


Appendix A: Earthworks Chapter – Tracked Changes

Red underline and strike-out: show additions and deletions to the notified Ngā Mahi Apu Whenua Earthworks Chapter, as recommended in the section 42A Report dated 3 July 2023.

Green underline and strike-out: show further additions and deletions to the s42A Report version of the Ngā Mahi Apu Whenua Earthworks chapter, as recommended in the Supplementary Planning Evidence dated 25 July 2023.

Blue underline and strike-out: show further additions and deletions to the Supplementary Planning Evidence version of the Ngā Mahi Apu Whenua Earthworks chapter, as recommended in the Earthworks Right of Reply dated 28 August 2023.

Parts of this chapter have been notified using either a Part One Schedule 1 process (**P1 Sch1**), or as part of an Intensification Planning Instrument using the Intensification Streamlined Planning Process (**ISPP**). Please see notations.

This chapter contains provisions that have legal effect. They are identified with a  next to the provision. To see more about what legal effect means please click [here](#).

Ngā Mahi Apu Whenua

Earthworks

EW	Earthworks
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P1 Sch1

Introduction

The purpose of the Earthworks Chapter is to provide for the sustainable management of earthworks.

Earthworks are essential to the development of the City. They create level and managed gradients for buildings, roads, paths, parking areas, recreation facilities and the installation of services. They are integral to the construction and development process. Associated structures provide for the retention of land and the management of landslips.

The undertaking of earthworks and construction of associated structures can have adverse short or long-term effects on the environment if poorly designed or managed, or if undertaken in inappropriate areas. These effects may include:

1. Increasing risks to the sites where earthworks are undertaken and to neighbouring properties from natural hazards, including landslips induced by earthquakes and increased rainfall intensities arising from climate change;
2. Slope destabilisation;
3. Accelerating erosion of land, sedimentation of water bodies and their margins, with resulting impacts on water quality and ecological, cultural and recreational values;
4. Impacting the amenity enjoyed by people or damaging other properties as a result of the inappropriate management of earth, sediment or dust;
5. Impacting visual amenity due to the scale and appearance of earthworks; and
6. Impacting the safety of the roading network from the associated transport of materials.

Responsibilities

GWRC has a key role under the RMA in conserving soil, maintaining and enhancing water quality and aquatic ecosystems and avoiding or mitigating natural hazards. In practice, this means that:

1. Both the Council and GWRC have functions and responsibilities for the control of earthworks;
2. The Council focuses on:
 - a. Managing issues associated with instability, visual amenity, dust nuisance and road safety for all earthworks; and
 - b. Addressing erosion and sediment effects associated with smaller earthworks (being those up to and including areas 3,000m² in size); while

3. GWRC manages erosion and sediment effects on larger sites, above that 3,000m² threshold, and earthworks on all sites in proximity to water bodies, among other matters.
4. GWRC also manages disturbance activities in the beds of rivers and lakes.

In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is recorded or discovered present (or uncovered), an authority from Heritage New Zealand is required if the site is to be modified in any way.

Heritage New Zealand Pouhere Taonga is responsible for issuing any archaeological authority for any earthworks that may affect an archaeological site (refer to [Appendix 4 APP1 – Historic Heritage Advice Notes](#) for more information on [the archaeological authority process and Accidental Discovery Protocol](#)).¹

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 manage earthworks within 10 metres of natural wetlands. As such, Council has decided not to duplicate provisions for these activities and they are not managed through this chapter.²

The resource consent requirements for the removal or replacement of underground fuel storage tanks also falls under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.³

Application of rules in this Chapter

This chapter includes objectives, policies and rules that relate to earthworks generally. It also includes policies and rules that implement objectives in other chapters, specifically as they relate to the management of earthworks.

EW-R1 to EW-R~~64~~ and EW-R~~2017~~ apply to all earthworks activities to the extent expressed within the rule concerned.

EW-R~~64~~ to EW-R~~4916~~ and EW-R~~2418~~ to EW-R~~2420~~ do not apply to any earthworks activities that are described and catered for solely by EW-R1 to EW-R~~53~~ ~~and/or~~ EW-R~~2017~~.

EW-R~~2420~~ applies with respect to structures used to retain or stabilise landslips. Other earthworks rules may also apply, depending on the nature and scope of any broader project that the construction of such structures may form a part. The one exception to this is where the structures concerned are associated with the operation, maintenance or repair of existing roads, in which case they are exempt from EW-R~~2420~~ and subject instead to INF-R1.

In addition to the general earthworks requirements set out in EW-R~~64~~, EW-R~~75~~ to EW-R~~4916~~ and EW-R~~2418~~ to EW-R~~2420~~ apply to earthworks activities in the particular locations and circumstances described in the rule concerned.

The provisions of this Chapter do not apply to quarrying activities provided for in the Quarry Zone.

The provisions of this Chapter do not apply in relation to activities provided for in the Infrastructure Chapter, unless specifically stated in the rule or standard concerned.

The provisions of this chapter ~~only do not~~ apply in relation to activities provided for in the Airport Zone Chapter, to the extent specified in EW-R~~2017~~ and EW-S14.

Other relevant District Plan provisions

¹ Consequential amendment in response to Te Rūnanga o Toa Rangatira [488.68]

² Forest & Bird [345.361]

³ Consequential in response to The Fuel Companies [372.92 and 372.93]

P1 Sch1

It is important to note that in addition to the provisions in this chapter, the following Part 2: District-Wide chapters may also be of relevance, including:

- **Transport** - The Transport Chapter contains provisions relating to transport matters.
- **Subdivision** - The Subdivision Chapter contains provisions which manage subdivision of land.
- ~~**Trees** – The Notable Tree chapter contains specific provisions relating to the management of notable trees, including works within the root protection area.~~
- **Infrastructure** - the Infrastructure chapter contains ~~provisions~~ policies relating to certain types of earthworks within the National Grid Yard and Gas ~~Transmission~~ Transmission Pipeline Corridor, and includes policies and standards regarding earthworks associated with infrastructure.⁴
- **Infrastructure – Coastal Environment** – the Infrastructure Coastal Environment chapter includes policies regarding earthworks for infrastructure in the coastal environment
- **Infrastructure – Ecosystems and Biodiversity** – the Infrastructure Ecosystems and Biodiversity chapter includes policies and standards regarding earthworks for infrastructure in significant natural areas.
- **Infrastructure – Natural Features and Landscapes** – the Infrastructure Natural Features and Landscapes chapter includes policies, rules and standards regarding earthworks for infrastructure in Special Amenity Landscapes, outstanding natural features and landscapes, and identified ridgelines and hilltops.
- **Infrastructure –Other Overlays** – the Infrastructure Other Overlays chapter includes a rule regarding earthworks for upgrading of existing underground infrastructure in other overlays.
- **Renewable Electricity Generation** – the renewable electricity generation chapter includes, policies, rules and standards relating to earthworks.
- **Historic Heritage** – The Historic Heritage Chapter manages the adverse effects of modifications, including earthworks within the extent of scheduled archaeological sites identified in SCHED4.⁵
- **Sites and Areas of Significance to Māori** – The Sites and Areas of Significance Chapter contains specific provisions relating to modification of features integral to a Category A or B site or area of significance to Māori identified in SCHED7.⁶
- **Noise** – the Noise chapter contains a rule and a standard in relation to noise from earthworks⁷

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Objectives

ISPP

EW-01	<p>Management of earthworks</p> <p>Earthworks are undertaken in a manner that:</p>
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⁴ Transpower [315.174]

⁵ Consequential amendment in response to Heritage NZ [70.21]

⁶ Consequential amendment in response to Heritage NZ [70.21]

⁷ Administrative amendment

	<ol style="list-style-type: none"> 1. Is consistent with the anticipated scale and form of development in the relevant zone; 2. Minimises adverse effects on visual amenity values, including changes to natural landforms; 3. Minimises erosion and sediment effects beyond the site; 4. Minimises risks associated with slope instability; and 5. Protects the safety of people and property.
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Policies

ISPP

EW-P1	<p>Co-ordination and integration with development and subdivision</p> <p>Provide for the efficient integration of earthworks and associated subdivision and development by:</p> <ol style="list-style-type: none"> 1. Encouraging joint applications for land use and subdivision; and 2. Ensuring earthworks proposals provide finished landforms that can be feasibly developed or are fit for the future intended purpose.
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ISPP

EW-P2	<p>Provision for minor earthworks</p> <p>Enable the efficient use and development of land by providing for earthworks and associated structures where:</p> <ol style="list-style-type: none"> 1. The risk associated with instability is increased minimised⁸; 2. Erosion, dust and sedimentation effects on land and water bodies will be minimal; and 3. Effects on visual amenity would be insignificant.
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ISPP

EW-P3	<p>Maintaining stability</p> <p>Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards such as earthquakes and increased rainfall intensities arising from adverse effects arising from climate change.</p>
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ISPP

EW-P4	<p>Erosion, dust and sediment control</p> <p>Require earthworks to adopt effective measures to manage the potential for:</p> <ol style="list-style-type: none"> 1. Erosion, and the movement of sediment beyond the site, and in particular into surface water, where proposals for earthworks no greater than 3,000m² in area are concerned; and
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⁸ GWRC [351.230 and 351.231]

		2. The movement of dust beyond the site, where all proposals for earthworks are concerned.
ISPP	EW-P5	<p>Effects on earthworks on landform and visual amenity</p> <p>Require earthworks and associated structures, including structures used to retain or stabilise landslips, to be designed and constructed to minimise adverse effects on natural landforms and visual amenity and where located within identified ridgelines and hilltops ensure the effects are mitigated or remedied.</p>
ISPP	EW-P6	<p>Earthworks and the transport network</p> <p>Require any transport of earth and cleanfill material to and from any site to be undertaken in a way that minimises adverse effects on surrounding amenity and the safety of the transport network.</p>
ISPP	EW-P7	<p>Earthworks on the site of heritage buildings and heritage structures, and within heritage areas</p> <p>Manage earthworks within sites occupied by heritage buildings and heritage structures, and within heritage areas, having regard to:</p> <ol style="list-style-type: none"> 1. The identified heritage values of the heritage building, heritage structure or heritage area; 2. The extent to which the earthworks would detract from those identified values and setting; and 3. Whether the earthworks can be achieved without altering the significance of the heritage building, heritage structure or heritage area.
P1 Sch1	EW-P8	<p>Earthworks within the root protection area of notable trees</p> <p>Require earthworks to be located outside of the root protection area of notable trees unless the earthworks will not compromise:</p> <ol style="list-style-type: none"> 1. The long-term health of the scheduled notable tree; and 2. The values of the notable tree.
P1 Sch1	EW-P9	<p>Minor earthworks within significant natural areas</p> <p>Enable earthworks within Significant Natural Areas identified within SCHED8 where they are of a minor scale and nature that maintains the identified biodiversity values.</p>

<p>P1 Sch1</p>	<p>EW-P10</p>	<p>Earthworks within significant natural areas</p> <p>Only allowProvide⁹ for earthworks of a more than minor scale within Significant Natural Areas only where it can be demonstrated that any adverse effects on indigenous biodiversity values are addressed in accordance with ECO-P12¹² and the matters in ECO-P43⁴³ and ECO-P75⁷⁵¹⁰.</p>
<p>P1 Sch1</p>	<p>EW-P11</p>	<p>Earthworks within High Coastal Natural Character Areas within the coastal environment</p> <p>Only allow for earthworks within High Coastal Natural Character Areas where:</p> <ol style="list-style-type: none"> 1. They are of a scale and for a purpose that is compatible with the identified values described in SCHED12, including restoration and conservation activities; 2. They are undertaken in a manner that avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values of the High Coastal Natural Character Areas described in SCHED12; 3. There is a functional need or operational need for the earthworks to be undertaken within a High Coastal Natural Character Area; and 4. They incorporate measures to restore and rehabilitate disturbed areas.
<p>P1 Sch1</p>	<p>EW-P12</p>	<p>Earthworks within coastal margins and riparian margins within the coastal environment</p> <p>Provide for earthworks within coastal margins and riparian margins within the coastal environment where located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone; and</p> <p>Only allow for earthworks within coastal and riparian margins in the coastal environment located outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or the City Centre Zone where:</p> <ol style="list-style-type: none"> 1. They are of a scale and for a purpose that is compatible with the natural character of the coastal or riparian margin concerned; 2. They are undertaken in a manner that avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal environment and the affected margins; 3. There is a functional need or operational need for the earthworks to be undertaken within a coastal or riparian margin;

⁹ GWRC [351.236]

¹⁰ Forest & Bird [345.365]

	<ol style="list-style-type: none"> 4. They would not significantly increase the flooding risk, when compared to the existing situation, including by compromising the effectiveness of community scale natural hazard mitigation structures; and 5. They incorporate measures to restore and rehabilitate disturbed areas.
P1 Sch1	<p>EW-P13 Earthworks within riparian margins outside of the coastal environment</p> <p>Only allow earthworks within riparian margins outside of the coastal environment where:</p> <ol style="list-style-type: none"> 1. They are of a scale that maintains the natural character of the riparian margin concerned; 2. There is a functional need or operational need for the earthworks to be undertaken within a riparian margin; 3. They would not significantly increase the flooding risk, when compared to the existing situation, including by compromising the effectiveness of community scale natural hazard mitigation structures; and 4. They incorporate measures to restore and rehabilitate disturbed areas.
P1 Sch1	<p>EW-P14 Earthworks within special amenity landscapes</p> <p>Manage earthworks within identified special amenity landscapes as follows:</p> <ol style="list-style-type: none"> 1. Provide for earthworks within special amenity landscapes outside the coastal environment only where: <ol style="list-style-type: none"> a. They maintain the identified values of the special amenity landscape; and b. They are undertaken in a way that avoids, remedies or mitigates any adverse effects on the identified values of the special amenity landscape. 2. Provide for earthworks within special amenity landscapes within the coastal environment only where: <ol style="list-style-type: none"> a. They maintain the identified values of the special amenity landscape; and b. They are undertaken in a way that avoids any significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values of the special amenity landscape. 3. Require earthworks within special amenity landscapes to incorporate measures that: <ol style="list-style-type: none"> a. Restore or rehabilitate disturbed areas; b. Minimise changes to the landform; and c. Recognise and provide for Tangata Whenua cultural and spiritual values and practices.
P1 Sch1	<p>EW-P15 Earthworks within outstanding natural features and landscapes</p>

	<p>Manage earthworks within identified outstanding natural features and landscapes as follows:</p> <ol style="list-style-type: none"> 1. Only allow for earthworks within outstanding natural features and landscapes outside the coastal environment where: <ol style="list-style-type: none"> a. They are of a scale that protects the identified values of the outstanding natural features and landscapes; and b. They are undertaken in a way that avoids any significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified values of the outstanding natural features and landscapes. 2. Avoid earthworks within outstanding natural features and landscapes within the coastal environment unless: <ol style="list-style-type: none"> a. They are of a scale that protects with the identified values of the outstanding natural features and landscapes; and b. They are undertaken in a way that avoids any adverse effects on the identified values of the outstanding natural features and landscapes. 3. Require earthworks within outstanding natural landscapes to incorporate measures that: <ol style="list-style-type: none"> a. Restore or rehabilitate disturbed areas; b. Minimise changes to the landform; and c. Recognise and provide for Tangata Whenua cultural and spiritual values and practices.
<p>P1 Sch1</p>	<p>EW-P16 Earthworks within Flood Hazard Overlays</p> <p>Provide for earthworks in Flood Hazard Overlays only where:</p> <ol style="list-style-type: none"> 1. They would not significantly increase the flooding risk, when compared to the existing situation, to the site or neighbouring properties through the displacement of flood waters; and 2. The ability to convey flood waters along overland flowpaths or stream corridors is not impeded as a result of the earthworks.
<p>P1 Sch1</p>	<p>EW-P17 Earthworks on community scale natural hazard mitigation structures-</p> <p>-</p> <p>Only allow for earthworks on community scale natural hazard mitigation structures where:-</p> <p>-</p>

		<p>1. The community scale natural hazard mitigation structures are fully reinstated to the original profile and condition that existed prior to the commencement of the earthworks;-</p> <p>2. The earthworks do not compromise the short or long term integrity of the community scale natural hazard mitigation structures; and</p> <p>3. The earthworks to reinstate the community scale natural hazard mitigation structures are undertaken in accordance with accepted engineering practices.¹¹</p>
P1 Sch1	EW-P18	<p>Earthworks associated with natural hazard mitigation works</p> <p>Enable earthworks associated with natural hazard mitigation works where:</p> <ol style="list-style-type: none"> 1. They provide a natural hazard risk reduction benefit at a community scale; 2. They are part of a planned natural hazard mitigation works programme by a Central Government Agency, GWRCGreater Wellington Regional Council, Wellington City Councilthe Council, Waka Kotahi, KiwiRail, CentrePort Limited, or Wellington International Airport Limited¹² or a nominated contractor or agent and will be maintained by one or more of these parties at the completion of the works; 3. They do not result in an increase in natural hazard risk to any other property; 4. They are constructed in accordance with approved engineering practices; and 5. There is a maintenance programme for the natural hazard mitigation works to ensure their on-going effectiveness.
P1 Sch1	EW-P19	<p>Earthworks associated with soft engineering natural hazard mitigation works</p> <p>Enable earthworks associated with soft engineering natural hazard mitigation works where:</p> <ol style="list-style-type: none"> 1. They provide a natural hazard risk reduction benefit to either individual or a collective group of properties or infrastructure; 2. They are undertaken by a Central Government Agency, GWRCGreater Wellington Regional Council, Wellington City Councilthe Council, Waka Kotahi, KiwiRail, CentrePort Limited, or Wellington International Airport Limited¹³ or a nominated contractor or agent; 3. They do not result in an increase in natural hazard risk to any other property; and 4. There is a maintenance programme for the soft engineering natural hazard mitigation works to ensure their on-going effectiveness.
P1 Sch1	EW-P20	<p>Earthworks in development areas</p>

¹¹ Consequential amendment to align with Natural and Coastal Hazards s42A recommendations

¹² CentrePort [402.123 and 402.124] and consequential amendment to align with Natural and Coastal Hazards s42A recommendations

¹³ CentrePort [402.125 and 402.126] and consequential amendment to align with Natural and Coastal Hazards s42A recommendations

	<p>Enable earthworks associated with the development of the Lincolnshire Farm and Upper Stebbings Glenside West Development Areas where the design of those earthworks:</p> <ol style="list-style-type: none"> 1. Is generally in accordance with the Development Plan in the Planning Maps and with the requirements set out in Appendix 12 and Appendix 13, respectively; 2. Provides for water sensitive urban design; 3. Provides for long-term access to intended open space areas; 4. Incorporates functional overland flowpaths, stream corridors and ponding areas that are capable of conveying flood waters in a manner that minimises risk to existing and new residential properties downstream; and 5. Protects ridgetop, ridgetop and hilltop¹⁴ areas from inappropriate earthworks.
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Rules: Land use activities

ISPP

	EW-R1	<p>Earthworks for the purposes of piling, trenching, maintaining sports fields, undertaking geotechnical investigations and grave digging, the replacement or removal of underground petroleum storage systems associated with service stations¹⁵</p>
	All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with the following standards is achieved: <ol style="list-style-type: none"> i. EW-S5; and ii. EW-S6.
	All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance with any of the requirements of EW-R1.1 cannot be achieved <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P4; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards. <p>Notification Status: an application for resource consent made in respect of rule EW-R1.2 is precluded from being publicly or limited notified.</p>

P1 Sch1

	EW-R2	<p>Earthworks for the purposes of <u>constructing and</u> maintaining tracks associated with permitted <u>rural and conservation</u> activities in <u>the General Rural Zones</u>¹⁶</p>
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¹⁴ WCC [266.121]

¹⁵ The Fuel Companies [372.92 and 372.93]

¹⁶ Administrative amendment

P1 Sch1

General Rural Zones ¹⁷	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S8</p>
General Rural Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R2.1 cannot be achieved</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P3, EW-P4 and EW-P5; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards. <p>Notification Status: an application for resource consent made in respect of rule EW-R2.2 is precluded from being publicly notified.</p>
EW-R3	Earthworks for the purposes of constructing tracks associated with permitted activities in Rural Zones
Rural zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S8.</p>
Rural zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of EW-R3.1.a cannot be achieved</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P3, EW-P4 and EW-P5; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards. <p>Notification Status: an application for resource consent made in respect of rule EW-R3.2 is precluded from being publicly notified.¹⁸</p>
EW-R4	Earthworks for the purposes of maintaining public walking or cycling tracks in Open Space Zones
Open Space Zones	1. Activity status: Permitted

P1 Sch1

¹⁷ Administrative amendment


¹⁸ Administrative amendment

P1 Sch1



		<p>Where:</p> <p>a. Compliance is achieved with EW-S9</p>
	<p>Open Space Zones</p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P4 and EW-P5; and</p> <p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.</p> <p>Notification Status: an application for resource consent made in respect of rule EW-R4.2 is precluded from being publicly or limited notified.¹⁹</p>
	<p>EW-R53</p>	<p>Earthworks for the purposes of constructing <u>and maintaining</u>²⁰ public walking or cycling tracks in Open Space <u>and Recreation</u>²¹ Zones</p>
	<p>Open Space <u>and Recreation</u>²² Zones</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S9.</p>
	<p>Open Space <u>and Recreation</u>²³ Zones</p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R53.1.a cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P3, EW-P4 and EW-P5; and</p> <p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.</p> <p>Notification Status: an application for resource consent made in respect of rule EW-R53.2 is precluded from being publicly or limited notified.</p>
	<p>EW-R64</p>	<p>General earthworks</p>
	<p>All Zones</p>	<p>1. Activity status: Permitted</p>

ISPP

¹⁹ Administrative amendment
²⁰ Administrative amendment
²¹ Administrative amendment
²² Administrative amendment
²³ Administrative amendment

	<p>Where:</p> <p>a. Compliance with the following standards is achieved:</p> <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; and vi. EW-S6
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R64.1 cannot be achieved</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P1; 2. The matters in EW-P1820²⁴, where relevant; 3. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; 4. For applications under this rule which arise from non-compliance with EW-R64.1.a.i: <ul style="list-style-type: none"> a. The matters in EW-P3, EW-P4 and EW-P5; 5. For applications under this rule which arise from non-compliance with EW-R64.1.a.ii: <ul style="list-style-type: none"> a. The matters in EW-P3, EW-P4 and EW-P5; 6. For applications under this rule which arise from non-compliance with EW-R64.1.a.iii: <ul style="list-style-type: none"> a. The matters in EW-P3 and EW-P4; 7. For applications under this rule which arise from non-compliance with EW-R64.1.iv: <ul style="list-style-type: none"> a. The matters in EW-P6; 8. For applications under this rule which arise from non-compliance with EW-R64.1.v: <ul style="list-style-type: none"> a. The matters in EW-P4; 9. For applications under this rule which arise from non-compliance with EW-R64.1.vi: <ul style="list-style-type: none"> a. The matters in EW-P4. <p>Notification Status:</p> <p>Applications under this rule which result from non-compliance with EW-R64.1.a.i and EW-R64.1.a.iii-vi are precluded from being publicly or limited notified.</p> <p>Applications under this rule that result from non-compliance with EW-R64.1.a.ii are precluded from being publicly notified.</p>
ISPP	<p>EW-R85</p>  <p>Earthworks on the site of scheduled heritage buildings and structures, and within heritage areas</p>
All Zones	<p>1. Activity status: Permitted</p>

²⁴ Minor and inconsequential amendment from EW-R15 assessment

		Where: a. Compliance is achieved with EW-S10.
	All Zones	2. Activity status: Restricted Discretionary Where: a. Compliance with any of the requirements of EW-R 85 .1 cannot be achieved Matters of discretion are: 1. The matters in EW-P7; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards.
P1 Sch1	EW-R96	Earthworks within the root protection area of notable trees
	All Zones	1. Activity status: Discretionary
ISPP	EW-R247 	Earthworks within Sites and Areas of Significance Category A and Category B
	All Zones	1. Activity status: Restricted Discretionary Matters of discretion are: 1. The matters in SASM-P5; and 2. The outcome of consultation with mana whenua.
P1 Sch1	EW-R78 	Earthworks within a significant natural area
	All Zones	1. Activity status: Permitted Where: a. The earthworks: i. do not involve the removal of any indigenous vegetation <u>or habitat of indigenous fauna</u> ²⁵ ; or ii. are for the maintenance of existing public walking or cycling tracks, as carried out the Council, GWRC, or their approved contractor; or iii. are associated with permitted activities provided for in ECO-R1.1, ECO-R1.2, ECO-R2.1 or ECO-R3.1, required for the purpose of ECO-R1.1.a.iv (flood protection control); or iv. required for the purpose of ECO-R1.a.viii (installation of services); or or v. associated with fencing, farm drainage or creating farm access tracks in accordance with ECO-R1.2.a.i or ECO-R1.2.a.ii or ECO-R1.2.a.iv. ²⁶

²⁵ Forest & Bird [345.374, 345.375, and 345.376]

²⁶ Forest & Bird [345.374, 345.375, and 345.376]

P1 Sch1

All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R78.1 cannot be achieved--<u>and</u></p> <p>b. <u>The significant natural area does not include matters identified in policy 11 of the NZ Coastal Policy Statement. contain any matters identified in Policy 11(a) of the New Zealand Coastal Policy Statement 2010 where located within the coastal environment.</u></p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P10.</p>
All Zones	<p>3. <u>Activity Status: Non-complying</u></p> <p><u>Where:</u></p> <p>a. <u>The Significant Natural Area includes matters identified in Policy 11(a) of the New Zealand Coastal Policy Statement 2010 where located within the Coastal Environment.</u></p> <p><u>Section 88 requirements:</u> <u>Applications for activities within an identified significant natural area must provide, in addition to the standard information requirements, an ecological assessment in accordance with APP15:</u></p> <ol style="list-style-type: none"> 1. <u>Identifying the indigenous biodiversity values and potential impacts from the proposal; and</u> 2. <u>Demonstrating that ECO-P5 has first been met, and the effects management hierarchy at ECO-P2 has been applied to other adverse effects.</u>²⁷
EW-R429	Earthworks within riparian margins (outside the coastal environment)
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S12²⁸.</p>
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R429.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P13 and NATC-P1; and 2. The matters in PA-P1, PA-P2 and PA-P3.

²⁷ Forest & Bird [345.362]

²⁸ Forest & Bird [345.380]

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EW-R10	Earthworks within High Coastal Natural Character Areas within the coastal environment
All Zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S11</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P11 and CE-P4; and</p> <p>2. The matters in PA-P1, PA-P2 and PA-P3.</p>
All Zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R10.1 cannot be achieved.</p>
EW-R11	Earthworks within coastal or riparian margins within the coastal environment
Port Zone City Centre Zone Stadium Zone Waterfront Zone	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-R6</p>
Port Zone Stadium Zone Waterfront Zone City Centre Zone	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R11.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P12 and CE-P5; and</p> <p>2. The matters in PA-P1, PA-P2 and PA-P3.</p>
All Zones (except for Port Zone Stadium Zone Waterfront Zone City Centre Zone)	<p>3. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S12.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P12 and CE-P6; and</p> <p>2. The matters in PA-P1, PA-P2 and PA-P3.</p>
All Zones (except for Port Zone)	<p>4. Activity status: Discretionary</p>

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Stadium Zone Waterfront Zone City Centre Zone)	Where: a. Compliance with any of the requirements of EW-R11.3 cannot be achieved.
EW-R1312	Earthworks within special amenity landscapes
All zones	1. Activity status: Permitted Where: a. Compliance is achieved with EW-S13; or b. Earthworks are for the maintenance or construction of farm tracks required for permitted rural activities; and c. Compliance is achieved with EW-S8.²⁹
All Zones	2. Activity status: Restricted Discretionary Where: a. Compliance with any of the requirements of EW-R 13 12.1 cannot be achieved. Matters of discretion are: 1. The matters in EW-P14; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.
EW-R1413	Earthworks within outstanding natural features and landscapes
All Zones	1. Activity status: Permitted Where: a. Earthworks are for the maintenance or construction of farm tracks required for permitted rural activities; and b. Compliance is achieved with EW-S8.³⁰
All Zones	1. Activity status: Restricted Discretionary Where: a. Compliance is achieved with EW-S13; and b. The earthworks are located outside the coastal environment; or c. Compliance with EW-R14.1 cannot be achieved. Matters of discretion are: 1. The matters in EW-P15; and

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²⁹ Administrative amendment

³⁰ Administrative amendment

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		2. The extent and effect of non-compliance with the relevant standard as specified in the associated assessment criteria.
All Zones		<p><u>2.</u> Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of EW-R4413.2.a cannot be achieved.</p>
All Zones		<p><u>3.</u> Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance with the requirements of EW-R4413.2.b cannot be achieved.</p>
EW-R4514	Earthworks within the ridgeline and hilltops <u>overlay or within the ridgetop area of the</u>³¹ Upper Stebbings <u>and</u> Glenside West Development Area	
All Zones		<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S13.; <u>and</u></p> <p>b. <u>For the ridgetop area of the Upper Stebbings and Glenside West Development Area the earthworks are for the purpose of constructing public footpaths or tracks.</u>³²</p>
All Zones		<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4514.1 cannot be achieved; and</p> <p>b. The total area of earthworks in any 5-year period does not exceed:</p> <p>i. 500m² per site within the ridgeline and hilltops in the Upper Stebbings Glenside West Development Area³³; and</p> <p>c. The maximum cut height or fill depth does not exceed 1.5m above ground level measured vertically.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P5 and EW-P20.5³⁴; and</p> <p>2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard.</p>
All Zones		<p>3. Activity status: Discretionary</p> <p>Where:</p> <p>a. The earthworks are not a permitted activity under EW-R4514.1 or a restricted discretionary activity under EW-R4514.2.</p>

³¹ WCC [266.121 and 122]

³² WCC [266.121 and 122]

³³ WCC [266.121 and 122]

³⁴ John Tiley [142.19] and Churton Park Community Association [189.19]

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	All Zones	<p>4. Activity status: Non-complying</p> <p>Where:</p> <p>a. <u>Compliance with the requirements of EW-R14.1.b cannot be achieved.</u>³⁵</p>
	EW-R4615	Earthworks within the Flood Hazard Overlay
	All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The earthworks are not located within an Overland Flowpath or a Stream Corridor; or</p> <p>b. If the earthworks are located within an Overland Flowpath or a Stream Corridor, the finished ground level on the completion of the earthworks are the same as the natural ground level prior to the start of the earthworks.</p>
	All Zones	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4615.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P164.³⁶</p>
	EW-R4716	Earthworks associated with natural hazard mitigation works within the Flood Hazard Overlays and Coastal Hazard Overlays
	All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The natural hazard mitigation works are undertaken by a Central Government Agency, GWRC Greater Wellington Regional Council, Wellington City Council the Council, <u>Waka Kotahi, KiwiRail, CentrePort Limited, or Wellington International Airport Limited</u>³⁷ or a nominated contractor or agent for the express purpose of natural hazard mitigation works.</p>
	All Zones	<p>2. Activity Status: Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R4716.1 cannot be achieved</p>

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³⁵ WCC [266.122]

³⁶ GWRC [351.243]

³⁷ CentrePort [402.129 and 402.130] and consequential amendment to align with Natural and Coastal Hazards s42A recommendations

P1 Sch1	EW-R18	Earthworks associated with soft engineering natural hazard mitigation works within Flood Hazard Overlays and Coastal Hazard Overlays
	- All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The soft engineering natural hazard mitigation works are undertaken by a central government agency, GWRC, the Council or a nominated contractor or agent for the express purpose of soft engineering natural hazard mitigation works.</p>
	- All Zones	<p>2. Activity Status: Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R18.1 cannot be achieved.</p>
P1 Sch1	EW-R19	Earthworks on community flood defence scale natural hazard mitigation structures
	- All Zones	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The earthworks are undertaken by GWRC, the Council or a nominated contractor.</p>
	- All Zones	<p>2. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance any of the requirements of EW-R19.1 cannot be achieved.</p> <p>-</p> <p>Matters of discretion are:</p> <p>1. The matters in EW-P17.</p>
P1 Sch1	EW-R2017	Earthworks in the Airport Zone
	Airport Zone	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with EW-S14.1 and EW-S14.2; and</p> <p>b. Compliance is achieved with EW-S14.3; and</p> <p>c. b. Earthworks are for the purposes of the upgrade or maintenance of existing formed roads and public accessways; or</p> <p>d. c. Earthworks are for the purposes of construction, upgrade, maintenance or repair of the Airport pavement (apron and taxiway surfaces); or</p> <p>e. Earthworks permitted by any other rule.³⁸</p>

³⁸ WIAL [406.376 and 406.377]

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<p>Airport Zone</p>	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R2017.1.a cannot be achieved:</p> <ul style="list-style-type: none"> i. in the Rongotai Ridge Precinct; ii. in the Miramar South Precinct; and iii. in relation to the Hillock (south end of Terminal Precinct). <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; 2. Relevant matters in AIRPZ-P4 and AIRPZ-P5; 3. Visual appearance and mitigation; and 4. Geomorphological impacts; and 5. <u>Traffic impacts caused by transporting earth and construction fill material.</u>³⁹
<p>Airport Zone</p>	<p>3. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance with EW-R2017.1.b, c or d or e cannot be achieved.</p> <p>Notification Status: an application for resource consent made in respect of rule EW-R20.3 must be publicly notified.⁴⁰</p>
<p>EW-R2218</p>	<p>Earthworks in the national grid yard</p>
<p>All Zones</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <u>Earthworks or vertical hole depth must be no greater (measured vertically) than:</u></p> <ul style="list-style-type: none"> i. <u>300 millimetres within 6 metres of the outer visible edge of a foundation of any National Grid support structure; or</u> ii. <u>Between 6 metres and 12 metres from the outer visible edge of a foundation of any National Grid support structure.</u>⁴¹ <p>b. Compliance is achieved with EW-S15</p> <p>Note:</p> <p>The following earthworks activities are exempt from EW-R2218.1:</p> <ol style="list-style-type: none"> 1. Earthworks, excluding mining and quarrying, that are undertaken by the operator of the National Grid; 2. Earthworks, excluding mining and quarrying, for the repair, sealing or resealing of a footpath, driveway or farm track; 3. Vertical holes not exceeding 500 millimetres in diameter that: <ol style="list-style-type: none"> a. are more than 1.5 metres from the outer edge of the pole support structure or stay wire; or

³⁹ WIAL [406.373 and 406.374]

⁴⁰ WIAL [406.373 and 406.374]

⁴¹ Transpower [315.176]

	<p>b. are a post hole for a farm fence or horticulture structure more than 6 metres from the visible outer edge of a tower or support structure foundation; and</p> <p>4. Earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663.</p>
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of EW-R2218.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standards; 2. Impacts on the operation, maintenance, upgrading and development of the National Grid; 3. The risk to the structural integrity of the affected National Grid support structure(s); 4. Any impact on the ability of Transpower to access the National Grid; 5. The risk of electrical hazards affecting public or individual safety, and the risk of property; 6. Technical advice provided by Transpower; and 7. Any effects on National Grid support structures including the creation of an unstable batter. <p>Notification Status:</p> <p>An application for resource consent made in respect of rule EW-R2218.2 is precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2)(i) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>
EW-R 23 19	<p>Earthworks within the gas transmission pipeline corridor</p>
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. For any earthworks within a gas pipeline easement area, a Pipeline Easement Permit is obtained and a copy of the permit is provided to the Council prior to the commencement of the earthworks; or</p> <p>b. For any earthworks outside of a gas pipeline easement area, written advice of the work is provided to the gas transmission pipeline owner and operator at least 15 working days prior to the commencement of the earthworks; and⁴²</p> <p><u>a. Compliance is achieved with EW-S156.</u></p> <p>Note:</p>

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⁴² Firstgas [304.41]

	<p>1. Earthworks, excluding and quarrying, that are undertaken by the owner and operator of the gas transmission pipeline are exempt from EW-R2319.1.</p> <p>2. Clause (a) and (b) above do not apply to earthworks undertaken as part of normal agricultural, horticultural or domestic cultivation activities, or the maintenance and repair, including sealing, of a road, footpath, driveway or farm track.⁴³</p>
All Zones	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance with any of the requirements of EW-R2319.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard(s); 2. <u>The extent to which the earthworks may compromise the ongoing efficient operation, maintenance and upgrading of the gas transmission pipeline, including the ability for continued reasonable access for inspections, maintenance and upgrading;</u> 3. Effects on the stability or integrity of the gas transmission pipeline; 4. The risk of hazards affecting public or individual safety and the risk of property damage; 5. <u>The nature and location of any vegetation to be planted in the vicinity of the gas transmission pipeline;</u> 6. Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline; and 7. The outcome of any consultation with the owner and operator of the gas transmission pipeline. <p>Notification Status:</p> <p>An application for resource consent under Rule EW-R2319.2 is precluded from being publicly notified.</p> <p>Notice of any application for resource consent under this rule must be served on the owner and operator of the Gas Transmission Pipeline in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedures) Regulations 2003.</p>

Rules: Buildings and structures activities

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EW-R2420	Structures used to retain or stabilise landslips
All Zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is achieved with EW-S7.</p>
All Zones	<p>2. Activity status: Restricted Discretionary</p>

⁴³ Consequential amendment in response to Firstgas [304.41]

	<p>Where:</p> <p>a. Compliance with EW-R2420.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> 1. The matters in EW-P3, EW-P4 and EW-P5; and 2. The extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard. <p>Notification Status: an application for resource consent made in respect of rule EW-R2420.1 is precluded from being publicly notified.</p>
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Standards

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EW-S1	Area	
All Zones	<ol style="list-style-type: none"> 1. The total area of earthworks must not exceed 250m² per site in any 12-month period. 	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Whether the stability of land or buildings or structures in or on the site or adjacent sites is likely to be adversely affected; 2. The extent to which the earthworks will reflect and be sympathetic to the natural qualities of the surrounding landform; 3. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; and 4. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021.; and 5. For applications involving areas of earthworks exceeding 1000m² in any 12-month period, the results of an ecological survey conducted by a suitably qualified expert.⁴⁴

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EW-S2	Cut height and fill depth	
All Zones	<ol style="list-style-type: none"> 1. Earthworks must not exceed the maximum cut height or fill depth specified 	<p>Assessment criteria where the standard is infringed:</p>

⁴⁴ 289.12, 289.13, 359.33, 391.280 and 391.281

	<p>in the table below. All heights and depths are expressed in metres, measured vertically.</p>		<ol style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land; 2. Whether the earthworks and associated structures have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the earthworks and construction of associated structures and certify them on their completion; 4. Whether a retaining or stabilising structure or building will be used to support or stabilise the earthworks and the efficacy of the structure or building; 5. Whether the nature of the proposal or the site and the surrounding land and the extent and risk of instability means: <ol style="list-style-type: none"> a. That an earthworks and/or construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process is necessary; or b. That the design of any stabilising structure or building can be assessed at a later date under
<p>Condition</p>	<p>Max cut height/fill depth</p>		
<p>a. Where any cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing)</p>	<p>2.5m</p>		
<p>b. Where a. does not apply and the cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground), when that distance is measured on a horizontal plane</p>	<p>1.5m</p>		

		<p>the building consent process;</p> <p>6. Whether the earthworks are designed in accordance with the relevant provisions of:</p> <ul style="list-style-type: none"> a. The earthworks and design construction criteria in the Wellington City Council Code of Practice for Land Development 2012; b. NZS 4404:2010 Land Development and Subdivision Engineering; and c. NZS 4431:1989 Code of Practice for Earth Fill for Residential Earthworks. NZS 4431:2022 Engineering Fill Construction for Lightweight Structures. <p>7. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks;</p> <p>8. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021;</p> <p>9. The need for, and effectiveness of, measures options to reduce the visual prominence and particularly visual intrusiveness of the earthworks, and any buildings and other structures associated with or subsequently located on them,</p>
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		<p><u>potentially including (but not limited to):</u></p> <ul style="list-style-type: none">a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands;b. Avoiding unnatural scar faces;c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common;d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting;e. Designing and finishing retaining walls or stabilising structures to reflect existing buildings and structures, in urban settings;f. Designing and finishing retaining walls or stabilising structures to reduce their apparent size by, for example, employing features that break up the surface area and create patterns of light and shadow;g. Retaining existing vegetation above, below and at the sides of earthworks and associated structures;h. Integrating new landscaping and associated
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		<p>planting to conceal or soften the appearance of earthworks and associated structures;</p> <p>i. Concealing views of earthworks and associated structures from streets, other public places and other properties through the positioning of proposed or future buildings; and</p> <p>j. Placing pipes below ground or integrating them into earthworks and associated structures.</p>
<p>EW-S3</p>	<p>Existing slope angle</p>	
<p>All Zones</p>	<p>1. Earthworks must not be undertaken on an existing slope angle of 34° or greater, where angles of 34° or greater are sustained over a distance of at least 3m, measured horizontally.</p> <p>The following are exempt from this standard:</p> <p>a. Earthworks compliant with EW-S2.a; and</p> <p>b. Earthworks associated with the repair, maintenance or upgrading of existing buildings or structures used to retain or stabilise earthworks.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land; 2. Whether the earthworks and associated structures have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the earthworks and construction of associated structures and certify them on their completion; 4. Whether a retaining or stabilising structure or building will be used to support or stabilise the earthworks and the efficacy of the structure or building; 5. Whether the nature of the proposal or the site and the surrounding land and the extent and risk of instability means:

		<ul style="list-style-type: none"> a. That an earthworks and/or construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process is necessary; or b. That the design of any stabilising structure or building can be assessed at a later date under the building consent process. <p>6. Whether the earthworks are designed in accordance with the relevant provisions of:</p> <ul style="list-style-type: none"> a. The earthworks and design construction criteria in the Wellington City Council Code of Practice for Land Development 2012; b. NZS 4404:2010 Land Development and Subdivision Engineering; and c. NZS 4431:1989 Code of Practice for Earth Fill for Residential Earthworks NZS 4431:2022 Engineering Fill Construction for Lightweight Structures. <p>7. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks;</p> <p>8. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021;</p> <p>9. The need for, and effectiveness of measures options to reduce the visual prominence and particularly visual intrusiveness of the earthworks, and any buildings and other structures associated with or subsequently located on them, potentially including (but not limited to):</p>
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		<ul style="list-style-type: none"> a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands; b. Avoiding unnatural scar faces; c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common; d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting; e. Designing and finishing retaining walls or stabilising structures to reflect existing buildings and structures, in urban settings; f. Designing and finishing retaining walls or stabilising structures to reduce their apparent size by, for example, employing features that break up the surface area and create patterns of light and shadow; g. Retaining existing vegetation above, below and at the sides of earthworks and associated structures; h. Integrating new landscaping and associated planting to conceal or soften the appearance of earthworks and associated structures; i. Concealing views of earthworks and associated structures from streets, other public places and other properties through the positioning of proposed or future buildings; and j. Placing pipes below ground or integrating them into earthworks and associated structures.
<p>EW-S4</p>	<p>Transport of cut or fill material</p>	

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All Zones	<p>1. The combined volume of cut material resulting from earthworks transported off the site and cleanfill material required for earthworks transported onto the site must not exceed:</p> <ul style="list-style-type: none"> a. 2,000m³ in the <u>Future Urban Zone</u>,⁴⁵ City Centre, Centres, Mixed use and General industrial zones; or b. 200m³ in all other Zones. 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. The extent to which the transport of material to or from the site will adversely affect the amenity of surrounding areas and safety of the roading network, having regard to: <ul style="list-style-type: none"> a. The type of trucks used; b. The frequency, timing and duration of truck movements; c. The proposed route, wherein the use of collector, principal and arterial roads and the State Highway network is favoured over local roads; d. The width, sightlines and other characteristics relating to the safety of roads along the proposed route; e. The presence of sensitive land uses including schools along the proposed route; f. Whether the activity requires the closure of any roads; g. The location of site access and whether this can be sited safely; h. Measures to minimize the risk of material being deposited on roads; and i. Measures to allow traffic, cyclists and pedestrians to move safely past the site; and 2. The need for a traffic management plan, potentially as part of a wider earthworks and/or construction plan, that addresses how the matters referred to in (a)-(i) will be managed, including any procedures for receiving and responding to complaints.
EW-S5	Dust management	
All Zones	1. No earthworks shall create a dust nuisance.	Assessment criteria where the standard is infringed:

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⁴⁵ Rod Halliday [25.29]

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		1. The effectiveness of temporary measures to avoid the creation of a dust nuisance.
EW-S6	Site reinstatement	
All Zones	1. As soon as practical, but not later than three months after the completion of earthworks or stages of earthworks, the earthworks area must be stabilised with vegetation or sealed, paved, metalled or built over.	<p>Assessment criteria where the standard is infringed:</p> <p>1. The effectiveness of permanent measures to avoid erosion, the creation of a dust nuisance, to filter silt and sediment, and reduce the volume and speed of runoff from the site.</p>
EW-S7	Height of structures used to retain or stabilise landslips	
All Zones	1. Structures used to retain or stabilise landslips must be no higher than 2.5m measured vertically.	<p>Assessment criteria where the standard is infringed:</p> <p>1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land;</p> <p>2. Whether the structures have been designed by an appropriately qualified and experienced person;</p> <p>3. Whether an appropriately qualified and experienced person will supervise the construction of the structures and certify them on their completion;</p> <p>4. Whether the structures are designed in accordance with the relevant provisions of:</p> <ul style="list-style-type: none"> a. The earthworks and design construction criteria in the Wellington City Council Code of Practice for Land Development 2012; and b. NZS 4404:2010 Land Development and Subdivision Engineering. <p>5. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks;</p> <p>6. The extent to which the earthworks are designed and</p>

		<p>will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021;</p> <p>7. Measures to reduce the visual prominence and particularly visual intrusiveness of the structures, including:</p> <ul style="list-style-type: none"> a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands; b. Avoiding unnatural scar faces; c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common; d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting; e. Designing and finishing structures to reflect existing buildings and structures, in urban settings; f. Designing and finishing structures to reduce their apparent size by, for example, employing features that break up the surface area and create patterns of light and shadow; g. Retaining existing vegetation above, below and at the sides of structures; h. Integrating new landscaping and associated planting to conceal or soften the appearance of structures; i. Concealing views of structures from streets, other public places and other properties through the positioning of proposed or future buildings; and
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		j. Placing pipes below ground or integrating them into structures.
EW-S8	Cut height and fill depth associated with the construction or maintenance of tracks in the General Rural Zone	
<p><u>General Rural Zones</u>⁴⁶</p>	<p>1. Cut height or fill depth must not exceed:</p> <ul style="list-style-type: none"> a. A maximum of 2.5 metres, measured vertically; and b. <u>The cut height and fill depth does not exceed</u> t⁴⁷ the distance from the nearest site boundary, building or structure (above or below ground), when that distance is measured on a horizontal plane 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Whether the nature of the proposal or the site and the surrounding land necessitates a geotechnical assessment of the geology of the site and the surrounding land; 2. Whether the earthworks have been designed by an appropriately qualified and experienced person; 3. Whether an appropriately qualified and experienced person will supervise the earthworks and certify them on their completion; 4. Whether the nature of the proposal or the site and the surrounding land and the extent and risk of instability means: <ul style="list-style-type: none"> a. That an earthworks and/or construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process is necessary; or b. That the design of any stabilising structure can be assessed at a later date under the building consent process; 5. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; 6. The extent to which the earthworks are designed and will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing

⁴⁶ Administrative amendment

⁴⁷ Administrative amendment

		<p>Activities in the Wellington Region 2021; and</p> <p>7. The need for, and effectiveness of, measures <u>options</u> to reduce the visual prominence and particularly visual intrusiveness of the earthworks, <u>potentially</u> including <u>(but not limited to)</u>:</p> <ol style="list-style-type: none"> a. Designing and engineering to reflect natural landforms and natural features such as cliffs, escarpments, streams and wetlands; b. Avoiding unnatural scar faces; c. Favouring untreated cut faces over artificial finishes in areas where bare rock is common; d. Favouring alternatives to the use of sprayed concrete on cut faces, such as anchored netting; e. Retaining existing vegetation above, below and at the sides of earthworks; f. Integrating new landscaping and associated planting to conceal or soften the appearance of earthworks; g. Placing pipes below ground or integrating them into earthworks.
<p>EW-S9</p>	<p>Track width associated with the construction or maintenance of walking and cycling tracks in the Open Space and Recreation Zones</p>	
<p>Open Space <u>and Recreation</u> ⁴⁸Zones</p>	<p>1. The width of the track surface must not exceed 1.5 metres at any point.</p>	<p>Assessment criteria where the standard is infringed:</p> <ol style="list-style-type: none"> 1. The extent to which the earthworks will reflect and be sympathetic to the natural qualities of the surrounding landform; 2. The effectiveness of measures to retain dust, silt and sediment on site during the course of earthworks; and 3. The extent to which the earthworks are designed and

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⁴⁸ Administrative amendment

		will be managed in accordance the principles and methods in the GWRC's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region 2021.
ISPP	EW-S10	Earthworks on the site of heritage building heritage structures or on a site within a heritage area
All Zones	<p>1. The total area of earthworks must not exceed 10m² in any 12-month period per site.</p> <p>2. The total volume of earthworks must not exceed 10m³ in any 12-month period per site.</p> <p>The following are exempt from standards a. and b. <u>1 and 2</u>⁴⁹ above:</p> <p>a. Earthworks undertaken in the Botanic Gardens and Otari Native Botanic Garden Heritage Areas which are subject to zone based standards.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent of effect of non-compliance on identified heritage values.</p>
P1 Sch1	EW-S11	Earthworks in areas of high coastal natural character within the Coastal Environment
All Zones	<p>1. Earthworks must not exceed:</p> <p>a. A maximum cut height or fill depth greater than 1.5m above ground level measured vertically; and</p> <p>b. The following within any 5-year period:</p> <p>i. 100m² in total area per site.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent and effect of non-compliance on identified coastal natural character values in the area and the ability to integrate and be sympathetic with the surrounding landform.</p>
P1 Sch1	EW-S12	Earthworks in coastal or riparian margins
All Zones	<p>1. The total area of earthworks must not exceed 10m² in any 12-month period per site.</p> <p>2. The total volume of earthworks must not exceed 10m³ in any 12-month period per site.</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent and effect of non-compliance on identified, ecological values or amenity values or landscape values <u>or cultural values</u>⁵⁰.</p>

⁴⁹ Administrative amendment

⁵⁰ Consequential amendment in response to GWRC [351.227]

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<p>EW-S13</p>	<p>Earthworks within outstanding natural features and landscapes, within special amenity landscapes and within the ridgelines and hilltops in the Upper Stebbings Glenside West Development Area Earthworks within: outstanding natural features and landscapes; special amenity landscapes; ridgelines and hilltops overlay; or the ridgetop area of the Upper Stebbings and Glenside West Development Area⁵¹</p>	
<p>All Zones</p>	<p>1. Earthworks must not exceed:</p> <p>a. A maximum cut height or fill depth greater than 1.5m above ground level measured vertically; and</p> <p>b. the following within any 5-year period:</p> <ul style="list-style-type: none"> i. 100m² in total area per site within an identified outstanding natural feature and landscape; or ii. 200m² in total area per site within identified special amenity landscapes; or iii. 200m² in total area per site within the ridgelines and hilltops <u>overlay or the ridgetop area⁵²</u> in the Upper Stebbings <u>and</u> Glenside West Development Area. 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. The extent and effect of non-compliance on identified values and characteristics of outstanding natural features and landscapes, special amenity landscapes, and the ridgelines and hilltops, <u>and in the ridgetop area in</u> the Upper Stebbings Glenside West Development Area and the ability to integrate and be sympathetic with the surrounding landform; and 2. The degree to which the effect of the earthworks can be remedied or mitigated.

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<p>EW-S14</p>	<p>Earthworks in the Airport Zone</p>	
<p>Airport Zone</p>	<p>1. In the Rongotai Ridge Precinct, or in relation to the Hillock at the south end of the Terminal precinct earthworks shall not:</p> <ul style="list-style-type: none"> a. Alter the existing ground level by more than 2.5 metres measured vertically. b. Disturb more than 250m² of ground surface. c. Be undertaken on slopes of more than 34°. <p>2. In the Miramar South Precinct, earthworks must be undertaken in accordance with an Erosion and Sediment Control Plan prepared in accordance with the Erosion and Sediment Control Guidelines for the Wellington Region (or equivalent)</p> <p>3. In all areas:</p> <ul style="list-style-type: none"> a. <u>Anya</u> structure used to retain or stabilize a slope must be no higher 	<p>Assessment criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. Rongotai Ridge Precinct: <ul style="list-style-type: none"> a. Extent of cut faces; b. Enhancement of pedestrian and cycle networks; c. Impact on views of, through and within the site; and d. Connections to community and recreation resources. 2. Miramar South Precinct: <ul style="list-style-type: none"> a. Erosion and Sediment Control Guidelines for the Wellington Region (or equivalent). 3. In all areas, any relevant aspect of: <ul style="list-style-type: none"> a. A Landscape and Visual Amenity Management Plan;

⁵¹ WCC [266.123]

⁵² WCC [266.123]

	<p>than 2.5m measured vertically.</p> <p>b. <u>No earthwork shall create a dust nuisance.</u>⁵³</p> <p>c. <u>As soon practicable, but not later than three months after the completion of earthworks or stages of earthworks, the earthworks area must be stabilised with vegetation or sealed, paved, metalled or built over.</u>⁵⁴</p> <p>Except:</p> <p>a. The construction, upgrade or maintenance of:</p> <p>i. Apron and taxiway surfaces.</p> <p>ii. Road and accessway surfaces.</p>	<p>b. NZS 4404:2010 in particular erosion, sediment and dust control;</p> <p>c. NZS 6803:1999 for management of construction noise;</p> <p>d. An Erosion and Sediment Control Plan;</p> <p>e. A geotechnical assessment.</p> <p>4. In all areas, any relevant aspect of:</p> <p>a. The nature, scale and extent of planting and landscaping;</p> <p>b. Maintenance of planting and landscaping;</p> <p>c. Extent and quality of public recreational access, including connections to existing accessways;</p> <p>d. The nature and scale of engineered retaining features;</p> <p>e. Façade treatment of engineered retaining features over 1.5m in height;</p> <p>f. Staging of earthworks;</p> <p>g. Effects on adjacent residential land;</p> <p>h. Hours of work; and</p> <p>i. Construction traffic.</p> <p>5. <u>With respect to EW-S14(4):</u></p> <p>a. <u>The effectiveness of temporary measures to avoid the creation of dust nuisance.</u></p> <p>6. <u>With respect to EW-S14(5):</u></p> <p>a. <u>The effectiveness of permanent measures to avoid erosion, the creation of dust nuisance, to filter silt and sediment and reduce the volume and speed of runoff from the site.</u>⁵⁵</p>
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⁵³ WIAL [406.381, 406.382, 406.383]

⁵⁴ WIAL [406.381, 406.382, 406.383]

⁵⁵ WIAL [406.381, 406.382, 406.383]

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<p>EW-S15</p>	<p>Earthworks in the Nnational Ggrid Yard and gas transmission pipeline corridor⁵⁶</p>
<p>All Zones</p>	<p>1. Earthworks <u>or vertical holes</u> in the Nnational Ggrid Yard must comply with the following:</p> <ul style="list-style-type: none"> a. Earthworks or vertical hole/s depth must be no greater than: <ul style="list-style-type: none"> i. 300 millimetres within 2.2 metres of any National Grid support poles or stay wires; or ii. 750 millimetres between 2.2 metres and 5 metres of the pole or stay wire. b. Earthworks or vertical hole depth must be no greater than: <ul style="list-style-type: none"> i. 300 millimetres within 6 metres of the outer visible edge of a foundation of any National Grid support tower (including any tubular steel tower that replaces a steel lattice tower); or ii. Between 6 metres and 12 metres from the outer visible edge of a foundation of any National Grid support tower (including any tubular steel tower that replaces a steel lattice tower). c. The earthworks must nNot result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) ISSN 01140663. d. The earthworks must nNot result in vehicular access to a National Grid support structure being permanently obstructed. e. Not compromise the stability of the National Grid Support Structure.⁵⁷ <p>2. Earthworks within the gas transmission pipeline corridor must comply with the following:</p> <ul style="list-style-type: none"> a. The stability or integrity of the gas transmission pipeline is not compromised. b. The earthworks must not involve: <ul style="list-style-type: none"> i. Any permanent alteration to the profile, contour or height of the land within the corridor; or the planting of trees within 10 metres of the gas transmission pipeline. <p>Note: - Clause 2.b. above does not apply to earthworks undertaken as part of normal agricultural, horticultural or domestic cultivation activities, or the maintenance and repair, including sealing, of a road, footpath, driveway or farm track. Clause 2.b. does not apply to earthworks undertaken by a network utility operator within a road reserve.</p>
<p><u>EW-S16⁵⁸</u></p>	<p><u>Earthworks in the Gas Transmission Pipeline Corridor</u></p>
<p><u>All Zones</u></p>	<p>1. <u>Earthworks within the gas transmission pipeline corridor must comply with the following:</u></p> <ul style="list-style-type: none"> <u>a. The disturbance of earth within the gas transmission pipeline corridor shall not exceed 400mm in depth.</u> <u>b. The stability or integrity of the gas transmission pipeline is not compromised.</u> <u>c. The earthworks must not involve:</u> <ul style="list-style-type: none"> <u>i. Any permanent alteration to the profile, contour or height of the land within the corridor; or the planting of trees within 10 metres of the gas transmission pipeline.</u>

⁵⁶ Transpower [315.177]

⁵⁷ Transpower [315.177]

⁵⁸ Transpower [315.177]

	<p><u>Note:</u></p> <p><u>Clause 1.b. above does not apply to earthworks undertaken as part of normal agricultural, horticultural or domestic cultivation activities, or the maintenance and repair, including sealing, of a road, footpath, driveway or farm track.</u></p> <p><u>Clause 1.b. does not apply to earthworks undertaken by a network utility operator within a road reserve.</u></p>
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Ngā Tautuhinga

Definitions

Term	Meaning
CUT HEIGHT	means the maximum height of the cut at the completion of earthworks, measured vertically from the highest point at the top of the cut to the bottom of the cut.
EARTHWORKS	means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.
EXISTING SLOPE ANGLE	<p>means the maximum slope segment angle of all slope segments.</p> <p>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 whichever is the lesser.</p> <p>For a Fill – slope segments are measured (on a horizontal plane); – within the extent of the fill; and – downhill of the fill, the distance to the boundary or 10m whichever is the lesser.</p> <p>A slope segment is a segment of sloping ground that falls generally at the same angle to the horizontal (slope segment angle) <u>sustained over a distance of at least 3m, measured horizontally.</u>⁵⁹</p> <p>...</p>
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.

⁵⁹ Survey & Spatial New Zealand Wellington Branch [439.5]