

Hearing 15: Earthworks

Questions from the Hearing Panel

As foreshadowed by paragraph 12 of Minute 1, having read the Section 42A Report for the Earthworks hearing, the Hearing Panel members have a number of questions that they would appreciate being answered by the Section 42A Report author(s) in writing prior to the hearings commencing.

Paragraph or Plan reference	Question
4.1	<p>The report states:</p> <p><i>Regard is also to be given to the CRPS,</i></p> <p>Should this not be 'give effect to' rather than have regard as per RMA s75(3)? And 'not be inconsistent with' a regional plan?</p> <p>I note this is a consistent paragraph across all the S42A reports.</p>
Objective 1 8.3	<p>The report states:</p> <p><i>It is considered that 'avoids significant and minimises other' is considered more appropriate wording, as it provides better clarity of the outcomes sought.</i></p> <p>Has this wording been recommended in any s42A Reports for other chapters?</p>
New EW Policy 9.25	<p>The report states:</p> <p><i>It is recommended that the submission point be rejected as policies relating to distribution lines are most appropriately addressed in the EI chapter, which already includes rules relating to protecting the operation and security of important infrastructure.</i></p> <p>Is there merit in including at least a cross reference? As, for example, a farmer reading the EW Chapter who intends to do earthworks near a transmission line might not know that there are also relevant rules in the EI Chapter?</p>
10 Earthworks subject to a building consent	<p>Please explain why this rule has been introduced, i.e. it appears to be targeted at earthworks near a boundary only, is this because the scale of earthworks will be small and presumably the stability/drainage aspects are covered off in the building consent process?</p>
13.1 Test pits	<p>Heritage NZ have requested test pitting provisions to be considered for archaeological needs. If the hearing panel were to agree with their request, where would they be located?</p>
15.2 New Rules	<p>The Report states:</p> <p><i>Activities relating to Significant Electricity Distribution Lines and utilities are addressed in the EI chapter,</i></p> <p>For clarity, are there any EI Chapter rule(s) that expressly cover earthworks in the vicinity of Significant Electricity Distribution Lines? If yes, can you please identify them.</p>

Paragraph or Plan reference	Question
	If not, is there merit in this rule being included in the EI Chapter?
16.5	<p>The report states:</p> <p><i>It is recommended that Winstone submission point be accepted</i></p> <p>Are you agreeing with Winstone's argument that those effects (sedimentation and water erosion) are the responsibility of the regional council and SDC has no role in managing this?</p>
16.6	<p>The report states:</p> <p><i>It is noted that the definition of site does include 'land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council'.</i></p> <p>Yes, but does this wording really cover off the situation described by Trustpower, they may be owned by the same body but still have separate C/T's and can be developed separately?</p>
16.7	<p>The report states:</p> <p><i>The scale of earthworks outside the beds of rivers, lakes or in the CMA, that fall under flood protection and irrigation schemes could potentially be very large, and in that circumstance it is considered appropriate for the PDP to control the amenity effects of such earthworks.</i></p> <p>Could it be that emergency works provisions might be triggered in the event of flooding prevention/repair?</p>
16.8	<p>The report states:</p> <p><i>Recommendations and amendments</i></p> <p>1.1 <i>I recommend, for the reasons given above, that the Hearings Panel:</i></p> <p>a) <i>Amend EW-REQ1 as shown in Appendix 2 to better reflect jurisdictional concerns in relation to the matters of discretion to be considered.</i></p> <p>But there do not appear to be any changes to this rule shown in Appendix 2?</p>
18 EW-REQ3	<p>The Report states:</p> <p><i>I agree that it would not be achievable to have all filling being cleanfill material.</i></p>

Paragraph or Plan reference	Question
Excavation and Filling 18.3	<p>How do we control other than offal being deposited in these pits so they do not become contaminated with hazardous waste?</p> <p><i>ESAI and NCFF seek to exempt offal pits from requiring to comply with EW-REQ3.</i></p> <p>NCFF also sought to exclude ancillary rural earthworks. I see in Appendix 2 that you are not accepting this part. What is your reason for this, or is this covered in 22.1 with the Hort NZ submissions on this?</p> <p>These submissions actually sought a complete exclusion for offal pits, not just for the filling clause that you have considered here and changed in Appendix 2. What is your opinion on the complete exclusion for offal pits?</p>
18.4	<p>The Report states:</p> <p>It is recommended that this submission point be rejected as the appropriateness of noncleanfill materials needs to be considered, especially in the higher amenity zones and to ensure the likely intended activities are not compromised.</p> <p>Please provide an example of acceptable non-cleanfill materials?</p>
19.3	<p>The report states:</p> <p><i>As offal pits may be required to be open for more than 12 months and the CLWRP offers control around their location and nature, it is considered appropriate to exempt them from meeting this requirement.</i></p> <p>Does the size of the offal pit itself have being on its reinstatement?</p> <p>While you say that offal pits maybe open for more than 12 months and their nature and location is governed by Regional Plans, how is fill to managed to minimize odour?</p>
22 Rural Ancillary Earthworks 22.6	<p>The Report states:</p> <p><i>The Operative District Plan contains volume requirements, measured on a per project basis.</i></p> <p>How does this compare to the PSDP? Does it have the same area m² basis?</p>
24 Quarries 24.2	<p>The report states:</p> <p><i>It is recommended that these submission points are accepted as GRUZ-R21 includes earthwork activities and the related effects.</i></p> <p>Please explain how new or extensions to existing quarries generally are addressed in the PSDP. What is GRUZ-R21?</p>

Paragraph or Plan reference	Question
<p>25 Subdivision</p> <p>25.4</p>	<p>The report states:</p> <p><i>earthworks associated with subdivision are a related but separate activity from the action of subdivision,</i></p> <p>How does this work, at what stage do earthworks get linked to subdivision? What if a developer does the earthworks first, and then applies for subdivision later down the track?</p>