

Appendix 1 – Officers Recommended Amendments to Earthworks Chapter

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made through the Reporting Officer’s right of reply are shown in red underline for new text and red ~~strikethrough~~ for deleted text.

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Overview

Earthworks involve the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth. Earthworks are an integral part and necessary component of the use and development of rural and urban land for living, business and recreation purposes. In addition, earthworks are a key component of the development, operation, maintenance and upgrading of infrastructure.

However, earthworks can be significant and result in long term adverse effects. Earthworks have the potential to detrimentally alter and affect landforms, landscapes, natural features, historic and cultural heritage and the natural character of the coastal environment. Earthworks associated with subdivision and land use can result in adverse effects including increased land instability and accelerated erosion and alteration or loss of overland flow paths leading to increased risks from natural hazards and sedimentation entering waterbodies and the coastal marine area. Often the effects of earthworks are to such an extent that the identified amenity values and character of an area can be changed permanently and unidentified historic and cultural sites are destroyed or damaged.

Council has responsibilities under the RMA and the RPS to manage any effects from land use and subdivision, which includes the management of earthworks. The purpose of this chapter is to ensure that the adverse effects associated with earthworks are appropriately managed and minimised. The NRC also has responsibilities to manage earthworks for the purposes of soil conservation, and water quality and quantity for waterbodies and the coastal marine area.

Objectives	
EW-O1	Earthworks are enabled where they are required to facilitate the efficient subdivision, <u>use</u> ¹ and development of land, while managing adverse effects on <u>amenity</u> , waterbodies, the coastal marine area, ² public safety, surrounding land and infrastructure.
EW-O2	Earthworks are appropriately designed, located and managed to protect historical and cultural values, natural environmental values, preserve amenity and safeguard the life-supporting capacity of soils.
EW-O3	Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety.

¹ P S Yates Family Trust (S333.073) and others.

² Northland Regional Council (S359.043) and others.

Policies	
EW-P1	<p>Enable earthworks necessary to provide for the district's social, economic and cultural well-being, and their health and safety where they provide for:</p> <ol style="list-style-type: none"> a. urban land uses and development within urban areas zones;³ b. rural land uses and development including, farm tracks, land drainage, and other farming activities within the Rrural areas zones;⁴ c. <u>restoration</u>,⁵ conservation and recreation activities; d. land drainage and flood control works; and e. installation, upgrade and maintenance of infrastructure.
EW-P2	<p>Ensure earthworks are managed, when it has the potential to:</p> <ol style="list-style-type: none"> a. create new or exacerbate existing natural hazards, including but not limited to flooding, instability, and coastal hazards; b. result in adverse effects on the amenity values, characteristics and qualities of outstanding natural landscapes, outstanding natural features,⁶ historic heritage, cultural values, and indigenous biodiversity. and significant natural areas and features;⁷ and c. adversely affect waterbodies and the coastal marine area due to inadequate setbacks.⁸
EW-P3	<p>Ensure earthworks are located and designed appropriately to manage the effects of the activity by:</p> <ol style="list-style-type: none"> a. controlling maximum depth and height and maximum area or volume of earthworks; b. requiring appropriate setbacks to be maintained from adjoining property boundaries; waterbodies and the coastal environment;⁹ c. managing the location and design of infrastructure; d. managing impacts on natural drainage patterns and overland flow paths; and e. controlling the movement of dust and sediment beyond the area of development to avoid: <ol style="list-style-type: none"> i. nuisance effects and/or amenity effects on surrounding sites, or; and¹⁰ ii. silt and sediment entering stormwater systems or waterbodies and the coastal marine area.¹¹
EW-P4	<p>Require earthworks to be of a type, scale and form that is appropriate for the location having regards to the effects of the activity, and:</p> <ol style="list-style-type: none"> a. existing site constraints, opportunities and specific engineering requirements; b. the impact on existing natural landforms, features, historic heritage and indigenous biodiversity; c. compatibility with the visual amenity and character values of the area; d. changes in the natural landform that will lead to instability, erosion and scarring; e. impacts on natural drainage patterns and overland flow paths; f. using materials for retaining structures that are compatible with the visual amenity and the characteristics and qualities of the surrounding area; g. minimising adverse visual effects associated with any exposed cut faces or retaining structures, including with the use of screening, landscaping and/or planting; and

³ Waiaua Bay Farm Limited (S463.068).

⁴ Waiaua Bay Farm Limited (S463.068).

⁵ Fish and Game (S436.039).

⁶ Clause 16, Schedule 1 of the RMA.

⁷ Clause 16, Schedule 1 of the RMA.

⁸ Northland Regional Council (S359.043) and others.

⁹ Northland Regional Council (S359.043) and others.

¹⁰ FNDC (S368.090).

¹¹ Northland Regional Council (S359.043) and others.

	h. loss of flood storage within flood hazard areas.
EW-P5	Manage effects on historic heritage and cultural values that may be discovered when undertaking earthworks by: <ul style="list-style-type: none"> a. requiring a protocol for the accidental discovery of archaeology, kōiwi and artefacts of Māori origin; and b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.
EW-P6	Require that all earthworks are designed and undertaken in a manner that ensures: <ul style="list-style-type: none"> a. the stability and safety of surrounding land, buildings or structures; and b. the safe, effective and efficient operation of infrastructure.¹²
EW-P7	Ensure all earthworks associated with land development are designed and assessed in a coordinated and integrated manner at the time of subdivision, by: <ul style="list-style-type: none"> a. controlling earthworks associated with subdivision, including for the purpose of site preparation, creating roads or access to/within the subdivision, and for the provision of infrastructure; and b. considering the appropriateness of earthworks in conjunction with site design and layout of future subdivision and/or development of land, particularly for future infill or greenfield subdivision.
EW-P8	Manage earthworks to address the effects of the activity requiring resource consent, including (but not limited to) consideration of <u>Consider</u> the following matters where relevant when assessing and managing the effects of earthworks to the application: ¹³ <ul style="list-style-type: none"> a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes;¹⁴ j. the stability of land, buildings and infrastructure; k. visual amenity, natural character, <u>natural features</u>¹⁵ and landscape values, l. historic heritage values, and whether any assessment or advice from a suitably qualified and experienced heritage expert is required; m. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; n. the life-supporting capacity of soils; o. the extent of indigenous biodiversity clearance and its effect on biodiversity values; p. outstanding natural character, outstanding natural landscapes and outstanding natural features; q. riparian margins;¹⁶ r. the location, operational and functional needs and use of infrastructure; s. temporary or permanent nature of any adverse effect; and t. traffic and noise effects.
Rules	

¹² Transpower New Zealand Limited (S454.101).

¹³ Clause 16, Schedule 1, RMA.

¹⁴ Northland Regional Council (S359.043) and others.

¹⁵ Clause 16, Schedule 1, RMA.

¹⁶ Clause 16, Schedule 1, RMA.

Notes:

1. More stringent earthworks rules apply in the following other district-wide matters: Natural Character, Natural Features and Landscapes, Coastal Environment, Heritage Area Overlays, Historic Heritage, Notable Trees, and Sites and Areas of Significance to Māori. Those earthworks rules apply in addition to the earthworks rules and standards in this chapter. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules in this District Plan.
2. The Ecosystems and Indigenous biodiversity chapter manages land disturbance associate with indigenous vegetation clearance.
3. ~~EW-R11 and 12 apply in addition to the rule(s) that relates to the activity being undertaken. They must be read in conjunction with each other to determine whether a resource consent is required.¹⁷~~
4. Earthworks associated with commercial plantation forestry are regulated under the National Environmental Standards for Commercial Plantation Forestry 2017 (NES-CPF). The rules in the Earthworks chapter do not apply to earthworks regulated by the NES-CPF, and are not managed through the District Plan except where district plan rules may be more stringent under Regulation 6 of the NES-PF. If the activity relates to earthworks associated with plantation forestry, refer to the NES-PF. However, if plantation commercial forestry earthworks are located in the Coastal Environment or Natural Features and Landscapes overlays, the more stringent earthworks rules in those chapters this District Plan prevails over the NES-PCF.¹⁸
5. ~~The Northland Regional Plan currently in force and the National Environment Standards for Freshwater 2020~~ include rules and regulations relating to earthworks to manage effects on freshwater, the coastal marine area, natural hazards and soil. Consent may be required for earthworks in terms of the regional rules and regulations in these documents under the Northland Regional Plan in addition to this District Plan.¹⁹
6. Earthworks in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The rules in this Earthworks chapter do not apply to earthworks regulated by the NES-F.²⁰
7. Where soil sampling and land disturbance is proposed on land where a hazardous activity or industry has been, is more likely than not to have been or is currently operating, then the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 also will²¹ apply.
8. The earthworks rules in this Chapter do not apply to the removal or replacement of an underground fuel storage system which are regulated under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.²²

EW-R1	Earthworks²³ for buildings or structures, and extensions to existing buildings or structures	
All zones	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Restricted discretionary

¹⁷ Clause 16, Schedule 1, RMA.
¹⁸ Summit Forests New Zealand Limited (S148.036)
¹⁹ Northland Regional Council (S359.043) and others.
²⁰ Clause 16, Schedule 1, RMA.
²¹ The Fuel Companies (S335.007).
²² The Fuel Companies (S335.008)
²³ Haigh Workman Limited (S215.036) and others.

	<p>PER-1²⁴ The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; <u>EW-S3 Accidental discovery protocol;</u> EW-S4 Site reinstatement; <u>EW-S5 Erosion and sediment control;</u> EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.</p> <p>EW-S1 does not apply to Motoura Island or Orongo Bay zones²⁵</p> <p>EW-R1 does not apply to:</p> <ul style="list-style-type: none"> a. <u>the placement of aggregate;</u> b. <u>earthworks to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993.</u>²⁶ 	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. <u>the matters of discretion of any infringed standard. the location, scale and volume;</u> b. <u>depth and height of cut and fill;</u> c. <u>the nature of filling material and whether it is compacted;</u> d. <u>the extent of exposed surfaces or stockpiling of fill;</u> e. <u>erosion, dust and sediment controls;</u> f. <u>the risks of natural hazards, particularly flood events;</u> g. <u>stormwater controls;</u> h. <u>flood storage, overland flow paths and drainage patterns;</u> i. <u>the stability of land, buildings and infrastructure;</u> j. <u>natural character, landscape, natural features, historic heritage, spiritual and cultural values;</u> k. <u>the life-supporting capacity of soils;</u> l. <u>the location and use of infrastructure;</u> m. <u>temporary or permanent nature of any adverse effect;</u> n. <u>traffic and noise effects;</u> o. <u>time of year earthworks will be carried out and duration of the activity; and</u> p. <u>impact on visual and amenity values.</u>²⁷
<p>EW-R2²⁸</p>	<p>Earthworks for creating fence lines, poles, piles and service connections</p>	
<p>All zones-</p>	<p>Activity status: Permitted-</p> <p>-</p> <p>Where:</p> <p>-</p> <p>PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and</p>	<p>Activity status where compliance not achieved with PER-1:</p> <p>Restricted discretionary-</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <p>-</p> <ul style="list-style-type: none"> a. <u>the matters of discretion of any infringed standard.</u> <p>-</p>

²⁴ Haigh Workman Limited (S215.036) and others.

²⁵ Clause 16, Schedule 1, RMA.

²⁶ HortNZ (S159.001).

²⁷ Haigh Workman Limited (S215.036) and others.

²⁸ Haigh Workman Limited (S215.036) and others.

	<p>EW-S9 Flood and coastal hazards.-</p> <p>-</p> <p>EW-S1 does not apply to Motoura Island or Orongo Bay zones</p>	
EW-R3	Earthworks for rural industry activity	
All zones	<p>Activity status: Permitted</p> <p>-</p> <p>Where:</p> <p>-</p> <p>PER-1</p> <p>The earthworks complies with standards:</p> <p>EW-S1 Maximum earthworks thresholds;</p> <p>EW-S2 Maximum depth and slope;</p> <p>EW-S4 Site reinstatement;</p> <p>EW-S6 Setbacks;-</p> <p>EW-S7 Land stability;-</p> <p>EW-S8 Nature of filling material; and</p> <p>EW-S9 Flood and coastal hazards.-</p> <p>-</p> <p>EW-S1 does not apply to Motoura Island or Orongo Bay zones</p>	<p>Activity status where compliance not achieved with PER-1:</p> <p>Restricted discretionary</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <p>-</p> <p>a. the matters of discretion of any infringed standard.</p> <p>-</p>
EW-R4	Earthworks for a farming activity where sites are 8 hectares or greater	
<p>Rural Production zone</p> <p>-</p> <p>Māori Purpose zone</p> <p>-</p> <p>Rural Horticulture zone</p> <p>-</p> <p>Ngawha Innovation and Technology Park zone</p>	<p>Activity status: Permitted</p> <p>-</p> <p>Where:</p> <p>-</p> <p>PER-1</p> <p>The earthworks complies with standards:</p> <p>EW-S4 Site reinstatement;</p> <p>EW-S6 Setbacks;-</p> <p>EW-S7 Land stability;-</p> <p>EW-S8 Nature of filling material; and</p> <p>EW-S9 Flood and coastal hazards.-</p>	<p>Activity status where compliance not achieved with PER-1:</p> <p>Restricted discretionary</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <p>-</p> <p>a. the matters of discretion of any infringed standard.</p> <p>-</p>
EW-R5	Earthworks for farming a activity on sites less than 8ha and for sites in zones not listed in Rule EW-R4	
All zones	<p>Activity status: Permitted</p> <p>-</p> <p>Where:</p> <p>-</p> <p>PER-1</p> <p>The earthworks complies with standards:</p> <p>EW-S1 Maximum earthworks thresholds;</p> <p>EW-S2 Maximum depth and slope;</p> <p>EW-S4 Site reinstatement;</p> <p>EW-S6 Setbacks;-</p>	<p>Activity status where compliance not achieved with PER-1:</p> <p>Restricted discretionary</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <p>-</p> <p>a. the matters of discretion of any infringed standard.</p> <p>-</p>

	<p>EW-S7 Land stability;- EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.- - EW-S1 does not apply to Motoura Island or Orongo Bay zones</p>	
EW-R6	Earthworks for the formation of unformed roads and the formation or upgrade of private roads and private accessways	
All zones	<p>Activity status: Permitted- - Where:- - PER-1 The earthworks for formation of an unformed road is located within the legal road corridor.- - PER-2 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds;- EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks;- EW-S7 Land stability;- EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.- - EW-S1 does not apply to Motoura Island or Orongo Bay zones - NOTE: Approval from Council is required to undertake work on legal road, where they are the landowner irrespective of complying with rules in a district plan.-</p>	<p>Activity status where compliance not achieved with PER-2: Restricted discretionary- - Matters of discretion are restricted to: - a. the matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-1: Discretionary-</p>
EW-R7	Earthworks for new infrastructure or repair and upgrades	
All zones	<p>Activity status: Permitted- - Where: - PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds;- EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks;- EW-S7 Land stability;- EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards.- - EW-S1 does not apply to Motoura Island or Orongo Bay zones</p>	<p>Activity status where compliance not achieved with PER-1: Restricted discretionary- - Matters of discretion are restricted to: - a. the matters of discretion of any infringed standard.</p>
EW-R8	Earthworks for new infrastructure or repair and upgrades of existing infrastructure owned by network utility providers or requiring authority	

<p>All zones</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity is undertaken by the network utility operator or requiring authority.</p> <p>PER-2 The earthworks complies with standards: EW S1 Maximum earthworks thresholds; EW S2 Maximum depth and slope; EW S4 Site reinstatement; EW S6 Setbacks; EW S7 Land stability; EW S8 Nature of filling material; and EW S9 Flood and coastal hazards.</p> <p>EW S1 does not apply to Motoura Island or Oronge Bay zones</p>	<p>Activity status where compliance not achieved with PER-2: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-1: Discretionary</p>
<p>EW-R9</p>	<p>Earthworks for sport and recreation activity</p>	
<p>All zones</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks complies with standards: EW S1 Maximum earthworks thresholds; EW S2 Maximum depth and slope; EW S4 Site reinstatement; EW S6 Setbacks; EW S7 Land stability; EW S8 Nature of filling material; and EW S9 Flood and coastal hazards.</p> <p>EW S1 does not apply to Motoura Island or Oronge Bay zones</p>	<p>Activity status where compliance not achieved with PER-1: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
<p>EW-R10</p>	<p>Earthworks for the construction, or upgrade of walkways, cycle tracks and leisure activity</p>	
<p>All zones</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks complies with standards: EW S1 Maximum earthworks thresholds; EW S2 Maximum depth and slope; EW S4 Site reinstatement; EW S6 Setbacks; EW S7 Land stability; EW S8 Nature of filling material; and EW S9 Flood and coastal hazards.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>

	- EW-S1 does not apply to Motoura Island or Oronge Bay zones	
EW-R11	Earthworks for conservation activity	
All zones	Activity status: Permitted - Where: - PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards. - EW-S1 does not apply to Motoura Island or Oronge Bay zones	Activity status where compliance not achieved with PER-1: Restricted discretionary - Matters of discretion are restricted to: - a. the matters of discretion of any infringed standard. -
EW-R12	Earthworks and the discovery of suspected sensitive material	
All zones	Activity status: Permitted - Where: - PER-1 The earthworks complies with standard EW-S3 -Accidental Discovery Protocol.	Activity status where compliance not achieved: Discretionary -
EW-R13	Earthworks and erosion and sediment control	
All zones	Activity status: Permitted - Where: - PER-1 The earthworks complies with standard EW-S5 Erosion and sediment control.	Activity status where compliance not achieved with PER-1: Restricted discretionary - Matters of discretion are restricted to: - a. the matters of discretion of any infringed standard.
EW-R14	Activities not otherwise listed in this chapter	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
EW-R15²	110kV Transmission lines and Earthworks within the National Grid Yard and within 10m of Top Energy Transmission Lines (110kV and 66kV)	
All zones	Activity status: Non-complying Permitted²⁹	Activity status where compliance not

²⁹ Top Energy (S483.180).

	<p>Where:</p> <p>PER-1³⁰ Earthworks around Top Energy or Transpower 110kV or greater electricity transmission line poles must:</p> <ol style="list-style-type: none"> 1. <u>be no deeper than 300mm within 6 metres of the outer visible edge of a foundation of a 110kV transmission line, tower or pole;</u> 2. <u>be no deeper than 3 metres:</u> <ol style="list-style-type: none"> a. <u>between 6 metres and 12 metres from the outer visible edge of a foundation of a 110kV or a 220kV transmission line, tower or pole;</u> <u>or</u> b. <u>between 6 metres and 10 metres from the outer visible edge of foundation of a 66kV transmission line, tower or pole;</u> 3. <u>not compromise the stability of a transmission line, or tower or pole;</u> 4. <u>not result in a reduction in the ground to conductor clearance distances as required by New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001); and</u> 5. <u>not permanently physically impede access to a 110kV transmission line or National Grid support structure.</u> <p>PER-1 does not apply to:</p> <ol style="list-style-type: none"> 1. <u>land disturbance undertaken as part of agricultural, horticultural or domestic cultivation, or repair or resealing of a road, footpath, driveway or farm track.</u> 2. <u>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.</u> 3. <u>earthworks that otherwise comply with Clause 2.4.1 of NZECP34: 2001.</u> <ol style="list-style-type: none"> 6. be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; or 7. be no deeper than 750mm within 2.2 to 5m of a transmission pole support structure or stay wire; except that vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole 	<p>achieved: Not applicable <u>Non-complying</u></p>
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³⁰ Transpower (S454.102).

	<p>support structure or stay wire are exempt from Standards EW-REQ10(a) and EW-REQ10(b) above.</p> <p>PER-2 Earthworks around Top Energy or Transpower 110kV or greater electricity transmission line towers must:</p> <ol style="list-style-type: none"> 1. be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; or 2. be no deeper than 3m between 6-12m from the outer visible edge of a transmission tower support structure. <p>PER-3 Earthworks within 12m of a Top Energy or Transpower 110kV or greater electricity transmission line pole or tower must not:</p> <ol style="list-style-type: none"> 1. create an unstable batter that will affect a transmission support structure; or 2. result in a reduction in the ground to conductor clearance distances as required by New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001. <p>This rule does not apply to the network utility operator.</p>	
EW-R3	<u>Earthworks within 10m of Critical Electricity Lines (excluding Top Energy 110Kv and 66kV Transmission Lines)³¹</u>	
<u>All zones</u>	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>Earthworks:</u></p> <ol style="list-style-type: none"> 1. <u>are not directly above underground cables;</u> 2. <u>do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and</u> 3. <u>are in accordance with NZECP 34:2001.</u> <p><u>PER-2</u> <u>Earthworks that do not comply with PER-1 provided that:</u></p> <ol style="list-style-type: none"> 1. <u>prior to works notification is provided to</u> 	<p><u>Activity status when compliance not achieved with PER-1, or PER-2: Restricted Discretionary</u></p> <p><u>Matters of discretion restricted to:</u></p> <ol style="list-style-type: none"> a. <u>the safe and efficient operation and maintenance of the electricity supply network, including:</u> <ol style="list-style-type: none"> i. <u>the use, design and location of buildings or structures;</u> ii. <u>compliance with NZECP 34:2001;</u> iii. <u>effects on public health and safety; and</u> iv. <u>effects on access to Critical Electricity Lines, designated substations and associated</u>

³¹ Top Energy (S483.180).

	<p><u>Council and the proposed activity is being carried out in accordance with the Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003 (SR 2003/375), and the Electricity (Safety) Regulations 2010); or</u></p> <p>2. <u>the activity is being carried out by a network utility operator or territorial authority in accordance with NZECP 34:2001.</u></p>	<p><u>infrastructure for maintenance purposes.</u></p>
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Standards

EW-S1 Maximum earthworks thresholds

<p>All zones, except Moturoa Island, Orongo Bay</p>	<p>The following maximum volumes and area thresholds <u>must not be exceeded</u>³² for all earthworks undertaken on a site within a single calendar year:</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th style="width: 30%;">Zone</th> <th style="width: 20%;">Volume (m³)</th> <th style="width: 20%;">Area (m²)</th> </tr> </thead> <tbody> <tr> <td>General Residential, Mixed Use, Light Industrial, Heavy Industrial, Hospital, Horticulture Processing Facility, Carrington, Kororāreka Russell Township, Hospital, Māori Purpose - Urban</td> <td>200</td> <td>2,500</td> </tr> <tr> <td>Natural Open Space, Open Space, Sport and Active Recreation, Rural Residential, Settlement, Quail Ridge, Airport</td> <td>300</td> <td>2,500</td> </tr> <tr> <td>Light Industrial, Heavy Industrial³³</td> <td>500</td> <td>2,500</td> </tr> <tr> <td>Rural Lifestyle</td> <td>1000</td> <td>2,500</td> </tr> <tr> <td>Rural Production, Horticulture, Kauri Cliffs, Ngawha</td> <td>5000</td> <td>2,500</td> </tr> </tbody> </table>	Zone	Volume (m ³)	Area (m ²)	General Residential, Mixed Use, Light Industrial, Heavy Industrial, Hospital, Horticulture Processing Facility, Carrington, Kororāreka Russell Township, Hospital, Māori Purpose - Urban	200	2,500	Natural Open Space, Open Space, Sport and Active Recreation, Rural Residential, Settlement, Quail Ridge, Airport	300	2,500	Light Industrial, Heavy Industrial ³³	500	2,500	Rural Lifestyle	1000	2,500	Rural Production, Horticulture, Kauri Cliffs, Ngawha	5000	2,500	<p>Where the standard is not met, matters of discretion are restricted to: refer EW-R1³⁸</p> <ul style="list-style-type: none"> a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. natural character, landscape, historic heritage, spiritual and cultural values; l. the life supporting capacity of soils; m. the extent of indigenous vegetation clearance and its effect on biodiversity; n. impact on any outstanding natural character, outstanding natural landscapes and outstanding natural features; o. riparian margins;
Zone	Volume (m ³)	Area (m ²)																		
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³² CI 16, Schedule 1, RMA

³³ LD Family Investments Limited (S384.011).

³⁸ Haigh Workman Limited (S215.036) and others.

	<p>Innovation Park, Māori Purpose - Rural</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> a. <u>earthworks for septic tanks and associated drainage fields;</u>³⁴ b. <u>earthworks for the maintenance of existing walking tracks, farm tracks, driveways, roads and accessways;</u>³⁵ c. <u>earthworks for the operation, maintenance and repair of existing infrastructure;</u>³⁶ and d. <u>earthworks for the maintenance of drains</u>³⁷ 	<ul style="list-style-type: none"> p. the location and use of infrastructure; q. temporary or permanent nature of any adverse effect; r. traffic and noise effects; s. time of year earthworks will be carried out and duration of the activity; and t. impact on visual and amenity values.
EW-S2	Maximum depth and slope	
All zones	<p>The maximum depth of any cut or height of any fill shall not exceed:</p> <ol style="list-style-type: none"> 1. 1.5m, i.e. maximum permitted cut and fill height may be 3m; or 2. 3m subject to it being retained by a engineered retaining wall, which has had a building consent issued. <p>This standard does not apply:</p> <ul style="list-style-type: none"> a. <u>to land disturbance;</u>³⁹ and b. <u>earthworks for telecommunication pole foundations.</u>⁴⁰ 	<p>Where the standard is not met, matters of discretion are restricted to: refer EW-R1⁴¹</p> <ul style="list-style-type: none"> a. the location, scale and volume; b. depth and height of cut and fill; c. the extent of exposed surfaces or stockpiling of fill; d. the risks of natural hazards, particularly flood events; e. stormwater controls; f. flood storage, overland flow paths and drainage patterns; g. impacts on natural coastal processes; h. the stability of land, buildings and infrastructure; i. natural character, landscape, historic heritage, spiritual and cultural values; j. the life supporting capacity of soils; k. the extent of indigenous vegetation clearance and its effect on biodiversity; l. impact on any outstanding natural character, outstanding natural landscapes and outstanding natural features; m. riparian margins; n. the location and use of

³⁴ Northland Planning and Development Limited (S502.025) and others.

³⁵ NZ Pork (S55.001).

³⁶ Top Energy (S483.178).

³⁷ HortNZ (S159.001).

³⁹ The Fuel Companies (S335.023) and others.

⁴⁰ The Telco Companies (S282.014).

⁴¹ Haigh Workman Limited (S215.036) and others.

		<p>infrastructure;</p> <p>o. temporary or permanent nature of any adverse effect;</p> <p>p. traffic and noise effects;</p> <p>q. time of year earthworks will be carried out and duration of the activity; and</p> <p>r. impact on visual and amenity values.</p>
EW-S3	Accidental discovery protocol	
All zones	<p>On discovery of any suspected sensitive material, the person must take the following steps:</p> <ol style="list-style-type: none"> 1. Cease all works within 20m of any part of the discovery immediately and secure the area, including: <ol style="list-style-type: none"> a. shutting down all earth disturbing machinery and stopping all earth moving activities; and b. establish a sufficient buffer area to ensure that all material remains undisturbed. 2. Within 24 hours of the discovery the owner of the site, tenant or the contractor must: <ol style="list-style-type: none"> a. inform the following parties of the discovery: <ol style="list-style-type: none"> i. The New Zealand Police if the discovery is of human remains or kōiwi; ii. The Council in all cases; iii. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and iv. Tangata Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi. 3. No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include: <ol style="list-style-type: none"> a. If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or b. If the discovery is of 	<p>Where the standard is not met, matters of discretion are restricted to: <u>Not applicable refer EW-R1</u>⁴²</p>

⁴² Haigh Workman Limited (S215.036) and others.

	<p>archaeological material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Tangata Whenua representatives.</p> <p>4. Recommencement of work:</p> <ul style="list-style-type: none"> a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required; b. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; and c. Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials that is not otherwise permitted under the plan or allowed by any existing resource consent. 	
EW-S4	Site reinstatement	
All zones	<p>As soon as practicable, but no later than six months from the commencement of works:</p> <ul style="list-style-type: none"> 1. the earthworks area shall be established, filled and/or recontoured in a manner consistent with the surrounding land; and 2. replanted with vegetation which is the same as, or of similar species, to that which existed on the site prior to the earthworks taking place (if any), except that where the site was vegetation with any plant pest, the site may be replanted with indigenous vegetation from locally sourced genetic stocks or sealed, paved, metaled or built over. 	<p>Where the standard is not met, matters of discretion are restricted to: <u>refer EW-R1</u>⁴³</p> <ul style="list-style-type: none"> a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. natural character, landscape, historic heritage, spiritual and cultural values; l. the life supporting capacity of

⁴³ Haigh Workman Limited (S215.036) and others.

		<ul style="list-style-type: none"> soils; m. the extent of indigenous vegetation clearance and its effect on biodiversity; n. outstanding natural character, outstanding natural landscapes and outstanding natural features; o. riparian margins; p. the location and use of infrastructure; q. temporary or permanent nature of any adverse effect; r. traffic and noise effects; s. time of year earthworks will be carried out and duration of the activity; and t. impact on visual and amenity values
EW-S5	Erosion and sediment control	
All zones	<p>Earthworks</p> <ul style="list-style-type: none"> 1. must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005); and 2. shall be implemented to prevent minimise silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.⁴⁴ 	<p>Where the standard is not met, matters of discretion are restricted to: <u>refer EW-R1⁴⁵</u></p> <ul style="list-style-type: none"> a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. natural character, landscape, historic heritage, spiritual and cultural values; l. the life supporting capacity of soils; m. the extent of indigenous vegetation clearance and its effect on biodiversity; n. outstanding natural character, outstanding natural landscapes

⁴⁴ Northland Regional Council (S359.043) and others.

⁴⁵ Haigh Workman Limited (S215.036) and others.

		<ul style="list-style-type: none"> and outstanding natural features; e. riparian margins; p. the location and use of infrastructure; q. temporary or permanent nature of any adverse effect; r. traffic and noise effects; s. time of year earthworks will be carried out and duration of the activity; and t. impact on visual and amenity values.
EW-S6	Setback	
All zones	<p>Earthworks must be setback from a site boundary by the following minimum distances:</p> <ol style="list-style-type: none"> 1. earthworks that are: <ol style="list-style-type: none"> a. supported by engineered retaining walls - 1.5m from a site boundary; or b. not supported by engineered retaining walls - 3m from a site boundary; and 2. earthworks must be setback by a minimum distance of 10m from coastal marine area.⁴⁶ <p><u>This standard does not apply to:</u></p> <ol style="list-style-type: none"> a. <u>land disturbance;</u>⁴⁷ b. <u>earthworks for the installation and upgrading of utility connections and infrastructure; and</u> c. <u>earthworks for for the formation of an approved driveway or crossing.</u>⁴⁸ <p>Note: setbacks from waterbodies is managed by the Natural Character chapter.</p>	<p>Where the standard is not met, matters of discretion are restricted to: <u>refer EW-R1</u>⁴⁹</p> <ol style="list-style-type: none"> a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. stormwater controls; g. the stability of land, buildings and infrastructure; h. the life supporting capacity of soils; i. temporary or permanent nature of any adverse effect; j. traffic and noise effects k. time of year earthworks will be carried out and duration of the activity; l. natural character, landscape, historic heritage, spiritual and cultural values; and m. impact on visual and amenity values.
EW-S7	Land stability	
All zones	<p>Earthworks must not result in any instability of land at or beyond the boundary of the property where the earthworks occurs.</p>	<p>Where the standard is not met, matters of discretion are restricted to: <u>refer EW-R1</u>⁵⁰</p>

⁴⁶ Northland Regional Council (S359.043) and others.

⁴⁷ Northland Planning and Development (S502.026) and others.

⁴⁸ FNDC (S368.084).

⁴⁹ Haigh Workman Limited (S215.036) and others.

⁵⁰ Haigh Workman Limited (S215.036) and others.

		<p>a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. where the land instability adversely affects any buildings, structures or infrastructure; k. the life supporting capacity of soils; l. the extent of vegetation clearance; m. proximity to any waterbody or coastal marine area; n. the location and use of infrastructure; o. temporary or permanent nature of any adverse effect; p. traffic and noise effects; and q. time of year earthworks will be carried out and duration of the activity.</p>
EW-S8	Nature of filling material	
All zones	<p>The fill material shall not:</p> <ol style="list-style-type: none"> 1. contain putrescible, pollutant, inflammable or hazardous components; or 2. consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material; or 3. comprise more than 5% vegetation (by volume) of any load. 	<p>Where the standard is not met, matters of discretion are restricted to: <u>refer EW-R1</u>⁵¹</p> <p>a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes;</p>

⁵¹ Haigh Workman Limited (S215.036) and others.

		<ul style="list-style-type: none"> j. the stability of land, buildings and infrastructure; k. natural character, landscape, historic heritage, spiritual and cultural values; l. the life supporting capacity of soils; m. outstanding natural character, outstanding natural landscapes and outstanding natural features; n. riparian margins; o. the location and use of infrastructure; p. temporary or permanent nature of any adverse effect; and q. traffic and noise effects; r. time of year earthworks will be carried out and duration of the activity; and s. impact on visual and amenity values.
<p>EW-S9 Flood and coastal hazards</p>		
<p>All zones</p>	<p>Earthworks must not:</p> <ol style="list-style-type: none"> 1. divert flood flow or coastal inundation onto other properties or otherwise result in any increase in flood hazard or coastal inundation beyond the boundaries of the site; or 2. result in the loss of any flood storage volume within a flood hazard area, unless equivalent flood storage is provided. 	<p>Where the standard is not met, matters of discretion are restricted to: <u>refer EW-R1</u>⁵²</p> <ul style="list-style-type: none"> a. the location, scale and volume; b. depth and height of cut and fill; c. the nature of filling material and whether it is compacted; d. the extent of exposed surfaces or stockpiling of fill; e. erosion, dust and sediment controls; f. the risks of natural hazards, particularly flood events; g. stormwater controls; h. flood storage, overland flow paths and drainage patterns; i. impacts on natural coastal processes; j. the stability of land, buildings and infrastructure; k. the life supporting capacity of soils; l. temporary or permanent nature of any adverse effect; and m. time of year earthworks will be carried out and duration of the activity.

⁵² Haigh Workman Limited (S215.036) and others.