

Civil Contractors New Zealand handout – requested amendments to GWRC earthworks policies and rules as proposed in PC1 consultation

Requested changes references the measures proposed in [Appendix 4: Recommended Amendments to Provisions and Section 32AA Evaluation](#)

Overview

Overall, we believe considerable and unnecessary problems have been caused through adding complexity to earthworks rules and policies, which should be clear and simple.

Many of these site management issues should be dealt with in guidance, most notably the *GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021)*, which provides clarity on how works can be performed.

We are happy that GWRC has conducted a review of its proposed PC1 rules and policies, and largely support the direction of the amendments made since December 2023, however we still feel the earthworks rules and policies proposed add excessive complexity to the rules, that is impractical when conducting physical works, and difficult to unwind. These situations can be properly managed through guidance, which is where this information should sit.

The industry has seen massive cost escalation and is losing many skilled workers due to the arbitrary 'winter works shutdown' imposed by GWRC.

Policies WH.P29, P.P27 and WH.P30, P.P28: Management of earthworks sites and discharge standards for earthworks sites

Action required: Point (e), which references a 'winter shutdown of earthworks', must be deleted. This perception that all earthworks must be shut down for an arbitrary four months is not acceptable to industry, as it means we are unable to retain a workforce to service the region's infrastructure needs.

We dispute the need for a shutdown of winter works, and question the intent of the closedown period noted in (e). This timing is arbitrary, not necessarily aligned with wet weather months, and does not recognise or support high-quality soil management and sediment control.

This point also does not align with the removal of a 'winter closedown period' from many other policies, namely the proposed deletion of Policies P.P29 and WH.P31: Winter shutdown of earthworks, which is proposed to be deleted due to recognition that sediment

from earthworks can be managed and controlled- which is something we wholeheartedly agree with.

It's really important that GWRC recognises that the objective here is not minimising works, as in minimising the amount of work it is possible for the industry to perform, but rather minimising the adverse effects of works. There is a big difference, and this wording will guide the actions of GWRC staff.

Change requested: All mention of a 'winter works shutdown' must be removed to align with Policies P.P29 and WH.P31. This will work best **if point (e) is deleted**.

Alternate change required, if the above request is not acceptable: The policy wording for point (e) should be amended to 'Minimising **any adverse effects resulting from** works between 1 June and 30 September'.

Policies WH.P30 + Rule WH.R24 + Rule P.R23: Discharge Standard for earthworks sites

The wording is too complex, and seems unworkable for sites due to complexity.

Site management and good practice is covered off under point (b). So it is not necessary to add the additional complexity proposed.

As it stands, the wording would require an expert to measure the average visual clarity of the river, and then measure the impacts of the discharge on the average visual clarity.

If it goes ahead, would require clear and simple illustration by GWRC for industry to reach appropriate solutions.

NTU is a normal measure for industry (in areas where there are low tannins in the water). It is an on-site rather than a lab-based test, meaning it does not delay work, and it can also be objective and measured over time, rather than based on an arbitrary point in time (that could be chosen based on whether the project is well-liked or not).

There are also notable cases of water dosing with flocculant and/or polymers used to improve visual clarity, which can increase risk for marine life.

We also question who the 'suitably qualified person' mentioned in (b) is for taking tests and the training needed to be able to do these tests. This needs to be someone who is part of project delivery, or it will cause delays.

Recommendation: Part (a) should end after 'artificial watercourse' as processes for management are already covered in the Sediment Control Guidelines mentioned under (b).

If the intent is to conduct stream monitoring, this is a separate activity and should be performed by GWRC or scoped for individual projects where it is a significant risk, not forced onto contractors as a blanket rule.

Part b needs immediate clarification around who is a 'suitably qualified person'.

Policies P.P29 and WH.P31: Winter shutdown of earthworks

We support removal of the shutdown of winter earthworks wholeheartedly. This policy needs to be removed as soon as possible, as it is not workable for our members.

We agree with the reasoning provided. It is essential this change goes ahead, and these policies are deleted in favour of good management of sediment on site.

Rule WH.R23A – Minor earthworks associated with infrastructure and Rule P.R22A Minor earthworks associated with infrastructure

Agree with position that they should be permitted, but the list used in this rule was defined as 'not earthworks' earlier in the document. Is that correct?

