

**23****RULES FOR EARTHWORKS****Activities Tables**

Policies 9.4.1, 9.4.2, 9.4.6, 9.4.7, 9.4.8, 9.4.9, 12.4.8, 16.4.7

<b>23.1</b>	<b>Earthworks</b>	<b>All Zones</b>
	Earthworks which meet the standards under rules 23.2 – 12.11	<b>P</b>
	Earthworks on a site identified in Schedule 26.8 or affecting a tree identified in Schedule 27.7 or 27A.14  For the purposes of this rule, the following exclusion applies: Earthworks undertaken by a network utility operator affecting a tree identified in Schedule 27A.14 when undertaken in compliance with the rules of Chapters 27A.	<b>D</b>
	Earthworks which do not meet the standards under rules 23.2 – 23.11	<b>RD</b>
	Earthworks within an area identified as Southern Hills Overlay Area which meet the standards under rules 23.2 to 23.13	<b>P</b>
	Earthworks within an area identified as Southern Hills Overlay Area which do not meet any one or more of the standards under rules 23.2 to 23.11, but meet the standards under rules 23.12 and 23.13	<b>RD</b>
	Earthworks within an area identified as Southern Hills Overlay Area which do not meet any one or more of the standards under rules 23.2 to 23.13	<b>D</b>
	<b><u>Earthworks within the Pinehaven Flood Hazard Extent</u></b>	
	<u>Earthworks within the ponding area of the Pinehaven Flood Hazard Extent which are directly required for the building platform associated with the alteration and addition to existing buildings, including new accessory buildings, and are less than 20m<sup>2</sup> in area.</u>	<b>P</b>
	<u>Earthworks associated with the flood mitigation works within the Pinehaven Flood Hazard Extent.</u>	<b>P</b>
	<u>All earthworks not associated with permitted building extensions (up to 20m<sup>2</sup>) or flood mitigation works within the ponding area of the Pinehaven Flood Hazard Extent.</u>	<b>RD</b>
	<u>Earthworks within the Pinehaven Flood Hazard Extent (excluding those associated with flood protection works), which are within the overflow path or stream corridor.</u>	<b>NC</b>
	<b><u>Earthworks within the Mangaroa Flood Hazard Area</u></b>	

Earthworks within the Ponding Area of the Mangaroa Flood Hazard Extent, except in the Residential Zone, are a Permitted Activity where the proposal complies with the relevant zone standards for Permitted Activities	<b>P</b>
Earthworks associated with flood mitigation works within the Mangaroa Flood Hazard Extent	<b>P</b>
Earthworks within the Ponding Area (excluding the Erosion Hazard Area) of the Mangaroa Flood Hazard Extent where one of the following applies; <ul style="list-style-type: none"> <li>the proposal does not meet the Permitted Activity earthworks standards for the relevant zone, or</li> <li>the proposal is within the Residential Zone;</li> </ul>	<b>RD</b>
Earthworks within the Erosion Hazard Area of the Mangaroa Flood Hazard Extent.	<b>RD</b>
Earthworks within an Overflow Path of the Mangaroa Flood Hazard Extent.	<b>D</b>
Earthworks within the River Corridor of the Mangaroa Flood Hazard Extent.	<b>NC</b>
<b>Note:</b>	
<p>For the purposes of this Plan, earthworks are defined as:</p> <p><i>‘the removal, relocation or depositing of soil, earth or rock from, to or within a site, including quarrying or mining and the deposition of cleanfill, but excluding land disturbance resulting exclusively from domestic gardening and planting, cropping or drainage of land in connection with farming and forestry operations’.</i></p>	

<b>Key</b>	<b>P</b> Permitted activity which complies with standards for permitted activities specified in the Plan
	<b>RD</b> Restricted discretionary activity
	<b>D</b> Discretionary activity
	<b>NC</b> Non-complying activity

## Standards for Permitted Activities

### Earthworks

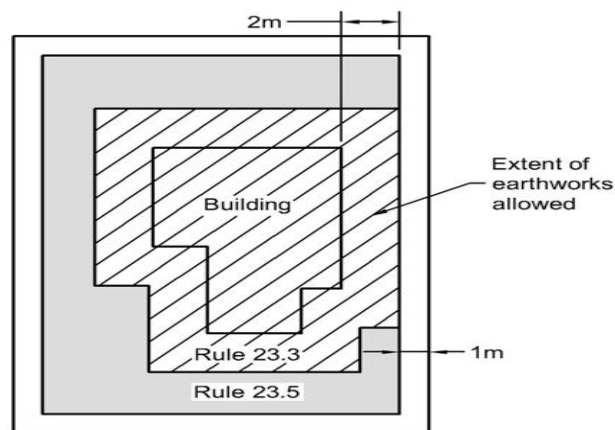
#### 23.2

*Policies 9.4.1,  
9.4.2*

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

Exemption:

The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Chapter 35) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.



#### 23.3

*Policies 9.4.1,  
9.4.2*

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

Exemption:

The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior

foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Chapter 35) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.

**23.4**

*Policies 9.4.1, 9.4.2*

The physical extent of earthworks shall not exceed 150m<sup>2</sup> in surface area on any one site within any continuous 12 month period.

Exemption:

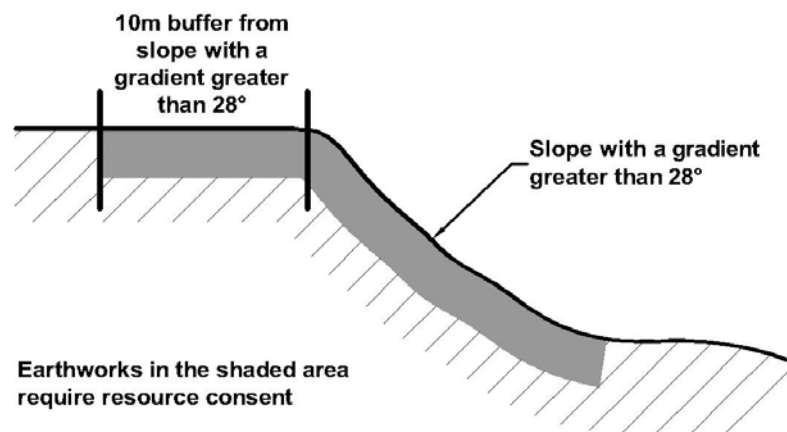
In the Residential, Business, Special Activity and Rural Zones, earthworks exceeding the foundations of a specific building by more than 2 metres are exempt from the 150m<sup>2</sup> surface area limit provided that the earthworks beyond the 2 metre foundation line of a building:

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

**23.5**

*Policies 9.4.1, 9.4.2*

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



**23.6**

*Policies 9.4.1, 9.4.2*

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

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

*Policies 9.4.1,  
9.4.2*

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

*Policies 9.4.1,  
9.4.2*

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

*Policies 9.4.1,  
9.4.2*

Exemption:

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

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

*Policies 9.4.1,  
9.4.2*

**23.11** Within 12m of high voltage (110kV or greater) electricity transmission lines, earthworks shall not be undertaken that:

*Policy 16.4.7*

- a) Are at a depth greater than 300mm within 6m of the outer visible edge of a tower support structure; or
- b) Are at a depth greater than 3m between 6m and 12m of the outer visible edge of a tower support structure; or
- c) Create an unstable batter; or
- d) Result in a reduction of the existing conductor clearance distances.

Exemptions:

- The above standard shall not apply to earthworks undertaken by utility operators.
- The above standard shall not apply to normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.

#### **Restriction on notification**

Subject to sections 95A(2)(b), 95A(2)(c), 94A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party

under section 95B.

## **Earthworks within an area identified as Southern Hills Overlay Area**

### **23.12**

*Policy 9.4.1,  
9.4.2 & 12.4.8*

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

### **23.13**

*Policy 9.4.1,  
9.4.2 & 12.4.8*

Within an area identified as Southern Hills Overlay Area, the physical extent of earthworks shall not exceed 300m<sup>2</sup> in surface area on any one site within any continuous 12 month period.

### **23.14**

*Policy 9.4.9*

#### **Earthworks associated with flood mitigation works within the Pinehaven or Mangaroa Flood Hazard Extents.**

Must be undertaken by Greater Wellington Regional Council, Upper Hutt City Council or their nominated contractor and be for the express purpose of mitigating the identified flood hazard and, where applicable, achieving the design and objectives of the relevant floodplain mitigation plan.

### **23.15**

*Policies 9.4.7,  
9.4.8*

Within the ponding area of the Pinehaven Flood Hazard Extent, earthworks directly required for the building platform associated with the alteration and addition to existing buildings, including new accessory buildings, are a permitted activity provided they are 20m<sup>2</sup> or less in area.

Earthworks must be directly associated with the building platform of the proposed extension or alteration or new accessory building provided for as a permitted activity under Rule 33.2, and cannot exceed 20m<sup>2</sup> in area. The earthworks must not be within the stream corridor or an overflow path.

### **23.16**

*Policy 9.4.6,  
9.4.7, 9.4.8*

#### **Earthworks within the Ponding Area of the Mangaroa Flood Hazard Extent, except in the Residential Zone, where the proposal complies with the relevant zone standards for Permitted Activities.**

- Must not be within the Erosion Hazard Area, River Corridor or Overflow Path
- Must not be located in a Residential Zone.
- Complies with the relevant zone standards for Permitted Activities.

## Restricted Discretionary Activity

### **23.17 Earthworks which do not meet the standards under rules 23.2 – 23.11**

*Policies 9.4.1, 9.4.2, 16.4.7*

Council will restrict its discretion to, and may impose conditions on:

- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.

### **23.18 Earthworks within an area identified as Southern Hills Overlay Area which do not meet the standards under rules 23.2- 23.11, but meet the standards under rules 23.12 and 23.13**

*Policies 9.4.1, 9.4.2, 12.4.8*

Council will restrict its discretion to, and may impose conditions on:

- Avoiding, remedying or mitigating effects relating to the standard in question.
- Effects on visual values.
- Effects on landscape values.
- Effects on ecological values.
- Measures to avoid, remedy or mitigate potential adverse effects.

### **23.19**

*Policies 9.4.2, 9.4.6, 9.4.7, 9.4.8*

**All earthworks not associated with permitted building extensions (up to 20m<sup>2</sup>) or flood mitigation works within the ponding area of the Pinehaven Flood Hazard Extent**

Standard:

- Must not be within the stream corridor or an overflow path.

Council will restrict its discretion to, and may impose conditions on:

- Height of cut or fill and area of earthworks above ground level.
- Earthworks stability.



- Erosion and sediment control.
- Effect on the flooding risk to people and property
- Permanent surface treatment of earthwork area.
- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.

**23.20**

**Earthworks within the Ponding Area (excluding the Erosion Hazard Area) of the Mangaroa Flood Hazard Extent where one of the following applies;**

- **the proposal does not meet the Permitted Activity earthworks standards for the relevant zone, or**
- **the proposal is within the Residential Zone;**

Policies 9.4.6, 9.4.7, 9.4.8

Standards:

- Must not be within the Erosion Hazard Area, an Overflow Path or the River Corridor.

Council will restrict its discretion to, and may impose conditions on:

- Height of cut or fill and area of earthworks above ground level.
- Earthworks stability
- Erosion and sediment control
- Effect on the flood risk to people and property
- Permanent surface treatment of earthwork area
- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.

**23.21**

**Earthworks within the Erosion Hazard Area of the Mangaroa Flood Hazard Extent are a Restricted Discretionary Activity in all zones.**

Policies 9.4.6, 9.4.7, 9.4.8

Standards:

- Where the proposal is located within the Erosion Hazard Area, provision of a report by a suitability qualified and experienced person to determine the erosion risk is required in accordance with the requirements of 2.6.9D;
- Must not be within the River Corridor or an Overflow Path (but includes ponding areas within the Erosion Hazard Area).

Council will restrict its discretion to, and may impose conditions on:

- Effect on slope stability and appropriateness of the works based on the provided report required by 2.6.9D
- Height of cut or fill and area of earthworks above ground level
- Erosion and sediment control
- Effect on the flood risk to people and property
- Permanent surface treatment of earthwork area

## Matters for Consideration

**23.22** Matters that may be relevant in the consideration of any Discretionary or Non-Complying Activity resource consent may include the following:

### Earthworks

- The extent to which any cut or fill will remove existing vegetation, alter existing landforms, affect water quality, cause or contribute to land instability, soil erosion or affect existing natural features, such as water bodies.
- The effect of any cut or fill on any stands of important indigenous vegetation, or sites, buildings or places of scientific, cultural or heritage value.
- The extent to which any cut or fill can be restored or treated to resemble natural landforms.
- The extent to which the proposed earthworks will impact on prominent or visually sensitive features, such as ridgelines, escarpments, water bodies, or high visual and/or landscape value areas identified within the Southern Hills Overlay Area.
- The proposed methods and timing to avoid, remedy or mitigate potential adverse effects including rehabilitation, re-contouring and re-vegetation or retention of existing vegetation.
- The necessity for carrying out the work, and extent to which the earthworks are required.
- Whether the earthworks proposed increase or decrease flood hazards.
- The time period when the soil will be exposed.
- Traffic movements.
- Noise.
- Dust.
- The findings of any assessment prepared by a suitably qualified expert ecologist or landscape planner, either commissioned by Council or accompanying a resource consent application.
- The Southern Hills Environmental Management Study prepared for Upper Hutt City Council by Boffa Miskell Ltd July 2008
- Effect on the diversion or obstruction of flood waters in the overflow path and stream/river corridors and proposed measures to mitigate the effect on the function of the floodplain.
- Effect of the flood risk to people and property.