoidance of doubt, earthworks on land subject to an overlay or other planning notation must comply with the relevant general rules as well as the specific rules for the overlay or other planning notation, and where there is a conflict between standards and rules, the more onerous provisions shall prevail.

Objective

EW-O1	Earthworks
Earthworks are undertaken in a manner that: 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

General Earthworks	
EW-P1	**Minor earthworks**
Enable minor earthworks where: 1. The stability and structural integrity of land, infrastructure, and buildings are not compromised, 2. Erosion, dust, and sedimentation effects on land and water bodies are minimised, and 3. Effects on visual amenity are insignificant.	
EW-P2	**Appropriate earthworks**
Enable earthworks associated with subdivision, land use, and development where: 1. The earthworks are coordinated and integrated with the associated subdivision, land use, and development to ensure the finished landforms are fit for the future intended purpose, including ensuring future land use and development for development sites is feasible, 2. The scale of the earthworks is consistent with the scale and form of development anticipated within the underlying zone, 3. The stability of land is maintained, including the stability of land on adjoining sites, 4. The structural integrity of infrastructure, buildings, and structures on the site and on adjoining sites is not compromised, 5. The area, height or depth, location, and slope of the earthworks ensure that: a. Adverse effects on visual amenity resulting from cut or fill faces, retaining structures, and alterations of natural landforms and features are minimised, and b. Effective measures are adopted to manage the potential for erosion and the movement of dust, silt, and sediment beyond the site, 6. The transport of earth and cleanfill material to and from any site is undertaken in a way that: a. Minimises adverse effects on amenity values, b. Minimises the deposition of sediment on footpaths, roads, and into stormwater systems, and c. Ensures the safe and efficient operation of the transport network, 7. The area where earthworks have occurred is reinstated to a condition which minimises adverse effects on land stability, erosion, and the visual amenity in a timely manner.	
EW-P3	**Earthworks for Public Walking and Cycling Tracks**
Recognise the benefits of, and enable earthworks required for, the development, repair, and maintenance of public walking and cycling tracks.	
EW-P4	**Earthworks for Farming Tracks**
Enable earthworks for the purpose of maintaining and constructing farming tracks where the earthworks are of a scale that: 1. Does not compromise the stability and structural integrity of land, infrastructure and buildings,	

2. Minimises erosion, dust, and sedimentation effects on land and water bodies, and
3. Minimises effects on visual amenity.

EW-P5	Earthworks associated with Natural Hazard Mitigation Works

Earthworks associated with Natural Hazard Mitigation Works are managed as follows:

1. Enable earthworks associated with Natural Hazard Mitigation Works where:
    a. They provide a natural hazard risk reduction benefit at a community scale,
    b. They are part of a planned Natural Hazard Mitigation Works programme by central government, local government, or their agents, and will be maintained at the completion of the works,
    c. They do not result in an increase in natural hazard risk to any other property,
    d. They are constructed in accordance with approved engineering practices, and
    e. There is a maintenance programme for the Natural Hazard Mitigation Works to ensure on-going effectiveness of the works.
2. Enable earthworks associated with green Infrastructure where:
    a. They are part of a planned natural hazard mitigation works programme by central government, local government, or their agents, and will be maintained by one or more of these parties at the completion of the works,
    b. They do not result in an increase in natural hazard risk to any other property, and
    c. There is a maintenance program for the green infrastructure to ensure on-going effectiveness of the infrastructure.
3. Only allow for earthworks on Community Scale Natural Hazard Mitigation Structures where:
    a. The Community Scale Natural Hazard Mitigation Structures are fully reinstated to how they were prior to the commencement of the earthworks,
    b. The earthworks do not compromise the short-term or long-term integrity of the Community Scale Natural Hazard Mitigation Structures, and
    c. Earthworks to reinstate the Community Scale Natural Hazard Mitigation Structures are undertaken in accordance with accepted engineering practices.

Earthworks in Overlays and Other Specified Locations

EW-P6	Earthworks within Flood Hazard Overlays

Provide for earthworks in Flood Hazard Overlays where any increase in flooding risk for neighbouring properties is minimised when compared to the existing situation by:

1. Managing the displacement of flood waters, and
2. Ensuring the earthworks do not impede floodwaters from being conveyed along Overland Flowpaths or Stream Corridors.

EW-P7	Earthworks on slopes

On slopes greater than 34 degrees, where the 34 degree slope angle is sustained over a distance of at least 3m, measured horizontally, provide for earthworks where a geotechnical assessment confirms that:

1. The proposed earthworks will minimise the risk from slope instability to people and buildings, and
2. The proposed earthworks will not increase the risk of slope failure on adjacent sites.

EW-P8	Earthworks in the Slope Assessment Overlay

Provide for earthworks in the Slope Assessment Overlay, where a geotechnical assessment confirms that:

1. The earthworks will minimise the risk from slope instability to people and buildings, and
2. The earthworks will not increase the risk of slope failure on adjacent sites.

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

Provide for earthworks on sites with heritage buildings or heritage structures, or within heritage areas where:

1. They are of a scale and are designed to have regard to the significant historic heritage values of the heritage building, heritage structure, or heritage area,
2. They do not detract from the significant historic heritage values and setting of the heritage building, heritage structure, or heritage area, and
3. They do not alter the significance of the heritage building, heritage structure or heritage area.

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

Earthworks on sites and in areas of significance to Māori are managed as follows:

1. Enable small-scale earthworks for burials within existing sites or areas of significance to Māori that are urupā.
2. Provide for other earthworks on sites and areas of significance in SCHED6 - Sites and Areas of Significance to Māori where it can be demonstrated that the identified values will be protected, having regard to:
    a. The extent of the earthworks,
    b. The manner in which the earthworks are undertaken,
    c. The monitoring of earthworks, and

d. The avoidance of archaeological sites.

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

Only allow for earthworks within the root protection area of notable trees where:
1. The earthworks will not compromise the long-term health of the scheduled notable tree, and
2. The earthworks will not compromise the values associated with the notable tree.

EW-P12	Earthworks within Outstanding Natural Features and Landscapes

Earthworks within identified Outstanding Natural Features and Landscapes are managed as follows:
1. Allow for earthworks within Outstanding Natural Features and Landscapes where:
    a. The earthworks are minor in scale, or
    b. The earthworks are for public cycling and walking tracks and the identified values described in SCHED4 are maintained, or
    c. The earthworks are for farming tracks for an established working farm and the identified values described in SCHED4 are maintained.
2. Provide for any other earthworks within Outstanding Natural Features and Landscapes where they are of a scale that protects the identified values described in SCHED4.
3. Only allow for larger scale earthworks within Outstanding Natural Features and Landscapes where:
    a. If located outside the coastal environment, earthworks are undertaken in a way that avoids any significant adverse effects and avoids, remedies, or mitigates any other adverse effects on the identified values described in SCHED4, or
    b. If located within the coastal environment, earthworks are undertaken in a way that avoids any adverse effects on the identified values described in SCHED4.
4. Measures are incorporated into earthworks within Outstanding Natural Features and Landscapes that:
    a. Restore or rehabilitate disturbed areas, and
    b. Minimise changes to the landform.

EW-P13	Earthworks within coastal margins and riparian margins

Earthworks within coastal margins and riparian margins are managed as follows:
1. Allow for earthworks within coastal Margins and riparian Margins where:
    a. The earthworks are minor in scale, or
    b. The earthworks are associated with the ongoing maintenance and repair of existing public cycling and walking tracks and the natural character of the coastal margins and riparian margins is maintained, or
    c. The earthworks are associated with the ongoing maintenance and repair of existing farming tracks for an established working farm and the natural character of the coastal margins and riparian margins maintained.
2. Provide for earthworks in coastal margins and riparian margins where:
    a. The earthworks are located within a highly modified location, or
    b. The earthworks are for new public walking or cycling tracks and the natural character of the coastal margins and riparian margins is maintained, or
    c. The earthworks are for new farming tracks for an established working farm and the natural character of the coastal margins and riparian margins is maintained, or
    d. The earthworks are of a small scale and maintain:
        i. The natural character values of the coastal margins and riparian margins,
        ii. Public access, and
        iii. Any natural hazard mitigation provided by the margin.
3. Only allow for other earthworks within coastal margins and riparian margins where:
    a. The earthworks are of a scale and for a purpose that is compatible with the natural character of the coastal margin or riparian margin,
    b. If located within the coastal environment, the earthworks are undertaken in a manner that avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal margins and riparian margins,
    c. There is a functional need or operational need for the earthworks to be undertaken within a coastal margin or riparian margin, and
    d. Measures are incorporated to restore and rehabilitate disturbed areas.

EW-P14	Earthworks within High, Very High and Outstanding Coastal Natural Character Areas

Earthworks within areas of High, Very High and Outstanding Coastal Natural Character are managed as follows:
1. Allow for earthworks within High and Very High Coastal Natural Character areas where:
    a. The earthworks are minor in scale,
    b. The earthworks are for public cycling and walking tracks and the identified values described in SCHED5 are maintained, or
    c. The earthworks are for farming tracks for an established working farm and the identified values described in SCHED5 are maintained.
2. Provide for earthworks within High and Very High Coastal Natural Character areas where the earthworks are of a

scale and for a purpose that is compatible with the identified values described in SCHED5, including for restoration and conservation activities.
3. Only allow for any other earthworks within High and Very High Coastal Natural Character areas where:
    a. Earthworks are undertaken in a manner that avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values described in SCHED5,
    b. There is a functional need or operational need for the earthworks to be undertaken within the area, and
    c. Measures are incorporated to restore and rehabilitate disturbed areas.
4. Avoid earthworks within Outstanding Coastal Natural Character areas unless:
    a. The earthworks are undertaken in a manner that avoids any adverse effects on the identified values described in SCHED5.
5. Require earthworks within High, Very High and Outstanding Coastal Natural Character areas to incorporate measures that:
    a. Restore or rehabilitate disturbed areas, and
    b. Minimise changes to the landform.

EW-P15	Earthworks and vertical holes within the National Grid Yard not associated with infrastructure

Only allow earthworks and vertical holes within the National Grid Yard where:
1. The earthworks are of a scale and nature that will not compromise the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid, or
2. It can be demonstrated that the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid will not be compromised, taking into account:
    a. The extent to which the earthworks and vertical holes may compromise the safe access to and operation, maintenance and repair, upgrading and development of the National Grid,
    b. The stability of land within and adjacent to the National Grid,
    c. The risk to the structural integrity of the affected National Grid support structures,
    d. Risks to health or public safety, including the risk of property damage, and
    e. Technical advice provided by the owner and operator of the National Grid.

EW-P16	Earthworks within the Gas Transmission Pipeline Corridor not associated with infrastructure

Only allow earthworks within the Gas Transmission Pipeline Corridor where:
1. The earthworks are of a scale and nature that will not compromise the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the Gas Transmission Network, or
2. It can be demonstrated that the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the Gas Transmission Network will not be compromised, taking into account:
    a. The extent to which the earthworks may compromise the safe access to and operation, maintenance and repair, upgrading and development of the Gas Transmission Pipeline,
    b. The stability of land within and adjacent to the Gas Transmission Pipeline Corridor,
    c. Risks to health or public safety, including the risk of property damage, and
    d. Technical advice provided by the owner and operator of the Gas Transmission Network.

Rules

General earthworks

EW-R1	Minor earthworks
All Zones	1. **Activity status:** Permitted
EW-R2	**General earthworks**
All Zones	1. **Activity status:** Permitted Where: a. Compliance is achieved with: i. EW-S1: Area of earthworks, ii. EW-S2: Cut height and fill depth, iii. EW-S3: Existing slope angle (where located outside of the Slope Assessment Overlay), iv. EW-S4: Transport of cut and fill material, and v. EW-S5: Site reinstatement.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R2.1. **Matters of discretion are restricted to:**

	1. The matters of discretion of any infringed standard. 2. The matters in EW-P2: Appropriate earthworks. 3. The matters in EW-P7: Slope Stability (where compliance is not achieved with EW-S3). **Notification:** • Where located in a Medium Density Residential Zone or High Density Residential Zone, applications under this rule are precluded from being publicly notified or limited notified where compliance is not achieved with EW-S1: Area of earthworks. • Applications under this rule are precluded from being publicly or limited notified where compliance is not achieved with EW-S4: Transport of cut and fill material.
EW-R3	**Earthworks for maintaining or constructing public walking and cycling tracks** ***This rule overrides Rule EW-R2 in relation to earthworks for the purposes of maintaining or constructing public walking and cycling tracks***
All Zones	1. **Activity status:** Permitted Where: a. The work is undertaken by central government, local government, or their agents, and b. Compliance is achieved with EW-S7: Earthworks for public walking and cycling tracks.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R3.1. **Matters of discretion are restricted to:** 1. The matters of discretion of the infringed standard. 2. The matters in EW-P3: Earthworks for public walking and cycling tracks. **Notification:** Public notification and limited notification are precluded for applications under this rule where the work is undertaken by central government, local government, or their agents.
EW-R4	**Earthworks for maintaining or constructing farming tracks**
All Zones	1. **Activity status:** Permitted Where: a. The track is associated with a rural activity, and b. Compliance is achieved with EW-S6: Earthworks for farming tracks.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R4.1. **Matters of discretion are restricted to:** 1. The matters of discretion of the infringed standard. 2. The matters in EW-P4: Earthworks for farming tracks. **Notification:** Public notification is precluded for applications under this rule.
EW-R5	**Earthworks associated with Natural Hazard Mitigation Works or Green Infrastructure within the Flood Hazard Overlays and Coastal Hazard Overlays**
All Zones	1. **Activity status:** Permitted Where: a. The earthworks are for the express purpose of Natural Hazard Mitigation Works or Green Infrastructure and are undertaken by central government, local government, or their agents.
All Zones	2. **Activity status:** Discretionary Where: a. Compliance is not achieved with EW-R5.1.

Earthworks in overlays and other specified locations

EW-R6	**Earthworks within Flood Hazard Overlays**
All Zones	1. **Activity status:** Permitted Where: a. The earthworks are located within the low hazard area of the Flood Hazard Overlay, or b. The earthworks are located within a medium hazard area, or high hazard area of the Flood Hazard Overlay and, the finished ground level upon the completion of the earthworks are the same as the natural ground level at the start of the earthworks.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R6.1. **Matters of discretion are restricted to:** 1. The matters in EW-P6: Earthworks within Flood Hazard Overlays.
EW-R7	**Earthworks on Community Scale Natural Hazard Mitigation Structures**
All Zones	1. **Activity status:** Permitted Where: a. The earthworks are undertaken by central government, local government, or their agents.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R7.1. **Matters of discretion are restricted to:** 1. The matters in EW-P5: Earthworks associated with natural hazard mitigation works.
EW-R8	**Earthworks for a building platform in the Slope Assessment Overlay**
All Zones	1. **Activity status:** Restricted discretionary Where: a. The earthworks are for a building platform for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards in the Slope Assessment Overlay. **Matters of discretion are restricted to:** 1. The matters of discretion in EW-P8: Earthworks in the Slope Assessment Overlay.
EW-R9	**Earthworks on sites with heritage buildings or heritage structures, or within heritage areas**
All Zones	1. **Activity status:** Permitted Where: a. Compliance is achieved with EW-S8: Earthworks on sites with heritage buildings or heritage structures, or within heritage areas.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R9.1. **Matters of discretion are restricted to:** 1. The matters of discretion of any infringed standard. 2. The matters in EW-P9: Earthworks on sites with heritage buildings or heritage structures, or within heritage areas.
EW-R10	**Earthworks on Sites and in Areas of Significance to Māori**
All Zones	1. **Activity status:** Permitted Where: a. The earthworks are associated with burials within an existing urupā, or

	b. Compliance is achieved with EW-S9: Earthworks on Sites and in Areas of Significance to Māori.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R10.1. **Matters of discretion are restricted to:** 1. The matters in EW-P10: Earthworks on Sites and in Areas of Significance to Māori.
EW-R11	**Earthworks within the Root Protection Area of Notable Trees**
All Zones	1. **Activity status:** Discretionary
EW-R12	**Earthworks within Outstanding Natural Features and Landscapes**
All Zones	1. **Activity status:** Permitted Where: a. The earthworks are for the maintenance of existing public walking and cycling tracks, b. The earthworks are for the maintenance of existing farm tracks required for rural activities, or c. The earthworks are minor earthworks.
All Zones	2. **Activity status:** Controlled Where: a. The earthworks are for new farm tracks required for permitted rural activities, and b. Compliance is achieved with EW-S6: Earthworks for farming tracks. **Matters of discretion are restricted to:** 1. The location and design of the new farm track. 2. The degree to which the effects of the earthworks on the identified values can be remedied or mitigated. 3. The matters in: a. EW-P12: Earthworks within Outstanding Natural Features and Landscapes, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
All Zones	3. **Activity status:** Controlled Where: a. The earthworks are for new public walking and cycling tracks, and b. Compliance is achieved with EW-S7: Earthworks for public walking and cycling tracks. **Matters of control:** 1. The location and design of the new public walking or cycling track. 2. The degree to which the effects of the earthworks on the identified values can be remedied or mitigated. 3. The matters in: a. EW-P12: Earthworks within Outstanding Natural Features and Landscapes, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
All Zones	4. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R12.1, EW-R12.2, and EW-R12.3, and b. Compliance is achieved with EW-S10: Earthworks within Outstanding Natural Features and Outstanding Natural Landscapes. **Matters of discretion are restricted to:** 1. The matters of discretion of any infringed standard. 2. The matters in: a. EW-P12: Earthworks within Outstanding Natural Features and Landscapes, b. PA-P1: Appropriate activities within coastal margins and riparian margins,

	c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
All Zones	5. **Activity status:** Discretionary Where: a. Compliance is not achieved with EW-R12.4.
EW-R13	**Earthworks within coastal margins and riparian margins**
All Zones	1. **Activity status:** Permitted Where: a. The earthworks are for the maintenance of existing public walking and cycling tracks, b. The earthworks are for the maintenance of existing farm tracks required for rural activities, or c. The earthworks are minor earthworks.
All Zones	2. **Activity status:** Controlled Where: a. The earthworks are for new farm tracks required for permitted rural activities, and b. Compliance is achieved with EW-S6: Earthworks for farming tracks. **Matters of control:** 1. The design of the new farm track and its location in relation to the waterbody or coastline. 2. The degree to which the effects of the earthworks on the natural character can be remedied or mitigated. 3. The matters in: a. EW-P13: Earthworks within coastal margins and riparian margins, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
All Zones	3. **Activity status:** Controlled Where: a. The earthworks are for new public walking and cycling tracks, and b. Compliance is achieved with EW-S7: Earthworks for public walking and cycling tracks. **Matters of control:** 1. The design of the new public walking or cycling track and its location in relation to the waterbody or coastline. 2. The degree to which the effects of the earthworks on the natural character can be remedied or mitigated. 3. The matters in: a. EW-P13: Earthworks within coastal margins and riparian margins, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
All Zones	4. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R13.1, EW-R13.2, and EW-R13.3, and b. Compliance is achieved with EW-S11: Earthworks within coastal margins and riparian margins. **Matters of discretion are restricted to:** 1. The matters of discretion of any infringed standard. 2. The matters in: a. EW-P13: Earthworks within coastal margins and riparian margins, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
All Zones	5. **Activity status:** Discretionary

		Where: a. Compliance is not achieved with EW-R13.4.
EW-R14	**Earthworks within High and Very High Coastal Natural Character Areas**	
	All Zones	1. **Activity status:** Permitted Where: a. The earthworks are for the maintenance of existing public walking and cycling tracks, b. The earthworks are for the maintenance of existing farm tracks required for permitted rural activities, or c. The earthworks are minor earthworks.
	All Zones	2. **Activity status:** Controlled Where: a. The earthworks are for new farm tracks required for permitted rural activities, and b. Compliance is achieved with EW-S6: Earthworks for farming tracks. **Matters of control:** 1. The location and design of the new farm track. 2. The degree to which the effects of the earthworks on the identified values in SCHED5 can be remedied or mitigated. 3. The matters in: a. EW-P14: Earthworks within High, Very High and Outstanding Coastal Natural Character Areas, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
	All Zones	3. **Activity status:** Controlled Where: a. The earthworks are for new public walking and cycling tracks, and b. Compliance is achieved with EW-S7: Earthworks for public walking and cycling tracks. **Matters of control:** 1. The location and design of the new walking or cycling track. 2. The degree to which the effects of the earthworks on the identified values in SCHED5 can be remedied or mitigated. 3. The matters in: a. EW-P14: Earthworks within High, Very High and Outstanding Coastal Natural Character Areas, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
	All Zones	4. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R14.1, EW-R14.2, and EW-R14.3, and b. Compliance is achieved with EW-S12: Earthworks within High, Very High and Outstanding Coastal Natural Character Areas. **Matters of discretion are restricted to:** 1. The matters of discretion of any infringed standard. 2. The matters in: a. EW-P14: Earthworks within High, Very High and Outstanding Coastal Natural Character Areas, b. PA-P1: Appropriate activities within coastal margins and riparian margins, c. PA-P2: Maintenance and enhancement of public access, and d. PA-P3: Restriction of public access.
	All Zones	5. **Activity status:** Discretionary Where: a. Compliance is not achieved with EW-R14.4.
EW-R15	**Earthworks within Outstanding Coastal Natural Character Areas**	

All Zones	1. **Activity status:** Discretionary Where: a. The earthworks are: i. For the maintenance of existing public walking and cycling tracks, or ii. Minor earthworks, and b. Compliance is achieved with EW-S12: Earthworks within High, Very High and Outstanding Coastal Natural Character Areas.
All Zones	2. **Activity status:** Non-complying Where: a. Compliance is not achieved with EW-R15.1. **Information requirements:** Applications under this rule must provide the following information in addition to the standard information requirements under s88(3) of the RMA: • An assessment by a suitably qualified landscape architect of the proposal against the values identified in SCHED5 - Coastal Natural Character Areas.
EW-R16	**Earthworks and vertical holes within the National Grid Yard not associated with infrastructure**
All Zones	1. **Activity status:** Permitted Where: a. Compliance is achieved with EW-S13: Earthworks and vertical holes within the National Grid Yard not associated with infrastructure.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R16.1. **Matters of discretion are restricted to:** 1. The matters of discretion of any infringed standard. 2. The matters in EW-P15: Earthworks and vertical holes within the National Grid Yard not associated with infrastructure. **Notification:** Public notification is precluded for applications under this rule. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited.
EW-R17	**Earthworks within the Gas Transmission Pipeline Corridor not associated with infrastructure**
All Zones	1. **Activity status:** Permitted Where: a. Compliance is achieved with EW-S14: Earthworks within the Gas Transmission Pipeline Corridor not associated with infrastructure.
All Zones	2. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with EW-R17.1. **Matters of discretion are restricted to:** 1. The matters of discretion of any infringed standard. 2. The matters in EW-P16: Earthworks within the Gas Transmission Pipeline Corridor not associated with infrastructure. **Notification:** Public notification is precluded for applications under this rule. Notice of any application for resource consent under this rule must be served on the owner and operator of the Gas Transmission Pipeline.

Standards

EW-S1	**Area of earthworks**

Residential Zones **Neighbourhood Centre Zones** **Tertiary Education Zone**	1. The area of earthworks must not exceed 250m^2 per site in any 12-month period. **Matters of discretion if the standard is breached:** 1. The stability of land or structures in or on the site or adjacent sites. 2. The visual amenity values and character of the surrounding area. 3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 4. The retention of silt and sediment on the site and the control of dust. 5. The staging of earthworks. 6. The total area of exposed soils at any point in time.
Local Centre Zone **Mixed Use Zone** **Town Centre Zone** **Metropolitan Centre Zone** **City Centre Zone** **Industrial Zones** **Open Space and Recreation Zones** **Hospital Zone**	2. The area of earthworks must not exceed 500m^2 per site in any 12-month period. **Matters of discretion if the standard is breached:** 1. The stability of land or structures in or on the site or adjacent sites. 2. The visual amenity values and character of the surrounding area. 3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 4. The retention of silt and sediment on the site and the control of dust. 5. The staging of earthworks. 6. The total area of exposed soils at any point in time.
Rural Zones **Marae Zone**	3. The area of earthworks must not exceed 1,000m^2 per site in any 12-month period. **Matters of discretion if the standard is breached:** 1. The stability of land or structures in or on the site or adjacent sites. 2. The visual amenity values and character of the surrounding area. 3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 4. The retention of silt and sediment on the site and the control of dust. 5. The staging of earthworks. 6. The total area of exposed soils at any point in time.
EW-S2	**Cut height and fill depth**
All Zones	1. The cut height or fill depth (measured vertically) must not exceed: a. 0.5m where located within 1m of the site boundary, measured on a horizontal plane, b. 1.5m for the remainder of the site, or c. 2.5m where any cut or fill is retained by a building or structure authorised by a building consent obtained prior to any earthworks commencing. **Matters of discretion if the standard is breached:** 1. The stability of land or structures in or on the site or adjacent sites. 2. The visual amenity values and character of the surrounding area. 3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 4. The retention of silt and sediment on the site and the control of dust. 5. The location of any publicly-owned three water assets, and the potential effects on these assets. 6. The staging of earthworks. 7. The total area of exposed soils at any point in time.
EW-S3	**Existing slope angle, where outside the Slope Assessment Overlay**
All Zones	1. Earthworks must not be undertaken on land with an existing slope angle of 34 degrees or greater, where the 34 degree slope angle is sustained over a distance of at least 3m, measured horizontally. The following are exempt from the existing slope standard: 1. Earthworks associated with the repair, maintenance or upgrading of existing buildings or structures used to retain or stabilise earthworks. **Matters of discretion if the standard is breached:**

	1. The stability of land or structures in or on the site or adjacent sites. 2. The visual amenity values and character of the surrounding area. 3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 4. The retention of silt and sediment on the site and the control of dust. 5. The staging of earthworks. 6. The total area of exposed soils at any point in time.
EW-S4	**Transport of cut and fill material**
Residential Zones **Neighbourhood Centre Zone** **Tertiary Education Zone**	1. The combined volume of cut material resulting from earthworks (including cleanfill material) transported off the site and cleanfill material required for earthworks transported onto the site must not exceed 200m^3. **Matters of discretion if the standard is breached:** 1. The safe and efficient operation of the transport network. 2. Any nuisance effects. 3. The retention of silt and sediment on site.
Local Centre Zone **Mixed Use Zone** **Town Centre Zone** **Metropolitan Centre Zone** **City Centre Zone** **Industrial Zones** **Open Space and Recreation Zones** **Rural Zones** **Hospital Zone** **Marae Zone**	2. The combined volume of cut material (including cleanfill material) resulting from earthworks transported off the site and cleanfill material required for earthworks transported onto the site must not exceed 400m^3. **Matters of discretion if the standard is breached:** 1. The safe and efficient operation of the transport network. 2. Any nuisance effects. 3. The retention of silt and sediment on site.
EW-S5	**Site reinstatement**
All Zones	1. As soon as practical, but no later than three months after the completion of earthworks or stages of earthworks, the earthworks area must be stabilised with vegetation or sealed, paved, metalled or built over. **Matters of discretion if the standard is breached:** 1. The timing and duration of the works. 2. The retention of silt and sediment on the site and the control of dust. 3. Land stability. 4. The visual amenity of the surrounding area.
EW-S6	**Earthworks for farming tracks**
All Zones	1. The cut height or fill depth for the farming track (measured vertically) must not exceed: a. 0.5m where located within 1m of the site boundary, measured on a horizontal plane, or b. 2.5m for the remainder of the site. **Matters of discretion if the standard is breached:** 1. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 2. The retention of silt and sediment on the site and the control of dust.
EW-S7	**Earthworks for public walking and cycling tracks**
All Zones	1. The width of the walking or cycling track surface must not exceed 1.5m at any point. **Matters of discretion if the standard is breached:**

	1. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 2. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks.
EW-S8	**Earthworks on sites with heritage buildings or heritage structures, or within heritage areas**
All Zones	1. Earthworks must not exceed: a. A total area of 50m^2 per site within any 12-month period, and b. A maximum cut height or fill depth greater than 0.5m (measured vertically). **Matters of discretion if the standard is breached:** 1. The effect of the earthworks on the historic heritage values.
EW-S9	**Earthworks on Sites and in Areas of Significance to Māori**
All Zones	1. Earthworks must not exceed: a. A total area of 50m^2 per site within any 12-month period, and b. A maximum cut height or fill depth greater than 0.5m (measured vertically). **Matters of discretion if the standard is breached:** 1. The effect of the earthworks on the identified Sites and Areas of Significance to Māori.
EW-S10	**Earthworks within Outstanding Natural Features and Outstanding Natural Landscapes**
All Zones	1. Earthworks within Outstanding Natural Features and Landscapes located outside the coastal environment must not exceed: a. A total area of: i. 50m^2 per site within an identified Outstanding Natural Feature, or ii. 100m^2 per site within an identified Outstanding Natural Landscape, within any 12-month period. b. A maximum cut height or fill depth greater than 1m (measured vertically). 2. Earthworks within Outstanding Natural Features and Landscapes located within the coastal environment must not exceed: a. A total area of: i. 25m^2 per site within an identified Outstanding Natural Feature, or ii. 50m^2 per site within an identified Outstanding Natural Landscape, within any 12-month period. b. A maximum cut height or fill depth greater than 0.5m (measured vertically). **Matters of discretion if the standard is breached:** 1. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform. 2. The retention of silt and sediment on the site and the control of dust. 3. The degree to which the effects of the earthworks can be remedied or mitigated.
EW-S11	**Earthworks within coastal margins and riparian margins**
All Zones	1. Earthworks must not exceed: a. A total area of 25m^2 per site within any 12-month period, and b. A maximum cut height or fill depth greater than 0.5m (measured vertically). **Matters of discretion if the standard is breached:** 1. The effect of the earthworks on the natural character of the coastal margin or riparian margin. 2. The ability to integrate the proposed earthworks and be sympathetic with the surrounding landform. 3. The degree to which the effects of the earthworks can be remedied or mitigated.
EW-S12	**Earthworks within High, Very High and Outstanding Coastal Natural Character Areas**
All Zones	1. Earthworks within High and Very High Coastal Natural Character Areas must not exceed: a. A total area of 100m^2 per site within any 12-month period, and b. A maximum cut height or fill depth greater than 1m (measured vertically). 2. Earthworks within Outstanding Coastal Natural Character Areas must not exceed: a. A total area of 25m^2 per site within any 12-month period, and b. A maximum cut height or fill depth greater than 0.5m (measured vertically). **Matters of discretion if the standard is breached:** 1. The effect of the earthworks on the identified coastal natural character values in the area. 2. The ability to integrate the proposed earthworks and be sympathetic with the surrounding landform. 3. The degree to which the effects of the earthworks can be remedied or mitigated.

EW-S13	Earthworks and vertical holes within the National Grid Yard not associated with infrastructure
All Zones	1. The depth of earthworks and vertical holes in the National Grid Yard must be no greater (measured vertically) than: a. 300 millimetres within 6 metres of the outer visible edge of a foundation of any National Grid support structure, or b. 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of any National Grid support structure. 2. Earthworks and vertical holes must not: a. Result in a reduction in the ground to conductor clearance distances as required in Table 4 of the {File, 50, New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663. b. Compromise the stability of any National Grid Support Structure. c. Permanently physically impede vehicular access to a National Grid support structure. 3. The following are exempt from this standard: a. Earthworks and vertical holes that are undertaken by the operator of the National Grid. b. Earthworks and vertical holes for the repair, sealing or resealing of a footpath, driveway or farm track. c. Vertical holes not exceeding 500 millimetres in diameter that: i. Are more than 1.5 metres from the outer edge of the pole support structure or stay wire, or ii. Are a post hole for a farm fence or horticulture structure more than 6 metres from the visible outer edge of a tower or support structure foundation. d. Earthworks and vertical holes subject to a dispensation from Transpower under {File, 50, New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663. **Matters of discretion if the standard is breached:** 1. Impacts on the operation, maintenance, upgrading and development of the National Grid. 2. The risk to the structural integrity of the affected National Grid support structures. 3. Any impact on the ability of Transpower to access the National Grid. 4. The risk of electrical hazards affecting public or individual safety, and the risk of property. 5. Technical advice provided by Transpower. 6. Any effects on National Grid support structures including the creation of an unstable batter.
EW-S14	**Earthworks within the Gas Transmission Pipeline Corridor not associated with infrastructure**
All Zones	1. The depth of earthworks in the Gas Transmission Pipeline Corridor must not exceed 0.4m. 2. Earthworks, excluding mining and quarrying, that are undertaken by the owner and operator of the gas transmission pipeline are exempt from this standard. **Matters of discretion if the standard is breached:** 1. The extent to which the earthworks may compromise the ongoing efficient operation, maintenance and upgrading of the gas transmission pipeline, including the ability for continued reasonable access for inspections, maintenance and upgrading. 2. Effects on the stability or integrity of the gas transmission pipeline. 3. The risk of hazards affecting public or individual safety and the risk of property damage. 4. Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline. 5. The outcome of any consultation with the owner and operator of the gas transmission pipeline.