

Overview

Earthworks are integral to the use and development of land. Through earthworks, sites and areas of land are altered to create level platforms for buildings or for undertaking other activities. Depending on the site and its characteristics there is the potential for earthworks to generate adverse effects including effects on land stability, erosion and sedimentation, visual amenity values and effects on people's health and safety. This plan sets permitted thresholds to enable earthworks, with standards to manage effects and the requirement to obtain a resource consent where the scale and potential effect requires more specific assessment. Any person undertaking earthworks is also advised to read the provisions of the relevant Regional Plan.

In addition to the provisions in this chapter, earthworks are also subject to additional provisions in the natural character, natural features and landscapes, natural hazards and coastal environment chapters. The provisions in these chapters relate to earthworks close to coastal and water body margins, on scheduled sites and features and in hazard areas and coastal hazard areas. Where the earthworks relate to sites and areas of significance to Māori, historic heritage and network utilities, the rules are contained within their relevant chapter. Provisions relating to quarrying activities in the industrial, rural production and general rural zones prevail over provisions in this Chapter.

A number of other regulations manage the effects of earthworks. Certain earthworks are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004. Earthworks affecting archaeological sites may require an authorisation under the New Zealand Pouhere Taonga Act 2014 and some earthworks may also require a resource consent from the relevant Regional Council.

Objective

Refer also to the relevant objectives in Part 2 District - Wide Matters

EW-O1. Earthworks are undertaken in a safe and efficient manner that minimises adverse effects on people, property and the environment.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters

EW-P1. Enable earthworks where they maintain the stability of land, buildings, structures and network utilities while minimising:

1. Erosion and sediment loss from the site, including loss to reticulated stormwater systems; and
2. The effect of cut or fill faces and retaining structures on the visual amenity and character of the surrounding area; and
3. Significant alterations to natural landforms; and

4. Adverse effects on air quality from objectionable particulate matter.

EW-P2. Encourage the integrated design of earthworks associated with subdivision, land use and development.

EW-P3. Manage the adverse effects of earthworks through appropriate development design, mitigation measures and rehabilitation.

EW-P4. Ensure any earthworks or vegetation removal activities focus on protecting existing indigenous vegetation in the first instance, minimise clearance in the second instance and undertake any measures necessary to rehabilitate the land including restoration and re-planting as a final resort.

EW-P5. Avoid, remedy or mitigate earthworks where their scale and location has the potential to create or exacerbate natural hazards.

Rules

The rules that apply to earthworks are contained in the tables listed below. To undertake any activity, it must comply with the rules listed in:

- EW - Table 1 - Activities Rules; and
- EW - Table 2 - Performance Standards; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Any relevant provision in Part 3 Area Specific Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

Refer to Part 1 - How the Plan Works for an explanation of how to use this plan, including activity status abbreviations.

EW - Table 1 - Activities Rules

Unless otherwise specified in a rule, the rules in this table apply to all zones, all precincts and all roads including new roads approved by way of resource consent EXCEPT the rules for earthworks in sites and areas of significance to Māori and network utilities are contained within their relevant chapter.	
EW-R1.	Cross references

1. Earthworks must comply with the provisions of the following chapters:
 - (i) For earthworks in a Building Platform Suitability C, the High Risk Flood Zone or Building Platform Suitability Area A or B see the natural hazards chapter; and
 - (ii) For earthworks in outstanding natural landscapes, outstanding natural features, landscapes of high amenity value or the karst overlay see the natural features and landscapes chapter; and
 - (iii) For earthworks adjacent to a water body see the natural character chapter; and
 - (iv) For earthworks adjacent to the coastal marine area, in areas of outstanding natural character, areas of high/very high natural character, Coastal Erosion Hazard Area 1, Coastal Erosion Hazard Area 2 or the Coastal Flood Hazard Area see the coastal environment chapter; and

(v) In significant natural areas the provisions applicable to the underlying zone apply. However, the rules for clearance of vegetation are contained in the ecosystems and indigenous biodiversity chapter.

Note: In the coastal environment overlay the provisions of the underlying zone apply.

EW-R2.	Earthworks for internments in a burial ground, cemetery or urupa (within the burial plot for that interment)	
All zones	Activity Status: PER 1. This rule prevails over all earthworks rules in this plan.	Activity status where compliance is not achieved: N/A
EW-R3.	Earthworks associated with the maintenance or the installation of a park facility or park furniture or pedestrian accessways, walkways or cycleways	
EW-R4.	Earthworks associated with the maintenance and upgrading of existing sportsfields	
All zones	Activity Status: PER	Activity status where compliance is not achieved: N/A
EW-R5.	Earthworks for any other purpose	
All zones	Activity Status: PER Where: 1. All of the performance standards in EW - Table 2 are complied with.	Activity status where compliance is not achieved: RDIS Matters over which discretion is restricted: (a) The matters of discretion associated with any performance standard which cannot be complied with in EW - Table 2.

EW - Table 2 - Performance Standards

EW S1.	Volume of Earthworks	
All zones	1. This rule does not apply to earthworks incidental to an approved resource consent; and 2. This rule does not apply to the cultivation of land associated with the growing of crops where this activity is located at least 5 m from the edge of any water body (see NATC-R3); and 3. This rule does not apply to commercial forestry, or to the construction and maintenance of farm silage pits and existing drains or to the maintenance and upgrading of farm tracks, however these activities must comply with the provisions of EW-R1.	
Residential, commercial, tourism, rural lifestyle, settlement & future urban zones	4. Earthworks must not exceed a total volume of 25 m ³ or a total area of 250 m ² in a single activity or in cumulative activities in any one calendar year, per holding.	Matters over which discretion is restricted: (a) The extent to which the earthworks will detrimentally affect adjoining or adjacent sites through changes in ground level soil drainage, noise, dust, and vibration; and

Industrial, rural production, open space, natural open space & Māori purpose zones	5. Earthworks must not exceed a total volume of 1000 m³ in a single activity or in cumulative activities in any one calendar year, per holding; and 6. The rules relating to quarrying activities in the industrial and rural production zones prevail over this rule; and 7. ENGY-S7 existing hydroelectric power generation infrastructure prevails over this rule.	(b) The extent to which the earthworks will affect the ability to carry out permitted activities in the relevant zone; and (c) The extent to which erosion and sediment loss from the site will be managed, including sediment loss entering the Controlling Authority's stormwater systems; and (d) The extent to which cut or fill faces and retaining structures will affect the visual amenity of surrounding areas; and (e) The effects from anticipated traffic movements from the site; and
General rural zone	8. Earthworks must not exceed a total volume of 2000 m³ in a single activity or in cumulative activities in any one calendar year, per holding; and 9. The rules relating to farm quarrying and quarrying activities in the general rural zone prevail over this rule.	(f) The time that the earthworks will be exposed for; and (g) How the site will be rehabilitated and or re-vegetated; and (h) The extent to which the earthworks will affect the natural contours on the site; and (i) The extent to which methods are used to prevent discharge of contaminants into the air; and (j) Effects on sites and areas of significance to Māori and sites of historic heritage where the earthworks are adjoining, or on the same holding as these sites; and (k) Compaction of fill material; and (l) Geotechnical stability.
EW-S2.	Excavation and Filling	
All zones	1. The cut depth or fill height (measured vertically) must not exceed: (i) Outside the minimum building setback for the underlying zone - 1.5 m; and (ii) Inside the minimum building setback for the underlying zone - 0.5 m; and (ii) Where no minimum building setback applies (eg in the road reserve), the cut depth or fill height shall not exceed 1.5 m vertically. <i>Note: This rule does not apply to lawfully established underground tanks and septic systems where the replacement is 'like for like'. That is a cut or fill that is in the same location and the effects are the</i>	Matters over which discretion is restricted: (a) Effects on the stability of land or structures, and potential to create new or exacerbate existing natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows and/or create instability, erosion, or scarring; and (b) Impacts on character and amenity values, natural landforms and features, including whether the cut face and/or any retaining structures can be concealed behind development or effectively landscaped.

same or similar in character, intensity and scale to those that previously existed.

Note: The rules relating to quarrying activities in the industrial, general rural and rural production zones prevail over this rule.

Advice notes

Accidental discovery protocol

In the event that an unidentified archaeological site or a wāhi tapu site is located during works, the following applies:

- *Work must cease immediately at that place and within 20 m around the site;*
- *Heritage New Zealand Regional Archaeologist must be notified and apply for the appropriate authority if required;*
- *Notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (New Zealand Pouhere Taonga Act 2014);*
- *If human remains (koiwi) are uncovered then the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded;*
- *Works affecting the archaeological site and any human remains (koiwi) must not resume until appropriate authority and protocols are completed.*

If the protocol is not adhered to then Heritage New Zealand can take out prosecution proceedings under the New Zealand Pouhere Taonga Act 2014.

Caves and sinkholes

Check the provisions in the underlying zone, overlay, scheduled site or feature for rules relating to the creation of new entrances into caves, other modifications to cave features, earthworks within a 20 m radius of an entry or opening into any cave/sinkhole and the placement of fill into any cave/sinkhole or within a 20 m radius of an entry or opening into any cave/sinkhole.

Contaminated land

If the site is contaminated or potentially contaminated refer to the contaminated land chapter and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) 2011.

Regional Council consents

A resource consent for some earthworks may also be required from the Waikato Regional Council or Manawatu Whanganui Regional Council. See the Waikato Regional Council Erosion and Sediment Control Guidelines: <http://waikatoregion.govt.nz/assets/WRC/WRC2019/TR0902.pdf>

Works in close proximity to any electricity line

Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the plan does not ensure compliance with the Code.