

SECTION 13.4 EARTHWORKS DISTRICT WIDE ACTIVITY

13.4.1 INTRODUCTION

Earthworks involve the disturbance of land by moving, removing, placing or replacing earth, or by excavation, cutting, scraping, filling or backfilling.

Earthworks are an essential part of the on-going utilisation and management of the land resource in the District. It can include, for example, the creation of building platforms for housing, the creation of vehicle access onto sites, or the preparation of silage pits for farming activities.

When land contours are disturbed or altered through earthworks, this can have significant environmental effects on the surface drainage patterns of land, visual amenity values, soil erosion potential, the life-sustaining capacity of soils, and the disturbance of ecosystems, watercourses and waterbodies, and areas of natural, cultural and heritage values. Earthworks may also create a potential hazard to the safety of people and the community where they cause subsidence, slippage or inundation of land.

The rules in this section of the District Plan are intended to address these potential effects. It is acknowledged however, that in many cases earthworks are undertaken in conjunction with subdivision and development, Network Utility Operations, Natural Hazard Mitigation Activities (such as the construction of stopbanks) or with works carried out under the designation procedures of the Resource Management Act. These rules do not address earthworks associated with, and approved as part of, subdivision or building consents (see Section 15.1 of the District Plan for rules on earthworks associated with subdivision), Network Utility Operations (see Section 13.3 of the District Plan for rules relating to Network Utilities), Designations (see Section 16.0 for rules on Designations), and Mining (see Section 13.2 on Mineral, Aggregate and Hydrocarbon Extraction). The rules of this section of the District Plan deal with earthworks on land which are unrelated to these activities.

13.4.2 RESOURCE MANAGEMENT ISSUES

- ***Earthworks can have significant adverse effects on people and the natural and physical environment.***

When land contours are disturbed or altered through earthworks, this can have significant environmental effects on the surface drainage patterns of land, and the potential for soil erosion and subsidence of land. This may create adverse effects on neighbouring properties and pose a potential hazard to the safety of people and the community. Ecosystems and natural areas, including waterbodies, watercourses and vegetation may also be adversely affected.

- ***Earthworks can detract from the character, visual amenity and cultural or heritage value of the area where they occur.***

Modification of land contours through earthworks may result in the creation of an area of bare earth and can alter the shape of natural landforms. This can adversely affect the natural character and visual amenity values of the area where they are undertaken. Earthworks may also damage, destroy or modify the cultural or heritage values of an area, such as waahi tapu and archaeological sites, through disturbance of the land.

13.4.3 OBJECTIVE

- *EWO1 To provide for earthworks while ensuring that the life-supporting capacity of water, soil and ecosystems is safeguarded and that significant adverse effects on the environment are avoided, remedied or mitigated.*

13.4.4 POLICIES

- **EWP1 Limit the scale and location of earthworks to ensure that any significant adverse effects on people, property, public or Network Utility assets, or the environment are avoided.**

Explanation

The District Plan recognises the importance of earthworks as part of the on-going utilisation and management of the land resource. It does however include standards which limit the volume of earthworks that can be undertaken at any one time, and the slope of the land where it can occur. This is to ensure that earthworks do not adversely affect the environment, including the safety of people and property, as well as the visual amenity and character of the area where it occurs.

- **EWP2 Require the repasture or revegetation of land where vegetation is cleared in association with earthworks.**

Explanation

Where vegetation clearance occurs with earthworks, disturbed areas will be required to be repastured or revegetated in plant species which are in harmony with those existing in the area to avoid the risk of soil erosion and to ensure that the life-supporting capacity of the soil is safeguarded. It will also help to ensure that adverse effects on the character and visual amenity of the area are avoided.

13.4.5 METHODS

These Objectives and Policies will be implemented through the following Methods:

- **Hastings District Plan**

Earthworks DWA: Includes Performance Standards to mitigate the effects of earthworks on the environment.

Landscape RMU (Section 12.2): Includes rules to recognise and protect outstanding landscape features from the effects of earthworks.

Waahi Tapu RMU (Section 12.4): Includes rules to recognise and protect waahi tapu sites from the effects of earthworks.

Network Utilities (Section 13.1): Includes Performance Standards relating to the disturbance of land and vegetation from earthworks.

Subdivision and Land Development (Section 15.1): Includes Performance Criteria for setting conditions for earthworks on subdivision.

Designations (Section 16.0): Includes Performance Standards relating to designated works.

- **Hawke's Bay Regional Plan**

- **Industry Codes of Practice**

The following Codes of Practice or environmental manuals are relevant in the Earthworks District Wide Activity and can be used as guidelines for setting conditions for resource consents, where appropriate:

- (a) New Zealand Forest Code of Practice, Second Edition, June 1993, New Zealand Logging Industry Research Organisation (LIRO).
- (b) Guidelines for Pastoral Farming in Hawke's Bay; Best Practices for Addressing Today's Environmental Concerns, Federated Farmers of New Zealand (Inc.), July 1995.
- (c) NZS4431 (1989) Code of Practice for Earthfill for Residential Development.

- **Monitoring and Information requirements.**

- **Network Utility Operations Plans**

Information available from Network Utility Operators on the location of their underground services which may be affected by earthworks.

- **Hastings District Council Engineering Code of Practice**

The Engineering Code establishes standards and guidelines for land development and the provision of roading and service infrastructure which can be used as a means of compliance with the Objectives, Policies and Rules of the District Plan

- **Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide (Best Practice Design Guide)**

This document promotes innovative and sustainable land development, subdivision and infrastructure solutions which aim to create high quality urban environments. The guide incorporates examples and pictorial layouts from best practice within New Zealand and encourages landowners and developers to explore designs that will deliver improved living environments for our community. Guidance within this document will help landowners and developers meet the assessment criteria for land development and subdivision.

13.4.6 ANTICIPATED OUTCOMES

It is anticipated that the following outcomes will be achieved:

- Protection of people and property from the risks of soil erosion, subsidence or inundation.
- Safeguarding the life-supporting capacity of soils.
- Maintenance of the visual amenity and character of the District's landscape.
- Protection of waterbodies, watercourses and riparian areas.
- Protection of outstanding landscapes and waahi tapu sites.

13.4.7 RULES

The activity status and Performance Standard requirements for the activity may be modified by the specific provisions of individual Resource Management Units (RMUs). It will be necessary to check first whether the activity is located within a RMU. Any activity must first comply with the RMU provisions before applying the following rules.

The following rules do not apply to earthworks associated with, and approved as part of, subdivision or building consents (see Section 15.1 of the District Plan for rules on earthworks associated with subdivision), Network Utility Operations (see Section 13.3 of the District Plan for rules relating to Network Utilities), Designations (see Section 16.0 for rules on Designations), and Mining (see Section 13.2 on Mineral, Aggregate and Hydrocarbon Extraction).

13.4.7.1 PERMITTED ACTIVITIES

The following activities shall be permitted provided that they comply with the General Performance Standards and Terms in Section 13.4.8 below.

- EARTHWORKS

13.4.7.2 RESTRICTED DISCRETIONARY ACTIVITIES

(a) For the following activities, the Council will restrict the exercise of its discretion to the ability of the activity to achieve the particular outcome(s) of the General Performance Standard(s) and Terms which it fails to meet, the assessment Criteria in Section 13.4.9 below, and the ability of the activity to meet the remaining relevant General Performance Standards and Terms in Section 13.4.8.

- ANY PERMITTED ACTIVITY NOT MEETING ONE OR MORE OF THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 13.4.8.

(b) Applications for Restricted Discretionary Activities may be considered without the need to obtain the written approval of affected persons and may be considered without the requirement to serve notice. Activities will be assessed and conditions may be imposed in relation to those matters identified in Section 13.4.9 that Council has restricted its discretion over.

13.4.8 GENERAL PERFORMANCE STANDARDS AND TERMS

The following General Performance Standards and Terms shall apply to all Permitted Activities.

13.4.8.1 EXTENT OF EARTHWORKS

ZONE	VOLUME	CRITERIA
Rural	2000m ³	per hectare of property per annum for all activities (including forestry activities occurring in a SLCA)
Rural	Unrestricted	for all forestry activities not in a SLCA
Plains	100m ³	per hectare of property per annum

Outcome
 Any significant adverse effects of earthworks on people, property and the environment will be avoided, including effects on the character and visual amenity of the area.

Residential	25m ³	per property per annum
Urban Zones	25m ³	per property per annum
Special Purpose Zone: Regional Sports Park	N/A	Maximum exposed area at any one time is 8.0 hectares

For the purpose of assessing the total volume of earthworks allowed as a permitted activity for Plains and Rural Zone properties, the volume shall be calculated by multiplying the volume threshold (listed in the above table) by the total area of the subject site in hectares, over any one year.

13.4.8.2 VEGETATION

Where vegetation clearance occurs in association with earthworks, disturbed areas shall be re-vegetated within 12 months of the earthworks being undertaken.

Outcome

Any significant adverse effects of earthworks on the life-supporting capacity of the soil and on the character and visual amenity of the area will be avoided.

13.4.8.3 SLOPE

Earthworks shall be undertaken on land with a slope of 45° or less.

Outcome

Land that is particularly prone to erosion because of its steepness will be protected from the effects of earthworks so that the visual amenity of the area will be protected

13.4.9 ASSESSMENT CRITERIA - RESTRICTED DISCRETIONARY ACTIVITIES

Explanation:

For Restricted Discretionary Activities, the following identify those matters which Council has restricted its discretion over in assessing resource consent applications:

- (a) The extent of removal of vegetation, topsoil, and subsoils.
- (b) Methods of stripping or stockpiling any soils (to safeguard the life-supporting capacity of the soils).
- (c) Methods of rehabilitating the site, including re-spreading of subsoil and topsoil, contouring, re-pasturing and re-vegetation.
- (d) Nature of any fill used.
- (e) Any potential significant adverse effects of the proposed activity on the following:

- (i) Public works and Network Utilities. Regard will be had to the proximity of the activity to the works and utilities (including stopbanks) and the extent to which the activity may interfere with the safe and efficient operation and maintenance of the works and utilities.
 - (ii) Access to and along watercourses and waterbodies.
 - (iii) Land covered by Outstanding or Significant Landscape Areas (see Section 12.2 of the District Plan on Landscape Areas).
 - (iv) Sites or areas of significance to tangata whenua, including waahi tapu sites (see Section 12.4 of the District Plan on Waahi Tapu) and archaeological sites.
 - (v) Adjoining properties, including visual impacts, effects on surface drainage patterns, any likely sedimentation or dust nuisance, or adverse effects on adjoining buildings.
 - (vi) Recreation, Conservation or Natural Areas (see Section 13.5 of the District Plan).
 - (vi) Potential, or increased, risk of hazards from the activity, including potential risk to people or the community.
- (f) Consideration will be given to the means by which the proposed activity can avoid, remedy or mitigate any significant adverse effects on the environment.