

Proposed District Plan Change 70

Earthworks

Summary of Submissions

Wellington City District Plan



Absolutely

POSITIVELY

**ME KŌRE KI PŌHĀRE
WELLINGTON CITY COUNCIL**

Wellington

Submitter Number	Submitter Name	Submitter Address
1	Ascape Design – John Wierrenga	299 The Parade Wellington 6021
2	Alexandra Hills	12 Brighton Street Island Bay
3	Karen Lyness	219 Sutherland Road Lyll Bay
4	Denis Patrick O'Neill	7 Wesley Road Wellington
5	Transpower – C/- Burton Consultants	PO Box 33-817 Auckland 0704
6	Shell NZ, BP Oil NZ Ltd, Chevron NZ Ltd and Mobil Oil NZ – C/- Burton Consultants	PO Box 33-817 Auckland 0704
7	PowerCo Ltd – C/- Burton Consultants	PO Box 33-817 Auckland 0704
8	CentrePort Ltd – Neville Hyde	PO Box 794 Wellington
9	Rosemary Fineman	220 Sutherland Road Lyll Bay
10	Tony Flynn	73 Nicholson Road Wellington 6035
11	Dale McTavish	59 Owen Street Newtown 6021
12	Mighty River Power Ltd – Rob Hunter	PO Box 90399 Auckland Mail Centre 1142
13	Wellington International Airport – Mike Brown	PO Box 14175 Wellington 6241
14	Ngaio Progressive Association (Inc.) – J. F. McGuire	14 Patna Street Ngaio 6035
15	Michael Flemming	9 Standen Street Karori
16	Yvonne Legarth	PO Box 11060 Wellington
17	Department of Conservation – Kris Ericksen	PO Box 5086 Wellington 6145
18	Trelissick Park Group – Peter Reimann	51 Heke Street Ngaio 6035
19	Building Solutions Ltd – C/- Morrison Kent Lawyers (Morgan Slyfield)	PO Box 10-035 Wellington
20	Wellington Electricity Lines Ltd – C/- Environmental Challenge Ltd (Alex Gardiner)	PO Box 31049 Lower Hutt 5040
21	Cardno TCB – David Gibson	PO Box 13142 Wellington 6440
22	Greater Wellington Regional Council – Ling Phang	PO Box 11646 Wellington 6142
23	New Zealand Historic Places Trust – Sacha Gilbert	PO Box 19173 Wellington
24	Linda Katherine Dale	20 Steyne Avenue Plimmerton Porirua
25	Wellington City Council	PO Box 2199 Wellington
26	Foodstuffs (Wellington) Co-operative Society Ltd - C/- Urban Perspectives Ltd (Peter Coop)	PO Box 9042 Wellington 6141

Plan Provision	Support / Oppose	Submission	Decision Requested
General Submissions			
Ascape Design – Jim Wirenga		Submitter Number: 1	Submission Number:1
General	support	Support the Plan Change	none
Alexandra Hills		Submitter Number: 2	Submission Number : 1
General	support	The rules that exist that allowed the devastation to the hillside in Lyall Bay (Sutherland Rd) should be reconsidered/scrapped it will forever be a scar on the landscape of Wellington. If this is the aim of the current changes then I support them.	none
Alexandra Hills		Submitter Number: 2	Submission Number : 2
General	neither support or oppose	Earthworks at Sutherland Rd have been under construction for a year and there have been no improvements to the appearance of the site. There needs to be changes to the consent process that prevent major earthworks like this going ahead unless the developer can show that they have sufficient funds to complete the works in a reasonable time. There needs to be change I am not convinced that the proposed changes will have any effect on this kind of situation occurring again.	none
Karen Alicia Lyness		Submitter Number: 3	Submission Number : 1
General	support	Earthworks in Sutherland Rd have created adverse effects of noise, erosion and blocked drains over 3years. The area is a beautiful coastal area and the landscape has been marred.	Approve the plan change
Transpower New Zealand Limited C/o Burton Consultants		Submitter Number: 5	Submission Number : 1
General	support	Ensure that the National Policy Statement on Electricity Generation is given effect to; the sustainable management of the National Grid as a physical resource; appropriate provision for the ongoing operation and maintenance of the network; that the existing network can be upgraded in order to meet growth and energy demand; the protection of the existing network from the issue of reverse sensitivity; appropriate provision for the planning	Amend the Plan Change to make all changes to address the issues outlined in the submission.

Plan Provision	Support / Oppose	Submission	Decision Requested
		and development of new lines.	
CentrePort Ltd Submitter Number: 8 Submission Number : 1			
General	support	Centre Port is not opposed to the intent and content of the proposed plan change. The plan change seeks to clarify and simplify the provisions relating to earthworks but would have appeared to have missed the unique needs of CentrePort with its large holding of land and extensive areas of paving and in ground utility networks.	Implement the Plan Change except where identified in Centre Ports other specific submissions.
Rosemary Kathleen Fineman Submitter Number: 9 Submission Number : 1			
General	support	Wellingtons surrounding green hills are iconic an enfolding backdrop to the entire city. They make Wellington's landscape unique among capital cities. I support the guidelines restricting the height of earthworks and removal of soil.	Adopt the Plan Change.
Tony Flynn Submitter Number: 10 Submission Number : 1			
General	oppose	The words " associated structures" and "any associated structures" are used extensively throughout the Plan Change and could mean all buildings as well as stand alone retaining walls	Change all references to "associated structures" and any associated structures" to "associated free standing retaining wall structures" and "any associated free standing retaining wall structures"
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 12			
General	amend	Council's rules and policies should define a way of assessing the quality of an applicant's proposal.	Criteria should be developed as basic input for the design of any proposal. Design working life, importance levels, and performance criteria for earthworks, associated structures and retaining wall performance should be defined by the Council as mandatory requirements.
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 13			
General	amend	It should be Council Policy and stated in PC70 that the Council will resource and have either within its staff or independent consultants the facility to be a sound technically informed organization capable of assessing Applicants proposals independent of the applicants and its technical advisors.	Council should have ready access to independent geotechnical, geological and engineering expert advice.

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Michael Fleming Submitter Number: 15 Submission Number : 1</p>			
General	amend	<p>Section 106 of the RMA requires that the Council implement appropriate consent management to avoid harmful affects of earthworks. WCC needs appropriate processing procedure for earthworks consents to avoid damage to private property and the environment. Inappropriate administration of earthworks consents will result in uncontrolled earthworks and unstable excavations and fills which would cause considerable damage to neighbouring properties due to slips and silt lade storm water runoff, dust pollution, ugly unwanted landscapes, formation of dangerous waste dumps, silt runoff choking fish life and stream habitats and clogging Council stormwater pipes.</p>	<p>Employ appropriate processing procedures for earthworks consents including obtaining essential engineering geology information at the earthworks consent application stage to conform that the harmful affects of earthworks and natural and manmade hazards have been properly investigated and assessed.</p>
<p>Michael Fleming Submitter Number: 15 Submission Number : 2</p>			
General	amend	<p>Slippage is a major hazard in the Wellington Region and requirements to avoid, remedy or mitigate slippage of excavations and sills should be detailed in the District Plan. Appropriate engineering geology site investigations and slope stability analysis information must be obtained by Council to verify the stability of excavations and fills before it issues consents for earthworks or siteworks.</p>	<p>Undertake an 'appropriate' study of natural and manmade hazards by suitably experienced engineering geologists (the definition of 'appropriate' natural and manmade hazard study must be defined accurately and stated in the WCC District Plan).</p> <p>Ensure that written reports on relevant natural and manmade hazards pertaining to all earthworks consent applications are provided to the Council prior to the issuing of earthworks consents.</p>

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Michael Fleming Submitter Number: 15 Submission Number : 4</p>			
General	amend	Specific earthworks conditions should be imposed and compliance with conditions stated in earthworks consents are prerequisites and requirements of consent to progress site works.	The submitter has outlined 21 conditions of consent that should be imposed on resource consent applications. These engineering standards should not be able to be adjusted or changed by developers or their representatives or by Council staff once consents have been issued. Conditions of consent should not empower landowners or developers private Engineers to determine or dictate standards of earthworks practices and environmental controls on Council's behalf. The Council should rely on the conditions of consent as provided in this submission and not those of the developer's representative.
<p>Michael Fleming Submitter Number: 15 Submission Number : 6</p>			
General	amend	An approved practitioner is a suitably qualified engineering professional sanctioned by the Department of Building and Housing to provide engineering information to Consent Authorities. An "approved practitioner" includes professional engineering geology scientists. Engineering geologists can be relied on to provide truthful and accurate geotechnical reports and are professional consultants who are specialists in carrying out investigations and testing of ground strength and hillside slope stability and instability.	Accept geotechnical reports provided by suitably experienced and qualified engineering geologists and/or 'approved practitioners'.
<p>Michael Fleming Submitter Number: 15 Submission Number : 7</p>			
General	amend	It might be perceived that WCC is being required by statements in geotechnical reports to review engineering contained in geotechnical reports. However, reviewing private engineers work might be legally considered as accepting liability for that work. The Council's role might be perceived a being statutory compliance which ostensibly would mean that Council's should not accept geotechnical reports that contain disclaimers to avoid liability.	Only accept geotechnical reports if they do not contain disclaimers to avoid liability for consequences of slips caused by overlay steep excavations or unsound fills or unverified foundation assumptions.

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Michael Fleming Submitter Number: 15 Submission Number : 8</p>			
General	amend	<p>Remedying unsound developments at the resource consent stage avoids the necessity to reassess and additional processing of resource consents to avoid the adverse effects of changes in scope of earthworks operations needed to make developments sound. The definition of an unsound development is a development where substantial earthworks are required to shore up or make good building foundations and/or retaining walls prone to failure and can be remedied by requiring performance criteria to be met by developments as part of Council's processing of earthworks consents.</p>	<p>Unsound developments should be remedied at the resource consent stage by requiring performance criteria to be met by developments as part of Council's processing of earthworks consents.</p> <p>Adopt the following performance criteria for sound developments, foundation and retaining walls, include it in the District Plan as follows:</p> <p><i>"The performance of the ground to safely and reliably maintain support for building foundations and retaining walls and soil and rock anchor ground stabilization mechanisms shall be accounted for by appropriate engineering geology site investigations. The magnitude and capacity of building foundations, retaining walls, piles and pile groups and ground retention mechanisms shall be proportioned to remedy progressive yielding of the ground leading to or resulting in critical serviceability limited state deformations and/or ultimate failure. Appropriate engineering geology site investigations shall be carried out before approval of consent and prior to and as the basis of design and selections of all foundations and ground support mechanisms; including buildings, structures, retaining walls, piles and pile groups and ground anchors. Engineering geology site investigations shall take account of in-situ ground and groundwater conditions, physical characteristics and defects of soil and rock, actual soil strength parameters, land and slope instability, surcharge, failure mechanisms (e.g. bearing capacity, settlement, friction, eccentric loads and stress), groundwater pressures and natural and manmade hazards."</i></p>

Plan Provision	Support / Oppose	Submission	Decision Requested
Michael Fleming Submitter Number: 15 Submission Number : 9			
General	oppose	Scrap Plan Change 70 as it facilitates the consent of excavations and fills that will fail causing adverse effects or harmful consequential results greater than "de minimus". Replace with a list of end results in keeping with WCC obligations to appropriately administer Government Acts and its "duty of care".	Place a list of end results in the District Plan requiring the following: <i>"Excavations and fills must be designed by a suitably qualified geotechnical engineer or engineering geologist to avoid and remedy slope instability and avoid failure and avoid collapse and avoid subsidence and avoid slippage; and in particular excavations and fills well designed and constructed with good engineering that avoids damage to neighbouring property and concerned development property and environment; and earthworks operations to not cause silt pollution and do not result in harm to persons; and all developments must include engineering solutions to remedy consequences and damages pertaining to natural hazards."</i>
Yvonne Legarth Submitter Number: 16 Submission Number : 5			
General	amend	Given the potential and irreversible adverse effects of earthworks activities sufficient discretion should be retained for the council to assess each case on its merits.	Retain sufficient discretion for the Council to assess each case for earthworks activities and associated structures on its merits.
Yvonne Legarth Submitter Number: 16 Submission Number : 8			
General	amend	Sprayed concrete should not be a solution to hold up unstable land where declining consent for earthworks would be more appropriate.	Add a rule that ensures batters created by earthworks should not be held in place with sprayed concrete.
Trelissick Park Group Submitter Number: 18 Submission Number : 1			
General	amend	We are concerned about monitoring during the progress of the work and afterwards. A section should be added covering periodic inspections, then sign-off at completion by a Council Officer certifying compliance with the resource consent conditions.	Add a section covering periodic inspection, sign-off at completion by a Council Officer certifying compliance with the resource consent conditions and followed by subsequent monitoring.

Plan Provision	Support / Oppose	Submission	Decision Requested
		Building Solutions Limited C/o Morrison Kent Lawyers	Submitter Number: 19 Submission Number : 1
General	oppose	The objectives and policies will not result in the sustainable use of natural and physical resources or achieve the purposes of the RMA. The rules are too onerous, particularly for entities with significant land holdings in the Central or Suburban Centre Areas. The rules will unreasonably hinder people from effectively and efficiently managing and carrying out activities on their properties and will unreasonably constrain the development potential of land.	Reject Plan Change 70 in its entirety or amend the objectives, policies and rules as are necessary to reflect BSL's concerns.
		NZ Historic Places Trust	Submitter Number: 23 Submission Number : 1
General	oppose	NZHPT seeks that the Council postpones the plan change until a separate plan change is introduced to improve protection to historic sites and Maori Heritage.	Postpone the plan change.
		NZ Historic Places Trust	Submitter Number: 23 Submission Number : 2
General	oppose	<p>Insufficient attention has been paid to avoiding potential adverse effects of earthworks on historic heritage especially historic sites (i.e. historic places that are not buildings e.g. archaeological sites).</p> <p>The NZHPT strongly urges the Council to introduce a separate plan change to review and update the heritage schedule and rules as it applies to historic sites and places and areas of significance. The review should consider the use of a predicative overlay showing areas where discovery of archaeology is likely based on proximity to coasts, ridgelines, waterways, known areas of pre-1900 activity and recorded archaeological sites. The predictive overlay method should trigger the need for an archaeological assessment.</p> <p>New and robust provisions for historic sites and places and areas of significance to Maori are a minimum requirement before Council can consider relaxing controls on earthworks activities. By providing for earthworks as permitted and discretionary activities without consideration of possible effects on historic sites will have a detrimental effect on the historic record of Wellington.</p>	The new earthworks provisions do not provide a strong enough connection between the heritage schedule and the effects of earthworks provided for as permitted or restricted discretionary activities. The NZHPT considers that it is important that the proposed general rules for earthworks include consideration of historic sites including archaeological sites. Include explicit notices to ensure that the public are aware of the archaeological authority provisions of the Historic Places Act 1993 in relation to undertaking permitted and regulated earthworks under the RMA.

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Foodstuffs(Wgtn) Co-op Society C/o Urban Perspectives Ltd		Submitter Number: 26	Submission Number : 1
General	oppose	<p>The Plan Change:</p> <ul style="list-style-type: none"> - fails to properly assess the appropriateness, efficiency, effectiveness, costs, and use of "other methods in relation to earthworks within Central and Suburban Centre Areas; - fails to identify that the discharge of contaminants to land, air and water is a Regional Council responsibility and adequately controlled by Regional Plans; - fails to identify that the discharge of dust is adequately controlled by permitted activity conditions under the Operative District Plan and DPC48; - fails to identify that noise from earthworks is adequately controlled by the NZS for construction noise. - fails to identify that vehicle access and egress is controlled by permitted activity conditions and that Central and Suburban Centre Areas are located on main arterial roads that provide good vehicle access. - fails to identify that the Central Area and Suburban Centre Areas do not generally contain within them sensitive natural environments such as flood hazard areas, streams and wetlands". - fails to identify that the District Plan contains specific chapters for the control of activity on or near heritage, cultural and archaeological sites. If additional control of the effects of earthworks on such sites is required they should be inserted within the heritage rules rather than applied in a blanket fashion across all sites. Archaeological sites are already specifically protected by the Historic Places Act. 	<p>That DPC70 does not apply to the land within the Central of Suburban Centres Areas except for identified Flood Hazard Areas.</p> <p>If there is a proven need for the reintroduction of control to ensure the stability of adjoining sites this can be achieved by an appropriately worded permitted activity condition.</p>

Plan Provision	Support / Oppose	Submission	Decision Requested
Chapter 29 Earthworks Objectives and Policies			
Transpower New Zealand Limited C/o Burton Consultants		Submitter Number: 5	Submission Number : 3
29.1.1.1	support	Transpower supports the proposed amendment as it acknowledges that earthworks are a component part to the essential maintenance and upgrading of infrastructure such as the National Grid.	Retain without further modification the amendments proposed to the explanation of Policy 29.1.1.2 that states: "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 maintenances and upgrading of infrastructure such as the national grid."
Transpower New Zealand Limited C/o Burton Consultants		Submitter Number: 5	Submission Number : 4
29.1.1.2	support	Transpower supports the introduction of the new policy and requests the addition of similar wording as is found in Policy 29.2.1.1 to acknowledge that earthworks associated with the maintenance and upgrading of infrastructure such as the National Grid are and integral part of the development of land.	Amend the first paragraph to Policy 29.1.1.2 as follows: "Earthworks are an integral part of the <u>use and development of land</u> . They are associated with the design of subdivisions, the construction of buildings, landscaping, <u>maintenance and upgrading of utilities</u> , and are necessary for the maintenance and construction of farm tracks in the rural environment."
CentrePort Ltd		Submitter Number: 8	Submission Number : 2
Policy 29.2.1.4	amend	The policy uses a mixture of terminology such as "the seashore" and "the coastal waters" and this would be better replaced by standard and clear RMA terminology.	Replace unclear terminology with "the coastal marine area" within the policy and explanation.
CentrePort Ltd		Submitter Number: 8	Submission Number : 3
Policy 29.2.1.7	amend	There is no consideration of the positive aspects of earthworks in this policy such as those needed for roads and foundations.	Include a new bullet point under 29.2.1.7 to state: "- the extent to which the earthworks are necessary for or contribute to use and development that enables social or economic wellbeing."

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CentrePort Ltd			
		Submitter Number: 8	Submission Number : 4
Policy 29.1.1.11	amend	There is unnecessary and inappropriate amount of micro-management in this policy. Focus more on the consideration of relevant matters associated with the offsite transportation of material.	Amend Policy to: <ul style="list-style-type: none"> - delete the first bullet point "having regard to" and the specific sub bullet points that come after. - modify the third bullet point by replacing the words "the above matters and how they" with "how on and off-site traffic".
Ngaio Progressive Association (Incorporated)			
		Submitter Number: 14	Submission Number : 6
Policy 29.2.1.3	amend	These standards can serve as technical compliance documents and can be referred to by the District Plan and given effect through conditions of resource consent. They should be incorporated into the District Plan to have a binding effect.	Compliance with the following standards should be listed as mandatory under Council policy and necessary for Applicants to qualify for a Council consent for earthworks and associated structures. <ul style="list-style-type: none"> (a) NZS 4404:2004 Land Development and Subdivisions Engineering. (b) NZS 4431: 1989 Code of Practise for Residential Earthworks. (c) NZS 1170: Structural design actions.
Ngaio Progressive Association (Incorporated)			
		Submitter Number: 14	Submission Number : 7
Policy 29.2.1.3	amend	A statement in the Rules and a philosophy to minimise risk are missing from DPC70. There is scope to specify more clearly the requirements for satisfying Public Risk and Design criteria. Terms such as "appropriate", "adequate" and "minimise the risk of instability" are difficult to interpret. As framed the policy is deficient in stating minimum requirements for risk and design criteria. The Council must play a part in setting appropriate criteria to ensure that the earthworks and associated constructions are not only safe but are constructed to appropriate standards of longevity, maintenance, durability and can withstand the environmental elements for the long term, 100yrs is not unreasonable.	Add and incorporate into Policy 29.2.1.3. <ul style="list-style-type: none"> (a) Add a clause stating that where the scale of the earthworks is significant, a design life of 100 years minimum shall be used for design and construction; (b) Supplement the District Plan with some user friendly public information; (c) Produce a "Design Guide" for earthworks to clarify the requirements;

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<p>Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 8</p>			
Policy 29.2.1.1	amend	It is not reasonable to put the public and affected persons on hold for long periods while developers delay activities. The expiry date for consents should be made clear to all.	Council policy on consents should state that the tenure shall not exceed 5 years and applications for renewal shall be subject to public notification with affected persons notified.
<p>Yvonne Legarth Submitter Number: 16 Submission Number : 1</p>			
Objective 29.2.1	amend	<p>The Proposed Plan Change fails to promote the sustainable management of the natural and physical resources of the environment as required by Part II of the RMA and is contrary to sections 5, 6(a), 6(b), 6(c), 6(e), 6(f), 7(c), 7(d), 7(f) and 7(g).</p> <p>The theme that earthworks are generally appropriate is poor policy and does not achieve sustainable management.</p> <p>The earthworks objective and policies are inadequate as the provisions:</p> <ul style="list-style-type: none"> - fail to address the adverse effects that may arise from earthworks in sensitive areas; and - give no guidance to decision makers on consent applications about the need to avoid adverse effects on natural character within the costal marine area; nor - give any guidance about when earthworks are inappropriate due to the adverse effects on places with high natural, amenity or conservation values. <p>Council land should be the subject of controls as there is no evidence that the Council will act appropriately when making decisions on leases and licences and development do land it holds on behalf of the public of Wellington. Planning controls are therefore necessary to ensure adverse effects are adequately managed on all land equally and regardless of ownership.</p> <p>The objectives and policies in the plan change are inconsistent with the objectives and policies for Open Space A and B and Conservation Sites and Sites of Significance to Maori.</p>	Amend Objective 29.2.1 to recognise that natural character and amenity is to be protected from inappropriate use or development and that adverse effects are to be avoided on values within Open Space A or B Areas; Conservation Sites; Areas of high natural character; land adjacent to the coastal marine area; land adjacent to a waterway or stream, or within the costal environment; land held subject to the Reserves Act to the costal marine area.

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		The plan change fails to consider the decision of the Environment Court that identified Te Raekaihau Point as having significant natural value and inappropriately allows earthworks as a permitted activity within and adjacent to that site.	
<p>Yvonne Legarth Submitter Number: 16 Submission Number : 2</p>			
Policies - General	amend	<p>The Plan Change fails to adequately address actual or potential adverse effects on the natural character within the Wellington district and required by s6 RMA. This include the protection of natural character of water bodies, rivers, streams and their margins and the coastal environment some of which are of regional and national importance.</p> <p>The earthworks objective and policies are inadequate as the provisions:</p> <ul style="list-style-type: none"> - fail to address the adverse effects that may arise from earthworks in sensitive areas; and - give no guidance to decision makers on consent applications about the need to avoid adverse effects on natural character within the costal marine area; nor - give any guidance about when earthworks are inappropriate dues to the adverse effects on places with high natural, amenity or conservation values. <p>The objectives and policies are inadequate and do not address potential adverse effects on ecosystems as a whole including controlling land use that impacts negatively on vegetation adjacent to waterways necessary for the healthy functioning of ecosystems in waterways.</p>	Amend the proposed plan change policies to recognise and provide for natural character, amenity, conservation values and water quality to be protected and that adverse effects arising from earthworks and any associated vegetation removal or retaining walls or other structures are to be avoided.

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<p>Yvonne Legarth Submitter Number: 16 Submission Number : 3</p>			
New Policy	amend	<p>The earthworks objective and policies are inadequate as the provisions:</p> <ul style="list-style-type: none"> - fail to address the adverse effects that may arise from earthworks in sensitive areas; and - give no guidance to decision makers on consent applications about the need to avoid adverse effects on natural character within the coastal marine area; nor - give any guidance about when earthworks are inappropriate due to the adverse effects on places with high natural, amenity or conservation values. <p>The policies should include provisions requiring avoidance of adverse effects on Open Space A and B Areas and Conservations Sites and in areas adjacent to the coastal marine area and waterways.</p>	Add a policy that earthworks and any associated vegetation removal or retaining walls or structures is an inappropriate use or development where there is potential for adverse effects on the values within open space; Conservation sites, environments with high natural, heritage or amenity values, or may have adverse effects on the coastal marine area or fresh water fisheries or their habitats.
<p>Yvonne Legarth Submitter Number: 16 Submission Number :4</p>			
New Policy and Rule	amend	The plan change is contrary to the objectives and policies of the Wellington regional Council's Regional Policy Statement and the proposed Regional Policy Statement including those objectives and policies providing for the protection of the natural character, natural species diversity and habitat values of freshwater bodies.	Add a policy and rule standards that the Wellington Regional Council's guidelines for culverts will be complied with.

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Cardno TCB			
		Submitter Number: 21	Submission Number : 1
Policy 29.2.1.1	amend	The policy places too much emphasis on Council's expectations to be able to assess future land use when the earthworks assessment under Rules 30.2.1 is a restricted discretionary activity and Council's discretion is limited to: stability; erosion, dust and sediment control; visual amenity; flood hazard; earthworks near stream or the coast; and transport of material.	Amend the explanation of Policy 29.2.1.1 to state: "On occasions applications are made for earthworks in advance of infill of 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 uses of land, enabling a co-ordinated and integrated. <u>Depending on the scale of the earthworks, Council may need to give consideration to the future options for development of the land so as to enable a co-ordinated</u> approach to the earthworks and the proposed future subdivision and development of land."
Cardno TCB			
		Submitter Number: 21	Submission Number : 2
Policy 29.2.1.1	support	We support this policy especially the expressed intention for minor earthworks to be addressed via the Building Act 2004 on the matter of stability.	Retain Policy 29.2.1.1
Cardno TCB			
		Submitter Number: 21	Submission Number : 2
Policy 29.2.1.3	amend	This policy should be amended to refer to larger scale earthworks that are not contemplated by Policy 29.2.1.2.	Amend Policy 29.2.1.3 to state: Ensure that <u>large</u> earthworks are designed to minimise the risk of instability."
Wellington Regional Council			
		Submitter Number: 22	Submission Number : 1
Policy 29.2.1.2	support	The plan change aims to achieve a balance between allowing minor earthworks activities to enable people to use and manage their properties while ensuring the adverse effects of earthworks are avoided and mitigated. The issue of stability has been brought into the District Plan to allow for a more comprehensive assessment of the effects of earthworks on the environment.	No decision requested.

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Wellington Regional Council			
		Submitter Number: 22	Submission Number : 2
Policy 29.2.1.4	support	<p>The mechanism for controlling erosion and sediment are linked to technical guides such as the Erosion and Sediment Control Guidelines for the Wellington Region 2003 and is supported.</p> <p>The wording of the Policy applies to streams, wetlands and coastal waters. The policy should be reworded to refer to rivers instead of streams. The definition of "river" in the RMA includes a stream and modified water course. It would be problematic to have a second definition for stream as this could create confusion.</p>	<p>Retain the methods associated with Policy 29.2.1.4.</p> <p>Amend the Policy to refer to "rivers" not "streams".</p>
Wellington Regional Council			
		Submitter Number: 22	Submission Number : 5
Policy 29.2.1.5	support	<p>Expand the explanation to take into consideration site features and constraints such as the presence of existing streams and overland flow paths which means that work in or adjacent to these areas should be avoided.</p>	<p>Amend the Explanation to Policy 29.2.1.5 as follows: "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. <u>Situations such as a structure filling in an existing channel or overflow path must be carefully managed to avoid the risk of flooding. The extent and scale of the earthworks may necessitate the creation of an adequate 'secondary flow path' in the event that a primary flow path/channel is blocked. Any control measures used to address this issue must be effective in avoiding significant impacts.</u>"</p>
Wellington Regional Council			
		Submitter Number: 22	Submission Number : 6
Policy 29.2.1.6	support	<p>The aim of Policy 29.2.1.6 which seeks to protect the character and amenity of streams and wetlands, in particular the maintenance of the environmental integrity of streams and wetlands by minimising changes to the flow of water and using appropriate riparian measures such as planting, is supported.</p>	<p>No decision requested.</p>

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Wellington Regional Council Submitter Number: 22 Submission Number : 7			
Policy 29.2.1.12	amend	Greater Wellington notes that Policy 29.2.1.12 is intended to provide protection of Maori and non-Maori Archaeological values from inappropriate earthworks associated with subdivision, user development.	Amend Policy 29.2.1.12 to protect historic heritage of significance to the community and reflect that subdivision, use and development should respect historic heritage values including the qualities associated with archaeology, sites of significance to Maori, historic sites, structures, places, and areas of significance to the community.
Wellington Regional Council Submitter Number: 22 Submission Number : 8			
New Policy	amend	Undertaking a historic heritage value assessment prior to developing and using a historic place, site or area, is more beneficial to enable a full understanding of its value. And to ensure no loss of significant historic heritage values associated with places, sites and areas currently unidentified in the District Plan.	Add a new policy that states: <u>"Control the effects on unidentified archaeological sites and wahi tapu with significant historic heritage values especially when such sites are disturbed and discovered by earthworks."</u> <u>Methods</u> <u>Archaeological assessments</u> <u>Notify the Historic Places Trust, Ngati Toa and Wellington Tents Trust."</u>
NZ Historic Place Trust Submitter Number: 23 Submission Number : 3			
29.1 Introduction	amend	Given the scope for damage, modification and disturbance of historic sites by earthworks it is important to flag this issue early in the Plan Change. There is possibility of damage to or discovery of previously unknown archaeological sites around the coast, ridgelines, waterways and within the inner city and this should be unidentified to all those undertaking earthworks.	Include a brief statement in the Introduction 29.1 outlining the rich history of Wellington for both Maori and European settlers, significant historic sites and the potential for archaeological discovery.

Plan Provision	Support / Oppose	Submission	Decision Requested
NZ Historic Place Trust Submitter Number: 23 Submission Number : 4			
Policy 29.2.1.7	amend	<p>Land disturbance in relation to works within the setting of a listed historic place or area have the potential to result in the removal of or damage to major and identified heritage landscape elements and features of historic value including buildings, trees, paths, fences and gardens. Earthworks that will not specifically affect a listed historic place still have the potential to adversely affect their heritage values of that place by altering its setting.</p> <p>Use of the term 'local area' does not capture historic items or places. The design of earthworks need to reflect the character and visual amenity of the setting of the historic place.</p>	<p>Make the following amendments to Policy 29.2.1.7:</p> <p>"Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to rescue and soften their visual impact having regard to the character and visual amenity of the local areas. <u>Where listed heritage items are concerned, ensure that the design of the earthworks and associated structures are compatible with the setting of the historic place.</u>"</p>
NZ Historic Place Trust Submitter Number: 23 Submission Number : 6			
Policy 29.2.1.12	amend	<p>The explanation accompanying this policy states that an archaeological authority may be required from the NZHPT to disturb archaeological sites. This statement is unclear as it relies on understanding what constitutes disturbance to an archaeological site. Under the Historic Places Act 1993 an archaeological authority is required by law to destroy, damage or modify any recorded or unrecorded pre-1900 archaeological site.</p>	<p>Amend the explanation to Policy 29.2.1.12 to state: "Maori and non-Maori <u>Archaeological sites associated with human activity that occurred from</u> before 1900 are protected by the Historic Places Act 1991. An archaeological authority may will be required from the New Zealand Historic Places Trust to disturb-destroy, damage or modify these sites."</p>
Wellington City Council Submitter Number: 25 Submission Number : 1			
Policy 29.2.1.9	amend	<p>Heritage Areas have been included in Rule 30.1.2 as a sensitive area, however they are not currently referred to in the corresponding Policy.</p>	<p>Amend Policy 29.2.1.9 to state: Control earthworks on the Urban Coastal Edge, areas within the Ridgelines and Hilltops Overlay, Open Space B Areas, <u>and Conservation Site and Heritage Areas and on sites containing listed Heritage Items.</u></p>

Plan Provision	Support / Oppose	Submission	Decision Requested
Foodstuffs(Wgtn) Co-op Society C/o Urban Perspectives Ltd		Submitter Number: 26	Submission Number : 2
29.1 Introduction	amend	<p>Earthworks within Central and Suburban Centre Areas are already adequately controlled under the District Plan, Regional Plans and New Zealand Standards so that adverse effects are minor.</p> <p>Prior to the Plan Change earthworks were successfully undertaken with positive effects (i.e. enabling activities) and with only temporary and minor adverse effects.</p> <p>There is insufficient evidence that would justify the reintroduction of control to ensure the stability of adjoining sites, if necessary, this can be achieved by an appropriately worded permitted activity condition.</p>	<p>Insert the following into 29.1 Introduction: "Central and Suburban Centre Areas cover land that is suitable for intensive development. The positive effect of earthworks in facilitating such development within these Areas is significant and essential for the City's economy and sustainability. Potential adverse effects of earthworks within these Areas is already adequately controlled through permitted activity conditions, the provisions of Regional Plans particularly in respect of the control of sedimentation, and other regulatory mechanisms (i.e. other Acts, NZ Standards etc). The Areas are also well located not he City's road hierarchy to accommodate the temporary effects of any transportation of earth. Accordingly, Chapter 29 does not apply to land within the Central and Suburban Centre Areas except for identified flood hazard areas.</p>
30.1 Permitted Rules and 30.2 Restricted Discretionary Activity Rules			
Denis Patrick O'Neill		Submitter Number: 4	Submission Number : 1
30.1.2.1 Permitted Activity Condition	oppose	<p>The impact of such cuts and fills on the environment are nil since the residential building or accessory building would completely conceal the cut or filled areas. The building consent process would cover the design of the cuts/fills and the District Plan would cover the position, extent and height of the buildings. Such a clause would give greater certainty to owners contemplating the utilisation of vacant space and enhance the use of existing infrastructure.</p>	<p>Amend 30.1.2.1 provision to include an additional condition (e) that states: (i) <u>"The cut of filled area is completely covered by the footprint of a residential building, including accessory buildings.</u> (ii) <u>The cut or filled area is retained by a structure authorised by a building consent (which must be obtained prior to any earthworks commencing).</u></p>
Transpower New Zealand Limited C/o Burton Consultants		Submitter Number: 5	Submission Number : 5
30.1 Permitted Activities	amend	<p>Appropriately recognise and provide for an adequate level of protection for the National Grid from adverse effects of earthworks associated with third party activities and development.</p>	<p>Include a new condition on Permitted Activity Rule 30.1.1, 30.1.2 and 30.1.3 that: - requires earthworks to be at least 12m from the foundation of high voltage transmission lines; and - requires earthworks to be at least 12m from the centreline</p>

Plan Provision	Support / Oppose	Submission	Decision Requested
			of a electricity transmission line and results in an increase in ground level.
Transpower New Zealand Limited C/o Burton Consultants		Submitter Number: 5	Submission Number : 6
30.2 Discretionary Activity (Restricted)	amend	Appropriately recognise and provide for an adequate level of protection for the National Grid from adverse effects of earthworks associated with third party activities and development.	<p>Include new restricted discretionary activity rules for earthworks that are within 12m of the:</p> <ul style="list-style-type: none"> - foundation of high voltage transmission lines; and in close proximity to transmission lines; and - the centreline of an electricity transmission line and raises the ground level. <p>Include the following matters to which Council has restricted its discretion:</p> <ul style="list-style-type: none"> - effects on the integrity of the transmission line; - volume, area and location of works; - timing of works; - site remediation; - use of mobile machinery which may put the line at risk; - outcome of consultation with Transpower NZ Ltd.
Shell NZ Ltd, BP Oil NZ Ltd, Chevron NZ and Mobil Oil NZ		C/o Burton Consultants	Submitter Number: 6 Submission Number : 1
30.1 Permitted Activities	amend	<p>Earthworks are necessary to remove/replace underground petroleum storage systems (UPSS). With efficient procedures in place the period in which the earthworks are undertaken is brief and therefore any effects are temporary. Standard procedures employed onsite include the adoption of a Construction Management Plan.</p> <p>The total volume of earthworks required for an UPSS removal will depend on the number of tanks being removed, the size of the tanks and the area in which the tanks are located.</p> <p>It is anticipated that decisions on Plan Change 69 Contaminated Sites will make the removal of a permitted activity and the Companies seek to ensure that UPSS removals remain a permitted activity and that PC70 does not impose any unnecessary</p>	<p>Ensure the removal of underground petroleum storage systems is exempt from Permitted Activity conditions 30.1.1.1(a) and (b) by inserting the following condition:</p> <ul style="list-style-type: none"> - except that the above conditions 30.1.1.1(a) and (b) do not apply to activities undertaken in accordance with Rule 32.X.X - the removal of underground petroleum storage systems and associated impacted soil.

Plan Provision	Support / Oppose	Submission	Decision Requested
		restrictions or unnecessary delays for standardised procedure which is already well established.	
CentrePort Ltd Submitter Number: 8 Submission Number : 5			
30.1 Permitted Activities	amend	Clarity needs to be provided with the Utility Rules.	Include a margin note that states "Refer to specific Rules applying to utility network infrastructure under Chapter 23".
CentrePort Ltd Submitter Number: 8 Submission Number : 6			
30.1.1.2 Permitted Activity Condition	amend	The "5m from the Coastal Marine Area" condition will seriously constrain CentrePorts activities associated with the management of utilities, the maintenance of paved surfaces and reclamation facings, and foundations supporting port equipment and marine structures.	Include and additional condition that states: "except that in the Operational Port Area and the Port Redevelopment Precinct this does not apply in relation to foundation works supporting equipment and structures, maintenance of reclamation facings, maintenance of paved surfaces and works that comprise maintenance to existing structures and utilities infrastructure."
CentrePort Ltd Submitter Number: 8 Submission Number : 7			
30.2.1.1(v) 30.2.1.1(vi) 30.2.1.2 Discretionary Activities (Restricted)	amend	The reference to "structures" in rules 30.2.1.1(v) and 30.2.1.2(v) appears to be irrelevant. The specified quantities for the transportation of material within the Central Area needs review. CentrePort would be dealing with quantities in excess of the specified limit on a regular basis. Often the material transported does not leave the site.	Remove the word "and structures" in Rules 30.2.1.1(v) and 30.2.1.2(v). In 30.2.1.1.(vi) and 30.2.1.2(vi) increase the volumes that apply to the Central Area from 200m3 to 2000m3. Or Include an exception to the Central Area limit of 200m3 for the Pipitea and Port Redevelopment Precincts up to 2000m3.
Tony Flynn Submitter Number: 10 Submission Number : 2			
Urban Coastal Edge	oppose	The creation of the a new defacto zone "Urban Coastal Edge on Maps 62 and 63 crates a new zone that by default diminishes property rights over subjective property rights. WCC have failed to prove that it is an issue to the community. These properties define Wellington and give it its diverse and unique character.	Remove all reference to the Suburban Coastal Area and delete Maps 62 and 63.

Plan Provision	Support / Oppose	Submission	Decision Requested
Dale McTavish Submitter Number: 11 Submission Number : 1			
Urban Coastal Edge	support	Support the provisions relating to visually sensitive areas.	That in visually sensitive areas the maximum permitted height of 1.5m (subject to conditions) be retained.
Dale McTavish Submitter Number: 11 Submission Number : 2			
Restricted Discretionary Activities	support	Support activities that do not meet the permitted activity standards are discretionary activities.	That activities which do not meet the permitted activity standards area restricted discretionary activities.
Dale McTavish Submitter Number: 11 Submission Number : 3			
Permitted Activity Condition 30.1.2.1 (a)	support	Support that cuts and fills are permitted to a height of 1.5m.	That cuts and fills are permitted to a height of 1.5m (subject to conditions).
Mighty River Power Submitter Number: 12 Submission Number : 1			
Permitted Activities 30.1	support	Support the exclusion provided in the permitted activity rules that applies to wind energy facilities, which clarifies the consenting requirements for earthwork associated with Wind Energy Facilities and seek to avoid uncertainty. Mighty River Power consider that it is not necessary to require that earthworks associated with Wind Energy facilities are assessed under the proposed earthworks provisions.	That the exclusion on page 17 of the Plan Change under 30.1 Permitted Activities be retained without further modification.

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Wellington International Airport Ltd Submitter Number: 13 Submission Number : 1</p>			
Permitted Activities 30.1	oppose	<p>PC70 should not apply to the Airport and Golf Course Precinct as this represents an unnecessary level of regulation for Airport Activities. The Airport Area is predominately flat and therefore the issue of stability is not relevant. The airport is also required to respond quickly to changing regulations and technologies and PC70 will cause delays. Greater Wellington already has rules that address sedimentation and stormwater contamination and these rules have the most appropriate limits (i.e. 4000m2 for earthworks). In addition Plan Change 57 applies to the Rongotai Ridge Area and has its own earthwork rules. If PC 70 applies as well there will be two different sets of permitted activity standards that apply.</p>	<p>Add an additional exclusion to the list under 30.1 to state: "Earthworks undertaken within the Airport and Golf Course Precinct (refer to Chapter 11).</p> <p>Delete the reference to the Airport and Golf Course Precinct from 30.1.1, 30.2.1.1 and 30.2.1.2 (transport of material).</p>
<p>Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 3</p>			
30.2.1 Discretionary Activities (Restricted)	oppose	<p>Public participation and notification is a fundamental feature of the RMA Discretionary Activities (Restricted) and Controlled Activities should be publicly notified and brought to the attention of affected persons. The participation of local people in the activities which affect their local environment should not be left to the developer and the Council.</p>	<p>Delete "Non-notification/service: Applications do not need to be publicly notified and do not need to be served on affected persons." and replace with: "Applications shall be publicly notified and shall be served on affected persons."</p>
<p>Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 4</p>			
30.2.3	oppose	<p>Public participation and notification is a fundamental feature of the RMA Discretionary Activities (Restricted) and Controlled Activities should be publicly notified and brought to the attention of affected persons. The participation of local people in the activities which affect their local environment should not be left to the developer and the Council.</p>	<p>Delete "Non-notification/service: Applications do not need to be publicly notified and do not need to be served on affected persons." and replace with: "Applications shall be publicly notified and shall be served on affected persons."</p>

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Yvonne Legarth Submitter Number: 16 Submission Number : 6</p>			
30.1 Permitted Activities	oppose	<p>Not all Open Space Areas or Conservation Sites or areas with high natural character are subject to reserves act provisions, therefore plan provisions that require an assessment of the values present and include the discretion to decline are necessary to ensure values are not lost.</p> <p>Rules must require consent to be obtained so that effects can be assessed and should retain discretion to decline consent where earthworks are inappropriate due to the values of the site and potential adverse effects.</p> <p>Earthworks within these sites should be the subject of planning controls requiring resource consents. The potential to create a permitted baseline thereby promoting inappropriate earthworks and loss of values must be avoided.</p>	Delete permitted activity rules that apply to: Open Space A or B; Conservation Sites; areas of high natural character; land adjacent to the coastal marine area; land adjacent to a waterway or stream, or within the coastal environment; land held subject to the Reserves Act or the coastal marine area.
<p>Yvonne Legarth Submitter Number: 16 Submission Number : 7</p>			
30.2 Restricted Discretionary Activities	amend	Not all Open Space Area or Conservation Sites or areas with high natural character are subject to reserves act provisions, therefore plan provisions that require an assessment of the values present and include the discretion to decline are necessary to ensure values are not lost.	Add restricted discretionary activity rules to control earthworks and associated structures that apply to Open Space A or B; Conservation Sites; Areas of High Natural Character; land adjacent to the coastal marine area; land adjacent to a waterway or stream, or within the coastal environment; land held subject to the Reserves Act or the coastal marine area.
<p>Yvonne Legarth Submitter Number: 16 Submission Number : 9</p>			
30.1 Permitted Activities	support	The permitted activity provisions that state that the rule for cut and fill does not apply within 20m of Ridgelines and Hilltops, Conservation Sites and Open Space B is supported.	Retain the provisions that state that the rule for cut and fill does no apply within 20m of Ridgelines and Hilltops, Conservation Sites and Open Space B Area is supported.

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Department of Conservation Submitter Number: 17 Submission Number : 3</p>			
30.1 Permitted Activities	amend	To provide more clarity and certainty in order that the plan change will be more consistent with the Purpose and Principles of the RMA.	<p>Amend 30.1.1.2 and 30.1.2.2 as follows: The cut or fill is no closer than the following (<u>measured on a horizontal plane</u>) to a stream, a wetland or the coastal marine area.</p> <p>Amend 30.2.1.1(v) and 30.2.1.1(v) as follows: Earthworks and structures associated with streams and the coastal marine area where the cut or fill is closer than the following (<u>measured on a horizontal plane</u>) to a stream, wetland or the coastal marine area.</p>
<p>Trelissick Park Group Submitter Number: 18 Submission Number : 2</p>			
30.1 Permitted Activities	amend	Should not the limiting cut face slope be defined.	Define slope of cut face.
<p>Trelissick Park Group Submitter Number: 18 Submission Number : 3</p>			
30.2 Restricted Discretionary Activities	amend	30.2.2 is missing	Fix numbering error.
<p>Trelissick Park Group Submitter Number: 18 Submission Number : 4</p>			
30.2.1 and 30.2.3 Discretionary Activities (Restricted)	amend	We consider that major earthworks should be publicly notified and that affected parties should be informed of all applications. Affected parties should include those downstream in the catchment.	Major earthworks should be publicly notified.

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Cardno TCB Submitter Number: 21 Submission Number : 5</p>			
<p>30.1.1.1(b)(ii) and 30.1.2.1(b)(ii)</p>	<p>oppose</p>	<p>This allows earthworks to be undertaken up to 2.5m vertically provided a building consent is obtained and the other standards are complied with. We note that the setback distance is not required under this permitted option.</p> <p>However, Council is not recognising this rule as a permitted option and insisting that the earthworks not permitted under rule 30.1.1.1(a), especially in respect to small scale earthworks (i.e. up to 1m) that are retained within 1m of the boundary, which under most circumstances would not require a building consent.</p> <p>We consider this unlawful under the plan change. Council is apparently concerned that the building consent process and planning check will not work because such small scale earthworks are not required to obtain a building consent, even though they may otherwise trigger a resource consent if a building consent is not obtained.</p> <p>The rule does not work appropriately in practise and needs to be significantly amended.</p>	<p>Provide an exemption for small scale earthworks that are retained by a structure that is less than 1m high.</p>
<p>Cardno TCB Submitter Number: 21 Submission Number : 6</p>			
<p>30.2.1 Discretionary Activities (Restricted)</p>	<p>amend</p>	<p>The amendments will allow 30.2.1.2 to be deleted and make the rules shorter and easier to read and understand.</p> <p>We support the non-notification/service statement.</p>	<p>Amend 30.2.1.1 as follows:</p> <p>30.2.1.1 Council's discretion is restricted to the extent of non-compliance with the permitted activity conditions; And The transport of material where the following limits are exceeded...</p> <p>Retain the non-notification/service statement in Rule 30.2.1.</p>

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Wellington Regional Council Submitter Number: 22 Submission Number : 4</p>			
30.1.2.3 and 30.1.2.2	amend	Permitted activity standard 30.1.2.3 requires that there shall be no cut or fill in a Hazard (Flooding) Area but permitted activity standard 30.1.2.2 provides for earthworks no closer than 5m to a stream, a wetland or the coastal marine area. The intent of these standards should be clarified and the width for riparian margins increased; to allow natural processes to occur ; to enable water bodies including rivers to revert to their natural state and to enable access to maintain flood carrying capacity and the bank edge.	Clarify the intent of Permitted Activity Standards 30.1.2.1 and 30.1.2.3 and increase the width for riparian margins.
<p>NZ Historic Place Trust Submitter Number: 23 Submission Number : 7</p>			
Rules 30.1.1 and 30.1.2	amend	To ensure clarity and consistency with the Historic Places Act 1993 the wording of the advice note should be changed.	Amend the advice note adjacent to the permitted activity and restricted discretionary activity rule to remove reference to "Maori and non-Maori"; change "may" to "will"; and change "disturb" to "destroy, damage or modify".
<p>NZ Historic Place Trust Submitter Number: 23 Submission Number : 8</p>			
Permitted Activity Rules 30.1	amend	Chapter 20 of the District Plan does not provide any protection for non-Maori archaeological sites as they are not included in the heritage schedules. The NZHPT considers that it is important that the proposed general rules for earthworks include consideration of historic sites.	<p>Amend Rule 30.1.1.1(a)(i) the cut height or fill depth does not exceed..... ... <u>(v) Where a listed historic site is present the applicant is required to demonstrate that the proposal will not affect the site</u></p> <p>Amend Rule 30.1.2.1(a)(i) the cut height or fill depth does not exceed.... ... <u>(v) Where a listed historic site is present the applicant is required to demonstrate that the proposal will not affect the site.</u></p>

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>NZ Historic Place Trust Submitter Number: 23 Submission Number : 9</p>			
Restricted Discretionary Activities 30.2	amend	Chapter 20 of the District Plan does not provide any protection for non-Maori archaeological sites as they are not included in the heritage schedules. The NZHPT considers that it is important that the proposed general rules for earthworks include consideration of historic sites.	<p>Amend Rule 30.2.1.1(a)(i) the cut height or fill depth does not exceed.....</p> <p>...</p> <p><u>(v) Where a listed historic site is present the applicant is required to demonstrate that the proposal will not affect the site</u></p> <p>Amend Rule 30.2.1.2(a)(i) the cut height or fill depth does not exceed....</p> <p>...</p> <p><u>(v) Where a listed historic site is present the applicant is required to demonstrate that the proposal will not affect the site.</u></p>
<p>NZ Historic Place Trust Submitter Number: 23 Submission Number : 10</p>			
Rule 30.1.3	amend	Chapter 20 of the District Plan does not provide any protection for non-Maori archaeological sites as they are not included in the heritage schedules. The NZHPT considers that it is important that the proposed general rules for earthworks include consideration of historic sites.	<p>Include an advice note alongside Rule 30.1.3 that states: <u>"Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy, damage or modify these sites".</u></p>
<p>NZ Historic Place Trust Submitter Number: 23 Submission Number : 11</p>			
Rule 30.2	amend	Chapter 20 of the District Plan does not provide any protection for non-Maori archaeological sites as they are not included in the heritage schedules. The NZHPT considers that it is important that the proposed general rules for earthworks include consideration of historic sites.	<p>Include an advice note alongside Rule 30.2 that states: <u>"Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy, damage or modify these sites".</u></p>

Plan Provision	Support / Oppose	Submission	Decision Requested
Linda Katherine Dale Submitter Number: 24 Submission Number : 1			
Urban Coastal Edge	oppose	The proposed limit of 1.5m cut height will encourage the design of buildings that meet this requirement. Given the steep coastal slopes this will lead to buildings which jut out from the hillside - either cantilevered or on supports. These buildings will be more visually intrusive than buildings which utilise cuts and are nestled into the hillside.	The limits for cuts and fills in the Urban Coastal Edge should be the same as for any other area and not subject to a maximum height of 1.5m.
Wellington City Council Submitter Number: 25 Submission Number : 2			
30.1.1.1(c)(i)	amend	The wording is incorrect.	Amend 30.1.1.1(c)(i) The cut height and <u>or</u> fill depth does not exceed 2.5m.
Wellington City Council Submitter Number: 25 Submission Number : 3			
Discretionary Activity Rules 30.2.1 and 30.2.2	amend	When earthworks are undertaken there are factors other than cut height or fill depth that can have an effect on visual amenity. To enable visual amenity to be a consideration when large areas are earthworked it is necessary to amend Rule 30.2.1. and 30.2.2 to specify this.	Amend 30.2.1.1(iii) to state: "Visual amenity - where the cut height or fill depth exceeds 2.5m <u>or the area to be cut or filled exceeds 250m²</u> ". and Amend 30.2.2.1 (iii) to state: "Visual amenity - where the cut height or fill depth exceeds 1.5m or the area to be cut or filled exceeds 100m ² ".

Plan Provision	Support / Oppose	Submission	Decision Requested
<p>Wellington City Council Submitter Number: 25 Submission Number : 4</p>			
<p>30.1 Permitted Activity Rules - Churton Park Village Concept Area</p>	<p>amend</p>	<p>The provisions for the Churton Park Village Concept Area have been developed through Plan Change 60 and finalised through an appeal and Consent Order.</p> <p>The earthworks Plan Change has brought all earthworks provisions into a single chapter. The provisions do not seek to amend the provisions that were agreed in the Consent Order, it simply places the earthworks provisions that apply to the Churton Park Village Concept Area in the Earthworks Chapter (the remaining provisions that apply in the Churton Park Village Concept Area are to be included in Proposed Plan Change 73 Suburban Centres).</p>	<p>Delete from 30.1 Permitted Activities the first bullet point that states:</p> <ul style="list-style-type: none"> • Appendix 9 of the Suburban Centres Chapter (Churton Park Village Concept Plan) <p>Amend Rule 30.1.1 to state:</p> <p>30.1.1 Earthworks in the</p> <p>(i) Residential Area (except the Urban Coastal Edge shown on Map Map63 and Map 63);</p> <p>(ii) Suburban Centre Area (<u>except the Churton Park Concept Area as shown in Appendix 1 to this Chapter</u>);</p> <p>(iii) ...</p> <p>Include a new permitted activity rule to state:</p> <p><u>30.1.4 Earthworks in the Churton Park Village Concept Area (as shown in Appendix 1 to this Chapter), are a permitted activity provided they comply with the following conditions:</u></p> <p><u>30.1.4.1 The earthworks are in accordance with the provisions of Appendix 1.</u></p> <p>Include Appendix 1 Churton Park Village Concept Area and Guidelines as Appendix 1 to the Earthworks Chapter.</p>
<p>30.3 Discretionary (Unrestricted) Activity Rules</p>			

Plan Provision	Support / Oppose	Submission	Decision Requested
Transpower New Zealand Limited C/o Burton Consultants			
		Submitter Number: 5	Submission Number : 7
30.3 Discretionary Activity (Unrestricted)	amend	Appropriately recognise and provide for an adequate level of protection for the National Grid from adverse effects of earthworks associated with third party activities and development.	Include a new Discretionary Activity (Unrestricted) rule for earthworks in close proximity to transmission lines that do not meet the conditions for the discretionary (restricted) activity.
Wellington City Council			
		Submitter Number: 25	Submission Number : 5
30.3 Discretionary Activity Rules - Churton Park Village Concept Area	amend	<p>The provisions for the Churton Park Village Concept Area have been developed through Plan Change 60 and finalised through an appeal and Consent Order.</p> <p>The earthworks Plan Change has brought all earthworks provisions into a single chapter. The provisions do not seek to amend the provisions that were agreed in the Consent Order, it simply places the earthworks provisions that apply to the Churton Park Village Concept Area in the Earthworks Chapter (the remaining provisions that apply in the Churton Park Village Concept Area are to be included in Proposed Plan Change 73 Suburban Centres).</p>	<p>Include a new Discretionary Unrestricted Rule to state:</p> <p><u>30.3.3 Earthworks in the Churton Park Village Concept Area (as shown in Appendix 1 to this Chapter) that do not comply with the conditions in Rule 30.1.4: are a Discretionary (Unrestricted) Activity.</u></p>
Changes to Operative Plan			
3.10 Definitions			
PowerCo C/o Burton Consultants			
		Submitter Number: 7	Submission Number : 1
3.10 Definitions	support	PowerCo supports the definition for earthworks as it provides an exemption for trenching, which is a primary earthworks activity associated with the installation of its gas pipelines and the replacement and maintenance of these assets.	Retain without further modification.
CentrePort Ltd			
		Submitter Number: 8	Submission Number : 8

Plan Provision	Support / Oppose	Submission	Decision Requested
3.10 Definitions	amend	<p>The definition of Earthworks excludes certain activities that appear to have been specified to ensure normal day to day activities can be undertaken without the need for a resource consent. Missing from the list is piling associated with buildings, decks, fences and other structures.</p> <p>The definition of "Trench" needs to be consistent with the use of the term in the rules which is "Trenching". The definition is also inadequate as it does not cover maintenance and replacement of networks.</p>	<p>Add to the definitions of Earthworks the word "<u>piling</u>" before the words "and trenching"; Change the word "Trench" to "<u>Trenching</u>"; and</p> <p>Modify the definition of Trenching to state: <u>"means in relation to earthworks rules a long narrow excavation for the purpose of installing, maintaining or replacing drainage, irrigation, service connections or on-site utilities such as lighting systems"</u>.</p>
Tony Flynn Submitter Number: 10 Submission Number : 4			
Definitions 3.10 Height of Cut and Earthworks	oppose	The scope of the definitions would include things like site investigation drilling, lamp post holes, foundation holes and trenches, water wells, offal pits. These invisible underground earthworks can hardly have claim to the statement in Policy 29.2.1.9 "to protect the character and visual amenity these areas provide to the immediate surrounds and the city."	Redefine height of cut and earthworks to exclude any hole in the ground that fits on a plan view within a 2.5m diameter and any excavation that is under a building.
Michael Fleming Submitter Number: 15 Submission Number : 5			
3.10 Definitions	amend	The Council should not issue consent for earthworks activities for tracks or any other vehicle or pedestrian access way that is unsound or unfinished or unsafe or at the risk of failure.	Define "track" as is an unfinished or unsound or unreliable vehicle or pedestrian access way.
Cardno TCB Submitter Number: 21 Submission Number : 7			
Definitions 3.10 Height of Cut and Earthworks	oppose	The definition and diagrams are confusing. The height indicated is the overall apparent height from the toe to the top of a cut. This is potentially a much higher measurement than either the cut batter face of the vertical change in ground level.	Amend the definition to be the vertical change in ground level.
Cardno TCB Submitter Number: 21 Submission Number : 8			

Plan Provision	Support / Oppose	Submission	Decision Requested
Definitions 3.10 Existing Slope Angle	oppose	The concept of slope angle should not be this difficult and should not extend beyond the are of the cut or fill.	Delete or completely rewrite this definition.
Cardno TCB Submitter Number: 21 Submission Number : 9			
Definitions 3.10 Fill depth	oppose	The definition is much more far reaching than should be required.	Fill depth should be the vertical change in ground level.
Wellington Regional Council Submitter Number: 22 Submission Number : 3			
3.10 Definitions	amend	The definition of "river" in the RMA includes a stream and modified water course. It would be problematic to have a second definition foe dream as this could create confusion.	Delete the definition of 'stream' and include "river" or "waterbody" and "coastal water" as defined by the RMA.
Wellington City Council Submitter Number: 25 Submission Number : 7			
3.10 Definitions	amend	The definition of <i>trench</i> does not limit the width or the depth of a trench. For engineering stability reasons it may prudent to include some dimensions in the definition.	Include a maximum width in the definition of trench.
3.2 Information to be Supplied with an Application for Resource Consent			
Transpower New Zealand Limited C/o Burton Consultants Submitter Number: 5 Submission Number : 8			
3.2 Information to be Submitted	amend	Appropriately recognise and provide for an adequate level of protection for the National Grid from adverse effects of earthworks associated with third party activities and development.	Amend sections 3.2.2.71 and 3.2.2.7.2 to include additional bullets that address the need for applicants to include the location of high voltage transmission lines on applications for resource consents.
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 10			

Plan Provision	Support / Oppose	Submission	Decision Requested
3.2 Information to be Submitted	amend	Grammatical error.	Amend 3.2.2.7.2 final bullet point: "show" should read "shown".
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 11			
3.2 Information to be Submitted	amend	Grammatical error.	Amend 3.2.2.8 final bullet point: "show" should read "shown".
Michael Fleming Submitter Number: 15 Submission Number : 3			
3.2 Information to be Supplied	amend	A checklist of basic engineering geology investigations that are essential to provide engineering proof of excavation and fill stability should be included in the WCC District Plan.	<p>Include a checklist in the District Plan which contains a list of fundamental site investigations and testing that are essential to prove an appropriate study of natural and manmade hazards has been carried out as follows:</p> <p><u>"The performance of excavations (manmade slopes or cuttings constructed by removal of ground and/or tranches) and fills (manmade land, sidling embankments, reclaimed land, constructed ground and/or land produced by earthworks) to safely and reliably maintain unrestrained stability is to be verified by engineering geology site investigations. Appropriate engineering geology site investigations are to be carried out before and as the basis of cut slope design and batter face gradient selection of excavations and fills and as the basis for verifying fill configurations will remain stable. Stability of excavation and fill batter slope stability is to be verified before consent approval, regardless of the time period excavations or fills are indented to remain in place and/or unsupported. Slope stability of fills, batter slopes and hillsides are to be verified by factor of safety analysis pertaining to sites and/or undermined adjacent land concerned with in consent applications. Slope stability analysis must verify that excavation and fill batter slopes have a factors of safety</u></p>

Plan Provision	Support / Oppose	Submission	Decision Requested
			<p>equal to or greater than 1.5. <u>Determination of actual ground capacity, safety factors and slope instability are to be verified and accounted for by appropriate engineering geology site investigations and testing, which are to include examination of ground strength, rock defects, stratification, groundwater., earthquakes, surcharge, undermining and manmade and site works destabilising affects worsening slope instability conditions, ground bearing capacity, settlement, ground sensitivity, and soil strength parameters. Ground strength or capacity is to be accounted for by Scala Penotrometer and/or Shear Vane and/or Standard and/or Cone Penetrations tests, as applicable. In addition, hazards are to be accounted for by investigations and analysis of natural and manmade hazards relevant to individual site pertaining to consent applications. Hazards include, slippage, flooding, liquefactions, earthquake induced ground shaking, tectonic displacement, consolidation, pollution, destabilising affects of undermining hillsides, and construction of unsound excavations, foundations and fills."</u></p>
<p>Department of Conservation Submitter Number: 17 Submission Number : 4</p>			
<p>3.2 Information to be submitted</p>	<p>amend</p>	<p>To provide more clarity and certainty in order that the plan change will be more consistent with the Purpose and Principles of the RMA.</p>	<p>Add the following bullet points to 3.2.2.7.1 and 3.2.2.7.2: - <u>Streams, wetland and waterbodies located within the site.</u> - <u>Streams, wetlands and waterbodies located outside the site where these are within 20 horizontal metres of the proposed development in the Rural Area or 5 horizontal metres in all other areas.</u></p>
<p>Trelissick Park Group Submitter Number: 18 Submission Number : 5</p>			

Plan Provision	Support / Oppose	Submission	Decision Requested
3.2 Information to be Submitted	amend	Should include a request for information on provisions for control of sediment and slowing of stormwater run-off.	Include a request for information on provision for the control of sediment and slowing of stormwater run-off.
NZ Historic Place Trust			
		Submitter Number: 23	Submission Number : 5
3.2.2.7.1 and 3.2.2.7.2 Information Requirements	amend	The location of any proposed earthworks in relation to a heritage place or item be it on the subject site or on an adjoining site is important for the processing planner to be aware when making their assessment of an application.	Amend 3.2.2.7.1 to state: "The applicant must provide a site plan detailing where relevant the existing situation including: - ... - <u>The location of any listed heritage items or recorded archaeological sites</u> ; Amend 3.2.2.7.2 to state: "The applicant must provide a site plan detailing where relevant the proposed development including: - ... - <u>the location of any listed heritage item or recorded archaeological sites</u> ".
Chapter 5 Residential Area Chapter 7 Suburban Centre Chapter 9 Institutional Precincts Chapter 13 Central Area Chapter 15 Rural Area Chapter 17 Open Space Area Chapter 19 Conservation Sites			
CentrePort Ltd		Submitter Number: 8	Submission Number : 9
Rule 13.1.6	amend	CentrePort has extensive areas of paved surfaces which require constant maintenance and upgrading. Rule 13.1.6 fails to cover this.	Modify Rule 13.1.6 to cover paved working areas by either: - adding " <u>formed roads</u> " and " <u>paved operational areas</u> "; or - adding to the rule specific reference to paved areas within the Operational Port Area.
CentrePort Ltd		Submitter Number: 8	Submission Number : 10

Plan Provision	Support / Oppose	Submission	Decision Requested
Chapter 13B and 13C Rule 13.14.4 Rule 13.20.4	amend	Plan Change 48 proposed replacement of the Te Ara Haukawakawa Precinct with the Pipitea Precinct. The Operational Port Area is within the Pipitea Precinct. The amendments to Rule 13.1.6 equally apply to the Pipitea Precinct Chapter13B.	Align Chapter 13B and 13C with the Changes provided for in Plan Change 48. Include under Chapter 13B (Rule 13.14.4) the same amendment as proposed to 13.1.6.
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 5			
5.2 Controlled Activities	oppose	Public participation and notification is a fundamental feature of the RMA Discretionary Activities (Restricted) and Controlled Activities should be publicly notified and brought to the attention of affected persons. The participation of local people in the activities which affect their local environment should not be left to the developer and the Council.	Delete: "The written approval of affected persons is not necessary..." and replace with <u>"The written approval of affected persons shall be obtained...."</u>
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 9			
7.2.5 Suburban Centre Non notification Statement	amend	Clause 7.2.5.4 does not exist.	Delete "7.2.5.3 and 7.2.5.4" and substitute " <u>and 7.2.7.3</u> "
Cardno TCB Submitter Number: 21 Submission Number : 10			
Rule 5.2.5	support	We support the exception for earthworks at subdivision criterion 5.2.11.	Amend to refer to 30.1.1.1(a)
NZ Historic Place Trust Submitter Number: 23 Submission Number : 12			
Rules 7.1.5, 9.1.4, 11.1.4, 11.5.3, 13.1.6, 13.14.4, 13.20.4, 15.1.7, 17.1.14 and 19.1.4	amend	Chapter 20 of the District Plan does not provide any protection for non-Maori archaeological sites as they are not included in the heritage schedules. The NZHPT considers that it is important that the proposed general rules for earthworks include consideration of historic sites	Include an advice note alongside the permitted activity rules that state: <u>"Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. An archaeological authority will be required from the New Zealand Historic Places Trust to destroy, damage or modify these sites".</u>
Residential Area Appendices			

Plan Provision	Support / Oppose	Submission	Decision Requested
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 1			
Appendix 12	support	We support the retention of the provisions in the plan as ordered by the Environment Court.	Retain the particular provisions for the land described as Lot 1 DP29604, CT 49D/212 of the end of Silverstream Rd, Ngaio.
Ngaio Progressive Association (Incorporated) Submitter Number: 14 Submission Number : 2			
Appendix 17	support	We support the retention of the provisions in the plan as ordered by the Environment Court.	Retain the particular provisions for the subdivision of Lot DP 25046 & Pt Sec 10 Kaiwharawhara District above Patna Street and Huntleigh Park Way.
Chapter 23 Utilities			
Transpower New Zealand Limited C/o Burton Consultants Submitter Number: 5 Submission Number : 2			
Chapter 23 - Utilities	support	Transpower supports the changes to the introductory paragraph of Chapter 23 Utilities that states that the permitted activity conditions for earthworks that will apply to network utilities is restricted to erosion, dust and sediment control, flooding hazards and effects on streams, wetlands and the costal marine area.	Retain without further modification the proposed amendments to Chapter 23 Utilities.
PowerCo C/o Burton Consultants Submitter Number: 7 Submission Number : 2			
23 Utilities	support	PowerCo supports the above amendment as it ensures that the earthworks rules applying to network utilities do not necessarily restrict earthworks in association with the construction alteration, or addition to an underground utility structure (Rule 23.1.1) and that these activities remain permitted activities and establish reasonable environmental parameters.	Retain without further modification the underlined section to Chapter 23 Utilities.
CentrePort Ltd Submitter Number: 8 Submission Number : 11			

Plan Provision	Support / Oppose	Submission	Decision Requested
Chapter 23 Utilities	amend	<p>Although trenching is exempt from the definition of earthworks it is not clear why the earthworks area limitations (250m2 and 100m2) which determine whether an activity is permitted are included in the schedule to this Chapter.</p> <p>Provide improved clarity by changing the reference to "Te Ara Haukawakawa Precinct" to "Pipitea Precinct and the Port Operational Area".</p> <p>Inclusion of a reference in Chapter 23 to "Contaminated land and Potentially Contaminated land" will ensure that utility networks may be established and maintained on land identified and contaminated and potentially contaminated."</p>	<p>Delete the reference to Rule 30.1.1.1(a)(iv), 30.1.1.1(b)(iv), 30.1.2.1(a)(iv) and 30.1.2.1(b)(iv) in Chapter 23.</p> <p>Change the reference to the Te Ara Haukawakawa Precinct to Pipitea Precinct and the Port Redevelopment Precinct in the sentence below the schedule.</p> <p>Include in the last paragraph reference to "<u>Contaminated and Potentially Contaminated land.</u>"</p>
<p>Wellington City Council Submitter Number: 25 Submission Number : 6</p>			
Chapter 23 Utilities Rules	amend	Correct a reference error.	Amend the reference to 30.1.1.1(b)(iv) to 30.1.1.1(b)(iii).
<p>Maps – Urban Coastal Edge</p>			
<p>Tony Flynn Submitter Number: 10 Submission Number : 3</p>			
Maps 62 and 63	oppose	87 and 85 Hutt Road and 54 and 56 Sar St (the beginning/end of a suburban centre zone) are not a natural coastal edge. The land is steep but was excavated and filled in the 1880's to for the Wellington/Manawatu rail line. This is not an area of visually important natural coastal edge.	Remove 87 & 85 Hutt Road Pipitea (and 52 and 58 Sar Street) and 54 & 56 Sar Street from the Urban Coastal Edge Area on Map 62 and 63 and align the end of the Urban Coastal Edge Are where the Open Space B zone meets the Suburban Centre zone.