

30.1 Permitted Activities

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

- 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 provisions in Chapter 11A).
- Earthworks associated with Network Utilities except for compliance with the following permitted activity conditions:

Erosion Dust and Sediment Control	30.1.1.1(a) (iv) 30.1.1.1(b) (iii) 30.1.1.4 30.1.2.1(a) (iv) 30.1.2.1(b) (iii) 30.1.2.4
Flooding Hazard	30.1.1.3 30.1.2.3
Effects on Rivers (including streams), Wetlands and the Coastal Marine Area	30.1.1.2 30.1.2.2

30.1.1 Earthworks in the:

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

- (i) Residential Area (except the Urban Coastal Edge shown on Map 62 and Map 63;
- (ii) Centres and Business Areas (except the Churton Park Concept Area as shown in Appendix 1 to this chapter);
- (iii) Institutional Precincts;
- (iv) Rural Area (excluding the Ridgelines and Hilltops Overlay); and

(v) Open Space A and C Areas;

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

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

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

(ii) The cut or fill is not on an existing slope angle exceeding 34 degrees; and

(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 on a horizontal plane; and

Refer to Diagram 1 for explanation of (iii)

(iv) The area to be cut or filled does not exceed 250m².

OR

30.1.1.1(b) (i) The cut height or fill depth does not exceed 2.5m measured vertically; and

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

(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

(iii) The area to be cut and/or filled does not exceed 250².

OR

30.1.1.1(c) For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area:

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

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

OR

30.1.1.1(d) The earthworks are for the construction or maintenance of walking or cycling tracks in Open Space A and C Areas and the track surface does not exceed 1.5m wide (Conditions 30.1.1.2 to 30.1.1.4 do not apply).

AND

30.1.1.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a river (including streams), a wetland or the coastal marine area:

Rural Area	20m
Centres and Business Areas adjoining the Porirua Stream	10m
All other areas	5m

AND

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

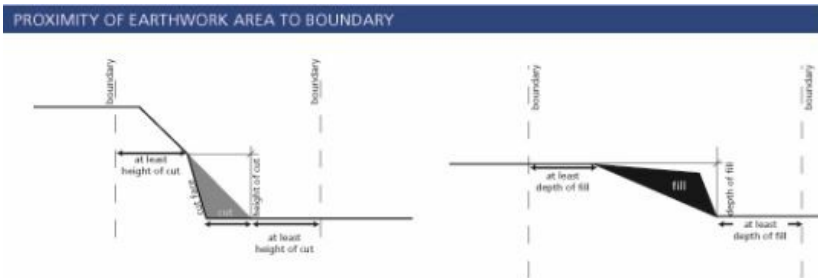
AND

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

AND

30.1.1.5 (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).

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



30.1.2 Earthworks in the:
 (i) **Urban Coastal Edge (as shown on Map 62 and Map 63);**
 (ii) **Open Space B Areas**
 (iii) **Conservation Sites**
 (iv) **Ridgelines and Hilltops Overlay (Rural Area) ; and**
 (v) **in Heritage Areas and on sites containing listed Heritage Items;**
are Permitted Activities provided that they comply with the following conditions:

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

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

Refer to Definitions for Existing Slope Angle, Cut Height and Fill Depth Refer to Diagram 1 for explanation of (iii) A resource consent may also be required from Greater Wellington for earthworks on erosion prone land; for work in the bed of streams; the maintenance, upgrading or construction of access roads and farm tracks; the construction of small dams or where sediment will be discharged into streams.

OR

30.1.2.1(b) (i) The cut height or fill depth does not exceed 1.5m measured vertically; and
 (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
 (iii) The area to be cut and/or filled does not exceed 100m².

OR

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

OR

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

AND

In Heritage Areas and Heritage Items Rule 21B.1.3 also applies

- 30.1.2.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a river (including streams), a wetland or the coastal marine area:

Ridgelines and Hilltops (Rural Area) Conservation Sites Open Space B	20m
Centres and Business Areas adjoining the Porirua Stream	10m
All other areas	5m

AND

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

AND

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

AND

- 30.1.2.5 (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).

**30.1.3 Earthworks in the:
 (i) Central Area (excluding in Heritage Areas and sites containing listed Heritage Items)
 are Permitted Activities provided that they comply with the following conditions:**

Earthworks may expose koiwi (human remains), taonga or archaeological material. Archaeological sites are protected by the Historic Places Act 1993 and an Archaeological Authority may be required from the New Zealand Historic Places Trust to destroy, damage or modify these sites. Owners / applicants should contact the Historic Places Trust, Wellington Tenth's Trust and Ngati Toa Rangatira, about the location of

archaeological sites, or in the event that a site is discovered.

- 30.1.3.1 (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 on 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).

30.1.3.2 The area to be cut or filled does not exceed 250m².

AND

30.1.3.3 The cut or fill is no closer than 5m to 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.

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

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

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

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

Landslips that are not caused by excavation or other human activities are not 'earthworks' However, work to clean up or reshape ground after a landslip are 'earthworks' and Rule 30.1.1 or Rule 30.1.2 apply. This rule applies where no

earthworks are needed to retain or stabilise a landslip

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

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

30.2 Discretionary Activities (Restricted)

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

All applications for resource consent within Maori Precincts, or sites of significance to tangata whenua or other Maori, must include a cultural impact report with input from tangata whenua and other Maori. Some of the chapter appendices for Residential, Rural and Open Space have separate or additional rules for earthworks

(i) Earthworks that do not comply with the permitted activity conditions in the Ridgelines and Hilltops Overlay (Rural Area and Open Space B); and

- (i) Earthworks in the:**
 - (a) Centres and Business Areas - Tawa Hazard (Flooding) Area closer than 5m to the Porirua Stream; and**
 - (b) Centres and Business Areas - Takapu Hazard (Flooding) Area closer than 5m to the Takapu Stream;**

are a Discretionary Activity (Restricted).

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

(i) earthworks stability (except for cuts and fills for tracks associated with permitted rural activities);

(ii) erosion, dust and sediment control;

(iii) visual amenity – where the cut height or fill depth exceeds 2.5m or the area exceeds 250m²;

(iv) the flooding hazard (if located in a Hazard (Flooding) Area);

(v) Earthworks and structures associated with rivers (including streams) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a river (including streams), wetland or the coastal marine area:

Rural Area	20m
All other areas	5m

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

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

- Central Area	
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AND

- (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.

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

- (i) earthworks stability;**
- (ii) erosion, dust and sediment control;**
- (iii) visual amenity – where the cut height or fill depth exceeds 1.5m or the area exceeds 100m²;**
- (iv) the flooding hazard (if located in a Hazard (flooding) Area ;**
- (v) earthworks and structures associated with rivers (including streams) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a river (including streams) or the coastal marine area:**

Rural Area	20m
All other areas	5m

(vi) Heritage values (where the site is in a Heritage Area or on a site containing a Heritage Item);

(vii) the transport of material where the following limits are exceeded:

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

AND

- (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.

Non- notification/service

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

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

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

For non compliance with permitted activity conditions in 30.1.3 Council has restricted its discretion to;

- 30.2.2.1 (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 Central Area 200m³ (except the Pipitea Precinct and Port Redevelopment Precinct where the limit shall be 2000m³)**

Non- notification/service

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

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

All applications for resource consent within Maori Precincts, or sites of significance to tangata whenua or other Maori, must include a cultural impact report with input from tangata whenua and other Maori. Some of the chapter appendices for Residential, Rural and Open Space have separate or additional rules for earthworks

For non compliance with permitted activity conditions in 30.1.5 Council has restricted its discretion to;

30.2.3.1 Visual Amenity:

Non- notification/service

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

30.3 Discretionary Activities (Unrestricted)

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

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

are a Discretionary (Unrestricted) Activity.

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

are a Discretionary (Unrestricted) Activity.

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.

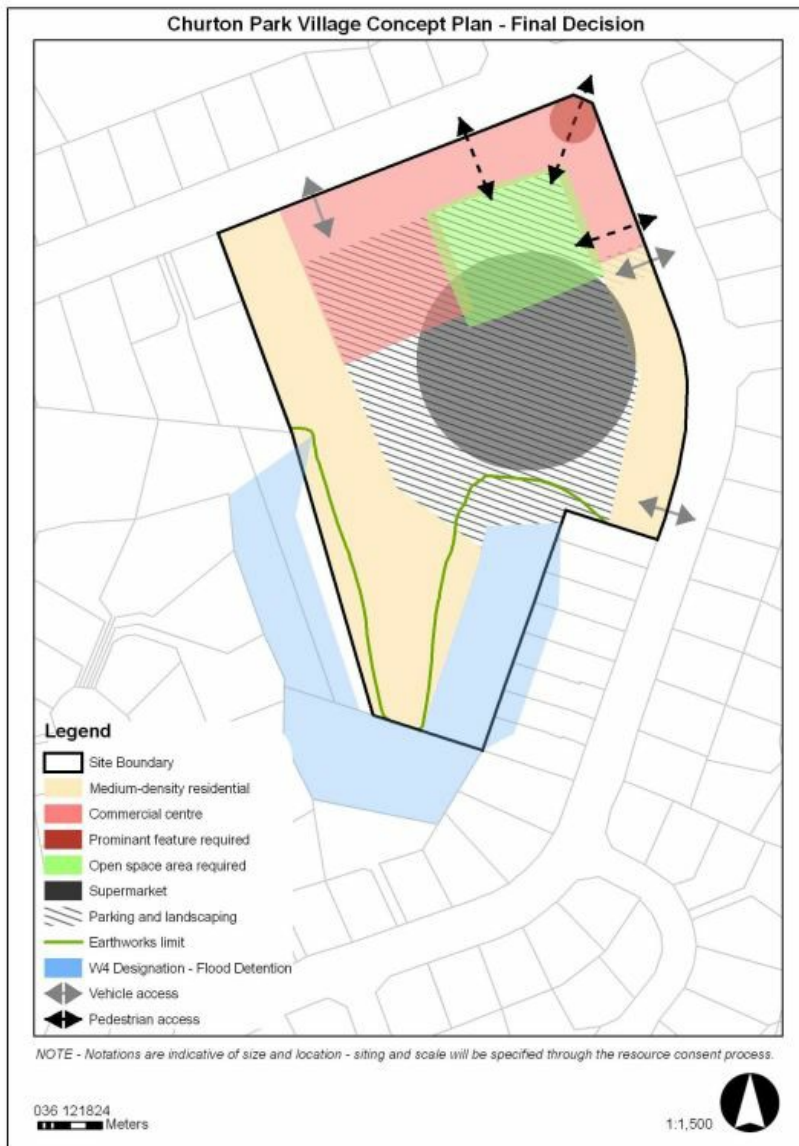
All applications for resource consent within Maori Precincts, or sites of significance to tangata whenua or other Maori, must include a cultural impact report with input from tangata whenua and other Maori

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

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

1 APPENDIX

Churton Park Village Concept Area and Guidelines



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 250m² 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.*