

Draft Nelson Plan – Frequently asked questions

Earthworks

What types of activities are considered in the Earthworks chapter of the Draft Nelson Plan?

The Draft Nelson Plan Earthworks chapter addresses three main types of activities - 'earthworks', 'land disturbance' and 'vegetation clearance'.

The activity 'earthworks' is regarded as the significant shifting of soil and earth to re-shape land and excavate for a variety of purposes. Retaining walls, the development of new roads and preparation of building sites on more steeply sloping land are examples of activities that would be considered as 'earthworks'.

The second key activity is 'land disturbance'. Land disturbance generally involves less modification than earthworks, for example where topsoil may be disturbed, but no significant shifting or re-shaping of the land occurs. Examples of land disturbance include the preparation of land for the planting of a new crop.

The third activity considered in the earthworks chapter is 'vegetation clearance', which involves the removal of vegetation. Activities such as land disturbance and vegetation clearance are only of concern where they occur close to water bodies and/or are carried out in ways that contribute to excessive soil loss or sedimentation in streams, rivers or coastal waters.

Why does the Draft Nelson Plan manage earthworks activities?

Earthworks, land disturbance and vegetation clearance are managed in the Draft Nelson Plan because of the potential for adverse environmental effects such as erosion and sedimentation, loss of visual amenity, landscape and character effects and impacts on water quality. The Draft Nelson Plan aims to ensure that activities involving the moving of earth and soil or removal of vegetation do not result in these effects downstream or off-site from the activity.

Do I need a resource consent to clear vegetation on my property?

You may need a resource consent if the vegetation removal that you are planning to undertake is close to waterways (such as wetlands, streams and rivers or lakes) and the coast, or if the vegetation is indigenous (native). Identified inanga (whitebait) spawning areas are protected by a further setback that would apply during the spawning season (1 January to 31 July). A 20 metre setback applies during this time to streams and rivers that are identified in the Draft Nelson Plan. A 10m setback applies to all other streams and rivers during the spawning season.

I want to landscape my steeply sloped residential property. Will I need a resource consent?

This will depend on the extent and scale of the intended landscaping, but minor and some moderate landscaping can occur without consent, subject to meeting standards. These include limits on the extent or area of works, of up to 750m² or a volume of no more than 250m³.

Controls on the earthworks in proximity to waterways and the management of bare soil or stockpiles to minimise dust, erosion and sedimentation effects must also be put in place for such

earthworks to occur without a consent. The filling in or culverting of any streams or waterways on the property is not permitted.

Excavation involving a cut or fill of up to a height or depth of 1.2m would be permitted, but cuts and fills of between 1.2m and to 3m must be retained by a wall or building or authorised by a building or structure that has building consent. Excavations of greater than 3m would require a resource consent.

Do new roads need a resource consent from Council?

The construction of a new road in terms of earthworks provisions may not require a resource consent, provided that activity standards are met.

These include compliance with the mandatory requirements of the Nelson Tasman Land Development Manual 2019.

The creation of a new road will also be managed through other parts of the Draft Nelson Plan, chiefly through subdivision approvals processes. As part of that process, a resource consent will be required for a new road, its design and construction. Any new road that will be vested in Council as a public road will need to meet Council transportation standards under the Nelson Tasman Land Development Manual.

I am concerned about a proposed neighbouring residential subdivision and how exposed land will be managed to deal with dust and muddy run-off during heavy rain. What does the Draft Nelson Plan say about this kind of activity?

If the extent of the area of earthworks is greater than 750m² in area or 250m³ in volume, a resource consent would be required under the Draft Nelson Plan. As part of the approvals process, the developer would need to show how the effects of this activity were going to be managed. This would likely include the provision of a site plan to address temporary dust, erosion and sedimentation control during the construction phase.

If the activity falls under the permitted activity threshold relating to area and volume, the developers would still be required to put in place measures to manage dust, erosion and sediment run-off. Sedimentation control, stabilisation and dust control measures are all requirements of the permitted activity standards for earthworks in the Draft Nelson Plan. Similar provisions exist under current rules of the Nelson Resource Management Plan. You should make contact with the Council about the current situation if you are concerned.

Links to the Draft Nelson Plan

This 'frequently asked questions' sheet addresses a few of the key provisions in the Draft Nelson Plan. It should not be used as a definitive representation of content. To view actual Draft Nelson Plan content, please go to shape.nelson.govt.nz.