

**23****RULES FOR EARTHWORKS  
AND VEGETATION CLEARANCE****Activities Tables**

Policies 9.4.1, 9.4.2 &amp; 12.4.1 to 12.4.4

<b>23.1</b>	<b>Earthworks</b>	<b>All Zones</b>
	Earthworks which meet the standards under rules 23.3 to 23.10A	<b>P</b>
	Earthworks on a site identified in Schedule 26.8 or affecting a tree identified in Schedule 27.8	<b>D</b>
	Earthworks which do not meet the standards under rules 23.3 to 23.10A	<b>RD</b>
<b>Note:</b>		
For the purposes of this Plan, earthworks are defined as:  <i>‘the removal, relocation or depositing of soil, earth or rock from, to or within a site, including quarrying or mining and the deposition of cleanfill, but excluding land disturbance resulting exclusively from domestic gardening and planting, cropping or drainage of land in connection with farming and forestry operations’.</i>		

<b>23.2</b>	<b>Indigenous vegetation clearance</b>	<b>All Zones</b>
	Indigenous vegetation clearance up to 500m <sup>2</sup> in total area on any one site within any continuous 5 year period, subject to meeting the standards under rule 23.11	<b>P</b>
	Indigenous vegetation clearance up to 1ha in total area on any one site within any continuous 5 year period, where the vegetation is comprised predominantly of manuka ( <i>leptospermum scoparium</i> ) or kanuka ( <i>kunzea ericoides</i> ) which has a canopy height no greater than 4m, subject to meeting the standards under rule 23.11	<b>P</b>
	Indigenous vegetation clearance which exceeds the above permitted activity thresholds and/or does not meet the standards under rule 23.11	<b>D</b>
<b>Note:</b>		
For the purposes of this Plan, ‘indigenous vegetation’ is defined as:  <i>‘a plant community of any species or genetic variants of plants found naturally in New Zealand’.</i>		

'Indigenous vegetation clearance' is defined as:

*'The removal, damage or destruction of indigenous vegetation, but excluding where such work is undertaken solely in relation to any one or more of the following:*

- *Clearance of diseased, dead or dying vegetation;*
- *Clearance undertaken for the purpose of flood control undertaken or approved by local authorities;*
- *Clearance where necessary to maintain or restore existing essential services or for emergency work to avoid injury to persons or damage to property;*
- *Clearance of regenerating vegetation under the canopy of a plantation forest;*
- *Clearance of indigenous vegetation that has been planted and managed specifically for the purposes of harvesting'.*

<b>Key</b>	<b>P</b> Permitted activity which complies with standards for permitted activities specified in the Plan
	<b>RD</b> Restricted discretionary activity
	<b>D</b> Discretionary activity

## Standards for Permitted Activities

### Earthworks

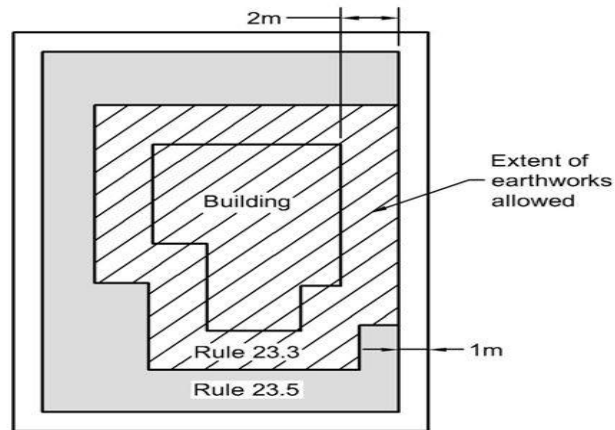
#### 23.3

*Policies 9.4.1,  
9.4.2*

In the Residential, Business and Special Activity Zones, existing ground level shall not be altered by cutting by a vertical height of more than 1.5m, or filling by a vertical height of more than 0.5m.

Exemption:

The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Chapter 35) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.



**23.4**

*Policies 9.4.1,  
9.4.2*

In the Open Space and Rural Zones, existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m.

Exemption:

The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Chapter 35) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.

**23.5**

*Policies 9.4.1,  
9.4.2*

The physical extent of earthworks shall not exceed 150m<sup>2</sup> in surface area on any one site within any continuous 12 month period.

Exemption:

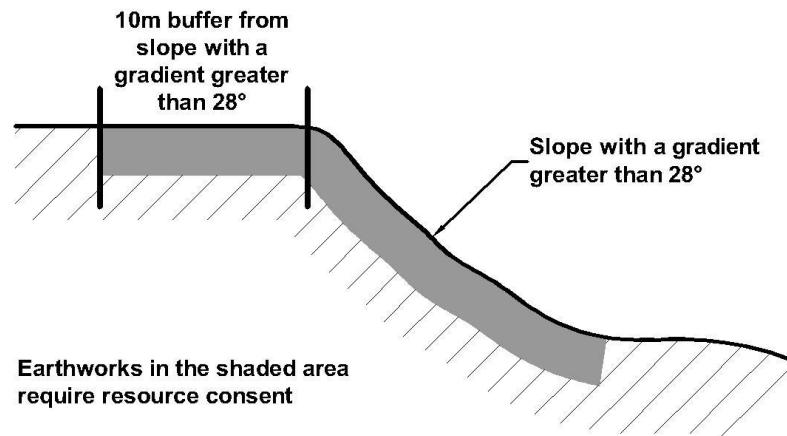
In the Residential, Business, Special Activity and Rural Zones, earthworks exceeding the foundations of a specific building by more than 2 metres are exempt from the 150m<sup>2</sup> surface area limit provided that the earthworks beyond the 2 metre foundation line of a building:

- do not exceed a vertical cut height of 1.5m or a vertical fill height of 0.5m; and
- do not go closer than 1 metre to any boundary; and
- comply with an earthworks plane (as defined in Chapter 35) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.

**23.6**

*Policies 9.4.1,  
9.4.2*

Earthworks shall not be undertaken on erosion prone land, identified as land with a gradient steeper than 28 degrees, or within 10m of a downhill slope with a gradient steeper than 28 degrees (see diagram below).



**23.7**

*Policies 9.4.1,  
9.4.2*

Earthworks shall not be undertaken within 10m of any water body (measured from the bank of the water body), or within the 1 in 100 year flood extent of the Hutt River (as defined on the Planning Maps).

**23.8**

*Policies 9.4.1,  
9.4.2*

Sediment retention and run-off controls shall be implemented to ensure there is no contamination of natural water by sediment.

**23.9**

*Policies 9.4.1,  
9.4.2*

Earthworks which are not being worked for three months or more, shall be hydroseeded or sown in order to achieve ground cover.

**23.10**

*Policies 9.4.1,  
9.4.2*

Earthworks shall be undertaken in accordance with the relevant provisions of the Code of Practice for Civil Engineering Works.

**Exemption:**

The above standards shall not apply to earthworks for flood mitigation purposes undertaken or approved by a local authority.

**23.10A**

*Policies 9.4.1,  
9.4.2*

Stormwater resulting from earthworks development is to be controlled and managed so as to avoid, remedy or mitigate adverse effects on other land.

**Indigenous vegetation clearance**

**23.11**

*Policies 9.4.1,  
9.4.2 &  
12.4.1 to 12.4.4*

- 1) Indigenous vegetation clearance shall not take place:
  - a) Within any area set aside by statute or covenant for protection and preservation, or
  - b) Within 10m of any water body (including wetland), including within the water body itself, or,
  - c) If the area to be cleared contains indigenous vegetation or fauna identified as rare or threatened as identified in 23.14 at the end of this Chapter, or,
  - d) If the area to be cleared is contained wholly or partly within more than 1ha of contiguous indigenous vegetation with a canopy height of 4m or greater.
- 2) All cleared vegetation and related soil and debris shall be deposited or contained so as to prevent:
  - The diversion or blockage of any river or stream, and,
  - The passage of fish being impeded, and,
  - The destruction of any habitat in a water body, and
  - Flooding or erosion.
- 3) All exposed areas of soil resulting from clearance shall be stabilised against erosion by vegetative cover or other methods as soon as practicable following clearance but no later than 12 months from clearance.

**Restricted Discretionary Activity**

**23.12**

*Policies 9.4.1,  
9.4.2*

**Earthworks which do not meet the standards under rules 23.3 to 23.10**

Council will restrict its discretion to, and may impose conditions on:

- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.

<b>Matters for Consideration</b>
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**23.13** Matters that may be relevant in the consideration of any resource consent may include the following:

<b>Earthworks</b>
<ul style="list-style-type: none"> <li>• The extent to which any cut or fill will remove existing vegetation, alter existing landforms, affect water quality, cause or contribute to land instability, soil erosion or affect existing natural features, such as water bodies.</li> <li>• The effect of any cut or fill on any stands of important indigenous vegetation, or sites, buildings or places of scientific, cultural or heritage value.</li> <li>• The extent to which any cut or fill can be restored or treated to resemble natural landforms.</li> <li>• The extent to which the proposed earthworks will impact on prominent or visually sensitive features, such as ridgelines, escarpments or water bodies.</li> <li>• The necessity for carrying out the work.</li> <li>• Whether the earthworks proposed increase or decrease flood hazards.</li> <li>• Traffic movements.</li> <li>• Noise.</li> <li>• Dust.</li> </ul>
<b>Indigenous vegetation clearance</b>
<ul style="list-style-type: none"> <li>• Reasons for the vegetation clearance.</li> <li>• Effects on fauna and flora (including age, species diversity, rarity and representativeness).</li> <li>• Effects on visual amenity, in particular in respect of sensitive or prominent landforms, sites or features.</li> <li>• Effects on sites or features of scientific, cultural or heritage value.</li> <li>• Effects on the stability of the land and the potential for soil erosion.</li> <li>• Effects on water bodies, including effects on water quality and the potential for flooding.</li> <li>• The nature and effectiveness of measures to avoid, remedy or mitigate adverse effects.</li> </ul>

<b>23.14</b>	<b>Rare or threatened indigenous vegetation and fauna</b>
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### 1) Indigenous vegetation

<b>Species</b>	<b>Common Name / Plant Type</b>
Adelopetalum tuberculatum Colenso	Orchid
Brachyglottis kirkii var. kirkii	Kirk's tree daisy (epiphytic shrub)
Calochilus paludosus	Orchid
Celmisia aff.. hieracifolia	Composite herb
Corunostylis nuda	Orchid
Cyathea cunninghamii	Fern
Dactylanthus taylorii	Hemi-parasitic dicotyledenous herb
Dicksonia lanata Tuokura	Fern
Diplazium australe	Fern
Discaria toumatou Matagouri	Dicotyledenous shrub
Gahnia rigida	Sedge
Grammitis pseudociliata	Fern
Hymenophyllum atrovirens Colenso	Fern
Hypolepis distans	Fern
Ileostylus micranthus	Green mistletoe/pirita
Korthalsella lindsayi	Mistletoe
Korthalsella salicornioides	Mistletoe
Lindsaea linearis	Fern
Lycopodiella lateralis	Lycopod
Mida salicifolia	Dicotyledenous tree
Myriophyllum robustum	Stout milfoil (dicotyledenous herb)
Nematoceras aff. rivularis	Orchid
Nematoceras aff. trilobus	Orchid
Nertera scapanioides	Dicotyledenous herb
Peraxilla colensoi	Scarlet mistletoe/pirita/piriraki.
Peraxilla tetrapetala	Red mistletoe/pirita
Pimelea gnidia	Dicotyledenous herb
Pittosporum cornifolium	Epiphytic dicotyledenous shrub
Plumatochilus tasmanica	Orchid
Pterostylis cardiostigma	Orchid
Pterostylis foliata	Orchid

<b>Species</b>	<b>Common Name / Plant Type</b>
Pterostylis micromega	Orchid
Pterostylis puberula	Orchid
Raukaua edgeleyi	Dicotyledenous tree
Schizaea australis	Southern comb fern
Streblus banksii	Dicotyledenous tree
Teucrium parvifolium	Dicotyledenous shrub
Thelymitra aff. ixioides	Orchid
Townsonia deflexa	Orchid
Trichomanes colensoi	Fern

## 2) Indigenous fauna

<b>Species</b>	<b>Common Name</b>
Chalinolobus tuberculata	Long-tailed bat
Botaurus poiciloptilus	Australian bittern
Phalacrocorax carbo novaehollandiae	Black shag
Falco novaseelandiae 'bush'	Bush falcon
Anas superciliosa superciliosa	Grey duck
Eudynamys taitensis	Long-tailed cuckoo
Poliiocephalus rufpectus	New Zealand dabchick/ weweia
Hemiphaga novaseelandiae	New Zealand pigeon/kereru/kukupa
Nestor meridionalis septentrionalis	North Island kaka
Porzana tabuensis plumbea	Spotless crane
Cyanorhamphus auriceps	Yellow-crowned kakariki
Hoplodactylus pacificus	Pacific gecko
Naultinus e. punctatus	Wellington green gecko
Hoplodactylus 'southern North Island forest gecko'	Southern North Island forest gecko
Spotted skink	Oligosoma lineoocellatum
<i>(Note – agencies that may assist in determining whether an area contains rare or threatened indigenous vegetation and/or fauna include the Department of Conservation, District or Regional Council, Fish and Game, Federated Farmers and forest owners)</i>	