

# APPENDIX 1

## DISTRICT PLAN CHANGE 70 – EARTHWORKS

### REPORT OF HEARING COMMISSIONER

#### Appendix 1 -Recommended additions amendments and deletions resulting from a consideration of submissions.

#### CHANGES TO NEW EARTHWORKS CHAPTERS 29 AND 30

##### *Changes to the Introduction to Chapter 29*

1. **Include** an additional paragraph to 29.1 Introduction as follows:

“Wellington City contains many archaeological sites relating to Maori occupation and use as well as sites from early European settlement. Earthworks have the potential to destroy, damage or modify unidentified archaeological sites within the City. Archaeological sites associated with human activity that occurred before 1900 are protected by the Historic Places Act 1993. Should an archaeological site be discovered as a result of earthworks (either as a permitted activity or requiring a resource consent) an archaeological authority will be required from the New Zealand Historic Places Trust.”

##### *Changes to Objectives and Policies –Chapter 29*

2. **Amend** the first paragraph the explanation to Policy 29.2.1.2 as follows:

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

3. **Amend** Policy 29.2.1.4 as follows:

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

4. **Amend** paragraphs one, two, three and four of the explanation to Policy 29.2.1.4 as follows:

*“Erosion can take place on exposed or excavated soils. Dust and dirt... Sediment carried into rivers, streams, wetlands, and the harbour and other coastal waters (the coastal marine area) can adversely impact on water quality while multiple earthworks projects can have a cumulative effect on suspended and bedload sediment levels within a river or stream system, the harbour or other coastal waters the coastal marine area.*

*The potential effects .... These options include, minimising the area of disturbance preventing water running onto the site, the control of erosion, managing dust, and installing sediment control structures and maintaining these structures to ensure their ongoing effectiveness.*

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

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

**5. Amend** bullet points one, four and five of paragraph 6 of the explanation to Policy 29.2.1.4 as follows:

- *“The extent that vegetation,... Particular consideration will be given to the protection or restoration of suitable vegetation, soils and drainage patterns, adjacent to rivers, streams, wetlands and the seashore.*
- *~~For large scale earthworks, such as greenfield subdivisions,~~ The extent that the work or subsequent erosion will cumulatively add to existing or expected sediment levels in the relevant river or stream system, the harbour or ~~other coastal waters~~ the coastal marine area.*
- *The extent that the proposal uses ‘soft engineering’ practices to control erosion, dust and sediment, to prevent short term and long term effects beyond the area of the work, particularly to rivers and streams, wetlands and coastal waters.”*

**6. Amend** paragraph 7 (environmental result) of Policy 29.2.1.4 as follows:

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

**7. Amend** paragraph one of 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. 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 use to address this issue must be effective in avoiding significant impacts.”*

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**8. Amend** Policy 29.2.1.6 as follows:

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

- minimising changes to the flow of water in streams or wetlands;
- encouraging appropriate riparian management to ensure that rivers and wetlands stay healthy.

**9. Amend** the third and fourth paragraph of the explanation to Policy 29.2.1.6 as follows:

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

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

**10. Amend** paragraph one of the explanation to policy 29.2.1.7 by adding the following:

*“Earthworks are typically associated with or facilitate another activity or use which can provide social and economic wellbeing. The policies of the underlying zone may be relevant and can be used to recognise the potential benefits of earthworks and other activities.”*

**11. Amend** Policy 29.2.1.9 as follows:

“Control earthworks on the Urban Coastal Edge, areas within the Ridgelines and Hilltops Overlay, Open Space B Areas, Conservation Sites and Heritage Areas and on sites containing listed Heritage Items, to protect the character, visual amenity or heritage value these areas provide to their immediate surrounds and the City.

**12. Amend** paragraph five of the explanation to Policy 29.2.1.9 as follows:

*“When assessing an application for resource consent, in addition to the matters outlined below it is also necessary to have regard to the objectives*

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and policies of the relevant area or topic based chapter. the following matters should be taken into consideration:

- 13. Include** a heading to the list of matters to consider within the Urban Coastal Edge as follows:

*“Matters to consider within the Urban Coastal Edge”*

- 14. Include** the following assessment criteria within the explanation to Policy 29.2.1.9:

“Matters to consider within Heritage Areas or on sites containing Heritage Items:

- The extent to which the earthworks detract from the values for which Heritage Item or Area was listed.
- Whether the earthworks can be achieved without altering the significance of the building, object, item or area.
- The extent to which the earthworks maintain the relationship of the building, object, item or area with its setting.
- Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.”

- 15. Amend** the final sentence of the explanation to Policy 29.2.1.9 as follows:

*“The environmental result will be the protection of the character and visual amenity along suburban coastal roads, within the Ridgelines and Hilltop Overlay, ~~and~~ in Open Space B, ~~and~~ Conservation Sites and within Heritage Areas and Sites containing Heritage Items.”*

- 16. Amend** paragraph one the explanation to policy 29.2.1.12 as follows:

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

### **Changes to Rules – Chapter 30**

- 17. Amend** Rule 30.1 Permitted activities as follows:

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

- ~~Appendix 9 of the Suburban Centres Chapter (Churton Park Village Concept Plan)~~
- Earthworks associated with Wind Energy facilities (refer to Chapter 26).
- Activities that are permitted by Rule 32.1.2 (The removal of underground petroleum storage systems Chapter 32 Contaminated Land Rules)
- Earthworks activities in the Airport and Golf Course Precinct (which must comply with the provision in Chapter 11A).
- Earthworks associated with Network Utilities except for compliance with the following permitted activity conditions:

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

**18. Amend Rule 30.1.1 as follows:**

“30.1.1 Earthworks in the:

- (i) Residential Area (except the Urban Coastal Edge shown on Map 62 and Map 63);
- (ii) Suburban Centre Area (except the Churton Park Concept Area as shown in Appendix 1 to this Chapter);
- (iii) Institutional Precincts;
- ~~(iv) Central Area;~~
- ~~(v) Airport and Golf Course Precinct;~~
- (ivii) Rural Area (excluding the Ridgelines and Hilltops Overlay); and
- (viii) Open Space A and C Areas;

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

**19. Amend the advice note adjacent to Rule 30.1.1 as follows:**

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

**20. Amend** Rule 30.1.1.1(a) (iii) as follows:

“(iii) The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured in a horizontal plane; and”

**21. Amend** Rule 30.1.1.1(b) (ii) as follows:

“(ii) The cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and”

**22. Amend** Rule 30.1.1.1(c) (i) as follows:

“(i) The cut height ~~and~~ or fill depth does not exceed 2.5m; and”

**23. Amend** Rule 30.1.1.1(c) (ii) as follows:

“(ii) The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured in a horizontal plane; and”

**24. Amend** Rule 30.1.1.2 as follows:

“The cut or fill is no closer than the following (measured in a horizontal plane) to a stream, a wetland or the coastal marine area:”

|  |            |
|--|------------|
| Rural Area   | 20m        |
| <u>Suburban Centre Area adjoining the Porirua Stream</u> | <u>10m</u> |
| All other Areas  | 5m         |

**25. Include** a new Rule 30.1.1.5 to be conjunctive with Rule 30.1.1.4 as follows:

“AND

(i) The cut or fill is no closer than 12m to the closest visible edge of the foundation of a high voltage transmission line support structure; and

(ii) Earthworks do not reduce the clearance distance from conductor to ground to less than 10m within 12m of the centreline of an electricity transmission line (as shown on the Planning Maps);”

**26. Delete** Diagram 1 Proximity of Earthwork Area to Boundary, buildings and structures

**27. Amend** the advice note adjacent to Rule 30.1.2 as follows:

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

**28. Amend** Rule 30.1.2.1(a) (ii) as follows:

“(ii) The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured in a horizontal plane; and”

**29. Amend** Rule 30.1.2.1(b) (ii) as follows:

“(ii) The cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and”

**30. Amend** Rule 30.1.2.1(c) (ii) as follows:

“(ii) The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured in a horizontal plane; and”

**31. Amend** Rule 30.1.2.2 as follows:

“The cut or fill is no closer than the following (measured in a horizontal plane) to a stream, a wetland or the coastal marine area:

|  |     |
|--|-----|
| Ridgelines and Hilltops (Rural Area)<br>Conservation Sites<br>Open Space b | 20m |
| All other Areas  | 5m  |

**32. Include** a new Rule 30.1.2.5 to be conjunctive with Rule 30.1.2.4 as follows:

“AND

(i) The cut or fill is no closer than 12m to the closest visible edge of the foundation of a high voltage transmission line support structure; and

(ii) Earthworks do not reduce the clearance distance from conductor to ground to less than 10m within 12m of the centreline of an electricity transmission line (as shown on the Planning Maps);”

**33. Include** a new Rule 30.1.3 as follows:

“30.1.3 Earthworks in the Central Area(excluding in Heritage Areas and on sites containing listed Heritage Items); are Permitted Activities provides that they comply with the following conditions:

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30.1.3.1 (i) The cut height or fill depth does not exceed 1.5m measured vertically; and

(ii) The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured in a horizontal plane; and”

(iii) The cut or fill is not on an existing slope angle exceeding 34 degrees.

OR

(iv) The cut or fill is to be retained by a structure or building authorised by a building consent (which is obtained prior to any earthworks commencing).

AND

30.1.3.2 The area to be cut and filled does not exceed 250m<sup>2</sup>

AND

30.1.3.3 The cut or fill is no closer than 5m the coastal marine area (except for the maintenance of reclamation facings and the maintenance of foundations which support existing equipment and structures in the Operational Port Area and the Port Redevelopment Precinct).

AND

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

**34. Include** the advice note adjacent to Rule 30.1.3 as follows:

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

**35. Include** a new Rule 30.1.4 as follows:

“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:

30.1.4.1 The earthworks are in accordance with the provisions of Appendix 1.”

**36. Include** the advice note adjacent to Rule 30.1.4 as follows:

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



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**37. Renumber** Rule 30.1.3 as 30.1.5 2.

**38. Amend** Rules 30.2.1.1(iii) and (v) as follows:

“(iii) visual amenity – where the cut height or fill depth exceeds 2.5m and the area exceeds 250m<sup>2</sup>”

(v) Earthworks and structures associated with streams and the coastal marine area where the cut or fill is closer than the following (measured in a horizontal plane) to a stream, wetland or the coastal marine area.”

|                 |     |
|-----------------|-----|
| Rural Area      | 20m |
| All other Areas | 5m  |

**39. Include** a new Rule 30.2.1.1(vii) as follows:

“30.2.1.1 (vii) (a) any effects on the integrity of the transmission line  
(b) volume, area and location of the works, including temporary activities such as stockpiles  
(c) timing of the works  
(d) site remediation  
(e) the use of mobile machinery  
(f) compliance with NZECP 34:2001  
(g) outcome of consultation with Transpower New Zealand Ltd”

where the earthworks are within 12m of the closest visible edge of a high voltage transmission line support structure or are within 12m of the centreline of high voltage transmission lines and reduce the clearance distance between conductor and ground to less than 10m.”

**40. Amend** Rules 30.2.1.2(iii) and (v) as follows:

“(iii) visual amenity – where the cut height or fill depth exceeds 1.5m and the area exceeds 100m<sup>2</sup>”

(v) earthworks and structures associated with streams and the coastal marine area where the cut or fill is closer than the following (measured in a horizontal plane) to a stream, or the coastal marine area.”

|                 |     |
|-----------------|-----|
| Rural Area      | 20m |
| All other Areas | 5m  |

**41. Include** a new Rule 30.2.1.2(vi), renumber the subsequent Rule (transport of material) from (vi) to (vii) and add further new Rule 30.2.1.2(viii) as follows:

“(vi) Heritage values (where the site is in a Heritage Area or on a site containing a Heritage Item).  
AND”

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(vii) the transport of materials .....

AND

- (viii) (a) any effects on the integrity of the transmission line  
(b) volume, area and location of the works, including temporary activities such as stockpiles  
(c) timing of the works  
(d) site remediation  
(e) the use of mobile machinery  
(f) compliance with NZECP 34:2001  
(g) outcome of consultation with Transpower New Zealand Ltd

where the earthworks are within 12m of the closest visible edge of a high voltage transmission line support structure or are within 12m of the centreline of high voltage transmission lines and reduce the clearance distance between conductor and ground to less than 10m.”

**42. Include** a new Rule 30.2.2 as follows:

“30.2.2 Earthworks that do not comply with the permitted activity conditions under Rule 30.1.3 (Central Area) are a Discretionary Activity (Restricted)

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

- 30.2.21 (i) earthworks stability (where no building consent for a structure or building is obtained).  
(ii) erosion, dust and sediment control  
(iii) the transport of material where the following limits are exceeded:  
Central Area - 200m<sup>3</sup> (except the Pipitea Precinct and Port Redevelopment Precinct where the limit shall be 2000m<sup>3</sup>)”

**43. Include** the advice note adjacent to Rule 30.2.2 as follows:

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

**44. Include** a new Rule 30.3.3 as follows:

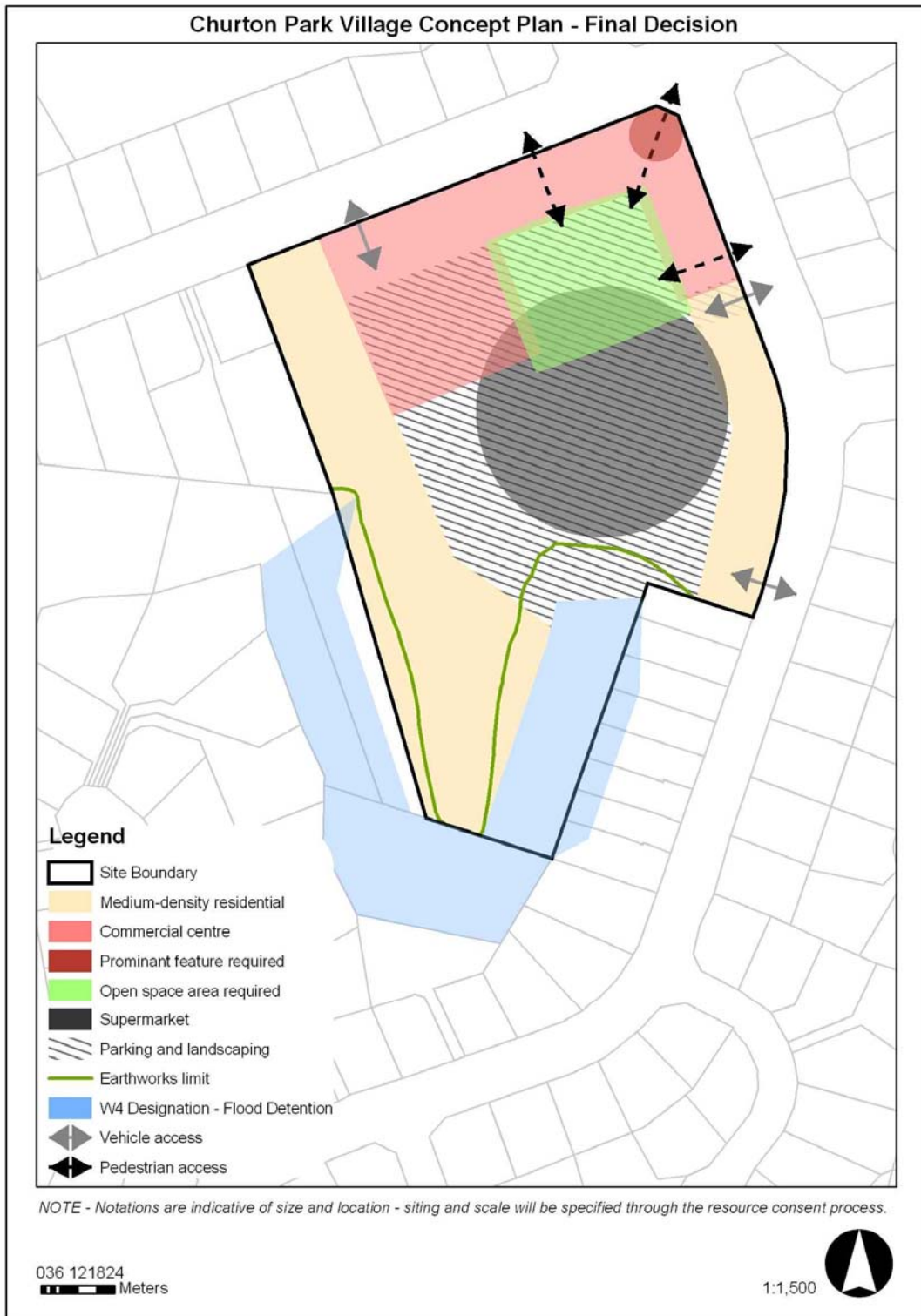
“30.3.3 Earthworks in the Churton Park Village Concept Area (as shown in Appendix 1 to this Chapter) that do not comply with the conditions in Rule 30.1.4:  
are a Discretionary (Unrestricted) Activity”

**45. Include** the advice note adjacent to Rule 30.3.3 as follows:

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

**46. Include** “Churton Park Village Concept Area and Guidelines” as Appendix 1 to the Chapter 30 as follows:

### Churton Park Village Concept Area and Guidelines



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## **Guidelines**

### **1.0 Requirements**

Earthworks for any purpose shall not be undertaken beyond the earthworks limit shown on the Churton Park Village Concept Plan. Any application for earthworks shall be accompanied by a plan showing proposed earthworks overlaid with the concept plan to confirm compliance with this requirement. Earthworks to meet requirement 16 (3m wide access track) or for utility services (such as stormwater pipes and discharge points) beyond the earthworks limit shall not be subject to this requirement.'


### **2.0 Guiding Principles**

#### **2.1 Earthworks**

Any earthworks of 1m or more in depth (cut or fill) measured vertically, or greater than 250m<sup>2</sup> in area, shall provide the following information

- An earthworks plan showing proposed cut and fill areas
- Any erosion and sediment control measures consistent with the principles and measures in Greater Wellington Regional Councils 'Erosion and Sediment Control guidelines for the Wellington Region (2003)' or 'Erosion and Sediment Control for small sites (2006)'
- Details of how cut faces or constructed slope faces will be treated e.g. retaining structures, including materials and/or landscaping details. No cut face should be visible above any building roofline. Constructed slopes should be planted or grassed.
- Identification of any relevant geotechnical issues associated with erosion, falling debris, subsidence, slippage or inundation from any earthworks and related structures or building platforms. A full geotechnical report may be required from an appropriately qualified and experienced person.
- An accompanying assessment of effects detailing the full effects of the works including visual effects, erosion and sedimentation effects, effects on adjacent watercourse (if and where relevant), related geotechnical effects (if and where relevant) and mitigation measures to address the effects.
- For any earthworks adjacent to the W4 - flood detention designation, consideration on whether or not GWRC might be an affected party should be provided.

*\*Trenching for services need not be assessed except when below the 100m contour level as specifically mentioned.*



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## CHANGES TO DISTRICT PLANNING MAPS

47. **Delete** 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 Area where the Open Space B zone meets the Suburban Centre zone.

## CHANGES TO OTHER CHAPTERS

### *Changes to Chapter 3*

48. **Amend** the word "show" to read "shown" in the final bullet point of 3.2.2.7.1 and 3.2.2.7.2

49. **Amend** 3.2.2.7.1 and 3.2.2.7.2 by including additional bullet points as follows:

- “the location of any high voltage transmission lines;
- streams, wetland and waterbodies located within the site and/or 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;
- The location of any NZHPT Registered items or recorded archaeological sites and/or Wellington City Council listed heritage items or sites of significance to Maori;
- Streams, wetland and waterbodies located within the site;
- 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.”

50. **Delete** the definition of “Cut Height” and the associated diagrams and substitute a new definition as follows:

*“**CUT HEIGHT:** means the maximum height of the earthworks cut at any time measured vertically and includes any working cut height during the course of the earthworks.”*

51. **Amend** the definition of “Earthworks” as follows:

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

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52. **Amend** the definition of “Trench” as follows:

**“TRENCH and TRENCHING** means in relation to the earthworks rules, a long narrow excavation for the purpose of installing, maintaining, or replacing, drainage, irrigation, or service connections, electricity and telecommunications cables or other on-site utilities such as lighting systems.”

53. **Delete** the definition of “Stream” and replace with the following definition:

**“RIVER:** means a continually or intermittently flowing body of fresh water and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canal).”

### ***Changes to Permitted Activity Rules in other Chapters***

54. **Include** alongside permitted activity 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 an advice note that states:

“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.”

55. **Amend** Rules 13.1.6 and 13.14.4 to read:

“Any activity relating to the upgrade and maintenance of existing formed roads, paved areas within the Operational Port Area and public accessways including associated earthworks, except the construction of new legal road, is a Permitted activity.”

### ***Changes to Residential Rules – Chapter 5***

56. **Amend** 5.2.5.11 (Residential Rules) as follows:

“Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Residential Area rules (except for rule 30.1.1.1 and 30.1.2.1 earthworks stability.”

### ***Changes to Utilities Chapter 23***

57. **Amend** the reference to 30.1.1.1(b)(iv) in Chapter 23 Utilities to 30.1.1.1(b)(iii).