

## DISTRICT-WIDE MATTERS

# EW – Earthworks

## Introduction

*Earthworks* are often carried out in conjunction with subdivision and development including through construction of a structure or *building*, the establishment of a *site* access and when completing landscaping. *Earthworks* are also undertaken in the rural *environment* in conjunction with rural production activities, and for biosecurity purposes to dispose of unwanted organisms.

Without appropriate management, *earthworks* have the potential to affect land stability and cause erosion. Rehabilitation and design have an important role in the mitigation of potential adverse *effects* such as land stability and visual amenity.

*Earthworks* can also affect archaeological *sites* and care should be taken to ensure those *sites* are protected and not destroyed.

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable *zone*.

## Issues

EW-I1	Potential adverse <i>effects</i> resulting from <i>earthworks</i> can detract from the <i>amenity values</i> of the District.
EW-I2	<i>Earthworks</i> can result in or increase the risk of land instability.
EW-I3	<i>Earthworks</i> can result in adverse <i>effects</i> on historic heritage values.
EW-I4	<i>Earthworks</i> can result in adverse <i>effects</i> on the values that cause a natural feature or landscape to be outstanding.
EW-I5	Increased risk of natural hazards when overland flow paths or stormwater drains/swales are changed through <i>earthworks</i> .

<b>EW-I6</b>	<i>Earthworks</i> can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.
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## Objectives

<b>EW-O1</b>	To ensure <i>earthworks</i> do not result in adverse <i>effects</i> on the visual amenity, landscape, or historic heritage values of the area.
<b>EW-O2</b>	To ensure that <i>earthworks</i> are designed and undertaken in a manner to minimise the risk of land instability and accelerated erosion.
<b>EW-O3</b>	To protect the operation of the <i>National grid</i> and <i>infrastructure of regional and national importance</i> by avoiding <i>earthworks</i> that could undermine their integrity and functioning.

## Policies

<b>EW-P1</b>	To mitigate any visual amenity <i>effects</i> arising from <i>earthworks</i> .
<b>EW-P2</b>	To restrict <i>earthworks</i> within the area of items scheduled in HH-APP1, HH-APP2, HH-SCHED2, HH-SCHED3, HH-SCHED4 and TREE-SCHED1. [PCH(a), PCH(b)]
<b>EW-P3</b>	To restrict <i>earthworks</i> in Outstanding Natural Features or Landscapes as scheduled in NFL-APP1, except where <i>earthworks</i> are necessary to manage risk to human health and safety. [PC65]
<b>EW-P4</b>	To ensure the scale of <i>earthworks</i> are appropriate for the <i>site</i> they are located on to avoid visual amenity <i>effects</i> on or beyond the <i>site</i> .
<b>EW-P5</b>	To manage the scale of <i>earthworks</i> on <i>sites</i> susceptible to erosion and land instability.

EW-P6	To require rehabilitation measures be undertaken to avoid accelerated erosion following <i>earthworks</i> .
EW-P7	To ensure all adverse <i>effects</i> from <i>earthworks</i> including dust and sediment run-off are managed onsite so that particulate matter does not cause a nuisance or affect the safety or operation of other activities.
EW-P8	To ensure that <i>earthworks</i> do not affect the functioning of known overland flow paths.
EW-P9	To control <i>earthworks</i> within the <i>National grid Yard</i> to ensure the continued safe, effective and efficient access to and operation, maintenance and upgrading of the <i>National grid</i> .
EW-P10	To control <i>earthworks</i> near <i>infrastructure of regional and national importance</i> to ensure their safe and efficient operation, maintenance and upgrading.

## Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable *zone*.

### Permitted Activities (PER)

The following are *Permitted Activities* in all *zones*, except the General Rural and Flood Channel *Zones* provided that they comply with the standards in EW-ST1 – EW-ST9 below.

EW-R1	<i>Earthworks</i> , other than in an Outstanding Natural Feature or Landscape.
EW-R2	<i>Earthworks</i> for the purposes of burying material infected by unwanted organisms as declared by the Minister under the Biosecurity Act 1993.

**Guidance Notes:**

1. Water takes, diversions, discharges and *earthworks* are also regulated by the Manawatū-Wanganui *Regional Council* and a resource consent maybe required under the rules of the One Plan.
2. *Earthworks* near or within areas of cultural and natural heritage values may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence to modify or destroy an archaeological *site* or demolish/destroy a whole *Building* if the person knows or reasonably suspects it to be an archaeological *site*. An archaeological *site* is any place, including any *Building* or structure (or part of), that:
  - a. was associated with human activity or the *site* of a wreck of a vessel that occurred before 1900; and
  - b. provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.
3. The disposal of contaminated material, including unwanted organisms, may require resource consent from the Manawatū-Wanganui *Regional Council* under the rules of the One Plan.
4. Refer also to TREE-R3 in the TREE – Notable Tree Chapter for additional rules about earthworks in relation to notable trees.

## Standards for Permitted Activities

The *Permitted Activities* specified in EW-R1 and EW-R2 must comply with the following standards:

<b>EW-ST1</b>	Any sediment run-off from <i>earthworks</i> must be contained within the subject <i>site</i> .
<b>EW-ST2</b>	All dust and sedimentation control measures must be installed prior to <i>earthworks</i> commencing, maintained during the construction works, and only removed once stabilisation occurs.
<b>EW-ST3</b>	<i>Earthworks</i> must not be undertaken closer than 20m of the banks of the Oroua River or Kiwitea Stream.

<b>EW-ST4</b>	<i>Earthworks</i> must not be undertaken closer than 10m of the banks of the Makino Stream.		
<b>EW-ST5</b>	<i>Earthworks</i> must not be undertaken within any area identified in HH-APP1, HH-APP2, TREE-SCHED1 and HH-SCHED4.		
<b>EW-ST6</b>	Earthworks undertaken in the <b>National Grid</b> :		
	<b>EW-ST6.1</b>	Around <i>National grid</i> support poles and stay wires:	
		<b>EW-ST6.1.a</b>	Depth shall be no greater than 300mm within 2.2m of the pole or stay wire; and
		<b>EW-ST6.1.b</b>	Depth shall be no greater than 750mm between 2.2m and 5m of the pole or stay wire.
	<b>EW-ST6.2</b>	Around <i>National grid</i> support towers (including any tubular steel tower that replaces a steel lattice tower):	
		<b>EW-ST6.2.a</b>	Depth shall be no greater than 300mm within 6m of the outer edge of the visible foundation of the tower; and
		<b>EW-ST6.2.b</b>	Depth shall be no greater than 3m between 6m and 12m of the outer edge of the visible foundation of the tower; and
		<b>EW-ST6.2.c</b>	Shall not compromise the stability of a <i>National grid</i> support structure, and
		<b>EW-ST6.2.d</b>	Shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001.
	<b>EW-ST6.3</b>	Provided that the following earthwork activities are exempt from the provisions EW-ST6.1 to EW-ST6.2:	

	<b>EW-ST6.3.a</b>	By a <i>network utility</i> operator within a transport corridor as part of a transmission activity or for utility infrastructure, or
	<b>EW-ST6.3.b</b>	As part of agricultural or domestic cultivation, or
	<b>EW-ST6.3.c</b>	Repair, sealing or resealing of a <i>road</i> , footpath, driveway or farm track
	<b>EW-ST6.3.d</b>	Any vertical holes not exceeding 500mm in diameter provided they are:
		<b>EW-ST6.3.d.i</b>
	<b>EW-ST6.3.d.ii</b>	A post hole for a farm fence or horticulture structure and more than 6m from the visible edge of a tower support structure foundation.
<p><b>Guidance Note:</b></p> <p>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities in relation to all electricity lines. Compliance with the Code of Practice is mandatory. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.</p>		
<b>EW-ST7</b>	No <i>earthworks</i> , <i>buildings</i> or structures can be undertaken or erected within 20m of a natural gas transmission pipeline.	
<b>EW-ST8</b>	<i>Earthworks</i> must comply with the standards specified in Table 4.	
<b>EW-ST9</b>	<i>Earthworks</i> must not block any stormwater or overland flow paths.	

**Table 4 - Earthwork volumes per site**

<b>Zone</b>	<b>Minimum Setback From Site Boundary</b>	<b>Maximum Area Per Site Exposed at Any One Time</b>	<b>Maximum Permitted Volume Per Site in any 12 Month Period</b>	<b>Maximum Change To Existing Ground Level</b>
General Residential, Settlement & Town Centre Zones	1.5m	500m <sup>2</sup>		1.5m
Mixed Use & General Industrial Zones	3m		500m <sup>3</sup>	1.5m
Manfeild Park & Special Development Zones	3m		500m <sup>3</sup>	1.5m
Open Space Zone	1.5m		500m <sup>3</sup>	1.5m

**Guidance Notes:**

1. The restrictions above do not apply to land based quarrying activities which are managed in the General Rural Zone of this Plan.
2. *Earthworks* are also regulated by the Manawatū-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan, or any subsequent Regional Plan. The One Plan requires Erosion and Sediment Control measures to comply with the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines dated September 2002.
3. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to *earthworks* and a resource consent may be required under those provisions.
4. Where *earthworks* are to be undertaken within 20m of any electricity line or high pressure gas transmission line, the owners of the electrical or gas network should be advised of the intention to carry out the works not less than 5 working days prior to their commencement.

5. *Earthworks* that may or will modify or destroy an archaeological *site* require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence to modify or destroy an archaeological *site* or demolish/ destroy a whole *Building* if the person knows or reasonably suspects it to be an archaeological *site*. An archaeological *site* is any place, including any Buildings or structure (or part of), that:
- a. Was associated with human activity or the *site* of a wreck of a vessel that occurred before 1900; and
  - b. Provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.

## Restricted Discretionary Activities (RDIS)

**EW-R3**

Any *earthworks* undertaken in the *National grid Yard* that do not comply with the standards for *permitted activities* EW-ST6.1, EW-ST6.2.a, EW-ST6.2.b.

### Matters of Discretion (MD)

For this activity, the *Council* has restricted its discretion to considering the following matters, only to the extent that they are relevant to the standard that is not met:

<b>EW-MD1</b>	Any <i>effects</i> on the operation of the <i>National Grid</i>
<b>EW-MD2</b>	Volume, area and location of the works, including <i>temporary activities</i> such as stockpiles
<b>EW-MD3</b>	Hours of operation and time of year the proposed works will occur
<b>EW-MD4</b>	<i>Site</i> remediation
<b>EW-MD5</b>	The use of mobile machinery within the <i>National Grid Yard</i>



	<b>EW-MD6</b>	Demonstrated compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).
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## Discretionary Activities (DIS)

The following activities are a *Discretionary Activity*:

<b>EW-R4</b>	Any <i>earthworks</i> that do not meet the Permitted Activity standards, or are not specifically provided for in this Plan.
<b>EW-R5</b>	Any <i>earthworks</i> within an Outstanding Natural Feature identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2 [PC65].
<b>EW-R6</b>	Any earthworks associated with a new <i>National Grid transmission line</i> within an Outstanding Natural Landscape identified in NFL-APP1. [PC65]

### Guidance Note:

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to *earthworks* and a consent may be required under those provisions.

## Non-Complying Activities (NC)

<b>EW-R7</b>	Any <i>earthworks</i> within an Outstanding Natural Landscape identified in NFL-APP1, except within an existing <i>road</i> corridor, or where associated with a new <i>National Grid transmission line</i> [PC65]; or
<b>EW-R8</b>	Any <i>earthworks</i> in the <i>National Grid Yard</i> that do not comply with EW-ST6.2.c or EW-ST6.2.d [PC65]