

RULE 3

EARTHWORKS

3.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *earthworks* not meeting the standards in Rule 3.1 provided that *earthworks* on any site do not exceed 300m³ except where associated with a *subdivision* which is a *Controlled Activity* or a *Limited Discretionary Activity* in the *Subdivision Rules*, and there are no *earthworks* on any land defined as *special soils* or on a sensitive ridge or headland/cliff/scarp as shown on the Natural Areas Maps.

Assessment of Limited Discretionary Activity Applications will be limited to the matters of scale, method, *design*, *landscape treatment* and location and will be considered in accordance with Assessment Criteria 3(a)-3(m).

3.3 Discretionary Activities

Activities meeting the following Performance Standards are *Discretionary Activities*:

- (a) *earthworks* not meeting the standards in Rules 3.1 or 3.2 provided there are no *earthworks* on any land defined as *special soils*, or on a sensitive ridge or headland/cliff/scarp as shown on the Natural Areas Maps, and provided further that any application is accompanied by a Management Plan which includes:
- a plan of the *site* showing the area over which *earthworks* will take place;
 - the approximate type and approximate quantity of material to be deposited;
 - the expected type, number and duration of heavy vehicle movements;
 - the means by which the land will be stabilised;
 - the provision which will be made for drainage and control of silt discharge;
 - the manner in which the land will be re-contoured, top-soiled and grassed;
 - the means by which *roads* giving access to the *site* will be maintained and kept free from deposits of earth; and

3(j)

The extent to which *earthworks* may harm the health and safety of residents.

3(k)

The extent to which heavy vehicle traffic generated to the *site* by *earthworks* activities creates:

- physical damage to a *road*
- a situation hazardous or unsafe to *road* users.

3(l)

The extent to which *earthworks* are necessary to accommodate *development* otherwise permitted by the *Plan*.

3(m)

The extent to which more than minor adverse effects can be adequately remedied, mitigated or offset *on-site* or, if this is not possible, can be adequately remedied, mitigated or offset by a *financial contribution off-site*.

Note: See also Policies 1.7, 1.9, 1.17, 3.4, 3.6, 3.8, 5.4, 5.5, 6.1, 6.5, 8.1, 8.3, 10.14, 10.23, 11.1, 11.2, 11.10, 11.30

(Policy Section of the Waitakere District Plan)

general natural area

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(b) *earthworks* on a sensitive ridge or headland/cliff/scarp as shown on the Natural Areas Maps.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 3(a)-3(1) and other matters which are relevant under section 104 of the *Act*.

3.4 Non-Complying Activities

Any *Activity* and any *Temporary Activity* to which these rules apply which is not a *Permitted Activity* or a *Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- limiting the extent of *earthworks*
- specifying the methods by which work on the *site* is carried out
- limiting the hours of operation of the *earthworks* activities
- limiting any clearing or modification of *vegetation*
- requiring provision for the maintenance of *roads* giving access to the *site*
- the imposition of a *bond* to ensure satisfaction of conditions of consent, requiring provision of a *landscape treatment plan* and implementation of that plan within a given time
- the imposition of a charge to cover costs of monitoring
- *financial contributions* in accordance with the *Plan*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.