
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Earthworks

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The earthworks chapter addresses the following issues:</p> <ul style="list-style-type: none"> Earthworks are necessary to facilitate development, but there is the potential for earthworks to generate adverse effects on land stability, erosion and sedimentation, vegetation and water quality. Significant earthworks can adversely affect the amenity of an area – through dust, noise, transportation and also potentially changing landforms. Earthworks also have the potential to increase the risk from natural hazards on the site on which the earthworks are located as well as surrounding sites. Earthworks can undermine the stability of a slope, or where located within an overland flow path, have the potential to create changes to that overland flow path which could create flooding in surrounding areas. Conversely, earthworks can be used as a natural hazard’s mitigation measure (stop banks). Earthworks can also adversely affect high value areas, such as Outstanding Natural Features and Landscapes, areas of High Natural Coastal Character, Significant Natural Areas or through potentially uncovering or affecting sites of historic or cultural significance. 	<p>Section 5 RMA</p> <p>Soil and land are clearly a natural and physical resource, and the use of earthworks enables efficient use of land. Earthworks therefore contributes to the well-being of the community by enabling use of land for commercial, residential and recreation activities.</p> <p>Earthworks (particularly cultivation) enables productive use of the land and contributes to the economic well-being and health of the community by providing a food source. Section 5(2)(a) requires sustaining natural resources for future use, particularly high quality soils. This is also specifically required by section 5(2)(b) which focuses on sustaining the life-supporting capacity of soil.</p> <p>Section 6 RMA</p> <p>A number of section 6 matters are relevant to this topic including:</p> <p>Section 6(a) – preservation of the natural character of the coastal environment.</p> <p>Earthworks are commonly associated with the use, development and subdivision of land, and as such have the potential to have adverse effects on the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, if not managed appropriately.</p> <p>Section 6(b) – protection of outstanding natural features and landscapes.</p> <p>Earthworks are often an essential activity in the use, development and subdivision of land, and as such have the potential to have adverse effects on the protection of outstanding natural features and landscapes.</p> <p>Section 6(c) – protection of significant areas of indigenous vegetation and significant habitats of indigenous fauna.</p> <p>Earthworks are often an essential activity in the use, development and subdivision of land, and as such have the potential to have adverse effects on the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>Section 6(d) – maintenance and enhancement of public access.</p> <p>The creation and maintenance of public access (in terms of roads or footpaths etc.) often requires earthworks.</p>	<p>There are six National Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land 2022 <p>There are a number of provisions in the New Zealand Coastal Policy Statement related to earthworks, but perhaps the most specific is Policy 22 Sedimentation. Clause (2) requires that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water. Clause (4) requires a reduction in sediment loadings in runoff and in stormwater systems through controls on land use activities.</p> <p>Earthworks can result in adverse effects on the coastal environment, when not managed appropriately, primarily through sedimentation, but also through modification of coastal landforms and natural character. At the same time as seeking the preservation and enhancement of the coastal environment, the NZCPS recognises that some activities are necessary in these areas but requires that a precautionary approach is adopted when the effects on the coastal environment are uncertain, unknown or little understood but potentially significantly adverse.</p> <p>The National Policy Statement for Freshwater Management is relevant to earthworks, particularly in the management of discharges arising from earthworks. While many of the policies require action by the regional council, the objectives can be given effect to through the district plan also. Objective OC1 is relevant for consideration for the district plan in regard to integrated management of land use and freshwater.</p> <p>The National Policy Statement for Electricity Transmission requires recognition of the benefits of electricity transmission, management of the effects of the National Grid and appropriate management of the adverse effects of activities and development close to the Grid. This is particularly relevant to earthworks where these activities have the potential to undermine the structural integrity of National Grid support structures, but also reduce the distance between the ground level and overhead conductors. If conductors are closer to the ground, it increases the risk to people and property as well as flashovers.</p> <p>The provisions of the NPS for Highly Productive Land 2022 are highly relevant, may be relevant, but do not take effect until mapping of land use classifications has been undertaken at a regional level.</p>	<p>The Waikato Regional Policy Statement (WRPS)</p> <p>The WRPS recognises the life supporting capacity of soil and seeks to:</p> <ol style="list-style-type: none"> minimise sedimentation and erosion; maintain or enhance biological, chemical and physical soil properties; and retain soil versatility to protect the existing and foreseeable range of uses of the soil resource. <p>The WRPS also recognises the interrelationship between land use, water quality and water quantity. The importance of mineral extraction is also recognised and the need to protect this resource, and access to it. The RPS is particularly alive to the potential for reverse sensitivity effects to arise from mineral extraction.</p> <p>The Vision and Strategy for the Waikato River (V&S) was adopted by the Waikato River Authority (WRA) as part of the Waikato River Settlement. The District Plan is required to give effect to the V&S through its inclusion in the RPS. The proposed District Plan will need to give effect to the V&S for parts of the district that are within the Waikato River catchment.</p> <p>There are a number of objectives in the V & S relevant to the management of earthworks within the catchment of the Waikato River. The effects of earthworks have the potential to affect the health and well-being of the water. One example is unmanaged runoff from earthworks which increases suspended sediment in the River, another is earthworks close to a stream or river which destabilises the banks and disturbs freshwater habitat. Managing earthworks and the effects from earthworks will assist in achieving the objectives of the V&S and the restoration and protection of the health and wellbeing of the Waikato River and will prevent further degradation.</p> <p>Section 14 of the RPS addresses soils and seeks to manage the soil resource to:</p> <ol style="list-style-type: none"> minimise sedimentation and erosion; maintain or enhance biological, chemical and physical soil properties; and retain soil versatility to protect the existing and foreseeable range of uses of the soil resource. <p>The Manawatū-Whanganui One Plan</p> <p>The Manawatu – Wanganui One Plan also focuses on managing accelerated erosion on hill country land that is at risk of accelerated erosion. This RPS also clearly connects land uses that cause accelerated erosions such as land disturbance with increased sedimentation in water bodies and seeks to reduce sediment entering waterbodies.</p> <p>The relevant objectives and policies of both RPSs have been considered and assessed in the development of this chapter.</p>	<p>The Waikato Tainui Environment Management Plan 2018 (WTEP)</p> <p>We are required to take into account iwi management plans, and there are many provisions in these documents relevant to the relationship between earthworks and water quality. There are a number of relevant values expressed in these documents such as:</p> <ul style="list-style-type: none"> The mana and mauri of waterways be restored and enhanced; The health and wellbeing of the Waikato River and its tributaries are restored and enhanced so that water is clean enough for mahinga kai, drinking and swimming Restore and protect the health and wellbeing of the river for present and future generations including access, fisheries, water quality, mahinga kai, rongoā Māori, and cultural landscapes. Avoid activities that can lead to soil erosion and siltation from vulnerable soils on steep slopes such as cropping and cultivation. Avoid cropping and cultivation near water bodies. All major excavation works that have the potential to impact on waterways shall have sufficient erosion and sediment control measures in place to ensure that adverse effects on water bodies are managed The life supporting capacity of land and soils effectively manages soil nutrient loss and water quality so there is minimal impact on nutrient loss to waterways Minimise soil erosion, nutrient leaching, and sediment and nutrient runoff Protect waterways from suspended sediments, nutrients and pollutants. The need for iwi consultation for any initiatives to mine or quarry Including accidently discovery protocols in conditions on consents <p>It is considered that the proposed provisions have given appropriate regard to the objectives and policies in the WTEP, as they require cultivation to be located at least 5m from the edge of any water body. Earthworks in all zones is limited in terms of volume, distance from the boundary and maximum height / depth. The urban zones have a maximum area as well. The provisions specify the accidental discovery protocols in the event that an unidentified archaeological site or a waahi tapu site is located during works.</p>
<p>OPERATIVE WAITOMO DISTRICT PLAN</p>			<p>IWI MANAGEMENT PLANS</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p>

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<p>The Operative Waitomo District Plan (ODP) does not collate all the earthworks provisions into a single chapter, and instead they are spread across zone chapters in Part 2, as well as various chapters in Part 3.</p> <p>The definition of earthworks is different from that of the National Planning Standards: <i>Means the disturbance of the land surface by blading, digging, scooping, contouring, ripping, removing of overburden, placing or replacing rock, soil or earth, or by excavation or cutting or filling.</i></p> <p>Rural zone: Contains policies seeking to avoid, remedy or mitigate any adverse effects of earthworks on karst and cave systems, and rules which require consent for any earthworks within 50m upslope of an entry or opening into any cave or associated karst formation.</p> <p>Earthworks, farm quarries and extractive industries are permitted provided they meet a number of standards including distance from streams, stability of the adjoining property, maximum volume, and hours of operation. The maximum volume does not apply to earthworks ancillary to forestry.</p> <p>Landscape Policy Areas: The focus of the policies in this chapter is avoiding adverse effects on the karst system and caves. In this policy area, cultivation, drainage, track maintenance, and benching for fencing construction is permitted, however earthworks for any other purpose that exceeds 1,000m² is a discretionary activity.</p> <p>Te Maika Zone: There are limitations on the volumes for buildings and tracking, and limitations on the height of earthworks.</p>	<p>Section 6(e) – relationship of Māori and culture and relationship with sites and areas of significance Earthworks have the potential to uncover and affect sites of cultural significance, making the relationship of Māori, their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga of relevance to the management of earthworks.</p> <p>Section 6(h) – management of significant risk from natural hazards Earthworks are often an essential activity in the use, development and subdivision of land. They can be required to establish hazard mitigation measures (e.g. stop banks) while also having the potential to exacerbate existing natural hazards on a site.</p> <p>A number of these matters are addressed in other chapters and the associated section 32 reports which are focused on section 6 matters.</p> <p>Section 7 RMA</p> <p>The following clauses are relevant in section 7: Section 7(a) – kaitiakitanga and section 7(aa) – the ethic of stewardship;</p> <p>Earthworks have the potential to affect sites of cultural significance and can have an effect on the quality of the environment (through maintaining or enhancing it, or adversely affecting it).</p> <p>Section 7(b) – the efficient use and development of natural and physical resources; Earthworks enables the efficient use of land by making more easily developed topography and contours.</p> <p>Section 7(c) – the maintenance and enhancement of amenity values;</p> <p>Earthworks have the potential to affect amenity values in a number of ways. Earthworks can give rise to dust and runoff but can also change the landscape and amenity of an area.</p> <p>Section 7(d) - The intrinsic values of ecosystems.</p> <p>Earthworks have the potential to affect ecosystems, through removal of vegetation, removal / destruction of the subsoil ecosystem, and the increased sedimentation in waterways as a result of runoff.</p> <p>Section 7(f) – maintenance and enhancement of the quality of the environment.</p> <p>Earthworks can have an effect on the quality of the environment (through maintaining or enhancing it, or adversely affecting it).</p> <p>By its very nature, earthwork activities involve modification of the district’s soil and land resource, whether temporary or permanent. Earthworks potentially give rise to adverse effects including amenity, ecological and cultural values associated with an area.</p>	<p>There are also seven National Environmental standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>Regulation 53 of the NES for Telecommunication Facilities (NESTF) outlines standards for earthworks associated with certain antennas.</p> <p>Regulations 33-36 of the NES for Electricity Transmission Activities (NESTA) outlines the standards and activity status for earthworks relating to an existing transmission line.</p> <p>The NES for Plantation Forestry (NES-PF) contains a large number of provisions relating to earthworks (regs. 22 to 35). Regulation 6(3) allows a Council to impose for stringent rules if it relates to activities in any geothermal area or any karst geology that are identified in a regional policy statement, regional plan, or district plan.</p> <p>The National Environmental Standards for Freshwater 2020 (NES-F) set out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The NES-F includes standards relating to the construction of specified infrastructure (as defined in the NPS-FM) and the maintenance and operation of specified infrastructure and other infrastructure. These standards set the activity status for clearance of vegetation and earthworks within setbacks from natural wetlands.</p> <p>Relevant case law considered</p> <p>Cammack v Kapiti Coast District Council W069/09</p> <p>The Court found that the district plan now contained a protocol for occasions when wāhi tapu or cultural sites were unearthed during earthworks, and that PC73 contained a comprehensive series of controls regarding the effects of the works on tangata whenua issues. Accordingly, the Court held that PC73 recognised and provided for matters identified in ss 6(e),7(a) and 8 RMA. In addition, the Court found that traffic effects had been adequately and appropriately addressed.</p>	<p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority, and there are many provisions in these documents relevant to the management of earthworks.</p> <p>Maniapoto Environment Management Plan (MEMP)</p> <p>A summary of the provisions in the MEMP relevant to the surface of earthworks are as follows: Policy 10.3.3.1 requires site management protocols are incorporated into site management plans ensuring site works manage the discovery of wāhi tapu, kōiwi and taonga in a respectful way. The actions to achieve that policy include site management protocols, employ appropriately qualified archaeologists to oversee all excavations or disturbances near identified sites, require a Maniapoto representative to be present at any known or suspected sites of significance, urupā (burial sites) and identified wāhi tapu.</p> <p>Objective 10.33.4 seeks to ensure procedures are in place to manage the discovery and accidental discovery of taonga and archaeological sites. The policies to deliver this include appropriate guidelines and a clear protocol is followed in the event of discovering taonga.</p> <p>Objective 18.3.3 seeks to manage the mauri of land and soils by reducing soil nutrient loss, nutrient leaching and runoff to water bodies. Policy 18.3.3.1 requires the implementation of best practice land and soil management techniques to minimise erosion and soil degradation or loss. Policy 18.3.3.2 requires land use prioritises the protection and restoration of the mauri of land and its resources.</p> <p>The objectives and policies seeking to protect significant cultural, spiritual, natural and ecological landscapes, features and locations in the Maniapoto rohe recognises that earthworks can be destructive to those features.</p> <p>Policy 23.3.2.1 sets out expectations for mining and quarrying activities including:</p> <ol style="list-style-type: none"> site management plans for earthworks, erosion and sediment control, waterway protection, on site stormwater treatment and disposal and provisions for visual screening/ barriers that include indigenous vegetation site rehabilitation plans that include restoration of the site using indigenous species <ol style="list-style-type: none"> Ensure mining activities use best practice options to manage adverse effects on Maniapoto values Ensure environmental effects are managed and mitigated at the mining site to avoid adverse effects affecting neighbouring environments. Securely contain minerals or mining waste in transit to prevent any contamination of the environment Support research and development initiatives that promote less reliance on mined materials. <p>It is considered that the proposed provisions have taken account of the provisions in the MEMP, as they establish parameters within which earthworks are permitted, and carefully consider the effects of earthworks that exceed</p>	<p>NZS 4431:1989 Code of practice for earthfill for residential development. This describes earthfilling which is considered suitable for residential development.</p> <p>NZS 4404:2010 Land development and subdivision infrastructure. This provides criteria for design and construction of land development addressing a range of topics including requirements for earthworks and geotechnical needs for roads, stormwater, wastewater, water supply, landscape and network utilities.</p> <p>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines</p>
<p>SCALE & SIGNIFICANCE s32(1)(c)</p>				<p>STRATEGIC DIRECTION</p>
<p>The assessment is based on eight factors outlined in Ministry for the Environment’s guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: Problem / Issue: 2 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 2 Degree of Impact on or Interest from Māori: 2 Timing and Duration of Effects: 2 Type of Effect: 2 Degree of Risk or Uncertainty: 1</p> <p>Total (out of 40): 13</p>				<p>The following objective from the Strategic Directions chapter of the PDP are relevant to this topic:</p> <p>SD-02: Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved through active measures to protect and restore the health and well-being of the Upper Waipa Catchment.</p> <p>SD-06: Promote development within the commercial, industrial and rural production zones that increases the type and range of employment opportunities within the district.</p> <p>SD-09: Subdivision, land use and development must not contribute to any further degradation of Kawhia Harbour.</p> <p>Earthworks is often required to enable efficient use of the land resource.</p>

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	<p>Section 8 RMA</p> <p>Given the cultural significance of whenua to iwi, section 8 is highly relevant, and has been considered and assessed in the development of this chapter, which has been consulted on with iwi.</p> <p>Other relevant Sections of RMA</p> <p>Section 31 - earthworks are often an essential activity in the use, development and subdivision of land. They can be required to establish hazard mitigation measures (e.g. stop banks) but also have the potential to exacerbate existing natural hazards on a site. Runoff of silt and sediment can result in adverse effects beyond the site where the earthworks are undertaken.</p> <p>Earthworks are activities that can be controlled by territorial authorities as part of exercising their functions under the Act, in relation to their actual or potential effects on land, natural hazards and the surface of water in rivers and lakes.</p> <p>The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.</p> <p>The functions of regional councils in respect of earthworks are outlined in s30. The control of sedimentation (loss of soil through erosion), sedimentation into waterbodies that would affect water quality and the effects of earthworks on aquatic biodiversity are covered by these functions and are therefore regional council matters.</p> <p>Section 15 relates to the discharge of contaminants to the environment. The control of discharges of contaminants into or onto land, air, or water and discharges of water into water is a function of regional councils under section 30 of the RMA.</p> <p>Section 106 enables a consent authority to refuse subdivision consent in certain circumstances. This section, amongst other things, requires territorial authorities to consider risk from natural hazards (section 106(1)(a)) (erosion, falling debris, subsidence, slippage and inundation), and access (section 106(1)(c)) when determining subdivision applications. The risk of natural hazards and, in particular, those related to land stability issues, is relevant to earthworks.</p>		<p>the permitted scale. The level of permitted earthworks is considerably smaller in more sensitive environments such as residential, commercial, tourism, rural lifestyle, settlement & future urban zones.</p>	<p>UNCERTAINTIES AND RISKS s32(2)(c)</p> <p>The degree of risk and uncertainty is low. The proposed approach is well understood and widely applied.</p>
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<p>OBJECTIVE(S) s32(1)(a)</p>
<p>Relevance – The objective directly addresses the issues identified above. Earthworks are provided for if effects on people, property and the environment are managed appropriately. The proposed objective enables Council to undertake its functions under section 31, in particular section 31(1)(a) “the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”, s31(1)(b)(i) ‘the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of avoiding or mitigating natural hazards’ and section 31(1)(e) “the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes”. The proposed objective gives effect to higher level documents. It achieves the purpose and principles of the RMA, particularly section 6(a), section 6(h), section 7(b), section 7(c) and section 7(d). The proposed objective also gives effect to the relevant provisions of the NPS-FM, the NZCPS and RPSs.</p>
<p>Usefulness – The objective guides decision making by providing clear guidance regarding the appropriateness of earthworks and the expected management of potential effects.</p>
<p>Reasonableness – The objective will not impose unreasonable costs on the community but will provide certainty and help maintain environmental qualities and values which has social and environmental benefits. The proposed objective clearly describes the anticipated and acceptable management of earthworks and thereby provides greater certainty and reduces the risk compared to the lack of guidance in relation to earthworks in the operative objectives.</p>
<p>Achievability – The proposed objective addresses community concerns regarding the potential adverse effects of earthworks and the lack of management of these effects. It is also considered to be consistent with identified tangata whenua outcomes expressed in the iwi management plans.</p>

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Are the objectives the most appropriate way to achieve the Purpose of the Act?

The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objective is the most appropriate way to achieve the purpose of the RMA because it:

- is consistent with national best practice.
- implements national and regional guidance and direction by providing clear guidance on the anticipated management of earthworks within Council’s jurisdiction.
- provides greater certainty to decision makers and plan users regarding the desired end state.
- appropriately reflects Council’s obligations under section 31 of the RMA.
- reflects the directions in sections 6(h), 7(a), 7(aa), 7(b), 7(c), 7(d) and 7(f).
- gives effect to higher order policy documents, namely the RPSs, NPSET, NPSFM, NESCS, NESET by recognising the importance of earthworks in facilitating land development activities within the district, while also ensuring that the potential adverse effects associated with earthworks are minimised in the context of the environment where the earthworks are taking place.
- aligns with the Strategic Objectives in terms of the role that earthworks play in facilitating land development activities in the District.

PROVISIONS s32(1)(b)

EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)

ALTERNATIVES s32(1)(b)(i)

Benefits Anticipated

Environmental

- Recognises the potential adverse effects on the environment from earthworks.
- The proposed standards set threshold that manage the effects of earthworks on land stability, visual amenity, environmental values, natural hazards, natural landforms (visual amenity and land stability), silt and sediment retention and the transport network.
- Maintains a level of amenity that is appropriate to the local environment where the activity is to take place.
- The maximum volume and area are reflective of the potential for each zone to absorb effects.
- The setback from the edge of any waterbody will assist in preserving water quality.

Economic

- Facilitates subdivision and land use and development activities by recognising that earthworks activities are a component of these activities and by not putting undue restraint on earthworks activities.
- Removes the costs associated with seeking resource consents for small-scale earthworks where the potential adverse effects will be minor.
- Standards do not apply to cultivation enabling efficient use of the rural soil resource for productive uses.

Social

- Enabling earthworks for the development and maintenance of new public access tracks, parks facility and sports fields can result in social benefits as these activities provide for the passive and active recreation of the community.
- Explicitly enables earthworks for internments in a burial ground, cemetery or urupa.
- Ensures that the scale and nature of earthworks reflect the nature of the environment within which they are occurring, including by providing lower permitted activity thresholds in urban or sensitive areas compared to those provided for in rural areas.
- Draws attention to the need to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines.

Cultural

- Explicitly enables earthworks for internments in a burial ground, cemetery or urupa.
- Sets out protocols in the event of accidental discoveries.

Costs Anticipated

Environmental

- Could result in ‘minor’ earthworks (in terms of depth, volume or area) nevertheless resulting in adverse effects, individually or cumulatively (e.g., instability, erosion, sedimentation).
- No indirect environmental costs have been identified.

Economic

- The monetary and time cost of getting a consent when standards are exceeded.

Social

- Earthworks may affect people’s health and well-bring through dust and sedimentation

Cultural

- Earthworks may uncover or destroy undocumented historical and cultural sites.

Economic growth opportunities

Earthworks in and of itself is not likely to result in economic growth, but it enables development of land which is likely to have economic benefits. Cultivation enables crops and productive use of the soil resource, which results in economic growth.

Employment opportunities

The ability to undertake earthworks under each zone enables the development of the District, allowing for businesses and dwellings to be built, generating employment and the sale and purchase of items/property.

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions;
2. The status quo; and
3. The rules of the surrounding territorial authorities

The ODP provisions are not considered to be efficient or effective in achieving the objective.

In order to identify other reasonably practicable options, the Council has undertaken the following:

- Reviewed other relevant district plan provisions for earthworks.
- Sought feedback from Council asset managers in terms of infrastructure.
- Collated feedback from discussions with iwi.
- Obtained feedback from Council regulatory staff.

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QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)	
Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.	
EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)	REASONS FOR PROVISIONS s32(1)(b)(iii)
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The proposed provisions are the most efficient method of meeting the objective. As identified above the benefits outweigh the costs and the provisions are not inconsistent with and do not duplicate any higher order documents. They will provide a clearer regulatory framework, than the status quo, to manage the potential adverse effects of earthworks and provide for future development.</p> <p><u>Effectiveness</u> The proposed provisions are the most effective method of meeting the objective. They provide for anticipated and appropriate levels of earthworks while managing any potential adverse effects, thereby enabling appropriate levels of development. They address the identified resource management issues and provide a high level of certainty to landowners, residents, developers, the community and Council.</p>	<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions:</p> <p>The proposed policies, rules and standards are the most appropriate way to achieve the objective. They provide for earthworks and recognise their importance for development while addressing any adverse environmental effects such as amenity effects, slope stability and transport effects. The proposed provisions provide a clear management regime and reach an appropriate balance of enabling development opportunities that arise from earthworks while managing adverse effects.</p> <p>The proposed provisions are considered to be the most effective means of achieving the objective as together they will:</p> <ul style="list-style-type: none"> • give effect to the higher order documents, namely the RPSs, NPSET, NPSFM, NESCS, NESET and the relevant Strategic Objectives. • enable the Council to fulfil its statutory obligations, including section 31 of the RMA and gives effect to the relevant Part 2 Matters, namely sections 6(h), 7(a), 7(aa), 7(b), 7(c), 7(d) and 7(f). • facilitate earthworks that support the district’s land use development activities while ensuring that that adverse effects are managed appropriately by requiring compliance with applicable standards and assessment of potential effects as part of resource consent process where the development standards are not met. • enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.