

DRAFT DISTRICT PLAN

Topic summary:

EARTHWORKS

KEY OUTCOMES

- *Great urban areas*
- *Leveraging our heritage*



INTRODUCTION

Earthworks are essential for supporting land use activities including leveling building sites and driveways to enable land to be developed for housing, business and recreation.

However, if not properly managed, earthworks can:

- discharge soil and contaminants into stormwater networks and waterways as well as into the air;
- increased the risk from natural hazards such as weather events and earthquakes;
- impact soil stability ;
- have an adverse effect on natural features and landscapes, and amenity and cultural values.

OVERVIEW OF CURRENT PROVISIONS

Small scale earthworks are generally permitted (allowed without resource consent) within the current District Plan, so long as volume limits are met, runoff and dust are well managed, slopes remain stable, and excavated faces are limited in size. There are also limits on the amount of material that can be transported off-site to ensure that productive soils are retained within rural areas.

Earthworks associated with river control and drainage works, the construction or upgrade of roads and other network utilities, the renourishment of the coastal environment, the replacement and/or removal of fuel storage systems and dredging in the Inner Harbour are either exempt from, or permitted by the current District Plan.

Earthworks associated with any subdivision or building consent or designation, where the area of earthworks includes no more than 150% of the area of the associated building footprint, are also exempt from the earthworks volume thresholds rule.

Despite the current District Plan containing rules to manage earthworks, there are occasions where adverse effects (such as visual amenity, and cultural, natural and heritage values) have been experienced beyond the boundaries of the site where the activity is occurring. Sediment - and the contaminants it contains has adversely affected other properties, stormwater drains, pipes and bodies of water such as streams.

Because the most effective way to manage the effects of earthworks is at source, the Draft District Plan aims to clarify responsibilities, best practice methods and thresholds for all people undertaking earthworks. Council aims to reduce exemptions and ensure adverse effects are avoided as far as practicable in the first instance.

KEY ISSUES AND CHANGES

The major changes in relation to earthworks in the Draft District Plan are as follows:

Earthworks for building activities

Under the current District Plan, earthworks for building activities are permitted provided the area of earthworks doesn't exceed 150% of the area associated with the footprint of the proposed building.

The Draft District Plan removes this exemption and defers back to maximum volume thresholds, which vary depending on the zone in which the earthworks take place, for example:

- Rural Production Zone, Rural Lifestyle Zone, Airport Zone, Mission Precincts (all), Settlement Zone, Jervoistown Precinct, Rural Special Control Area, Tertiary Education Zone, and Wastewater Treatment Specific Control Area – 200m³ of earthworks permitted;
- All Residential Zones and Precincts, all Development Areas, all Commercial and Mixed Use Zones and Precincts, all Industrial Zones and Precincts, Boat Harbour Special Purpose Zone, Maori Purpose Zone, Port Zone, and Ahuriri Estuary Special Zone – 100m³ of earthworks permitted;
- Open Space Zones – 2000m³ of earthworks permitted.

Exempt earthworks activities

The Draft District Plan clarifies that earthworks previously considered exempt from various rules are still permitted albeit subject to meeting specified effect standards (EW-S1 – EW-S11) which vary depending on the type of activity. These activities include:

- Earthworks associated with the replacement and/or removal of a fuel storage system

- Earthworks for the maintenance, repair, upgrade and construction of roads, cycleways or walkways for network utilities by a network utility operator
- Earthworks or land disturbance for network utilities by a network utility operator, including vehicle access tracks for network utilities
- Earthworks associated with the renourishment of the coastal environment to mitigate the effects of coastal erosion

Extent, location and control of earthworks

The only major change in terms of earthworks extent thresholds relates to Open Space Zones. These zone limits have increased from 1000m³ to 2000m³ to reflect the scale of earthworks necessary to undertake redevelopment and remediation in these zones. The Draft District Plan also introduces minimum setbacks from gas transmission pipelines, site reinstatement, and regulations for the control of dust.

Standard S-11 introduces an accidental discovery protocol that provides direction in the event that archaeological features or remains are discovered.

Earthworks that take place within wāhi taonga will likely require resource consent, however the nature of these restrictions has not yet been determined. Provisions relating to wāhi taonga will be included in the Proposed Napier District Plan.

Clarification that a suitably qualified person must be involved in determining compliance with, and/or deviation from, certain rules and effects standards.

The Draft District Plan requires that a statement of professional opinion from a suitably qualified person is sought when deviating from permitted effect standards where soil and land stability may be compromised by earthworks.