

Proposed District Plan Variation 6

Amendments to Proposed District Plan Change 33 (Ridgelines and Hilltops (Visual Amenity) and Rural Area)

Earthworks

26 July 2008

Plan Variation Document

Wellington City District Plan

Proposed District Plan Variation 6:

Amendments to Proposed District Plan Change 33 (Ridgelines and Hilltops [Visual Amenity] and Rural Area)

Earthworks

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN –

VOLUME ONE

Detailed below are the Residential, Rural, Open Space and Conservation Site chapters as they were changed under Plan Change 33. The deleted or underlined text are the amendments under this Variation.

Key to Alterations:

Amendment Number
<i>Text within a box is to be change under Variation 6.</i>
<i>Text to be deleted is struck through and new text is <u>underlined</u></i>

Other text, outside a box, has been included to aid the understanding of the Variation

Other text deleted by ~~a double line~~ is text that has been deleted under Proposed Plan Change 65 - Earthworks

4.2 Residential Objectives and Policies

OBJECTIVE

4.2.5 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.

POLICIES

To achieve this objective, Council will:

...

4.2.5.2 Ensure that the adverse visual effects of development are avoided, remedied or mitigated in ways that achieve a relatively undeveloped character within identified ridgelines and hilltops.

METHOD

- Design Guide (Subdivision)
- Rules

The undeveloped character of identified ridgelines and hilltops is an important component of the urban landscape of Wellington. The visual intrusion caused by buildings, structures and earthworks can be detrimental to the visual amenity of the surrounding area, and for this reason Council seeks to control development to ensure that potential visual effects can be addressed at the subdivision design stage. Where specific provisions have been included in Appendices to Chapter 5, such provisions take precedence over provisions for identified ridgelines and hilltops criteria stated elsewhere in Chapter 5.

Matters to consider in assessing applications for earthworks, located within identified ridgelines and hilltops, include:

- The extent to which any earthworks may impact on these prominent or visually sensitive situations.
- The extent that earthworks are sited and designed in ways that avoid being visually obtrusive by:
 - minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views
 - mitigating the visibility of earthworks by appropriate planting and/or screening.
- If the proposed earthworks are within Appendix 17, these assessment criteria will not apply if criteria addressing the same issue are included in the Appendix.

The environmental result will be the visual continuity of a relatively undeveloped character on the upper slopes and summit of ridgelines or hilltops that surround the urban areas of Wellington.

5.3 Residential Discretionary Activities (Restricted)

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

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

~~5.3.9.2 the degree of slope~~

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

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

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

Amendment Two

provided that, if the proposed earthworks are within Appendix 17, the assessment criteria listed under 5.3.9.7 will not apply if criteria addressing the same issue are included in the Appendix.

Standards and Terms

There are no standards and terms.

Assessment Criteria

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

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

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

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

- ~~• minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views~~
- ~~• mitigating the visibility of earthworks by appropriate planting and/or screening~~

~~5.3.9.8 The necessity for carrying out the works.~~

~~5.3.9.9 Whether the earthworks proposed increase or decrease flood hazards.~~

~~5.3.9.10 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.~~

~~5.3.9.11 The effects on any water body or the coastal marine area arising from the contaminants associated with earthworks.~~

~~5.3.9.12 Rule 5.3.9 shall not apply to a subdivision where earthworks is controlled or subject to a discretion in the grant or refusal of a subdivision consent.~~

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

14.2 Rural Area Objectives and Policies

OBJECTIVE

14.2.2 To maintain and enhance the character of the Rural Area by managing the scale, location, rate and design of new building development.

POLICIES

To achieve this objective, Council will:

...

14.2.2.2 Control the construction and siting of new buildings, structures and earthworks on identified ridgelines and hilltops in ways that avoid, remedy or mitigate adverse visual effects on the rural character, while recognising any natural, recreational or heritage values that may exist in these identified areas.

METHOD

- Rules
- Design Guide (Rural Area)

The Council has undertaken a city wide study to identify which important ridgelines and hilltops should be afforded greater protection than less prominent landforms in the city. Visual values were paramount in determining the important ridgelines and hilltops but other natural, recreational and heritage values were also recognised. The important ridgelines and hilltops are identified on the District Plan maps.

In the Rural Area the Council wishes to maintain the relatively undeveloped character of the important ridgelines and hilltops, although this character can vary throughout the Rural Area. Rules have therefore been included to account for variations in local character, whereby any proposed new building, structure or earthworks, can be assessed according to the visibility and how well development can be integrated while maintaining the visual continuity of the ridgeline or hilltop from district wide, community of interest and neighbouring views. These rules provide the management framework for these areas.

It is acknowledged that ridgelines and hilltops in rural areas covered by the Northern Growth Management Framework (adopted by Council in 2003) will be the subject of further work relating to the rezoning of land for future urban development. The adoption of appropriate ridgeline and hilltop provisions in these areas will be part of future changes to the District Plan.

In other rural areas not covered by the ridgeline and hilltop rules, the Rural Area Design Guide will work to ensure that any new development fits sensitively into the landscape.

The environmental result will be the visual integration of new development with the immediate landform and natural features, in context with the wider landscape character of ridgelines and hilltops.

14.2.2.3 Control the construction and siting of buildings, structures and earthworks on identified ridgelines and hilltops in city fringe areas where satisfactory infrastructure allows for future growth.

METHOD

- Rules
- Design Guide (Rural Area)

Some identified ridgelines and hilltops cover rural land, located within or close to existing residential areas, which has potential for low density rural residential type development. These areas have been specifically identified in Appendices 4 to 7 in Chapter 15. Separate ridgeline and hilltop provisions have therefore been included to provide for development in these situations. The Council will seek to ensure that any development is designed to respect the special location. These rules provide the management framework for these areas.

The environmental result will be limited rural residential development that is sensitively designed to respect the important ridgeline and hilltop locations.

OBJECTIVE

14.2.5 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.

POLICIES

To achieve this objective, Council will:

14.2.5.1 Protect significant escarpments and coastal cliffs from development and visual obstruction.

METHOD

- Rules

The Wellington faultscarp, coastal cliffs, areas of open space and skylines are important parts of the City's visual character. Where these are not protected by public ownership, Council aims to restrict development and avoid, remedy or mitigate its visual impact. The Open Space and Rural rules will be the main methods of dealing with this issue, but where possible Council also seeks added protection where subdivision or other non-permitted rural development is proposed.

The environmental result will be the protection of significant features of Wellington's rural landscape.

Amendment Four

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

~~**METHODS**~~

- ~~• Rules~~
- ~~• Design Guides (Rural Area and Subdivision)~~
- ~~• Other mechanisms (WCC Bylaws)~~

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

Amendment Four

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

14.2.5.3 Encourage retention of existing vegetation, especially established trees and existing native vegetation.

METHODS

- Rules
- Design Guides (Rural Area and Subdivision)
- Wellington Wet and Wild: Bush and Streams Restoration Plan
- Open Space Strategy
- Other mechanisms (Rural Community Plans)

Existing native vegetation and established trees are an important element in Wellington's landscape and can also have importance as wildlife habitat, as linking corridors and buffer zones, and for soil and water conservation values. Remaining areas of native vegetation and established trees will be retained as far as possible where subdivision or other development is proposed.

The environmental result will be the greater protection of indigenous ecosystems.

15.1 Rural Area Permitted Activities

15.1.8 Cleanfills of less than 100m³ in volume per title per year (except in identified ridgelines and hilltops) are Permitted Activities.

Amendment Five

Although cleanfills may be acceptable in the Rural Area, ~~a discharge permit resource consent~~ may still be required from Greater Wellington Regional Council under a regional plan or plans. Cleanfills are not considered appropriate in the identified ridgelines and hilltops.

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

~~*For Woodridge Estate, Newlands refer to Appendix 3*~~

Amendment Six

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

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

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

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

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

Amendment Seven

15.1.10 Earthworks within identified ridgelines and hilltops where the ground level is not altered by more than 1.5 metres, measured vertically, are Permitted Activities.

Additional rules apply for earthworks stability and other aspects of earthworks. They are located in Chapter 19.

15.2 Rural Area Controlled Activities

15.2.2 Any subdivision of land involved in the adjustment or relocation of the boundaries of existing allotments except:

- any subdivision that results in the creation of an additional allotment

is a Controlled Activity in respect of:

15.2.2.1 subdivision design, frontage and area

15.2.2.2 site access

15.2.2.3 standard, construction and location of vehicular access

Amendment Eight

15.2.2.4 earthworks

15.2.2.5 4 landscaping

15.2.2.6 5 utility and/or services provision

15.2.2.7 6 protection of any special amenity feature

15.2.2.8 7 esplanade areas

Non-notification

The written approval of affected persons will not be necessary in respect of items 15.2.2.1 to 15.2.2.8 7. Notice of applications need not be served on affected persons and applications need not be notified.

...

15.3 Rural Area Discretionary Activities (Restricted)

Amendment Nine

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

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

~~15.3.5.2 the degree of slope~~

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

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

~~*Non-notification*~~

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

~~*Standards and Terms*~~

~~There are no standards and terms.~~

~~*Assessment Criteria*~~

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

Amendment Ten

~~15.3.5.5 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies. (Council may require a soil rehabilitation plan to be provided).~~

~~15.3.5.6 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces.~~

~~15.3.5.7 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.~~

~~15.3.5.8 The necessity for carrying out the works.~~

~~15.3.5.9 Whether the earthworks proposed increase or decrease flood hazards.~~

~~15.3.5.10 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.~~

~~15.3.5.11 The effects on any water body or the coastal marine area arising from the contaminants associated with earthworks.~~

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

15.4 Rural Area Discretionary Activities (Unrestricted)

15.4.2 The construction or, alteration of, or addition to buildings or siting of structures or undertaking of earthworks (except minor rural structures and earthworks that are Permitted Activities) within identified ridgelines and hilltops are Discretionary Activities (Unrestricted).

Assessment Criteria

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

- 15.4.2.1 Whether the site is located in a remote area where the construction of any buildings or structures, or associated road and earthworks, would detract from the character of the surrounding landscape.
- 15.4.2.2 The extent that future earthworks, buildings and structures are sited and designed in ways that avoid being visually obtrusive by:
- ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop
 - minimising skyline effects and visibility of buildings, structures and earthworks by construction design, in relation to district wide, community wide and neighbouring views
 - using local topography, and/or allowing earthworks, to create a backdrop to development with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.
- 15.4.2.3 The extent to which the siting of any earthworks, buildings or structures will remove existing vegetation where existing vegetation mitigates the visibility of earthworks, buildings or structures.

- 15.4.2.4 The extent to which new planting mitigates the visibility of the earthworks, buildings or structures.
- 15.4.2.5 The extent to which the proposal meets the relevant aspects of the Rural Design Guide.
- 15.4.2.6 Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.
- 15.4.2.7 The extent to which effects on any other natural, recreational or heritage values can be avoided, remedied or mitigated.

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

Amendment Eleven

In addition to the above assessment criteria, ~~Council's Earthworks Bylaw (Part 8)~~ is rules for earthworks stability are designed to ensure that ~~any~~ earthworks are properly engineered and ~~will be safe~~. the risk of instability is minimised. Further rules address the control of erosion, dust and sediment, and other aspects of earthworks. These rules are in Chapter 19.

Council is concerned that earthworks located within identified ridgelines and hilltops should not adversely affect existing landforms or detract from the amenities of an area.

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

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

Assessment Criteria

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

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

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

Amendment Twelve

In addition to the above assessment criteria, rules for earthworks stability are designed to ensure that earthworks are properly engineered and the risk of instability is minimised. Further rules address the control of erosion, dust and sediment, and other aspects of earthworks. These rules are in Chapter 19.

16.2 Open Space Objectives and Policies

OBJECTIVE

16.5.2 To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.

POLICIES

To achieve this outcome, Council will:

...

16.5.2.2 Restrict the construction of buildings, structures and earthworks on identified ridgelines and hilltops.

METHODS

- Rules
- Operational activities (Reserves management, Management Plans)

The Council has undertaken a city wide study to identify which important ridgelines and hilltops should be afforded greater protection than less prominent landforms in the city. Visual values were paramount in determining the important ridgelines and hilltops but other natural, recreational and heritage values were also recognised. The important ridgelines and hilltops are identified on the District Plan maps as identified ridgelines and hilltops.

Undeveloped ridgelines and hilltops, are an important contributor to the landscape of the city. The visual intrusion caused by buildings, structures and earthworks can be detrimental to the visual amenity of the open space zone and the surrounding area, and for this reason Council seeks to control development to ensure that any adverse visual effects can be avoided, remedied or mitigated. To prevent such effects, development on identified ridgelines and hilltops will be assessed to ensure that where buildings, structures and earthworks are to be

located within identified ridgelines and hilltop overlay map, they are visually integrated into the landscape.

Amendment Thirteen

Excavations or earthfills can leave unnatural forms and unsightly scars which detract from the amenities of an area. ~~The city bylaws control earthworks~~ Rules for earthworks stability are designed to ensure that ~~they~~ earthworks are properly engineered ;but the District Plan provisions consider the potential for effects on amenity. and the risk of instability is minimised. Further rules address the control of erosion, dust and sediment, and other aspects of earthworks. These rules are in Chapter 19.

Council's aim is to ensure that earthworks located within identified ridgelines and hilltops do not cause any visual detracton from the landscape.

The environmental result will be the protection of significant skylines from intrusive new development.

17.3 Open Space Discretionary Activities (Unrestricted)

**17.3.2 Any recreational and other activities in Open Space B or Open Space C not specifically provided for as Permitted Activities;
and
any construction, alteration of and additions to buildings and structures in Open Space B or Open Space C not specifically provided for as Permitted Activities are Discretionary Activities (Unrestricted).**

Assessment Criteria

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

- 17.3.2.1 Whether the structure is designed and located so as to be visually unobtrusive.
- 17.3.2.2 The extent that buildings and structures within identified ridgelines and hilltops are sited and designed in ways that avoid visually obtrusive development by:
- ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop
 - ensuring that the visibility of buildings, structures and earthworks is mitigated by appropriate siting and design, and planting and/or screening when viewed from district wide, community wide and neighbouring land
 - minimising skyline effects by ensuring that buildings and structures will be seen against a landform backdrop when viewed from district wide, community wide and neighbouring land
- 17.3.2.3 Whether the structure is needed for the public enjoyment of the site's recreational potential.

17.3.2.4 Whether the site's open space character is maintained.

17.3.2.5 Any relevant provisions of:

- Reserves Act 1977 and any amendments to that Act
- Queen Elizabeth II National Trust Act 1977 and any amendments to that Act
- any management plan prepared for the site e.g. Belmont Regional Park Management Plan and the Wellington Town Belt Management Plan
- the Town Belt Deed 1873.

17.3.2.6 Whether established public access or the possibility of such access is maintained.

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

17.3.2.8 The extent to which any adverse effects of any new accessway or carparking, or change in use of any existing accessway or carparking, can be avoided, remedied or mitigated.

In general, structures on Open Space B or Open Space C are viewed unfavourably unless there is a need for public facilities that cannot reasonably be satisfied by using other land. Council will pay particular attention to this point in decisions on the use of Inner Town Belt land. In cases where buildings and structures are to be located in the Open Space B or Open Space C zones that are also within the ridgelines and hilltops overlay area, Council seeks to ensure that any adverse visual effects will be avoided, mitigated or remedied. Opportunity for design solutions is possible through the assessment criteria, and activities will be carefully assessed to ensure that where development is proposed in these areas, it is done in a comprehensive and sensitive manner responsive to the local natural features. Careful consideration will be given to proposals which might result in the modification of skylines. Any new building works will also be governed by the provisions of any relevant management plans (for example the Wellington Town Belt Management Plan).

Amendment Fourteen

17.3.3 The removal, relocation or deposit of earth, located within identified ridgelines and hilltops, ~~which is not a Permitted Activity~~ is a Discretionary Activity (Unrestricted).

Assessment Criteria

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

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

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

Amendment Fifteen

17.3.3.1 The extent to which earthworks located within identified ridgelines and hilltops, may impact on these prominent or visually sensitive situations.

17.3.3.3 2 The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, identified ridgelines and hilltops, cliffs, escarpments and waterbodies. Where The extent that earthworks, located within identified ridgelines and hilltops, ~~the extent that earthworks~~ are sited and designed in ways that avoid being visually obtrusive by:

- minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views
- mitigating the visibility of earthworks by appropriate planting and/or screening.

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

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

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

Amendment Sixteen

~~Council's Earthworks Bylaw (Part 8) is~~ Rules for earthworks stability are designed to ensure that any earthworks are properly engineered and will be safe. the risk of instability is minimised. Further rules address the control of erosion, dust and sediment, and other aspects of earthworks. These rules are in Chapter 19.

Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control is imposed on earthwork located within identified ridgelines and hilltops so that any proposal may be evaluated.

18.2 Conservation Site Objectives and Policies

OBJECTIVE

18.2.1 To maintain and enhance indigenous and part indigenous habitats and ecosystems, especially those classified as Conservation Sites, by protecting them from modification and loss.

POLICIES

To achieve this objective, Council will:

- 18.2.1.1 Raise the awareness of the ecological features of Wellington's natural environment by defining ecologically valuable sites on public and private land as Conservation Sites.**
- 18.2.1.2 Work to address conservation aims by progressively addressing privately and publicly owned Conservation Sites through a Conservation Strategy.**
- 18.2.1.3 Control the effects of uses and activities that could modify or disrupt the ecosystems of Conservation Sites or adversely affect adjoining areas or the amenity values of Conservation Sites, by requiring any such use or activity to obtain a resource consent.**
- 18.2.1.4 Recognise the value of public access to and recreational use of publicly owned Conservation Sites provided that such use does not significantly damage or disrupt the Site's ecosystems.**

METHODS

- Rules
- Operational activities (conservation strategy, reserve management plans)
- Advocacy

Around Wellington there are many areas, important for conservation purposes, that need to be secured for their present or future value. Rules have therefore been included in the Plan to protect ecological values. There may be circumstances where it is inappropriate for Council to restrict the use of private land. Through a Conservation Strategy that offers incentives of varying types, on a case-by-case basis, it is envisaged that ecological values will be progressively conserved and will become assets rather than liabilities for landowners.

As well as identification as a Conservation Site in the District Plan, areas of public land can be further protected by legislation such as the Conservation Act 1987 and the Reserves Act 1977.

Rules to restrict activities that impact on Conservation Sites, both externally and internally, are designed to maintain the natural values associated with the sites by protecting them from destruction or damage.

The environmental result will be the enhancement of ecological and conservation values in Wellington over time, as the number of Conservation Sites protected by the Plan increases.

19.4 Conservation Site Discretionary Activities (Unrestricted)

19.4.1 Any activity which is not a conservation activity and which is not otherwise specified as a Permitted, Controlled or Discretionary (Restricted) Activity, and any building or structure (except fences less than 2 metres in height) is a Discretionary Activity (Unrestricted).

Assessment Criteria

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

- 19.4.1.1 The need for the activity or structure for the maintenance or enhancement of the ecological values of the site.
- 19.4.1.2 The extent to which the ecological values of the site are adversely affected.
- 19.4.1.3 The effect of the activity, building or structure on adjoining areas.
- Reserves Act 1977 and any amendments to that Act
 - Queen Elizabeth II National Trust Act 1977 and any amendments to that Act
 - any management plan prepared for the site.
- 19.4.1.5 The extent to which any activity, building or structure would impact on prominent or visually sensitive situations, including the coastal marine area, identified ridgelines and hilltops, cliffs, escarpments and waterbodies. Where located within identified ridgelines and hilltops, the extent that buildings and structures are sited and designed in ways that avoid being visually obtrusive by:
- ensuring that buildings and structures do not appear to encroach onto the upper most slopes and summit of the ridgeline or hilltop

- minimising skyline effects by ensuring that buildings and structures will be seen against a landform backdrop when viewed from district wide, community wide and neighbouring land
- ensuring that the visibility of buildings, structures and earthworks is mitigated by appropriate siting and design, and planting and/or screening when viewed from district wide, community wide and neighbouring land

19.4.1.6 The extent to which the structure or activity affects current or future access to the site and the amenity values of the site.

Conservation Sites identify part of our natural heritage and therefore Council wishes to protect the ecological values associated with Conservation Sites. In general, non-conservation activities will be assessed as Discretionary (Unrestricted) Activities. However, some non-conservation activities are otherwise provided for as Permitted, Controlled, or Discretionary (Restricted) Activities. The construction, alteration of, and addition to all buildings and structures, except permitted fences are also Discretionary (Unrestricted). These activities will be closely scrutinised to ensure that they do not undermine the ecological significance of the site, or unduly affect access or other values of the site or adjoining areas. In cases where buildings and structures are to be located in Conservation Sites that are also within the ridgelines and hilltops overlay area, Council seeks to ensure that any adverse visual effects will be avoided, mitigated or remedied. Opportunity for design solutions is possible through the assessment criteria, and activities will be carefully assessed to ensure that where development is proposed in these areas, it is done in a comprehensive and sensitive manner responsive to the local natural features. Careful consideration will be given to proposals which might result in the modification of skylines.

19.4.2 The removal, relocation or deposit of earth, located within identified ridgelines and hilltops, which is not a Permitted Activity is a Discretionary Activity (Unrestricted).

Assessment Criteria

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

~~19.4.2.1 The necessity for carrying out the works.~~

~~19.4.2.2 The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, or affect existing natural features, such as waterbodies.~~

~~19.4.2.3 The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council seeks to avoid the creation of unnatural scar faces.~~

Amendment Seventeen

19.4.2.1 The extent to which earthworks located within identified ridgelines and hilltops, may impact on these prominent or visually sensitive situations.

19.4.2.3 2 The extent to which any earthworks would impact on prominent or visually sensitive situations, including the coastal marine area, identified ridgelines and hilltops, cliffs, escarpments and waterbodies. Where The extent that earthworks, located within identified ridgelines and hilltops, ~~the extent that earthworks~~ are sited and designed in ways that avoid being visually obtrusive by:

- minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views
- mitigating the visibility of earthworks by appropriate planting and/or screening.

~~19.4.2.5 Whether the earthworks proposed increase or decrease flood hazards.~~

Amendment Eighteen

Council's Earthworks Bylaw (Part 8) is Rules for earthworks stability are designed to ensure that any earthworks are properly engineered and will be safe. the risk of instability is minimised. Further rules address the control of erosion, dust and sediment, and other aspects of earthworks. These rules are in Chapter 19.

Council is concerned that earthworks should not adversely affect existing landforms or detract from the amenities of an area. Discretionary control is imposed on earthwork located within identified ridgelines and hilltops so that any proposal may be evaluated.

END