

## Appendix 2: Recommended amendments

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

### Overview

EW-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 &amp; 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><sup>1</sup></p> <p>...</p>

### Objective

EW-Objectives	
EW-O1	Earthworks are undertaken in a manner that <del>limits</del> <u>avoids significant and minimises other</u> <sup>2</sup> adverse effects on the surrounding environment.

### Policies

EW-Policies	
<b>EW-P4</b>	<del>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</del>

<sup>1</sup> DPR-0260.146 CRC

<sup>2</sup> DPR0358.243 RWRL, DPR0363.232 IRHL, DPRDPR0374.238 RIHL, DPR0384.250 RIDL, DPR0422.227 NCFF, DPR0427.083 DoC

	Minimise any adverse visual impact, loss of privacy, dust nuisance, or shading adverse effects during and on completion of earthworks <sup>3</sup>
<b>SUB-P10</b> <b>EW-P5<sup>4</sup></b>	Manage the temporary adverse visual amenity and nuisance effects associated with preparing land for subdivision. <sup>5</sup>

## Rules

EW-Rule List	
<a href="#">EW-RX6<sup>6</sup></a>	<a href="#">Earthworks<sup>7</sup> for Subdivision<sup>8</sup></a>

EW-R1	Earthworks subject to a Building Consent	
<b>All Zones</b>	<p><b>Activity status:</b> PER</p> <p>1. Earthworks that are or will be subject to a building consent.</p> <p><b>Where:</b></p> <p>a. It occurs within 2m of the outer edge of the exterior wall of the building.</p> <p><b>And this activity complies with the following rule requirements:</b> EW-REQ3 – Excavation and filling</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with EW-R1.1.a. is not achieved: Refer to EW-R2.</p> <p>3. When compliance with any <del>EW-Rule Requirement</del> <u>rule requirement<sup>10</sup></u> listed in this rule is not achieved: Refer to <del>EW-Rule Requirements</del> <u>relevant rule requirement<sup>11</sup></u>.</p>

<sup>3</sup> 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

<sup>4</sup> DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

<sup>5</sup> DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

<sup>6</sup> DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

<sup>7</sup> DPR-0409.015 Hughes, DPR-0410.001 Urban Estates

<sup>8</sup> DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

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

<sup>11</sup> Consequential amendment to DPR-0414.63, DPR-0414.067 Kāinga Ora, for consistency with PDP drafting requirements

	NH-REQ4 Natural Hazards and Earthworks <sup>9</sup>	
<b>EW-R2</b>	<b>Earthworks</b>	
<b>All Zones, except GRAZ and DPZ.</b>	<p><b>Activity status:</b> PER</p> <p>1. All other Earthworks not covered by EW-R1, <u>EW-R6<sup>12</sup></u> or <u>GRUZ-R21<sup>13</sup></u></p> <p><b>And this activity complies with the following rule requirements:</b></p> <p>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<sup>14</sup></u></p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with any <u>EW-Rule Requirement rule requirement listed in this rule<sup>15</sup></u> is not achieved: Refer to <u>EW-Rule Requirements relevant rule requirement.<sup>16</sup></u></p>
<b>EW-R3</b>	<b>Earthworks in the Grasmere Zone</b>	
<b>GRAZ</b>	<p><b>Activity status:</b> PER</p> <p>1. All other Earthworks not covered by EW-R1, <u>or EW-R6.<sup>17</sup></u></p> <p><b>Where:</b></p> <p>a. it is within the Tourist Accommodation Area or the Residential Accommodation Area.</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with EW-R3.1.a. is not achieved: NC</p> <p>3. When compliance with any EW-Rule Requirement listed in this rule is not achieved: Refer to EW-Rule Requirements.</p>

9 DPR-0414.63, DPR-0414.067 Kāinga Ora

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

13 DPR-0122.025-027 Frews Quarries

14 DPR-0414.63, DPR-0414.067 Kāinga Ora

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

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

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

	<p><b>And this activity complies with the following rule requirements:</b></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>	
<b>EW-R4</b>	<b>Earthworks in the Dairy Processing Zone</b>	
<b>DPZ</b>	<p><b>Activity status:</b> PER</p> <p>1. All other Earthworks not covered by EW-R1 <u>or EW-R6</u>.<sup>18</sup></p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p><u>NH-REQ4 Natural Hazards and Earthworks</u><sup>19</sup></p> <p>EW-REQ3.2 – Excavation and Filling</p> <p>EW-REQ4 – Rehabilitation and Reinstatement</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2, When compliance with any <del>EW-Rule Requirement</del> <u>rule requirement</u><sup>20</sup> listed in this rule is not achieved: Refer to <del>EW-Rule Requirements</del> <u>relevant rule requirement</u>.<sup>21</sup></p>
<b>EW-R5</b>	<b>Stockpiling</b>	
<b>All Zones</b>	<p><b>Activity status:</b> PER</p> <p>1. Earthworks stockpiling.</p> <p><b>Where:</b></p> <p>a. all stockpiles greater than 250m<sup>3</sup> or 4m in height above natural ground level are to be located at least:</p> <p>i. 100m from any sensitive activity on an adjoining site held in different ownership; or</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance EW-R5.1.a. is not achieved: RDIS</p> <p>3. <u>When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</u><sup>23</sup></p> <p><b>Matters for discretion:</b></p> <p><del>3-4</del><sup>24</sup>. The exercise of discretion in relation to EW-R5.2. is restricted to the following matters:</p>

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

19 DPR-0414.63, DPR-0414.067 Kāinga Ora

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

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

	<p>ii. 100m from the boundary of a Residential, Māori Purpose, Town Centre, Local Commercial, Neighbourhood Commercial, or Knowledge Zone.</p> <p><b><u>And this activity complies with the following rule requirements:</u></b>  <u>NH-REQ4 Natural Hazards and Earthworks</u><sup>22</sup></p>	<p>a. effects that result from the stockpiling in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy.</p> <p>b. the effectiveness of proposed management or mitigation measures to minimise any potential adverse effects beyond the property boundary of the activity.</p>
<b><u>EW-R6</u></b> <sup>25</sup>	<b><u>Earthworks</u></b> <sup>26</sup> <b><u>for Subdivision</u></b> <sup>27</sup>	
<b><u>All Zones</u></b> <sup>28</sup>	<p><b><u>Activity status:</u></b> PER<sup>29</sup></p> <p><b><u>1. Earthworks</u></b><sup>30</sup> <b><u>directly associated with the development of land for subdivision</u></b><sup>31</sup></p> <p><b><u>Where:</u></b></p> <p>a. The maximum area of land subject to the works is 1,000m<sup>2</sup>.<sup>32</sup></p> <p><b><u>And where this activity complies with the following rule requirements</u></b><sup>33</sup></p> <p><u>EW-REQ2 Maximum Slope Gradient</u><sup>34</sup></p> <p><u>EW-REQ3.2 Excavation and Filling</u><sup>35</sup></p> <p><u>EW-REQ3.6 Excavation and Filling</u><sup>36</sup></p>	<p><b><u>Activity status when compliance not achieved:</u></b></p> <p><b><u>2. When compliance with any of EW-R6.1 is not achieved: RDIS</u></b></p> <p><b><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></b><sup>39</sup></p> <p><b><u>Matters for discretion:</u></b></p> <p><b><u>5. The exercise of discretion in relation to EW-RX.2 is restricted to consideration of:</u></b><sup>40</sup></p>

22 DPR-0414.63, DPR-0414.067 Kāinga Ora

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

26 DPR-0409.015 Hughes, DPR-0410.001 Urban Estates

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

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

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

30 DPR-0409.015 Hughes, DPR-0410.001 Urban Estates

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

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

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

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

	<p>EW-REQ5 Bunding<sup>37</sup></p> <p>NH-REQ4 Natural Hazards and Earthworks<sup>38</sup></p>	<p>a. <u>any adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy from raising ground levels;</u><sup>41</sup></p> <p>b. <u>any potential dust nuisance, sedimentation, and water or wind erosion effects can be avoided or mitigated;</u><sup>42</sup></p> <p>c. <u>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;</u><sup>43</sup></p> <p>d. <u>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;</u><sup>44</sup></p> <p>e. <u>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;</u><sup>45</sup></p> <p>f. <u>the degree to which the resultant levels are consistent with the surrounding environment;</u><sup>46</sup></p> <p>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</u></p>
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37 DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

38 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

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

		<u>adverse effects beyond the property boundary are avoided, remedied, or mitigated.</u> <sup>47</sup>
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<sup>47</sup> DPR-0207.038 The Council, DPR-0414.133 Kāinga Ora

## Rule Requirement

EW-REQ3	Excavation and Filling	
<b>All Zones excluding PORTZ &amp; DPZ<sup>48</sup></b>	<ol style="list-style-type: none"> <li>Earthworks shall not exceed a maximum depth below or height above natural ground level of:               <ol style="list-style-type: none"> <li>2m, when 1.5m or more from the boundary of a site in separate ownership; or</li> <li>0.5m, when within 1.5m of the boundary of a site in separate ownership.</li> </ol> </li> <li>All filling of land, <u>excluding those earthworks associated with offal pits,</u><sup>49</sup> shall consist of cleanfill material only.</li> </ol>	<p><b>Activity status when compliance not achieved:</b></p> <ol style="list-style-type: none"> <li>When compliance with any of EW-REQ3.1 or EW-REQ3.2 is not achieved: RDIS</li> </ol> <p><b>Matters for discretion:</b></p> <ol style="list-style-type: none"> <li>The exercise of discretion in relation to EW-REQ3.3 is restricted to the following matters:               <ol style="list-style-type: none"> <li>the potential for adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy;</li> <li>whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place;</li> <li>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;</li> <li>potential for land contamination;</li> <li>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.</li> <li><u>the nature and composition of the fill; and</u></li> <li><u>the degree of compaction required for the anticipated use of the site.</u><sup>50</sup></li> </ol> </li> </ol>

48 DPR-442.008 Synlait Milk and DPR-370.059 Fonterra

49 DPR-0212.095 ESAI, & DPR-0422.234 NCF

50 DPR-0207.041 SDC



<b>PORTZ &amp; DPZ<sup>51</sup></b>	<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><b>Activity status when compliance with not achieved:</b></p> <p>7. When compliance with any of EW-REQ3.5 or EW-REQ3.6 is not achieved: RDIS</p> <p><b>Matters for discretion:</b></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"> <li>a. The potential for adverse effects from the earthworks in terms of visual amenity, landscape context and character, views, outlook, overlooking and privacy.</li> <li>b. Whether the earthworks affect the stability of adjoining land and its susceptibility to subsidence or erosion upon excavation taking place.</li> <li>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.</li> <li>d. Potential for land contamination.</li> <li>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.</li> <li>f. <u>the nature and composition of the fill; and</u></li> <li>g. <u>the degree of compaction required for the anticipated use of the site.</u><sup>52</sup></li> </ul>
<b>EW-REQ4</b>	<b>Rehabilitation and Reinstatement</b>	
<b>All Zones</b>	<p>1. No more than twelve months after the earthworks commenced and on completion of</p>	<p><b>Activity status when compliance with not achieved:</b></p> <p>2. When compliance with EW-REQ4.1. is not achieved: RDIS</p>

51 DPR-442.008 Synlait Milk and DPR-370.059 Fonterra  
52 DPR-0207.041 SDC

	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> <sup>53</sup>	<b>Matters for discretion:</b> 3. The exercise of discretion in relation to EW-REQ4.2. is restricted to the following matters: <ul style="list-style-type: none"> <li>a. the potential for adverse visual amenity, nuisance and post development flood and drainage effects on the functioning of natural biological and physical processes;</li> <li>b. the degree to which the resultant levels are consistent with the surrounding environment;</li> <li>c. whether the earthworks affect the future development potential of land for permitted activities.</li> </ul>
<b>EW-REQ5</b>	<b>Bunding</b>	
<b>GRUZ</b>	1. Earth bunds for noise attenuation or screening are <del>less</del> <u>no more</u> <sup>54</sup> than 3m in height.	<b>Activity status when compliance with not achieved:</b> 2. When compliance with EW-REQ5.1. is not achieved: RDIS <b>Matters for discretion:</b> 3. The exercise of discretion in relation to EW-REQ5.2. is restricted to the following matters: <ul style="list-style-type: none"> <li>a. the potential for adverse visual amenity <u>effects and shading over adjoining properties, giving particular consideration to the effects on residential activities.</u> <del>nuisance and post development flood and drainage effects on the functioning of natural biological and physical processes.</del>; and<sup>55</sup></li> </ul>

53 DPR-0212.096 ESAI, DPR-0422.235 NCFF

54 DPR-0215.041 Winstone

55 DPR-0215.041 Winstone

		b. <u>the effectiveness of any proposed measures to initially and permanently stabilise the bund.</u> <sup>56</sup>
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56 DPR-0215.041 Winstone