

OFFICER'S REPORT FOR:

Hearing Commissioners:

SUBJECT:

**Proposed Waimakariri District Plan: Ketuketu
whenua - Earthworks**

PREPARED BY:

Peter Wilson

REPORT DATED:

21 July 2023

DATE OF HEARING:

14-18 August 2023

Executive Summary

1. This report considers submissions received by the District Council in relation to the Earthworks objectives, policies, rules, definitions, appendices and maps of the Proposed Plan. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. The following are considered to be the key issues in contention in the chapter:
 - The relationship between the Energy and Infrastructure provisions and the Earthworks provisions
 - The treatment of quarrying activities
3. This report addresses each of these matters, as well as any other issues raised by submissions.
4. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and are summarised below:
 - The deletion of Policy EW-P4(3) and its insertion into the relevant urban environment zone chapters
 - Extending the scope of EW-R1 to maintenance and repair of transmission lines and regulated telecommunications activities, in the meaning of the NESTF.
 - Extending the scope of EW-R3 to maintenance of community scale irrigation and stockwater networks
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in section Appendix A of this report.
6. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Contents

Executive Summary.....	i
Contents.....	ii
Interpretation	vi
1 Introduction	1
1.1 Purpose	1
1.2 Author	1
1.3 Key Issues in Contention.....	2
1.4 Procedural Matters	2
2 Statutory Considerations	3
2.1 Resource Management Act 1991.....	3
2.2 Section 32AA	3
2.3 Trade Competition	4
3 Consideration of Submissions and Further Submissions	5
3.1 Overview	5
4 Analysis of submissions.....	6
4.1 General.....	6
4.2 Introduction	7
4.3 Definitions.....	9
5 Objectives.....	15
5.1 Objective EW-O1: Earthworks	15
6 Policies	18
6.1 Policy EW-P1: Enabling earthworks	18
6.2 Policy EW-P2: Earthworks within Flood Assessment Overlay.....	20
6.3 Policy EW-P3: Archaeological sites, and sites and areas of significance to Māori.....	22
6.4 Policy EW-P4: Scale of earthworks within or adjacent to urban environments.....	23
6.5 Policy EW-P5: Rehabilitation.....	24
6.6 Policy EW-P6: Water resources.....	25
7 Rules.....	28
7.1 General.....	28
7.2 Rule EW-R1: Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks and accessways.....	33
7.3 Rule EW-R2: Earthworks for interment within a burial ground, cemetery, or urupā.....	34
7.4 Rule EW-R3: Earthworks for maintenance of public water races or drains.....	34
7.5 Rule EW-R4: Earthworks for community scale natural hazards mitigation works	35

7.6	Rule EW-R5: Earthworks within an overland flow path.....	36
7.7	EW-R6: Earthworks for wells, test pits, or bores	38
7.8	EW-R7: Earthworks for firebreaks	39
7.9	EW-R8: Earthworks for underground infrastructure	39
7.10	EW-R9: Earthworks stockpiling.....	40
7.11	EW-R10: Earthworks for farm quarries.....	41
7.12	EW-R11: Earthworks not subject to Rules EW-R1 to EW-R10	42
7.13	EW-R12: Earthworks to modify, alter or remove sand dunes or vegetation on sand dunes.....	42
8	Standards	44
8.1	EW-S1: General standards for earthworks and Table EW-1	44
8.2	EW-S2: General setbacks	46
8.3	EW-S3: Setback from water bodies	48
8.4	EW-S4: Setback from root protection area.....	51
8.5	EW-S5: Excavation and filling.....	52
8.6	EW-S6: Earthworks maximum slope.....	53
8.7	EW-S7: Earthworks sediment control	54
9	Advice notes.....	56
9.1	Advice notes.....	56
10	Matters of discretion	60
10.1	MD1: Activity operation, scale, form and location	60
10.2	MD2: Nuisance and reverse sensitivity.....	61
10.3	MD3: Land stability	61
10.4	MD4: Natural hazards	62
10.5	MD5: Rehabilitation.....	62
10.6	MD6: Coastal environment and hazards	63
10.7	MD7: Water bodies, vegetation and fauna	63
10.8	MD8: Outstanding natural features and landscapes	64
10.9	Clampett and RIDL relief	65
10.10	Minor Errors.....	65
11	Conclusions	66

Appendices

Appendix A. Recommended Amendments to Earthworks Chapter

Appendix B. Recommended Responses to Submissions and Further Submissions

Appendix C. Section 32AA Evaluation

Appendix D. Report Author's Qualifications and Experience

List of Tables

Table 1: Abbreviations vi
Table 2: Abbreviations of Submitters' Names vi

List of Tables in Appendices

Table C1 - s32AA Evaluation of Policy EW-P1
Table C2 - s32AA Evaluation of Policy EW-P4
Table C3 - s32AA Evaluation of Policy EW-P6

Interpretation

7. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
RPS	Operative Canterbury Regional Policy Statement

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CCC	Christchurch City Council
CDHB	Christchurch District Health Board
Chorus	Chorus New Zealand Ltd
CIAL	Christchurch International Airport Ltd
Corrections	Ara Poutama Aotearoa the Department of Corrections
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc.
FENZ	Fire and Emergency New Zealand
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society

Abbreviation	Means
Heritage NZ	Heritage New Zealand Pouhere Taonga
Hort NZ	Horticulture NZ
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Mainpower	Mainpower New Zealand Ltd
MoE	Minister / Ministry of Education
Ngāi Tūāhuriri	Te Ngāi Tūāhuriri Rūnanga
NZDF	New Zealand Defence Force
Police	Minister of Police / NZ Police
QEII Trust	Queen Elizabeth the Second National Trust
Ravenswood	Ravenswood Developments Ltd
Spark	Spark New Zealand Trading Ltd
Summerset	Summerset Retirement Villages (Rangiora) Ltd
Tuhaitara Trust	Te Kohaka o Tuhaitara Trust
Transpower	Transpower New Zealand Ltd
Vodafone	Vodafone New Zealand Ltd / One.NZ
WDC	Waimakariri District Council (including as requiring authority)
WIL	Waimakariri Irrigation Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Earthworks chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant strategic directions objectives, objectives, policies, rules, definitions, appendices and maps as they apply to the Earthworks chapter in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. This report discusses general issues or topics arising, the original and further submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions or maps based on the preceding discussion in the report.
11. This report is provided to assist the Hearings Panel in their role as Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

12. My name is Peter Wilson My qualifications and experience are set out in Appendix D of this report.
13. My role in preparing this report is that of an expert planner.
14. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the 2023 Practice Note issued by the Environment Court. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
15. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
16. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
17. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Key Issues in Contention

18. I consider the following to be the key issues in contention in the chapter:

- The relationship between the Energy and Infrastructure provisions and the Earthworks provisions and the treatment of infrastructure
- The treatment of quarrying activities

19. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.4 Procedural Matters

20. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the Earthworks chapter

2 Statutory Considerations

2.1 Resource Management Act 1991

21. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authority, and
 - section 75 Contents of district plans,
22. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Earthworks¹

2.2 Section 32AA

23. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

24. The required section 32AA evaluation for changes proposed as a result of consideration of submissions is appended to this report as Appendix C for objectives and policies, and inline with the recommendations for rules, standards, advice notes, and other provisions.

¹ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0025/98314/18.-EARTHWORKS-S32-REPORT-DPR-2021..pdf

2.3 Trade Competition

25. Trade competition is not considered relevant to the Earthworks provisions of the Proposed Plan.
26. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

27. There are 231 original submission points on the Earthworks chapter provisions. 133 are in support of the provision/s as notified, 97 are opposed and/or request amendment, 1 is neutral.

3.1.1 Report Structure

28. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on a provisions-based approach. I have organised the evaluation in accordance with the layout of the Earthworks chapter in the Proposed Plan as notified.
29. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
30. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. All of my recommendations are contained within Appendix B. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.

3.1.2 Format for Consideration of Submissions

31. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
- Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations
 - Section 32AA evaluation for rules, standards, and other provisions The recommended amendments to the relevant chapter/s are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.
32. I have undertaken a s32AA evaluation in respect to the recommended amendments for policies is attached at Appendix C, and inline for the recommendations for rules, standards, advice notes, and other provisions.

4 Analysis of submissions

4.1 General

4.1.1 Matters raised by submitters

33. There are 2 submission points and 1 further submission points within the General section, both seeking changes.
34. The Aggregate and Quarrying Association [127.4]² state that *quarrying is a unique activity and should be provided for outside the Earthworks Chapter, and Earthworks provisions should not apply to quarrying*. They also state that *to avoid confusion, duplication and inconsistency, the Earthworks Chapter should exempt earthworks for quarrying as they are specially addressed in zone rules*. This is opposed by a further submission from the Department of Conservation [FS 77].
35. Phillip Davidson [364.1] suggests that alterations to the Proposed District Plan *must consider the proposed changes in the RMA and the effects of climate change*. He outlines the example of the proposed quarry in the Rangiora Racecourse and the public outcry. He seeks the following outcomes:
 - *Seek the District Plan is amended to prevent quarries from operating close to residential areas recommending a distance of 10km from residential areas, and areas should be designated to allow quarries to operate under strict conditions to meet shingle requirements.*
 - *Suggests excavating shingle out of the Ashley River which would provide a local shingle supply close to an operational railway line and support with flood mitigation.*
 - *Amend the District Plan to prevent quarries from operating close to residential areas, recommends 10kms from residential areas in future.*
 - *Designate areas to allow quarries to operate under strict conditions to meet local shingle requirements.*

4.1.2 Assessment

Treatment of quarrying activities

36. For the Aggregate and Quarry Association and Phillip Davidson, I consider that the Proposed Plan does already provide a regime for the management of quarrying separate to the earthworks provisions, as each zone chapter contains rules governing farm quarries, quarrying and mining, These provision are either explicit rules (such as the General Rural Zone rules GURZ-R12 *Farm quarry*, GURZ-R29 *Mining* and GURZ-R30 *Quarrying activities*) or as a catch-all rule (such as General Industrial zone rule TIZ-R16 *Any other activity not provided for in this zone*
37. All zones provide for quarrying as a discretionary activity, and any quarrying or mining activity would thus require resource consent under that relevant zone chapter.

² Oppose – Department of Conservation [FS 77]

38. The National Planning Standards provides separate definitions of ‘Earthworks³’, ‘Quarry⁴’ and ‘Quarrying activities⁵’, all of which have been included in the PDP. Also included in the PDP is a separate definition of ‘Mining’ which adopts the definition in the RMA and the Crown Minerals Act 1991⁶.
39. Thus, while quarrying activities are likely to involve earthworks (such as the removal of topsoil and stockpiling) these aspects are subset/part of the overall activity. Earthworks are a separate activity that may be undertaken as their own activity (such as recontouring a paddock to provide easier gradient for construction of a new stock race) or are an integral part of another activity (such as for interment within a burial ground). The main difference between earthworks and quarrying/mining activities, is that for earthworks, there is no provision for the removal of the earth from the site on which the earthworks are undertaken.
40. Policy EW-P4(3) requires quarries, landfills, cleanfill areas, mining, or dam activities to be avoided within or adjacent to urban environments, and RURZ-P8(4) already contains this direction. I consider that there is a need to ensure that the relevant urban environment zones have policy direction specific to quarrying. I outline those amendments below in the Introduction section, but I consider that these amendments also give effect to the Aggregate and Quarry Association and Mr Davidson’s concerns.

4.1.3 Recommendations

41. I recommend the following outcomes for the submissions:
- Further submission Department of Conservation [FS 77] is **rejected**
 - Aggregate and Quarry Association [127.4] Phillip Davidson [364.1] are **accepted in part**
42. I recommend no changes to the Proposed Plan arising from these recommendations.

4.2 Introduction

4.2.1 Matters raised by submitters

43. There are 8 submission points and 2 further submission points within the Introduction section. 4 are in support of provisions, 4 are opposed and seek changes.

³ *Earthworks – means 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); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts*

⁴ *Quarry – means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities*

⁵ *Quarrying activities – means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.*

⁶ *Mining – (a) means to take, win, or extract, by whatever means (i) a mineral existing in its natural state in land; or (ii) a chemical substance from a mineral existing in its natural state in land; and*

(b) includes (i) the injection of petroleum into an underground gas storage facility; and (ii) the extraction of petroleum from an underground gas storage facility; but

(c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)

44. Fulton Hogan [41.33] request an amendment to the Introduction section as follows:

This chapter provides for and manages earthworks across the District and recognises that earthworks are an integral part of the use and development of land for residential activities, rural and commercial activities at a variety of scales. Earthworks associated with quarrying activities are exempt from these provisions as these activities are specifically addressed through the relevant zone rules.

45. Daiken New Zealand Limited [145.23] request a similar amendment as follows:

This chapter provides for and manages earthworks across the District and recognises that earthworks are an integral part of the use and development of land for residential activities, industrial, rural and commercial activities at a variety of scales.

46. Mainpower NZ [249.24⁷] oppose how the Energy and Infrastructure Chapter links to other provisions and seek that all relevant earthworks provisions for network utility operators be hyperlinked from the Energy and Infrastructure Chapter to the Earthworks Chapter to ensure that plan users can navigate to the relevant earthworks provisions. They request to insert hyperlinks from the Energy and Infrastructure Chapter to relevant Earthworks Chapter rules. This is supported with further submissions from Waka Kotahi [FS 110] and Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [FS 95].
47. Transpower [195.102] oppose the Earthworks Chapter provisions as it is not clear that the rules for earthworks in the National Grid Yard also apply and give effect to Policy 10 of the National Policy Statement on Electricity Transmission.
48. NZPork [169.21], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.18], Clampett Investments Limited [284.253], RIDL [326.413] support the Introduction section as notified.

4.2.2 Assessment

49. I consider that the Proposed Plan requires amendment to appropriately reflect how quarrying activities are treated. Policy EW-P4(3) requires quarries, landfills, cleanfill areas, mining, or dam activities to be avoided within or adjacent to urban environments. I note that this is a duplication of RURZ-P8(4), however, it is also the only explicit policy direction with respect to quarrying in urban environments. If the provisions for quarrying are to be found within the zone chapters only, then this policy direction also needs to be included in the urban environment zones, namely, the RESZ, CMUZ, INZ, OSRZ, and all the special purpose zones (HOS, KR, PBKR, PR, MCC) apart from Kainga Nohoanga. Kainga Nohoanga (KN) is a special case whereby I do not consider it appropriate to provide the specific direction on quarrying activities, noting the enabling provisions of Kempt's Deed in respect of Māori land in that zone. I note that for some zones the replication of this policy can be incorporated within existing policies (such as CMUZ-P8 *Other activities*), but for other zones a new policy may need to be created (such as for the RESZ chapter). These amended policies will be provided in the s42A reports for each of the zones. I support the following amendments:

- Policy EW-P4(3) is deleted

⁷ Support – Waka Kotahi NZ Transport Agency [FS 110], Support - Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95]

- The wording of former EW-P4(3) minus the “or adjacent” is replicated in urban environment zone chapters RESZ, CMUZ, INZ, OSRZ, SPZ(HOS), SPZ(HOS), SPZ(KR), SPZ(PBKR), SPZ(PR), SPZ(MCC). This is by way of recommendation to those chapter authors for inclusion in their list of policies as they see best. The wording is as follows:

avoiding quarry, landfill, cleanfill area, mining, or dam activities within to urban environments.

50. I agree with Daiken New Zealand Limited that industrial activities should be listed in the text. I support the following amendments:

This chapter provides for and manages earthworks across the District and recognises that earthworks are an integral part of the use and development of land for residential activities, industrial, rural and commercial activities at a variety of scales.

51. For Transpower and Mainpower I agree that clarity is needed on the interface between the EI chapter and the EW chapter, in particular on how the relevant higher order instruments such as the NESETA and NESTF are given effect to. I agree that these NES set permitted activity standards for earthworks and that clarification and amendment to the EW rules may be needed. I will deal with this under the Rules section of the report.
52. NZPork[169.21], Fulton Hogan [41.33], HortNZ [178.50], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.18], Clampett Investments Limited [284.253], RIDL [326.413] support the Proposed Plan introductory text as notified.

4.2.3 Recommendations

53. I recommend the following outcomes for the submissions:

- NZPork[169.21], Fulton Hogan [41.33], HortNZ [178.50], Daiken New Zealand Limited [145.23], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.18], Clampett Investments Limited [284.253], RIDL [326.413] are **accepted**
- Further submissions Waka Kotahi NZ Transport Agency [FS 110], Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95] are **accepted**
- Mainpower NZ [249.24], Transpower [195.102] are **accepted in part**

54. I recommend that the amendments above and as set out in Appendix A are adopted.

4.2.4 s32AA evaluation

55. The s32AA evaluation is contained in Table C1 of Appendix C.

4.3 Definitions

56. The following definitions have been identified as relevant to the EW chapter. Only those definitions that are subject to submissions are considered, as are the submissions seeking that new definitions be included that are relevant to the EW chapter.

AQUIFER
CLEANFILL AREA
CLEANFILL MATERIAL
COASTAL HAZARD MITIGATION WORKS
DISCHARGE
DRAIN
DUST
EARTHWORKS
FILLING
GROUND LEVEL
GROUNDWATER
HEIGHT
INTERMENT
LANDFILL
REHABILITATION

4.3.1 Matters raised by submitters

57. There are 11 submission points and 10 further submission points on Definitions. 9 are in support of the provisions, with 2 seeking changes.

Ancillary rural earthworks

58. A number of submitters seek a definition of ‘ancillary rural earthworks’, along with rules that operationalise the definition. I will consider these in the Rules section of the report.

Earthworks for archaeological sites

59. Heritage NZ Pouhere Taonga [178.2] consider that the definition for earthworks is too narrow in the context of archaeology, and request the following definition:

Earthworks within an archaeological site: means 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) and includes gardening, cultivation, and disturbance of land for the installation of fence posts.

Note this is a departure from the NPS guidance as earthworks within an archaeological site is wider than the NPS definition.

Cleanfill area

60. HortNZ [295.15⁸] consider that the definition of ‘cleanfill area’ is consistent with the National Planning Standards and support retaining it as notified. CIAL [FS 80] support HortNZ with a further submission.

Cleanfill material

⁸ Support – CIAL [FS 80]

61. Fulton Hogan [41.3⁹] state that *'cleanfill material' definition limits the ability of quarry operators to rehabilitate quarry areas as part of a quarrying activity due to the lack of availability of such material at any reasonable cost. As notified the plan will require resource consent for rehabilitation involving material not meeting the definition of cleanfill. The definition is limiting in that it does not include resource recovery unless it is recycling aggregate.* Fulton Hogan request to retain the definition of 'cleanfill material' but amend the rules surrounding quarrying so as to create a more integrated and efficient rule framework.
62. Kiwirail [FS 99] support Fulton Hogan with a further submission.
63. HortNZ [295.16¹⁰] consider that the definition of 'cleanfill material' is consistent with the National Planning Standards and support retaining it as notified. CIAL [FS 80] support HortNZ with a further submission.

Discharge

64. HortNZ [295.24¹¹] consider that the definition of 'discharge' is consistent with National Planning Standards and support retaining it as notified. CIAL [FS 80] support HortNZ with a further submission.

Drain

65. HortNZ [295.25¹²] consider that the definition of 'drain' is consistent with National Planning Standards and support retaining it as notified. CIAL [FS 80] support HortNZ with a further submission.

Dust

66. HortNZ [295.27¹³] consider that the definition of 'dust' is consistent with National Planning Standards and support retaining it as notified. CIAL [FS 80] support HortNZ with a further submission.

Earthworks

67. HortNZ [295.28¹⁴] consider that the definition of 'earthworks' is consistent with National Planning Standards and support retaining it as notified. CIAL [FS 80] support HortNZ with a further submission and the Department of Conservation [FS 77] oppose HortNZ.

Groundwater

68. HortNZ [295.37¹⁵] consider that the definition of 'groundwater' is consistent with National Planning Standards and support retaining it as notified. CIAL [FS 80] support HortNZ with a further submission.

Rehabilitation

⁹ Support – Kiwirail [FS 99]

¹⁰ Support – CIAL [FS 80]

¹¹ Support – CIAL [FS 80]

¹² Support – CIAL [FS 80]

¹³ Support – CIAL [FS 80]

¹⁴ Support – CIAL [FS 80], Oppose – Department of Conservation [FS 77]

¹⁵ Support – CIAL [FS 80]

69. DOC [419.23¹⁶] support inclusion of definition of 'rehabilitation' however rehabilitation does not only refer to earthworks activities, and is mentioned in the definition and rules relating to quarrying and gravel extraction. They request to amend the definition of 'rehabilitation' to:

means restoring land that has been damaged by earthworks activity, gravel extraction, quarrying, to as near to pre-disturbance conditions as possible"

70. DOC [FS 78] support themselves with a further submission.

Definition of coastal hazard mitigation works

71. DOC [419.8] seek to amend the definition of coastal hazard mitigation works to include the type of works proposed by using the terms soft and hard engineering natural hazard mitigation. They seek the following definition:

"~~Any means work and or~~ structure designed to prevent or mitigate coastal hazards, such as coastal erosion and seawater inundation. It includes soft engineering natural hazard mitigation beach re-nourishment, dune replacement, and sand fences, seawalls, groynes, gabions and revetments and hard engineering natural hazard mitigation."

72. This submission was originally considered in Mr Willis's s42A report for Natural Hazards. However he considered that as the definition is only used once, in EW-MD4, that it was more relevant to be considered in the EW chapter s42A report.

4.3.2 Assessment

73. Fulton Hogan's request is to amend a rule, with support for the definitions as notified. I will consider their request to in the Rules section of this report, along with the request from submitters for the new definition of ancillary rural earthworks.

Earthworks and archaeology

74. I have considered Heritage NZ's request for a definition of earthworks specific to archaeological sites. An archaeological site has its own management regime under the Heritage NZ Pouhere Taonga Act 2014. In particular, I note the following overarching protection on archaeological sites:

Archaeological sites not to be modified or destroyed¹⁷

(1) Unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.

(2) Subsection (1) applies whether or not an archaeological site is a recorded archaeological site or is entered on—

¹⁶ Support – Department of Conservation [FS 77]

(a) the New Zealand Heritage List/Rārangi Kōrero under subpart 1 of Part 4; or

(b) the Landmarks list made under subpart 2 of Part 4.

(3) Despite subsection (1), an authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building.

75. I consider that this is broad and stringent protection for these sites, and that the RMA should not duplicate or attempt to duplicate this regime, which has its own purpose and principles. I note similar recommendations in section 3.1.4 of Ms Stevens' s42A report on historic heritage.

76. For DOC, I agree that the definition of 'rehabilitation' is used in contexts other than earthworks, for instance, in the natural and open space zone (OSRZ-MD12(5) *Removal of buildings or other structures*), The term 'rehabilitate' has been used in the natural character chapter (NATC-P4(4) *Preservation of natural character values*), and coastal environment chapter (CE-P3 *Restoration of natural character*). I note that the definition of 'rehabilitation' refers to land that has been damaged by earthworks, which indicates it was intended to apply to activities in the EW chapter. However, I also note that the definition is very similar to its common usage as being to restore something to its former condition. Accordingly, I recommend that as the definition provides nothing further than its common meaning that it be deleted. I note that this amendment is different to the relief sought in the DoC submission. If the Panel considers there is not scope within the DoC submission for the recommended deletion, I would support amending the definition to the following:

In relation to the Earthworks chapter, means restoring land that has been damaged by earthworks activity, to as near to pre-disturbance conditions as possible.

77. For DOC's amendment to the coastal hazard mitigation works definition, in my opinion this requested change is acceptable. Whilst referring to other definitions within a definition can be problematic, in this instance it is supported as it provides clarity on the types of mitigation anticipated and aligns with the proposed sub definitions. I recommend the following definition:

Any means work and or structure designed to prevent or mitigate coastal hazards, such as coastal erosion and seawater inundation. It includes soft engineering natural hazard mitigation beach re-nourishment, dune replacement, and sand fences, seawalls, groynes, gabions and revetments and hard engineering natural hazard mitigation."

78. All other submissions are in support of the definitions as notified.

4.3.3 Recommendations

79. I recommend the following outcomes for the submissions:

- Heritage NZ [178.2] is **rejected**
- HortNZ [295.15, 295.16, 295.24, 295.25, 295.27, 295.28, 295.37], DoC [419.8] are **accepted**
- Fulton Hogan [41.3], DoC [419.23] is **accepted in part**
- Further submissions CIAL [FS 80], Kiwirail [FS 99] are **accepted**
- Further submission DOC [FS 77] is **accepted in part**

80. I recommend that the amendments above and as set out in Appendix A are adopted.

4.3.4 s32AA Evaluation

81. In my opinion, the amendments to the definition of rehabilitation and coastal hazard mitigation works more appropriately define the activities than the notified versions, and as such will be more efficient and achieve better plan implementation.

5 Objectives

5.1 Objective EW-O1: Earthworks

5.1.1 Matters raised by submitters

82. There are 13 submission points and 6 further submission points on Objective EW-O1. 5 are in support of the provisions, with 8 seeking changes.
83. NZPork [169.22¹⁸] and HortNZ [295.101] oppose the “narrow focus” of EW-O1, and request the following amendment:

~~Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment.~~

Earthworks necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects, including effects on health and safety and natural hazards, are avoided, remedied or mitigated.

84. NZPork is opposed by further submissions from Waka Kotahi NZ Transport Agency [FS 110] and Kiwirail [FS 99] but supported by HortNZ [FS 47].
85. Summerset [207.15¹⁹] support EW-O1 but consider that ‘property’ is used in the objective without context. They request that if *objective is referring to 'adjoining sites'* it should use that term and to retain EW-O1 but clarify the intent of ‘property’ or replace with ‘adjoining sites’. This is opposed by further submission from Kainga Ora [FS 88].
86. Clampett Investments Limited [284.254] and RIDL [326.414] generally support EW-O1 but request amendment as follows:

Earthworks are undertaken in a manner that avoids significant and manages other ~~minimises~~ adverse effects on the surrounding environment.

87. This is opposed by further submissions from Waka Kotahi NZ Transport Agency [FS 110] and Kiwirail [FS 99].
88. DOC [419.116] state that EW-O1 should follow the effects management hierarchy rather than go straight to ‘minimise adverse effects’, and request the following amendment:

Earthworks are undertaken in a way that ~~minimises~~ avoids, remedies or mitigates adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment.

89. Federated Farmers [414.166] submit that *the generic wording in EW-O1 does not recognise the essential part earthworks play in rural life and rural activities, instead, it focuses on minimising the adverse effects of earthworks, and not enabling or recognising the positive*

¹⁸ Oppose – Waka Kotahi NZ Transport Agency [FS 110], Oppose – KiwiRail Holdings Limited [FS 99], Support – HortNZ [FS 47]

¹⁹ Oppose – Kainga Ora – Homes and Communities [FS 88]

effects. They note that the Resource Management Act 1991 does not govern health and safety in general, and request the following amendment:

Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure ~~and the health and safety of people and the environment.~~

90. Woodstock Quarries Limited [46.5], Mainpower [249.27], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.19], ECan [316.154], Kainga Ora [325.131], Kiwirail [373.69] support the objective as notified.

5.1.2 Assessment

91. EW-O1 intentionally does not use 'avoid', 'remedy', or 'mitigate' tests, primarily to avoid parroting the Act, as the particular tests and resource management direction for classes and types of earthworks activities is set at the policy level instead. The overall resource management direction set by this objective is to 'minimise adverse effects'. I note that this approach is consistent with the earthworks provisions in the proposed Selwyn District Plan²⁰, and the Christchurch City District Plan²¹, which also do not parrot the Act in terms of effects mitigation tests in their earthworks objectives.
92. In practice, where some policy tests require the avoidance of effects, or specify that certain activities should not occur, such as EW-P2(1 & 2), the 'minimise', in EW-O1 would be to where effects are *deminimis*. Alternatively, the objective would not come into play as the most stringent of the relevant policies would provide the overall direction when assessing any consent application.
93. As such, I do not agree with submitters wishing to amend the objective, as the resource management direction is primarily specified through the policies. I consider that submitters concerns on the specificity of direction would be best addressed through their submissions on the relevant policies.
94. For Summerset Retirement Villages (Rangiora), I have considered the use of the term 'property' in the objective. Property has a dictionary meaning of *a thing or things belonging to someone*. In the context of the objective I consider that this is necessary to ensure that the effects of earthworks on structures and other things on an individual site are considered. Earthworks can have effects wider than just on adjoining sites, and sites can contain property owned by others. An example would be electricity transmission lines or underground infrastructure. I thus disagree that the term 'property' is unclear, and do not recommend amendments.
95. For Federated Farmers, I do not agree, as s(5)(2) RMA does reference 'health and safety'. Health and safety is a component of sustainable management, and as such, a relevant matter that an objective can refer to. In this case, the objective refers to the health and safety effects of earthworks both on people and the environment.

²⁰ Proposed Selwyn District Plan, <https://eplan.selwyn.govt.nz/review/rules/0/285/0/0/0/152>

²¹ Christchurch District Plan, <https://districtplan.ccc.govt.nz/pages/plan/Book.aspx?exhibit=DistrictPlan&hid=86889>

5.1.3 Recommendation

96. I recommend the following outcomes for submissions:

- That NZPork [169.22], Summerset [207.15], Clampett Investments Limited [285.254], HortNZ [295.101], RIDL [326.414], Federated Farmers [414.166], DOC [419.116] are **rejected**
- That further submission HortNZ [FS 47] is **rejected**
- That Woodstock Quarries Limited [46.5], Mainpower [249.27], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.19], ECan [316.154], Kainga Ora [325.131], Kiwirail [373.69] are **accepted**
- Further submissions HortNZ [FS 47], Kainga Ora [FS 88], Waka Kotahi [FS 110], Kiwirail [FS 99] are **accepted**

97. I recommend no changes to the Proposed Plan arising from these submissions.

6 Policies

6.1 Policy EW-P1: Enabling earthworks

6.1.1 Matters raised by submitters

98. There are 13 submission points and 3 further submission points on Policy EW-P1. 7 are in support of the provisions, with 5 seeking changes.
99. Woodstock Quarries Limited [46.13] support EW-P1 as notified and request for the retention of earthworks quantities and location standards for permitted activity status.
100. Heritage NZ [178.51] support EW-P1 as notified which enables earthworks where it maintains the character and values associated with historic heritage.
101. Transpower [195.103²²] support earthworks that are enabled being set out in EW-P1, but consider that this does not give effect to the National Policy Statement on Electricity Transmission as earthworks for the operation, repair, maintenance, upgrade and development of the National Grid are not enabled. Amend EW-P1 to make general reference to infrastructure. Transpower request amendment to EW-P1 by adding a new line:

Enable earthworks where they:

x. enable the on-going operation, maintenance, repair, upgrading and development of infrastructure.

102. Kiwirail [FS 99] support Transpower with a further submission.
103. Summerset [207.16²³] support rules to manage earthworks effects but consider that EW-P1(6) is unclear, stating that the *effects on character, values and qualities (including visual amenity) is covered by clause 1 and therefore need for (6) is unclear*. They request the deletion of EW-P1(6). This is opposed in a further submission from Kainga Ora [FS 88].
104. WIL (WIL) [210.45] support *EW-P1 enabling earthworks subject to other relief sought, but given the importance of irrigation and stockwater infrastructure in the District, recognise earthworks needed for the operation, maintenance, upgrade or development of its infrastructure*. They request the following amendment:

8. are necessary for the operation, maintenance, upgrade or development of regionally significant infrastructure, including irrigation and stockwater infrastructure.
105. Mainpower New Zealand Limited [249.28] support EW-P1 recognising that earthworks adjacent to infrastructure has potential to destabilise support structures and compromise operational function and request for it to be retained as notified.

²² Support – Kiwirail [FS 99]

²³ Oppose – Kainga Ora [FS 88]

106. Waka Kotahi [275.39²⁴] request to insert an additional clause in EW-P1 to enable earthworks that are necessary to maintain infrastructure, as follows:

are necessary for the continued operation and maintenance of existing infrastructure

107. This is supported with a further submission from Kiwirail [FS 99].

108. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.20], Clampett Investments Limited [284.255], Kainga Ora - Homes and Communities [325.132], RIDL [326.415], DOC [419.117] support EW-P1 as notified and request for it to be retained as notified.

109. Federated Farmers [414.167] request to amend EW-P1 as *earthworks are an essential part of rural life and rural activities, and need an enabling approach, particularly within rural zones*, with an additional EW-P1(2) as follows:

1. *are compatible with the character, values and qualities of the location and surrounding environment*

2. *Enable earthworks associated with rural production activities*

6.1.2 Assessment

110. For Transpower and Waka Kotahi, I consider that the amendments to the Energy and Infrastructure Chapter, as contained within that s42A report outline and explain the interface with the policies, including policy EW-P1 of this chapter, address this concern.

111. For Summerset, I agree that the relationship between clauses (1) and (6) are not clear. Clause (1) contains a list of amenity-like matters, but does not use the term 'amenity values' (which is defined in the RMA), whilst clause (6), uses the term visual amenity values in the context of minimising the modification and disturbance of land, including any associated retaining structures. I consider this last part of (6) lacks a function, as the amenity values are covered under (1), and the land stability issues under (5). I would recommend amending EW-P1 as follows:

Enable earthworks where they:

1. are compatible with the ~~character~~amenity values ~~and~~ qualities of the location and surrounding environment;
2. avoid, remedy or mitigate any adverse effects on any sites or areas identified as ONL, ONF, SAL, Coastal Environment Overlay, SNA, sites and areas of significance to Māori, Natural Open Space Zone, surface freshwater bodies and their margins, or any notable tree, historic heritage or heritage setting;
3. minimise erosion and avoid adverse effects from stormwater or sediment discharge from the site;
4. avoid increasing the risk to people or property from natural hazards;

²⁴ Support – Kiwirail [FS 99]

5. maintain the stability of land including adjoining land, infrastructure, buildings and structures;
6. minimise the modification or disturbance of land, including any associated retaining structures, ~~on the visual amenity values of the surrounding area;~~ and
7. minimise adverse dust, vibration and visual effects beyond the site.
112. In recommending this, I note that Mainpower stated that earthworks have the potential to destabilise support structures and compromise operational structures.
113. For Federated Farmers, I consider that their request to explicitly recognise the need for rural earthworks is already enabled by the compatibility test in clause (1), which recognises the character, values and qualities of the location and surrounding environment. I consider this is enabling for rural areas, noting too the permitted activity rules and standards that explicitly enable rural earthworks. I also note that the policy only applies when consent applications are considered. I do not agree that changes to the plan are required.

6.1.3 Recommendation

114. I recommend the following outcomes for submissions:
- That Transpower [195.103], WIL [210.45], Waka Kotahi [275.39], Federated Farmers [414.167] are **rejected**
 - That further submissions Kiwirail [FS 99], Kainga Ora [FS 88] are **rejected**
 - That Woodstock Quarries Limited [46.13], Heritage NZ Pouhere Taonga [178.51], Mainpower [249.28], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.20], Clampett Investments Limited [284.255], Kainga Ora [325.125], RIDL [326.415], DOC [419.117] are **accepted**
 - Summerset [207.16] is **accepted in part**
115. I recommend that the amendments above and as set out in Appendix A are adopted.

6.1.4 s32AA evaluation

116. The s32AA evaluation is in Table C1 of Appendix C.

6.2 Policy EW-P2: Earthworks within Flood Assessment Overlay

6.2.1 Matters raised by submitters

117. There are 11 submission points and 1 further submission point on Policy EW-P2. 8 are in support of the provisions, with 3 seeking changes.
118. WIL [210.46], Mainpower [249.29²⁵] support EW-P2 enabling earthworks (for WIL subject to their other relief), but state that given the importance of irrigation and stockwater infrastructure in the District, to recognise earthworks needed for the operation, maintenance, upgrade, or development of its infrastructure, by the following amendment:

²⁵ Support – Kiwirail [FS 99]

1. the earthworks are associated with development, maintenance, repair, upgrade of critical infrastructure and have an operational or functional need to locate within a Flood Assessment Overlay.

119. Kiwirail [FS 99] support Mainpower with a further submission.

120. Waka Kotahi [275.40] request to amend EW-P2 so that earthworks do not increase the flood risk to infrastructure, as follows:

1. the earthworks do not increase the flooding risk to the site or neighbouring sites or infrastructure through the displacement of flood waters

121. Federated Farmers [414.168] support EW-P2 and request for it to be retained as notified but note that *it is potentially problematic as it may not be possible under a permitted activity for a landholder to assess whether or not they are in compliance with EW-P2 on the non-urban flood assessment overlay.*

122. Woodstock Quarries Limited [46.14], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.21], Clampett Investments Limited [284.256], ECan [316.155], Kainga Ora [325.133], RIDL [326.416], DOC [419.118] support EW-P2 as notified.

6.2.2 Assessment

123. For WIL, Mainpower, I consider that the EW provisions apply alongside the EI and TRAN provisions, which could result in duplication or unnecessary stringency. I consider that EW-R1 and R3 were intended to provide a permitted activity pathway for maintenance of infrastructure alongside the other chapter provisions, however, transmission lines and irrigation infrastructure are not currently included within them. I have recommended amendments to address this in the Rules section, but as the relief is similar I am addressing it here as well.

124. For Federated Farmers, I consider that for the non-urban flood assessment overlay that the first location a farmer, or plan user, would look for guidance would be the permitted activity rules and the standards, rather than the policy, so I do not interpret the plan in the same way, however I note their support for the policy as notified.

125. For Waka Kotahi I note the recommendations of Mr Willis for amendments to the relevant natural hazard provisions to insert the following wording :

- activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land in a 0.5% AEP event.

121. I consider this amendment in the context of EW-R5 – Earthworks within an overland flow path and have recommended that it replace the existing standards 2-4 within that rule. I have also recommended aligning the title of the rule with the title of this policy. I consider that this would resolve Waka Kotahi’s concern.

6.2.3 Recommendations

126. I recommend the following outcomes for submissions:

- Woodstock Quarries Limited [46.14], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.21], Clampett Investments Limited [284.256], ECan

[316.155], Kainga Ora [325.133], RIDL [326.416], Federated Farmers [414.168], DOC [419.118] are **accepted**

- That further submission Kiwirail [FS 99] is **accepted**
- That WIL[210.46], Mainpower [249.29], Waka Kotahi [275.40] are **accepted in part**

127. I recommend no changes to the Proposed Plan arising from these recommendations but I note the assessment and recommendations for EW-R5.

6.3 Policy EW-P3: Archaeological sites, and sites and areas of significance to Māori

6.3.1 Matters raised by submitters

128. There are 7 submission points on Policy EW-P3. 5 are in support of the provisions, with 2 seeking changes.

129. Heritage New Zealand Pouhere Taonga [178.52] supports EW-P3 *however notes that when 'earthworks' are referred to, the automatic definition box provides the National Planning Standard 'earthworks' definition. This definition is incorrect in the context of archaeology as it is too narrow - in particular, it 'excludes gardening, cultivation, and disturbance of land for the installation of fence posts', while the HNZPTA 2014 refers to any 'activity that will or may modify or destroy'. This relates to a previous submission point requesting the inclusion of a new definition for 'earthworks within an archaeological site'. They request the following amendment:*

Earthworks within an archaeological site avoid, remedy or mitigate adverse effects on archaeological sites and sites and areas of significance to Māori, by having regard to:

130. WIL [210.47] consider that it is *important to protect sites of significance to Māori but amend EW-P3 to recognise offsetting may sometimes be a more suitable option than avoiding, remedying or mitigating adverse effects and should be an alternative. They seek to amend EW-P3 as follows:*

"Earthworks avoid, remedy, or mitigate, or offset adverse effects on archaeological sites and sites and areas of significance to Māori, by having regard to:

131. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.22], Clampett Investments Limited [284.257], Kainga Ora [325.134], RIDL [326.417], DOC [419.119] support EW-P3 and request it be retained as notified.

6.3.2 Assessment

132. For Heritage NZ Pouhere Taonga I note similar recommendations in other s42A reports that the jurisdiction and regime for archaeological sites within the Heritage NZ Pouhere Taonga Act 2014 is different to the RMA. Section 42 of this Act provides overarching protection for archaeological sites not to be modified or destroyed, except where authorities are issued by Heritage NZ Pouhere Taonga. This regime overrides the RMA, and as such, I do not agree that amendments are needed or would achieve the intended purposes.

133. I have also considered the need for this policy against the SASM chapter. I note that the SASM chapter policies primarily apply to defined areas and overlays, whereas EW-P3 applies district-wide.

134. For WIL, I am not aware of any RMA policy provisions nationwide that enable offsetting for adverse effects on archaeological sites and sites and areas of significance to Māori. I am conscious that such a policy could be inconsistent with the Heritage NZ Pouhere Taonga Act 2014, and also contrary to the interests of manawhenua.

6.3.3 Recommendations

135. I recommend the following outcomes for submissions:

- That Heritage NZ Pouhere Taonga [178.52], WIL [210.47] are **rejected**
- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.22], Clampett Investments Limited [284.257], Kainga Ora [325.134], RIDL [326.417], DOC [419.119] are **accepted**

136. I recommend no changes to the Proposed Plan arising from these recommendations.

6.4 Policy EW-P4: Scale of earthworks within or adjacent to urban environments

6.4.1 Matters raised by submitters

137. There are 7 submission points on Policy EW-P4. 5 are in support of the provisions, with 2 seeking changes.

138. Fulton Hogan [41.34] opposes quarrying activities being addressed through both zone and earthworks provisions due to potential duplication and inconsistent/unnecessary planning approach. Potential earthworks effects will be addressed through land use consents. They request the following amendment:

Minimise adverse effects related to the scale of earthworks on character, and amenity values within or adjacent to urban environments by:

~~3. avoiding quarry, landfill, cleanfill area, mining, or dam activities within or adjacent to urban environments.~~

139. The Woodend-Sefton Community Board [155.5] consider that large scale earthworks require resource consent with rules and standards, and also state that quarrying can *detrimentally affect groundwater and the health and wellbeing of nearby residents from dust, noise, and traffic*. They support quarrying restrictions near urban and residential areas. The Kaiapoi-Tuahiwi Community Board [147.17] support the provisions in the general District Wide matters.

140. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.36], Clampett Investments Limited [284.258], Kainga Ora [325.135], RIDL [326.148] support EW-P4 and request it to be retained as notified.

6.4.2 Assessment

141. For Fulton Hogan, I note my recommendation to ensure that quarrying activities are treated in their respective zones. I consider that this recommendation achieves in part the relief this submitter is seeking.

142. I note the support of the Woodend-Sefton Community Board who support quarrying restrictions near urban and residential areas, and the general support of the Kaiapoi-Tuahiwi Community Board for the district-wide matters.

6.4.3 Recommendations

143. I recommend the following outcomes for submissions:

- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.36], Clampett Investments Limited [284.258], Kainga Ora [325.135], RIDL [326.148], Woodend-Sefton Community Board [155.5], Kaiapoi-Tuahiwi Community Board [147.17] are **accepted**
- That Fulton Hogan [41.34] is **accepted in part**

144. I recommend that the amendments above and as set out in Appendix A are adopted.

6.4.4 s32AA evaluation

145. The s32AA evaluation is in Table C2 of Appendix C.

6.5 Policy EW-P5: Rehabilitation

146. There are 7 submission points and 2 further submissions on Policy EW-P5. 6 are in support of the provisions, with 1 seeking changes.

147. Woodstock Quarries Ltd [46.15] support EW-P5 within the General Rural Zone for earthworks quantities and location standards for permitted activity status, and request that earthworks quantities and location standards are retained as notified.

148. Summerset [207.17²⁶] support the intent of EW-P5 to ensure site rehabilitation but state that the policy is unclear on whether site recontouring is intended to be included, with requirements to incorporate ecological enhancement and habitat for indigenous fauna or locally sourced indigenous vegetation. They request amendment to apply only to rehabilitation at the end of large scale earthworks and not a development stage as follows:

Require site rehabilitation during or immediately following the completion of earthworks activity, where further site development works are not occurring, to

149. Kainga Ora [FS 88] oppose this in a further submission.

150. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.24], Clampett Investments Limited [284.259], Kainga Ora [325.136], RIDL [326.419], DOC [419.120²⁷] support EW-P5 as notified and request it to be retained as notified. The Department of Conservation support themselves in a further submission [FS 78].

6.5.1 Assessment

151. For Summerset Retirement Villages (Rangiora), I consider that their proposed amendment is already encapsulated within the heading to the policy which states “..during or immediately following the **completion** of earthworks activity’ (My emphasis). If there is to be subsequent

²⁶ Oppose – Kainga Ora [FS 88]

²⁷ Support – Department of Conservation [FS 88]

earthworks and redevelopment of land that has already been subject to earthworks, then the earthworks are not completed. Adverse effects can occur at any stage of earthworks, and in large developments which could take considerable time to complete, could require sequential or temporary/interim rehabilitation, rather than leaving it all to the end. The sequencing of earthworks rehabilitation may be a matter better handled by site specific earthworks management plans, to be considered during consenting, rather than in a policy. I do not support the proposed amendment.

152. For Woodstock Quarries, I note that their support is to retain the earthworks quantities and location standards in the general rural zone as notified, which provides me with the ability to recommend accepting it even in the case that the urban environment quantities and location standards change as a result of considering submissions on the rules and activity standards.

6.5.2 Recommendations

153. I recommend the following outcomes for submissions:

- That Summerset Retirement Villages (Rangiora) [207.17] is **rejected**
- That further submission Kainga Ora [FS 88] is **rejected**
- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.24], Clampett Investments Limited [284.259], Kainga Ora [325.136], RIDL [326.419], DOC [419.120], Woodstock Quarries Ltd [46.15] are **accepted**
- That further submission Department of Conservation [FS 78] is **accepted**

154. I recommend no changes to the Proposed Plan arising from these recommendations.

6.6 Policy EW-P6: Water resources

6.6.1 Matters raised by submitters

155. There are 8 submission points and 3 further submissions on Policy EW-P6. 5 are in support of the provisions, with 3 seeking changes.

156. Fulton Hogan [41.35²⁸] oppose EW-P6 as it does not qualify the type, scale or significance of contamination and could be interpreted to apply very widely. Given the direction to 'avoid', this would potentially foreclose activities that would otherwise be appropriate and has potential to conflict with regional plan provisions addressing earthworks in and around water bodies. They request to amend EW-P6 to recognise activities that are able to remedy or mitigate effects and to reduce the potential for conflict with regional plan provisions addressing water quality, as follows:

Avoid, remedy or mitigate adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on and mahinga kai.

157. Waka Kotahi [FS 110], Kiwirail [FS 99] support Fulton Hogan in further submissions.

158. ECan [316.156] support the avoidance of water contamination and adverse effects on mahinga kai but requests it is clear what values are being protected because there are likely to

²⁸ Support – Waka Kotahi NZ Transport Agency [FS 110], Support – Kiwirail [FS 99]

be different thresholds of effects, some acceptable depending on the values to be protected, and some not. ECan request that EW-P6 be reconsidered as to whether it is specific enough as to the values to be protected.

159. WIL [210.48²⁹] recognise the importance of protecting surface water bodies, avoiding contamination and adverse effects on mahinga kai, but for irrigation and stockwater infrastructure adverse effects may not be able to be avoided in all circumstances. They consider that sufficient flexibility is required to enable management of effects to not prevent safe and efficient operation, maintenance, upgrade and development of regionally significant infrastructure, with the following amendment:

Avoid/Manage adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on mahinga kai.

160. DOC [FS 77] oppose this in a further submission.
161. Woodstock Quarries [46.16] support EW-P6 within the General Rural Zone for earthworks quantities and location standards for permitted activity status and request retaining earthworks quantities and location standards for permitted activity status.
162. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.25], Clampett Investments Limited [284.260], Kainga Ora [325.137], RIDL [326.420] support EW-P6 and request it to be retained as notified.

6.6.2 Assessment

163. For Fulton Hogan, I have considered their request to adopt the effects mitigation hierarchy in P6. I have also considered ECan's concern about the lack of specificity and thresholds of effects, with some being potentially acceptable. I consider that there is an inconsistency between EW-P6, and EW-P1(2) *avoid, remedy or mitigate any adverse effects on any sites or areas identified as ONL, ONF, SAL, Coastal Environment Overlay, SNA, sites and areas of significance to Māori, Natural Open Space Zone, surface freshwater bodies and their margins, or any notable tree, historic heritage or heritage setting*. EW-P6 is more stringent than EW-P1(2), as it only has an avoid requirement, applies to surface and groundwater bodies, and is specific to water contamination and adverse effects on mahinga kai.
164. I consider that EW-P1(2) focuses generally on any effect on protective overlays and other sensitive sites whereas EW-P6 is intended to focus specifically on water quality, but I agree with submitters that adverse effects cannot be avoided in all cases, and given the complexity of freshwater, there is a range of thresholds of contamination related to different values. Also, I note that the policy provides the link to rule EW-S3 *Setback from water bodies* where non-compliance with the permitted activity setback standards is considered as a restricted discretionary activity (RDIS). This activity status does not accord with an 'avoid' policy, but rather accords with a 'manage' policy. I agree too that this s9 RMA provision should integrate with regional council plans, and that this would be achieved by amendment to allow the full effects mitigation hierarchy of "avoid, remedy, and mitigate" to EW-P6 by the addition of the word 'manage'. I also recommend that mahinga kai would be better placed as a value in EW-

²⁹ Oppose – Department of Conservation [FS 77]

P1(2) alongside sites of significance to Maori, to be assessed alongside those values, as in a s9 RMA context it is primarily a surface water value. I propose the following amendments:

EW-P1 Enabling earthworks

Enable earthworks where they:

1. are compatible with the character, values and qualities of the location and surrounding environment;
2. avoid, remedy or mitigate any adverse effects on any sites or areas identified as ONL, ONF, SAL, Coastal Environment Overlay, SNA, sites and areas of significance to Māori, including mahinga kai, Natural Open Space Zone, surface freshwater bodies and their margins, or any notable tree, historic heritage or heritage setting;
3.

EW-P6 Water resources

~~Avoid~~, Manage adverse effects of earthworks on ground and surface water bodies that could result in water contamination ~~and adverse effects on mahinga kai~~.

165. I note that these amendments incorporate WIL's specific request to replace avoid with "manage".
166. For Woodstock Quarries, I note that their support is to retain the earthworks quantities and location standards in the general rural zone as notified, which provides me with the ability to recommend accepting it even in the case that the urban environment quantities and location standards change as a result of considering submissions on the rules and activity standards.

6.6.3 Recommendations

167. I recommend the following outcomes for submissions:

- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.25], Clampett Investments Limited [284.260], Kainga Ora [325.137], RIDL [326.420], Woodstock Quarries Ltd [46.16] are **accepted**

That further submissions Waka Kotahi [FS 110], Kiwirail Holdings [FS 99] are **accepted**

- ECan [316.156], Fulton Hogan [41.35], WIL [210.48] are **accepted in part**
- That further submission DOC [FS 77] is **rejected**

168. I recommend that the amendments above and as set out in Appendix A are adopted.

6.6.4 s32AA Evaluation

169. The s32AA evaluation is in Table C3 of Appendix C.

7 Rules

7.1 General

7.1.1 Matters raised by submitters

Ancillary Rural Earthworks

170. NZPork [169.23, 169.4]³⁰ oppose a lack of methods to enable and manage *ancillary rural earthworks* effects. They request a new definition of ‘ancillary rural earthworks’ that includes the *burying of infected material as a permitted activity to enable farmers to undertake earthworks in the event of a biosecurity incident*. NZPork state that not all biosecurity incursions trigger provisions in the Resource Management Act 1991 or Biosecurity Act 1993 to override consent requirements, and that District Plan limitations on earthworks may hinder an urgent response. The following definition of ‘ancillary rural earthworks’ is sought:

‘Ancillary rural earthworks; means

a. Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fencelines, drilling bores and offal pits, burying of dead stock and plant waste

b. Land preparation and vegetation clearance undertaken as part of horticultural plantings and

c. Maintenance of existing walking tracks, farm and forestry tracks, driveways, roads and accessways within the same formation width.

the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.

171. They also request amendment to the earthworks chapter to *provide permitted activity status, standards, and definition for ‘ancillary rural earthworks’ to exclude biosecurity purposes*. The Department of Conservation [FS 77] oppose NZPork and HortNZ [FS 47] support NZPork in further submissions.

172. HortNZ [295.103] also seek the following new earthworks rule to enable ancillary rural earthworks:

EX-RX Ancillary rural earthworks

Rural Zones

Activity status: PER

Where:

1. The earthworks are ancillary rural earthworks.

³⁰ Oppose – Department of Conservation [FS 77], Support – HortNZ [FS 47]

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

EW-MD1 - Activity operation, scale, form and location

EW-MD2 - Nuisance and reverse sensitivity

EW-MD3 - Land stability

EW-MD4 - Natural hazards

EW-MD5 - Rehabilitation

EW-MD6 - Coastal environment and hazards

EW-MD7 - Water bodies, vegetation and fauna

EW-MD8 - Outstanding natural features and landscapes

173. Hort NZ [295.102] seek a new policy to recognise the benefits of earthworks to support rural activities as follows:

EW - PX Earthworks for Rural Production

Enable earthworks where they support rural production, including ancillary rural earthworks

174. HortNZ [295.98³¹] seek to add a definition to provide for 'ancillary rural earthworks' which are undertaken as part of normal horticultural property (or other farm) operations. Their definition is as follows:

Ancillary rural earthworks means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks or roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing, erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).

175. CIAL [FS 80] support Hort NZ with a further submission.

Infrastructure

176. Transpower[195.105³²] request to amend rule guidance in 'other potentially relevant District Plan provisions. They request to amend other District Plan chapters that contain provisions that may also be relevant to earthworks. They also oppose rules that *do not enable the operation, repair, maintenance and upgrade of existing infrastructure*. They seek permitted activity status for these activities and National Grid earthworks, to amend earthworks rules to include consent pathway for earthworks for the operation, maintenance and upgrading of existing infrastructure where necessary for repairs or to achieve mandatory ground to conductor clearance violations. Transpower state that National Environmental Standards for Electricity Transmission may provide threshold guidance.

³¹ Support – CIAL [FS 80]

³² Oppose – Kiwirail Holdings Limited [FS 99]

177. Kiwirail [FS 99] support Transpower with a further submission.
178. WIL [210.43³³] consider that *WIL irrigation and stockwater networks are critical for wellbeing of the District and WIL should be enabled to operate, maintain, upgrade and develop its infrastructure*. They request to *include a permitted activity rule enabling maintenance and upgrade of irrigation network without requirement for resource consent, or alternatively, amend earthworks rules to recognise irrigation network maintenance and upgrades as a permitted activity*. They request to amend to include new rules:

“Earthworks associated with the maintenance and upgrading of community scale irrigation and stockwater infrastructure.

Activity Status: Permitted

179. The Department of Conservation [FS 77] oppose this in a further submission.

Targeted Stream Augmentation and Managed Aquifer Recharge

180. WIL [210.44³⁴] also state that they are *committed to undertake further works such as managed aquifer recharge and targeted stream augmentation. These are likely to be significant for future water quality and should be separately provided for as a permitted activity, noting regional plan controls on the establishment of these activities*. They request the following new rule:

Earthworks associated with targeted stream augmentation and managed aquifer recharge.

Activity Status: Permitted

181. The Department of Conservation [FS 77] oppose this in a further submission.

Temporary Earthworks

182. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.40] *seek consistent and effects based approach to temporary earthworks, and as a minimum a clear permitted activity path for land disturbance for operation, maintenance and upgrade of existing underground assets that applies wider than infrastructure*. They seek a new rule:

EW-R12 Earthworks associated with operation, maintenance, removal or replacement of existing underground assets

(Permitted) where:

- 1. EW-S3, EW-S4, EW-S6 and EW-S7 are met and*
- 2. The disturbance does not permanently alter the profile, contour or height of the land*

Activity status when compliance is not achieved: RDIS

EW-MD1

EW-MD2

³³ Oppose – Department of Conservation [FS 77]

³⁴ Oppose – Department of Conservation [FS 77]

EW-MD3

EW-MD4

EW-MD5

EW-MD6

EW-MD7

EW-MD8

Community Scale Natural Hazard Mitigation Works

183. ECan [316.153] state that community scale natural hazard mitigation works may require resource consent under other chapters and request that earthworks associated with community scale natural hazard works is a permitted activity in the Earthworks Chapter.

7.1.2 Assessment

Ancillary Rural Earthworks

184. For the submitters seeking the new rule, associated policy, and new definition of *ancillary rural earthworks* I have considered the relief, and note that the proposed definition contains matters wider than the biosecurity issue, such as ‘normal agricultural and horticultural practices’, ‘land preparation and vegetation clearance’, ‘maintenance of existing walking, farm, and forestry tracks...’. I also note that the proposed biosecurity clause is not significantly different from the current regime, and may not be necessary under the Biosecurity Act, particularly as regional councils can declare small-scale emergencies³⁵, upon which both regional and territorial authorities follow accordingly. These actions could include the suspension of RMA provisions if they impeded in the management and response to that emergency. The Biosecurity Act trumps the Resource Management Act in these situations. I thus cannot support the relief of NZPork and HortNZ as I consider it unnecessary.

Infrastructure


185. Transpower, Kiwirail, WIL, Mainpower, CIAL, Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, sought exemptions, clarity, or changes to ensure that the maintenance of energy and infrastructure is not constrained by the earthworks provisions, especially where higher order direction and/or other Proposed Plan provisions enable these activities. I note the recommendations of Mr McLennan for integrating the energy and infrastructure provisions where he considers that the EI and EW provisions both apply. However, I also consider that the NESETA (particularly cl 33) and the NESTF (throughout) permit earthworks for various types of infrastructure and contain their own standards. This structure and framework does not align with the current structure of the earthworks rules and standards, and in order to ensure that the EW chapter gives effect to the NESETA and the NESTF. There is also the issue of linear infrastructure, which does not conform to the site-based standards either, and which is partly addressed through EW-R1, applying to roads, footpaths, cycleways, tracks, carparks, and accessways, and EW-R3 maintenance of public water races and drains.

³⁵ s 100W, Biosecurity Act 1993

186. I consider that EW-R1 is an appropriate framework to address the Transpower and other infrastructure provider relief, It is logical to add *transmission line or NESTF regulated activity* to EW-R1 as follows:

EW-R1 Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks, ~~and accessways, and transmission line, or NESTF regulated activity~~

Where:

1. EW-S4 and EW-S7 are met; 
2. the earthworks are within the formed area of the road, footpath, cycleway, track, carpark, ~~or accessway~~ or transmission line; and
3. the earthworks are contained within ground previously disturbed through construction of the road, footpath, cycleway, track, carpark, ~~accessway,~~ transmission line, or NESTF regulated activity; and
4. Where the activity is an NESTF regulated activity, that all relevant earthworks NESTF standards are applied;

187. For WIL, I consider that EW-R3 provides for their relief, with an amendment to the title to add existing community scale irrigation/stockwater networks. I note that WIL is a nominated agent of the Waimakariri District Council³⁶:

EW-R3 Earthworks for maintenance of existing community scale irrigation/stockwater networks, public water races or drains

Temporary Earthworks

188. For Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited I consider that a threshold volume is necessary for permitted activity earthworks, and that without such a volume, the objectives and policies would not be met, as a loophole in the plan would be created.

Community Scale Natural Hazard Mitigation Works

189. For ECan, I note their specific relief considered under EW-R4, but I accept their general point that other chapters have provisions for community scale natural hazard mitigation works and that the earthworks chapter should not add additional and unnecessary stringency over and above these other chapter provisions.

7.1.3 Recommendations

190. I recommend the following outcomes for submissions:

- NZPork [169.23, 169.4], HortNZ [295.103], HortNZ [295.98], Hort NZ [295.102], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.40], Mainpower [249.26] are **rejected**

³⁶ CI 2.17, Waimakariri District Council Stockwater Race Bylaw 2021

- Further submissions Hort NZ [FS 47], CIAL [FS 80], DoC [FS 88], Kiwirail [FS 99] are **rejected**
- Transpower [195.105], WIL [210.43, 210.44], ECan [316.153] are **accepted in part**
- Further submission DoC [FS 77], Kainga Ora [FS 88] are **accepted**

191. I recommend that the amendments above and as set out in Appendix A are adopted.

7.1.4 s32AA Evaluation

192. In my opinion, the amendments to the titles and scope of EW-R1 and EW-R3 ensure that the EI provisions and EW provisions are appropriately integrated, achieving better plan interpretation when compared with the notified versions.

7.2 Rule EW-R1: Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks and accessways

7.2.1 Matters raised by submitters

193. There are 4 submission points and 2 further submissions on EW-R1. 3 are in support of the provisions, with 1 seeking changes.

194. WIL [210.49³⁷] state that their infrastructure is important in the District. They prefer a separate permitted activity rule or permitted activity rules that explicitly apply to the maintenance or upgrade of irrigation and stockwater infrastructure. WIL needs to operate, maintain, upgrade and develop its infrastructure without unnecessary resource consent requirements. They request the following amendments: Amend EW-R1 (3) and new (4):

3. the earthworks are contained within ground previously disturbed through construction of the road, footpath, cycleway, track, carpark or accessway; and

4. the earthworks are for the maintenance or upgrade of regionally significant infrastructure, including for community scale irrigation and stockwater.

195. This is opposed by the Department of Conservation [FS 77] and supported by Federated Farmers [FS 83] in further submissions.

196. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.26], Clampett Investments Limited [284.261], RIDL [326.421] support EW-R1 and request it to be retained as notified.

7.2.2 Assessment

197. For WIL, as with previous submissions of a similar nature, I note my recommended amendments above in ss183-184 to the permitted activity rules which should give effect to the submitters relief.

7.2.3 Recommendation

198. I recommend the following outcomes for submissions:

³⁷ Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83]

- That further submission DOC [FS 77] is **rejected**
- That Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.26], Clampett Investments Limited [284.261], RIDL [326.421] are **accepted**
- That further submission Federated Farmers [FS 83] is **accepted**
- That WIL [210.49] is **accepted in part**

199. I recommend no changes to the Proposed Plan arising from these recommendations.

7.3 Rule EW-R2: Earthworks for interment within a burial ground, cemetery, or urupā

7.3.1 Matters raised by submitters

200. There are 3 submission points on EW-R2, all in support.

7.3.2 Assessment

201. As all of these submission points are in support, I consider that no assessment is required.

7.3.3 Recommendations

202. I recommend the following outcomes for submissions:

- That Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.27], Clampett Investments Limited [284.262], RIDL [326.422] are **accepted**

203. I recommend no changes to the Proposed Plan arising from these recommendations.

7.4 Rule EW-R3: Earthworks for maintenance of public water races or drains

7.4.1 Matters raised by submitters

204. There are 6 submission points and 1 further submission point on EW-R3, 4 in support, 2 seeking changes.

205. WIL [210.50] seek amendment to undertake maintenance or upgrading of irrigation and stockwater infrastructure without resource consent.

206. Waka Kotahi NZ Transport Agency [275.41] request that maintenance works on state highway stormwater infrastructure be exempt from standards EW-S2 and EW-S6, and also request to include a definition for 'public drain' which excludes state highway stormwater infrastructure as per the comments provided on SUB-S16.

207. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.28], Clampett Investments Limited [284.263], RIDL [326.423], DOC [419.122³⁸] support EW-R3 and request for it to be retained as notified. The Department of Conservation support themselves in a further submission [FS 78].

³⁸ Support – Department of Conservation [FS 78]

7.4.2 Assessment

208. For WIL, my response is the same as in section 194 above.
209. For Waka Kotahi's request for maintenance works on stormwater infrastructure next to public roads to be exempt, I consider that rules EW-R1 earthworks for maintenance of roads... and EW-R3 earthworks for maintenance of public water races or drains covers this within the existing footprint of the road and associated drain. An additional definition of 'public drain' would thus not be required. I also note that Waka Kotahi is a requiring authority within the District and has designations over the state highway network.

7.4.3 Recommendations

210. I recommend the following outcomes for submissions:
- That Waka Kotahi [275.41] is **rejected**
 - That WIL [210.60], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.28], Clampett Investments Limited [284.263], RIDL [326.423], DOC [419.122] are **accepted**
 - That the further submission from DOC [FS 78] is **accepted**
211. I recommend no changes to the Proposed Plan arising from these recommendations.

7.5 Rule EW-R4: Earthworks for community scale natural hazards mitigation works

7.5.1 Matters raised by submitters

212. There are 4 submission points on EW-R4, 3 in support, 1 seeking changes.
213. ECan [316.157] seek that earthworks required for community scale natural hazards mitigation works should be provided through the Natural Hazards Chapter. The limits provided in EW-S1 to EW-S7 are so restrictive EW-R4 does not enable community scale natural hazards mitigation works. They request for earthworks associated with community scale natural hazard mitigation works [to be provided] through the Natural Hazards Chapter.
214. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.29], Clampett Investments Limited [284.264], RIDL [326.424] support EW-R4 and request for it to be retained as notified.

7.5.2 Assessment

215. I agree with ECan that EW-R4 is unnecessarily restrictive and consider that it is inconsistent with NH-R8 – maintenance of existing community scale natural hazard mitigation works, which is a permitted activity, NH-R9- upgrading existing community scale natural hazard mitigation works, and NH-R10 construction of new community scale natural hazard mitigation works, which is either a permitted or restricted discretionary activity depending on the overlay. I do not believe it was intentional to add additional stringency for the earthworks component of maintenance of community scale natural hazard mitigation works, and as such, I recommend the following amendment:

Where:

~~1. EW-S1 to EW-S7 are met.~~

1. Rules NH-R8, NH-R9, NH-R10 are met

216. I did consider the deletion of the whole rule, however, because of the catch-all EW-R12 which defaults to discretionary this would not resolve the issue.

7.5.3 Recommendations

217. I recommend the following outcomes for submissions:

- That Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.29], Clampett Investments Limited [284.264], RIDL [326.424], ECan [316.157] are **accepted**

218. I recommend that the amendments above and as set out in Appendix A are adopted.

7.5.4 s32AA Evaluation

219. In my opinion, the amendments to link the EW rule with the NH rules ensure better plan interpretation than the notified version.

7.6 Rule EW-R5: Earthworks within an overland flow path

7.6.1 Matters raised by submitters

220. There are 6 submission points on EW-R5 and 3 further submissions. 2 are in support, 3 seek changes.

221. WIL [210.51³⁹] request a standalone permitted activity rule for irrigation and stockwater infrastructure. This is opposed by the Department of Conservation [FS 77] and supported by Federated Farmers [FS 83] in further submissions.

222. Summerset [207.18] consider that the EW-R5 text does not address the rule heading of 'overland flow paths' and could apply to earthworks within a boundary setback in the Urban, and Non-Urban, Flood Assessment Overlays. They request to rewrite to apply to overland flow paths in a Flood Assessment Certificate, or delete the rule.

223. ECan [316.158⁴⁰] state that applying EW-R5 to the flood assessment overlays means that there is certainty where it applies and it captures all areas where the potential for diversionary effects exists. They consider that the rule is not effects based as it permits earthworks that could still cause offsite effects and also requires resource consent for earthworks that may not. ECan further state that EW-P2 refers to the displacement of floodwaters whereas EW-R5 only manages diversion, meaning ponding issues are not addressed and it does not give effect to EW-P2. They suggest a rule from the Kaikoura natural hazards plan change instead. This is opposed by Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [FS 104] in a further submission.

224. ECan request to change the applicability of EW-R5 from the overland flow paths to the flood assessment overlays, to amend the rule to capture all activities that have the potential to

³⁹ Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83]

⁴⁰ Oppose - Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [FS 104]

cause offsite effects, only permit activities where there will be no effects, and only require resource consent in situations where there will be effects.

225. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.30], Clamptett Investments Limited [284.265], RIDL [326.425] support EW-R5 and request it is retained as notified.

7.6.2 Assessment

226. I agree with ECan that applying EW-R5 to the flood assessment overlays would improve the clarity of the rule. I also agree about the wording of the Kaikoura Natural Hazards plan change, which I believe is similar to that adopted by Mr Willis in his s42A natural hazard recommendations.
227. As notified, the rule applies to an overland flow path only, which is not mapped or modelled, as it is site specific. The NH provisions provide for a flood assessment certificate process which can define the overland flow paths on a site-specific basis. However, in the absence of such an assessment, the rule title creates uncertainty. I would prefer for the rule to apply to the flood assessment overlay instead.
228. Earthworks outside of the flood assessment overlay and which are not captured by any other rule would be captured by the catch-all EW-R11.
229. I note Mr Willis's recommendations to replace the 250mm filling threshold with wording of *the activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land in a 0.5% AEP event*, which I consider is an appropriate replacement for the current thresholds and would then become consistent with the NH rules.
230. For Summerset, I consider that the notified rule and proposed amendments are both intended to capture earthworks within a boundary setback, and that the submitter's relief would not achieve this purpose. The purpose of the rule is to ensure that earthworks on a site do not cause offsite flooding and displacement effects, and to achieve this, the coverage of the rule must be inclusive. Nuance and discretion is introduced by the flood assessment certificate process, and/or any consent process.
231. For WIL, I note my recommended changes to EW-R1 permitted activity rules that include irrigation and stockwater races into the permitted activity rule as such do not consider that any changes are required here, however I accept the general concern and have addressed it.
232. I recommend the following amendments (noting that existing activity standards 2, 3 and 4 are replaced by new activity standard 2).

EW-R5 Earthworks within a flood assessment overlay ~~overland flow path~~

Where:

1. EW-S1 to EW-S7 are met; and;
2. activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land in a 0.5% AEP event.

7.6.3 Recommendations

233. I recommend the following outcomes for submissions:

- Summerset [207.18] are **rejected**
- Further submissions Federated Farmers [FS 83], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [FS 104] are **rejected**
- That Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.29], Clampett Investments Limited [284.264], RIDL [326.424], ECan [316.157] are **accepted**
- That WIL [210.51] is **accepted in part**
- Further submission Department of Conservation [FS 77] is **accepted**

234. I recommend that the amendments above and as set out in Appendix A are adopted.

7.6.4 s32AA Evaluation

235. In my opinion, the amendments ensure that the NH provisions and the EW provisions are integrated and consistent, as well as also ensuring the scope of the rule is more appropriately defined.

7.7 EW-R6: Earthworks for wells, test pits, or bores

7.7.1 Matters raised by submitters

236. There are 4 submission points on and 1 further submission on EW-R6. 3 are in support, with 1 seeking changes.

237. DOC [419.121⁴¹] oppose in part EW-R6, considering that permitted earthworks for wells, test pits or bores should be set back from waterbodies and Significant Natural Areas. They request to amend EW-R6 by adding two new clauses:

"...

2. any well, test pit or bore is located outside of an SNA

3. and the earthworks comply with standard EW-S3 Set back from waterbodies

..."

238. DOC support themselves in a further submission.

239. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.31], Clampett Investments Limited [284.266], RIDL [326.426] support EW-R6 and request it to be retained as notified.

7.7.2 Assessment

240. For DOC, I consider that ECO-R1 and ECO-R2 set a non-complying status for indigenous vegetation clearance for new wells, pits, and bores within SNAs, which may already give effect to DOC's relief, and as such, no changes to the earthworks provisions would be required.

⁴¹ Support – DOC [FS 78]

7.7.3 Recommendation

241. I recommend the following outcomes for submissions:

- DOC [419.121] is **rejected**
- Further submission DOC [FS 78] is **rejected**
- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.31], Clampett Investments Limited [284.266], RIDL [326.426] are **accepted**

242. I recommend no changes to the Proposed Plan arising from these recommendations.

7.8 EW-R7: Earthworks for firebreaks

7.8.1 Matters raised by submitters

243. There are 3 submission points on EW-R7, all in support.

7.8.2 Recommendations

244. I recommend the following outcomes for submissions:

- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.32], Clampett Investments Limited [284.267], RIDL [326.427] are **accepted**

245. I recommend no changes to the Proposed Plan arising from these recommendations.

7.9 EW-R8: Earthworks for underground infrastructure

7.9.1 Matters raised by submitters

246. There are 7 submission points on EW-R8, with 4 in support and 3 seeking changes.

247. Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.52] seek extension of R8 to cover earthworks required for underground customer connections in EI-R4 and relocation of underground infrastructure under EI-R11.

248. WIL [210.52] consider that Rule EI-10 applies to quarrying and there is no permitted activity rule for earthworks for underground infrastructure. They request clarity on if the rule applies only to quarrying, or to other types of underground infrastructure, and request amendments to clarify the intention of the rule.

249. Mainpower [249.30] Support EW-R8 but request amendment to include all permitted infrastructure in the Energy and Infrastructure Chapter. MainPower undertakes earthworks as a daily activity including trenching of underground cables, installing or replacing existing poles and cabinets and access track formation and maintenance. They consider that most earthworks are within road corridors and should be permitted activities.

250. Transpower [195.104] support EW-R8 as it enables earthworks for underground infrastructure and recognises temporary effects from such infrastructure, and request it be retained as notified.

251. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.33], Clampett Investments Limited [284.268], RIDL [326.428] support EW-R8 and request it to be retained as notified.

7.9.2 Assessment

252. For Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited, I have considered the need for rules EI-R4: Customer connection between a building, other structure, site, and infrastructure and EI-R11 to be added to EW-R8. EI-R4 and EI-R11 apply to all customer connections and relocation of infrastructure, regardless of whether they are underground or involve earthworks, whereas EI-R10 is specific to underground infrastructure. EI-R10 can be utilised in the context of customer connections and relocation of infrastructure and as such, I do not consider that amendments to EW-R8 are required. I understand that the recommended amendments to the EI chapter being proposed by Mr Andrew MacLennan will resolve and explain the relationship between the rules across chapters.
253. For WIL, I have considered that the submitter may be referring to EW-R10: *Earthworks for farm quarries* (not EI-R10 *Installation of new infrastructure*), but this rule does not provide for general quarrying. I address the need for rule EW-R10 later in this report.
254. For Mainpower, I agree that EI-MD3 – *Operational considerations* should be a matter of discretion. However, if the undergrounding of infrastructure did not meet the permitted activity standards of EI-R10 (such as installation other than trenchless means), then EI-MD3 would already be invoked in the set of matters of discretion by any consent required under that chapter. As such, I do not consider any amendment is necessary.

7.9.3 Recommendations

255. I recommend the following outcomes for submissions:
- Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.52], WIL [210.52], Mainpower [249.30] are **rejected**
 - Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.33], Clampett Investments Limited [284.268], RIDL [326.428], Transpower [195.104] are **accepted**
256. I recommend no changes to the Proposed Plan arising from these recommendations.

7.10 EW-R9: Earthworks stockpiling

7.10.1 Matters raised by submitters

257. There are 6 submission points on EW-R9, with 4 in support and 2 seeking changes.
258. Fulton Hogan [41.36] oppose quarrying activities being addressed through both zone and earthworks provisions as this has the potential to create duplication and inconsistent planning. Potential earthworks effects will be addressed through land use consent. They request the following amendment:

All Zones

Rule does not apply to quarrying activities

Activity status: PER

259. Kainga Ora [325.138] request to amend EW-R9, as it would require typical residential developments to apply for resource consent. Discharges associated with fugitive dust are more appropriately managed under the Canterbury Air Regional Plan - Rule 7.32.

2. any stockpile shall not exceed 250m³ and 4m in height and

3. the activity shall not be located within 20m of the bank of any river or lake, 50m from the margin of any wetland. And

4. any stockpile is located greater than 100m from any sensitive activity on an adjoining site in different ownership.

260. Woodstock Quarries Limited [46.17], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.34], Clampett Investments Limited [284.269], RIDL [326.429] support EW-R9 and request it be retained as notified.

7.10.2 Assessment

261. For Fulton Hogan I note my previous recommendations to remove EW-P4(3) and confirm and clarify that quarrying is handled through the relevant zone chapter provisions.

262. For Kainga Ora, I do not consider that EW-R9 just manages fugitive dust. Instead, this rule manages a wide range of potential effects that arise from earthworks stockpiling. This includes discharge of soil as a contaminant, land stability, and amenity. I also consider that standards EW-S1 to S7 and the permitted activity stockpile volume of 250m³ and height of 4 provides for most residential developments on a per site basis where there is the ability to stockpile.

7.10.3 Recommendations

263. I recommend the following outcomes for submissions:

- Kainga Ora [325.138] is **rejected**
- Fulton Hogan [41.36], Woodstock Quarries Limited [46.17], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.34], Clampett Investments Limited [284.269], RIDL [326.429] are **accepted**

264. I recommend no changes to the Proposed Plan arising from these recommendations.

7.11 EW-R10: Earthworks for farm quarries

7.11.1 Matters raised by submitters

265. There are 3 submission points on EW-R10, all in support.

266. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.35], Clampett Investments Limited [284.270], RIDL [326.430] support EW-R10 and request it is retained as notified.

7.11.2 Assessment

267. I consider that EW-R10 is a minor error in the Proposed Plan, as farm quarries are already provided as a specific activity in the zones and earthworks associated with a farm quarry would either be permitted or treated under the relevant consent for that zone. I recommend that the Hearing Panel delete the rule using its sch 1, cl 16, minor error powers.

7.11.3 Recommendations

268. I recommend the following outcomes for submissions:

- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.35], Clampett Investments Limited [284.270], RIDL [326.430] are **rejected**

269. I recommend that EW-R10 be deleted, under cl 16(2), sch 1, RMA.

7.11.4 s32AA Evaluation

270. I consider that the deletion of EW-R10 ensures that quarrying activities are treated under the respective zone provisions, and thus achieves better plan interpretation and implementation efficiency than the notified provisions.

7.12 EW-R11: Earthworks not subject to Rules EW-R1 to EW-R10

7.12.1 Matters raised by submitters

271. There are 7 submission points and 1 further submission point on EW-R11. 6 of these are in support, with 1 seeking changes.

272. Fulton Hogan [41.37] oppose quarrying activities being addressed through both zone and earthworks provisions as this has the potential to create duplication and inconsistent planning. Potential earthworks effects will be addressed through land use consent.

7.12.2 Assessment

273. For Fulton Hogan, my response is the same as above, having already recommended changes to delete EW-P3(4) and additions to the zone chapter provisions to ensure that quarrying is handled under the zone provisions rather than within the earthworks chapter.

274. For Mainpower, I am considering that they are referring to EW-R11, rather than EI-R11. As I have not recommended changes to EW-R8 in response to their submission on that rule, I will not be able to accept their conditional support for EW-R11 as a consequence.

7.12.3 Recommendations

275. I recommend the following outcomes for submissions:

- Mainpower [249.31], Summerset [207.19] are **rejected**
- The further submission from Kainga Ora [FS 88] is **rejected**
- Fulton Hogan [41.37], Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.36], Clampett Investments Limited [284.271], RIDL [326.431], WIL [210.53] are **accepted**

276. I recommend no changes to the Proposed Plan arising from these recommendations.

7.13 EW-R12: Earthworks to modify, alter or remove sand dunes or vegetation on sand dunes

7.13.1 Matters raised by submitters

277. There are 2 submission points and 1 further submission point on EW-R11. 1 is in support, with 1 seeking changes.

278. Federated Farmers [414.169] submit that farmers in the coastal area may undertake earthworks on sand dunes to maintain improved pasture. They state that it is not clear if EW-R12 applies to indigenous vegetation, as it just states 'vegetation'. They request deletion of EW-R12, or amendment to read:

Earthworks to modify, alter or remove sand dunes or indigenous vegetation on sand dunes

279. The Canterbury Botanical Society [122.2⁴²] supports the protection of sand dunes, and requests to retain EW-R12 as notified. This is supported in a further submission from Forest and Bird [FS 78].

7.13.2 Assessment

280. For Federated Farmers, I consider that the definition of earthworks, which is a national planning standard definition, excludes cultivation activities. Cultivation activities, through their own definition, means *the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops*. Thus, I consider that the scope of the rule does not apply to the maintenance of improved pasture on sand dunes. For clarity, I do not know of any areas of sand dune in the District that are farmed with improved pasture, and if there are any areas, they will be small.

7.13.3 Recommendations

281. I recommend the following outcomes for submissions:

- Federated Farmers [414.169] is **rejected**
- Canterbury Botanical Society [122.2] is **accepted**
- Further submission Forest and Bird [FS 78] is **accepted**

282. I recommend no changes to the Proposed Plan arising from these recommendations.

⁴² Support – Forest and Bird [FS 78]

8 Standards

8.1 EW-S1: General standards for earthworks and Table EW-1

8.1.1 Matters raised by submitters

283. There are 11 submission points and 3 further submission points on EW-S1. 6 are in support, with 5 seeking changes.
284. Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.53] oppose EW-S1, stating that exemptions should be provided from the cumulative 12 month permitted limits and areas per site for underground services, infrastructure poles and cabinets due to the localised nature of trenches or foundation works for poles and structures and given that work may be located in roads where it is difficult to calculate cumulative earthworks per site. They request an exemption from the maximum volume and area standards for services trenches and foundations for infrastructure poles and cabinets.
285. New Zealand Defence Force [166.30] oppose *EW-S1 too restrictive for minor earthworks for Temporary Military Training Activities (TMTA) in a Significant Natural Area (SNA) or Outstanding Natural Feature (ONF) - Ashley River/Rakahuri Saltwater Creek Estuary. 'Earthworks' definition includes alteration or disturbance of land except for gardening, cultivation or fencepost placement. New Zealand Defence Force obliged under the Defence Act to undertake training including a wide variety of temporary activities, and many have effects similar to other day-to-day activities. TMTA could be in an SNA or an ONF and could require minor earthworks for temporary structures e.g. for a tent or water purification, and land is reinstated. Indigenous vegetation clearance is managed separately by ECO rules, which TMTA would be subject to. Overly restrictive to prevent minor earthworks in a SNA or an ONF area and EW-S1 should contain a permitted activity volume threshold.*
286. WIL [210.54⁴³] consider that *limiting earthworks on a per site basis creates consenting requirements for linear infrastructure, where the per-site limits are not relevant to the length of the infrastructure e.g. canals and races, in each site. Seek that such infrastructure is exempt from limits. They request to amend standards to provide for earthworks for linear infrastructure, not cubic metres per site: General Rural Zone, Rural Lifestyle Zone, Special Purpose Zone (Kāinga Nohoanga) - sites outside of Tuahiwi Precinct - 500m³ or 100m³ per ha, whichever is greater, unless the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals and races; and amend EW-S1 to allow minor earthworks up to 5m³ as a permitted activity in an Significant Natural Area or Outstanding Natural Feature - Ashley River/Rakahuri Saltwater Creek Estuary.*
287. This is supported in further submissions by Waka Kotahi [FS 110], Kiwirail [FS 99], and opposed by DOC [FS 77].
288. Federated Farmers [414.70] oppose EW-S1 *as the overlays may restrict necessary earthworks, such as in the Waimakariri River Outstanding Natural Landscape, where only 10m³ is allowed per year (except for gravel), which could prevent activities such as flood clean-ups, prohibit*

⁴³ Support – Waka Kotahi [FS 110], Support – Kiwirail [FS 99], Oppose – DOC [FS 77]

riparian management, and maintenance of stop banks. The coastal environment overlay prevents any meaningful earthworks. They request amendment to allow:

1. Specific provision for natural hazard recovery and clean up is made across all zones and overlays.

2. Specific provision and reference is made to maintenance of existing tracks, roads, and fencelines, as permitted elsewhere in the plan.

289. Ngai Tahu Property [411.30] consider that a permitted maximum of 1,000m³ is not manageable for large industrial sites, and the effects would be the same if the same total area was broken up into smaller sites and the maximum amount of earthworks undertaken on each. They request amendment to ensure that the maximum amount of earthworks permitted over a year is calculated as a percentage of the site.
290. Woodstock Quarries Limited [46.18] support EW-S1 within General Rural Zone for earthworks quantities and location standards for permitted activity status and request the retention of the earthworks quantities and location standards for permitted activity status.
291. The Canterbury District Health Board [68.14] support the proposed maximum earthworks volume in Table EW-1 for the Special Purpose Zone – Hospital as this enables earthworks volumes on hospital sites commensurate with their size. They request to retain the Special Purpose Zone – Hospital maximum earthworks volume as notified.
292. Kainga Ora [325.139] support standards relating to the maximum volume or area of earthworks in any 12 month period per site in the Local Centre Zone, Town Centre Zone, Neighbourhood Centre Zone, Medium Density Residential Zone, General Residential Zone and Settlement Zone and request to retain EW-S1 as notified.
293. RIDL [326.432], Clampett Investments Limited [284.272], and DOC [419.124] support EW-S1 and request retention as notified.

8.1.2 Assessment

294. For Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited and WIL I consider that the EI chapter provisions already exempt the requested types of earthworks from the EI standards, and achieve what the submitters are asking for. As such I do not recommend any amendments. I understand that this will be clarified in the s42A report on the EI chapter and the memo to the Hearing Panel, both by Mr Andrew MacLennan.
295. For the NZ Defence Force I support the recommendations of Ms Stevens and Ms Milosavljevic in their hearing 4 reports which consider the same issue. I agree that the SNA and ONF overlays are protective of sensitive environments, and that the more appropriate approach for undertaking temporary military activities in these locations would be to seek a consent. The Temporary Activity rules override the area-specific rules, although the objectives and policies for protective overlays will still apply in any consent assessment. Rule TEMP-R5 provides for controlled and restricted discretionary temporary military training activities, including within SNAs and ONF overlays. I note that the NZ Defence Force have submitted on the Temporary Activity provisions and this issue will be considered again in that s42A report.
296. For Ngai Tahu Property, I note that 1000m³ is the least stringent of all the zone permitted activity earthworks standards, and that it applies across a 12-month period. There is a hierarchy descending from the most protective zones to the least protective, and amending

one threshold could break the consistency of that hierarchy. I note that some of the zones (such as the residential zones) have an alternative site-based percentage threshold, which would be a starting point for assessing a new threshold. I recommend the following alternative threshold:

1000m² or 50m³ per 100m² of site area, whichever is greater

297. For Federated Farmers I consider that natural hazard recovery does not always involve earthworks, as it could be the removal of flood debris and alluvium deposited on the land as a result of the flood, rather than the disturbance of ground. However, I do consider that natural hazards are wider than floods, and that earthworks in the recovery phase cannot be ruled out. I would thus support an exemption from the standards in the recovery phase of any declared local or national emergency, as follows:

EW-AN4 These standards do not apply during a state of emergency or transition period declared under the Civil Defence Emergency Management Act 2002 or where direction to undertake specific earthworks has been issued by the controller or recovery manager.

8.1.3 Recommendations

298. I recommend the following outcomes for submissions:

- Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.53], New Zealand Defence Force [166.30], WIL [210.54] **are rejected**
- Further submissions Waka Kotahi [FS 110], Kiwirail [FS 99] **are rejected**
- Woodstock Quarries Limited [46.18], Kainga Ora [325.139], RIDL [326.432], DOC [419.124], Canterbury District Health Board [68.14], Ngai Tahu Property [411.30], Clampett Investments Limited [284.272] **are accepted**
- Further submission DOC [FS 77] **is accepted**
- Federated Farmers [414.70] **is accepted in part**

299. I recommend that the amendments above and as set out in Appendix A are adopted.

8.1.4 s32AA Evaluation

300. I consider the advice note provides additional clarity on how emergency earthworks are treated.

8.2 EW-S2: General setbacks

8.2.1 Matters raised by submitters

301. There are 9 submission points and 5 further submission points on EW-S2. 3 are in support, with 6 seeking changes.

302. Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.54] oppose the requirement in EW-S2 for earthworks more than 300mm in depth or height to be setback 2m from any boundary of a site in different ownership being applied to infrastructure in roads and minor earthworks for service trenches, utility poles and cabinets. They request to amend EW-S2 by providing an exemption for infrastructure within

roads, and earthworks associated with services trenches or customer connections, utility poles and cabinets outside of roads.

303. Summerset [207.20⁴⁴] oppose EW-S2 as *unnecessarily blunt where shallow earthworks up to a site boundary are possible without adverse effects* and they request to delete standard EW-S2. This is opposed in a further submission from Kainga Ora [FS 88].
304. WIL [210.55⁴⁵] submit that the standard requires resource consent for linear infrastructure, which is often located along property boundaries. They seek that such infrastructure is exempt from limits. They request to amend EW-S2 to provide for linear infrastructure earthworks that often lies adjacent to boundaries as follows:
1. *Earthworks more than 300mm in height or depth shall be set back a minimum of 2m from any boundary of a site in different ownership, unless the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals.*
305. WIL are supported by further submissions from Kiwirail [FS 99] and Federated Farmers [FS 83].
306. Kainga Ora [325.140] consider that the intent of EW-S2 is not clear and it will place unnecessary consent requirements for relatively minor earthworks if they are located within 2m of a site boundary. They request the deletion of EW-S2.
307. Mainpower NZ [249.25⁴⁶] request amendment to allow earthworks subject to a building consent within 2m of the outer wall of a building.

EW-RX Earthworks subject to a Building Consent All Zones

Activity status: PER

1. *Earthworks that are or will be subject to a building consent.*

Where:

- a. *It occurs within 2m of the outer edge of the exterior wall of the building.*

Activity status when compliance not achieved: Refer to activity rules to determine activity status and matters of discretion."

308. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [FS 104] are neutral in a further submission.
309. Ravenswood Developments Limited [347.15⁴⁷] submit that it is common for developments to require earthworks/retaining walls on or proximate to a site boundary to promote efficient use of a site, and that any structural or ground stability issues can be addressed through building consent and/or with engineering input. They consider the EW-S2 thresholds of 300mm and 2m to be unduly restrictive, and request for deletion of EW-S2.

⁴⁴ Oppose – Kainga Ora [FS 88]

⁴⁵ Support – Kiwirail [FS 99], Support – Federated Farmers [FS 83]

⁴⁶ Neutral - Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [FS 104]

⁴⁷ Support - Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited

310. This is supported by a further submission from Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [FS 104]
311. Woodstock Quarries Limited [46.19] support EW-S2 within General Rural Zone for earthworks quantities and location standards for permitted activity status and request the retention of the earthworks quantities and location standards for permitted activity status.
312. Clampett Investments Limited [284.273], RIDL [326.433] support EW-S2 and request retention as notified.

8.2.2 Assessment

313. For Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited and WIL I consider that the EI chapter provisions already exempt the requested types of earthworks from the EI standards, and achieve what the submitters are asking for. As such I do not recommend any amendments.
314. For Summerset, Kainga Ora, Mainpower, and Ravenswood, I consider that earthworks may be able to be undertaken up to a boundary without effect, but that the risk of land stability, water ponding and amenity issues arising from earthworks that exceed the 300mm and 2m threshold is such that this should be tested through a consent application. For instance, the risk of stormwater displacement increases if there is a height differential at the property boundary, and I consider that this risk is more appropriately managed through a consent. The amendments the submitter seeks would result in the rule failing to achieve the objectives and policies, particularly EW-P1(5) and (6), and as such I cannot recommend it.

8.2.3 Recommendations

315. I recommend the following outcomes for submissions:
- Summerset [207.20], Kainga Ora [325.140], Ravenswood Developments Limited [347.15], Mainpower [249.25] are **rejected**
 - Further submissions Kiwirail [FS 99] and Federated Farmers [FS 83] are **rejected**
 - Woodstock Quarries Limited [46.19], Clampett Investments Limited [284.273], RIDL [326.433] are **accepted**
 - Further submission Kainga Ora [FS 88] is **accepted**
316. I recommend no changes to the Proposed Plan arising from these recommendations.

8.3 EW-S3: Setback from water bodies

8.3.1 Matters raised by submitters

317. There are 9 submission points and 1 further submission point on EW-S3. 4 are in support, with 5 seeking changes.
318. Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.55] oppose EW-S3 as infrastructure equipment in roads that cross waterways may need to be constructed within these setbacks. Regional rules requirements and EW-S7 can ensure any temporary sediment mobilisation for work undertaken by network utility operators in roads is properly controlled for work near waterways. They request to amend EW-S3 by providing an exemption for infrastructure within roads.

319. Bellgrove Developments Limited [230.8] *submit that EW-S3 is inconsistent with Table NATC-1. EW-S3 requires that earthworks shall not be undertaken within 20m from the bank of any stream or river. The Cam River is classified as a NATC-SCHED2 freshwater body and Table NATC-1 provides that development must be set back 10m from the Cam River within industrial zones. Development often involves earthworks, and clarity is required around which setback would apply (10m or 20 m).*
320. Kainga Ora [325.141] are generally supportive of setbacks where earthworks are in close proximity to water bodies, however the proposed setbacks are excessive for urban environments and should apply to scheduled freshwater bodies only. They request to amend EW-S3:
- 1. Earthworks shall not be undertaken:*
- a. within 20m from the bank of any stream, river identified in NATC-SCHED1, NATC-SCHED2 or NATC-SCHED3 or*
321. Federated Farmers [414.171] consider that EW-S3 is an example of inconsistent setbacks within the plan, it overrides national instruments such as the National Environmental Standards for Freshwater with no justification for the additional stringency. They request to delete EW-S3 in entirety.
322. WIL [210.56⁴⁸] state that their infrastructure traverses much of the district and may be within 50 metres of a mapped wetland or 20 metres of a stream or river, without earthworks affecting waterbodies. Seek that earthworks for infrastructure are exempt from such requirements to avoid resource consent requirements. Amend EW-S3:
- Except where the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals.*
323. The Department of Conservation [FS 77] oppose WIL in a further submission.
324. Woodstock Quarries Limited [46.20] support EW-S3 within General Rural Zone for earthworks quantities and location standards for permitted activity status and request the retention of the earthworks quantities and location standards for permitted activity status.
325. The Oxford-Ohoka Community Board [172.7] consider that *fresh water and groundwater supply needs to be protected. While there are some setbacks in relation to surface water bodies, there are very few mitigating factors for groundwater resources. The Council needs to implement all practicable methods to protect all water source, including groundwater, during development. Protect both fresh and groundwater*". They request no specific relief.
326. RIDL [326.434], Clampett Investments Limited [284.274] support EW-S3 and request it to be retained as notified.

Assessment

327. For Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited, I consider that roads that cross the setbacks (and overlays), already have the relevant enabling provisions in the Energy and Infrastructure and Transport chapters, such as EI-R1,

⁴⁸ Oppose – Department of Conservation [FS 77]

and TRAN-R1, and that the NATC chapter provisions do not apply for the maintenance of infrastructure within the setbacks as Mr McLennan has explained. Furthermore, rule EW-R1 enables earthworks for roads, and transmission lines and telecommunication 'regulated activities' as a result of the recommendations above.

328. For Bellgrove Developments Limited, I note that earthworks setbacks have a different purpose to the natural character setbacks. The purpose of an earthworks setback is to minimise discharge and associated contamination of freshwater bodies from earthworks, whereas the natural character setbacks are to minimise the effects of structures on the natural character of scheduled freshwater bodies. Earthworks are by their nature, temporary, whereas structures are permanent. The Bellgrove land has 10m esplanade reserves applied as a result of its subdivision and land use consents, and as such, the earthworks setbacks in EW-S3 would only apply to an additional 10m beyond this esplanade reserve.
329. For Kainga Ora, they are opposed to the earthworks setbacks applying to urban waterways, and requested the removal of NATC-4 or UNSCHEDULED waterways from EW-S3. However, I consider that NATC-1,2 and 3, which the submitter has requested to remain in EW-S3 still contain urban waterways, such as the Cam / Ruataniwha headwaters, which are an NATC-3 river. Aside from this, and generally I consider that the earthworks setbacks manage different environmental effects to the natural character setbacks. The environmental effects of sediment and contaminant loss from earthworks apply regardless of freshwater body size, and if anything, sedimentation of smaller freshwater bodies may have a greater proportionate effect.
330. For Federated Farmers, I note that that the NESF sets a range of setbacks for natural inland wetlands, ranging from 10m to 100m setbacks which apply in different circumstances. I note that for a range of activities, a 100m setback on earthworks applies as a restricted discretionary activity if there is a likelihood of disturbance or damage to a wetland. I consider that the setbacks for wetlands in EW-S3 are consistent with the NESF. The NESF does not include setback standards for rivers and lakes. However, rule 5.168 of the CLWRP sets a permitted activity standard for earthworks outside of 5m and 10m (within the high country and erosion prone areas) setbacks from the bed of lakes, rivers, and wetlands, and a restricted discretionary status within.
331. I consider that the river setbacks are more stringent than the CLWRP (20m vs 10m) for non-high country and erosion areas, the same as the CLWRP provisions for high country and erosion prone areas (20m vs 20m), less stringent for rivers and lakes when more than 100m³ of material is excavated above aquifers (20m vs 50m), the same as the (50m vs 50m) with the lake setbacks, and the wetland setbacks at the midpoint of the range of setbacks within the NESF. However, considering that some of the District is high country, and that the aquifer provisions are designed primarily to avoid the mixing of surface water with groundwater, I consider that the notified setbacks are about as consistent as can be achieved, noting the wide variance in purpose and numerics of the higher order direction on setbacks.
332. For WIL, I consider that the EI chapter provisions already exempt the requested types of earthworks from the EI standards, and achieve what the submitters are asking for. As such I do not recommend any amendments.

333. For the Oxford-Ohoka Community Board request to protect fresh and groundwater, I consider that to the extent that this is a District Council matter, noting the Regional Council functions in this area, that the Proposed Plan provisions for earthworks achieve this.

8.3.2 Recommendations

334. I recommend the following outcomes for submissions:

- Bellgrove Developments Limited [230.8], Kainga Ora [325.141], Federated Farmers [414.171] are **rejected**
- Further submission DOC [FS 77] is **rejected**
- Woodstock Quarries Limited [46.20], RIDL [326.434], Clampett Investments Limited [284.274], Oxford-Ohoka Community Board [172.7] are **accepted**
- Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.55], WIL [210.56] are **accepted in part**

335. I recommend no changes to the Proposed Plan arising from these recommendations.

8.4 EW-S4: Setback from root protection area

8.4.1 Matters raised by submitters

336. There are 4 submission points on EW-S4, 3 in support, 1 requesting changes.

337. Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.56] oppose EW-S4 and consider that there is an unclear relationship and differing provisions between EW-S4, TREE-R4, and notable tree root zone rules specific to infrastructure in the Energy and Infrastructure chapter. They request to amend EW-S4 and rules in the EI chapter as necessary such that any provisions relevant to infrastructure near or within the root zone of notable trees are included within the EI rules in the Energy and Infrastructure chapter.

338. Clampett Investments Limited [284.275], Kainga Ora [325.142], RIDL [326.435] support EW-S4 and request it to be retained as notified.

8.4.2 Assessment

339. I have considered the issue raised by Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited. Rules EI-R10 *Installation of new infrastructure or upgrading of existing infrastructure, underground* and EI-R46 *Construction of new, or renewal or upgrading of existing water supply, wastewater system, or stormwater infrastructure* governs the types of activities raised by the submitter. These rules set a permitted activity status for these activities, including in the root protection zones of notable trees except where the notable tree is in a road corridor or where the works are at least 1m below ground level and are limited to minimally invasive techniques, and have an entry outside of the root protection zone. In these cases, EW-S3 standards will not apply, and the issue raised by the submitter probably no longer applies.

8.4.3 Recommendations

340. I recommend the following outcomes for submissions:

- Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.56] is **rejected**
- Clampett Investments Limited [284.275], Kainga Ora [325.142], RIDL [326.435] are **accepted**

341. I recommend no changes to the Proposed Plan arising from these recommendations.

8.5 EW-S5: Excavation and filling

8.5.1 Matters raised by submitters

342. There are 8 submission points and 1 further submission point on EW-S5. 6 are in support with 2 seeking changes.

343. Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.57] oppose EW-S5 and request that the 2m maximum depth standard should exclude pile foundations for utility poles which may exceed this depth but not result in land-stability issues that may be associated with larger scale earthworks. The request to amend EW-S5 by providing an exemption from the maximum depth standard for utility pole pile foundations.

344. Summerset [207.21⁴⁹] oppose EW-S5 as it is more stringent than the Canterbury Land and Water Plan rules for maximum depth of earthworks to the maximum records height of groundwater. They also consider it unnecessary as earthworks affecting groundwater are a regional council function. They request deletion of EW-S5. This is opposed by a further submission from Kainga Ora [FS 88].

345. Woodstock Quarries Ltd [46.21] support EW-S5 within the General Rural Zone for earthworks quantities and location standards for permitted activity status, and request to retain EW-S5 for earthworks quantities and location standards for permitted activity status.

346. Kainga Ora [325.143] support the maximum height of 1.5m above ground level and the maximum depth of 2m below ground level standards, and request for it to be retained as notified.

347. Federated Farmers [414.172] consider that there may be unintended consequences from EW-S5 due to the height and depth limitations, but request to retain EW-S5 as notified.

348. WIL [210.57], RIDL [326.436], Clampett Investments Ltd [284.276] support EW-S5 and request it to be retained as notified.

8.5.2 Assessment

349. For Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited I consider that their requested exception is already provided for in EI-R12 replacement of a pole or tower, as a permitted activity standard, and in the recommended amendments to EW-R1 to enable transmission lines and regulated telecommunications activities.

350. For Summerset, I have considered CLWRP rule 5.175, which governs the use of land to excavate material over aquifers. The regional rule sets conditions for two types of aquifers,

⁴⁹ Oppose – Kainga Ora [FS 88]

coastal confined gravel aquifer systems, and unconfined or semi-confined aquifers, but both types of aquifer require a 1m depth between the bottom of the excavation and the top of the aquifer or seasonal high water table. I cannot determine the rationale for the 2m depth threshold, and noting that it is less stringent than CLWRP rule 5.175 for an activity with the same effect as that rule, I recommend amendment of (b) to 1m, to be consistent with the CLWRP. However, I note that this is not the direction the submitter requested.

1. Except for the burial of dead animals, and for offal pits, earthworks shall achieve the following:
 - a. a maximum height of 1.5m above ground level,
 - b. a maximum depth of 21m below ground level;
 - c. material used for filling of land must be cleanfill material.

8.5.3 Recommendations

351. I recommend the following outcomes for submissions:

- Summerset [207.21] is **rejected**
- Woodstock Quarries Ltd [46.21], Kainga Ora [325.143], Federated Farmers [414.172], WIL [210.57], RIDL [326.436], Clampett Investments Ltd [284.276] are **accepted**
- Further submission Kainga Ora [FS 88] is **accepted**
- Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.57] is **accepted in part**

352. I recommend that the amendments above and as set out in Appendix A are adopted.

8.5.4 s32AA Evaluation

353. I consider that the amendment achieves better alignment between the CLWRP rules and the Proposed Plan standard, and thus achieves a more efficient outcome of the RMA than the notified plan.

8.6 EW-S6: Earthworks maximum slope

8.6.1 Matters raised by submitters

354. There are 5 submission points on EW-S6. 4 are in support with 1 seeking changes.

355. Federated Farmers [414.173] consider that EW-S6 may be inadvertently triggered or breached with the cleanup after a flood event and request the following note added to the rule *this rule does not apply in the clean up phase after force majeure acts of nature, such as flooding.*

356. Woodstock Quarries Ltd [46.22] support EW-S6 within the General Rural Zone for earthworks quantities and location standards for permitted activity status, and request to retain EW-S6 for earthworks quantities and location standards for permitted activity status.

357. WIL [210.58], RIDL [326.437], Clampett Investments Limited [284.277] support EW-S6 and request it to be retained as notified.

8.6.2 Assessment

358. For Federated Farmers, I note my recommendation on their similar relief on EW-S1. Given that their request for clarification on cleaning up after flood events has now been requested of two provisions in the Proposed Plan, I consider that an advice note clarifying how the provisions apply during a state of emergency. I recommend the following advice note:

EW-AN4 These standards do not apply during a state of emergency or transition period declared under the Civil Defence Emergency Management Act 2002 or where direction to undertake specific earthworks has been issued by the controller or recovery manager.

8.6.3 Recommendations

359. I recommend the following outcomes for submissions:

- Woodstock Quarries Ltd [46.22], WIL [210.58], RIDL [326.437], Clampett Investments Limited [284.277] are **accepted**
- Federated Farmers [414.173] is **accepted in part**

360. I recommend that the amendments above and as set out in Appendix A are adopted.

8.6.4 s32AA Evaluation

361. I consider that the additional advice note provides greater clarity on how the Proposed Plan is to be interpreted during and following emergency declarations than the notified plan.

8.7 EW-S7: Earthworks sediment control

8.7.1 Matters raised by submitters

362. There are 6 submission points on EW-S7. 4 are in support with 2 seeking changes.

363. WIL [210.59] submit that excavation of stockwater races is essential for safe and efficient functioning of races and standards should not restrict these works and request to amend EW-S7 to provide for stockwater races, as follows:

1. *While earthworks are being undertaken or rehabilitated, sediment from the earthworks shall be prevented from entering any water body, drain or stockwater race, except where the works are for the maintenance of stockwater races, in which case methods shall be implemented to reduce the suspension of sediment.*

364. Federated Farmers [414.174] consider that flood events may trigger EW-S7 and request a note stating: *This rule does not apply in force majeure acts of nature, such as flooding, when sediment enters the water body after reasonable attempts were made at controlling it.*

365. Woodstock Quarries Ltd [46.23] support EW-S7 within the General Rural Zone for earthworks quantities and location standards for permitted activity status, and request to retain EW-S7 for earthworks quantities and location standards for permitted activity status.

366. Kainga Ora [325.144], RIDL [326.438], Clampett Investments Limited [284.278] support EW-S7 and request it is retained as notified.

8.7.2 Assessment

367. For WIL I consider that earthworks for maintenance of a stockwater race is already exempt from EW-S7 in the EI chapter provisions, and that no amendments are required to the earthworks provisions.
368. For Federated Farmers, I have recommended an advice note EW-AN4 in response to their other submissions on this point.

8.7.3 Recommendations

369. I recommend the following outcomes for submissions:
- WIL [210.59] is **rejected**
 - Kainga Ora [325.144], RIDL [326.438], Clampett Investments Limited [284.278], Woodstock Quarries Ltd [46.23] are **accepted**
 - Federated Farmers [414.174] is **accepted in part**
370. I recommend no changes to the Proposed Plan arising from these recommendations.

9 Advice notes

9.1 Advice notes

9.1.1 Matters raised by submitters

371. There are 6 submission points on Advice Notes. All are in support but seek changes and amendments.

372. Heritage NZ Pouhere Taonga [178.50] request an advice note to assist in understanding of an 'archaeological site' as follows:

Earthworks can affect archaeological sites. An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as any place in New Zealand that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

It is unlawful to destroy, damage or modify an archaeological site regardless of whether the site is identified in the District Plan, identified elsewhere or not recorded, without obtaining an archaeological authority from HNZPT. This is also the case regardless of whether the activity is permitted under the District Plan or a resource or building consent has been granted

373. Transpower [195.106] seek amendments to EW-AN1 to distinguish the NESETA from the NESTF and to also refer to the NZECP 34:2001, and the NPSET.

374. Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.39] seek clarification on how EW-AN1 reflects the NESCS⁵⁰. They request the following amendment:

The NESPF regulates earthworks for forestry purposes, and the NESCS manages the effects on human health from the disturbance or removal of contaminated soil. Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter other than where the District Plan deals with terms and conditions not covered in the NES or in the circumstances where the District Plan is allowed to be more stringent. The District Plan can be more stringent than the NESPF for forestry in outstanding natural features and landscapes, and SNAs.

The NESPF regulates earthworks for forestry purposes, and t The NESCS regulates and manages the effects on human health from the disturbance or removal of contaminated soil. Specific activities (i.e. Soil sampling and removing or replacing fuel storage systems) are regulated under the NESCS and Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter. other than where the District Plan deals with terms and conditions not covered in the NESPF or in the circumstances where the District Plan is allowed to be more stringent. The District Plan can be more stringent than the NESPF for forestry in outstanding natural features and landscapes, and SNAs.

375. ECan [316.159] supports the clarification in Earthworks Chapter Advice Notes that earthworks in the beds of lakes and rivers is regulated under the regional planning framework but state that this should extend to the coastal marine area. They request for *reference in the*

⁵⁰ National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Earthworks Chapter Advice Notes to earthworks undertaken in the coastal marine area being regulated under the Regional Coastal Environment Plan.

376. Ngai Tahu Forestry [219.7] support the clarity provided by the advice note for forestry earthworks and the relationship between the Proposed District Plan and the National Environmental Standards for Plantation Forestry, and request to retain EW-AN1 as notified.
377. Rayonier [171.21] support EW-AN1 reference to alignment with the National Environmental Standards for Plantation Forestry, and request it is retained as notified.

9.1.2 Assessment

378. For Heritage NZ, I consider that their relief is already achieved by EW-AN1(6), which references archaeological sites and the Heritage NZ Pouhere Taonga Act 2014.
379. For Transpower I consider that the advice note as notified may be inconsistent with the various infrastructure higher order directions, as stated by the submitter, but that even if it is corrected as the submitter requests, the existence of the advice note may hinder plan interpretation in contrast to the Energy and Infrastructure chapter which sets out the intended approach. The nuance and detail of what the submitter is seeking cannot be easily captured in an advice note, but has been, or will be, captured in the energy and infrastructure chapter. I see no benefit to the inclusion of EW-AN1(5) if the recommendations of the s42A reporting officer on energy and infrastructure are adopted and I recommend it be deleted. Whilst this is not the amendment that the submitter seeks, I consider that it achieves their overall purpose.
380. For Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited I agree with the submitter for additional wording on the role of the NESCS.
381. For ECan, I agree that reference to their jurisdiction in the CMA should be added to the advice note.
382. The amendments are as follows:

Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including the following:

1. Earthworks may require building consent under the Building Act 2004.
2. The Stockwater Race Bylaw 2019, the Waimakariri River Regional Plan 2004, and the Canterbury Land and Water Regional Plan 2018 may apply.
3. Resource consent may be required under regional plans including the Canterbury Land and Water Regional Plan 2018 and the Canterbury Air Regional Plan 2017. Earthworks within the beds of lakes and rivers is regulated under the regional planning framework (Canterbury LWRP) and earthworks in the coastal marine area under the Canterbury Regional Coastal Environment Plan⁵¹.
4. The NESPF regulates earthworks for forestry purposes, and the NESCS manages the effects on human health from the disturbance or removal of contaminated soil.

⁵¹ ECan [316.159],

Specific activities (i.e. soil sampling and removing or replacing fuel storage systems) are regulated under the NESCS⁵². Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter other than where the District Plan deals with terms and conditions not covered in the NES or in the circumstances where the District Plan is allowed to be more stringent. The District Plan can be more stringent than the NESPF for forestry in outstanding natural features and landscapes, and SNAs.

- ~~5. The NESETA and the NESTF have controls for earthworks in relation to infrastructure. Earthworks managed under the NESETA and the NESTF are not subject to provisions in this chapter other than where they address terms and conditions not covered in the NES, or in the circumstances where the District Plan is allowed to be more stringent than the NESTF, including if the activity is located:~~
- ~~a. within the root protection area of a notable tree or other vegetation in the road reserve listed in the District Plan;~~
 - ~~b. within the root protection area of a notable tree, group of trees, or other vegetation outside the road reserve identified as being of special significance listed in the District Plan;~~
 - ~~c. in an place identified in the District Plan as having heritage values;~~
 - ~~d. in a landscape feature identified in the District Plan as having special visual amenity values (however described);~~
 - ~~e. in an area identified in the District Plan as a significant habitat for indigenous vegetation (however described);~~
 - ~~f. on an area identified in the District Plan as a significant habitat for indigenous fauna;~~
 - ~~g. in an area identified in the District Plan as an outstanding natural landscape or feature;~~
 - ~~h. in an area where the District Plan has rules to protect the adjoining CMA.⁵³~~
6. If any activity associated with a project, including earthworks, may modify, damage or destroy an archaeological site(s), an authority from HNZPT must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

9.1.3 Recommendations

383. I recommend the following outcomes for the submissions:

- Transpower [195.106], Heritage NZ Pouhere Taonga [178.50] are **rejected**
- Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.39], ECan [316.159], Ngai Tahu Forestry [219.7], Rayonier [171.21] are **accepted**

384. I recommend that the amendments above and as set out in Appendix A are adopted.

⁵² Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.39]

⁵³ Transpower [195.106]

9.1.4 s32AA Evaluation

385. I consider that the amendments to the advice note better reflect their intent than the version of this advice note in the notified plan.

10 Matters of discretion

10.1 MD1: Activity operation, scale, form and location

10.1.1 Matters raised by submitters

386. There are 4 submissions and 2 further submissions on this matter of discretion. 1 submitter supports MD1 as notified with 3 submissions requesting changes to reference infrastructure within the MD.
387. Mainpower [249.33], Waka Kotahi [275.42⁵⁴], WIL [210.60] request additions to the Matter of Discretion to include infrastructure types. Waka Kotahi are supported by a further submission from Kiwirail and a neutral submission from Transpower.
388. Heritage NZ [178.53] support EW-MD(4) and request it be retained as notified.

10.1.2 Assessment

389. The MD already references the National Grid, however I agree with submitters that this need to be broadened especially as it does not reference other energy and infrastructure activities. There is a broad coverage of infrastructure through (2) operational or functional need, but in light of the integration challenge between the EI chapter and the EW chapter, I consider specific mention of infrastructure is required, as follows:

12 Any effects on the operation, maintenance, upgrade, and development of the National Grid and transmission lines

14. The safe and efficient functioning of infrastructure

390. I have recommended “transmission lines” rather than the ‘electricity distribution network’ to be consistent with the recommendation in EW-R1, and to utilise the existing plan definition.

10.1.3 Recommendations

391. I recommend the following outcomes for the submissions:
- That Heritage NZ [178.53] is **accepted**
 - That further submissions Waka Kotahi [FS 99] and Transpower [FS 92] are **accepted**
 - That Mainpower [249.33], Waka Kotahi [275.42], WIL [210.60] are **accepted in part**
392. I recommend that the amendments above and as set out in Appendix A are adopted.

10.1.4 s32AA Evaluation

393. I consider that the specific inclusion of infrastructure and transmission lines achieves better integration between MD1 and the EI chapter provisions.

⁵⁴ Support – Kiwirail [FS 99], Neutral – Transpower [FS 92]

10.2 MD2: Nuisance and reverse sensitivity

10.2.1 Matters raised by submitters

394. There are 2 submissions on this, both requesting changes.
395. WIL [210.61] generally support EW-MD2 but also request inclusion of “the safe and efficient functioning of infrastructure”.
396. Federated Farmers [414.28] consider that EW-MD2 does not clearly rule out reverse sensitivity effects on sensitive activities, which risks the sensitive activity being sited near the earthworks being weighted higher than the earthworks. They request the following addition:

Reverse sensitivity effects such as the effect of a sensitive activity locating near earthworks activities but only to the extent that the earthworks can still take place.

10.2.2 Assessment

397. For WIL, I do not consider that inclusion of “safe and efficient functioning of infrastructure” into a matter of discretion focused on a matter other than activity, operation, scale, form and location would assist the submitter, as if it is accepted as an amendment to an MD it will already be a matter to consider under MD1, and is not needed in additional MDs.
398. For Federated Farmers, I understand that the concern is that as currently written, clause (2) could be interpreted as weighting the sensitive activity above the actual earthworks activity, and thus preventing or restricting the earthworks. I consider that this issue is resolved by the definition of reverse sensitivity effects, which makes it clear that it is the existing lawfully established activity, or in this case, the proposed activity, which has the primacy in the assessment.

10.2.3 Recommendations

399. I recommend the following outcomes for the submissions:
- That Federated Farmers [414.28], WIL [210.61] are **rejected**
400. I recommend no changes to the Proposed Plan arising from these recommendations.

10.3 MD3: Land stability

10.3.1 Matters raised by submitters

401. There is 1 submission on this, requesting changes to reference infrastructure in the MD.
402. WIL [210.62] generally support the MD but also request inclusion of “the safe and efficient functioning of infrastructure”.

10.3.2 Assessment

403. For WIL, my recommendation is the same as in s395 above.

10.3.3 Recommendations

404. I recommend the following outcomes for the submissions:
- WIL [210.62] is **rejected**

405. I recommend no changes to the Proposed Plan arising from these recommendations.

10.4 MD4: Natural hazards

10.4.1 Matters raised by submitters

406. There are 3 submissions on this, 1 in support, 2 requesting changes.

407. WIL [210.63] generally support the MD but also request inclusion of “the safe and efficient functioning of infrastructure”.

408. Federated Farmers [414.29] request to delete EW-MD4 as “*health and safety*” is not a general Resource Management Act 1991 matter outside some specific areas.

409. Mainpower [249.23] supports EW-MD4 as notified and requests its retention.

10.4.2 Assessment

410. For WIL, my recommendation is the same as in s395 above.

411. For Federated Farmers, I consider that the s5 RMA definition of sustainable management includes ‘health and safety’, and as such, it is an appropriate term to have within the MD.

10.4.3 Recommendations

412. I recommend the following outcomes for the submissions:

- WIL [210.63], Federated Farmers [414.29] are **rejected**
- Mainpower [249.23] is **accepted**

413. I recommend no changes to the Proposed Plan arising from these recommendations.

10.5 MD5: Rehabilitation

10.5.1 Matters raised by submitters

414. There are 2 submissions on this, both requesting changes.

415. WIL [210.64] generally support the MD but also request inclusion of “the safe and efficient functioning of infrastructure”.

416. Federated Farmers [414.29] request to amend EW-MD5(1)(d) to include “indigenous or non-indigenous species”, stating that revegetation is often easiest and fastest using non-indigenous, non-pest species.

10.5.2 Assessment

417. For WIL, my recommendation is the same as in s395 above.

418. I agree with Federated Farmers that revegetation can be faster with non-pest, non-indigenous plant varieties, and whilst (1)(d) does not preclude this option, as revegetation with indigenous plant varieties is “included”, I accept it could be clarified as follows:

any re-vegetation, including the use of indigenous and non-indigenous plant varieties ~~from seed sourced from the relevant ecological district within which the planting is to take place~~, and any weed and pest control proposed, and

419. I consider the need for ecological district seed sourcing may be unnecessarily stringent and could hamper the uptake of indigenous plants under this clause. It is also not consistent with other similar provisions in the plan, where “indigenous” is usually written without a qualifier. I thus recommend it is deleted.

10.5.3 Recommendations

420. I recommend the following outcomes for the submissions:

- That WIL [210.64] is **rejected**
- That Federated Farmers [414.29] is **accepted in part**

421. I recommend that the amendments above and as set out in Appendix A are adopted.

10.5.4 s32AA Evaluation

422. I consider that the clarification to the requirements for plant sourcing better integrates with similar provisions in the ECO chapter.

10.6 MD6: Coastal environment and hazards

10.6.1 Matters raised by submitters

423. There is 1 submission on this, requesting changes to reference infrastructure in the MD.

424. Mainpower [249.44] support EW-MD6 but request changes to add “the operational or functional need for earthworks in the location”.

10.6.2 Assessment

425. Mainpower’s request is the same request as for WIL, and my response is as in s395.

10.6.3 Recommendations

426. I recommend the following outcomes for the submissions:

- That Mainpower [249.44] is **rejected**

427. I recommend no changes to the Proposed Plan arising from these recommendations.

10.7 MD7: Water bodies, vegetation and fauna

10.7.1 Matters raised by submitters

428. There are 3 submissions and 2 further submissions on this, 3 requesting changes to include infrastructure in the MD.

429. WIL [210.65] and Mainpower [249.34⁵⁵] generally support MD7 but request changes to add “the operational or functional need for earthworks in the location”. This is supported in a further submission from Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95]

⁵⁵ Support - Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95]

430. DOC [419.123⁵⁶] oppose ED-MD7 in part, requesting amendments as follows:

2. Any removal of, or disturbance to, indigenous vegetation shall be in accordance with the ECO - Pūnaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity section of this plan.

5. The extent to which the habitat of trout, salmon, and indigenous aquatic species, may be adversely affected by any disturbance on the ~~margin of the water body~~ riparian margin

431. DOC support themselves in a further submission [FS 78].

10.7.2 Assessment

432. Mainpower's and WIL request is the same as previously, and my response is as in s395.

433. For DOC, I consider that their amendments are minor, but improve plan integration, and I recommend accepting them both. The ECO chapter provisions are a district-wide matter, and already apply, so the amendment only explains the existing situation, and 'riparian margin' is an existing plan definition, used in other provisions.

10.7.3 Recommendations

434. I recommend the following outcomes for the submissions:

- That WIL [210.65], Mainpower [249.34] are **rejected**
- That further submission Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95] is **rejected**
- DOC [419.123] is **accepted**
- That further submission DOC [FS 78] is **accepted**

435. I recommend that the amendments above and as set out in Appendix A are adopted.

10.7.4 s32AA Evaluation

436. I consider that the amendments improve plan integration, specifically with the ECO chapter, and plan readability, by using the existing definition of riparian margin.

10.8 MD8: Outstanding natural features and landscapes

10.8.1 Matters raised by submitters

437. There are 3 submissions and 1 further submission on this, 1 supportive and 2 requesting changes infrastructure

438. WIL [210.66] and Waka Kotahi [275.43⁵⁷] generally support MD7 but request changes to add "the operational or functional need for earthworks in the location". Kiwirail [FS 99] support Waka Kotahi in a further submission.

⁵⁶ Support – DOC [FS 78]

⁵⁷ Support – Kiwirail [FS 99]

439. Mainpower [249.35] support the MD as notified and request its retention.

10.8.2 Assessment

440. WIL and Waka Kotahi's request is the same as previously, and my response is as in s395.

10.8.3 Recommendations

441. I recommend the following outcomes for the submissions:

- That WIL [210.66], Waka Kotahi [275.43] are **rejected**
- That further submission Kiwirail [FS 99] is **rejected**
- Mainpower [249.35] is **accepted**

442. I recommend no changes to the Proposed Plan arising from these recommendations.

10.9 Clampett and RIDL relief

443. For the Clampett and RIDL relief [284.1, 326.1, 326.2, 326.3] to remove public and limited notification on all controlled and restricted discretionary activity rules, and to remove the terms avoid, remedy, and mitigate from PDP provisions, I have considered that:

- Nothing provided in the submission justifies the removal of public and/or limited notification from the earthworks chapter rules.
- Similarly, no specific and contextual information has been provided to justify the removal of the terms avoid, remedy, or mitigate from the objectives, policies, rules, and matters of discretion within the earthworks chapter provisions.
- I consider that the notification status and RMA sustainable management direction verb is appropriate.

10.10 Minor Errors

444. I recommend that rule EW-R10 is deleted, using cl 16(2), sch 1, RMA, as it was an error to include it in a district-wide matter when farm quarries are managed under the relevant zone chapters.

11 Conclusions

445. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in Appendix A of this report.
446. For the reasons set out in the Section 32AA evaluation attached at Appendix C and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Recommendations:

447. I recommend that:
- a) The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
 - b) The Proposed Plan is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Report Author	Peter Wilson	

Appendix A. Recommended Amendments to Earthworks Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.
- Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

Other notes

- [e.g. Consequential changes have been made in this chapter in response to...]

Introduction

This chapter provides for and manages earthworks across the District and recognises that earthworks are an integral part of the use and development of land for residential activities, industrial⁵⁸, rural and commercial activities at a variety of scales.

Insert following policy into urban environment zone chapters RESZ, CMUZ, INZ, OSRZ, SPZ(HOS), SPZ(HOS), SPZ(KR), SPZ(PBKR), SPZ(PR), SPZ(MCC):

avoiding quarry, landfill, cleanfill area, mining, or dam activities within to urban environments⁵⁹.

Definitions

Coastal hazard mitigation works: Any means work and or structure designed to prevent or mitigate coastal hazards, such as coastal erosion and seawater inundation. It includes soft engineering natural hazard mitigation beach re-nourishment, dune replacement, and sand fences, seawalls, groynes, gabions and revetments and hard engineering natural hazard mitigation⁶⁰.

Rehabilitation: In relation to the Earthworks chapter⁶¹, means restoring land that has been damaged by earthworks activity, to as near to pre-disturbance conditions as possible.

EW-P1	Enabling earthworks Enable earthworks where they: <ol style="list-style-type: none">1. are compatible with the <u>character amenity values and qualities</u>⁶² of the location and surrounding environment;2. avoid, remedy or mitigate any adverse effects on any sites or areas identified as ONL, ONF, SAL, Coastal Environment Overlay, SNA, sites and areas of significance to Māori, Natural Open Space Zone, surface freshwater bodies and their margins, or any notable tree, historic heritage or heritage setting;
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⁵⁸ Daiken New Zealand Limited [145.23]

⁵⁹ Fulton Hogan [41.33]

⁶⁰ DOC [419.8]

⁶¹ DOC [419.23]

⁶² Summerset [207.16]

3. minimise erosion and avoid adverse effects from stormwater or sediment discharge from the site;
4. avoid increasing the risk to people or property from natural hazards;
5. maintain the stability of land including adjoining land, infrastructure, buildings and structures;
6. minimise the modification or disturbance of land, including any associated retaining structures, ~~on the visual amenity values of the surrounding area~~⁶³; and
7. minimise adverse dust, vibration and visual effects beyond the site.

EW-P4

Scale of earthworks within or adjacent to urban environments

Minimise adverse effects related to the scale of earthworks on character, and amenity values within or adjacent to urban environments by:

1. encouraging the integrated design and management of earthworks associated with subdivision, development and use;
2. minimising any off-site effects of earthworks by controlling the duration and sequencing of earthworks; and
3. ~~avoiding quarry, landfill, cleanfill area, mining, or dam activities within or adjacent to urban environments.~~⁶⁴


EW-P6

Water resources

~~Avoid,~~ Manage adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on mahinga kai⁶⁵.

⁶³ Summerset [207.16]

⁶⁴ Fulton Hogan [41.33]

EW-R1	Earthworks for the maintenance and repair of roads, footpaths, cycleways, tracks, carparks, accessways and transmission line, or NESTF regulated activity⁶⁶	
All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. EW-S4 and EW-S7 are met;  2. the earthworks are within the formed area of the road, footpath, cycleway, track, carpark or accessway <u>or transmission line</u>; and 3. the earthworks are contained within ground previously disturbed through construction of the road, footpath, cycleway, track, carpark, accessway, <u>transmission line, or NESTF regulated activity</u>. 4. <u>Where the activity is an NESTF regulated activity, that all relevant earthworks NESTF standards are applied;</u> 	


EW-R3 Earthworks for maintenance of existing community scale irrigation/stockwater networks⁶⁷, public water races or drains


EW-R4	Earthworks for community scale natural hazards mitigation works	
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⁶⁵ ECan [316.156], Summerset [207.16]

⁶⁶ Transpower [195.105]

⁶⁷ WIL [210.43, 210.44]


<p>Urban Flood Assessment Overlay</p> <p>Non-Urban Flood Assessment Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> EW-S1 to EW-S7 are met.  <u>Rules NH-R8, NH-R9, NH-R10 are met⁶⁸</u> 	<p>Activity status where compliance not achieved: DIS</p>
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<p>EW-R5</p>	<p>Earthworks within an overland flow path</p>	
<p>Urban Flood Assessment Overlay</p> <p>Non-Urban Flood Assessment Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> EW-S1 to EW-S7 are met;  and the height of any filling does not exceed 0.25m above the ground level at (18-September 2021); or activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land in a 0.5% AEP event⁶⁹ the filling is for a building platform that is located greater than 2m from any site boundary within the Urban Flood Assessment Overlay, or greater than 10m from any site boundary within the Non-Urban Flood Assessment Overlay; or 	

⁶⁸ ECan [316.157]

⁶⁹ ECan [316.158] and consequential from Mr Willis's s42A for natural hazards chapter

4. the flood depth in a 0.5% AEP event is less than 100mm.

EW-R10	Earthworks for farm quarries⁷⁰
General Rural Zone	Activity status: PER - Where: 1. EW-S1 to EW-S7 are met;  and 2. the maximum area of any farm quarry shall be 1500m² per site.

EW-S5 Excavation and filling

1. Except for the burial of dead animals, and for offal pits, earthworks shall achieve the following:
 - a. a maximum height of 1.5m above ground level,
 - b. a maximum depth of $\geq 1\text{m}$ ⁷¹ below ground level;
 - c. material used for filling of land must be cleanfill material.

⁷⁰ Cl 16(2), sch 1, RMA minor error

⁷¹ Summerset [207.21]

Table EW-1 General standards for earthworks

Special Purpose Zone (Pegasus Resort), Special Purpose Zone (Museum and Conference Centre), Special Purpose Zone (Pines Beach and Kairaki Regeneration Zone), Local Centre Zone, Large Format Zone, Town Centre Zone, Industrial Zones	<u>1000m² or 50m³ per 100m² of site area, whichever is greater⁷²</u>
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EW-AN1

Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including the following:

1. Earthworks may require building consent under the Building Act 2004.
2. The Stockwater Race Bylaw 2019, the Waimakariri River Regional Plan 2004, and the Canterbury Land and Water Regional Plan 2018 may apply.
3. Resource consent may be required under regional plans including the Canterbury Land and Water Regional Plan 2018 and the Canterbury Air Regional Plan 2017. Earthworks within the beds of lakes and rivers is regulated under the regional planning framework (Canterbury LWRP) and earthworks in the coastal marine area under the Canterbury Regional Coastal Environment Plan⁷³.
4. The NESPF regulates earthworks for forestry purposes, and the NESCS manages the effects on human health from the disturbance or removal of contaminated soil. Specific activities (i.e. soil sampling and removing or replacing fuel storage systems) are regulated under the NESCS⁷⁴. Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter other than where the District Plan deals with terms and conditions not covered in the NES or in the circumstances where the District Plan is allowed to be more stringent. The District Plan can be more stringent than the NESPF for forestry in outstanding natural features and landscapes, and SNAs.

⁷² Ngai Tahu Property [411.30]

⁷³ ECan [316.159],

⁷⁴ Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited [276.39]

5. ~~The NESETA and the NESTF have controls for earthworks in relation to infrastructure. Earthworks managed under the NESETA and the NESTF are not subject to provisions in this chapter other than where they address terms and conditions not covered in the NES, or in the circumstances where the District Plan is allowed to be more stringent than the NESTF, including if the activity is located:~~
- ~~a. within the root protection area of a notable tree or other vegetation in the road reserve listed in the District Plan;~~
 - ~~b. within the root protection area of a notable tree, group of trees, or other vegetation outside the road reserve identified as being of special significance listed in the District Plan;~~
 - ~~c. in an place identified in the District Plan as having heritage values;~~
 - ~~d. in a landscape feature identified in the District Plan as having special visual amenity values (however described);~~
 - ~~e. in an area identified in the District Plan as a significant habitat for indigenous vegetation (however described);~~
 - ~~f. on an area identified in the District Plan as a significant habitat for indigenous fauna;~~
 - ~~g. in an area identified in the District Plan as an outstanding natural landscape or feature;~~
 - ~~h. in an area where the District Plan has rules to protect the adjoining CMA.⁷⁵~~
6. If any activity associated with a project, including earthworks, may modify, damage or destroy an archaeological site(s), an authority from HNZPT must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

EW-AN4

These standards do not apply during a state of emergency or transition period declared under the Civil Defence Emergency Management Act 2002 or where direction to undertake specific earthworks has been issued by the controller or recovery manager⁷⁶.

EW-MD1	Activity operation, scale, form and location
	<ol style="list-style-type: none"> 1. Location, volume and area of earthworks. 2. The operational need or functional need for the earthworks in the location. 3. Any effects on the natural character and amenity values of the site and surrounding area. 4. Any effects on archaeological sites, heritage values or the heritage setting of the site or within the surrounding area.

⁷⁵ Transpower [195.106]

⁷⁶ Federated Farmers [414.170, 414.173]

5. Any disturbance of culturally significant sites and any proposed mitigation measures.
6. Any effects on the health and structural integrity of any notable tree and any effects on the values that have been identified for the notable tree.
7. Public health and safety including contingency provisions for emergency response.
8. Mitigation including fencing, planting and landscaping.
9. Effects on soil quality.
10. Final contour and ground level resulting from excavation or filling.
11. Vehicle movements associated with earthworks.
12. Any effects on the operation, maintenance, upgrade and development of the National Grid and transmission lines⁷⁷.
13. Any constraint on the future development potential of the site or surrounding sites.
14. The safe and efficient functioning of infrastructure⁷⁸

EW-MD5

Rehabilitation

1. Any proposed site rehabilitation, considering:
 - a. the location, gradient and depth of the earthworks;
 - b. availability of clean fill material and time frames for rehabilitation;
 - c. any adverse effects on traffic, dust, groundwater, drainage and landscape;
 - d. any re-vegetation, including the use of indigenous and non indigenous plant varieties from seed sourced from the relevant ecological district within which the planting is to take place⁷⁹, and any weed and pest control proposed, and
 - e. any mitigation or proposed mitigation.

⁷⁷ Mainpower [249.33]

⁷⁸ Waka Kotahi [275.42], WIL [210.60]

⁷⁹ Federated Farmers [414.29]

2. Any quarry site rehabilitation plan, prepared by a person suitably qualified or experienced in site rehabilitation

EW-MD7**Water bodies, vegetation and fauna**

1. The extent to which the disturbance of the soil, including disturbance of contaminated land, adversely affects areas of significant indigenous vegetation and significant habitats of indigenous fauna.
2. Any removal of, or disturbance to, indigenous vegetation shall be in accordance with the provisions in the ECO chapter.⁸⁰
3. Any effects on the natural character and water quality of any water body.
4. The extent to which the earthworks will restrict public access and enjoyment of the margin of any water body.
5. The extent to which the habitat of trout, salmon, and indigenous aquatic species, may be adversely affected by any disturbance on the riparian margin⁸¹ ~~margin of the water body~~.
6. Fencing, planting and landscaping.
7. The extent to which the land use will adversely affect wahi taonga and mahinga kai.
8. For ngā wai, the matters specified in SASM-MD3 Nga Wai.

⁸⁰ DOC [419.123]

⁸¹ DOC [419.123]

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Submission No	Name	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
127.4	Aggregate and Quarry Association	General	<p>Quarrying is a unique activity and should be provided for outside the Earthworks Chapter, and Earthworks provisions should not apply to quarrying.</p> <p>To avoid confusion, duplication, and inconsistency, the Earthworks Chapter should exempt earthworks for quarrying as they are specially addressed in zone rules.</p>	Section 4.1	Accept in part	As outlined in Section 4.1	Yes
FS 77	Department of Conservation	General	Oppose Aggregate and Quarry Association	Section 4.1	Reject	As outlined in Section 4.1	No
364.1	Philip Davison	General	<p>Suggests alterations to the Proposed District Plan must consider the proposed changes in the Resource Management Act 1991 and the effects of climate change.</p> <p>Taggarts proposed quarry in the middle of Rangiora Racecourse exposed shortcomings in the District Plan and resource consent process. The public outcry over the proposed quarry was concerned with the effects on health and wellbeing of the nearby residential communities, as well as the pollution to fresh water supplies and heavy truck movements.</p> <p>Seek the District Plan is amended to prevent quarries from operating close to residential areas recommending a distance of 10km from residential areas, and areas should be designated to allow quarries to operate under strict conditions to meet shingle requirements.</p> <p>Suggests excavating shingle out of the Ashley River which would provide a local shingle supply close to an operational railway line and support with flood mitigation.</p> <p>Amend the District Plan to prevent quarries from operating close to residential areas, recommends 10kms from residential areas in future.</p> <p>Designate areas to allow quarries to operate under strict conditions to meet local shingle requirements.</p>	Section 4.1	Accept in part	As outlined in Section 4.1	Yes
195.102	Transpower New Zealand Limited	Introduction	<p>Oppose Earthworks Chapter provisions it is not clear that the rules for earthworks in the National Grid Yard also apply and give effect to Policy 10 of the National Policy Statement on Electricity Transmission. Amend rule guidance in 'other potentially relevant District Plan provisions'.</p> <p>Amend 'Other potentially relevant District Plan provisions': "... As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to earthworks include: - Energy and Infrastructure: this chapter contains provisions relating to energy and infrastructure activities that involve earthworks along with Rules EI-R52 and EI-R53 that apply to earthworks, quarrying and landfill activities in the National Grid Yard</p>	Section 4.2	Reject	As outlined in Section 4.2	No

			..."				
41.33	Fulton Hogan	Introduction	<p>Opposes quarrying activities in both zone and earthworks provisions as has potential for duplication and inconsistency. Potential earthworks effects will be addressed through land use consent.</p> <p>Amend the introduction to Earthworks Chapter to exclude earthworks associated with quarrying activities.</p> <p>"This chapter provides for and manages earthworks across the District and recognises that earthworks are an integral part of the use and development of land for residential activities, rural and commercial activities at a variety of scales. Earthworks associated with quarrying activities are exempt from these provisions as these activities are specifically addressed through the relevant zone rules."</p>	Section 4.2	Reject	As outlined in Section 4.2	Yes
145.23	Daiken New Zealand Limited	Introduction	<p>The Earthworks Chapter Introduction does not refer to the full range of activities requiring earthworks.</p> <p>Amend Earthworks Chapter Introduction:</p> <p>"This chapter provides for and manages earthworks across the District and recognises that earthworks are an integral part of the use and development of land for residential activities, industrial, rural and commercial activities at a variety of scales.</p> <p>..."</p>	Section 4.2	Accept	As outlined in Section 4.2	Yes
169.21	NZPork	Introduction	<p>Support that Earthworks Chapter introduction recognises earthworks as integral to rural land use and development.</p> <p>Retain Earthworks Chapter introduction as notified.</p>	Section 4.2	Accept	As outlined in Section 4.2	No
249.24	MainPower New Zealand Limited	Introduction	<p>Oppose how the Energy and Infrastructure Chapter links to other provisions and seek that all relevant earthworks provisions for network utility operators be hyperlinked from the Energy and Infrastructure Chapter to the Earthworks Chapter to ensure that plan users can navigate to the relevant earthworks provisions.</p> <p>Currently need to read the whole Earthworks Chapter to determine what rules apply.</p> <p>Insert hyperlinks from the Energy and Infrastructure Chapter to relevant Earthworks Chapter rules.</p>	Section 4.2	Reject	As outlined in Section 4.2	No
FS 110	Waka Kotahi NZ Transport Agency	Introduction	Not stated, probably support Mainpower	Section 4.2	Accept	As outlined in Section 4.2	No

FS 95	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	Introduction	Support Mainpower	Section 4.2	Accept	As outlined in Section 4.2	No
276.18	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	Introduction	Support EW - Introduction Support EW - Introduction	Section 4.2	Accept	As outlined in Section 4.2	No
284.253	Clampett Investments Limited	Introduction	Generally support the introduction to Earthworks Chapter. Retain introduction to Earthworks Chapter.	Section 4.2	Accept	As outlined in Section 4.2	No
326.413	Rolleston Industrial Developments Limited	Introduction	Generally support Introduction to Earthworks Chapter. Retain Introduction to Earthworks Chapter as notified.	Section 4.2	Accept	As outlined in Section 4.2	No
178.2	Heritage New Zealand Pouhere Taonga	Definition for earthworks for archaeological sites	The definition for 'earthworks' is too narrow in the context of archaeology, it should be broadened to encompass any activity that could modify or destroy. Add the following new definition: "Earthworks within an archaeological site: means 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) and includes gardening, cultivation, and disturbance of land for the installation of fence posts." Note this is a departure from the NPS guidance as earthworks within an archaeological site is wider than the NPS definition.	Section 4.3	Reject	As outlined in Section 4.3	No
295.15	Horticulture New Zealand	Definition of cleanfill area	Definition of 'cleanfill area' is consistent with National Planning Standards. Retain definition of 'cleanfill area' as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
FS 80	Christchurch International Airport Limited	Definition of cleanfill area	Support HortNZ	Section 4.3	Accept	As outlined in Section 4.3	No
41.3	Fulton Hogan	Definition of cleanfill material	The 'cleanfill material' definition limits the ability of quarry operators to rehabilitate quarry areas as part of a quarrying activity due to the lack of availability of such material at any reasonable cost. As notified the plan will require resource consent for rehabilitation involving material not meeting the definition of cleanfill. The definition is limiting in that it does not include resource recovery unless it is recycling aggregate. Retain the definition of 'cleanfill material' but amend the rules surrounding quarrying so as to create a more integrated and efficient rule framework.	Section 4.3	Accept in part	As outlined in Section 4.3	No
FS 99	KiwiRail Holdings Limited	Definition of cleanfill material	Support Fulton Hogan	Section 4.3	Accept	As outlined in Section 4.3	No

295.16	Horticulture New Zealand	Definition of cleanfill material	Definition of 'cleanfill material' is consistent with National Planning Standards. Retain definition of 'cleanfill material' as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
FS 80	Christchurch International Airport Limited	Definition of cleanfill material	Support HortNZ	Section 4.3	Accept	As outlined in Section 4.3	No
295.24	Horticulture New Zealand	Definition of discharge	The definition of 'discharge' is consistent with National Planning Standards. Retain the definition of 'discharge' as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
FS 80	Christchurch International Airport Limited	Definition of discharge	Support HortNZ	Section 4.3	Accept	As outlined in Section 4.3	No
295.25	Horticulture New Zealand	Definition of drain	Definition of 'drain' is consistent with National Planning Standards. Retain definition of 'drain' as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
FS 80	Christchurch International Airport Limited	Definition of drain	Support HortNZ	Section 4.3	Accept	As outlined in Section 4.3	No
295.27	Horticulture New Zealand	Definition of dust	Definition of 'dust' is consistent with National Planning Standards. Retain definition of 'dust' as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
FS 80	Christchurch International Airport Limited	Definition of dust	Support HortNZ	Section 4.3	Accept	As outlined in Section 4.3	No
276.38	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	Definition of earthworks	Support 'earthworks' definition. Retain 'earthworks' definition as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
295.28	Horticulture New Zealand	Definition of earthworks	Definition of 'earthworks' is consistent with National Planning Standards. Retain definition of 'earthworks' as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
FS 80	Christchurch International Airport Limited	Definition of earthworks	Support HortNZ	Section 4.3	Accept	As outlined in Section 4.3	No
FS 77	Department of Conservation	Definition of earthworks	Oppose HortNZ	Section 4.3	Reject	As outlined in Section 4.3	No
295.37	Horticulture New Zealand	Definition of groundwater	The definition of 'groundwater' is consistent with National Planning Standards. Retain the definition of 'groundwater' as notified.	Section 4.3	Accept	As outlined in Section 4.3	No
FS 80	Christchurch International Airport Limited	Definition of groundwater	Support HortNZ	Section 4.3	Accept	As outlined in Section 4.3	No

419.23	Department of Conservation	Definition of rehabilitation	Support inclusion of definition of 'rehabilitation' however rehabilitation does not only refer to earthworks activities, and is mentioned in the definition and rules relating to quarrying and gravel extraction. Amend definition of 'rehabilitation': "means restoring land that has been damaged by earthworks activity, gravel extraction, quarrying, to as near to pre-disturbance conditions as possible"	Section 4.3	Accept in part	As outlined in Section 4.3	Yes
FS 77	Department of Conservation	Definition of rehabilitation	Support Department of Conservation	Section 4.3	Accept	As outlined in Section 4.3	No
46.5	Woodstock Quarries Limited	EW-O1	Supports EW-O1 within the General Rural Zone and earthworks quantities and location standards for permitted activity status. Retain EW-O1 for earthworks quantities and location standards for permitted activity status.	Section 5.1	Accept	As outlined in Section 5.1	No
169.22	NZPork	EW-O1	Oppose narrow focus of EW-O1. Amend EW-O1: "Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment. Earthworks necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects, including effects on health and safety and natural hazards, are avoided, remedied or mitigated."	Section 5.1	Reject	As outlined in Section 5.1	No
FS 110	Waka Kotahi NZ Transport Agency	EW-O1	Oppose NZPork	Section 5.1	Accept	As outlined in Section 5.1	No
FS 99	KiwiRail Holdings Limited	EW-O1	Oppose NZPork	Section 5.1	Accept	As outlined in Section 5.1	No
FS 47	HortNZ	EW-O1	Support NZPork	Section 5.1	Reject	As outlined in Section 5.1	No
207.15	Summerset Retirement Villages (Rangiora) Ltd	EW-O1	Support EW-O1 but 'property' is used without context. If objective is referring to 'adjoining sites' it should use that term. Retain EW-O1 but clarify the intent of 'property' or replace with 'adjoining sites'.	Section 5.1	Reject	As outlined in Section 5.1	No
FS 88	Kainga Ora - Homes and Communities	EW-O1	Oppose Summerset Retirement Villages (Rangiora)	Section 5.1	Accept	As outlined in Section 5.1	No
249.27	MainPower New Zealand Limited	EW-O1	Supports EW-O1 recognising that earthworks adjacent to electricity infrastructure risks the safety of people and may undermine support structure stability. Retain EW-O1 as notified.	Section 5.1	Accept	As outlined in Section 5.1	No
276.19	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-O1	Support EW-O1. Support EW-O1.	Section 5.1	Accept	As outlined in Section 5.1	No

284.254	Clampett Investments Limited	EW-O1	Generally support EW-O1 with amendment. Amend EW-O1: "Earthworks are undertaken in a manner that avoids significant and manages other minimises adverse effects on the surrounding environment."	Section 5.1	Reject	As outlined in Section 5.1	No
295.101	Horticulture New Zealand	EW-O1	Oppose narrow focus of EW-O1. Delete EW-O1 as notified and replace: "Earthworks are undertaken in a way that minimises adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment. Earthworks necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects (including effects on health and safety and natural hazards) are avoided, remedied or mitigated."	Section 5.1	Reject	As outlined in Section 5.1	No
FS 110	Waka Kotahi NZ Transport Agency	EW-O1	Oppose HortNZ	Section 5.1	Accept	As outlined in Section 5.1	No
FS 99	KiwiRail Holdings Limited	EW-O1	Oppose HortNZ	Section 5.1	Accept	As outlined in Section 5.1	No
316.154	Environment Canterbury Regional Council	EW-O1	Management of earthworks in the District Plan is complimentary to the provisions in the Canterbury Land and Water Regional Plan and Canterbury Air Regional Plan. The provisions cover a range of effects appropriately dealt with in District Plans. Retain EW-O1 as notified or original intent.	Section 5.1	Accept	As outlined in Section 5.1	No
325.131	Kainga Ora - Homes and Communities	EW-O1	Support EW-O1. Retain EW-O1 as notified.	Section 5.1	Accept	As outlined in Section 5.1	No
326.414	Rolleston Industrial Developments Limited	EW-O1	Generally support EW-O1 with minor amendment. Amend EW-O1: "Earthworks are undertaken in a manner that avoids significant and manages other minimises adverse effects on the surrounding environment."	Section 5.1	Reject	As outlined in Section 5.1	No
373.69	KiwiRail Holdings Limited	EW-O1	Earthworks adjacent to the rail corridor have the potential to have an impact on rail infrastructure. Supports objective for earthworks to be undertaken in a way that minimises adverse effects on infrastructure. Retain EW-O1 as notified.	Section 5.1	Accept	As outlined in Section 5.1	No
414.166	Federated Farmers of New Zealand Inc.	EW-O1	The generic wording in EW-O1 does not recognise the essential part earthworks play in rural life and rural activities, instead, it focuses on minimising the adverse effects of earthworks, and not enabling or recognising the positive effects. Notes the Resource Management Act 1991 does not govern health and safety in general. Amend EW-O1: "Earthworks are undertaken in a way that minimises adverse effects on	Section 5.1	Reject	As outlined in Section 5.1	No

			amenity values, cultural values, property, infrastructure and the health and safety of people and the environment."				
419.116	Department of Conservation	EW-O1	EW-O1 should follow the effects management hierarchy rather than go straight to 'minimise adverse effects'. Amend EW-O1: "Earthworks are undertaken in a way that minimises avoids, remedies or mitigates adverse effects on amenity values, cultural values, property, infrastructure and the health and safety of people and the environment."	Section 5.1	Reject	As outlined in Section 5.1	No
46.13	Woodstock Quarries Limited	EW-P1	Support EW-P1 and retain earthworks quantities and location standards for permitted activity status. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No
178.51	Heritage New Zealand Pouhere Taonga	EW-P1	Supports EW-P1 which enables earthworks where it maintains the character and values associated with historic heritage. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No
195.103	Transpower New Zealand Limited	EW-P1	Support earthworks that are enabled being set out in EW-P1, but this does not give effect to the National Policy Statement on Electricity Transmission as earthworks for the operation, repair, maintenance, upgrade and development of the National Grid are not enabled. Amend EW-P1 to make general reference to infrastructure. Amend EW-P1 by adding a new line: "Enable earthworks where they: ... x. enable the on-going operation, maintenance, repair, upgrading and development of infrastructure."	Section 6.1	Reject	As outlined in Section 6.1	No
FS 99	KiwiRail Holdings Limited	EW-P1	Support Transpower	Section 6.1	Reject.	As outlined in Section 6.1	No
207.16	Summerset Retirement Villages (Rangiora) Ltd	EW-P1	Support rules to manage earthworks effects but EW-P1(6) is unclear. Effects on character, values and qualities (including visual amenity) is covered by clause 1 and therefore need for (6) is unclear. Delete EW-P1(6).	Section 6.1	Accept in part	As outlined in Section 6.1	Yes
FS 88	Kainga Ora - Homes and Communities	EW-P1	Oppose Summerset Retirement Villages (Rangiora)	Section 6.1	Reject	As outlined in Section 6.1	No

210.45	Waimakariri Irrigation Limited	EW-P1	Support EW-P1 enabling earthworks subject to other relief sought, but given the importance of irrigation and stockwater infrastructure in the District, recognise earthworks needed for the operation, maintenance, upgrade or development of its infrastructure. Amend EW-P1: "... 8. are necessary for the operation, maintenance, upgrade or development of regionally significant infrastructure, including irrigation and stockwater infrastructure."	Section 6.1	Reject	As outlined in Section 6.1	
249.28	MainPower New Zealand Limited	EW-P1	Support EW-P1 recognising that earthworks adjacent to infrastructure has potential to destabilise support structures and compromise operational function. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No
275.39	Waka Kotahi NZ Transport Agency	EW-P1	Insert additional clause in EW-P1 to enable earthworks that are necessary to maintain infrastructure. Amend EW-P1 by inserting new clause (2): "... 2. are necessary for the continued operation and maintenance of existing infrastructure ..."	Section 6.1	Reject	As outlined in Section 6.1	No
FS 99	KiwiRail Holdings Limited	EW-P1	Support Waka Kotahi NZ Transport Agency	Section 6.1	Reject	As outlined in Section 6.1	No
276.20	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-P1	Support EW-P1. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No
284.255	Clampett Investments Limited	EW-P1	Support EW-P1. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No
325.132	Kainga Ora - Homes and Communities	EW-P1	Support EW-P1. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No
326.415	Rolleston Industrial Developments Limited	EW-P1	Support EW-P1. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No
414.167	Federated Farmers of New Zealand Inc.	EW-P1	Amend EW-P1 as earthworks are an essential part of rural life and rural activities, and need an enabling approach, particularly within rural zones. Insert new EW-P1(2): "... 1. are compatible with the character, values and qualities of the location and surrounding environment 2. Enable earthworks associated with rural production activities ..."	Section 6.1	Reject	As outlined in Section 6.1	No
419.117	Department of Conservation	EW-P1	Support EW-P1. Retain EW-P1 as notified.	Section 6.1	Accept	As outlined in Section 6.1	No

46.14	Woodstock Quarries Limited	EW-P2	Retain EW-P2 within the General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-P2 for earthworks quantities and location standards for permitted activity status.	Section 6.2	Accept	As outlined in Section 6.2	No
210.46	Waimakariri Irrigation Limited	EW-P2	Support EW-P2 enabling earthworks, subject to other relief sought, but given the importance of irrigation and stockwater infrastructure in the District, recognise earthworks needed for the operation, maintenance, upgrade or development of its infrastructure. Amend EW-P2: "... 4. are necessary for the operation, maintenance, upgrade or development of irrigation and stockwater infrastructure."	Section 6.2	Accept in part	As outlined in Section 6.2	No
249.29	MainPower New Zealand Limited	EW-P2	Support EW-P2 but it does not provide for earthworks associated with maintenance, repair or upgrade of existing infrastructure or operational or functional need of new infrastructure. Amend EW-P2: "... 4. the earthworks are associated with development, maintenance, repair, upgrade of critical infrastructure and have an operational or functional need to locate within a Flood Assessment Overlay."	Section 6.2	Accept in part	As outlined in Section 6.2	No
FS 99	KiwiRail Holdings Limited	EW-P2	Support Mainpower	Section 6.2	Accept	As outlined in Section 6.2	No
275.40	Waka Kotahi NZ Transport Agency	EW-P2	Amend EW-P2 so that earthworks do not increase the flood risk to infrastructure. Amend EW-P2(1): "... 1. the earthworks do not increase the flooding risk to the site or neighbouring sites or infrastructure through the displacement of flood waters ..."	Section 6.2	Accept in part	As outlined in Section 6.2	No
276.21	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-P2	Support EW-P2. Retain EW-P2 as notified.	Section 6.2	Accept	As outlined in Section 6.2	No
284.256	Clampett Investments Limited	EW-P2	Support EW-P2. Retain EW-P2 as notified.	Section 6.2	Accept	As outlined in Section 6.2	No
316.155	Environment Canterbury Regional Council	EW-P2	Supports EW-P2(3) to avoid impacting the ability to convey floodwaters as a result of earthworks. Retain EW-P2 as notified or original intent.	Section 6.2	Accept	As outlined in Section 6.2	No
325.133	Kainga Ora - Homes and Communities	EW-P2	Support EW-P2. Retain EW-P2 as notified.	Section 6.2	Accept	As outlined in Section 6.2	No
326.416	Rolleston Industrial Developments	EW-P2	Support EW-P2. Retain EW-P2 as notified.	Section 6.2	Accept	As outlined in Section 6.2	No

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414.168	Federated Farmers of New Zealand Inc.	EW-P2	EW-P2 is potentially problematic, as it may not be possible under a permitted activity for a landholder to assess whether or not they are in compliance with EW-P2 on the non-urban flood assessment overlay. Retain EW-P2 as notified.	Section 6.2	Accept	As outlined in Section 6.2	No
419.118	Department of Conservation	EW-P2	Support EW-P2. Retain EW-P2 as notified.	Section 6.2	Accept	As outlined in Section 6.2	No
178.52	Heritage New Zealand Pouhere Taonga	EW-P3	Supports EW-P3 however notes that when 'earthworks' are referred to, the automatic definition box provides the National Planning Standard 'earthworks' definition. This definition is incorrect in the context of archaeology as it is too narrow - in particular, it 'excludes gardening, cultivation, and disturbance of land for the installation of fence posts', while the HNZPTA 2014 refers to any 'activity that will or may modify or destroy'. This relates to a previous submission point requesting the inclusion of a new definition for 'earthworks within an archaeological site'. Amend EW-P3: "Earthworks within an archaeological site avoid, remedy or mitigate adverse effects on archaeological sites and sites and areas of significance to Māori, by having regard to: ..."	Section 6.3	Reject	As outlined in Section 6.3	No
210.47	Waimakariri Irrigation Limited	EW-P3	Important to protect sites of significance to Māori but amend EW-P3 to recognise offsetting may sometimes be a more suitable option than avoiding, remedying or mitigating adverse effects and should be an alternative. Amend EW-P3: "Earthworks avoid, remedy, or mitigate, or offset adverse effects on archaeological sites and sites and areas of significance to Māori, by having regard to: ..."	Section 6.3	Reject	As outlined in Section 6.3	No
276.22	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-P3	Support EW-P3. Retain EW-P3 as notified.	Section 6.3	Accept	As outlined in Section 6.3	No
284.257	Clampett Investments Limited	EW-P3	Support EW-P3. Retain EW-P3 as notified.	Section 6.3	Accept	As outlined in Section 6.3	No
325.134	Kainga Ora - Homes and Communities	EW-P3	Support EW-P3. Retain EW-P3 as notified.	Section 6.3	Accept	As outlined in Section 6.3	No
326.417	Rolleston Industrial Developments Limited	EW-P3	Support EW-P3. Retain EW-P3 as notified.	Section 6.3	Accept	As outlined in Section 6.3	No

419.119	Department of Conservation	EW-P3	Support EW-P3. Retain EW-P3 as notified.	Section 6.3	Accept	As outlined in Section 6.3	No
147.17	Kaiapoi-Tuahiwi Community Board	EW-P4	Supports provisions in General District Wide Matters. Not specified.	Section 6.4	Accept	As outlined in Section 6.4	No
155.5	Woodend-Sefton Community Board	EW-P4	Large scale earthworks require resource consent with rules and standards. Quarrying can detrimentally affect groundwater and the health and wellbeing of nearby residents from dust, noise and traffic. Support quarrying restrictions near urban and residential areas.	Section 6.4	Accept	As outlined in Section 6.4	No
41.34	Fulton Hogan	EW-P4	Opposes quarrying activities being addressed through both zone and earthworks provisions due to potential duplication and inconsistent/unnecessary planning approach. Potential earthworks effects will be addressed through land use consents. Amend EW-P4: "Minimise adverse effects related to the scale of earthworks on character, and amenity values within or adjacent to urban environments by: ... 3. avoiding quarry, landfill, cleanfill area, mining, or dam activities within or adjacent to urban environments."	Section 6.4	Accept in part	As outlined in Section 6.4	No
276.23	Z Energy Limited,BP Oil New Zealand Limited,Mobil Oil New Zealand Limited	EW-P4	Support EW-P4. Retain EW-P4 as notified.	Section 6.4	Accept	As outlined in Section 6.4	No
284.258	Clampett Investments Limited	EW-P4	Support EW-P4. Retain EW-P4 as notified.	Section 6.4	Accept	As outlined in Section 6.4	No
325.135	Kainga Ora - Homes and Communities	EW-P4	Support EW-P4. Retain EW-P4 as notified.	Section 6.4	Accept	As outlined in Section 6.4	No
326.418	Rolleston Industrial Developments Limited	EW-P4	Support EW-P4. Retain EW-P4 as notified.	Section 6.4	Accept	As outlined in Section 6.4	No
46.15	Woodstock Quarries Limited	EW-P5	Support EW-P5 within the General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-P5 for earthworks quantities and location standards for permitted activity status.	Section 6.5	Accept	As outlined in Section 6.5	No

207.17	Summerset Retirement Villages (Rangiora) Ltd	EW-P5	Support intent of EW-P5 to ensure site rehabilitation but policy is unclear on whether site recontouring is intended to be included, with requirements to incorporate ecological enhancement and habitat for indigenous fauna or locally sourced indigenous vegetation. Amend to apply only to rehabilitation at the end of large scale earthworks and not a development stage. Amend EW-P5: "Require site rehabilitation during or immediately following the completion of earthworks activity, where further site development works are not occurring, to: ..."	Section 6.5	Reject	As outlined in Section 6.5	No
FS 88	Kainga Ora - Homes and Communities	EW-P5	Oppose Summerset Retirement Villages (Rangiora)	Section 6.5	Reject	As outlined in Section 6.5	No
276.24	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-P5	Support EW-P5. Retain EW-P5 as notified.	Section 6.5	Accept	As outlined in Section 6.5	No
284.259	Clampett Investments Limited	EW-P5	Support EW-P5. Retain EW-P5 as notified.	Section 6.5	Accept	As outlined in Section 6.5	No
325.136	Kainga Ora - Homes and Communities	EW-P5	Support EW-P5. Retain EW-P5 as notified.	Section 6.5	Accept	As outlined in Section 6.5	No
326.419	Rolleston Industrial Developments Limited	EW-P5	Support EW-P5. Retain EW-P5 as notified.	Section 6.5	Accept	As outlined in Section 6.5	No
419.120	Department of Conservation	EW-P5	Support EW-P5. Retain EW-P5 as notified.	Section 6.5	Accept	As outlined in Section 6.5	No
FS 78	Department of Conservation	EW-P5	Support Department of Conservation	Section 6.5	Accept	As outlined in Section 6.5	No
41.35	Fulton Hogan	EW-P6	Oppose EW-P6 as it does not qualify the type, scale or significance of contamination and could be interpreted to apply very widely. Given the direction to 'avoid', this would potentially foreclose activities that would otherwise be appropriate and has potential to conflict with regional plan provisions addressing earthworks in and around water bodies. Amend EW-P6 to recognise activities that are able to remedy or mitigate effects and to reduce the potential for conflict with regional plan provisions addressing water quality. "Avoid, remedy or mitigate adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on and mahinga kai."	Section 6.6	Accept in part	As outlined in Section 6.6	No
FS 110	Waka Kotahi NZ Transport Agency	EW-P6	Support Fulton Hogan	Section 6.6	Accept	As outlined in Section 6.6	No
FS 99	KiwiRail Holdings	EW-P6	Support Kiwirail	Section 6.6	Accept	As outlined in Section 6.6	No

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46.16	Woodstock Quarries Limited	EW-P6	Support EW-P6 within the General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-P6 for earthworks quantities and location standards for permitted activity status.	Section 6.6	Accept	As outlined in Section 6.6	No
210.48	Waimakariri Irrigation Limited	EW-P6	Recognise the importance of protecting surface water bodies, avoiding contamination and adverse effects on mahinga kai, but for irrigation and stockwater infrastructure adverse effects may not be able to be avoided in all circumstances. Sufficient flexibility is required to enable management of effects to not prevent safe and efficient operation, maintenance, upgrade and development of regionally significant infrastructure. Amend EW-P6: "AvoidManage adverse effects of earthworks on ground and surface water bodies that could result in water contamination and adverse effects on mahinga kai."	Section 6.6	Reject	As outlined in Section 6.6	No
FS 77	Department of Conservation	EW-P6	Oppose Waimakariri Irrigation Limited	Section 6.6	Reject	As outlined in Section 6.6	No
276.25	Z Energy Limited,BP Oil New Zealand Limited,Mobil Oil New Zealand Limited	EW-P6	Support EW-P6. Retain EW-P6 as notified.	Section 6.6	Accept	As outlined in Section 6.6	No
284.260	Clampett Investments Limited	EW-P6	Support EW-P6. Retain EW-P6 as notified.	Section 6.6	Accept	As outlined in Section 6.6	No
316.156	Environment Canterbury Regional Council	EW-P6	Supports the avoidance of water contamination and adverse effects on mahinga kai but requests it is clear what values are being protected because there are likely to be different thresholds of effects, some acceptable depending on the values to be protected, and some not. Consider whether EW-P6 is specific enough as to the values to be protected.	Section 6.6	Accept in part	As outlined in Section 6.6	Yes
325.137	Kainga Ora - Homes and Communities	EW-P6	Support EW-P6. Retain EW-P6 as notified.	Section 6.6	Accept	As outlined in Section 6.6	No
326.420	Rolleston Industrial Developments Limited	EW-P6	Support EW-P6. Retain EW-P6 as notified.	Section 6.6	Accept	As outlined in Section 6.6	No
210.43	Waimakariri Irrigation Limited	EW-Rules-General	WIL irrigation and stockwater networks are critical for wellbeing of the District and WIL should be enabled to operate, maintain, upgrade and develop its infrastructure. Include a permitted activity rule enabling maintenance and upgrade of irrigation network without requirement for resource consent. Alternatively, amend earthworks rules to recognise irrigation network maintenance and upgrades as a permitted activity. Amend to include new rule: "Earthworks associated with the maintenance and upgrading of community scale irrigation and stockwater infrastructure.	Section 7.1	Accept in part	As outlined in Section 7.1	Yes

			Activity Status: Permitted"				
FS 77	Department of Conservation	EW-Rules-General	Oppose Waimakariri Irrigation Limited	Section 7.1	Accept	As outlined in Section 7.1	No
210.44	Waimakariri Irrigation Limited	EW-Rules-General	<p>WIL is committed to undertake further works such as managed aquifer recharge and targeted stream augmentation. These are likely to be significant for future water quality and should be separately provided for as a permitted activity, noting regional plan controls on the establishment of these activities.</p> <p>Amend to include new rule:</p> <p>"Earthworks associated with targeted stream augmentation and managed aquifer recharge. Activity Status: Permitted"</p>	Section 7.1	Reject	As outlined in Section 7.1	Yes
FS 77	Department of Conservation	EW-Rules-General	Oppose Waimakariri Irrigation Limited	Section 7.1	Accept	As outlined in Section 7.1	No

249.26	MainPower New Zealand Limited	EW-Rules-General	<p>Amend General Residential Zone to insert corridor protection rules for Electricity Distribution Lines as lines are located within or immediately adjacent to that zone.</p> <p>Insert new rule:</p> <p>"Earthworks adjacent to a major electricity distribution line Activity Status: PER Where:</p> <ol style="list-style-type: none"> 1. Earthworks shall be setback at least 6m from the centreline of the Major Electricity Distribution Line as shown on the planning maps or 2. Meet the following requirements: <ol style="list-style-type: none"> a. be no deeper than 300mm within 2.2m of the foundation of the major electricity distribution line support structure and b. be no deeper than 0.75m between 2.2m and 6m from the foundation of the major electricity distribution line support structure and c. earthworks shall not destabilise a major 66kV or 33kV electricity distribution line pole or tower and d. earthworks shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 in NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances, unless the requirements of Clause 2.2.3 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances are met. <p>Activity status when compliance not achieved: NC Notification An application for a non complying activity under this rule is precluded from being publicly notified, but may be limited notified only to the relevant electricity distribution line operator where the consent authority considers this is required, absent its written approval. Exemptions - earthworks undertaken as part of agricultural or domestic cultivation or repair, sealing or resealing of a road, footpath, driveway or vehicle access track - earthworks that are undertaken by a network utility operator or their approved contractor on behalf of the network utility operator (other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes) - earthworks for which prior written consent has been granted by the relevant electricity distribution line operator under the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances Advisory Notes - Major electricity distribution lines are shown on the planning maps. Vegetation to be planted around electricity distribution lines should be selected and managed to ensure that it will not breach the Electricity (Hazards from Trees) Regulations 2003. - The NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances contains restrictions on the location of activities and development in relation to electricity distribution lines. Activities and development in the vicinity of these lines must comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances."</p>	Section 7.1	Reject	As outlined in Section 7.1	No
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FS 88	Kainga Ora - Homes and Communities	EW-Rules-General	Oppose Mainpower	Section 7.1	Accept	As outlined in Section 7.1	No
249.32	MainPower New Zealand Limited	EW-Rules-General	Support EW-S1-EW-S7 if infrastructure is not required to comply with EW-S1-S7. Retain EW-S1-S7 as notified.	Section 7.1	Accept	As outlined in Section 7.1	No
276.40	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-Rules-General	Seek consistent and effects based approach to temporary earthworks, and as a minimum a clear permitted activity path for land disturbance for operation, maintenance and upgrade of existing underground assets that applies wider than infrastructure. As land disturbance and earthworks are defined but focus is on the latter, certainty is required and could be achieved by a new rule. Amend to Insert new rule: "EW-R12 Earthworks associated with operation, maintenance, removal or replacement of existing underground assets (Permitted) where: 1. EW-S3, EW-S4, EW-S6 and EW-S7 are met and 2. The disturbance does not permanently alter the profile, contour or height of the land Activity status when compliance is not achieved: RDIS EW-MD1 EW-MD2 EW-MD3 EW-MD4 EW-MD5 EW-MD6 EW-MD7 EW-MD8"	Section 7.1	Reject	As outlined in Section 7.1	No
316.153	Environment Canterbury Regional Council	EW-Rules-General	Community scale natural hazard mitigation works may require resource consent under other chapters. Provide for earthworks associated with Community scale natural hazard mitigation works as a permitted activity in the Earthworks Chapter.	Section 7.1	Accept	As outlined in Section 7.1	No
195.105	Transpower New Zealand Limited	EW-Rules-General	Oppose rules that do not enable the operation, repair, maintenance and upgrade of existing infrastructure. Seek permitted activity status for these activities and National Grid earthworks. National Environmental Standards for Electricity Transmission may provide threshold guidance. Amend earthworks rules to include consent pathway for earthworks for the operation, maintenance and upgrading of existing infrastructure where necessary for repairs or to achieve mandatory ground to conductor clearance violations.	Section 7.1	Reject	As outlined in Section 7.1	Yes
FS 99	KiwiRail Holdings Limited	EW-Rules-General	Support Transpower	Section 7.1	Reject	As outlined in Section 7.1	No

169.23	NZPork	EW-Rules-General	<p>Oppose lack of methods to enable and manage 'ancillary rural earthworks' effects.</p> <p>Amend Earthworks Chapter to provide permitted activity status, standards and definition for 'ancillary rural earthworks', to exclude biosecurity purposes.</p>	Section 7.1	Reject	As outlined in Section 7.1	No
169.4	NZPork	EW-Rules-General	<p>Seeks a new definition of 'ancillary rural earthworks' that includes the burying of infected material as a permitted activity to enable farmers to undertake earthworks in the event of a biosecurity incident. Not all biosecurity incursions trigger provisions in the Resource Management Act 1991 or Biosecurity Act 1993 to override consent requirements. District Plan limitations on earthworks may hinder an urgent response. Biosecurity incursions must be able to be managed quickly, to protect the viability of the New Zealand pork industry and avoid financial and welfare hardships. Pigs are also 'amplifier' hosts which may have consequences for dairy and meat exports.</p> <p>Insert a definition of 'ancillary rural earthworks':</p> <p>"means:</p> <p>a. Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fencelines, drilling bores and offal pits, burying of dead stock and plant waste</p> <p>b. Land preparation and vegetation clearance undertaken as part of horticultural plantings and</p> <p>c. Maintenance of existing walking tracks, farm and forestry tracks, driveways, roads and accessways within the same formation width.</p> <p>the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993".</p>	Section 7.1	Reject	As outlined in Section 7.1	No
FS 77	Department of Conservation	EW-Rules-General	Oppose NZPork	Section 7.1	Accept	As outlined in Section 7.1	No
FS 47	HortNZ	EW-Rules-General	Support NZPork	Section 7.1	Reject	As outlined in Section 7.1	No

295.103	Horticulture New Zealand	EW-Rules-General	<p>Amend to include earthworks ancillary to primary production as they are not provided for, and seek inclusion of definition for 'ancillary rural earthworks'.</p> <p>Insert new rule:</p> <p>"EX-RX Ancillary rural earthworks</p> <p>Rural Zones</p> <p>Activity status: PER</p> <p>Where:</p> <p>1. The earthworks are ancillary rural earthworks.</p> <p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>EW-MD1 - Activity operation, scale, form and location</p> <p>EW-MD2 - Nuisance and reverse sensitivity</p> <p>EW-MD3 - Land stability</p> <p>EW-MD4 - Natural hazards</p> <p>EW-MD5 - Rehabilitation</p> <p>EW-MD6 - Coastal environment and hazards</p> <p>EW-MD7 - Water bodies, vegetation and fauna</p> <p>EW-MD8 - Outstanding natural features and landscapes"</p>	Section 7.1	Reject	As outlined in Section 7.1	No
295.58	Horticulture New Zealand	EW-Rules-General	<p>Add a definition to provide for 'ancillary rural earthworks' which are undertaken as part of normal horticultural property (or other farm) operations.</p> <p>Insert new definition:</p> <p>"Ancillary rural earthworks means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks or roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing, erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993)."</p>	Section 7.1	Reject	As outlined in Section 7.1	No

FS 80	Christchurch International Airport Limited	EW-Rules-General	Support HortNZ	Section 7.1	Reject	As outlined in Section 7.1	No
295.102	Horticulture New Zealand	EW-Rules-General	<p>Include new policy for benefits/recognition of earthworks to support rural activities.</p> <p>Amend to insert new policy:</p> <p>"EW - PX Earthworks for Rural Production Enable earthworks where they support rural production, including ancillary rural earthworks"</p>	Section 7.1	Reject	As outlined in Section 7.1	No
210.49	Waimakariri Irrigation Limited	EW-R1	<p>Waimakariri Irrigation Ltd (WIL) infrastructure is important in the District. Prefer a separate permitted activity rule or permitted activity rules that explicitly apply to the maintenance or upgrade of irrigation and stockwater infrastructure. WIL needs to operate, maintain, upgrade and develop its infrastructure without unnecessary resource consent requirements.</p> <p>Amend EW-R1 (3) and new (4):</p> <p>"...</p> <p>3. the earthworks are contained within ground previously disturbed through construction of the road, footpath, cycleway, track, carpark or accessway. and</p> <p>4. the earthworks are for the maintenance or upgrade of regionally significant infrastructure, including for community scale irrigation and stockwater. "</p>	Section 7.2	Accept in part	As outlined in Section 7.2	No
FS 77	Department of Conservation	EW-R1	Oppose Waimakariri Irrigation Limited	Section 7.2	Reject	As outlined in Section 7.2	No
FS 83	Federated Farmers	EW-R1	Support Waimakariri Irrigation Limited	Section 7.2	Accept	As outlined in Section 7.2	No
276.26	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-R1	<p>Support EW-R1.</p> <p>Retain EW-R1 as notified.</p>	Section 7.2	Accept	As outlined in Section 7.2	No
284.261	Clampett Investments Limited	EW-R1	<p>Support EW-R1.</p> <p>Retain EW-R1 as notified.</p>	Section 7.2	Accept	As outlined in Section 7.2	No
326.421	Rolleston Industrial Developments Limited	EW-R1	<p>Support EW-R1.</p> <p>Retain EW-R1 as notified.</p>	Section 7.2	Accept	As outlined in Section 7.2	No
276.27	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-R2	<p>Support EW-R2.</p> <p>Retain EW-R2 as notified.</p>	Section 7.3	Accept	As outlined in Section 7.3	No
284.262	Clampett Investments Limited	EW-R2	<p>Supports EW-R2.</p> <p>Retain EW-R2 as notified.</p>	Section 7.3	Accept	As outlined in Section 7.3	No

326.422	Rolleston Industrial Developments Limited	EW-R2	Support EW-R2. Retain EW-R2 as notified.	Section 7.3	Accept	As outlined in Section 7.3	No
210.50	Waimakariri Irrigation Limited	EW-R3	Waimakariri Irrigation Ltd infrastructure is important in the District and would prefer separate permitted activity rule. Alternatively support permitted activity rules and apply to the maintenance or upgrade of irrigation and stockwater infrastructure to allow submitter to undertake these functions without resource consent. Amend EW-R3: "Earthworks for maintenance of public or community scale water races or drains ... 3. the activity is undertaken by the Crown, Regional Council, District Council or their nominated agent, or the operator of established community-scale irrigation and stockwater infrastructure."	Section 7.4	Reject	As outlined in Section 7.4	No
275.41	Waka Kotahi NZ Transport Agency	EW-R3	Requested that maintenance works on state highway stormwater infrastructure be exempt from standards EW-S2 and EW-S6. Include a definition for 'public drain' which excludes state highway stormwater infrastructure as per the comments provided on SUB-S16.	Section 7.4	Reject	As outlined in Section 7.4	No
276.28	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-R3	Support EW-R3. Retain EW-R3 as notified.	Section 7.4	Accept	As outlined in Section 7.4	No
284.263	Clampett Investments Limited	EW-R3	Supports EW-R3. Retain EW-R3 as notified.	Section 7.4	Accept	As outlined in Section 7.4	No
326.423	Rolleston Industrial Developments Limited	EW-R3	Support EW-R3. Retain EW-R3 as notified.	Section 7.4	Accept	As outlined in Section 7.4	No
419.122	Department of Conservation	EW-R3	Support EW-R3 Retain EW-R3 as notified.	Section 7.4	Accept	As outlined in Section 7.4	No
FS 78	Department of Conservation	EW-R3	Support Department of Conservation	Section 7.4	Accept	As outlined in Section 7.4	No
276.29	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-R4	Support EW-R4. Retain EW-R4 as notified.	Section 7.5	Accept	As outlined in Section 7.5	No
284.264	Clampett Investments Limited	EW-R4	Support EW-R4. Retain EW-R4 as notified.	Section 7.5	Accept	As outlined in Section 7.5	No

316.157	Environment Canterbury Regional Council	EW-R4	Earthworks required for community scale natural hazards mitigation works should be provided through the Natural Hazards Chapter. The limits provided in EW-S1 to EW-S7 are so restrictive EW-R4 does not enable community scale natural hazards mitigation works. Provide for earthworks associated with community scale natural hazard mitigation works through the Natural Hazards Chapter.	Section 7.5	Accept	As outlined in Section 7.5	Yes
326.424	Rolleston Industrial Developments Limited	EW-R4	Support EW-R4. Retain EW-R4 as notified.	Section 7.5	Accept	As outlined in Section 7.5	No
207.18	Summerset Retirement Villages (Rangiora) Ltd	EW-R5	EW-R5 text does not address the rule heading of 'overland flow paths' and could apply to earthworks within a boundary setback in the Urban, and Non-Urban, Flood Assessment Overlays . Rewrite to apply to overland flow paths in a Flood Assessment Certificate, or be deleted. Rewrite EW-R5 to relate to overland flow paths identified in a Flood Assessment Certificate if intended rule purpose, or delete the rule.	Section 7.6	Reject	As outlined in Section 7.6	No
210.51	Waimakariri Irrigation Limited	EW-R5	Given the importance of Waimakariri Irrigation Limited's (WIL's) infrastructure in the Waimakariri District, a stand-alone permitted activity rule is preferred (see above). In the alternative, WIL supports the proposed permitted activity rules provided they are explicitly applicable to the maintenance or upgrade of irrigation and stockwater infrastructure. It is vital that WIL can operate, maintain, upgrade and develop its infrastructure without unnecessary consenting requirements. Amend EW-R5: "... 5. the earthworks are necessary to enable the maintenance or upgrading of regionally significant infrastructure, including for established community scale irrigation and stockwater infrastructure."	Section 7.6	Accept in part	As outlined in Section 7.6	No
FS 77	Department of Conservation	EW-R5	Oppose Waimakariri Irrigation Limited	Section 7.6	Reject	As outlined in Section 7.6	No
FS 83	Federated Farmers	EW-R5	Support Waimakariri Irrigation Limited	Section 7.6	Accept	As outlined in Section 7.6	No
276.30	Z Energy Limited,BP Oil New Zealand Limited,Mobil Oil New Zealand Limited	EW-R5	Support EW-R5. Retain EW-R5 as notified.	Section 7.6	Accept	As outlined in Section 7.6	No
284.265	Clampett Investments Limited	EW-R5	Support EW-R5. Retain EW-R5 as notified.	Section 7.6	Accept	As outlined in Section 7.6	No

316.158	Environment Canterbury Regional Council	EW-R5	<p>Applying EW-R5 to the flood assessment overlays means that there is certainty where it applies and it captures all areas where the potential for diversionary effects exist. This rule is not effects based as it permits earthworks that could still cause offsite effects and also requires resource consent for earthworks that may not. EW-P2 refers to the displacement of floodwaters whereas EW-R5 only manages diversion, meaning ponding issues are not addressed and it does not give effect to EW-P2. Suggests a rule from the Kaikoura natural hazards plan change instead.</p> <p>Change the applicability of EW-R5 from the overland flow paths to the flood assessment overlays, amend the rule to capture all activities that have the potential to cause offsite effects, only permit activities where there will be no effects, and only require resource consent in situations where there will be effects.</p>	Section 7.6	Accept	As outlined in Section 7.6	Yes
FS 104	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-R5	Oppose Canterbury Regional Council	Section 7.6		As outlined in Section 7.6	No
326.425	Rolleston Industrial Developments Limited	EW-R5	<p>Support EW-R5.</p> <p>Retain EW-R5 as notified.</p>	Section 7.6	Accept	As outlined in Section 7.6	No
276.31	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-R6	<p>Support EW-R6.</p> <p>Retain EW-R6 as notified.</p>	Section 7.7	Accept	As outlined in Section 7.7	No
284.266	Clampett Investments Limited	EW-R6	<p>Support EW-R6.</p> <p>Retain EW-R6 as notified.</p>	Section 7.7	Accept	As outlined in Section 7.7	No
326.426	Rolleston Industrial Developments Limited	EW-R6	<p>Support EW-R6.</p> <p>Retain EW-R6 as notified.</p>	Section 7.7	Accept	As outlined in Section 7.7	No
419.121	Department of Conservation	EW-R6	<p>Oppose in part EW-R6. Permitted earthworks for wells, test pits or bores should be set back from waterbodies and Significant Natural Areas. Amend EW-R6 by adding two new clauses: "... 2. any well, test pit or bore is located outside of an SNA 3. and the earthworks comply with standard EW-S3 Set back from waterbodies ..."</p>	Section 7.7	Reject	As outlined in Section 7.7	No
FS 78	Department of Conservation	EW-R6	Support Department of Conservation	Section 7.7	Reject	As outlined in Section 7.7	No
276.32	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil	EW-R7	<p>Support EW-R7.</p> <p>Retain EW-R7 as notified.</p>	Section 7.8	Accept	As outlined in Section 7.8	No

	New Zealand Limited						
284.267	Clampett Investments Limited	EW-R7	Support EW-R7. Retain EW-R7 as notified.	Section 7.8	Accept	As outlined in Section 7.8	No
326.427	Rolleston Industrial Developments Limited	EW-R7	Support EW-R7. Retain EW-R7 as notified.	Section 7.8	Accept	As outlined in Section 7.8	No
62.52	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	EW-R8	Oppose EW-R8. While the rule permits earthworks that comply with EI-R10 underground infrastructure in the Energy and Infrastructure Chapter, it would not cover underground customer connections covered by EI-R4 or relocation of underground infrastructure under EI-R11. Amend EW-R8 such that to applies to all relevant rules in the EI Chapter providing for underground infrastructure.	Section 7.9	Reject	As outlined in Section 7.9	No
195.104	Transpower New Zealand Limited	EW-R8	Support EW-R8 as it enables earthworks for underground infrastructure and recognises temporary effects from such infrastructure. Retain EW-R8 as notified.	Section 7.9	Accept	As outlined in Section 7.9	No
210.52	Waimakariri Irrigation Limited	EW-R8	EI-R10 applies to quarrying and there is no permitted activity rule for earthworks for underground infrastructure. It is not clear if the rule applies only to quarrying, or to other types of underground infrastructure. Amend EI-R8 to clarify intended application of the rule.	Section 7.9	Reject	As outlined in Section 7.9	No
249.30	MainPower New Zealand Limited	EW-R8	Support EW-R8 but amend to include all permitted infrastructure in the Energy and Infrastructure Chapter. MainPower undertakes earthworks as a daily activity including trenching of underground cables, installing or replacing existing poles and cabinets and access track formation and maintenance. Most earthworks are within road corridors and should be permitted activities. Amend EW-R8: "Earthworks for underground infrastructure ... 1. the activity is a permitted activity in the EI Chapter.under EI-R10. Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: - EW-MD1 - Activity operation, scale, form and location - EW-MD6 - Coastal environment and hazards - EW-MD7 - Water bodies, vegetation and fauna - TREE-MD1 - Pruning, root protection area, trunk and crown, removal - TREE-MD2 - Extent of benefit or need for the activity or works - EI-MD3 Operational considerations"	Section 7.9	Reject	As outlined in Section 7.9	No
276.33	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand	EW-R8	Support EW-R8. Retain EW-R8 as notified.	Section 7.9	Accept	As outlined in Section 7.9	No

	Limited						
284.268	Clampett Investments Limited	EW-R8	Support EW-R8. Retain EW-R8 as notified.	Section 7.9	Accept	As outlined in Section 7.9	No
326.428	Rolleston Industrial Developments Limited	EW-R8	Support EW-R8. Retain EW-R8 as notified.	Section 7.9	Accept	As outlined in Section 7.9	No
41.36	Fulton Hogan	EW-R9	Opposes quarrying activities being addressed through both zone and earthworks provisions as has potential to create duplication and inconsistent planning. Potential earthworks effects will be addressed through land use consent. Amend EW-R9: "All Zones Rule does not apply to quarrying activities Activity status: PER ..."	Section 7.10	Accept	As outlined in Section 7.10	No
46.17	Woodstock Quarries Limited	EW-R9	Support EW-R9 within the General Rural Zone in relation to earthworks quantities and location standards for permitted activity status. Retain EW-R9 for earthworks quantities and location standards for permitted activity status.	Section 7.10	Accept	As outlined in Section 7.10	No
276.34	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-R9	Support EW-R9. Retain EW-R9 as notified.	Section 7.10	Accept	As outlined in Section 7.10	No
284.269	Clampett Investments Limited	EW-R9	Support EW-R9. Retain EW-R9 as notified.	Section 7.10	Accept	As outlined in Section 7.10	No
325.138	Kainga Ora - Homes and Communities	EW-R9	Amend EW-R9, as it would require typical residential developments to apply for resource consent. Discharges associated with fugitive dust are more appropriately managed under the Canterbury Air Regional Plan - Rule 7.32. Amend EW-R9: "... 2. any stockpile shall not exceed 250m ³ and 4m in height and 3. the activity shall not be located within 20m of the bank of any river or lake, 50m from the margin of any wetland. and 4. any stockpile is located greater than 100m from any sensitive activity on an adjoining site in different ownership."	Section 7.10	Reject	As outlined in Section 7.10	No
326.429	Rolleston Industrial Developments Limited	EW-R9	Support EW-R9. Retain EW-R9 as notified.	Section 7.10	Accept	As outlined in Section 7.10	No

276.35	Z Energy Limited,BP Oil New Zealand Limited,Mobil Oil New Zealand Limited	EW-R10	Support EW-R10. Retain EW-R10 as notified.	Section 7.11	Reject	As outlined in Section 7.11	No
284.270	Clampett Investments Limited	EW-R10	Support EW-R10. Retain EW-R10 as notified.	Section 7.11	Reject	As outlined in Section 7.11	No
326.430	Rolleston Industrial Developments Limited	EW-R10	Support EW-R10. Retain EW-R10 as notified.	Section 7.11	Reject	As outlined in Section 7.11	No
41.37	Fulton Hogan	EW-R11	Oppose quarrying activities being addressed through both zone and earthworks provisions as has potential for duplication and inconsistent planning. Potential earthworks effects will be addressed through land use consents. Amend EW-R11: "All Zones Rule does not apply to quarrying activities Activity status: PER ..."	Section 7.12	Accept	As outlined in Section 7.12	No
207.19	Summerset Retirement Villages (Rangiora) Ltd	EW-R11	Support permitted activity status for earthworks and maximum volume of 200m3 or 30m3 per 100m2 of site area, whichever is greater. Retain EW-R11 as notified.	Section 7.12	Accept	As outlined in Section 7.12	No
FS 88	Kainga Ora - Homes and Communities	EW-R11	Oppose Summerset Retirement Villages (Rangiora)	Section 7.12	Reject	As outlined in Section 7.12	No
210.53	Waimakariri Irrigation Limited	EW-R11	Support inclusion of earthworks catch-all rule as a permitted activity. Retain EW-R11 as notified.	Section 7.12	Accept	As outlined in Section 7.12	No
249.31	MainPower New Zealand Limited	EW-R11	Support EI-R11 if amended EW-R8 activities (as sought) do not need to comply with EW-S1 to S7. Retain EW-R11 as notified.	Section 7.12	Accept	As outlined in Section 7.12	No
276.36	Z Energy Limited,BP Oil New Zealand Limited,Mobil Oil New Zealand Limited	EW-R11	Support EW-R11. Retain EW-R11 as notified.	Section 7.12	Accept	As outlined in Section 7.12	No
284.271	Clampett Investments Limited	EW-R11	Support EW-R11. Retain EW-R11 as notified.	Section 7.12	Accept	As outlined in Section 7.12	No
326.431	Rolleston Industrial Developments Limited	EW-R11	Support EW-R11. Retain EW-R11 as notified.	Section 7.12	Accept	As outlined in Section 7.12	No

122.2	Canterbury Botanical Society	EW-R12	Supports the protection of sand dunes. Retain EW-R12 as notified.	Section 7.13	Accept	As outlined in Section 7.13	No
FS 78	Forest and Bird	EW-R12	Support Canterbury Botanical Society	Section 7.13	Accept	As outlined in Section 7.13	No
414.169	Federated Farmers of New Zealand Inc.	EW-R12	Farmers in the coastal area may undertake earthworks on sand dunes to maintain improved pasture. It is not clear if EW-R12 applies to indigenous vegetation, as it just states 'vegetation'. Delete EW-R12, or amend to read: "Earthworks to modify, alter or remove sand dunes or indigenous vegetation on sand dunes ..."	Section 7.13	Reject	As outlined in Section 7.13	No
46.18	Woodstock Quarries Limited	EW-S1	Support EW-S1 within General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-S1 for earthworks quantities and location standards for permitted activity status.	Section 8.1	Accept	As outlined in Section 8.1	No
62.53	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	EW-S1	Oppose EW-S1. Exemptions should be provided from the cumulative 12 month permitted limits and areas per site for underground services, infrastructure poles and cabinets due to the localised nature of trenches or foundation works for poles and structures and given that work may be located in roads where it is difficult to calculate cumulative earthworks per site. Provide an exemption from maximum volume and area standards for services trenches and foundations for infrastructure poles and cabinets.	Section 8.1	Reject	As outlined in Section 8.1	No
166.30	New Zealand Defence Force	EW-S1	Opposes EW-S1 as too restrictive for minor earthworks for Temporary Military Training Activities (TMTA) in a Significant Natural Area (SNA) or Outstanding Natural Feature (ONF) - Ashley River/Rakahuri Saltwater Creek Estuary. 'Earthworks' definition includes alteration or disturbance of land except for gardening, cultivation or fencepost placement. New Zealand Defence Force obliged under the Defence Act to undertake training including a wide variety of temporary activities, and many have effects similar to other day-to-day activities. TMTA could be in an SNA or an ONF and could require minor earthworks for temporary structures e.g. for a tent or water purification, and land is reinstated. Indigenous vegetation clearance is managed separately by ECO rules, which TMTA would be subject to. Overly restrictive to prevent minor earthworks in a SNA or an ONF area and EW-S1 should contain a permitted activity volume threshold. Amend EW-S1 to allow minor earthworks up to 5m ³ as a permitted activity in an Significant Natural Area or Outstanding Natural Feature - Ashley River/Rakahuri Saltwater Creek Estuary.	Section 8.1	Reject	As outlined in Section 8.1	No
210.54	Waimakariri Irrigation Limited	EW-S1	Limiting earthworks on a per site basis creates consenting requirements for linear infrastructure, where the per-site limits are not relevant to the length of the infrastructure e.g. canals and races, in each site. Seek that such infrastructure is exempt from limits. Amend standards to provide for earthworks for linear infrastructure, not cubic metres per site: General Rural Zone, Rural Lifestyle Zone, Special Purpose Zone (Kāinga Nohoanga) - sites outside of Tuahiwi Precinct: 500m ³ or 100m ³ per ha, whichever is greater, unless the earthworks are for the operation, maintenance or upgrading of regionally significant	Section 8.1	Reject	As outlined in Section 8.1	No

			infrastructure that is linear in nature e.g. canals and races.				
FS 110	Waka Kotahi NZ Transport Agency	EW-S1	Support Waimakariri Irrigation Limited	Section 8.1	Reject	As outlined in Section 8.1	No
FS 99	KiwiRail Holdings Limited	EW-S1	Support Waimakariri Irrigation Limited	Section 8.1	Reject	As outlined in Section 8.1	No
FS 77	Department of Conservation	EW-S1	Oppose Waimakariri Irrigation Limited	Section 8.1	Accept	As outlined in Section 8.1	No
325.139	Kainga Ora - Homes and Communities	EW-S1	Support standards relating to the maximum volume or area of earthworks in any 12 month period per site in the Local Centre Zone, Town Centre Zone, Neighbourhood Centre Zone, Medium Density Residential Zone, General Residential Zone and Settlement Zone. Retain EW-S1 as notified.	Section 8.1	Accept	As outlined in Section 8.1	No
326.432	Rolleston Industrial Developments Limited	EW-S1	Support EW-S1. Retain EW-S1 as notified.	Section 8.1	Accept	As outlined in Section 8.1	No
414.170	Federated Farmers of New Zealand Inc.	EW-S1	Oppose EW-S1 as the overlays may restrict necessary earthworks, such as in the Waimakariri River Outstanding Natural Landscape, where only 10m ³ is allowed per year (except for gravel), which could prevent activities such as flood clean-ups, prohibit riparian management, and maintenance of stop banks. The coastal environment overlay prevents any meaningful earthworks. Amend EW-S1 to allow: 1. Specific provision for natural hazard recovery and clean up is made across all zones and overlays. 2. Specific provision and reference is made to maintenance of existing tracks, roads, and fencelines, as permitted elsewhere in the plan.	Section 8.1	Accept in part	As outlined in Section 8.1	Yes
284.272	Clampett Investments Limited	EW-S1	Support EW-S1. Retain EW-S1 as notified.	Section 8.1	Accept	As outlined in Section 8.1	No
68.14	Canterbury District Health Board	Table EW-1	Support the proposed maximum earthworks volume in Table EW-1 for the Special Purpose Zone - Hospital as this enables earthworks volumes on hospital sites commensurate with their size. Retain the proposed maximum earthworks volume in Table EW-1 for the Special Purpose Zone - Hospital as notified.	Section 8.1	Accept	As outlined in Section 8.1	No
411.30	Ngai Tahu Property	Table EW-1	A permitted maximum of 1,000m ³ is not manageable for large industrial sites, and the effects would be the same if the same total area was broken up into smaller sites and the maximum amount of earthworks undertaken on each. Amend so that the maximum amount of earthworks permitted over a year is calculated as a percentage of the site.	Section 8.1	Accept	As outlined in Section 8.1	Yes

419.124	Department of Conservation	Table EW-1	Support Table EW-1. Retain Table EW-1 as notified.	Section 8.1	Accept	As outlined in Section 8.1	No
249.25	MainPower New Zealand Limited	EW-S2	Amend to insert new rule to allow earthworks subject to a building consent within 2m of the outer wall of a building. Insert new rule: "EW-RX Earthworks subject to a Building Consent All Zones Activity status: PER 1. Earthworks that are or will be subject to a building consent. Where: a. It occurs within 2m of the outer edge of the exterior wall of the building. Activity status when compliance not achieved: Refer to activity rules to determine activity status and matters of discretion."	Section 8.2	Reject	As outlined in Section 8.2	No
FS 104	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-S2	Neutral on Mainpower	Section 8.2	Accept	As outlined in Section 8.2	No
46.19	Woodstock Quarries Limited	EW-S2	Support EW-S2 within General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-S2 for earthworks quantities and location standards for permitted activity status.	Section 8.2	Accept	As outlined in Section 8.2	No
62.54	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	EW-S2	Oppose the requirement in EW-S2 for earthworks more than 300mm in depth or height to be setback 2m from any boundary of a site in different ownership being applied to infrastructure in roads and minor earthworks for service trenches, utility poles and cabinets. Amend EW-S2 by providing an exemption for infrastructure within roads, and earthworks associated with services trenches or customer connections, utility poles and cabinets outside of roads.	Section 8.2	Reject	As outlined in Section 8.2	No
207.20	Summerset Retirement Villages (Rangiora) Ltd	EW-S2	Oppose EW-S2 as unnecessarily blunt where shallow earthworks up to a site boundary are possible without adverse effects. Delete standard EW-S2.	Section 8.2	Reject	As outlined in Section 8.2	No
FS 88	Kainga Ora - Homes and Communities	EW-S2	Oppose Summerset Retirement Villages (Rangiora)	Section 8.2	Accept	As outlined in Section 8.2	No
210.55	Waimakariri Irrigation Limited	EW-S2	The standard requires resource consent for linear infrastructure, which is often located along property boundaries. Seek that such infrastructure is exempt from limits. Amend EW-S2 to provide for linear infrastructure earthworks that often lies adjacent to boundaries: "1. Earthworks more than 300mm in height or depth shall be set back a minimum of 2m from any boundary of a site in different ownership, unless the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals."	Section 8.2	Reject	As outlined in Section 8.2	No

FS 99	KiwiRail Holdings Limited	EW-S2	Support Waimakariri Irrigation Limited	Section 8.2	Reject	As outlined in Section 8.2	No
FS 83	Federated Farmers	EW-S2	Support Waimakariri Irrigation Limited	Section 8.2	Reject	As outlined in Section 8.2	No
284.273	Clampett Investments Limited	EW-S2	Support EW-S2. Retain EW-S2 as notified.	Section 8.2	Accept	As outlined in Section 8.2	No
325.140	Kainga Ora - Homes and Communities	EW-S2	The intent of EW-S2 is not clear and it will place unnecessary consent requirements for relatively minor earthworks if they are located within 2m of a site boundary. Delete EW-S2.	Section 8.2	Reject	As outlined in Section 8.2	No
326.433	Rolleston Industrial Developments Limited	EW-S2	Support EW-S2. Retain EW-S2 as notified.	Section 8.2	Accept	As outlined in Section 8.2	No
347.15	Ravenswood Developments Ltd	EW-S2	Common for developments to require earthworks/retaining walls on or proximate to a site boundary to promote efficient use of a site. Any structural/ground stability issues can be addressed through building consent and/or with engineering input. Considers EW-S2 thresholds of 300mm/2m are unduly restrictive. Delete EW-S2.	Section 8.2	Reject	As outlined in Section 8.2	No
FS 104	Z Energy Limited,BP Oil New Zealand Limited,Mobil Oil New Zealand Limited	EW-S2	Support Ravenswood Developments Limited	Section 8.2	Reject	As outlined in Section 8.2	No
46.20	Woodstock Quarries Limited	EW-S3	Support EW-S3 within the General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-S3 for earthworks quantities and location standards for permitted activity status.	Section 8.3	Accept	As outlined in Section 8.3	No
172.7	Oxford-Ohoka Community Board	EW-S3	Fresh water and groundwater supply needs to be protected. While there are some setbacks in relation to surface water bodies, there are very few mitigating factors for groundwater resources. The Council needs to implement all practicable methods to protect all water sources, including groundwater, during development. Protect both fresh and groundwater.	Section 8.3	Accept	As outlined in Section 8.3	No
62.55	Chorus New Zealand Limited,Spark New Zealand Trading Limited,Vodafone New Zealand Limited	EW-S3	Oppose EW-S3 as infrastructure equipment in roads that cross waterways may need to be constructed within these setbacks. Regional rules requirements and EW-S7 can ensure any temporary sediment mobilisation for work undertaken by network utility operators in roads is properly controlled for work near waterways. Amend EW-S3 by providing an exemption for infrastructure within roads.	Section 8.3	Accept in part	As outlined in Section 8.3	No

230.8	Concept Services/Bellgrove	EW-S3	EW-S3 is inconsistent with Table NATC-1. EW-S3 requires that earthworks shall not be undertaken within 20m from the bank of any stream or river. The Cam River is classified as a NATC-SCHED2 freshwater body and Table NATC-1 provides that development must be set back 10m from the Cam River within industrial zones. Development often involves earthworks, and clarity is required around which setback would apply (10m or 20 m).	Section 8.3	Reject	As outlined in Section 8.3	No
325.141	Kainga Ora - Homes and Communities	EW-S3	Generally supportive of setbacks where earthworks are in close proximity to water bodies, however the proposed setbacks are excessive for urban environments and should apply to scheduled freshwater bodies only. Amend EW-S3: "1. Earthworks shall not be undertaken: a. within 20m from the bank of any stream, river identified in NATC-SCHED1, NATC-SCHED2 or NATC-SCHED3 or ..."	Section 8.3	Reject	As outlined in Section 8.3	No
326.434	Rolleston Industrial Developments Limited	EW-S3	Support EW-S3. Retain EW-S3 as notified.	Section 8.3	Accept	As outlined in Section 8.3	No
414.171	Federated Farmers of New Zealand Inc.	EW-S3	EW-S3 is an example of inconsistent setbacks within the plan, it overrides national instruments such as the National Environmental Standards for Freshwater with no justification for the additional stringency. Delete EW-S3 in entirety.	Section 8.3	Reject	As outlined in Section 8.3	No
210.56	Waimakariri Irrigation Limited	EW-S3	Waimakariri Irrigation Limited infrastructure traverses much of the district and may be within 50 metres of a mapped wetland or 20 metres of a stream or river, without earthworks affecting waterbodies. Seek that earthworks for infrastructure are exempt from such requirements to avoid resource consent requirements. Amend EW-S3: "... Except where the earthworks are for the operation, maintenance or upgrading of regionally significant infrastructure that is linear in nature e.g. canals. "	Section 8.3	Accept in part	As outlined in Section 8.3	No
FS 77	Department of Conservation	EW-S3	Oppose Waimakariri Irrigation Limited	Section 8.3	Reject	As outlined in Section 8.3	No
284.274	Clampett Investments Limited	EW-S3	Support EW-S3. Retain EW-S3 as notified.	Section 8.3	Accept	As outlined in Section 8.3	No
62.56	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	EW-S4	Oppose EW-S4. There is an unclear relationship and differing provisions between EW-S4, TREE-R4 and notable tree root zone rules specific to infrastructure in the Energy and Infrastructure Chapter. Amend EW-S4 and rules in the EI Chapter as necessary such that any provisions relevant to infrastructure near or within the root zone of notable trees are included within the EI rules in the Energy and Infrastructure Chapter.	Section 8.4	Reject	As outlined in Section 8.4	No
284.275	Clampett Investments Limited	EW-S4	Support EW-S4. Retain EW-S4 as notified.	Section 8.4	Accept	As outlined in Section 8.4	No

325.142	Kainga Ora - Homes and Communities	EW-S4	Support the 3m root protection area for listed notable trees. Retain EW-S4 as notified.	Section 8.4	Accept	As outlined in Section 8.4	No
326.435	Rolleston Industrial Developments Limited	EW-S4	Support EW-S4. Retain EW-S4 as notified.	Section 8.4	Accept	As outlined in Section 8.4	No
46.21	Woodstock Quarries Limited	EW-S5	Support EW-S5 within the General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-S5 for earthworks quantities and location standards for permitted activity status.	Section 8.4	Accept	As outlined in Section 8.4	No
62.57	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	EW-S5	Oppose EW-S5. The 2m maximum depth standard should exclude pile foundations for utility poles which may exceed this depth but not result in land stability issues that may be associated with larger scale earthworks. Amend EW-S5 by providing an exemption from the maximum depth standard for utility pole pile foundations.	Section 8.5	Accept in part	As outlined in Section 8.5	No
207.21	Summerset Retirement Villages (Rangiora) Ltd	EW-S5	Oppose EW-S5 as more stringent than Canterbury Land and Water Plan rules for maximum depth of earthworks to the maximum recorded height of groundwater. Also unnecessary as control earthworks affecting groundwater is a regional council function. Delete EW-S5.	Section 8.5	Reject	As outlined in Section 8.5	Yes
FS 88	Kainga Ora - Homes and Communities	EW-S5	Oppose Summerset Retirement Villages (Rangiora)	Section 8.5	Accept	As outlined in Section 8.5	No
210.57	Waimakariri Irrigation Limited	EW-S5	EW-S5 is generally appropriate. Retain EW-S5 as notified.	Section 8.5	Accept	As outlined in Section 8.5	No
325.143	Kainga Ora - Homes and Communities	EW-S5	Support the maximum height of 1.5m above ground level and maximum depth of 2m below ground level standards. Retain EW-S5 as notified.	Section 8.5	Accept	As outlined in Section 8.5	No
326.436	Rolleston Industrial Developments Limited	EW-S5	Support EW-S5. Retain EW-S5 as notified.	Section 8.5	Accept	As outlined in Section 8.5	No
414.172	Federated Farmers of New Zealand Inc.	EW-S5	There may be unintended consequences from EW-S5 due to the height and depth limitations. Retain EW-S5 as notified.	Section 8.5	Accept	As outlined in Section 8.5	No
284.276	Clampett Investments Limited	EW-S5	Support EW-S5. Retain EW-S5 as notified.	Section 8.5	Accept	As outlined in Section 8.5	No
46.22	Woodstock Quarries Limited	EW-S6	Support EW-S6 within the General Rural zone for earthworks quantities and location standards for permitted activity status. Retain EW-S6 for earthworks quantities and location standards for permitted activity status.	Section 8.6	Accept	As outlined in Section 8.6	No

210.58	Waimakariri Irrigation Limited	EW-S6	EW-S6 is generally appropriate. Retain EW-S6 as notified.	Section 8.6	Accept	As outlined in Section 8.6	No
414.173	Federated Farmers of New Zealand Inc.	EW-S6	EW-S6 may be inadvertently triggered or breached with the cleanup after a flood event. Amend EW-S6 with note: "This rule does not apply in the clean up phase after force majeure acts of nature, such as flooding."	Section 8.6	Accept in part	As outlined in Section 8.6	Yes
326.437	Rolleston Industrial Developments Limited	EW-S6	Support EW-S6. Retain EW-S6 as notified.	Section 8.6	Accept	As outlined in Section 8.6	No
284.277	Clampett Investments Limited	EW-S6	Support EW-S6. Retain EW-S6 as notified.	Section 8.6	Accept	As outlined in Section 8.6	No
46.23	Woodstock Quarries Limited	EW-S7	Support EW-S7 within the General Rural Zone for earthworks quantities and location standards for permitted activity status. Retain EW-S7 for earthworks quantities and location standards for permitted activity status.	Section 8.7	Accept	As outlined in Section 8.7	No
210.59	Waimakariri Irrigation Limited	EW-S7	Excavation of stockwater races is essential for safe and efficient functioning of races and standards should not restrict these works. Amend EW-S7 to provide for stockwater races: "1. While earthworks are being undertaken or rehabilitated, sediment from the earthworks shall be prevented from entering any water body, drain or stockwater race, except where the works are for the maintenance of stockwater races, in which case methods shall be implemented to reduce the suspension of sediment."	Section 8.7	Reject	As outlined in Section 8.7	No
325.144	Kainga Ora - Homes and Communities	EW-S7	Supports EW-S7. Retain EW-S7 as notified.	Section 8.7	Accept	As outlined in Section 8.7	No
326.438	Rolleston Industrial Developments Limited	EW-S7	Support EW-S7. Retain EW-S7 as notified.	Section 8.7	Accept	As outlined in Section 8.7	No
414.174	Federated Farmers of New Zealand Inc.	EW-S7	Flood events may trigger EW-S7. Add EW-S7 note: "This rule does not apply in force majeure acts of nature, such as flooding, when sediment enters the water body after reasonable attempts were made at controlling it."	Section 8.7	Accept in part	As outlined in Section 8.7	No
284.278	Clampett Investments Limited	EW-S7	Support EW-S7. Retain EW-S7 as notified.	Section 8.7	Accept	As outlined in Section 8.7	No

178.50	Heritage New Zealand Pouhere Taonga	EW-AN1	<p>Requests the inclusion of an advisory note to assist understanding of the definition of an 'archaeological site', and that resource consents or building consents do not automatically allow the activities to occur on archaeological sites.</p> <p>Amend Earthworks Chapter Introduction by adding:</p> <p>"Earthworks can affect archaeological sites. An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as any place in New Zealand that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.</p> <p>It is unlawful to destroy, damage or modify an archaeological site regardless of whether the site is identified in the District Plan, identified elsewhere or not recorded, without obtaining an archaeological authority from HNZPT. This is also the case regardless of whether the activity is permitted under the District Plan or a resource or building consent has been granted".</p>	Section 9.1	Reject	As outlined in Section 9.1	No
171.21	Rayonier Matariki Forests	EW-AN1	<p>Support EW-AN1 reference to alignment with the National Environmental Standards for Plantation Forestry.</p> <p>Retain EW-AN1 as notified.</p>	Section 9.1	Accept	As outlined in Section 9.1	No
195.106	Transpower New Zealand Limited	EW-AN1	<p>Support EW-AN1 especially reference to National Environmental Standards for Electricity Transmission but seek amendment to distinguish from the National Environmental Standards for Telecommunication Facilities and that the list of other applicable requirements also refers to NZECP 34:2001 - New Zealand Electricity Code of Practice for Electricity Safe Distances to give effect to Policies 10 and 11, National Policy Statement on Electricity Transmission, and provide for health and safety of people and communities.</p> <p>Amend Advice Notes EW-AN1:</p> <p>"Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including the following:</p> <p>...</p> <p>5. The NESETA and the NESTF have controls for earthworks in relation to infrastructure. Earthworks managed under the NESETA and the NESTF are not subject to provisions in this chapter other than where they address terms and conditions not covered in the NES, or in the circumstances where the District Plan is allowed to be more stringent than the NESTF, including if the activity is located:</p> <ul style="list-style-type: none"> a. within the root protection area of a notable tree or other vegetation in the road reserve listed in the District Plan b. within the root protection area of a notable tree, group of trees, or other vegetation outside the road reserve identified as being of special significance listed in the District Plan c. in a place identified in the District Plan as having heritage values d. in a landscape feature identified in the District Plan as having special visual amenity values (however described) e. in an area identified in the District Plan as a significant habitat for indigenous vegetation (however described) 	Section 9.1	Reject	As outlined in Section 9.1	Yes

			<p>f. on an area identified in the District Plan as a significant habitat for indigenous fauna</p> <p>g. in an area identified in the District Plan as an outstanding natural landscape or feature</p> <p>h. in an area where the District Plan has rules to protect the adjoining CMA.</p> <p>...</p> <p>x. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 manage earthworks relating to an existing transmission line and the provisions in this Chapter do not apply.</p> <p>y. NZECP 34:2001 - New Zealand Electrical Code of Practice for Electrical Safe Distances applies to earthworks in the vicinity of electricity lines, including near support structures and beneath the lines.”</p>				
219.7	Ngai Tahu Forestry	EW-AN1	Support the clarity provided by the advice note for forestry earthworks and the relationship between the Proposed District Plan and the National Environmental Standards for Plantation Forestry. Retain EW-AN1 as notified.	Section 9.1	Accept	As outlined in Section 9.1	No

276.39	Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited	EW-AN1	<p>EW-AN1(4) recognises that earthworks under the National Environmental Standard for Plantation Forestry are not subject to District Plan provisions except for 'terms or conditions not covered by the NESCS or where allowed to be more stringent'. Support recognition that earthworks for contaminated land are regulated by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) but does not clarify provision application to contaminated and potentially contaminated land.</p> <p>Clarity is important as service stations and refuelling facilities are a Hazardous Activities and Industries List activity and subject to the NESCS. The NESCS has a potential permitted activity path for removal and replacement of fuel storage systems and disturbance and removal of soil, while complying with standards and reporting requirements. The advice note may be interpreted to mean the earthworks provisions extend to any matter not specifically addressed in the NESCS e.g. EW-S5 seeks to control the height and depth of excavation and filling with no corresponding control in the NESCS. Further, EW-R8 would not apply to service station assets as these are not clearly encompassed by the Proposed District Plan (and Resource Management Act 1991) definition of 'infrastructure'.</p> <p>Seek amendment to clarify that provisions do not apply to activities regulated by the NESCS, particularly tank removal and replacement and sampling of contaminated land. This reflects adequate control by the NESCS.</p> <p>Amend EW-AN1:</p> <p>"The NESPF regulates earthworks for forestry purposes, and the NESCS manages the effects on human health from the disturbance or removal of contaminated soil. Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter other than where the District Plan deals with terms and conditions not covered in the NES or in the circumstances where the District Plan is allowed to be more stringent. The District Plan can be more stringent than the NESPF for forestry in outstanding natural features and landscapes, and SNAs.</p> <p>The NESPF regulates earthworks for forestry purposes, and the NESCS regulates and manages the effects on human health from the disturbance or removal of contaminated soil. Specific activities (i.e. Soil sampling and removing or replacing fuel storage systems) are regulated under the NESCS and Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter. other than where the District Plan deals with terms and conditions not covered in the NESPF or in the circumstances where the District Plan is allowed to be more stringent. The District Plan can be more stringent than the NESPF for forestry in outstanding natural features and landscapes, and SNAs."</p>	Section 9.1	Accept	As outlined in Section 9.1	Yes
316.159	Environment Canterbury Regional Council	EW-AN1	<p>Supports the clarification in Earthworks Chapter Advice Notes that earthworks in the beds of lakes and rivers is regulated under the regional planning framework but this should extend to the coastal marine area. Include reference in Earthworks Chapter Advice Notes to earthworks undertaken in the coastal marine area being regulated under the Regional Coastal Environment Plan.</p>	Section 9.1	Accept	As outlined in Section 9.1	Yes

178.53	Heritage New Zealand Pouhere Taonga	EW-MD1	Supports EW-MD1(4). Retain EW-MD1 as notified.	Section 10.1	Accept	As outlined in Section 10.1	No
210.60	Waimakariri Irrigation Limited	EW-MD1	Generally support EW-MD1, but should include consideration of the effect of proposed earthworks on the safe and efficient functioning of infrastructure. Amend EW-MD1 to add new matter: "x. the safe and efficient functioning of infrastructure."	Section 10.1	Accept in part	As outlined in Section 10.1	Yes
249.33	MainPower New Zealand Limited	EW-MD1	Support EW-MD1 but amend clause 12 to refer to 'the electricity distribution network'. Amend EW-MD1(12): "... 12. Any effects on the operation, maintenance, upgrade and development of the National Grid and the electricity distribution network. ..."	Section 10.1	Accept in part	As outlined in Section 10.1	Yes
275.42	Waka Kotahi NZ Transport Agency	EW-MD1	Amend EW-MD1 so that the potential effects on all infrastructure can be considered, not just effects on the National Grid. Amend EW-MD1(12): "... 12. Any effects on the operation, maintenance, upgrade and development of the National Grid critical infrastructure ..."	Section 10.1	Accept in part	As outlined in Section 10.1	Yes
FS 99	KiwiRail Holdings Limited	EW-MD1	Support Waka Kotahi NZ Transport Agency	Section 10.1	Accept	As outlined in Section 10.1	No
FS 92	Transpower New Zealand Limited	EW-MD1	Neutral to Waka Kotahi	Section 10.1	Accept	As outlined in Section 10.1	No
210.61	Waimakariri Irrigation Limited	EW-MD2	Generally support EW-MD2 but also include consideration of the effects of proposed earthworks on safe and efficient functioning of infrastructure. Amend EW-MD2 to add new matter: "x. the safe and efficient functioning of infrastructure."	Section 10.2	Reject	As outlined in Section 10.2	No
414.28	Federated Farmers of New Zealand Inc.	EW-MD2	EW-MD2 does not clearly rule out reverse sensitivity effects on sensitive activities, which risks the sensitive activity being sited near the earthworks being weighted higher than the earthworks. Amend EW-MD2: "... 2. Reverse sensitivity effects such as the effect of a sensitive activity locating near earthworks activities but only to the extent that the earthworks can still take place. ..."	Section 10.2	Reject	As outlined in Section 10.2	No
210.62	Waimakariri Irrigation Limited	EW-MD3	General support for EW-MD3 but include consideration of effects of proposed earthworks on the safe and efficient functioning of infrastructure. Amend EW-MD3 to add new matter:	Section 10.3	Reject	As outlined in Section 10.3	No

			"x. the safe and efficient functioning of infrastructure."				
210.63	Waimakariri Irrigation Limited	EW-MD4	General support for EW-MD4 but include consideration of effects of proposed earthworks on the safe and efficient functioning of infrastructure. Amend EW-MD4 to add new matter: "x. the safe and efficient functioning of infrastructure."	Section 10.4	Reject	As outlined in Section 10.4	No
249.43	MainPower New Zealand Limited	EW-MD4	Supports EW-MD4 as notified. Retain EW-MD4 as notified.	Section 10.4	Accept	As outlined in Section 10.4	No
414.29	Federated Farmers of New Zealand Inc.	EW-MD4	EW-MD4(1) 'health and safety' is not a general Resource Management Act 1991 matter, outside some specific areas. Delete EW-MD4(1). The section 6 natural hazard matters all make sense with this deletion.	Section 10.4	Reject	As outlined in Section 10.4	Yes
210.64	Waimakariri Irrigation Limited	EW-MD5	General support for EW-MD5 but include consideration of effects of proposed earthworks on the safe and efficient functioning of infrastructure. Amend EW-MD5 to add new matter: "x. the safe and efficient functioning of infrastructure."	Section 10.5	Reject	As outlined in Section 10.5	No
414.30	Federated Farmers of New Zealand Inc.	EW-MD5	In regards to EW-MD5, re-vegetation is often easiest or fastest using non-indigenous, non-pest species. Change EW-MD5 (1) to include 'indigenous or non-indigenous' species.	Section 10.5	Accept in part	As outlined in Section 10.5	No
249.44	MainPower New Zealand Limited	EW-MD6	Support EW-MD6 but amend to include a clause recognising the operational and functional need of infrastructure. Amend EW-MD6: "... 12. The operational need or functional need for earthworks in the location."	Section 10.6	Reject	As outlined in Section 10.6	No
210.65	Waimakariri Irrigation Limited	EW-MD7	General support for EW-MD7 but include consideration of effects of proposed earthworks on the safe and efficient functioning of infrastructure. Amend EW-MD7 to add new matter: "x. the safe and efficient functioning of infrastructure."	Section 10.7	Reject	As outlined in Section 10.7	No
249.34	MainPower New Zealand Limited	EW-MD7	Support EW-MD7 but seeks to amend the assessment matter to include a clause recognising the operational and functional need of infrastructure. Amend EW-MD6: "... 9. The operational need or functional need for earthworks in the location."	Section 10.7	Reject	As outlined in Section 10.7	No

FS 95	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	EW-MD7	Support Mainpower	Section 10.7	Reject	As outlined in Section 10.7	
419.123	Department of Conservation	EW-MD7	Oppose EW-MD7 in part. Reference needs to be made to the definition of 'riparian margin' and reference to the ECO section of the plan for rules that relate to indigenous vegetation removal. Amend EW-MD7: "... 2. Any removal of, or disturbance to, indigenous vegetation shall be in accordance with the ECO - Pūnaha hauropi me te rerenga rauropi taketake - Ecosystems and indigenous biodiversity section of this plan. ... 5. The extent to which the habitat of trout, salmon, and indigenous aquatic species, may be adversely affected by any disturbance on the margin of the water body. riparian margin ..."	Section 10.7	Accept	As outlined in Section 10.7	Yes
FS 78	Department of Conservation	EW-MD7	Support Department of Conservation	Section 10.7	Accept	As outlined in Section 10.7	No
210.66	Waimakariri Irrigation Limited	EW-MD8	General support for EW-MD8 but include consideration of effects of proposed earthworks on the safe and efficient functioning of infrastructure. Amend EW-MD8 to add new matter: "x. the safe and efficient functioning of infrastructure."	Section 10.8	Reject	As outlined in Section 10.8	No
249.35	MainPower New Zealand Limited	EW-MD8	Support EW-MD8 as notified. Retain EW-MD8 as notified.	Section 10.8	Accept	As outlined in Section 10.8	No
275.43	Waka Kotahi NZ Transport Agency	EW-MD8	Amend EW-MD8 to recognise the functional needs and operational needs of infrastructure. Amend EW-MD8: "... g. any effects on the stability and life-supporting capacity of soil. and h. any functional needs and operational needs of critical infrastructure."	Section 10.8	Reject	As outlined in Section 10.8	No
FS 99	KiwiRail Holdings Limited	EW-MD8	Support Waka Kotahi NZ Transport Agency	Section 10.8	Reject	As outlined in Section 10.8	No

Appendix C. Section 32AA Evaluation

C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the policies for the Earthworks chapter following the consideration of submissions received on the Proposed Plan.

C2. Recommended amendments

I recommend revisions to three policies – EW-P1, EW-P4, EW-P6. These revisions are minor, and are to improve plan clarity and readability.

C3. Statutory Tests

The District Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the District Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

Objectives

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.⁸² For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and
- Achievability.

Provisions

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.⁸³

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

⁸² RMA s32(1)(a)

⁸³ RMS s32(6)(a)

C4. Evaluation of Recommended Amendments to Policies**Table C 1: Recommended Amendments to Policy EW-P1**

Relevance	<p>Addresses a relevant resource management issue The amendment better describes how the policy is intended to function, and does not change its intent.</p> <p>Assists the District Council to undertake its functions under s31 The amendments will better assist the Council in undertaking its functions, including decisions on resource consents for primary production, by clarifying the intended outcome sought by the objective.</p> <p>Gives effect to higher level documents The amendment does not change the effect of higher level documents</p>
Usefulness	<p>Guides decision-making The amendment will better guide decision makers by being more concise.</p> <p>Meets best practice for policies The amendments to the policy clarify the wording and the outcome sought, and therefore will improve interpretation. The amendments therefore meet best practice</p>
Reasonableness	<p>Will not impose unjustifiably high costs on the community / parts of the community No additional costs on the community or parts of the community will be generated by the recommended amendment.</p> <p>Acceptable level of uncertainty and risk There is no additional uncertainty or risk associated with the recommended amendments.</p>
Achievability	<p>Consistent with identified tāngata whenua and community outcomes The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.</p> <p>Realistically able to be achieved within the District Council's powers, skills and resources The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of earthworks activities</p>
Benefits and costs	<p>Benefits and costs The amendments are minor and will likely not alter benefits or costs compared with the Proposed Plan however the amendments better give effect to the objectives by ensuring that Policy EW-P1 is clarified</p>
Conclusion	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

Table C 2: Recommended Amendments to Policy EW-P4

Relevance	<p>Addresses a relevant resource management issue The amendment better describes how the policy is intended to function, and does not change its intent.</p>
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	<p>Assists the District Council to undertake its functions under s31 The amendments will better assist the Council in undertaking its functions, including decisions on resource consents for primary production, by clarifying the intended outcome sought by the objective.</p> <p>Gives effect to higher level documents The amendment does not change the effect of higher level documents</p>
Usefulness	<p>Guides decision-making The amendment will better guide decision makers by being more concise.</p> <p>Meets best practice for policies The amendments to the policy clarify the wording and the outcome sought, and therefore will improve interpretation. The amendments therefore meet best practice</p>
Reasonableness	<p>Will not impose unjustifiably high costs on the community / parts of the community No additional costs on the community or parts of the community will be generated by the recommended amendment.</p> <p>Acceptable level of uncertainty and risk There is no additional uncertainty or risk associated with the recommended amendments.</p>
Achievability	<p>Consistent with identified tāngata whenua and community outcomes The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.</p> <p>Realistically able to be achieved within the District Council's powers, skills and resources The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of earthworks activities</p>
Benefits and costs	<p>Benefits and costs The amendments are minor and will likely not alter benefits or costs compared with the Proposed Plan however the amendments better give effect to the objectives by ensuring that Policy EW-P4 is clarified</p>
Conclusion	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

Table C 3: Recommended Amendments to Policy EW-P6

Relevance	<p>Addresses a relevant resource management issue The amendment better describes how the policy is intended to function, and does not change its intent.</p> <p>Assists the District Council to undertake its functions under s31 The amendments will better assist the Council in undertaking its functions, including decisions on resource consents for primary production, by clarifying the intended outcome sought by the objective.</p> <p>Gives effect to higher level documents The amendment does not change the effect of higher level documents</p>
Usefulness	<p>Guides decision-making</p>

	<p>The amendment will better guide decision makers by being more concise.</p> <p>Meets best practice for policies</p> <p>The amendments to the policy clarify the wording and the outcome sought, and therefore will improve interpretation. The amendments therefore meet best practice</p>
Reasonableness	<p>Will not impose unjustifiably high costs on the community / parts of the community</p> <p>No additional costs on the community or parts of the community will be generated by the recommended amendment.</p> <p>Acceptable level of uncertainty and risk</p> <p>There is no additional uncertainty or risk associated with the recommended amendments.</p>
Achievability	<p>Consistent with identified tāngata whenua and community outcomes</p> <p>The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.</p> <p>Realistically able to be achieved within the District Council's powers, skills and resources</p> <p>The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of earthworks activities</p>
Benefits and costs	<p>Benefits and costs</p> <p>The amendments are minor and will likely not alter benefits or costs compared with the Proposed Plan however the amendments better give effect to the objectives by ensuring that Policy EW-P6 is clarified</p>
Conclusion	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

Overall, I consider that the recommended amendments proposed to the objectives provide greater clarity of the outcomes sought to be achieved. For the purposes of sections 32 and 32AA, I consider that the revised objectives are the most appropriate way of achieving the purpose of the RMA

Adequacy of Information and Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. Submissions have raised a number of matters that need to be addressed to provide clarity to the earthworks provisions of the Proposed Plan.

If no action is taken and the Proposed Plan is retained as notified, it could cause confusion and may result in a lack of consistent interpretation of the Proposed Plan. Submissions also seek to amend the Proposed Plan, so it better achieves the purpose of the RMA. The recommended amendments address this matter assist in making the provisions efficient and effective in achieving the objectives.

The risk in not acting is that the provisions do not effectively or efficiently achieve the objectives. After reviewing the earthworks provisions of the Proposed Plan and considering the submissions on these provisions and matters raised in mediation, I consider there is sufficient information on which to base the recommended revised objectives.

C5. Conclusion

I have evaluated the recommended amendments to policies to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where there is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness of the provisions in achieving the proposed objectives. I consider the proposed policies as recommended to be amended are an appropriate way of achieving the purpose of the RMA and the recommended changes to the policies are the most appropriate means of achieving the objectives.

Appendix D. Report Author's Qualifications and Experience

Peter Wilson

I hold the following qualifications:

- Master of Planning (MPlan) and Bachelor of Physical Geography (BSc) from the University of Otago.

I am an intermediate member of the New Zealand Planning Institute.

I am a certified hearings commissioner.

I have 17 years' experience in working as a planner for local, central government, private consultancy, and a range of non-government organisations.

My work experience includes:

- Statutory, RMA, and recreation planning for the Department of Conservation.
- Consent planning for the Waitaki District Council.
- Extensive affected party, policy planning, Environment Court case management and litigation, central government liaison, and freshwater science experience with regional Fish and Game Councils and the New Zealand Fish and Game Council.
- Principal advisor (water) for Federated Farmers of New Zealand.
- Private consultancy, primarily on conservation and recreation planning issues to a range of non-government organisation and trust clients.
- Private aquaculture and geospatial businesses.

I have worked on planning matters across all New Zealand.

I have been employed by the Waimakariri District Council since August 2022 as a senior planner.

Conflict of interest statement

In my role at Federated Farmers of New Zealand, I was the primary author of its submission on the PDP. I understand that this is a potential conflict of interest that requires declaration. Whilst I have no direct interest or benefit or gain from the outcome of the submission, not being from a farming background and also being a new resident to the district (and region) since employment by Council, I have undertaken to:

- a) Not be the reporting officer on the rural chapter
- b) Ensuring that any other work that handles the Federated Farmers submission is checked and reviewed.
- c) Not participating in consultation and engagement with Federated Farmers, except with another staff member present.

I notified my employer, the Waimakariri District Council, of this prior to employment.

