

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

Policies 9.4.1, 9.4.2 & 12.4.1 to 12.4.4

| 23.1 | Earthworks | All Zones |
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| | | |
| | Earthworks which meet the standards under rules 23.3 to 23.10A | P |
| | Earthworks on a site identified in Schedule 26.8 or affecting a tree identified in Schedule 27.8 | D |
| | Earthworks which do not meet the standards under rules 23.3 to 23.10A | LD |
| Note: | | |
| 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> | | |

| 23.2 | Indigenous vegetation clearance | All Zones |
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| | Indigenous vegetation clearance up to 500m ² in total area on any one site within any continuous 5 year period, subject to meeting the standards under rule 23.11 | P |
| | 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 | P |
| | Indigenous vegetation clearance which exceeds the above permitted activity thresholds and/or does not meet the standards under rule 23.11 | D |
| Note: | | |
| 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'.*

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| Key | P Permitted activity which complies with standards for permitted activities specified in the Plan |
| | LD Limited discretionary activity |
| | D Discretionary activity |

Standards for Permitted Activities

Earthworks

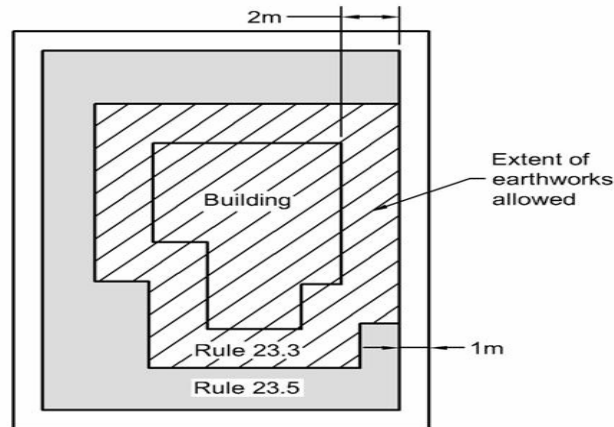
23.3

*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 150m² in surface area on any one site within any continuous 12 month period.

Exemption:

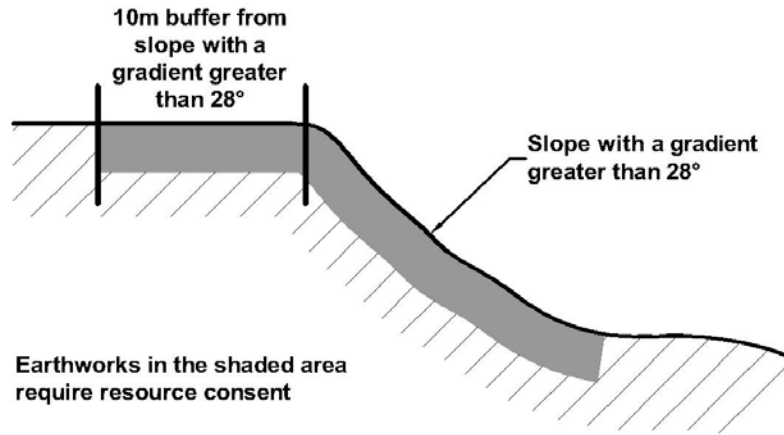
In the Residential, Business, Special Activity and Rural Zones, earthworks exceeding the foundations of a specific building by more than 2 metres are exempt from the 150m² surface area limit provided that the earthworks beyond the 2 metre foundation line of a building:

- 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.

Limited 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 limit its discretion to, and may impose conditions on:

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

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| Matters for Consideration |
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- 23.13** Matters that may be relevant in the consideration of any resource consent may include the following:

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| Earthworks |
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| Earthworks |
| <ul style="list-style-type: none"> • 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. • 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. • The extent to which any cut or fill can be restored or treated to resemble natural landforms. • The extent to which the proposed earthworks will impact on prominent or visually sensitive features, such as ridgelines, escarpments or water bodies. • The necessity for carrying out the work. • Whether the earthworks proposed increase or decrease flood hazards. • Traffic movements. • Noise. • Dust. |

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| Indigenous vegetation clearance |
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| Indigenous vegetation clearance |
| <ul style="list-style-type: none"> • Reasons for the vegetation clearance. • Effects on fauna and flora (including age, species diversity, rarity and representativeness). • Effects on visual amenity, in particular in respect of sensitive or prominent landforms, sites or features. • Effects on sites or features of scientific, cultural or heritage value. • Effects on the stability of the land and the potential for soil erosion. • Effects on water bodies, including effects on water quality and the potential for flooding. • The nature and effectiveness of measures to avoid, remedy or mitigate adverse effects. |

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| 23.14 | Rare or threatened indigenous vegetation and fauna |
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1) Indigenous vegetation

| Species | Common Name / Plant Type |
|-----------------------------------|-------------------------------------|
| 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 |

| Species | Common Name / Plant Type |
|--------------------------|---------------------------------|
| 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

| Species | Common Name |
|---|------------------------------------|
| 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> | |