

## **E11. Land disturbance – Regional**

### **E11.1. Background**

Land disturbance is an essential prerequisite for the development of urban land, for the use of rural land for both farming and forestry, for mineral extraction and for the construction and maintenance of infrastructure. In this plan, land disturbance encompasses the defined activities of earthworks, ancillary farming earthworks and ancillary forestry earthworks.

The management of the adverse effects of land disturbance focuses on both large and small disturbance areas, as the cumulative adverse effects from a number of small earthwork sites can be significant as can single large areas of exposed earth.

The major contaminant of Auckland's urban coastal marine area is sediment generated from rural areas and during land development. This sediment affects both the quality of coastal water and the amenity and recreational values of popular beaches. Sediment also reduces the biological diversity of urban and rural streams.

There are a number of best practice land management techniques that can be used to reduce the amount of sediment generated through erosion and discharged into water bodies during land disturbance. These form the basis of the land disturbance standards. However, even with the use of best practice techniques, it is not possible to prevent all sediment entering water bodies.

### **E11.2. Objectives [rp]**

- (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.
- (2) Sediment generation from land disturbance is minimised.
- (3) Land disturbance is controlled to achieve soil conservation.

### **E11.3. Policies [rp]**

- (1) Avoid where practicable, and otherwise mitigate, or where appropriate, remedy adverse effects on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.
- (2) Manage land disturbance to:
  - (a) retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity;
  - (b) manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge;
  - (c) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and

- (d) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
- (3) Manage the impact on Mana Whenua cultural heritage that are discovered undertaking land disturbance by:
- (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;
  - (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
  - (c) undertaking appropriate measures to avoid adverse effects. Where adverse effects cannot be avoided, effects are remedied or mitigated.
- (4) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.
- (5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.
- (6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.
- (7) Require any land disturbance that will likely result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with:
- (a) any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:
    - (i) high recreational use;
    - (ii) relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiāpure, rāhui or whakatupu areas;
    - (iii) the collection of fish and shellfish for consumption;
    - (iv) maintenance dredging; or
    - (v) a downstream receiving environment that is sensitive to sediment accumulation;
  - (b) adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and

(c) the receiving environments ability to assimilate the discharged sediment being taken into account.

(8) Monitor the quality of fresh and coastal water bodies across the region and the effects of land disturbance on water quality and receiving environments.

#### **E11.4. Activity table**

The following tables specify the activity status for land disturbance, which encompasses earthworks, ancillary farming earthworks, and ancillary forestry earthworks. Refer to other provisions in the Plan for the activity status of the related land use activity.

The land disturbance area and volume thresholds listed in the tables below are to be interpreted as follows:

- for network utility and road network activities, the thresholds apply to the area and volume of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works could be adopted to maintain the activity within the thresholds; and
- for other land disturbance, the cumulative total area and volume of land disturbance associated with a given project will be used when determining the activity status of the project.

For drilling holes and bores refer to E7 Taking, using, damming and diversion of water and drilling.

Activities regulated by the 'Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009' are not affected by the provisions below.

Table E11.4.1 Activity table – all zones and roads specifies the activity status for land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

- The land disturbance rules that apply to network utilities are located in E26 Infrastructure.

**Table E11.4.1 Activity table – all zones and roads**

Activity		Activity status				
		Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads
<p><b>Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, arenas for equestrian activities, burial of marine mammals, interments in a burial ground, cemetery or ūrupā, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks</b></p>						
(A1)	Earthworks for installation, operation, maintenance and repair	P	P	P	P	P
<p><b>Driveways, parking areas and sports fields and major recreational facilities</b></p>						
(A2)	Earthworks for operation, maintenance, resurfacing and repair	P	P	P	P	P
<p><b>General earthworks not otherwise listed in this table</b></p>						
(A3)	Up to 10,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup>	P	P	P	P	P
(A4)	Greater than 10,000m <sup>2</sup> up to	C	C	C	Refer to H28	C

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	50,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup>				Special Purpose – Quarry Zone	
(A5)	Greater than 50,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area <sup>1</sup>	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A6)	Up to 2,500m <sup>2</sup> where the land has a slope equal to or greater than 10 degrees	P	P	P	P	P
(A7)	Up to 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup>	P	P	P	P	P
(A8)	Greater than 2,500m <sup>2</sup> where the land has a slope equal to or greater than 10 degrees	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD
(A9)	Greater than 2,500m <sup>2</sup> within the Sediment Control Protection Area <sup>1</sup>	RD	RD	RD	Refer to H28 Special Purpose – Quarry Zone	RD

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(A10)	Placement of non-erodible fill	P	P	P	P	P
<b>Farming</b>						
(A11)	Ancillary farming earthworks	P	P	P	P	P
<b>Forestry</b>						
(A12)	Ancillary forestry earthworks	P	P	D	P	P

Note 1

Sediment Control Protection Area is defined as:

- (a) 100m either side of a foredune or 100m landward of the coastal marine area (whatever is the more landward of mean high water springs); or
- (b) 50m landward of the edge of a watercourse, or wetland of 1000m<sup>2</sup> or more.

Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water specifies the activity status for damming, diversion and the discharge of treated sediment laden water from any land pursuant to sections 14 and 15 of the Resource Management Act 1991.

**Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water**

Activity	Activity status					
	Residential zones, business zones, Business – City Centre Zone, Future Urban Zone, rural zones (excluding Rural – Rural Conservation Zone)	Open space zones (excluding Open Space – Conservation Zone)	Rural – Rural Conservation Zone and Open Space – Conservation Zone	Special Purpose – Quarry Zone	All other zones and roads	
<b>Activities ancillary to erosion and sediment control</b>						
(A13)	The temporary diversion and damming of surface water and the discharge of treated sediment laden	P	P	P	P	P

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	water from any land disturbance that complies with all relevant permitted activity standards					
(A14)	The temporary diversion and damming of surface water and the discharge of treated sediment laden water from any land disturbance allowed by a land use consent in the above tables	P	P	P	P	P

In addition to the objectives and policies in E11.2 and E11.3, the rules in Table E11.4.3 Activity table – overlays, notification, standards, matters and assessment criteria below implement the objectives and policies in the following chapters:

- D7 Water Supply Management Areas Overlay; and
- D9 Significant Ecological Areas Overlay.

Table E11.4.3 Activity table - overlays specifies the activity status for land use and development activities pursuant to section 9(2) of the Resource Management Act 1991.

**Table E11.4.3 Activity table – overlays**

Activity	Activity status		
	Significant Ecological Areas Overlay	Water Supply Management Areas Overlay	
<b>Fences, service connections, effluent disposal systems, swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks but excluding ancillary farming earthworks and ancillary forestry earthworks</b>			
(A15)	Earthworks for maintenance and repair	P	P
(A16)	Earthworks for the installation of fences, walking tracks and burial of marine mammals	P	P
(A17)	Earthworks for interments in a burial ground, cemetery or urupā (within the burial plot for that interment)	P	P
(A18)	Earthworks for gardening, planting	Refer to Note 2	Refer to Note 2

<b>Driveways, parking areas and, sports fields and major recreational facilities</b>			
(A19)	Earthworks for operation, maintenance, resurfacing and repair	P	P
<b>Cultivation</b>			
(A20)	Up to 500m <sup>2</sup>	RD	RD
(A21)	Greater than 500m <sup>2</sup> up to 2500m	D	D
(A22)	Greater than 2500m <sup>2</sup>	D	D
<b>Irrigation or land drainage</b>			
(A23)	Works below the natural ground level	RD	RD
<b>Farming</b>			
(A24)	Ancillary farming earthworks for maintenance of tracks	P	P
<b>Forestry</b>			
(A25)	Ancillary forestry earthworks for maintenance	P	P
<b>Temporary activities</b>			
(A26)	Earthworks associated with the installation of the temporary activity	P	P
<b>Land disturbance not otherwise listed in this table<sup>3</sup></b>			
(A27)	Up to 5m <sup>2</sup>	P	P
(A28)	Greater than 5m <sup>2</sup>	RD	RD
(A29)	Up to 5m <sup>3</sup>	P	P
(A30)	Greater than 5m <sup>3</sup>	RD	RD

Note 2

The same activity status listed under ‘Land disturbance not otherwise listed in this table’ applies.

Note 3

For the purposes of determining activity status for the general earthworks not otherwise listed in Table E11.4.1, both the area and volume thresholds must be taken into account and the more restrictive activity status applies.

**E11.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E11.4.1 Activity table – all zones and roads above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

- (2) Any application for resource consent for an activity listed in Table E11.4.1 Activity table – all zones and roads, Table E11.4.2 Activity table all zones and roads – diversion, damming and discharge of treated sediment laden water and Table E11.4.3 Activity table – overlays and which is not listed in E11.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

## **E11.6. Standards**

### **E11.6.1. Accidental discovery rule**

- (1) Despite any other rule in this Plan permitting earthworks or land disturbance or any activity associated with earthworks or land disturbance, in the event of discovery of sensitive material which is not expressly provided for by any resource consent or other statutory authority, the standards and procedures set out in this rule must apply.
- (2) For the purpose of this rule, 'sensitive material' means:
- (a) human remains and kōiwi;
  - (b) an archaeological site;
  - (c) a Māori cultural artefact/taonga tuturu;
  - (d) a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
  - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour); or
  - (f) a lava cave greater than 1m in diameter on any axis.
- (3) On discovery of any sensitive material, the owner of the site or the consent holder must take the following steps:

#### *Cease works and secure the area*

- (a) immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment;
- (b) secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed.

*Inform relevant authorities and parties*

(c) inform the following parties immediately of the discovery:

- (i) the New Zealand Police if the discovery is of human remains or kōiwi;
- (ii) the Council in all cases;
- (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and
- (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

*Wait for and enable inspection of the site*

(d) wait for and enable the site to be inspected by the relevant authority or agency:

- (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
- (ii) if the discovery is of sensitive material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or
- (iii) if the discovery is evidence of contaminants, a suitably qualified and experienced person is required to complete an initial assessment and provide information to the Council on the assessment and response.

(e) following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of step E11.6.1(3)(f) are met.

*Recommencement of work*

(f) work within the area determined by the Council at step E11.6.1(3)(e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:

- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
- (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;

- (iii) the requirements of Section E30 Contaminated land and/or the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
- (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
- (v) if the discovery is a lava cave as outlined in E11.6.1(2)(f) above and if the site is assessed to be regionally significant, reasonable measures must be taken to minimise adverse effects of the works on the scientific values of the site; and
- (vi) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
  - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
  - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values; and
  - that there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.
- (vii) resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.

#### **E11.6.2. General standards**

All activities (except ancillary farming earthworks, ancillary forestry earthworks and network utilities) listed as a permitted activity, controlled activity or restricted discretionary activity in Table E11.4.1, E11.4.2 or E11.4.3 must comply with the following permitted activity standards.

- (1) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;
  - (d) the rendering of fresh water unsuitable for consumption by farm animals;  
or
  - (e) any significant adverse effects on aquatic life.

- (2) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion.

Note 1

Best practice in Auckland is generally deemed to be compliance with Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region or similar design.

- (3) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.
- (4) Trenching must be progressively closed and stabilised such that no more than 120m of continuous trench is exposed to erosion at any one time.
- (5) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (6) To prevent the spread of contaminated soil and organic material with kauri dieback disease, vehicle and equipment hygiene procedures must be adopted when working within 3 times the radius of the canopy drip line of a New Zealand kauri tree. Soil and organic material from land disturbance within 3 times the radius of the canopy drip line must not be transported beyond that area unless being transported to landfill for disposal.
- (7) Earthworks for maintenance and repair of driveways, parking areas, sports fields and major recreational facilities within the Significant Ecological Areas Overlay shall be limited to the area of earth previously disturbed or modified.
- (8) Earthworks associated with a temporary activity within the Significant Ecological Areas Overlay shall be limited to the area of earthwork previously disturbed or modified.

**E11.6.3. Standards for ancillary farming earthworks**

Ancillary farming earthworks listed as a permitted activity in Table E11.4.1, Table E11.4.2 or Table E11.4.3 must comply with the following standards.

- (1) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
  - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;

(d) the rendering of fresh water unsuitable for consumption by farm animals;  
or

(e) any significant adverse effects on aquatic life.

(2) Ancillary farming earthworks must implement best practice erosion and sediment control measures for the duration of the land disturbance. Those measures must be installed prior to the commencement of the land disturbance and maintained until the site is stabilised against erosion.

Note 1

Industry best practice is generally deemed to meet or exceed compliance with:

- cultivation for vegetable production: The Horticulture New Zealand publication ‘Erosion and Sediment Control Guidelines for Vegetable Production’ (June 2014) for cultivation; or
- for ancillary farming earthworks other than cultivation: ‘Auckland Council Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region’ or similar design for other ancillary farming earthworks.

(3) For cultivation other than for vegetable production, where cultivated land is bounded on one or more down-slope sides by the coastal marine area, a river, lake or stream, a minimum separation distance as set out in Table E11.6.3.1 must be maintained in a vegetated condition at all times, except as required for the installation of sediment and erosion protection measures.

**Table E11.6.3.1 Minimum separation distance**

<b>Slope</b>	<b>Minimum separation distance</b>
Slopes up to and including 10 degrees	2m
Slopes greater than 10 degrees up to and including 20 degrees	5m
Slopes greater than 20 degrees	10m

**E11.6.4. Standards for ancillary forestry earthworks**

Ancillary forestry earthworks listed as a permitted activity in Table E11.4.1, Table E11.4.2 or Table E11.4.3 must comply with the following permitted activity standards.

- (1) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters:
- (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (b) any conspicuous change in the colour or visual clarity;
  - (c) any emission of objectionable odour;

- (d) the rendering of fresh water unsuitable for consumption by farm animals;  
or
  - (e) any significant adverse effects on aquatic life.
- (2) Only cleanfill material may be imported and utilised as part of the land disturbance.
- (3) Other than for ancillary forestry earthworks on sand soils, the Council must be notified at least 48 hours prior to the earthworks starting.
- (4) Any ancillary forestry earthworks (other than for maintenance), planting or replanting of forestry trees must not occur on land that is in, or within 5m of:
- (a) either side of the bed of a water body excluding an intermittent stream; or
  - (b) Significant Ecological Areas Overlay, Natural Lake Management Areas Overlay, Natural Stream Management Areas Overlay, Water Supply Management Areas Overlay, Urban Lake Management Areas Overlay, and Wetland Management Areas Overlay.
- (5) Any area of forestry that is harvested (other than firebreaks, tracks, landing sites or an area in Standard E11.6.4(4)(a) and Standard E11.6.4(4)(b) above, must be planted, replanted or otherwise stabilised by establishing vegetated cover to prevent erosion as soon as practicable and no later than two planting seasons from the date of the harvesting, unless the area is left to re-vegetate naturally for a non-production land use.
- (6) Water runoff controls must be installed and maintained for track and landing sites until such time that the area is stabilised.
- (7) Batters, cuts and side castings must be established by methods that prevent slumping.
- (8) Felled vegetation must be felled away from and tree butts must not be dragged through any body of water (excluding an ephemeral reach or intermittent stream) other than where this is:
- (a) necessary to avoid endangering the health and safety of workers; or
  - (b) where it is unavoidable and is the best harvest method such as hauling through corridors or butt extraction, except that:
    - (i) this must not occur within a Significant Ecological Areas Overlay, Natural Lake Management Areas Overlay, Natural Stream Management Areas Overlay, Water Supply Management Areas Overlay, Urban Lake Management Areas Overlay, Wetland Management Areas Overlay; and
    - (ii) this must not occur in a water body greater than 5m wide.

- (9) Harvesting must be planned and carried out to minimise the amount of slash discharging into any area listed in Standard E11.6.4(4)(a) and entering any area listed in Standard E11.6.4(4)(b) above.
- (10) Slash must be removed (unless it is unsafe to do so) from within areas listed in Standard E11.6.4(4)(a) above where it is blocking river flow, or is diverting river flow and causing bank erosion.
- (11) Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.
- (12) Ancillary forestry earthworks other than on sand soils must implement best practice erosion and sediment control measures for the duration of the land disturbance. Those measures must be maintained until the site is stabilised against erosion.
- (13) Ancillary forestry earthworks must be done in accordance with a harvest management plan, and other than on sand soils, an erosion and sediment control plan that confirms compliance with Standard E11.6.4(12) above and the following:
  - (a) the erosion and sediment control plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(1); and
  - (b) the harvest plan must be completed and submitted to the Council prior to work beginning and must include the information set out in E11.9(2).

### **E11.7. Assessment – controlled activities**

#### **E11.7.1. Matters of control**

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
  - (a) compliance with the standards;
  - (b) the design and suitability of erosion and sediment control measures to be implemented;
  - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
  - (d) the proportion of the catchment which is exposed;
  - (e) staging of works and progressive stabilisation;
  - (f) timing and duration of works;
  - (g) term of consent; and

- (h) potential effects on significant ecological and indigenous biodiversity values.

#### **E11.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) all controlled activities:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the coastal marine area; and
    - (ii) ecological health including of the coastal marine area.
  - (c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
  - (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;
  - (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; and
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.

#### **E11.8. Assessment – restricted discretionary activities**

##### **E11.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) All restricted discretionary activities:
  - (a) compliance with the standards;
  - (b) the design and suitability of erosion and sediment control measures to be implemented;
  - (c) adverse effects of land disturbance and sediment discharge on water bodies, particularly sensitive receiving environments;
  - (d) effects on cultural and spiritual values of Mana Whenua including water quality, preservation of wāhi tapu, and kaimoana gathering;

- (e) the proportion of the catchment which is exposed;
  - (f) staging of works and progressive stabilisation;
  - (g) timing and duration of works;
  - (h) term of consent;
  - (i) potential effects on significant ecological and indigenous biodiversity values;
  - (j) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site;
  - (k) information and monitoring requirements; and
- (2) Additional matters of discretion for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:
- (a) cumulative effects of sedimentation within the catchment, including estuarine receiving environments; and
  - (b) potential effects on significant ecological and indigenous biodiversity values.

#### **E11.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) All restricted discretionary activities:
  - (a) whether applicable standards are complied with;
  - (b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:
    - (i) water quality including of the coastal marine area;
    - (ii) ecological health including of the coastal marine area;
    - (iii) riparian margins;
    - (iv) the mauri of water; and
    - (v) the quality of taiāpure or mahinga mātaītai.
  - (c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;
  - (d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;

- (e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; and
  - (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.
  - (g) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.
- (2) Additional assessment criteria for land disturbance within the Significant Ecological Areas Overlay or Water Supply Management Areas Overlay:
- (a) whether the land disturbance proposed within a Significant Ecological Areas Overlay or Water Supply Management Areas Overlay are undertaken so they have no adverse effect, or minor adverse effect, on the aquatic and terrestrial ecology and wildlife of the area and in particular, where relevant:
    - (i) nesting, feeding and breeding of species;
    - (ii) biological processes;
    - (iii) connections between ecosystems;
    - (iv) the diversity of species;
    - (v) the habitat of threatened or protected species, both terrestrial and aquatic;
    - (vi) rare habitat, threatened habitat or at risk habitat;
    - (vii) sand dune ecosystems;
    - (viii) buffering of indigenous ecosystems; or
    - (ix) cumulative effects.
  - (b) within the Water Supply Management Areas Overlay, how potential adverse effects on water quality within water supply catchments will be avoided, remedied or mitigated; and
  - (c) the extent to which adverse effects on ecological and indigenous biodiversity values have been avoided or minimised.

#### **E11.9. Special information requirements**

- (1) An erosion and sediment control plan must include all of the following:
  - (a) a locality plan;
  - (b) the description of the nature, scale, timing and duration of activities including;

- (c) design or layout of construction, roading, the formation of any new tracking, earthworks, stabilisation and harvesting;
  - (d) the erosion and sediment control measures to be employed including the contributing catchments;
  - (e) a programme of works;
  - (f) heavy rainfall response and contingency measures; and
  - (g) maintenance and monitoring procedures.
- (2) A harvest plan must include all of the following:
- (a) title, date and north arrow;
  - (b) the harvest area boundary;
  - (c) any property boundaries in the vicinity of the harvest area;
  - (d) contours;
  - (e) location of all proposed and existing roads, tracks, landings;
  - (f) location of firebreaks, stream crossings and associated culverts;
  - (g) associated text that describes the harvesting methodology (hauler or ground-base) and proposed extraction directions;
  - (h) location of any water bodies, streams and the bed of any lake;
  - (i) location of any wetland;
  - (j) locations of any natural, cultural or heritage values identified in the overlays of the Plan;
  - (k) location of slash management and disposal areas for hauler landings;
  - (l) location of end haul disposal areas; and
  - (m) any other area relevant to managing the harvest area.