

Earthworks for residential development

Earthworks are a necessary part of preparing land for residential development, but if the right practices aren't used, soil can be lost to water bodies. This sediment can have a range of negative impacts on water quality and ecosystems.

Proposed changes to the Water Plan mean discharges of sediment from earthworks need to be avoided as a first priority, then remedied or mitigated if avoidance is not achievable.

Definitions

Earthworks: The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock). This excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Landholding: For land subject to the Land Transfer Act 1952, land in: (i) A single certificate of title; or (ii) Two or more adjoining certificates of title, with a common occupier. For land not subject to the Land Transfer Act 1952, all contiguous land last acquired under one instrument of conveyance and occupied by a common occupier.

Residential: The use of land and building(s) for people's living accommodation.

Do you need a resource consent?

Rules 14.5.1.1 and 14.5.2.1 set out the specific requirements for earthworks. In general:

- If the area of exposed earth is no more than 2,500m² per landholding in a 12-month period and good practices are used on site to minimise the risk of sediment loss, you won't need a consent.
- If the area of exposed earth is bigger than 2,500m² per landholding in a 12-month period, or you don't use good practices, you will need a consent.

Good practices for earthworks include:

- No works within ten metres of a water body, such as a river, stream, wetland or lake
- Stabilising exposed earth when works are completed

- No works on (potentially) contaminated land
- All soils and debris placed away from waterways
- No resulting flooding, erosion, land instability, subsidence or property damage
- No resulting negative impacts on water quality and ecology

If you need consent, we'll need to know:

- Where and how much land will be exposed
- How you will carry out the work
- What you will do to minimise the risk of sediment loss
- The extent to which your proposal complies with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005),

Whether there will be adverse effects on other properties, water bodies, ecological values, human use or Kāi Tahu values

More information about our resource consent process is available at www.orc.govt.nz/consents or by calling 0800 474 082 or emailing customerservices@orc.govt.nz

Other resource consents

Earthworks are managed by district and city councils as well as ORC. You will need to check whether your earthworks also require resource consent from your district or city council.

ORC works closely with district and city councils to ensure our consent processes are aligned.

You may also need bylaw approval from us. Check this out at: <https://www.orc.govt.nz>