

Chapter 25 - City Wide

25.2 Earthworks and Vegetation Removal



**Hamilton
City Council**
Te kaunihera o Kirikiriroa



This chapter is subject to the following plan change:

Proposed Plan Change 5 – Peacocke Structure Plan (insertions underlined, deletions ~~struck-out~~)

*The following **provisions** have immediate legal effect under Section 86B (3) of the RMA*

25 City-wide

This chapter has two roles. Firstly, it provides objectives, policies, activity status and standards for activities that are relevant across the City and are not zone specific:

- Earthworks and vegetation removal
- Events and temporary activities
- Hazardous facilities
- Network utilities and the electricity national grid corridor
- Signs
- Transportation

Secondly, the chapter provides City-wide objectives, policies and standards that are applicable to the activities in the zone chapters:

- Development suitability
- Landscaping and screening
- Lighting and glare
- Noise and vibration
- Public art
- Smoke, fumes, odour and dust
- Solid waste
- Three Waters
- Transportation
- Urban design

25.2 Earthworks and Vegetation Removal

25.2.1 Purpose

- a) Earthworks refer to the disturbance of land by moving, removing, placing or replacing soil or earth by any means. Earthworks are a necessary part of land subdivision and development, but can result in adverse effects including accelerated erosion and sedimentation, contamination of fresh water, and increased risks from natural hazards. Earthworks can also impact on amenity values, including an unnatural look of the modified land.
- b) Hamilton City is predominantly an urban environment. Trees make an important contribution to the health and wellbeing of the residents of the City and to the quality of the City's landscape. Vegetation removal can impact on biodiversity and ecosystems within the City, and the urban amenity of the City.
- c) The Waikato Regional Council and Waikato Regional Plan have primary responsibility under the Act for controlling land use for soil conservation and water quality. The District Plan has a supporting role, as the District Plan controls subdivision and development of land.
- d) This chapter outlines earthworks and vegetation removal rules relating to the zones, and cross-references to chapters where additional rules relating to earthworks and vegetation removal are outlined. Rules in other chapters (see Rule 25.2.3) address specific matters such as natural hazards, significant natural areas and archaeological or cultural sites and may be more onerous than those contained in this chapter which deals with earthworks and vegetation removal generally and in relation to the Electricity National Grid Corridor.

25.2.2 Objectives and Policies: Earthworks and Vegetation Removal

Objective	Policies
<p>25.2.2.1 Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment.</p>	<p>25.2.2.1a Earthworks and vegetation removal shall occur in a way that:</p> <ul style="list-style-type: none"> i. Minimises adverse effects on existing landforms, natural features and significant vegetation. ii. Maintains natural processes and features including natural drainage patterns and streams. iii. Does not create new, or exacerbate existing natural hazards. iv. Minimises adverse effects on land and water, especially effects such as erosion and sedimentation. v. Creates practicable building sites, efficient use of land and infrastructure, ensures effective stormwater flow paths, and a safe living and working environment. vi. Minimises dust, noise, and runoff. vii. Adopts a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River. viii. Maintains or enhances riparian vegetation on the margins of natural watercourses and wetlands.
<p><u>25.2.2.2</u> <i><u>Enable earthworks in the Peacocke Structure Plan area that facilitate the creation of a high amenity, medium density environment where they:</u></i></p> <p><i><u>1. Are undertaken as part of subdivision to establish a cohesive and consistent approach to earthworks throughout a development.</u></i></p> <p><i><u>2. Avoid modification of significant natural areas and</u></i></p>	<p><u>25.2.2.2a</u> <i><u>Earthworks maintain the hydrology of the Peacocke Structure Plan Area.</u></i></p> <p><u>25.2.2.2b</u> <i><u>Where required, locate batters and retaining walls between lots to minimise the use of retaining walls able to be seen from public spaces.</u></i></p> <p><u>25.2.2.2c</u> <i><u>Minimise the use of retaining walls. Where required, adopt a consistent style throughout a</u></i></p>

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<p><u>locations with ecological, cultural and historic value.</u></p> <p><u>3. Are sympathetic to the existing land form</u></p> <p><u>4. Establish a transport network that works with and reflects the topography of the site.</u></p>	<p><u>development and ensure these are designed to minimise their visual impact.</u></p> <p><u>25.2.2f2d</u></p> <p><u>Require earthworks to be designed in a comprehensive manner, minimising the need for secondary earthworks.</u></p> <p><u>25.2.2g2e</u></p> <p><u>Require earthworks to be undertaken in a manner that is sympathetic to the character and orientation of the existing topography.</u></p> <p><u>25.2.2i2f</u></p> <p><u>Manage the heights and location of retaining walls to ensure that they are not visually dominant.</u></p> <p><u>25.2.2jg</u></p> <p><u>Require earthworks over large areas to be undertaken in association with subdivision consent to ensure a cohesive outcome that ensures a well-designed urban area that provides for high levels of amenity.</u></p>
<p>Explanation</p>	
<p>Environment in the City are maintained or enhanced. The policy intends natural landforms (such as ridges and gullies) to be protected as much as possible to retain the natural character and amenity values. Earthworks should also limit the adverse effects of erosion and sedimentation, and minimise soil compaction. The policies aim to ensure that the positive effects of earthworks are realised in terms of practicable building sites, maintaining stormwater flow paths, efficient use of land and infrastructure, and a resulting safe living and working environment.</p> <p><u>The Peacocke Structure Plan area has been identified as a medium density growth area for Hamilton. The area contains rolling topography which can be challenging to develop. The policy framework recognises the challenges to developing these areas and seeks to enable landform modification in such a way that enables development, while remaining sympathetic to the general character of the land form in the area. This means earthworks should replicate the general orientation of topography to enable the integration of residential development within the site. The road network and block structure should be designed to work with the contour of the land and minimise the extent of retaining required. Where steeper slopes are to be developed, alternative approaches to construction should be used including mid lot development or multi-storey houses.</u></p> <p><u>Bulk earthworks undertaken at subdivision stage should be designed to minimise the need for secondary earthworks.</u></p>	

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25.2.3 Rules – Activity Status Table

Activity	Class
a) Earthworks (excluding earthworks covered by Rule 25.2.3 b) and i))	P
b) Earthworks and vegetation removal involving trenching, pole installation and replacement, slab foundation (not exceeding 2m in depth) and pile foundations for telecommunication masts, for infrastructure and network utilities	P
c) Trimming, maintenance or removal of vegetation or trees not otherwise mentioned in this Plan	P
d) Trimming and pruning of vegetation necessary to protect all overhead electric lines or telecommunication lines	Activity status and rules contained in Chapter 25.7: Network Utilities and the Electricity National Grid Corridor
e) Removal of vegetation or trees in the Open Space Zones	Activity status and rules contained in Chapter 15: Open Space Zones
f) Earthworks and vegetation trimming, maintenance or removal within a: <ul style="list-style-type: none"> i. High Flood Hazard Area ii. Medium Flood Hazard Area iii. Low Flood Hazard Area iv. Temple View Flood Hazard Area v. Culvert Block Flood Hazard Area vi. Waikato Riverbank and Gully Hazard Area 	Activity status and rules contained in Chapter 22: Natural Hazards
g) Earthworks and vegetation maintenance, trimming or removal affecting: <ul style="list-style-type: none"> i. An archaeological and cultural site in Schedule 8B of Volume 2, Appendix 8 ii. A significant tree in Schedule 9D of Volume 2, Appendix 9 iii. A significant natural area in Schedule 9C of Volume 2, Appendix 9 	Activity status and rules contained in Chapter 19: Historic Heritage and Chapter 20: Natural Environments
h) Works within the root protection zone of a: <ul style="list-style-type: none"> i. Significant tree in Schedule 9D of Volume 2, Appendix 9 ii. Tree within a significant natural area in Schedule 9C of Volume 2, Appendix 9 	Activity status and rules contained in Chapter 20: Natural Environments
i) Earthworks associated with the replacement and/or removal of a fuel storage system as defined and controlled in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.	P

Activity	Class
<i>j) <u>Earthworks that do not meet the requirements of 25.2.5.1</u></i>	<i>D</i>

Note

1. Earthworks and Vegetation Removal must comply with any relevant requirements of the Waikato Regional Plan and the Waikato Regional Pest Management Plan.
2. No person may destroy, damage, or modify an archaeological site without an authority from Heritage New Zealand. If items of archaeological significance are found when undertaking earthworks, authority must be obtained from Heritage New Zealand before proceeding with any further works which could potentially destroy, damage, or modify such items.
3. Activity status for earthworks relating to existing high voltage transmission lines as of 14 January 2010, identified on the District Plan Maps and forming part of the National Grid, is set out and determined within the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009.
4. The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may alter the activity status of activities and additional standards, matters for assessment and criteria may apply. Refer to Chapter 25.1: City-wide – Development Suitability for relevant objectives (25.1.2.3) and policies (25.1.2.3a to 25.1.2.3c).
5. For any activity not identified above, see Section 1.1.8.1.

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25.2.4 Rules – General Standards

25.2.4.1 Earthworks in All Zones

- a) Where fill material is used it is required to be clean fill.
- b) All earthworks or areas of bare earth not being worked for three months or more shall be stabilised and sown with ground cover.
- c) All earthworks shall retain sediment on site through implementation and maintenance of sediment controls. This standard does not apply to the transportation of material off site.
- d) All earthworks activities shall be managed to avoid material deposits on public roads from any vehicles operating on site.
- e) Earthworks shall not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership.
 - i. Rule 25.2.4.1 e) does not apply within the Transport Corridor Zone
- f) Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs.
- g) Earthworks must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction.
- h) Earthworks volumes outside any Natural Hazard Area must not exceed the following maximums in any single activity or cumulative activities in any calendar year following commencement of earthworks activities:

Activity	Rototuna North East	All	Other	All Other
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	Character Zone and Special Natural Zone	Residential and Special Character Zones	Zones
Earthworks associated with any activity requiring building consent (including associated site works)	500m ³	500m ³	Unlimited
Earthworks associated with subdivision	500m ³	500m ³	1000m ³
All other earthworks	40m ³	100m ³	1000m ³

Note

1. The above volume standards do not apply to:
 - (a) Transport Corridor Zone
 - (b) Activities authorised by a consent for a concept plan for a Major Facility prepared under Chapter 17
 - (c) A Concept Plan Consent for a Precinct prepared under Chapter 8
12. Refer to Chapter 22 regarding earthworks in Natural Hazard Areas.
23. Refer to *Erosion & Sediment Control: Guidelines for Soil Disturbing Activities*, which is available on the Waikato Regional Council website: www.waikatoregion.govt.nz

25.2.4.2 Earthworks Within any National Grid Yard

- a) Earthworks within a National Grid Yard shall:
 - i. Be no deeper than 300mm within 2.2m of a transmission pole support structure or stay wire.
 - ii. Be no deeper than 750mm between 2.2m and 5m from a transmission pole support structure or stay wire.
 - iii. Be no deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure.
 - iv. Be no deeper than 3m between 6m and 12m from the outer visible edge of a transmission tower support structure.
 - v. Not create an unstable batter that will affect a transmission support structure.
 - vi. Not result in a reduction in the ground to conductor clearance distances as required by NZECP.

Provided that:

- vii. Earthworks undertaken by a Network Utility Operator are exempt from i to iv above.

- viii. Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a transport corridor, footpath or driveway are exempt from i to iv above.
- ix. Vertical holes less than 500mm in diameter and more than 1.5m from the outer edge of a pole support structure or stay wire are exempt from i and ii above.

Note

1. Consultation with Transpower New Zealand Limited (or its successor) is advised when undertaking any earthworks under or adjacent to high voltage transmission lines. Transpower New Zealand will be an affected party for any earthworks not meeting the standards in Rule 25.2.4.2 where the earthworks occur within the Ruakura Structure Plan area. In other areas this will be determined in accordance with S95E of the RMA.

25.2.5 Rules – Specific Activities

25.2.5.1 Earthworks in the Peacocke Medium Density Zone: Peacocke Precinct

- a) Earthworks within the Peacocke Structure Plan shall be no more than 600m³ in area, unless:
 - i. It is in conjunction with an associated subdivision consent; or
 - ii. It is associated with works authorised by an existing resource consent or requiring building consent.

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Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation