

# Natural Areas



## Earthworks In The Natural Areas

### Introduction

Waitakere City's Operative District Plan has been prepared in accordance with the Resource Management Act 1991, and uses a two-layered zoning system.

### Human Environments

Waitakere is divided into 11 Human Environments which reflect the human character of the City. (See Human Environment Maps). These Environments are governed by rules managing the effect of people on other people. For example, the effect of noise or night time lighting, car parking, or building a house.

### Natural Areas

Every part of Waitakere City also fits into one of six Natural Areas (see Natural Area Maps). These Natural Areas are governed by rules managing the effect of people's activities on natural resources. For example, bush and tree removal and earthworks. The Policy Section of the Operative District Plan provides further explanation of these Natural Areas, and the natural resources contained within these areas. The Natural Area Maps also indicate natural landscape elements, which are the subject of separate rules within the Human Environment Rules, for example special soils or sensitive ridge lines.

Every property in Waitakere City has at least one Natural Area and one Human Environment zoning. When you undertake earthworks, you will have to consult the rules for both zones. See also the Rules Section of Operative District Plan for Human Environment Rules that may also apply.

### Earthworks and Their Effects

Earthworks are defined in the Operative District Plan as: moving or removing and placing or replacing soil and earth; excavation; cutting or filling operations; contouring; road, driveway and other access construction; clean fill operations; quarrying; prospecting and exploration.

Earthworks can generate many adverse environmental effects. The most significant of these is when sediment from earthworks enters waterways. Earthworks may also affect soil quality and quantity,

existing vegetation, outstanding natural features and landscapes. Earthworks may undermine land stability, increase the risk of flooding, or make the effects of flooding worse. While earthworks are occurring, there can be problems with noise, dust and vibration, and movement of trucks and heavy machinery on roads and vehicle crossings.

In most cases sediment is discharged from sites as a result of earthworks. Large scale earthworks are obviously a concern. However it is the cumulative effects (i.e. the combined effects from many earthwork activities) that have the potential to significantly affect the environment, and these are of most concern to the Council. For example, individual earthworks (such as building platforms and driveways) within a large subdivision will, when combined, have the potential to generate significant effects in terms of sediment. The Natural Area Rules in the Operative District Plan aim to avoid, remedy or mitigate these effects. Therefore earthworks should be addressed in your subdivision consent application.

### Natural Area Rules

#### General Rule That Applies To All Natural Areas

Where development involves land that has more than one natural area identification on it, each part of the development shall comply with the Natural Area Rules applying to the Natural Area in which that particular part of the development is located.

#### The General Natural Area

Earthworks within a building platform (that has resource or building consent) are a permitted activity, provided that these works are not on a sensitive ridge or headland/cliff/scarp; abide by the Erosion/Sediment Control Appendix; and are not for the purpose of a solid waste landfill.

Earthworks outside an approved building platform are permitted, provided that:

- No more than 50m<sup>3</sup> of earth is disturbed;
- The area of earthworks does not exceed 100m<sup>2</sup>;
- The maximum height of fill or depth of cut does not exceed 1.5 metres;

- The earthworks do not come within one metre of the boundary of any adjoining site;
- The works are not on a sensitive ridge or headland/cliff/scarp;
- The Erosion/Sediment Control Appendix is followed (see below);
- The works are not for the purpose of a solid waste landfill;
- The works are not within a 1 in 100 year floodplain area; and
- The works are not within an open natural watercourse.

If these requirements cannot be met, a resource consent will be required. Consent from the Auckland Regional Council may also be required.

### **The Restoration, Managed, Coastal, And Protected Natural Areas**

Earthworks within a building platform that has resource or building consent are a permitted activity, provided these works are not on a sensitive ridge or headland/cliff/scarp; abide by the Erosion/Sediment Control Appendix and are not for the purpose of a solid waste landfill. If these requirements cannot be met, a resource consent will be required.

### **The Riparian Margins/Coastal Edges Natural Area**

All earthworks in this Natural Area require a resource consent.

### **Erosion/Sediment Control Appendix**

There is an Erosion and Sediment Control Appendix in the District Plan. Most earthworks require such controls. The Appendix indicates what erosion and sediment controls are required when earthworks occur, so that the possibility of erosion adversely affecting other parts of the environment or sediment entering waterways is reduced.

### **Auckland Regional Council Guidelines: "TP90"**

The Auckland Regional Council also provides guidelines on erosion and sediment control. These are available at both Waitakere City Council and the Auckland Regional Council (Ph (09) 366 2000). The full name of the document is: "Erosion & Sediment Control - Guidelines for Land Disturbing Activities in the Auckland Region" Auckland Regional Council Technical Publication No. 90, March 1999.

### **Commencing Earthworks**

Before you commence any earthworks, please check with the owner of the property and with Consent Services at Waitakere City Council, to see if you are permitted to carry out the work. Any work that is not permitted will require a resource consent.

## **Applying For A Resource Consent For Earthworks In A Natural Area**

When applying for a resource consent, you will need to provide all the details requested on the application form(s) and pay the appropriate fees. Earthworks applications often do not provide important information like the volume of earthworks, number of vehicle movements, duration of works, north point on plans, and erosion and sediment control methods.

Resource consent application forms, fee schedules and other information is available from the Council. To avoid delays in processing your application, discuss what information is required with the resource consent staff. This discussion will clarify information you need to supply, and whether your proposal needs a resource consent for other matters besides the effects of your earthworks activity on the Natural Area.

If you submit an application that has insufficient information, the Council will request you supply the missing information. Once this is supplied, the processing of the application will begin.

### **Illegal Earthworks**

Illegal earthworks (i.e. earthworks undertaken without resource consent where a resource consent should have been obtained) can result in a prosecution under the Resource Management Act 1991. The Act allows for fines up to \$200,000 and further fines of up to \$10,000 per day if the offence is continuing, or imprisonment for up to two years.

In a recent case, a developer and their agents were fined \$104,000 by the Environment Court for: the lack of erosion and sediment control measures (required by the conditions of a resource consent); discharging sediment into the Manu Te Whau stream (and ultimately the Upper Waitemata Harbour) over a considerable period; and non compliance with two abatement notices.

It is important to note that both landowners and contractors can be prosecuted under the Resource Management Act 1991, and the Courts do not consider a lack of knowledge an acceptable defense.

**This brochure is only a guide to the Earthworks Rules. The complete Rules are found in Volume One of the Rules Section of the Operative District Plan. If you have any queries, or require further information, please ask the Civic Centre Counter Staff or telephone the Council Call Centre on (09) 839 0400.**