

**Note:**

*This section introduced through Plan Change 27 is subject to changes proposed through Stage 4 of the District Plan Review. Plan Change 27 provisions subject to appeal are outlined in red.*

*Changes proposed through Stage 4 as notified are shown using ~~strikethrough~~ and underlining, changes proposed in s42A reports are shown using ~~double-strikethrough~~ and double underlining, and are shaded as follows to indicate which variation proposes the deletion or amendment.*

*Further or different amendments made by the Hearing Panel are shown in red font as ~~strike-out~~ and underlining.*

*Changes are shaded as follows to indicate which variation proposes the deletion or amendment:*

Variation 1 to PC27 – associated with Plan Change 28

Variation 2 to PC27 – associated with Plan Change 29

Variation 3 to PC27 – associated with Plan Change 30

## Earthworks

### Introduction

Earthworks are the physical works that modify land so that it can be used for residential, commercial, rural, or recreational activities and for the construction of building foundations and other infrastructure. Earthworks and land disturbance are an essential part of the use and development of land. However, if not appropriately managed, earthworks can adversely affect amenity values (due to their visual, dust, nuisance, noise, and traffic effects) and result in changes to natural landforms. They can also result in land instability increasing risk to people and property, affect important natural environmental values, and affect mana whenua values, particularly in and around Sites and Areas of Significance to Māori.

The earthworks provisions manage the scale of earthworks to address these effects by setting permitted thresholds, and requiring resource consent above these, where more specific assessment is required to ensure effects are adequately addressed and managed.

This earthworks chapter covers general earthworks provisions in all rural, residential, commercial and mixed use, land and industrial, open space and sport and active recreation<sup>1</sup> zones. Additional earthworks provisions may apply within overlays such as Outstanding Natural Landscapes and Sites and Areas of Significance to Māori, and for Notable Trees. These earthworks provisions have been included in the respective Overlay chapters because they address the overlay related effects of earthworks on the identified values, characteristics, risks, or features. The earthworks provisions within overlays apply in addition to the provisions of this chapter unless specified otherwise.

**Advice Note:** The rules in this chapter do not apply to the Open Space and Recreation and Airport, Glentanner, Pūkaki Downs or Pūkaki Village Special Purpose Zone, or rule NH-R5,<sup>2</sup> unless otherwise

<sup>1</sup> TLGL (PC29.10.05)

<sup>2</sup> CRC (50.28)

~~stated in those chapters. This chapter does not apply to earthworks within the beds of lakes and rivers, which are managed under the regional planning framework.<sup>24</sup>~~

## Objectives and Policies

Objective	
<b>EW-O1</b>	<b>Earthworks</b>
Earthworks to facilitate subdivision, land use and development are undertaken in a way that minimises adverse effects on landscape values, ecosystems and indigenous biodiversity, natural character values, visual amenity and mana whenua values and protects the safety of people and property and the safe and efficient operation of infrastructure.	
Policies	
<b>EW-P1</b>	<b>Enable Earthworks</b>
Enable earthworks that are small in scale, or limited to the maintenance and repair of existing activities.	
<b>EW-P2</b>	<b>Manage Earthworks</b>
<p>Manage the adverse effects of earthworks, including their scale and nature, to:</p> <ol style="list-style-type: none"> <li>1. minimise adverse effects on the character, values and qualities of the surrounding environment, relative to the sensitivity of the surrounding environment;</li> <li>2. ensure the stability of adjoining land, infrastructure, buildings, and structures is not compromised;</li> <li>3. minimise silt and sediment loss from the site; and</li> <li>4. ensure that sites are appropriately rehabilitated following completion of earthworks.</li> </ol>	

## Rules

### Notes for Plan Users:

1. Activities must also comply with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
2. Notwithstanding the rules in the District Plan:
  - a. the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 apply to earthworks associated with commercial forestry as defined in the regulations.

<sup>3</sup> OWL (64.10)

<sup>4</sup> Clause 16 - Advice note relocated to “Notes for Plan Users” under Rules heading.

3. *The rules in this chapter do not apply to the Open Space and Recreation and Airport, Glentanner, Pūkaki Downs or Pūkaki Village Special Purpose Zone, or rule NH-R5,<sup>5</sup> unless otherwise stated in those chapters. This chapter does not apply to earthworks within the beds of lakes and rivers, which are managed under the regional planning framework.<sup>6</sup>*

EW-R1	Earthworks for Maintenance or Repair of Existing Activities	
All Zones	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The earthworks are for the purpose of maintenance or repair of existing: <ol style="list-style-type: none"> <li>a. fence lines</li> <li>b. vehicle tracks</li> <li>c. roads and associated infrastructure</li> <li>d. stock tracks and crossings</li> <li>e. firebreaks</li> <li>f. drains</li> <li>g. ponds</li> <li>h. dams</li> <li>i. stockyards</li> <li>j. farm buildings</li> <li>k. water troughs and associated reticulation piping</li> <li>l. airstrips</li> <li>m. walking and cycling tracks</li> <li>n. fuel storage systems (including removal or replacement) in accordance with Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</li> </ol> </li> </ol>	<p><b>Activity status when compliance is not achieved with R1.1:</b> Refer to EW-R4</p> <p><b>Activity status when compliance with standard(s) is not achieved:</b> Refer to relevant standard(s).</p>

<sup>5</sup> CRC (50.28)

<sup>6</sup> OWL (64.10)

	<p><b>And the activity complies with the following standards:</b></p> <p>EW-S4 – Accidental Discovery Protocol EW-S6 – Proximity to the National Grid</p>	
<b>EW-R2</b>	<b>Earthworks and Land Disturbance for Specific Activities</b>	
<b>All Zones</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>The earthworks and land disturbance are: <ol style="list-style-type: none"> <li>subject to a building consent;</li> <li>for gardening and/or landscaping;</li> <li>for cultivation;</li> <li>holes for trees or other plants;</li> <li>for the installation of fence posts;</li> <li>for an offal or farm rubbish pit; or</li> <li>for the burying of material infected by unwanted organisms as declared by the Ministry of Primary Industries and carried out as directed by a person authorised under the Biosecurity Act 1993.</li> </ol> </li> </ol> <p><b>And the activity complies with the following standards:</b></p> <p>EW-S4 – Accidental Discovery Protocol EW-S6 – Proximity to the National Grid</p>	<p><b>Activity status when compliance is not achieved with R2.1:</b> Refer to EW-R4</p> <p><b>Activity status when compliance with standard(s) is not achieved:</b> Refer to relevant standard(s).</p>
<b>EW-R3</b>	<b>Earthworks not Specified in EW-R1 or EW-R2</b>	
<b>GRUZ</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>Earthworks on any site shall not exceed 1500m<sup>3</sup> by volume and 2500m<sup>2</sup> by area per site in any 12 month period.</li> </ol>	<p><b>Activity status when compliance is not achieved with R3.1:</b> RDIS</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>The potential for adverse effects from the earthworks in terms of visual amenity and landscape character.</li> </ol>

	<p><b>And the activity complies with the following standards:</b></p> <p>EW-S1 – Maximum slope Gradient EW-S2 – Excavation and Filling EW-S3 – Rehabilitation and Reinstatement EW-S4 – Accidental Discovery Protocol EW-S5 – Specific Locations EW-S6 – Proximity to the National Grid</p>	<p>b. The extent of any potential dust nuisance, sedimentation, <b>flooding<sup>7</sup></b> and water or wind erosion effects resulting from the earthworks.</p> <p>c. The extent of land instability effects.</p> <p>d. The extent of any adverse effects from vibration associated with the earthworks.</p> <p>e. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</p> <p><b>Activity status when compliance with standard(s) is not achieved:</b> Refer to relevant standard(s).</p>
<p>RESZ RLZ CMUZ GIZ <b>OSZ</b> <b>SARZ</b> <b>ASPZ</b></p>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <p>2. Earthworks on any site shall not exceed 1000m<sup>3</sup> by volume and 2500m<sup>2</sup> by area per site in any 12 month period.</p> <p><b>And the activity complies with the following standards:</b></p> <p>EW-S1 – Maximum Slope Gradient EW-S2 – Excavation and Filling EW-S3 – Rehabilitation and Reinstatement EW-S4 – Accidental Discovery Protocol EW-S5 – Specific Locations EW-S6 – Proximity to the National Grid</p>	<p><b>Activity status when compliance is not achieved with R3.2: RDIS</b></p> <p><b>Matters of discretion are reserved to:</b></p> <p>a. The potential for adverse effects from the earthworks in terms of visual amenity and landscape character.</p> <p>b. The extent of any potential dust nuisance, sedimentation, and water or wind erosion effects resulting from the earthworks.</p> <p>c. The extent of land instability effects.</p> <p>d. The extent of any adverse effects from vibration associated with the earthworks.</p> <p>e. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</p> <p><b>Activity status when compliance with standard(s) is not achieved:</b> Refer to relevant standard(s).</p>

<sup>7</sup> CRC (50.30)

## Standards

EW-S1	Slope	Activity status when compliance not achieved:
All Zones	<ol style="list-style-type: none"> <li>Earthworks must not be undertaken on an existing slope with a gradient greater than 1 in 4.</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place.</li> <li>Whether any changes to the patterns of surface drainage would result in a higher risk of drainage problems, inundation runoff, sedimentation, flooding, or change the water table.</li> <li>The impacts on visual amenity, landscape character and outlook.</li> <li>Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</li> </ol>
EW-S2	Excavation and Filing	Activity status when compliance not achieved:
All Zones	<ol style="list-style-type: none"> <li>Earthworks shall not exceed a maximum depth below or height above natural ground level of: <ol style="list-style-type: none"> <li>1.5m, when 1.5m or more from the boundary of a site in separate ownership: or</li> <li>0.5m, when within 1.5m of the boundary of a site in separate ownership.</li> </ol> </li> <li>All fill shall consist of cleanfill material only.</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>The potential for adverse effects from the earthworks in terms of visual amenity, landscape <del>context</del> <sup>and character</sup>, views, outlook, overlooking and privacy.</li> <li>Whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place.</li> <li>The extent of any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that</li> </ol>

		<p>may be erected on the site.</p> <p>d. Potential for land contamination.</p> <p>e. Whether any changes to the patterns of surface drainage or subsoil drains would result in a higher risk of drainage problems, inundation run-off, sedimentation, flooding, or change the water table.</p>
<b>EW-S3</b>	<b>Rehabilitation and Reinstatement</b>	<b>Activity status when compliance not achieved:</b>
<b>All Zones</b>	<p>1. No more than 12 months after the earthworks commenced and on completion of the earthworks, the area of land disturbed as a result of the earthworks must be:</p> <ul style="list-style-type: none"> <li>a. built upon;</li> <li>b. sealed with hardstand material;</li> <li>c. landscaped; or</li> <li>d. recontoured and replanted.</li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The impact on visual amenity, landscape character and outlook.</li> <li>b. Potential dust nuisance, sedimentation, land instability, erosion, flood, and drainage effects.</li> <li>c. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</li> </ul>
<b>EW- S4</b>	<b>Accidental Discovery Protocol</b>	<b>Activity status when compliance not achieved:</b>
<b>All Zones</b>	<p>1. In the event of discovery of sensitive material (which is not authorised to be disturbed by any resource consent or other statutory authority), the owner of the site or the consent holder must take the following steps.</p> <p><b>Cease works and secure the area</b></p> <ul style="list-style-type: none"> <li>a. Immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earthmoving activities.</li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The effects of earthworks on historic heritage, or mana whenua values.</li> <li>b. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</li> </ul>

	<p>b. Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.</p> <p><b>Inform relevant authorities and parties immediately of the discovery</b></p> <p>c. The New Zealand Police if the discovery of human remains or koiwi.</p> <p>d. The Council in all cases.</p> <p>e. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or koiwi.</p> <p>f. Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or koiwi.</p> <p><b>Wait for and enable an inspection of the site</b></p> <p>g. Wait for and enable an inspection of the site by the relevant authority or agency.</p> <p>h. Following site inspection and consultation with all relevant parties (including owner and consent holder), the Council will determine the area within which work must cease and any changes to controls on discharges of contaminants.</p> <p><b>Recommencement of work</b></p> <p>i. Work within the area determined by the Council in h. above must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:</p> <p>i. Heritage New Zealand Pouhere Taonga has confirmed that an</p>	
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	<p>archaeological authority has been approved for the work or that none is required.</p> <p>ii. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage.</p> <p>iii. Any material of scientific or educational importance must be recorded and if appropriate, recovered and preserved.</p> <p>iv. Where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required, the Council will confirm, in consultation with Mana Whenua, that:</p> <ul style="list-style-type: none"> <li>• any koiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and</li> <li>• any agreed revisions to the planned works to be/have been made in order to address adverse effects on mana whenua values.</li> </ul> <p>v. Resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the plan or allowed by any existing resource consent.</p>	
<b>EW – S5</b>	<b>Specific Locations</b>	<b>Activity status when compliance not</b>

		achieved:															
All Zones	<p>1. No earthworks shall exceed the threshold outlined in Table EW-Table 1: Earthworks Volumes – Specific Locations.</p> <p><b>EW-Table 1: Earthworks Volumes – Specific Locations</b></p> <table> <tr> <th>Location</th><th>Volume (m<sup>3</sup> per site in any 12 month)</th><th>Area (m<sup>2</sup> per site in any 12 month)</th></tr> <tr> <td>Sites of Natural Significance</td><td>20</td><td>50</td></tr> <tr> <td>Geopreservation sites</td><td>20</td><td>50</td></tr> <tr> <td>Scenic Viewing Areas</td><td>0</td><td>0</td></tr> <tr> <td>Scenic Grasslands</td><td>0</td><td>0</td></tr> </table> <p><b>Advice Note:</b> <i>For earthworks in Outstanding Natural Landscapes or Features, see the Natural Features and Landscape Chapter.</i> <i>For earthworks in riparian areas, see the Natural Character Chapter.</i></p>	Location	Volume (m <sup>3</sup> per site in any 12 month)	Area (m <sup>2</sup> per site in any 12 month)	Sites of Natural Significance	20	50	Geopreservation sites	20	50	Scenic Viewing Areas	0	0	Scenic Grasslands	0	0	DIS
Location	Volume (m <sup>3</sup> per site in any 12 month)	Area (m <sup>2</sup> per site in any 12 month)															
Sites of Natural Significance	20	50															
Geopreservation sites	20	50															
Scenic Viewing Areas	0	0															
Scenic Grasslands	0	0															
EW – S6	Proximity to the National Grid	Activity status when compliance not achieved:															
All Zones	<p>1. The earthworks or land disturbance shall be no deeper than 300mm within 6m of the outer visible edge of a foundation of a National Grid transmission line tower or pole.</p> <p>2. The earthworks or land disturbance shall be no deeper than 3m between 6m and 12m of the outer visible edge of a</p>	NC															

	<p>foundation of a National Grid transmission line tower or pole.</p> <ol style="list-style-type: none"> <li>3. The earthworks or land disturbance does not compromise the stability of a National Grid transmission line tower or pole.</li> <li>4. The earthworks or land disturbance does not 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).</li> <li>5. The earthworks or land disturbance do not permanently physically impede access to a National Grid support structure.</li> </ol> <p>Standards EW-R6.1-5 do not apply to the following:</p> <ol style="list-style-type: none"> <li>a. Land disturbance undertaken as part of agricultural, horticultural, or domestic cultivation, or repair or resealing of a road, footpath, driveway, or farm track.</li> <li>b. Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5 metres from outer visible edge of foundation of a National Grid transmission line pole or stay wire.</li> <li>c. Earthworks that otherwise comply with Clause 2.4.1 of NZECP 34:2001.</li> </ol>	
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