

## RESOURCE CONSENTS UPDATE

8 November 2017

### New approach to exemption to earthworks rules

The Council has revised its approach to the exemption in Rule 8.9.3.a.iv that applies to earthworks within the footprint of buildings subject to an approved building consent.

Until now, we have required a building consent to have been approved before the earthworks within the building's footprint could be exempt from the rule. This literal approach has triggered the need for a resource consent in situations where, but for the timing of the building consent approval, the earthworks would be exempt.

Our revised approach requires applicants to undertake to the Council that they will comply with the exemption at the time they will be carrying out earthworks on the site. In other words, no earthworks may occur within the building footprint until the building consent has been approved, but provided the Council has received this undertaking, then (despite a building consent having not yet been approved) the earthworks will be considered exempt under Rule 8.9.3.a.iv. Should the undertaking be broken, this will become an enforcement issue if earthworks are found to have commenced prior to building consent approval.

Important points to note:

- As the statement is treated as evidence of compliance with the rule, it will need to be included in the application for resource consent / building consent or project information memorandum (PIM).
- If the undertaking is not included with the application, a s37 certificate will be placed on the building consent or an advice note on the PIM, or further information will be requested for the resource consent.
- Applications for Permitted Boundary Activities will be processed on the same basis.

This approach applies only to earthworks within the building footprint, which is measured 1.8m from the wall of the building. Any earthworks that exceed the thresholds in Rule 8.9.2.1 that are outside the building footprint, or for retaining walls/structures that are not required for the structural support of the principal building on the site or adjoining site, will still require resource consent.

Earthworks within the Flood Management Areas are subject to additional rules in 5.4.1.1 so refer to those rules if relevant.

For more information, email [dutyplanner@ccc.govt.nz](mailto:dutyplanner@ccc.govt.nz) or call 941 8999.

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