

## 25.2 Earthworks and Vegetation Removal

This chapter is subject to the following plan changes:  
 Plan Change 9 with proposed new text are underlined with green highlighting  
 Plan Change 9 with proposed deleted text have ~~strikethrough with red highlighting~~  
 Plan Change 9 section 42A recommendations with new text being underlined and deleted text with ~~strikethrough~~

### 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
<b>25.2.2.1</b> Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment.	<b>25.2.2.1a</b> Earthworks and vegetation removal shall occur in a way that: <ol style="list-style-type: none"> <li>i. Minimises adverse effects on existing landforms, natural features and significant vegetation.</li> <li>ii. Maintains natural processes and features including natural drainage patterns and streams.</li> <li>iii. Does not create new, or exacerbate existing natural hazards.</li> <li>iv. Minimises adverse effects on land and water, especially effects such as erosion and sedimentation.</li> <li>v. Creates practicable building sites, efficient use of land and infrastructure, ensures effective stormwater flow paths, and a safe living and working environment.</li> <li>vi. Minimises dust, noise, and runoff.</li> </ol>

	<p>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.</p> <p>viii. Maintains or enhances riparian vegetation on the margins of natural watercourses and wetlands.</p>
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### Explanation

*The policy ensures that amenity values and the quality of the natural 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.*

## 25.2.3 Rules – Activity Status Table

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 <u>(excluding Notable Trees in Volume 2, Appendix 9, Schedule 9D: Notable Trees)</u>	Activity status and rules contained in Chapter 15: Open Space Zones <u>and Chapter 20: Natural Environments</u>
f. Earthworks and vegetation trimming, maintenance or removal within a: <ul style="list-style-type: none"> <li>i. High Flood Hazard Area</li> <li>ii. Medium Flood Hazard Area</li> <li>iii. Low Flood Hazard Area</li> <li>iv. Temple View Flood Hazard Area</li> <li>v. Culvert Block Flood Hazard Area</li> <li>vi. Waikato Riverbank and Gully Hazard Area</li> </ul>	Also refer to 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"> <li>i. An archaeological and cultural site in <u>ScheduleSchedules</u> 8B <u>and 8C</u> of Volume 2, Appendix 8</li> <li>ii. A <u>significant</u> <u>notable</u> tree in Schedule 9D of Volume 2, Appendix 9</li> </ul>	Activity status and rules contained in Chapter 19: Historic Heritage and Chapter 20: Natural Environments

iii. A significant natural area in Schedule 9C of Volume 2, Appendix 9	
Works within: <ul style="list-style-type: none"> <li>i. <del>The the root protection zone</del> Protected Root Zone of a:             <ul style="list-style-type: none"> <li>i. Significant Notable tree in Schedule 9D of Volume 2, Appendix 9</li> <li>ii. <del>Tree within a significant natural area</del> A Significant Natural Area in Schedule 9C of Volume 2, Appendix 9</li> </ul> </li> </ul>	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
j. <u>Any earthworks within the dripline of a tree where the trunk is located within a Significant Natural Area in Schedule 9C (Volume 2, Appendix 9), provided that Standard 25.2.4.3(a) is complied with.</u>	P
k. <u>Pruning and maintenance of the canopy of a tree located within and [428] overhanging the boundary of a Significant Natural Area, provided that Standard 25.2.4.3(b) is complied with</u>	P

**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. The consent holder or proponent must also engage with a representative of Mana Whenua to ensure cultural protocols are adhered to and decisions made are culturally appropriate. Either contact Council or the Heritage New Zealand Pouhere Taonga for the relevant contact information for Mana Whenua.
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.

## 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:
  - i. cause malfunction or result in damage to network utilities;
  - ii. create an unstable batter that will affect a support structure for any network or utility; or
  - iii. change the cover over network utilities or raise the level of the ground under or near overhead network utilities so as to create the potential for damage or malfunction.
- h. Earthworks volumes must not exceed the following maximums in any single activity or cumulative activities in any calendar year following commencement of earthworks activities:

Earthworks associated with any activity requiring building consent (including associated site works)	500m <sup>3</sup>	500m <sup>3</sup>	Unlimited
Earthworks associated with subdivision	500m <sup>3</sup>	500m <sup>3</sup>	1000m <sup>3</sup>
All other earthworks	40m <sup>3</sup>	100m <sup>3</sup>	1000m <sup>3</sup>

#### 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
2. Refer to Chapter 22 regarding earthworks in Natural Hazard Areas.
3. Refer to Erosion & Sediment Control: Guidelines for Soil Disturbing Activities, which is available on the Waikato Regional Council website: [www.waikatoregion.govt.nz](http://www.waikatoregion.govt.nz)
4. Consultation with the relevant network utility operator is advised when undertaking any earthworks that may affect network utilities. Such network utility operators are likely to be affected parties for any earthworks not meeting the standards in Rule 25.2.4.1.g. Persons undertaking earthworks near a network utility should also refer to, and comply with, any applicable regulation or code (such as NZECP 34:2001) to ensure earthworks do not compromise health and safety, do not damage network utilities or encroach safe separation distances of network utilities.

#### 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 34:2001.

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.

#### 25.2.4.3

#### Earthworks in the dripline of, and pruning and maintenance of, trees overhanging the boundary of a Significant Natural Area

- a. When undertaking any earthworks within the dripline of a tree where the trunk is located within a Significant Natural Area, the maximum thickness (cross-section) of any root that may be cut is 50mm.
- b. When pruning or maintaining the canopy of a tree where the trunk is located within a Significant Natural Area and the canopy is [428] overhanging the boundary of a Significant Natural Area:
  - i. The maximum amount of foliage to be removed per tree per calendar year is 15%
  - ii. The maximum thickness (cross-section) of any branch or root that may be cut is 50mm

**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

## 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