

Appendix 2: Recommended amendments

Text underlined and highlight in **grey** relate to changes made in relation to submission points on other chapters.

Proposed amendments recommended by the right of reply report are highlighted in **blue**.

Overview

EW- Overview	<p>...</p> <p>While the Canterbury Regional Council has the primary role in respect of discharges to the environment (to air and into waterbodies), the District Plan can assist by ensuring the adverse effects of any earthworks are minimised beyond the site where the works are occurring. Land use and discharge consents may also be required from the Canterbury Regional Council (Environment Canterbury) under either the Land & Water Regional Plan or the Canterbury Air Regional Plan. <u>This Chapter does not apply to earthworks within the beds of lakes and rivers and the Coastal Marine Area, which are managed under the regional planning framework.</u>¹</p> <p>...</p>
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Note

EW-Note	<p>...</p> <p><u>As mentioned above, before undertaking any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand.</u></p> <p><u>As well as the provisions in this chapter, the Energy and Infrastructure chapter contains provisions that may also be relevant to earthworks.</u></p>
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Objective

EW-Objectives

¹ DPR-0260.146 CRC

EW-01	Earthworks are undertaken in a manner that avoids significant and minimises other adverse effects on the surrounding environment.
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Policies

EW-Policies	
EW-P4	<p>Require that during and on completion of earthworks any visual impact, loss of privacy, dust nuisance, and shading from earthworks does not detract from the amenity values and quality of the environment</p> <p><u>Minimise any adverse visual impact, loss of privacy, dust nuisance, or shading adverse effects during and on completion of earthworks</u> ²</p>
SUB-P10 EW-P5 ³	<u>Manage the temporary adverse visual amenity and nuisance effects associated with preparing land for subdivision.</u> ⁴

Rules

EW-Rule List	
<u>EW-RX</u> ⁵	<u>Earthworks</u> ⁶ for Subdivision ⁷

EW-R1	Earthworks subject to a Building Consent	
All Zones	<p>Activity status: PER</p> <p>1. Earthworks that are or will be subject to a building consent.</p> <p>Where:</p> <p>a. It occurs within 2m of the outer edge of the exterior wall of the</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with EW-R1.1.a. is not achieved: Refer to EW-R2.</p>

² DPR-0353.205 HORTNZ, DPR-0358.247 RWRL, DPR-0374.242 RIHL, DPR-0384.254 RIDL, DPR-0422.230 & 231 Federated Farmers, DPR-0215.039 Winstone, DPR-0217.018 Summerset Villages, and DPR0356.006 Aggregate and Quarry Association

³ DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

⁴ DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

⁵ DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

⁶ DPR-0409.015 Hughes, DPR-0410.001 Urban Estates

⁷ DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

	<p>building.</p> <p>And this activity complies with the following rule requirements: EW-REQ3 – Excavation and filling <u>NH-REQ4 Natural Hazards and Earthworks</u>⁸</p>	<p>3. When compliance with any EW-Rule Requirement rule requirement⁹ listed in this rule is not achieved: Refer to EW-Rule Requirements relevant rule requirement¹⁰.</p>
EW-R2	Earthworks	
All Zones, except GRAZ and DPZ.	<p>Activity status: PER</p> <p>1. All other Earthworks not covered by EW-R1, <u>EW-R6</u>¹¹ or <u>GRUZ-R21</u>¹²</p> <p>And this activity complies with the following rule requirements: EW-REQ1 – Volume of Earthworks EW-REQ2 – Maximum Slope Gradient EW-REQ3 – Excavation and Filling EW-REQ4 – Rehabilitation and Reinstatement EW-REQ5 – Bunding <u>NH-REQ4 Natural Hazards and Earthworks</u>¹³</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any EW-Rule Requirement rule requirement¹⁴ listed in this rule is not achieved: Refer to EW-Rule Requirements relevant rule requirement¹⁵.</p>
EW-R3	Earthworks in the Grasmere Zone	
GRAZ	<p>Activity status: PER</p> <p>1. All other Earthworks not covered by EW-R1, <u>or EW-R6</u>.¹⁶</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with EW-R3.1.a. is not achieved: NC</p>

8 DPR-0414.63, DPR-0414.067 Kāinga Ora

9 Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

10 Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

11 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

12 DPR-0122.025-027 Frews Quarries

13 DPR-0414.63, DPR-0414.067 Kāinga Ora

14 Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

15 Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

16 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

	<p>Where:</p> <p>a. it is within the Tourist Accommodation Area or the Residential Accommodation Area.</p> <p>And this activity complies with the following rule requirements:</p> <p>EW-REQ1 – Volume of Earthworks</p> <p>EW-REQ2 – Maximum Slope Gradient</p> <p>EW-REQ3 – Excavation and Filling</p> <p>EW-REQ4 – Rehabilitation and Reinstatement</p>	<p>3. When compliance with any EW-Rule Requirement listed in this rule is not achieved: Refer to EW-Rule Requirements.</p>
EW-R4	Earthworks in the Dairy Processing Zone	
DPZ	<p>Activity status: PER</p> <p>1. All other Earthworks not covered by EW-R1 <u>or EW-R6</u>.¹⁷</p> <p>Where this activity complies with the following rule requirements:</p> <p><u>NH-REQ4 Natural Hazards and Earthworks</u>¹⁸</p> <p>EW-REQ3.2 – Excavation and Filling</p> <p>EW-REQ4 – Rehabilitation and Reinstatement</p>	<p>Activity status when compliance not achieved:</p> <p>2, When compliance with any EW-Rule Requirement <u>rule requirement</u>¹⁹ listed in this rule is not achieved: Refer to EW-Rule Requirements <u>relevant rule requirement</u>.²⁰</p>
EW-R5	Stockpiling	
All Zones	<p>Activity status: PER</p> <p>1. Earthworks stockpiling.</p> <p>Where:</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance EW-R5.1.a. is not achieved: RDIS</p>

¹⁷ DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

¹⁸ DPR-0414.63, DPR-0414.067 Kāinga Ora

¹⁹ Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

²⁰ Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

	<p>a. all stockpiles greater than 250m³ or 4m in height above natural ground level are to be located at least:</p> <ul style="list-style-type: none"> i. 100m from any sensitive activity on an adjoining site held in different ownership; or ii. 100m from the boundary of a Residential, Māori Purpose, Town Centre, Local Commercial, Neighbourhood Commercial, or Knowledge Zone. <p><u>And this activity complies with the following rule requirements:</u> <u>NH-REQ4 Natural Hazards and Earthworks</u>²¹</p>	<p><u>3. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</u>²²</p> <p>Matters for discretion: 3-4²³. The exercise of discretion in relation to EW-R5.2. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. effects that result from the stockpiling in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy. b. the effectiveness of proposed management or mitigation measures to minimise any potential adverse effects beyond the property boundary of the activity.
<u>EW-R6</u> ²⁴	<u>Earthworks</u> ²⁵ <u>for Subdivision</u> ²⁶	
<u>All Zones</u> ²⁷	<p><u>Activity status:</u> <u>PER</u>²⁸</p> <p><u>1. Earthworks</u>²⁹ <u>directly associated with the development of land for subdivision</u>³⁰</p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>The maximum area of land subject to the works is 1,000m².</u>³¹ 	<p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with any of EW-R6.1 is not achieved: RDIS</u></p> <p><u>3. When compliance with any EW-Rule or NH-Rule Requirement listing in this rule is not achieved: Refer to relevant Rule Requirements</u>³⁸</p> <p><u>Matters for discretion:</u></p>

21 DPR-0414.63, DPR-0414.067 Kāinga Ora

22 Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

23 Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

24 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

25 DPR-0409.015 Hughes, DPR-0410.001 Urban Estates

26 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

27 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

28 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

29 DPR-0409.015 Hughes, DPR-0410.001 Urban Estates

30 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

31 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

38 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

	<p><u>And where this activity complies with the following rule requirements³²</u></p> <p><u>EW-REQ2 Maximum Slope Gradient³³</u></p> <p><u>EW-REQ3.2 Excavation and Filling³⁴</u></p> <p><u>EW-REQ3.6 Excavation and Filling³⁵</u></p> <p><u>EW-REQ5 Bunding³⁶</u></p> <p><u>NH-REQ4 Natural Hazards and Earthworks³⁷</u></p>	<p><u>5. The exercise of discretion in relation to EW-RX.2 is restricted to consideration of:³⁹</u></p> <p><u>a. any adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy from raising ground levels;⁴⁰</u></p> <p><u>b. any potential dust nuisance, sedimentation, and water or wind erosion effects can be avoided or mitigated;⁴¹</u></p> <p><u>c. the amenity effects on neighbouring properties, and on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks can be avoided or mitigated;⁴²</u></p> <p><u>d. any changes to the patterns of surface drainage or subsoil drains would result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table;⁴³</u></p> <p><u>e. any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that may be erected on the site;⁴⁴</u></p> <p><u>f. the degree to which the resultant levels are consistent with the surrounding environment;⁴⁵</u></p>
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32 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

33 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

34 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

35 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

36 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

37 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

39 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

40 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

41 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

42 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

43 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

44 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

45 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

		g. <u>the need for a Construction Management Plan (including a Dust Management Plan), containing procedures, which shall be implemented, that establish management and mitigation measures for the activity that ensure that any potential adverse effects beyond the property boundary are avoided, remedied, or mitigated.</u> ⁴⁶
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Rule Requirement

EW-REQ1	Volume of Earthworks	
	<p>1. The volume of earthworks is not to exceed the threshold outlined in Table 1: Earthworks Volumes by Zone over any consecutive twelve month period.</p> <p>Note: for ONL and VAL Overlays see the Natural Features and Landscapes Chapter.</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with EW-REQ1.1. is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to EW-REQ1.2. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. any adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy from raising ground levels; b. any potential dust nuisance, sedimentation, and water⁴⁷ or wind erosion effects can be avoided or mitigated; c. the amenity effects on neighbouring properties, and on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks can be avoided or mitigated;

⁴⁶ DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

⁴⁷ DPR-0215.040 Winstone & DPR-0217.021 Summerset Villages

		<ul style="list-style-type: none"> d. any changes to the patterns of surface drainage or subsoil drains would result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table; e. any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that may be erected on the site; f. the degree to which the resultant levels are consistent with the surrounding environment; g. the need for a Construction Management Plan (including a Dust Management Plan), containing procedures, which shall be implemented, that establish management and mitigation measures for the activity that ensure that any potential adverse effects beyond the property boundary are avoided, remedied, or mitigated.
EW-REQ3	Excavation and Filling	
All Zones excluding PORTZ & DPZ⁴⁸	<ol style="list-style-type: none"> 1. Earthworks shall not exceed a maximum depth below or height above natural ground level of: <ol style="list-style-type: none"> a. 2m, when 1.5m or more from the boundary of a site in separate ownership; or b. 0.5m, when within 1.5m of the boundary of a site in separate ownership. 2. All filling of land, <u>excluding those earthworks associated with offal pits,</u>⁴⁹ shall consist of cleanfill material only. 	<p>Activity status when compliance not achieved:</p> <p>3. When compliance with any of EW-REQ3.1 or EW-REQ3.2 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>4. The exercise of discretion in relation to EW-REQ3.3 is restricted to the following matters:</p> <ol style="list-style-type: none"> a. the potential for adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy;

48 DPR-442.008 Synlait Milk and DPR-370.059 Fonterra

49 DPR-0212.095 ESAI, & DPR-0422.234 NCFF

		<ul style="list-style-type: none"> b. whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place; c. the extent of any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that may be erected on the site; d. potential for land contamination; e. the extent to which any changes to the patterns of surface drainage or subsoil drains would result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table. f. <u>the nature and composition of the fill; and</u> g. <u>the degree of compaction required for the anticipated use of the site.</u>⁵⁰
PORTZ & DPZ ⁵¹	<p>5. The maximum depth of the earthworks from existing ground level shall be 5m and no closer than 1m to the highest recorded groundwater, whichever is the lesser.</p> <p>6. All filling of land shall consist of cleanfill material only.</p>	<p>Activity status when compliance with not achieved:</p> <p>7. When compliance with any of EW-REQ3.5 or EW-REQ3.6 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>8. The exercise of discretion in relation to EW-REQ3.7 is restricted to the following matters:</p> <ul style="list-style-type: none"> a. The potential for adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy. b. Whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place.

⁵⁰ DPR-0207.041 SDC

⁵¹ DPR-442.008 Synlait Milk and DPR-370.059 Fonterra

		<ul style="list-style-type: none"> c. The extent of any alteration to natural ground levels in the vicinity and, consequently, to the height and bulk of buildings that may be erected on the site. d. Potential for land contamination. e. The extent to which any changes to the patterns of surface drainage or subsoil drains would result in a higher risk of drainage problems, inundation run-off, flooding, or raise the water table. f. <u>the nature and composition of the fill; and</u> g. <u>the degree of compaction required for the anticipated use of the site.</u>⁵²
EW-REQ4	Rehabilitation and Reinstatement	
All Zones	<ol style="list-style-type: none"> 1. No more than twelve months after the earthworks commenced and on completion of the earthworks, the area of land disturbed as a result of earthworks activities is to be built upon, sealed with hardstand material, landscaped, or recontoured and replanted. <u>Except that this requirement does not apply to earthworks associated with offal pits.</u>⁵³ 	<p>Activity status when compliance with not achieved:</p> <ol style="list-style-type: none"> 2. When compliance with EW-REQ4.1. is not achieved: RDIS <p>Matters for discretion:</p> <ol style="list-style-type: none"> 3. The exercise of discretion in relation to EW-REQ4.2. is restricted to the following matters: <ul style="list-style-type: none"> a. the potential for adverse visual amenity, nuisance and post development flood and drainage effects on the functioning of natural biological and physical processes; b. the degree to which the resultant levels are consistent with the surrounding environment; c. whether the earthworks affect the future development potential of land for permitted activities.

⁵² DPR-0207.041 SDC

⁵³ DPR-0212.096 ESAI, DPR-0422.235 NCCF

EW-REQ5	Bunding	
GRUZ	<p>1. Earth bunds for noise attenuation or screening are less <u>no more⁵⁴</u> than 3m in height.</p>	<p>Activity status when compliance with not achieved:</p> <p>2. When compliance with EW-REQ5.1. is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to EW-REQ5.2. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. the potential for adverse visual amenity <u>effects and shading over adjoining properties, giving particular consideration to the effects on residential activities, nuisance and post development flood and drainage effects on the functioning of natural biological and physical processes,; and⁵⁵</u> b. <u>the effectiveness of any proposed measures to initially and permanently stabilise the bund.⁵⁶</u>

EI Rules

EI-RY	Earthworks Near Significant Electricity Distribution Lines	
All Zones	<p>Activity Status: PER</p> <p>1. <u>Earthworks within 10m of the centreline and/or foundation of a support structure of in the vicinity of any Significant Electricity Distribution Line.</u></p> <p><u>Where:</u></p>	<p>Activity status when compliance not achieved:</p> <p>2. <u>When compliance with EI-RY.1.a. is not achieved:</u> <u>Refer to EI-RY.4 or EI-RY.6.</u></p> <p>3. <u>When compliance with EI-RY1.b is not achieved:</u> <u>NC</u></p>

⁵⁴ DPR-0215.041 Winstone

⁵⁵ DPR-0215.041 Winstone

⁵⁶ DPR-0215.041 Winstone

	<p>a. Earthworks are for cultivation or the repair, sealing or resealing of the existing surface of any road, footpath, driveway or farm track.</p> <p>b. The earthworks are for any network utility and meet EI-RX.</p>	<p>Notification: Any application arising from EI-RY.1.3 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</p>
All zones	<p>Activity Status: PER</p> <p>4. Earthworks within 10m of the centreline and/or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston), the purpose of which is not covered by EI-RY.1.</p> <p>Where:</p> <p>a. Earthworks are less than 300mm deep within 6m from the outer visible edge of a foundation of a Significant Electricity Distribution Line (Islington to Springston) support structure; and</p> <p>b. Earthworks are less than 3m deep between 6 and 10 metres from the outer visible edge of a foundation of the Significant Electricity Distribution Line (Islington to Springston) support structure; and</p> <p>c. The work does not compromise the stability of the Significant Electricity Distribution Line support structure; and</p>	<p>Activity Status when Compliance not achieved:</p> <p>5. When compliance with any of EI-RY.4. is not achieved: NC</p> <p>Notification:</p> <p>Any application arising from EI-RY.4 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</p>

	<p>d. Earthworks are for fence posts more than 5m from the outer visible edge of a foundation of a Significant Electricity Distribution Line (Islington to Springston) support structure.</p> <p>Note: That part of the earthworks definition which excludes fence posts does not apply to this clause.</p> <p>e. The earthworks do not result in a reduction in ground to conductor clearance distances below what is required by Table 4 in NZECP 34:2001.</p> <p>And this activity complies with the following rule requirements:</p> <p>EI-REQX New Zealand Code of Practice for Electrical Safe Distances</p>	
All zones	<p>Activity Status: PER</p> <p>6. Earthworks within 5m of the centreline of Other Significant Electricity Distribution Lines not covered by EI-RY.1 or EI-RY.4.</p> <p>Where:</p> <p>a. Earthworks are less than 300mm deep within 2.2m metres of a foundation of the Significant Electricity Distribution Line support structure; and</p> <p>b. Earthworks are less than 0.75m deep between 2.2m and 5m from the foundation of the Significant Electricity Distribution Line support structure; and</p> <p>c. The work does not compromise the stability of the Significant Electricity Distribution Line support structure.</p>	<p>Activity Status when Compliance not achieved:</p> <p>7. when Compliance not achieved with EI-RY.6: NC</p> <p>Notification:</p> <p>Any application arising from EI-RY.6 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line, unless their written approval is provided.</p>

	<p>d. The earthworks do not result in a reduction in ground to conductor clearance distances below what is required by Table 4 in NZECP 34:2001.</p> <p>And this activity complies with the following rule requirements:</p> <p>EI-REQX New Zealand Code of Practice for Electrical Safe Distances</p>	
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