

# Control of Earthworks Bylaw 2019

## Submission

<b>ID</b>	CEB19/2
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<b>Group / Organisation</b>	Spooner Architectural Solutions
<b>Position</b>	Director
<b>Do you support the proposed Bylaw?</b>	I seek amendments to the proposed bylaw
<p><b>My submission is:</b></p> <ol style="list-style-type: none"> <li>Regarding the following statement: The Council may, in its absolute discretion, exempt an owner or occupier from a requirement to obtain a permit under clause 7.1, provided that an application for an exemption is made in writing and accompanied by the payment of any required application and processing fees in accordance with Council's Fees and Charges Schedule. No exemption will be valid unless it is given to the applicant by the Council in writing This covers the situation where the proposed work may technically fall within the requirement for a permit but be minor in effect. In such cases, Council will have discretion to exempt the owner or occupier from the need to apply for a permit (with the associated requirement to provide drawings and reports as set out in clause 7.2). This will reduce compliance costs. The above paragraphs contradict each other. In the second paragraph it suggests the purpose is to reduce compliance costs, however the first paragraph states that the application fee and processing costs still need to be paid just to apply for an exemption.</li> <li>I request clause 7.1 (b) (i) be amended to allow excavation depth of up to 600mm without triggering the bylaw.</li> <li>I request that earthworks permits be not required for any earthworks that relate to work that is associated with a Building Consent or Resource Consent application.</li> </ol>	
<p><b>My reasons are:</b></p> <p>Re item 1 above: The council will not achieve the objective of reducing compliance costs if the application and processing fee is still payable when applying for an exemption. Re item 2 above: Most standard pile foundations in clay soil require embedment of 600mm. We have had several small residential projects where the bylaw has been triggered due to pile embedment of 600mm, which is an unnecessary outcome as the difference between 500mm and 600mm excavation does not present environmental effects that are comparably different. Re Item 3: Eliminating the earthworks permit requirement where there is a Building Consent will streamline the process and allow the development engineer to complete the internal checklist while they are processing other aspects of the consent anyway. In my experience this is the way other councils do it (Auckland Council, TCDC, Queenstown Lakes, Wellington City, Kaipara District to name a few). FNDC already don't require an earthworks permit where a resource consent is required, but only where there is a breach of the DP earthworks standards. This rule needs to be expanded.</p>	

**I would like Council to make the following amendments to the proposed Bylaw:**

Re item 1: Continue with the proposed change to allow exemptions, however waive the application and processing fee. Perhaps it could be that the application and processing fee are waived "if the earthworks are in relation to works that are associated with a Building or Resource Consent"? There must be some way of reducing the compliance costs, otherwise why bother having exemptions?

Re item 2: I wish council to change the rule as suggested.

Re item 3: Introduce a new clause that means an earthworks permit application not required where a Building Consent is associated with the works.