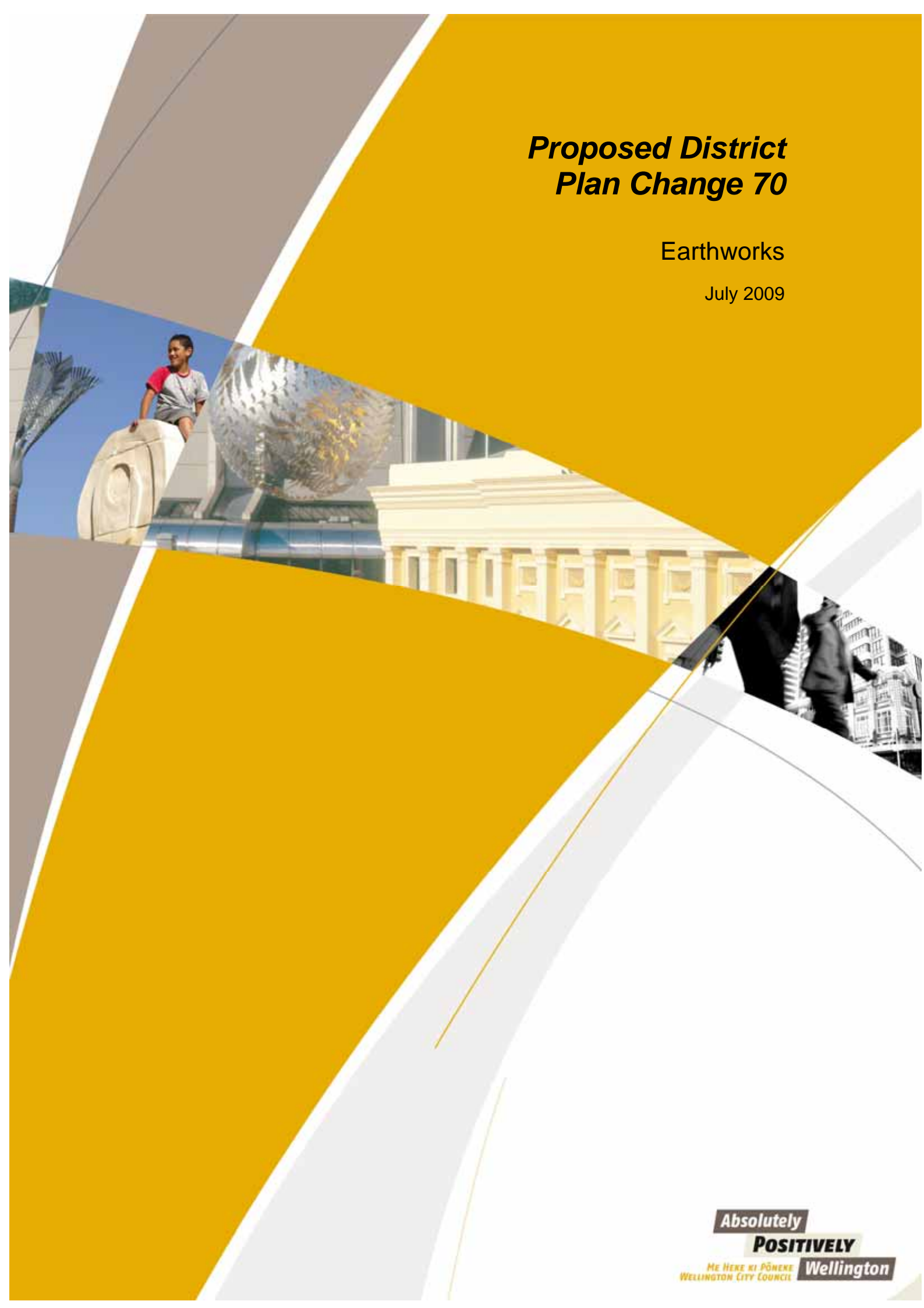


Proposed District Plan Change 70

Earthworks

July 2009



Plan Change Document

Wellington City District Plan

Proposed District Plan Change 70 Earthworks

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are the alterations to the Wellington City District Plan to incorporate changes to the General Provisions, Area based chapters, city wide chapters, and the District Plan Maps.

Key to Alterations: *Text to be deleted is ~~struck through~~ and new text is underlined*

**A. ALTERATIONS TO VOLUME ONE, NEW CHAPTER TO BE
INSERTED**

29 Earthworks

29.1 Introduction

Earthworks are essential to the development of the City. They create the areas of level land used for living, business and recreation, and the even gradients for paths and roads that enable people to get from place to place. They are integral to the construction of foundations and buildings. For all these reasons, and more, earthworks are part of many development projects in the City.

Earthworks can have adverse effects on the environment, which have the potential to extend well beyond the site of the earthworks. These effects may be short-lived or they can last for many years. Poorly engineered excavations or areas of earthworks fill can cause landslips, on the site, on neighbouring properties and on publicly owned legal road.

Sediment from the construction phase of projects, or from later erosion of exposed ground, can cause problems with stormwater infrastructure, and affect water quality and the biological health of streams, wetlands and the sea. Council's focus is on the cumulative effect of many small projects on the sediment levels in natural waters.

Earthworks, landslips and the structures associated with earthworks, can cause changes to the appearance and character of the neighbourhoods in which they are located. In areas along coastal roads, poorly designed and executed earthworks and structures can impact on people's experience of the suburban coastal environment.

Modification of landforms and vegetation, piping of streams and the addition of new structures all have the potential to cause changes to landscapes and natural systems. The loss of sections of stream affects not only the landscape but the stream's ability to support indigenous biodiversity.

The objectives, policies and rules have been developed to achieve the sustainable management of earthworks. They concentrate on both, the type of earthworks that are environmentally acceptable, and the detail of how the adverse effects of earthworks and associated structures can be acceptably avoided, remedied or mitigated.

29. Earthworks Objectives and Policies

OBJECTIVE

- 29.2.1** **To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.**

POLICIES

- 29.2.1.1** **Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.**

METHODS

- Rules
- Design Guide (Subdivision, Residential, Rural Area)
- Section 91 RMA (where appropriate) to require further information on Resource Consent Applications
- Structure Plans

Earthworks are a component of most development of land. They are necessary for the construction of roads, driveways, building foundations, the preparation of land for greenfield subdivisions and the maintenance and upgrading of infrastructure such as the National Grid.

On occasions applications are made for earthworks in advance of infill or greenfield subdivisions. The appropriateness of earthworks needs to be considered in conjunction with and at the same time as the appropriateness of the proposed future use of the land, enabling a co-ordinated and integrated approach to earthworks and the proposed future subdivision and development of land.

The environmental result will be the coordinated design and assessment of earthworks and associated structures, land development and subdivision.

- 29.2.1.2** **Provide for minor earthworks to allow the use and development of land where the risk of instability is minimal.**

METHODS

- Rules
- Advocacy

Earthworks are an integral part of the development of land. They are associated with the design of subdivisions, the construction of buildings, landscaping and are necessary for the maintenance and construction of farm tracks in the rural environment.

The permitted activity conditions provide for minor earthworks that have a low risk of instability, minimal effect on visual amenity and where adverse effects on the environment such as dust and sediment can be managed effectively.

In addition, the permitted activity conditions do not seek to control stability in cases where the stability is addressed by other legislation. In some cases, retaining and

stabilising structures associated with earthworks will require a building consent under the Building Act 2004. For minor earthworks where a structure to retain the earthworks has been authorised by a Building Consent the District Plan does not seek to address the issue of stability. In these cases stability will be addressed through the Building Consent process for the retaining structure.

The environmental result will be the ability to undertake minor earthworks for the use, development and protection of land.

29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.

METHODS

- Rules
- Advocacy

Poorly constructed earthworks are a threat to people, property and infrastructure. Instability may affect both the site of the development work and neighbouring properties. The District Plan controls earthworks to minimise the risk of instability.

When assessing applications that do not comply with the permitted activity conditions the following matters will be taken into consideration:

- Whether the earthworks have been designed by an appropriately qualified and experienced person, for example, a chartered engineer practicing in the field of civil / geotechnical engineering. Whether this person will supervise the work and certify it upon completion.
- Whether the nature of the proposal requires a geotechnical assessment of the geology of the site and the surrounding land.
- Whether a retaining or stabilising structure or building will be used to support or stabilise the earthworks: whether its design can be assessed at a later date under the building consent process. This decision will depend on the nature of the proposal, the site and the surrounding land, and the extent and risk of instability.
- Whether the earthworks are designed in accordance with “NZS 4404:2004 Land Development and Subdivision Engineering” and “NZS 4431: 1989 Code of Practice for Residential Earthworks”.

The environmental result will be earthworks that are designed to minimise the risk of instability.

29.2.1.4 Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, wetlands and coastal waters.

METHODS

- Rules
- Design Guides (Subdivision, Residential, Rural Area)
- Technical Guides (Erosion and sediment control guidelines for the Wellington Region 2003, Erosion and sediment control for small sites 2006)
- Code of Practice for Land Development

- Advocacy by disseminating information on best practice e.g
Erosion Dust and Sediment Control for Small Sites 2006 and
Mind the Stream – A guide to looking after urban streams in the
Wellington Region 2004 by Greater Wellington Regional Council

Erosion can take place on exposed or excavated soils. Dust and dirt carried by wind or water or vehicles from an area of earthworks can cause a nuisance to neighbouring properties, on roads and footpaths, in drainage channels and sumps, and in the stormwater system. Sediment carried into streams, wetlands and the harbour and other coastal waters (the coastal marine area) can impact on water quality while multiple earthworks projects can have a cumulative effect on sediment levels within a stream system, the harbour or other coastal waters.

The potential effects of dust and sediment can be minimised by requiring those undertaking earthworks for subdivision, construction or other activities, to use the best practical options as recognised by the Council and the Greater Wellington Regional Council. These options include, preventing water running onto the site, the control of erosion, managing dust, and installing sediment control structures and maintaining these structures to ensure their ongoing effectiveness.

Earthworks are restricted close to streams, wetlands and the seashore to prevent direct contamination and to protect vegetation cover. Vegetation has an important role in capturing sediment and associated nutrients, which are carried across the ground by rainwater. The effectiveness of streamside areas is dependant on a range of factors including the type of vegetation beside the stream, the slope of surrounding land and amount of pasture or disturbed ground draining to the stream.

Erosion, dust and sediment control in relation to streams, wetlands and coastal waters is controlled by rules in both the District Plan and the regional plans administered by Greater Wellington Regional Council. The issue is addressed in the District Plan because erosion, dust and sediment are all matters that are a direct effect of earthworks that the District Plan controls.

In situations where resource consents are required from both authorities for activities involving earthworks, the Council will work with the Regional Council to ensure a coordinated approach to consent issues.

When assessing applications that do not comply with the permitted activity standards the following matters will be taken into account:

- The extent that vegetation, natural soil structure and natural drainage patterns are retained, to intercept dust or precipitation, filter sediment and to reduce the volume and speed of runoff from the site. Particular consideration will be given to the protection or restoration of vegetation, soils and drainage patterns, adjacent to streams, wetlands and the seashore
- The extent that the work will be designed and managed to address the principles and methods in Greater Wellington Regional Council's "Erosion and sediment control guidelines for the Wellington Region" 2003, or it's "Erosion and sediment control for small sites" 2006
- Whether any special measures are necessary to prevent dust and sediment entering and clogging street channels (gutters), drainage sumps or stormwater pipes
- For large scale earthworks, such as greenfield subdivisions, the extent that the work or subsequent erosion will cumulatively add to existing or

expected sediment levels in the relevant stream system, the harbour or other coastal waters

- The extent that the proposal uses ‘soft engineering’ practices to control erosion, dust and sediment, to prevent short term and long term effects beyond the area of the work, particularly to streams, wetlands and coastal waters.
- The extent that dust or sediment will be a nuisance to residents of other properties or affect the amenities of streets or public places
- The need for an earthworks and construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process.

The environmental result will be earthworks that are designed and managed to minimise the effects of erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, wetlands and coastal waters.

29.2.1.5 Ensure that earthworks and associated structures do not exacerbate flood events in Flood Hazard Areas.

METHODS

- Rules
- Code of Practice for Land Development

Developments involving earthworks will be controlled to ensure that they do not increase the risk of flooding by blocking flood water flow paths and culverts, and diverting flood water to other sites.

Matters to consider in assessing applications include:

- Whether the earthworks and any associated structures will change the flow of flood waters
- Whether the earthworks and any associated structures will accelerate, worsen or result in the erosion or inundation of the site, or any other site or buildings
- The extent that the proposed earthworks and associated structures will be designed to use ‘soft engineering’ practices, which are visually unobtrusive and minimise or enhance the ecology of the stream and the flood-prone area.
- Whether the earthworks will reduce the risk or effects of flooding.
- Whether the potential threat to the health and safety of people, property or the environment from flooding is avoided, remedied or mitigated.

The environmental result will be earthworks and associated structures that are designed to minimise the hazard risks on flood plains or other flood-prone areas.

29.2.1.6 Ensure earthworks and associated structure are designed and managed in a way that protects and enhances the character and amenity of streams and wetlands through measures such as:

- **minimising changes to the flow of water in streams or wetlands;**

- **encouraging riparian management to ensure that rivers and wetlands stay healthy.**

METHODS

- Design Guides (Subdivision, Residential, Rural Area)
- Code of Practice for Land Development
- Advocacy by disseminating Information eg ‘Mind the Stream – A guide to looking after urban streams in the Wellington Region 2004’ by Greater Wellington Regional Council

Many streams that survive in urban areas are in Council parks and reserves. Others, especially smaller streams, flow through private property. While they may not be visible to the general public (or even neighbours) and they are not associated with walking tracks, they are still of value because they are part of a larger stream system and affect the qualities of that system.

Earthworks that change the flow of water in streams can adversely affect the character and amenity of streams. Changes to flows may increase flooding, lower dry-weather flows, change the stream substrate, cause bank erosion (with the release of sediments into the stream) and cause channel widening. These changes can lead to a loss of streamside vegetation and increase the need for engineering structures to protect the banks and to control flooding.

Earthworks proposals can minimise changes to the flow of streams through measures such as conserving natural soils and mature vegetation, increasing soil permeability and minimising hard surfaced areas. ‘Soft engineering’ practices to capture and slow stormwater runoff from a site, are another approach and they will be viewed as a positive effect of a development proposal.

Proposals can minimise the effects of earthworks by restoring streams or wetlands to a more natural state using measures such as planting riparian margins or ‘day-lighting’ previously piped sections of stream. Riparian management is a solution that works over the long term to reduce bank erosion and maintain and enhance the amenity of streams. The District Plan addresses the effects that earthworks can have on streams, wetlands and the coastal marine area. The loss or modification of streams and wetlands and their flow characteristics is regulated by regional plans administered by Greater Wellington Regional Council. In situations where resource consents are required from both authorities for activities involving earthworks, the Council will work with the Regional Council to ensure a coordinated approach to consent issues.

The environmental result will be avoiding the adverse effects of earthworks on the character and amenity of streams and wetlands.

29.2.1.7 Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.

METHODS

- Rules
- Design Guides (Residential, Subdivision, Rural Area)

Earthworks and associated structures can be visually prominent and sometimes visually intrusive. Large scale earthworks should be engineered to reflect natural landforms. The Subdivision and Rural Area design guides provide guidelines. On a smaller scale, careful consideration is needed of how visible earthworks and any associated structures will be once a building is constructed on a site. The policy is concerned with measures that can be used to soften and reduce the visual impact, which include the design of retaining and stabilising structures and landscaping.

When assessing applications that do not comply with the permitted activity conditions the following matters should be taken into account:

- Where the earthworks are associated with an application for subdivision, the extent that the proposed earthworks and any associated structures meet the relevant guidelines of the Residential, Subdivision or Rural Area design guides
- The extent that the proposed earthworks and any associated structures meet the relevant guidelines of the Residential or Rural Area design guides
- The extent that the earthworks are designed and engineered to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands and avoid unnatural scar faces that detract from the amenity of the area. In situations where bare rock is common, untreated cut faces may be favoured over artificial finishes. In more urban settings well designed retaining walls, which reflect existing older structures, may be an appropriate model for design
- The extent that existing vegetation can be retained above, below and at the sides of the earthworks and any associated structures
- The extent that proposed buildings will conceal the view of the earthworks and any associated structures from the street, other public places and other properties
- The extent that the design and finishing of any retaining or stabilising structure reflects the building or buildings it is associated with
- Whether the design of any retaining or stabilising structure reduces its apparent size, by using features that break up the surface area of the structure and create patterns of light and shadow
- Whether the placement of pipes above the surface of the earthworks or structures will visually detract from the appearance of the overall development. Pipes should be buried underground or integrated into the design of a structure as a deliberate and positive part of the design
- Whether the use of sprayed concrete can be avoided by the use of alternative methods, such as anchored netting
- Whether landscaping can be used to hide or soften the earthworks or associated structure taking into consideration purpose and the growing conditions of the site. Proposals for landscaping must be supported with a professionally prepared planting plan and specifications at the time of application.

The environmental result will be earthworks and associated structures that reflect the visual character of the local area.

29.2.1.8 Manage earthworks in Open Space and Conservation Site Areas in accordance with the different purpose and use that these recreation and conservation areas have for the City.

METHODS

- Rules
- Reserve Management Plans

The District Plan identifies a number of different types of Open Space Areas and Conservation Site where each has a different purpose. The areas are managed under the Reserves Act and the District Plan provisions according to that purpose. Active and passive recreation areas have different needs and requirements and therefore different requirements for earthworks. The earthworks provisions that apply have been developed having consideration for the underlying purpose of each of the different types of Open Space Areas and Conservation Sites. When assessing whether earthworks are appropriate within Open Space Areas or Conservation Sites consideration should also be given to the objectives and policies of the different Areas.

29.2.1.9 Control earthworks in the Urban Coastal Edge, areas within the Ridgelines and Hilltops Overlay, Open Space B Areas and Conservation Sites, to protect the character and visual amenity these areas provide to their immediate surrounds and the City.

METHODS

- Rules
- Rural Area Design Guides (for areas within the Ridgelines and Hilltops Overlay)
- Reserve Management Plans (for Open Space B Areas and Conservation Sites)

The earthworks provisions that apply have been developed having consideration for the visually sensitive nature of these different areas.

Suburban coastal roads and the residential and commercial properties and open space areas along suburban coastal roads, are a distinctive component of Wellington City's landscape character. Some of these areas are a "cultural landscape"; the character resulting from a combination of natural landforms and patterns of building and development. A strong and defining element is the coastal escarpments and headlands that provide a natural backdrop to the houses and other buildings on the coastal terraces. Earthworks have the potential to visually impact on these steep slopes and have an adverse effect on the character and visual amenity of these areas.

Wellington's Ridgelines and Hilltops are an important and sensitive feature of the landscape. Earthworks will be carefully assessed to ensure they are undertaken in a sensitive manner responsive to the local natural features. The Rural Area Design Guide will assist in the management and assessment of the effects of proposed earthworks within identified Ridgelines and Hilltops.

Open Space B Areas can often be enjoyed and experienced from a distance creating a visual distinction between built and unbuilt areas. Conservation Sites are significant areas of Wellington's natural heritage with high ecological values. Earthworks have the potential to impact on the visual and ecological values these areas provide to the city and therefore the earthworks in these areas will be controlled. However, earthworks are necessary to create tracks for public access

within reserve areas and therefore earthworks for the purpose of providing walking and cycling tracks are provided for.

When assessing an application for resource consent in the Urban Coastal Edge the following matters should be taken into consideration:

- Whether the proposed earthworks and any associated structures will have a negative visual impact on the appearance and character of areas along coastal roads
- The extent to which the natural characteristics of the site will be altered or modified by the earthworks.
- Whether mitigation will be effective in addressing the visual effects of the earthworks and associated structures
- The extent that indigenous or naturalised species are used in landscaping.
- All relevant matters listed for assessment under Policy 29.2.1.7.

Matters to consider within the Ridgeline and Hilltop Overlay:

- Whether the earthworks will detract from the character of the surrounding landscape
- The extent to which the earthworks are sited and designed to avoid being visually obtrusive
- Whether visual continuity of the upper slopes to the apex of the ridgeline or hilltop is maintained
- The extent to which any earthworks can be restored to resemble natural landforms
- Whether the visibility of earthworks can be minimised through design or planting in relation to district wide, community wide and neighbouring views
- Whether the earthworks will detract from the relatively unmodified character of the landscape
- The extent to which the proposal meets the relevant aspects of the Rural Area Design Guide

Matters to consider within Open Space B and Conservation Sites:

- Whether the proposed earthworks will have a negative visual impact on the appearance or character of the area
- Whether the earthworks will detract from the relatively unmodified character of the landscape
- The extent to which any earthworks can be restored to resemble natural landforms
- Whether the visibility of earthworks can be mitigated by appropriate planting and/ or screening

The environmental result will be the protection of the character and visual amenity along suburban coastal roads, within the Ridgeline and Hilltop Overlay and in Open Space B and Conservation Sites.

29.2.1.10 Ensure the design of structures used to retain or stabilise landslips, reflect the character and visual amenity of the local area.

METHODS

- Rules
- Design Guides (Residential, Subdivision, Rural Area)

Landslips can be unexpected events, generally beyond human control, and cannot be considered as deliberate work or 'earthworks', unless earthworks are required to reshape or clean up the slip.

The future stability of land affected by a landslip and the safety of existing buildings and structures are addressed by remedial and retaining work that is likely to require a building consent under the Building Act 2004. However, not all remedial work for landslips requires Building Consent. To ensure that the visual effects of any remedial work undertaken are taken into consideration a specific rule addresses this issue.

The environmental result will be that the structures used to retain or stabilise landslips will reflect the character and visual amenity of the local area.

29.2.1.11 Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

METHODS

- Rules

Larger earthworks projects can cause problems with transport on city streets. Taking material from a site, or bringing it to a site from elsewhere, can adversely affect safety on footpaths and roads and cause congestion. Noise from trucks can also affect the amenity of properties within the vicinity of the work being undertaken and along the route chosen to transport the material.

In some instances material will be removed from one site and transported as fill to another site. In these situations it may be necessary to assess the transport effects for both sites, either together or under separate resource consent applications. In order to minimise the adverse effects of moving material it may be necessary to place conditions which define the route, hours of trucking and any other matters that could mitigate the effects.

When assessing an application for resource consent the following matters should be taken into consideration:

- The extent to which the transport of material to or from the site will affect the amenity of surrounding areas having regard to:
 - the type of truck being used
 - the frequency, timing and duration of truck movements

- the proposed route. The use of Collector, Principal and Arterial Roads and the Motorway, over local roads is preferred
- the width, sightlines and other characteristics of the streets along the route
- the presence of sensitive land uses along the route e.g. schools
- whether the proposal requires the closure of any streets
- Whether the location of the access to the site under consideration can be sited safely. Measures may be necessary to allow traffic, cyclists and pedestrians to move safely past the site
- The need for a traffic management plan (as part of a wider earthworks and construction plan) detailing the above matters and how they will be managed, including any procedures for receiving and responding to complaints.

The environmental result will be that earthwork material is transported in a way that is safe and does not detract significantly from the amenity of an area.

29.2.1.12 Protect koiwi (human remains), taonga, Maori and Non-Maori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

METHODS

- Archaeological Authority process under the Historic Places Act 1993, administered by the New Zealand Historic Places Trust
- Chapter 20: Heritage Objectives and Policies
- Section 17 of the Resource Management Act 1991 - Abatement Notices, Enforcement Orders
- Advocacy – advising applicants of their obligations under legislation and using enforcement powers where appropriate

Earthworks have the potential to expose koiwi (human remains), taonga or Maori or Non-Maori archaeological material. Maori and non-Maori Archaeological sites from before 1900 are protected by the Historic Places Act 1993. An archaeological authority may be required from the New Zealand Historic Places Trust to disturb these sites. In the event that a site is discovered when undertaking earthworks owners, applicants or contractors should contact the New Zealand Historic Places Trust as they will be required to apply for an Archaeological Authority from the New Zealand Historic Places Trust.

The Council will work with the New Zealand Historic Places Trust, Wellington Tenth's Trust and Ngati Toa Rangatira, to make information available to ensure that property owners / applicants are aware of their statutory and cultural obligations.

Chapter 20, the Heritage Objectives and Policies, identifies the importance of archaeological values and sites and the requirement under the Resource Management Act to protect them from inappropriate subdivision, use and development. At this stage the District Plan does not identify particular archaeological sites to enable the implementation of rules to control the effects on such sites (similar to the heritage rules for buildings, objects and areas). This work will be undertaken in the future.

This does not mean that there is no RMA controls on the effects of earthworks on archaeological values. Every person undertaking earthworks has a general duty under Section 17 of the Resource Management Act 1991 to avoid, remedy or mitigate any adverse effects of activities. Where significant archaeological sites are known or discovered during earthworks Council can use its enforcement powers to protect them.

The environmental result will be greater protection of Maori and non-Maori archaeological values from inappropriate subdivision, use or development.

30.1 Permitted Activities

The rules in this chapter apply in conjunction with the relevant area based rules in other chapters except the rules do not apply to:

- **Appendix 9 of the Suburban Centres Chapter (Churton Park Village Concept Plan)**
- **Earthworks associated with Wind Energy facilities (refer to Chapter 26).**

30.1.1

Earthworks in the:

- (i) **Residential Area (except the Urban Coastal Edge shown on Map 62 and Map 63);**
- (ii) **Suburban Centre Area;**
- (iii) **Institutional Precincts;**
- (iv) **Central Area;**
- (v) **Airport and Golf Course Precinct;**
- (vii) **Rural Area (excluding the Ridgelines and Hilltops Overlay); and**
- (viii) **Open Space A and C Areas;**

are Permitted Activities provided that they comply with the following conditions:

Earthworks may expose koiwi (human remains), taonga or Maori or Non-Maori archaeological material. Archaeological sites are protected by the Historic Places Act 1993 and an Archaeological Authority will be required from the New Zealand Historic Places Trust. Owners / applicants should contact the Historic Places Trust, Wellington Tenth's Trust and Ngati Toa Rangatira, about the location of archaeological sites, or in the event that a site is discovered

- 30.1.1.1 (a)**
- (i) The cut height or fill depth does not exceed 1.5m measured vertically; and
 - (ii) The cut or fill is not on an existing slope angle exceeding 34 degrees; and
 - (iii) The distance between any site boundary; building or structure (above or below ground); and the nearest cut or fill must be at least the same distance as the height of the cut or depth of the fill (measured on a horizontal plane); and
 - (iv) The area to be cut or filled does not exceed 250m².

Refer to Definitions for Existing Slope Angle, Cut Height and Fill Depth

Refer to Diagram 1 for explanation of (iii)

OR

- (b) (i) The cut height or fill depth does not exceed 2.5m measured vertically; and
- (ii) The cut or fill is retained by a structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and
- (iii) The area to be cut and/or filled does not exceed 250m².

A resource consent may also be required from Greater Wellington for earthworks on erosion prone land; for work in the bed of streams; the maintenance, upgrading or construction of access roads and farm tracks; the construction of small dams or where sediment will be discharged into streams

OR

- (c) For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area:
 - (i) The cut height and fill depth does not exceed 2.5m; and
 - (ii) The distance between any site boundary; building or structure (above or below ground); and the nearest cut or fill must be at least the same distance as the height of the cut or depth of the fill (measured on a horizontal plane).

OR

- (d) The earthworks are for the construction or maintenance of walking or cycling tracks in Open Space A and C Areas and the track surface

does not exceed 1.5m wide (Conditions 30.1.1.2 to 30.1.1.4 do not apply).

AND

30.1.1.2 The cut or fill is no closer than the following to a stream, a wetland or the coastal marine area:

<u>Rural Area</u>	<u>20m</u>
<u>All other areas</u>	<u>5m</u>

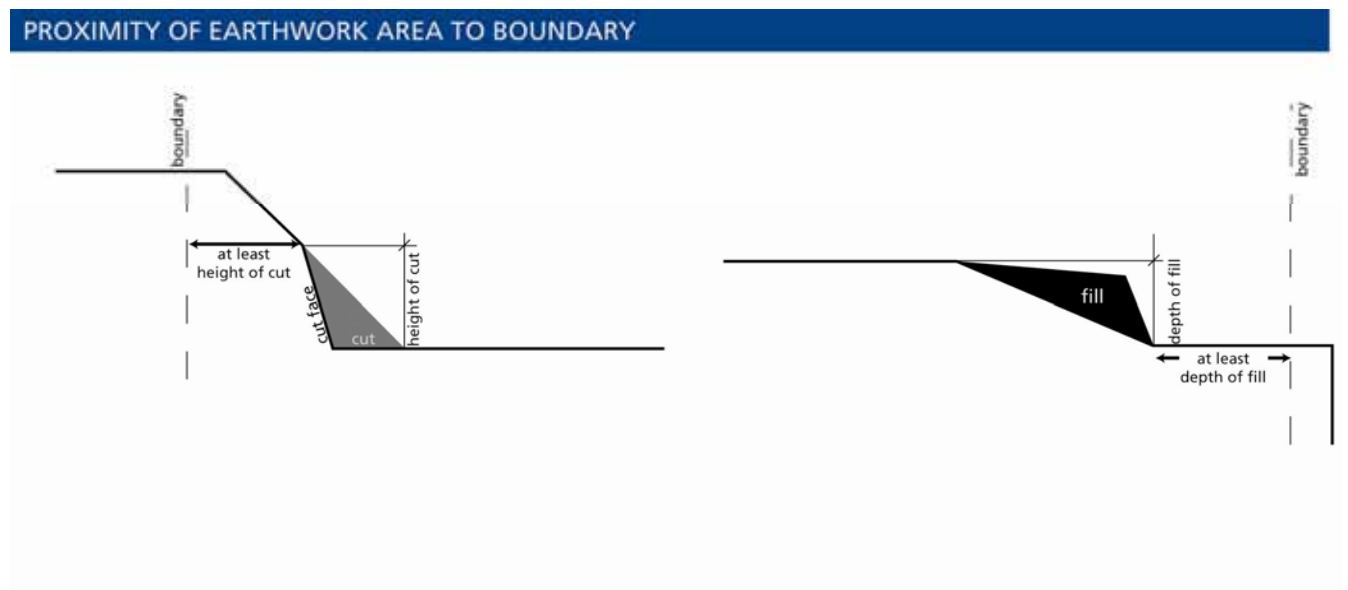
AND

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

AND

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

Diagram 1: Proximity of Earthwork Area to Boundary, buildings and structures



30.1.2

Earthworks in the:

- (i) **Urban Coastal Edge (as shown on Map 62 and Map 63);**
- (ii) **Open Space B Areas;**
- (iii) **Conservation Sites ; and**
- (iv) **Ridgelines and Hilltops Overlay (Rural Area); and**
- (v) **in Heritage Areas and on sites containing listed Heritage Items**

are Permitted Activities provided that they comply with the following conditions:

Earthworks may expose koiwi (human remains), taonga or Maori or Non-Maori archaeological material. Archaeological sites are protected by the Historic Places Act 1993 and an Archaeological Authority may be required from the New Zealand Historic Places Trust. Owners / applicants should contact the Historic Places Trust, Wellington Tenth's Trust and Ngati Toa Rangatira, about the location of archaeological sites, or in the event that a site is discovered

- 30.1.2.1** (a) (i) The cut height or fill depth does not exceed 1.5m measured vertically; and
- (ii) The distance between any site boundary; building or structure (above or below ground); and the nearest cut or fill must be at least the same distance as the height of the cut or depth of the fill (measured on a horizontal plane); and
- (iii) The cut or fill is not on an existing slope angle exceeding 34 degrees; and
- (iv) The area to be cut or filled does not exceed 100m².

Refer to Definitions for Existing Slope Angle, Cut Height and Fill Depth

Refer to Diagram 1 explanation of (ii)

OR

- (b) (i) The cut height or fill depth does not exceed 1.5m; and
- (ii) The cut or fill is retained by a structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and
- (iii) The area to be cut and/or filled does not exceed 100m².

A resource consents may also be required from Greater Wellington for earthworks on erosion prone land; for work in the bed of streams; the maintenance, upgrading or construction of access roads and farm tracks; the construction of small dams; or where sediment will be discharged

OR

- (c) For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area:
- (i) The cut height and fill depth does not exceed 1.5m; and
- (ii) The distance between any site boundary; building or structure (above or below ground); and the nearest cut or fill must be at least the same distance as the height of the cut or depth of the fill (measured on a horizontal plane).

OR

into streams

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

AND

In Heritage Areas and Heritage Items Rule 21B.1.3

30.1.2.2 The cut or fill is no closer than the following to a stream, a wetland or the coastal marine area:

also applies

<u>Ridgelines and Hilltops (Rural Area)</u> <u>Conservation Sites</u> <u>Open Space B</u>	<u>20m</u>
<u>All other areas</u>	<u>5m</u>

AND

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

AND

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

30.1.3 **In all Areas (when rules 30.1.1 and 30.1.2 do not apply), structures or materials to retain or stabilise landslips, are Permitted Activities provided that they comply with the following condition:**

Landslips that are not caused by excavation or other human activities are not 'earthworks' However, work to clean up or reshape ground after a landslide are 'earthworks' and Rule 301.1 or Rule 30.1.2 apply. This rule applies where no earthworks are needed to retain or stabilise a landslide

30.1.3.1 The retaining or stabilising structure must be no higher than 2.5 metres measured vertically.

This rule has been included in the plan to permit certain smaller scale structures designed to retain or stabilise landslips.

30.2 Discretionary Activities (Restricted)

30.2.1 Earthworks that do not comply with the permitted activity conditions under Rule 30.1.1 and 30.1.2 except;

- (i) Earthworks that do not comply with the permitted activity conditions in the Ridgelines and Hilltops Overlay (Rural Area); and
- (ii) Earthworks in the:
 - (a) Suburban Centre - Tawa Hazard (Flooding) Area closer than 5m to the Porirua Stream; and
 - (b) Suburban Centre - Takapu Hazard (Flooding) Area closer than 5m to the Takapu Stream;

are a Discretionary Activity (Restricted).

All applications for resource consent within Maori Precincts, or sites of significance to tangata whenua or other Maori, must include a cultural impact report with input from tangata whenua and other Maori

Some of the chapter appendices for Residential, Rural and Open Space have separate or additional rules for earthworks

30.2.1.1 For non compliance with the permitted activity conditions in Rule 30.1.1 the Council has restricted its discretion to:

- (i) earthworks stability (except for cuts and fills for tracks associated with permitted rural activities);
- (ii) erosion, dust and sediment control;
- (iii) visual amenity – where the cut height or fill depth

exceeds 2.5m;

- (iv) **the flooding hazard (if located in a Hazard (Flooding) Area);**
- (v) **Earthworks and structures associated with streams and the coastal marine area where the cut or fill is closer than the following to a stream or the coastal marine area:**

Rural Area	20m
All other areas	5m

And

- (vi) **the transport of material where the following limits are exceeded:**

Suburban Centres:

- where the Centre adjoins the motorway, and arterial or a Principal Road (shown on Map 33) 2000m³
- all other Suburban Centres areas 200m³

Airport and Golf Course Precinct 2000m³

Residential Area
Institutional Precincts 200m³
Open Space Areas
Conservation Sites
Rural Area
Central Area

30.2.1.2 For non compliance with the permitted activity conditions in Rule 30.1.2 the Council has restricted its discretion to;

- (i) **earthworks stability;**
- (ii) **erosion, dust and sediment control;**
- (iii) **visual amenity – where the cut height or fill depth exceeds 1.5m;**
- (iv) **the flooding hazard (if located in a Hazard (flooding) Area ;**
- (v) **earthworks and structures associated with streams and the coastal marine area where the cut or fill is closer than the following to a stream or the coastal marine area:**

Rural Area	20m
All other areas	5m

Rule 17.2.5 also applies to the Chest Hospital Heritage Area (Lot DP 316137).

And

- (vi) **the transport of material where the following limits are exceeded:**

Suburban Centres:	
- where the Centre adjoins the motorway, and arterial or a Principal Road (shown on Map 33)	2000m ³
- all other Suburban Centres areas	200m ³
Airport and Golf Course Precinct	2000m ³
Residential Area	
Institutional Precincts	
Open Space Areas	
Rural Area	200m ³
Central Area	

Non- notification/service

Applications do not need to be publicly notified and do not need to be served on affected persons.

30.2.3 Structures or materials to retain or stabilise landslips that exceed 2.5m in height; are a Discretionary Activity (Restricted)

All applications for resource consent within Maori Precincts, or sites of significance to tangata whenua or other Maori, must include a cultural impact report with input from tangata whenua and other Maori

Some of the chapter appendices for Residential, Rural and Open Space have separate or additional rules for earthworks

For non compliance with the permitted activity condition in Rule 30.1.3 Council has restricted its discretion to:

28.2.3.1 Visual Amenity:

Non- notification/service

Applications do not need to be publicly notified and do not need to be served on affected persons.

30.3 Discretionary Activities (Unrestricted)

30.3.1 Earthworks that do not comply with the conditions for Discretionary Activity (restricted) activities in the:

- (i) Tawa (Flooding) Hazard Area; and**
- (ii) Takapu (Flooding) Hazard Area.**

are a Discretionary (Unrestricted) Activity.

All applications for resource consent within Maori Precincts, or sites of significance to tangata whenua or other Maori, must include a cultural impact report with input from tangata whenua and other Maori

30.3.2 Earthworks that do not comply with the permitted activity conditions for earthworks in the Ridgelines and Hilltops Overlay (Rural Area):

are a Discretionary (Unrestricted) Activity.

All applications for resource consent within Maori Precincts, or sites of significance to tangata whenua or other Maori, must include a cultural impact report with input from tangata whenua and other Maori

B. ALTERATIONS TO VOLUME ONE, AMENDMENT OR DELETION OF PROVISIONS

3.2 Information to be Submitted with an Application for a Resource Consent

...

3.2.2 Land Use Consents

An application for a Land Use Consent shall include:

3.2.2.1 A description of the activity for which consent is sought, and its location.

3.2.2.2 An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated.

Note: Section 88(6) of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.

3.2.2.3 For activities within a Maori Precinct, a description of the type and extent of consultation with tangata whenua and other Maori and any outcomes of the consultation.

3.2.2.4 Any information required to be included in the application by the District Plan or the Act's regulations. This could include noise assessment, a traffic impact report or an Urban Design Statement.

3.2.2.4a For the stability of earthworks; drawings, calculations and a written report by an appropriately qualified and experienced person, for example, a chartered engineer practicing in the field of civil / geotechnical engineering.

3.2.2.5 A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

3.2.2.6 **Site information.** The following information must be supplied:

- the correct street address
- the legal description(s) of the site
- current copies of all certificates of title.

3.2.2.7 **Site plans.** Site plans must be drawn at a 1:100 or 1:200 metric scale where possible, or to such a scale to show sufficient detail of the proposal to enable Council to determine its effects. If the plans are larger than A3 size copies reduced to A3 must also be provided. The site plans must show:

- a north point accurately orientated
- a unique plan number and title describing the proposal and the site.

3.2.2.7.1 The applicant must provide a site plan detailing where relevant the **existing situation** including:

- details of hazardous areas (for example uncompacted filling or flood prone areas)
- levels and contours of the topography (noting significant landforms and natural features)
- gradients of existing slopes (angle)
- banks, walls or steep slopes on the site, or on adjoining sites, that may be relevant to an assessment of earthworks stability
- drainage and underground services
- vegetation (including that located on adjacent road reserve or surrounding properties) and/or habitats of indigenous fauna
- all certificate of title boundaries
- road frontages
- existing buildings (indicating those to be retained)
- buildings on adjacent sites
- all the features and information must be show in relation to the boundaries of the site, and the boundaries of other sites where it is relevant to understanding the proposal.

3.2.2.7.2 The applicant must provide a site plan detailing where relevant the **proposed development** including:

- design of earthworks and final levels and contours of the site
- gradients of earthwork slopes
- drainage and underground services
- layout and location of proposed structures and buildings or alterations to existing structures and buildings
- location of proposed activities, vehicle parking, servicing, circulation and manoeuvring, pedestrian and vehicular access
- floor plans
- calculation of site coverage
- all landscape design, site planting and fencing
- all the features and information must be show in relation to the boundaries of the site, and the boundaries of other sites where it is relevant to understanding the proposal.

3.2.2.8 The applicant must provide, where relevant, elevation drawings and cross-sections, numbered and drawn to a metric scale of generally 1:100 or such as to clearly show the:

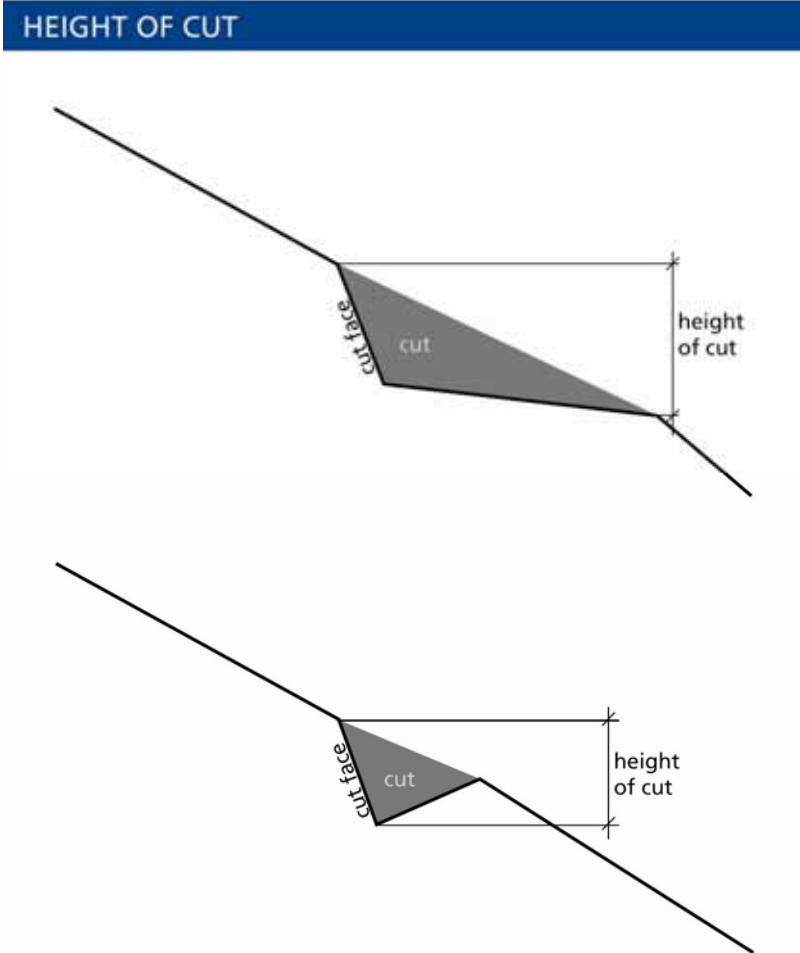
- gradients of existing and proposed slopes and the location of any associated structures
- drainage and underground services relevant to earthworks and associated structures

- extent of compliance with relevant plan rules including solar access and maximum building height
- elevations from the street showing the relationship of proposed structures to structures on adjacent sites, including the location of existing private outdoor spaces and main living area windows (where these have outlook over the development)
- all the features and information must be show in relation to the boundaries of the site, and the boundaries of other sites where it is relevant to understanding the proposal.

...

3.10 Definitions

CUT HEIGHT: means the maximum height of the earthworks cut at any time, measured vertically from the top of the cut to the lowest point of the cut face, and includes any working cut height during the course of the earthworks.



EARTHWORKS: means the removal, relocation or deposit of earth (which includes any substance constituting the land such as soil, clay and rock) from a natural or constructed land formation and excludes topsoil ~~stripping~~ mining, turf farming, ground cultivation, gardening, grave digging, maintenance of sports fields, cleanfills, landfills and quarrying, archaeological excavations, and trenching. ~~are excluded from the definition of earthworks.~~

EXISTING SLOPE ANGLE [for the purpose of Chapters 29 and 30 (Earthworks)]:
 means the maximum slope segment angle of all slope segments.

For a Cut - slope segments are measured (on a horizontal plane):

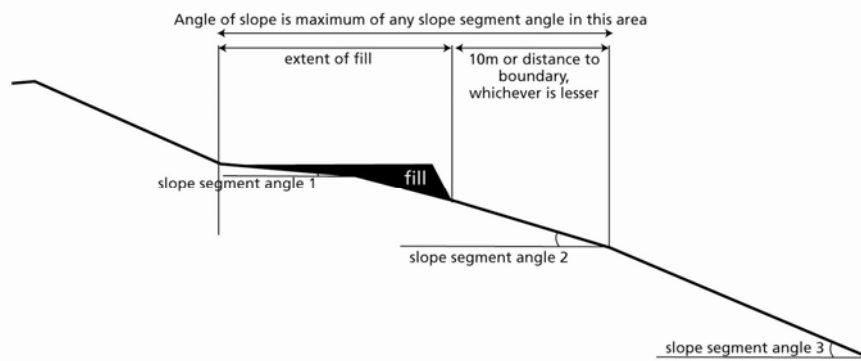
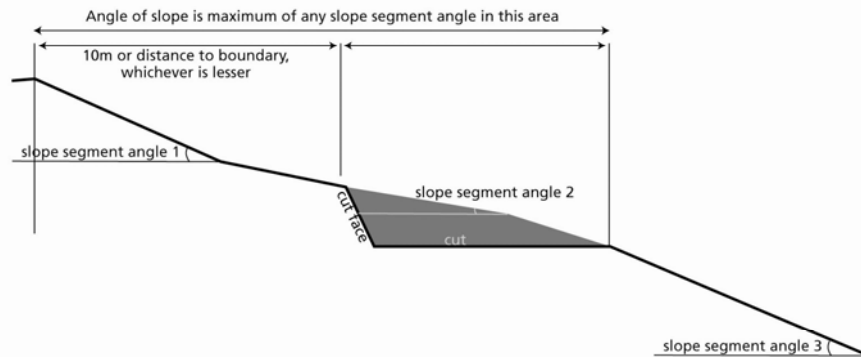
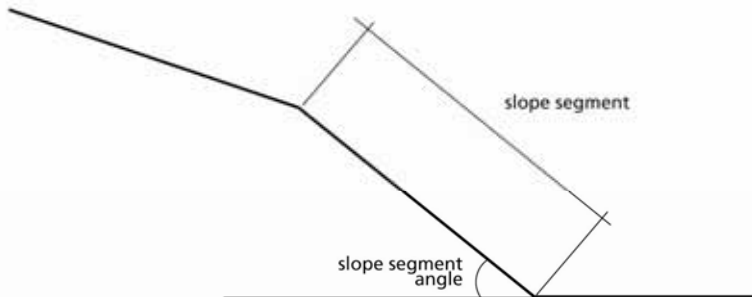
- within the extent of the cut; and
- uphill of the cut, the distance to the boundary or 10m which ever is the lesser.

For a Fill – slope segments are measured (on a horizontal plane):

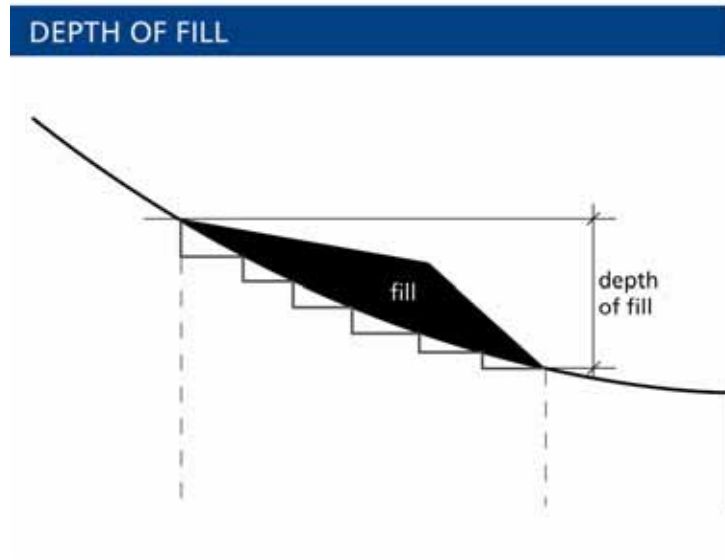
- within the extent of the fill; and
- down hill of the fill, the distance to the boundary or 10m which ever is the lesser.

A slope segment is a segment of sloping ground that falls generally at the same angle to the horizontal (slope segment angle).

EXISTING SLOPE



FILL DEPTH: means the maximum depth of the fill at the completion of the earthworks, measured vertically from the highest point on the top of the fill to the bottom of the fill placement.



STREAM: means a continually or intermittently flowing body of fresh water and includes a modified watercourse. For the purposes of the District Plan a stream's area is defined as the area which its water covers at its fullest flow or highest level, without overtopping its banks or margins.

TRENCH means in relation to the earthworks rules, a long narrow excavation for the purpose of installing drainage, irrigation or service connections.

Where the trench is excavated across an existing slope that is steeper than 2 horizontal to 1 vertical (approximately 26^o), it is recommended that the trench is excavated, the pipe or line laid, and the trench is backfilled, in one sequence, to minimise the risk of instability.

WATERBODY: has the meaning contained within the Act. For the purposes of this District Plan a waterbody's area is defined as the area which its water covers at its fullest flow or highest level, without overtopping its banks or margins.

WETLAND: includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

4.2 Residential Objectives and Policies

...

~~4.2.2.5 — Manage any adverse effects of earthworks.~~

~~METHODS~~

- ~~• Rules~~
- ~~• Other mechanisms (WCC Bylaws)~~

~~Earthworks associated with land development and building is an essential activity throughout the Residential Area. The Plan therefore allows most forms of earthworks but retains controls to prevent unnecessary visual scarring of the landscape. Issues concerning the safety of earthworks are dealt with by the City Bylaws.~~

...

~~4.2.5.3 — Ensure that any approved earthworks are designed and engineered to reflect natural landforms.~~

~~METHODS~~

- ~~• Rules~~
- ~~• Design Guide (Subdivision)~~
- ~~• Other mechanisms (WCC Bylaw Part 8) (Earthworks)~~

~~Because excavations or earth fills can leave unnatural forms or unsightly scars which detract from the amenities of an area, Council considers that controls on such activities are necessary. The city bylaws control earthworks to ensure that they are properly engineered, whereas the District Plan provisions enable amenity considerations to be assessed.~~

~~The environmental result will be to ensure that earthworks, when completed, will not cause a visual detraction.~~

4.2.7.4 Ensure that earthworks and structures in Residential Areas do not exacerbate natural hazards, particularly flood events.

METHOD

- Rules

Earthworks and large structures have the potential to increase the degree of risk associated with flooding. Where they are proposed for flood-prone areas they will be controlled to ensure that they do not increase the flood hazard.

Matters to consider in assessing applications for earthworks and associated structures include:

- *Whether earthworks in a Hazard (Flooding) Area increase the risk of flooding, by such effects as blocking flood water flow paths and culverts, and diverting flood waters to other properties*
- *Whether the earthworks in a Hazard (Flooding) Area reduce the risk or effects of flooding*
- *The extent that the proposed earthworks and associated structures will be designed to use 'soft engineering' practices, which are visually unobtrusive and minimise or enhance the ecology of the stream and flood-prone area.*

The environmental result will be the minimisation of hazard risks on flood plains or flood-prone areas.

5.1 Residential Permitted Activities

5.1.9 — ~~Earthworks are Permitted Activities provided that they comply with the following conditions:~~

- 5.1.9.1 — ~~That existing ground level is not to be altered by more than 2.5 metres measured vertically.~~
- 5.1.9.2 — ~~That total area of ground surface disturbance is less than 250m².~~
- 5.1.9.3 — ~~That earthworks do not take place in Hazard (Flooding) Areas.~~
- 5.1.9.4 — ~~That earthworks are not undertaken on slopes of more than 45°.~~
- 5.1.9.5 — ~~That no earthworks are carried out within 5 metres of a waterbody or the coastal marine area.~~
- 5.1.9.6 — ~~That no contamination, including siltation, of any waterbody or coastal water occurs.~~
- 5.1.9.7 — ~~Nothing in rules 5.1.9.1 to 5.1.9.5 shall apply to utilities which are a Permitted Activity.~~

...

5.1.11 **Except for company lease, cross lease and unit title subdivision, any subdivision around an existing lawfully established residential building which does not result in the creation of any new undeveloped allotment that contains no residential building is a Permitted Activity provided that it complies with the following conditions:**

...

- 5.1.11.5 Any earthworks and any associated structures are authorised by rule ~~5.1.9~~ 30.1.1

...

For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17

For Ridvan Gardens, off Downing Street, Ngaio refer to Appendix 16

5.2 Controlled Activities

<p>5.2.5 Any subdivision that is not a Permitted Activity and;</p> <p style="padding-left: 20px;">(a) creates five or less allotments, except those that:</p> <ul style="list-style-type: none"> • create more than 10 linear metres of legal road; or • are on a ridgeline or a hilltop; or • involves a requirement to set aside esplanade land; <p>is a Controlled Activity in respect of:</p>	<p><i>For subdivision of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio refer to Appendix 17</i></p>
<p>5.2.5.1 site design, frontage and area</p>	<p><i>For Subdivision of Lot 1 DP 29604 off the end of Silverstream Road, Ngaio refer to Appendix 12</i></p>
<p>5.2.5.2 standard, construction and location of vehicular access</p>	<p><i>For subdivision of Lot 3 DP 71465 and Lot 33 DP 1022 off Allanbrooke Place refer to Appendix 13</i></p>
<p>5.2.5.3 road design and construction</p>	
<p>5.2.5.4 earthworks</p>	
<p>5.2.5.5 landscaping</p>	
<p>5.2.5.6 utility and/or services provision</p>	
<p>5.2.5.7 protection of any special amenity feature.</p>	<p><i>For subdivision of Lot 29, DP 1747 off Freeling Street, Island Bay refer to Appendix 20</i></p>
<p>(b) is a company lease, cross lease or unit title subdivision is a Controlled Activity in respect of:</p>	
<p>5.2.5.8 stormwater, sewerage and water services</p>	
<p>5.2.5.9 the allocation of accessory units to principal units and the allocation of covenant areas to leased areas to ensure compliance with rule 5.1.1.2 (vehicle parking) and to ensure practical physical access to every household unit.</p>	

Non-notification

The written approval of affected persons will not be necessary in respect of items 5.2.5.1 to 5.2.5.9. [Notice of applications need not be served on affected persons]¹ and applications need not be notified.

Standards and Terms

[All activities, buildings and structures (existing and proposed) must meet the conditions for vehicle parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3) in relation to all existing and proposed fee simple allotments **or** meet the terms of any relevant resource consent **or** have existing use rights under section 10 of the Act]^{PC11}, [or in the case of unit title subdivision, concurrently seek and obtain landuse consent for the building or buildings to be subdivided.]^{PC56}

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 5.2.5.10 The requirements of Section 106 of the Act.
- 5.2.5.11 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Residential Area rules (except for rule 30.1.1.1, earthworks stability)
- 5.2.5.12 The extent of compliance with the relevant parts of the Subdivision Design Guide, City Bylaws and if applicable the Council's Code of Practice for Land Development.
- 5.2.5.13 In respect of cross lease or unit title subdivisions:
- the need for permanent site access and access to and around buildings
 - the current and future allocation for use of land area, accessory buildings and amenities
 - the need to service and use land and buildings efficiently.

5.3 Discretionary Activities (Restricted)

~~5.3.9 Earthworks that do not comply with the conditions for Permitted Activities are a Discretionary Activity (Restricted) in respect of:~~

~~5.3.9.1 the alteration or disturbance of the ground~~

~~5.3.9.2 the degree of slope~~

~~5.3.9.3 the undertaking of earthworks in a Hazard (Flooding) Area~~

~~5.3.9.4 the undertaking of earthworks within 5 metres of a waterbody or the coastal marine area.~~

~~[Provided that, if the proposed earthworks are within Appendix 17, the assessment criteria listed under 5.3.9.7 will not apply if criteria addressing the same issue are included in the Appendix.]^{PC33}~~

For earthworks on Lot 1 DP 29604 off the end of Silverstream Road, Ngaio refer to Appendix 12

~~Standards and Terms~~

~~{There are no standards and terms.}[†]~~

~~Assessment Criteria~~

~~In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:~~

~~5.3.9.5 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, cause or contribute to soil erosion or affect existing natural features, such as waterbodies.~~

~~5.3.9.6 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces.~~

~~5.3.9.7 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, [identified ridgelines and hilltops]^{PC33}, cliffs, escarpments and waterbodies. [Where located within identified ridgelines and hilltops, the extent that earthworks are sited and designed in ways that avoid being visually obtrusive by:~~

- ~~• minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views~~

- ~~• mitigating the visibility of earthworks by appropriate planting and/or screening¹PC23~~

- ~~5.3.9.8 The necessity for carrying out the works.~~
- ~~5.3.9.9 Whether the earthworks proposed increase or decrease flood hazards.~~
- ~~5.3.9.10 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.~~
- ~~5.3.9.11 The effects on any water body or the coastal marine area arising from the contaminants associated with earthworks.~~
- ~~5.3.9.12 Rule 5.3.9 shall not apply to a subdivision where earthworks is controlled or subject to a discretion in the grant or refusal of a subdivision consent.~~

Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is also concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control has therefore been imposed so that any proposal may be evaluated.

5.4 Discretionary Activities (Unrestricted)

...

5.4.9 Within the land shown in Appendix 24 (16-50 Rhine Street, Island Bay):

In areas denoted (A) any subdivision, use or activity, including the construction, alteration of, and addition to buildings or structures, that is not a permitted activity, is a Discretionary Activity (Unrestricted). The exception to this rule is that Rule 5.1.9-30.1.1 relating to earthworks shall not apply and all earthworks will be assessed as a Discretionary Activity (Unrestricted).

In areas denoted (B) and (C) any subdivision, use or activity including any earthworks is a Discretionary Activity (Unrestricted).

Standards and Terms

For areas denoted (B) in Appendix 24 a geotechnical report and engineering design report shall be provided in respect of any proposed subdivision, building or infrastructure development.

In areas denoted (B) and (C) Rule 5.1.3.4.2 shall apply unless Discretionary Activity (Unrestricted) consent is concurrently sought and granted.

...

Appendix 12. Particular provisions for the land described as Lot 1 DP 29604, CT 49D/212 (Wellington Registry) off the end of Silverstream Road, Ngaio

The following provisions were the result of settling the District Plan reference filed by Pavan Lands Limited (RMA 586/96) by Environment Court Consent Order dated 20/08/98.

1. Rule 5.2.5 of the Plan (relating to controlled subdivision) shall not apply and the following rule will apply:
All subdivision on the land which is not a Permitted Activity shall be a Discretionary (Unrestricted) Activity.
2. Rule ~~5.3.9~~ 30.1.1 of the Plan (relating to earthworks) shall not apply and the following rule will apply:
All earthworks which are not a Permitted Activity will be a Discretionary Activity (Restricted) in respect of:
 1. **The alteration or disturbance of the ground**
 2. **The degree of the slope**
 3. **The undertaking of earthworks in a Hazard (Flooding) Area**
 4. **The undertaking of earthworks within 5m of a water body or the coastal marine area**
 5. **The effects on any water body or coastal water arising from contaminants associated with earthworks**
 6. **Erosion, falling debris, subsidence, slippage, or inundation from any source.**

Non-notification

There will be no express provision to enable applications to be considered without the need to obtain the written approval of affected persons.

Standards and terms

The conditions for earthworks in rule ~~5.4.9~~ 30.1.1 may be waived totally.

Assessment Criteria

In deciding whether to grant consent and what conditions, if any, to impose, in relation to the land Council will have regard to the following criteria:

7. The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, cause or contribute to soil erosion or affect existing natural features, such as waterbodies.
8. The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces.
9. The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.
10. The necessity for carrying out the works.
11. Whether the earthworks proposed increase or decrease flood hazards.
12. This rule shall not apply to a subdivision where earthworks is controlled or subject to a discretion in the grant or refusal of a subdivision consent.
7. The extent to which the earthworks and any associated structures will meet Policies 29.2.1.1 to 29.2.1.6, and 29.2.1.9 to 29.2.1.11

13. Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
14. The extent to which any earthworks will cause adverse effects in terms of erosion, falling debris, subsidence, slippage or inundation from any source.

~~Council's earthworks bylaw (Part 8) Policy 29.2.1.3~~ is designed to ensure that any earthworks are properly engineered and will be safe. Council is also concerned that earthworks should not adversely affect existing land forms or detract from the amenities of an area. Discretionary control has therefore been imposed so that any proposal may be evaluated.

With regard to the land situated in Silverstream Road, and more particularly described as Lot 1 on Deposited Plan 29604, CT 49D/212 (Wellington Registry), earthworks must be carefully considered through the resource consent process to ensure that any adverse environmental effects, in particular land stability issues, are avoided, remedied or mitigated.

Appendix 17. Subdivision of Lot 1 DP 25046 & Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way, Ngaio

The following provisions were the result of settling the District Plan Reference filed by Kilmarston Properties Limited and Stately Pleasure Dome Limited (RMA 482/96) by Environment Court Consent Order dated 10/08/98.

Subdivision

Rule 5.2.5 of the District Plan relating to subdivision as a Controlled Activity does not apply to Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District and all subdivision which is not a Permitted Activity is a Discretionary Activity (Unrestricted).

Rule 5.4.5 of the District Plan relating to subdivision as a Discretionary Activity (Unrestricted) includes the following additional standards and terms in respect of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District:

- On Pt Sec 10 Kaiwharawhara District the maximum number of allotments shall be 30
- On Lot 1 DP 25046 the maximum number of allotments shall be 11.

Subdivisions exceeding the maximum number of allotments will be a Non-Complying Activity.

Residential Buildings

Rule 5.1.3 of the District Plan relating to the construction of residential buildings including accessory buildings does not apply to the areas identified by shading on Map 1 attached to this appendix. Building within the identified areas will be a Non-Complying Activity.

Rule 5.1.3.1 of the District Plan relating to the number of household units on a site includes the following additional conditions in respect of Lot 1 DP 25046 and Pt Sec 10 Kaiwharawhara District:

- On Pt Sec 10 Kaiwharawhara District no more than one household unit shall be permitted on any allotment and rule 5.3.4 does not apply.
- On Lot 1 DP 25046 no more than one household unit shall be permitted on any allotment and rule 5.3.4 does not apply.

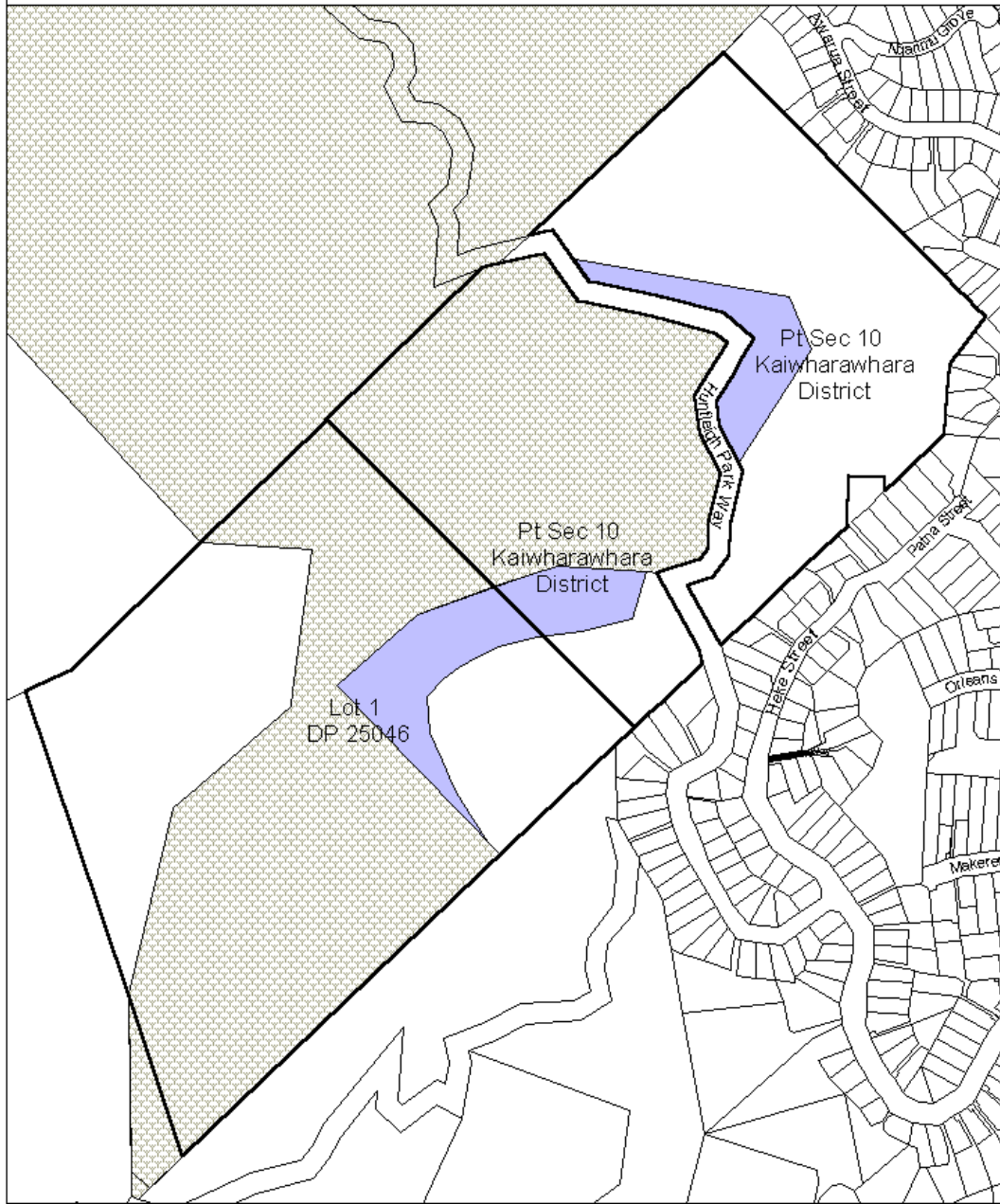
Additional household units on a site will be a Non-Complying Activity.




Earthworks

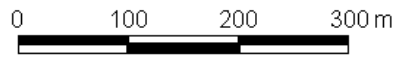
Rule ~~5.1.9~~ 30.1.1 of the District Plan does not apply to the areas identified by shading on the map attached to this appendix and all earthworks in these areas are a Discretionary Activity (Restricted) under rule ~~5.3.9~~ 30.2.1

...

Pt Sec 10 Kaiwharawhara District and Lot 1 DP 25046
(Above Patna Street and Huntleigh Park Way, Ngaio).



-  Outer Residential Area to which Rules 5.1.3 and 5.1.9 do not apply.
-  Parcel Boundaries of Pt Sec 10 Kaiwharawhara District and Lot 1 DP 25046.
-  Open Space B.



7. Suburban Centres

7.1 Suburban Centres Permitted Activities

7.1.5 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

7.2 Controlled Activities

7.2.5 In the Tawa Hazard (Flooding) Area

- ~~earthworks; or~~
- the construction, alteration of, and addition to buildings, including accessory buildings;

which are more than 5 metres from the Porirua Stream and have a floor level above the 1 in 100 year flood event are Controlled Activities in respect of:

7.2.5.1 ~~the level, extent and gradient of earthworks~~

7.2.5.2.1 building location within the site

7.2.5.3.2 building floor area

7.2.5.4.3 the displacement of flood waters from the site.

“For the purposes of clarification, this rule does not apply to network utility infrastructure, as they are provided for in ‘Section 23. Utility Rules’ of the District Plan.”

Non-notification

The written approval of affected persons will not be necessary in respect of items 7.2.5.1, 7.2.5.2, 7.2.5.3 and 7.2.5.4. [Notice of applications need not be served on affected persons]² and applications need not be notified.

Standards and Terms

This activity must comply with the conditions specified for activities in rules 7.1.1 and 7.1.2 unless consents are concurrently sought and granted under rules 7.3.1, 7.3.2, 7.3.5 and 7.3.6 for those conditions not met.

All earthworks must meet the conditions under rule 30.1.1 unless consent is concurrently sought and granted for the condition(s) not met.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 7.2.5.5 Whether ~~the undertaking of earthworks, or~~ the size or siting of the building will impede the flow of flood waters.
- 7.2.5.6 Whether the ~~earthworks,~~ building or associated works will accelerate, worsen or result in the erosion or inundation of the site, or any other site or building.

Flooding problems exist in the Porirua Stream catchment. To protect the safety of building occupants, the Council will generally require that building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area. New building development has been included as a Controlled Activity to ensure that earthworks and the location or size of any building on a site does not impede the flow of flood waters and the flooding risk is not increased for other properties or sites.

7.3 Discretionary Activities (Restricted)

7.3.7 In the Tawa Hazard (Flooding) Area

- ~~earthworks; or~~
- the construction, alteration of, and addition to buildings, including accessory buildings;

which are more than 5 metres from the Porirua Stream, that are not Controlled Activities, are Discretionary Activities (Restricted) in respect of:

7.3.7.1 ~~the level, extent and gradient of earthworks~~

7.3.7.2.1 building floor levels

7.3.7.3.2 building location within the site

7.3.7.4.3 the displacement of flood waters from the site.

“For the purposes of clarification, this rule does not apply to network utility infrastructure, as they are provided for in ‘Section 23. Utility Rules’ of the District Plan.”

Non-notification

The written approval of affected persons will not be necessary in respect of items 7.3.7.1, 7.3.7.2 and 7.3.7.3 ~~and 7.3.7.4~~. [Notice of applications need not be served on affected persons]¹ and applications need not be notified.

Standards and Terms

This activity must comply with the conditions specified for activities in rules 7.1.1 and 7.1.2 unless consents are concurrently sought and granted under rules 7.3.1, 7.3.2, 7.3.5 and 7.3.6 for those conditions not met.

All earthworks must meet the conditions under rule 30.1.1 or 30.1.2 unless consent is concurrently sought.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 7.3.7.5 Whether ~~the undertaking of earthworks, or~~ the size or siting of the building will impede the flow of flood waters.
- 7.3.7.6 Whether the ~~earthworks,~~ building or associated works will accelerate, worsen or result in the erosion or inundation of the site, or any other site or building.
- 7.3.7.7 Whether the potential threat to the health and safety of people, property or the environment from flooding is avoided, remedied or mitigated.
- 7.3.7.8 Flooding problems exist in the Porirua Stream catchment. To protect the safety of building occupants, the Council will generally require that building floor levels are above the predicted flood levels for the 1 in 100 year flood event. The detail of flood depths for land within the Tawa Hazard (Flooding) Area is held by Wellington City Council. These depths are based on the best information available to the Council and vary with the topography of the area. Buildings with floor levels below the predicted flood levels have been made a Discretionary Activity (Restricted) to ensure that the implications of such development is fully considered. Earthworks below the predicted flood levels have similarly been made a Discretionary Activity (Restricted) to ensure a full assessment of the works. The Council will also require that earthworks and the location or size of any building on a site does not impede the flow of flood waters and the flooding risk is not increased for other properties or sites.

- 7.3.8 In the Takapu Hazard (Flooding) Area**
- ~~earthworks; or~~
 - **the construction, alteration of, and addition to buildings, including accessory buildings;**
- which are more than 5 metres from the Takapu Stream, are Discretionary Activities (Restricted) in respect of:**
- 7.3.8.1 ~~the level, extent and gradient of earthworks~~**
- 7.3.8.2.1 building floor levels**
- 7.3.8.3.2 building location within the site**
- 7.3.8.4.3 the displacement of flood waters from the site.**

“For the purposes of clarification, this rule does not apply to network utility infrastructure, as they are provided for in ‘Section 23. Utility Rules’ of the District Plan.”

Non-notification

The written approval of affected persons will not be necessary in respect of items 7.3.8.1, 7.3.8.2, 7.3.8.3 and 7.3.8.4. [Notice of applications need not be served on affected persons]¹ and applications need not be notified.

Standards and Terms

This activity must comply with the conditions specified for activities in rules 7.1.1 and 7.1.2 unless consents are concurrently sought and granted under rules 7.3.1, 7.3.2, 7.3.5 and 7.3.6 for those conditions not met.

All earthworks must meet the conditions under rule 30.1.1 or 30.1.2 unless consent is concurrently sought.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 7.3.8.5 The effect of the ~~earthworks~~, building or associated works on the flood hazard.
- 7.3.8.6 Whether the ~~earthworks~~, building or associated works will accelerate, worsen or result in the erosion or inundation of the site, or any other site or building.
- 7.3.8.7 Whether the potential threat to the health and safety of people, property or the environment from flooding is avoided, remedied or mitigated.
- 7.3.8.8 Whether any additional flood detention area can be provided on site to mitigate any reduction in the total detention volume for flood waters from the building, ~~earthworks~~, or associated works.

The land adjacent to the Takapu Stream, and identified on the District Plan Maps as the Takapu Hazard (Flooding) Area, is prone to inundation during periods of high rainfall. To protect the safety of building occupants, the Council will generally

require that floor levels are above the predicted flood levels. ~~Earthworks,~~ Buildings or structures must ensure that the flood hazard is not worsened and that works do not cause or increase erosion or inundation of buildings or sites.

Flood water detention volumes should not be reduced by future development and Council will consider whether any new development should provide on site compensatory flood water storage capacity.

7.4 Discretionary Activities (Unrestricted)

7.4.7 ~~Earthworks, and~~ The construction, alteration of, and addition to, buildings, including accessory buildings, less than 5 metres from the Porirua Stream within the Tawa Hazard (Flooding) Area, and the Takapu Stream within the Takapu Hazard (Flooding) Area, are Discretionary Activities (Unrestricted).

“For the purposes of clarification, this rule does not apply to network utility infrastructure, as they are provided for in ‘Section 23. Utility Rules’ of the District Plan.”

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 7.4.7.1 The effect of ~~the earthworks,~~ building or associated works on the flood hazard.
- 7.4.7.2 ~~The extent to which the earthworks will affect water quality, or cause or contribute to soil erosion.~~
- 7.4.7.3.2 Whether the potential threat to the health and safety of people, property or the environment from flooding is avoided, remedied or mitigated.
- 7.4.7.4.3 Whether any additional flood detention area can be provided on site to mitigate any reduction in the total detention volume for flood waters from the ~~earthworks,~~ building or associated works.

Council is concerned that ~~earthworks and~~ buildings within 5 metres of the Porirua and Takapu Streams could impede the flow of flood waters and increase the risk of flooding to other properties in the respective catchments. In addition, contaminants could affect the water quality and erosion could be increased. ~~Earthworks and~~ Buildings in this situation have therefore been made a Discretionary Activity (Unrestricted) to ensure that the effects of such development are fully considered.

Flood water detention volumes should not be reduced by future development and Council will consider whether any new development should provide on site compensatory flood water storage capacity.

9.1 Institutional Precincts

9.1.4 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

11A Airport Area Permitted Activities

11.1.4 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

11B Golf Course Recreation Area Permitted Activities

11.5.2 Any use, construction, removal, demolition, repair, alteration of or addition to buildings and structures ~~together with any excavation or other disturbance of land~~ are Permitted Activities provided that they comply with the following conditions:

11.5.3 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

13.1 Central Area Permitted Activities

13.1.6 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

13B Te Ara Haukawakawa Precinct Rules

13.14.4 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

13C Te Ara Haukawakawa Precinct Rules – Stadium Site Rules

13.20.4 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

14.2 Rural Area Objectives and Policies

~~14.2.5.2 Ensure that any approved earthworks are designed and engineered to reflect natural landforms.~~

~~METHODS~~

- ~~• Rules~~
- ~~• Design Guides (Rural Area and Subdivision)~~
- ~~• Other mechanisms (WCC Bylaws No.15)~~

~~Excavations or earthfills can leave unnatural forms or unsightly scars which detract from the amenities of an area. The city bylaws control earthworks to ensure that they are properly engineered, but the District Plan enables amenity considerations to be assessed. The Council aims to ensure that approved earthworks, when completed, are not unsightly.~~

~~The environmental result will be to ensure that earthworks, when completed, reflect natural landforms in the area.~~

...

14.2.7.4 Ensure that earthworks and structures in the Rural Area do not exacerbate natural hazards, particularly flood events.

METHOD

- Rules

~~Earthworks and large sStructures have the potential to increase the degree of risk associated with flooding. Where they are proposed for flood plains or flood-prone areas they will be controlled to ensure that they do not increase the flood hazard.~~

~~The environmental result will be the minimisation of hazard risks on flood plains or flood-prone areas.~~

15.1 Rural Area Permitted Activities

15.1.7 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

...

15.1.10 ~~Earthworks involving the relocation of earth within the site are Permitted Activities provided that they comply with the following conditions:~~

For Woodridge Estate, Newlands refer to Appendix 3

~~15.1.10.1 That the existing ground level is not altered by more than 2.5 metres measured vertically, except within the identified ridgelines and hilltops where the existing ground level shall not be altered by more than 1.5 metres, measured vertically.~~

~~15.1.10.2 That earthworks do not take place in Hazard (Flooding) Area.~~

~~15.1.10.3 That earthworks are not undertaken on slopes of more than 45 degrees.~~

~~15.1.10.4 That no earthworks are undertaken within 5 metres of a waterbody or the coastal marine area.~~

~~15.1.10.5 That no contamination, including siltation, of any waterbody or the coastal marine area occurs.~~

15.3 Discretionary Activities (Restricted)

...

15.3.5 ~~Earthworks (except for earthworks on within identified ridgelines and hilltops) that do not comply with the conditions for Permitted Activities are Discretionary Activities (Restricted) in respect of:~~

~~15.3.5.1 the alteration or disturbance of the ground~~

~~15.3.5.2 the degree of slope~~

~~15.3.5.3 the undertaking of earthworks in a Hazard (Flooding) Area~~

~~15.3.5.4 the undertaking of earthworks within 5 metres of a waterbody or the coastal marine area.~~

Non-notification

~~The written approval of affected persons will not be necessary in respect of items 15.3.5.1 to 15.3.5.4. Notice of applications need not be served on affected persons and applications need not be notified.~~

Standards and Terms

~~[There are no standards and terms]^{PE23}~~

Assessment Criteria

~~In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:~~

- ~~15.3.5.5 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies. [(Council may require a soil rehabilitation plan to be provided)]^{PE23}~~
- ~~15.3.5.6 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces.~~
- ~~15.3.5.7 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.~~
- ~~15.3.5.8 The necessity for carrying out the works.~~
- ~~15.3.5.9 Whether the earthworks proposed increase or decrease flood hazards.~~
- ~~15.3.5.10 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.~~
- ~~15.3.5.11 The effects on any water body or the coastal marine area arising from the contaminants associated with earthworks.~~

Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control has been imposed so that any proposal may be evaluated.

15.4 Discretionary Activities (Unrestricted)

15.4.2 The construction or, alteration of, or addition to buildings or

siting of any structures or undertaking earthworks (except minor rural structures and earthworks that are Permitted Activities) within identified ridgelines and hilltops are Discretionary Activities (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 15.4.2.1 Whether the site is located in a remote area where the construction of any buildings or structures, or associated road ~~and earthworks~~, would detract from the character of the surrounding landscape.
- 15.4.2.2 The extent that ~~future earthworks~~, buildings and structures are sited and designed in ways that avoid being visually obtrusive by:
- ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop
 - minimising skyline effects and visibility of buildings and structures ~~and earthworks~~ by construction design, in relation to district wide, community wide and neighbouring views
 - using local topography, and/or allowing earthworks, to create a backdrop to development with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.
- 15.4.2.3 The extent to which the siting of ~~any earthworks~~, buildings or structures will remove existing vegetation where existing vegetation mitigates the visibility of ~~earthworks~~, buildings or structures.
- 15.4.2.4 The extent to which new planting mitigates the visibility of the ~~earthworks~~, buildings or structures.
- 15.4.2.5 The extent to which the proposal meets the relevant aspects of the Rural Design Guide.
- 15.4.2.6 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 15.4.2.7 The extent to which effects on any other natural, recreational or heritage values can be avoided, remedied or mitigated.

Wellington's ridgelines and hilltops are an important and sensitive feature of the landscape. The rural area to the west is characterised by rugged and broken hill country while Horokiwi and other areas to the east of the Outer Green Belt have a more rolling character. The management of built form and earthworks on identified ridgelines and hilltops is a key resource management issue for Wellington. Therefore activities will be carefully assessed to ensure that where development is proposed in these areas, it is done in a comprehensive and sensitive manner responsive to the local natural features. The Rural Design Area Guide will assist Council's control in this regard. Opportunity for design solutions is possible through the assessment criteria. Careful consideration will be given to proposals which might result in the modification of skylines when viewed from any place outside the subject property.]^{PC33}

In addition to the above assessment criteria, Council's Earthworks Bylaw (Part 8) is Chapter 29 and 30 address the issue of earthworks. Ensuring that they are designed to reflect natural landforms designed to ensure that any earthworks are and are properly engineered and will to be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area.

The environmental result will be integration of development on identified ridgelines and hilltops, retaining an overall un-built character of the more prominent ridgelines and hilltops in the District.

15.4.2a The construction, alteration of, or addition to buildings or structures or undertaking earthworks (except minor rural structures and earthworks that are Permitted Activities) within identified ridgeline and hilltop areas in Appendix 4, 5, 6 and 7 to this rule are Discretionary Activities (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following assessment criteria:

- 15.4.2a.1 The extent that earthworks, buildings and structures are sited and designed in ways that are sensitive to landform and other natural features in locations that are highly visible to district wide, community wide and adjoining residential areas.
- 15.4.2a.2 The extent to which local topography, and/or earthworks create a backdrop to earthworks, buildings and structures, with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.
- 15.4.2a.3 The extent to which the siting of any earthworks, buildings or structures will remove existing vegetation where existing vegetation mitigates the visibility of earthworks, buildings or structures.
- 15.4.2a.4 The extent to which new planting mitigates the visibility of the earthworks, buildings or structures.
- 15.4.2a.5 The extent to which the proposal meets the relevant aspects of the Rural Area Design Guide.

There are some rural areas that lie within the identified ridgelines and hilltops that are also located within or close to existing urban areas to the east of the Outer Green Belt. Council accepts that rural residential development can be accommodated within these areas because of their urban context and access to existing services. However, it is expected that in view of the visual values of these areas and the topographical constraints development will be low density. Careful planning will be required given the visibility of these ridgelines and hilltop areas from neighbouring residential areas. Specific assessment criteria for these areas reflect Council's desire for well integrated development that will retain a non-urban character.

Appendix 3: Woodridge Estate, Newlands - Development of Area Subject to Consent Order as per the attached map

The following provisions were the result of settling the District Plan reference filed by Woodridge Estates Limited (RMA 595/96) by Environment Court Consent Order dated 18/10/99.

Subdivision

Subdivision must be assessed in accordance with rule ~~15.4.5~~ 15.4.7 except that the additional standards and terms, and assessment criterion will apply as set out below.

Standards and terms

The residential allotment number and size must not exceed the following:

Map area	Maximum number of residential allotments	Minimum allotment size
Area A	13	3,900m ²
Area B	11	6,400m ²
Area C	5	8,000m ²
Total:	29	-

[Note: The dotted area on the attached map can be used for the calculation of minimum allotment size. For the avoidance of doubt the 50ha minimum allotment size applies to the cross hatched area on the attached map.]

Building sites must be identified and secured at the time of subdivision by covenant or consent notice.

Restrictions by way of covenant or consent notice must be placed on the new allotments so that they will not be further subdivided, and that there will be no more than one household unit per allotment.

Assessment criteria

That building sites are located to avoid, remedy or mitigate adverse effects of buildings on the ridgeline, rural/residential character, and the visual effect of the proposed buildings when viewed from the dwelling at 277 Horokiwi Road.

Buildings, Accessory Buildings and Earthworks

Rules 15.1.4 and 15.4.2 do not apply to buildings and accessory buildings that are located in the dotted area. Buildings and accessory buildings in these areas will be assessed as a Non-Complying Activity.

Rule ~~15.4.10~~ 30.1.1 and 30.1.2 does not apply to earthworks in the dotted area. Earthworks in this area ~~is~~ are to be assessed under rule ~~15.4.2~~ 30.2.1

All buildings, accessory buildings and earthworks in the remainder of Areas A, B and C must be assessed as appropriate in accordance with rules 15.4.1 and 15.4.2 and 30.2.1, except that the additional assessment criteria will apply as set out below.

Assessment Criteria

The extent to which design and siting of dwellings avoid, remedy or mitigate adverse effects of buildings on the ridgelines, rural/residential character and the visual effect of the proposed buildings or **earthworks** when viewed from the dwelling at 277 Horokiwi Road.

Explanation to Appendix 3

This appendix was agreed as a result of settling the District Plan reference from Woodridge Estates Limited by consent (Environment Court Consent Order dated 18/10/99).

The resolution of this appeal has recognised that part of the Woodridge Estates land (shown as A, B and C on the attached map) is suitable for rural/residential development provided that the effects of subdivision are managed. Successful development of this site will require a mixture of reserve development, minimum allotment size, restrictions on the number of household units or on further subdivision, and the siting and design of buildings.

The cross-hatched and dotted area identifies the predominant ridgeline. The cross-hatched area is subject to the Rural Area rules. Development on the areas marked A, B and C is mitigated by requiring buildings to be located off the ridgeline. Some of the area sought to be protected has been recognised as being able to be included in the rural/residential lots. There is an expectation that this land (i.e. the dotted area) will be subject to covenants to protect it from development. Accordingly, the dotted area is subject to more stringent rules affecting buildings, accessory buildings and earthworks than the rest of areas A, B and C to first discourage development, and second to ensure that any proposals to develop the area takes into account the visual and rural character features of the covenanted area itself, and the balance of the land in Appendix 3. Adequate long term protection of the cross hatched area will be discussed with Council at the time of subdivision and will be a key to mitigating the effects of developing areas A, B and C.

A lower minimum lot size has been allowed in area A because it is contiguous with the existing Newlands residential area to the south. The topography of the land in Appendix 3 is such that the provision of the predominant ridgeline has provided a natural buffer between the more residential type development to the south, and the rural/residential areas of Horokiwi to the north.

Issues relating to the appropriate transition between residential and rural/residential areas bordering the existing rural/residential Horokiwi area will need to be addressed in the future.

Notwithstanding these controls, and because of the prominent visual features of the land, it is still important that proposals are assessed through the consent process to more particularly assess the effects of development. This appendix has been agreed on following a long process of discussions and an Environment Court mediation.

In addition to being considered under the subdivision rules consent, consent will be required under either rule 15.4.1 or 15.4.2. However as visual issues have been largely addressed through the resolution of RMA 595/96 (and the location of building sites through the subdivision process), the focus of the assessment under these rules is the detailed design of buildings within the areas marked A, B and C. Further, as any development will take place on allotments that contravene the conditions of rule 15.1.3 (in particular the first bullet point) consent will also be required under rule 15.3.1.

Other land owned by Woodridge Estates, in particular the land to the north west, remains subject to the 50ha minimum lot size requirement. The explanation to rule 15.4.5 (in particular the part relating to Greenfield Subdivision in the Rural Area) applies to this land.

WOODRIDGE ESTATE



A,B,C Refer to Subdivision Standards and Terms, Appendix 3



Area Covered by Appendix.



Building and Earthworks Restriction Area



Rural Area - 50 ha Minimum Lot Size

0 100 200 300 400 500m



17.1 Open Space Permitted Activities

17.1.6 ~~Earthworks involving the relocation of earth within the site are Permitted Activities provided that they comply with the following conditions:~~

- ~~17.1.6.1~~ That the existing ground level is not altered by more than 1.5 metres measured vertically.
- ~~17.1.6.2~~ That the ground surface disturbance is less than 100m².
- ~~17.1.6.3~~ That earthworks do not take place in Hazard (Flooding) Areas.
- ~~17.1.6.4~~ That earthworks are not undertaken on slopes of more than 45°.
- ~~17.1.6.5~~ That no earthworks are carried out within 5 metres of a waterbody or the coastal marine area.
- ~~17.1.6.6~~ That no contamination, including siltation, of any waterbody or coastal water occurs.
- ~~17.1.6.7~~ The construction and maintenance of tracks for pedestrian access is excluded from these conditions.

For Section 105 Ohariu District, West of Cortina Avenue, Johnsonville refer to Appendix 2

[This rule does not apply to the Chest Hospital Heritage Area (Lot 4 DP 316137). Rule 17.2.5 applies.][†]

17.1.14 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

17.3 Discretionary Activities (Unrestricted)

~~17.3.3 The removal, relocation or deposit of earth which is not a Permitted Activity is a Discretionary Activity (Unrestricted).~~

~~Assessment Criteria~~

~~In determining whether to grant consent and what conditions, if any, to impose Council will have regard to the following criteria:~~

~~17.3.3.1 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies.~~

~~17.3.3.2 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council seeks to avoid the creation of unnatural scar faces.~~

~~17.3.3.3 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.~~

~~17.3.3.4 The necessity for carrying out the works.~~

~~17.3.3.5 Whether the earthworks proposed increase or decrease flood hazards.~~

~~17.3.3.6 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.~~

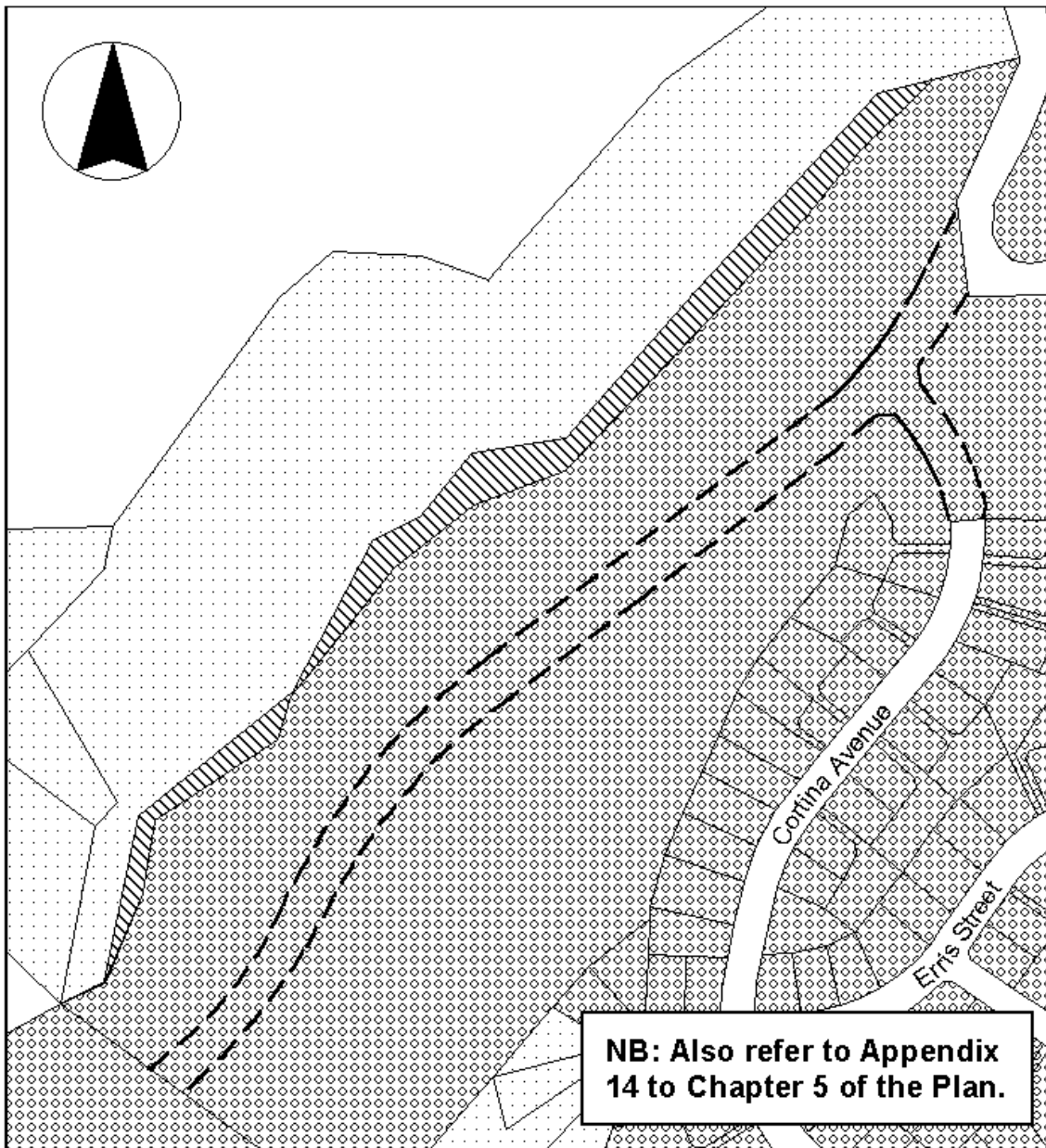
Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control is imposed so that any proposal may be evaluated.






Appendix 2. Section 105, Ohariu District Ct 4A/80 (Wellington Registry), West of Cortina Avenue, Johnsonville

The following provisions were the result of settling the District Plan reference filed by James McDonnell Limited by Environment Court Consent Order No RMA 485/96 dated 19/10/1998.

Specific rules relating to the Open Space B area identified by hatching on the map attached to this appendix being part of section 105, Ohariu District, CT 4A/80 (Wellington Registry) (“the area”).

1. The area will be mapped Open Space B.
2. The provision of Chapters 16 and 17 (Open Space objectives, policies and rules) of the Plan will apply to the area except that earthworks and associated structures in the area will be subject to the relevant provisions for a Residential Area in ~~of Chapters 4 and 5 (residential provisions)~~ Chapters 29 and 30: Earthworks of the Plan.



 Area within Open Space B Zone where Residential Area Earthworks Provisions apply.	 Open Space B
	 Outer Residential
	 Rural
	 New Road Alignment



Legal Description McDonnell Property: Johnsonville Pt Section 105 Ohariu District CT 41A/80 (Wellington Registry)

Road Alignment changed by Decision Report No.3018, Hearing Code xx30 and xx30.5, January 1998.

19.1 Conservation Site Permitted Activities

19.1.4 Any activity relating to the upgrade and maintenance of existing formed roads and public accessways including associated earthworks, except the construction of new legal road, is a Permitted Activity.

19.1.5 ~~Earthworks involving the relocation of earth within the site are Permitted Activities, provided they comply with the conditions listed below however the construction and maintenance of tracks for pedestrian access, where such track has a width of 1.5 metres or less need not comply with these conditions:~~

~~19.1.5.1 The existing ground level is not altered by more than 1.5 metres measured vertically.~~

~~19.1.5.2 The ground surface disturbance is less than 100m².~~

~~19.1.5.3 Earthworks do not take place in Hazard (Flooding) Areas.~~

~~19.1.5.4 Earthworks are not undertaken on slopes of more than 45°.~~

~~19.1.5.5 No earthworks are carried out within 5 metres of a waterbody or the coastal marine area.~~

~~19.1.5.6 No contamination, including siltation, of any waterbody or coastal water occurs.~~

19.4 Discretionary Activities (Unrestricted)

19.4.2 ~~The removal, relocation or deposit of earth which is not a Permitted Activity is a Discretionary Activity (Unrestricted).~~

Assessment Criteria

~~In determining whether to grant consent and what conditions, if any, to impose Council will have regard to the following criteria:~~

- ~~19.4.2.1 The necessity for carrying out the works.~~
- ~~19.4.2.2 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies.~~
- ~~19.4.2.3 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council seeks to avoid the creation of unnatural scar faces.~~
- ~~19.4.2.4 The extent to which any earthworks would impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.~~
- ~~19.4.2.5 Whether the earthworks proposed increase or decrease flood hazards.~~

~~Council's Earthworks Bylaw (Part 8) is designed to ensure that any earthworks are properly engineered and will be safe. Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control is imposed so that any proposal may be evaluated.~~

23. UTILITY RULES

These provisions apply to utility network infrastructure dealt with in this chapter throughout all parts of the city. The area based objectives, policies and rules shall not apply to utility network infrastructure dealt with in this chapter except that the conditions that apply to Permitted Activities in respect of noise, dust, lighting, electromagnetic radiation and hazardous substances apply to all activities in this chapter and the following permitted activity conditions for Earthworks (Rules 30.1.1 and 30.1.2)

<u>Erosion Dust and Sediment Control</u>	<u>30.1.1.1(a)(iv)</u> <u>30.1.1.1(b)(iv)</u> <u>30.1.1.4</u> <u>30.1.2.1 (a)(iv)</u> <u>30.1.2.1(b)(iii)</u> <u>30.1.2.4</u>
<u>Flooding Hazard</u>	<u>30.1.1.3</u> <u>30.1.2.3</u>
<u>Effects on Streams, Wetlands and the Coastal Marine Area</u>	<u>30.1.1.2</u> <u>30.1.2.2</u>

For the avoidance of doubt, references to the “Central Area” in this chapter include the Te Ara Haukawakawa Precinct.

For the avoidance of doubt, where utilities will be located on a site with a Hazard Area notation, the utility rules in this chapter applying to the underlying Area (e.g. Central Area, Residential Area etc.) will apply and the Hazard Area notation will only be relevant if the proposal is a utility structure and is to be dealt with under rules 23.2.1 or 23.4.1.

23. CONTROLLED ACTIVITIES

23.2.3 Subdivision to create an allotment for utility network purposes is a Controlled Activity in respect of:

23.2.3.1 site design, frontage and area

23.2.3.2 vehicular access

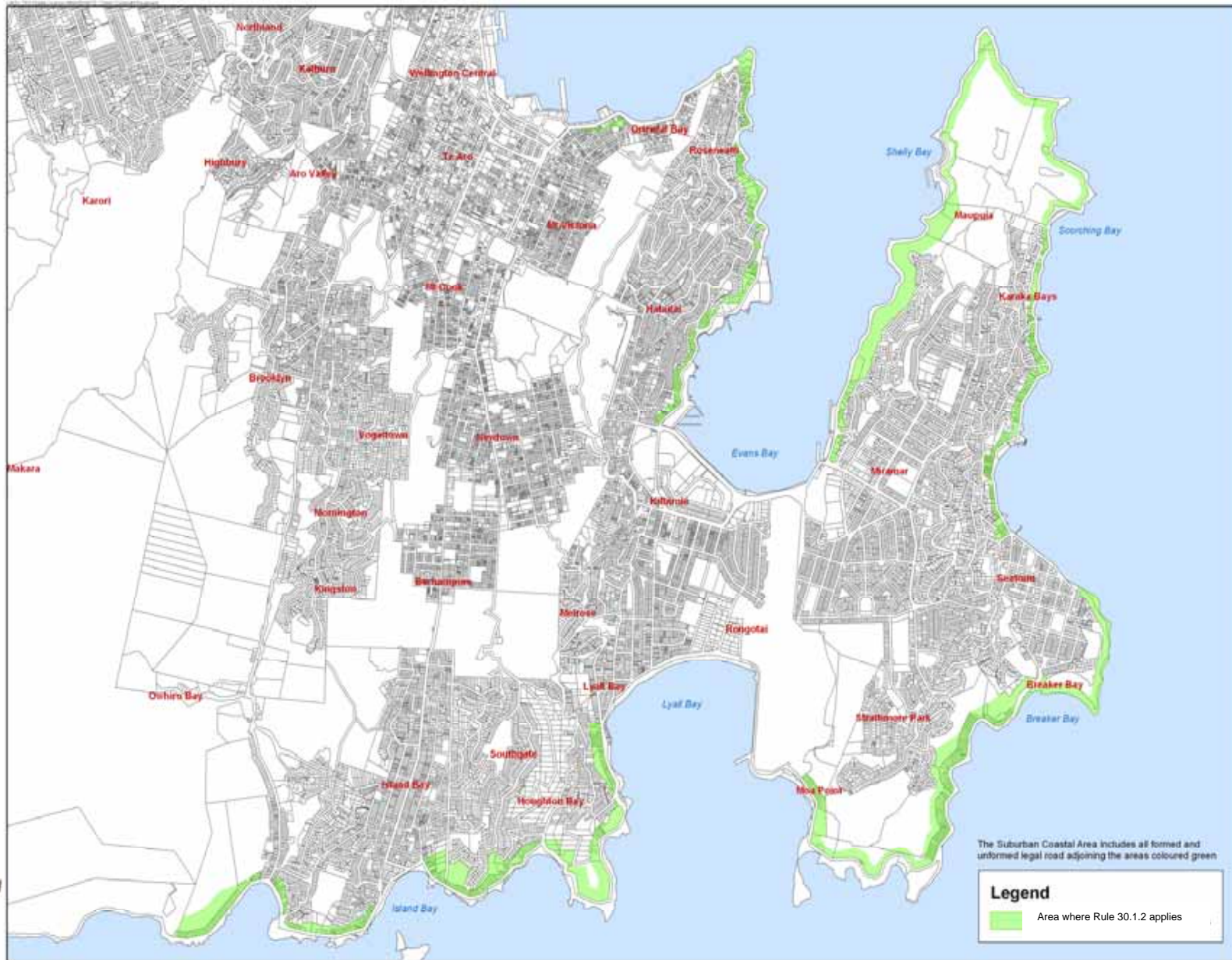
~~23.2.3.3 earthworks~~

23.2.3.4 landscaping

23.2.3.5 protection of any special amenity feature.

...

a. ALTERATIONS TO VOLUME THREE, INSERT NEW MAPS 56 AND 57



The Suburban Coastal Area includes all formed and unformed legal road adjoining the areas coloured green

Legend
 Area where Rule 30.1.2 applies

0 500 1,000 2,000 Meters

URBAN COASTAL EDGE
 (Refer to Rule 30.1.2)





URBAN COASTAL EDGE
 (Refer to Rule 30.1.2)



URBAN COASTAL EDGE
 (Refer to Rule 30.1.2)